

The January 30, 2012 Public Workshop for the Halfmoon Village & Yacht Club of the Town of Halfmoon was called to order by Supervisor Wormuth at 6:00 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
Town Planning Board Members

The Supervisor opened the workshop at 6:00 pm

Supervisor Wormuth welcomed all to the Public workshop on the request of Gail Krause and her engineers, for the Krause property known as the Crescent Village & Yacht Club Planned Development District. This process has been before both the Town Board and the Planning Board over the past several years in various formats. The goal tonight is that the Town Board referred this to the Planning Board, which is required by our town law. Then the Planning Board made a recommendation, on what they felt was an appropriate level of development for the PDD. The applicant had some concerns that those recommendations differed from what was shown in her FEIS and DEIS that were done (environmental impact study) Tonight is an opportunity for the applicant to enter into discussion with the Town Board as to the referral from the Town Planning Board to the development of the PDD language. This is not a Public Hearing; there will be no vote this evening. The Town Board will be required to present language for the PDD at a Public Hearing at a future date. At which time we will be sending a public notice out as well as to the adjacent landowners.

Supervisor Wormuth referred to Lindsay Zepko asking that on this PDD in the past that they have done an expansion for notification to the landowners and they will follow that before having a formal public hearing to vote on the actual PDD language.

This is an opportunity for the applicant to enter into discussion with the Town Board about the discrepancies that they see in the proposed language that came from the Planning Board, who is with us this evening. Notice has gone out to the papers to publicize the workshop to allow more people to voice their opinions.

John Montagne handed out a side-by-side town attorney version (the Planning Board referral) to the applicant's version of the PDD language for the Town Board and Planning Board members to review section by section.

Supervisor Wormuth said that would be fine and stated that the Town Board and the Planning Board can interject if needed.

John Montagne started with page 8 section 165-56 B of the Town of Halfmoon PDD Law states: "This final development plan shall be in general conformance with the approved preliminary development plan..." Therefore to be consistent with the language of the Town's law, the appropriate reference to the development plan should be "Approved Preliminary Development Plans"

Attorney Murphy said that the language that I created reflects what the Planning Board wants and their recommendation to the Town Board. Their recommendation was not to go by the approved preliminary plan.

John Montagne said; then I would point out to the Town Board members, all of the planning that we went through the SEQRA process is the set you used when we went to the SEQRA process, All of the findings are based on those plans. We would simply ask that they be considered the approved development plans, which we were lead to believe was the condition.

Michelle Anderson stated that my issue with it is not a huge issue but a lot of semantics. My thought is that by the time you have an adopted law, you should have a set of approved preliminary development plans, so that we are tracking the PDD language and being consistent and leaving that in. I realize that now, the Planning Board may have some concerns with the plans, but by the time we have adopted the law, they should be approved.

Attorney Murphy said that is why we are here tonight. The reason why it is a draft is because they do not recommend the approved preliminary plan. At some time I am hopeful that everyone will reach a general consensus, and we are not there tonight.

Michelle Anderson so when the law is adopted the language will read approved preliminary development plan

Attorney Murphy said I do not know what the Board wants to do.

Supervisor Wormuth asked if the issue is the density?

John Montagne said that we are going to get to that next in Section 4. Which is the discussion on the density. Page 8 Note 2 Land Use and Zoning of the Findings Statement. The FEIS and the findings statement are both documents that the Town and the Town Board as the Lead Agency adopts. It is not the applicant's document. The finding statement itself is the findings that the Town Board made as the Lead Agency and signed by the Supervisor, and forwarded to the involved agencies, and the Planning Board.

“The total developable acreage for the project site is approximately 22.31 acres. To achieve the proposed maximum number of 244 residential units the project will be based on a maximum 10 units per acre of buildable land calculation, with a baseline of a maximum of 223 units permitted on the 22.3 buildable acres lying within the property bounds with an additional 21 units added to the baseline 223 units (to reach the maximum unit count of 244) with incorporation of additional land development rights transfer (or similar initiative sponsored by the Town of Halfmoon)”

The bottom line of what the Town's regulations say; refer to Page 9

The Town Board finds that the inclusion of land development rights transfer (or similar initiative sponsored by the Town of Halfmoon) to the project site from other lands within the Town to account for up to a maximum of 21 additional units offers a public benefit to adequately addressing any potential impacts to the Town's land use and zoning.

We are asking that the PDD language recognize that was a finding of the Town Board, the Town Engineers study that were done & reviewed by Clough Harbour & Associates, as well as anybody who cared to comment, were all addressed. If there was an issue with the density, that was the appropriate time to bring it up, so the applicant was not put in a position where they believed they had closure on this with the Town Board, only to find out when they got to the PDD language that the Town Planning Board was going to make a recommendation without engineering support. That's our position for the Town Board members to consider.

Attorney Murphy said that for the rest of the public who were not at all of those meetings, the density was always an issue, you were always advised about that. That is why all of this language is “maximum, not allowed”.

John Montagne that is why we went ahead and did this.

Attorney Murphy said that the FEIS and the Planning Board’s duties, you are well aware of. The issue is density. There is nothing in the town law that mandates that the FEIS language be included in the PDD.

John Montagne said I would put that out to the Town Board members, to say that if you as a Town Board did not feel that the density was appropriate, you should have told us honestly in June. We probably would not have pursued the course that we did, and spent the kind of money that we have, and done all of the studies that we did in support of this density, if we felt that after all of this in the SEQRA process, the decision could be made to say that the density would be 7. I would also ask the Planning Board, what additional studies have been done, that counter the fact that the Town Board as lead agency, approved the FEIS, they were involved. The Town Board agreed at the time that project had been mitigated adequately. Now I am not going to debate that. I think that it is up to you two boards to debate. I also think that the applicant, at her discretion can take to task if she chooses to. I am just pointing out that we did all of the engineering studies, and all of the planning studies, your town consultants reviewed all of those documents, and identified that they felt that those documents adequately addressed each of the impacts at hand, and that those impacts were adequately mitigated. That mitigation was included in a binding statement that the Town Supervisor signed that basically said, project has mitigated the density issue, mitigated community character issue

Attorney Murphy asked from a FEIS standpoint we would agree

John Montagne from the standpoint of development density

Attorney Murphy said; Town Planning Board? It is not

John Montagne it is the position of density. Now I am not going to debate with you Lyn, I am sorry, I am just stating

Attorney Murphy said; but you misstating the facts. The Board members told you they were concerned about density, both boards on a regular basis. So for you to stand in front of the public and state that that was not said to you is not accurate. So I am just making sure that we have an accurate record of what occurred.

John Montagne said; then what I would like to do here is continue on this language and say that this is language that I would like considered by the Town Board members. At some point here tonight, I would like some conclusion on where the Town Board would like to go with this, and lets have a vote on it. We just keep debating this. Not a vote on the language itself tonight, I am just saying, lets move it forward.

Attorney Murphy said; what do you think it is that they are going to vote on, because they need language in front of them in order to vote, and there is no proposed language

John Montagne said; no what I said is that tonight, lets move it along so we can do it

Attorney Murphy said; we’d vote

John Montagne said; I don’t mean tonight, I am not suggesting that we vote on anything tonight.

Attorney Murphy said; OK, fair enough

John Montagne said; Section 4. Now you have seen what the language is that we would like to see included in there. You can see very clearly what is proposed in the language that the Planning Board has recommended.

Under residential units, we have a couple of notes that are in there. The language that we had included was that the PDD in general conformity in accordance with the Environmental Review Act Draft and Final Environmental Impact Statements. Lyn, this is where I have an issue with what you just said because in the version that the Planning Board had proposed, it was referenced back that the PDD will be developed in general conformity with the conditions set forth in the Town of Halfmoon Planning Board in resolution referring this matter back to the Town of Halfmoon Town Board with the State Environmental Review Act Draft and the Final Environmental Impact Statement and the Findings Statement signed. So, see the little inconsistencies in there.

Attorney Murphy said; I do not want to argue back and forth with you, I do not see a purpose to do that, but as you know, a PDD is not a right. If the Planning Board says to the Town Board, we do not think that this is a good idea, the Town Board, and I am not saying that anyone wants this to happen, but the Town Board does not even have to approve the project at all. You just have to keep that in mind with all of your statements.

John Montagne said; that is something that I think all of the Town Board members should know also. Yes, I agree. Again, these highlights are here for you to look at. If you go to our note 3, page 9 and it does say that the Town of Halfmoon PDD language specifically provides at Section 165-56 B that the final development plan that is reviewed by the Planning Board prior to the issuance of building permits shall be in general conformance with the approved preliminary development plan. As part of the SEQRA preliminary plan was thoroughly reviewed by the Town Board/Planning Board as an involved agency and the Town's consultant. It was approved through the SEQRA findings. We went through a very long SEQRA process; the Town Board should at least know that those studies were scientific studies that were completed. We believe that there is scientific information that supports the density that we are looking for. Again, one more time, it was in the findings that were signed by the Town Board, leading us to believe that the Town Board was OK with what we were looking at here and hoping to find in the PDD language.

I will go back to page 2 again, let's flip to page 3 Section 5. Again, what we are looking at here is, when we are look at that one section 165-56 of the Town's PDD legislation, it basically says that the next step for the planning Board is to look at each phase, make sure that they are fine with it, and before there is issuance of building permits, they will clearly make sure that all of the other permits and everything are covered. It does not say that the Preliminary Development Plan can be modified in any major way, but what you are supposed to do is be in general compliance with that plan. So, we have a little bit of a problem with the Section 5, the introduction paragraph; the exact location and size of buildings, parking areas, sidewalks, green space, streets, and other related matters may be amended during the Planning Board site plan review process, unless of course it really does clearly state back to as the town's legislation says to that approved preliminary development plan. The reason I am bringing that up is that there is an awful lot of engineering that went into where those buildings are located, the design of those buildings, the layout of parking, the related of utilities, the storm water management system. The level that we had to take those plans, to bring it before this town as a PDD and site plan review, was to the level that you could almost put out for bid for construction documents. This is not a small undertaking, and for us to now be in a position that we could be referred back to the Planning Board and

have them make really significant changes to that would be a very difficult thing for us. So we are just looking for it to be consistent with other PDD language that the town has approved before, that says once you get your PDD language, you go back to the Planning Board and you work with them in general compliance with the approved development plans. It is all we really are looking for here. Just some assurances that once we walk out of here with PDD language, we are pretty well assured what we can go ahead and ask for by review of the Planning Board. That is what we are looking for here. We would just like for you to look at that when considering the language.

If everybody is with me, I would like to flip to page 4, which is fairly minor. It's a discussion of the off site sanitary sewer and the on site sanitary sewer. The sanitary sewer plans were in preliminary stage when used for SEQRA process, that now goes to Saratoga County Sewer District for review of the off site design and improvements, and they are being engineered. I do understand that the Town engineer would have review on that. Part of it is that we would like to make sure that there is a reference back on the sewer that it does link back to the SEQRA findings. We really did have to do a lot of coordination with the County Sewer Department to pick the route to identify the sizing, to identify the connection points, to identify even what side of the road things are going to be on. They will actually have the final say on the design of that sewer and the sign off on it. We just want to make sure there is a connection back to that. Note #5 on page 10 just says that. Sewer plans need to be approved by the County Sewer District. The cost of having the town's engineer review the plans, the sewer district needs to approve and review seems redundant as costs to the developer. If anything the paragraph should identify that the County Sewer District has permitting approval of all components of the sewer, will be dedicated to the County Sewer District. Again, I have no real problem if Clough Harbour does review it, I would just hate to see us have the County review it, have Clough Harbor review it. That is the only comment on page 4.

On page 5, again, very similar comments. Number 9, we were looking at just a typo. Number 10 talks about public benefits. If you remember we did an awful lot of work with both boards on public benefit. The intent of the public benefits, by the way, was to come up with a strategy for identifying the density calculations for this project. It wasn't because we believed that we get through all of this and go back to 7 years. It is that we legitimately worked with this board that we came up with this good rationale to make sure that the development of this project was something that if those benefits were granted, everybody would be happy. So, we have in here a couple of things that we would like to point out. Again, there is the word approved in there, that's semantics, we can pass on that. But in the second paragraph, we did identify that part of the public benefits includes, the public park, and that it would be completed prior to issuances of certificates of occupancy for phase II of the PDD. We had a discussion with the Planning Board, and the Planning Board did say that before phase II is completed, they want that park dedicated to the town. We have no problem doing that, we have no problem dedicating that park before certificates of occupancy have been submitted or issued for phase II, but there is construction that goes on for that park that requires materials from both phase I and phase II. We will be doing berming, there is watering of soils, and by the way, the funding for the park is really going to have to come out of both phase I and phase II. So, we have to be in a position to be able to sell phase II buildings before we can complete that park and dedicate it. No problem doing it before that first certificate of occupancy but when we go in for our building permits, that is when we get our funding for the project. We do not get funding for the project until we have building permits in hand. So, that's why we are saying, just shift it from building permits to certificates of occupancy. It does the same thing. No one lives in those buildings until the park gets dedicated.

The second part of it is that there is a section that has been added. That the applicant will make additional road improvements as required by the Town of Halfmoon. Now when you read that at face value, you can say, well that's reasonable, they will make road improvements. The impact statement went through a very detailed look at all of the roadways and all of the improvements and actually had some closure on that in the findings, if you read note 8. But more importantly, it is very open-ended discussion, what constitutes appropriate additional road improvements? There is nothing that really locks this down in any way. That is the purpose of the SEQRA process is, to identify what your impacts are, look at what your proposed mitigation is, and come to an agreement on that. We believed that we had that agreement when we had the findings signed by the town and when the town actually took over as lead agency, adopted their FEIS, not the applicants product, it's the towns and adopted the findings. We believed that we had closure in June on the impacts we had to roadway improvements. Now we are being told hat there is additional roadway. If we are going to have language like this in here, if you feel that you need to negotiate more, we just want to make sure that it is locked down a lot tighter than an arbitrary phrase like this that says the applicant will do additional road work, because that could be anything.

We also included in here a section for public benefits that talks about the development rights. That was a big elaborate section of the impact statement. It was covered in community character, land use and zoning, and two other sections. It was a lot of work that went into trying to develop that program. It is consistent with the town's open space plans are looking at, eventually they would like to do some type of development rights. It is consistent with Saratoga plans. We believe that it is still a very important component of our project; it is what we included in our project. We feel it should be part of the project.

Attorney Murphy said; we do not have a local law that would allow us to put that in

John Montagne said that I did not say that you did. I just said that in order to get that additional density that would have to be worked out. We would like that to be included in the PDD language

Attorney Murphy said; if it does not exist, we can't

John Montagne said that we said in here that other use, wait, wait

Attorney Murphy said; that we haven't found the, I want to go back to you keep sighting the FEIS as the only standard that the boards can look at when they are reviewing and determining a project. That is not accurate. Just remember the Planning Board members

John Montagne said that the Board members understand that, that was our understanding at the time.

Attorney Murphy said; but you were told several times, both you and the attorney were told several times that was an on going

Michelle Anderson said; I do not agree at all. That it is a basic law that a board is bound by its findings

Attorney Murphy said; this board. You are talking about the Planning Board

Michelle Anderson said; the Planning Board is advisory for the PDD

Attorney Murphy said; correct

Michelle Anderson said; the Planning Board has independent decision for site plan, but we are not there yet. So anything that the Planning Board says does not bind the Town Board

Attorney Murphy said; it doesn't bind the Town Board; that is why we are having this meeting, it is bound by the SEQRA findings, but not as far as the PDD language goes. If they decide that they don't want to have the project, they just don't have the project. So, if your saying that they are bound by the FEIS, that is not technically correct, because they do not have to approve the project. If this as a regular subdivision, I would agree with you.

Michelle Anderson said; OK, two things. One, if they approved the project at all, they need to approve it, in the accordance with the findings in the FEIS, and that's black letter law. As to the issue of the legislative act of the adopting the PDD, I actually called the Department of State Division of Local Governments on the issue after you and I spoke, and their advice to me was that your PDD language is quasi legislative and you do not have the authority to deny the application, because within that PDD language, there is a provision that says that if the Town Board is going to deny it, they need to provide reasons to the applicant, and there is also standards for denial in there. You do not have the right according to the Dept. of State, Division of Local Governments, to deny the PDD out of hand.

Attorney Murphy said; I am not saying out of hand. We are here to have a meeting to discuss what the issues are. They would give you the issues that they have in regards to a denial

Michelle Anderson said; the Town Board cannot deny the application on any basis that has already been determined in the PDD. The issues we have are density and the traffic I believe

Attorney Murphy said; listen you and I are not going to see eye to eye on this

Michelle Anderson said; I understand, but we are up here trying to make our presentation, and we need to also say our side of it so we have clarified at least our understanding of the law.

Attorney Murphy said; and we disagree

John Montagne said; let's just bring it down a notch. We are not trying to do anything but present our position

Attorney Murphy said; but you keep mistakenly

John Montagne said; I am listening to your position

Supervisor Wormuth said; you guys have had an opportunity to speak, Michelle chose to sit down, and so you can go on with your presentation when Lyn is done, she will give a summary to the Board of what she feels our next actions are.

John Montagne said; thank you. I am almost done by the way. About the only other thing that we have in here is Section 13, is a pretty common thing that the town has in its PDD language. What it refers to is that in most cases, town parks are not granted as part of the project, the money goes back into a general park fund, because it is considered that the money should go into a bigger area. The only thing that we want to make sure in here is there is a little bit of difference because there is a park that is being dedicated as part of this. We think just to make sure that the language is consistent with what the actual project is, is that there is a park. We want to make sure that this Section 13 identifies that there is a park, and yet even though there is a park, the applicant has agreed to, as part of its public benefit to also give the town the payment in lieu of recreation space would be, the public

recreation fee would be basically. So they are going to build the park and they are going to give the town what would normally be transferred.

Supervisor Wormuth asked that isn't the building of the park part of their public benefit, to justify

Attorney Murphy said that you just want both language

John Montagne said; I just don't want the park not put in this section because it is going to look a little bit funny when you say OK. If you read the language the way it is written in most of the PDD regulations in the town, it says that based upon studies conducted by the Town, included but not limited to the town wide survey trail study, recreation study, open space were conducted on behalf of the town. Comprehensive plans were conducted and prepared for the new town Park. It is clear that although a proper case exists for requiring a park, or a park suitably located for playgrounds or for other recreational purposes, this parcel is not suitable for a location of a park. Well that seems rather in contrast to the fact that we are building a 1.5 acre park for access to the river that is linked to the rail trails.

Attorney Murphy asked that you want to have both

John Montagne said; what we want to do is make sure that there is recognition that the town park is in there but there is also going to be the additional, so yes

Attorney Murphy said; that makes sense to me

John Montagne said; OK other wise that would be an inconsistency that wasn't

Attorney Murphy said; they are not asking for a credit, they want clarification. They are going to pay the rec fees and there is going to be a park, because it states that it wasn't suitable for a park

John Montagne said; yes it says it is not suitable but we are building one that did not make sense to me.

Then on Section 14, Note 11, rather than have a phrase that just generally says things like maintenance of all streets, streetlights, trees, sidewalks, lighting, lawn care, to me they are all site amenities in the common area. It is a lot easier to just say the maintenance of all common areas and all things in it, because there are other things in there like paved patios, service areas, emergency access, pathways, other landscaping, so we thought it would be easier to shorten that language and cover everything. It is really more for us to protect our selves when we go to the homeowners.

What it really comes down to clearly the biggest issue on the language is the difference between what we believe we have presented and shown in the SEQRA documents that were shown in the findings, and I will keep going back to that because that is the process that we were asked to go through. We did a full impact statement; we did everything that we believed was needed in order for us to make a educated decision about this. We went to the Planning Board, and the Planning Board made a decision on it's own without additional studies refuting any of the studies that we did that the density should be limited to 7 units per acre. We are asking you as a Town Board to look at that and say, are you OK with what the Town Planning Board has said, if you are, then please move forward with your language and we will take action from that point on deciding what to do with this project. I will say that at anything less than what we have asked for here. As you all know, this project has been through this town at much higher densities than we're looking at right now as requested. This project has been scaled back down to the point that the economics on it, that we feasibly think we can do this, and in this market it is even questionable. If we get leverage much more, this project will go

away. In one fashion or another, this project cannot be built at the density that the Planning Board is looking for. That is all I have to say on that.

I agree that there may be procedural things that Lyn you wish to suggest. Planning Board has made its position clear that they would like to see a lower density but really haven't justified to why they have just brought it up now and not in June

Attorney Murphy said; I am just again for the purpose of the record, because I see that you are keeping your own. This Planning Board has been clear from day one that they are uncomfortable with the density, as was the Town Board, which is why everything is written in language is maximum. They expressed several concerns with you. So, it is not as if you walked into this with out any knowledge that

John Montagne said; Lyn, you may finish now I have made my case.

Mr. Wasielewski had a question; earlier in your presentation you made the statement that you have scientific findings to support the density, could you just clarify that?

John Montagne answered; we did a number of studies

Mr. Wasielewski; engineering studies?

John Montagne answered; we did engineering studies on things like water, sewer, and all of the rest of that. We also did visual analysis studies, we did community character studies, we compared it to other areas in the town. Because they were all things that were presented to the Town Board, the Planning Board, and all the other involved agencies.

Mr. Wasielewski; understood, I just wanted that clarified

John Montagne answered; they have been done by the engineers and consultants

Mr. Wasielewski; I have seen them, thank you

Mr. Montagne thanked the Supervisor

Supervisor Wormuth thanked him for coming and sharing the information with us. She asked that if there were anyone from the public who wishes to comment to the Board this evening before I take comments from both the Planning Board and the Town Board

David Ryan, 69 Canal Road said; I was just wondering if we could get clarification on the route of the proposed sewer line

Mr. Montagne said that the sewer line

Andy Rymph, the sewer line basically goes from Krause property, along Towpath Road to the east, up Beach Road, left at the intersection of Clamsteam, goes along Clamsteam and goes north, or right up Dunsbach. It will cross over Crescent Vischer Ferry Road, there it would be a directional drill location where the main road is, and extend northerly until it gets to the gravity sewer that was installed as part of the Mobile Home Park which connects to the Dunsbach pump station, from there it would continue further north up Dunsbach over to Woodin Road, take a right onto Woodin, go over to Breski Lane, go through Breski Lane, through an easement location that ties into the Timberwyck subdivision, and eventually through an existing infrastructure and upgraded infrastructure, to the Grooms Road pump station. So generally speaking, it is all on the frontage of properties on Beach Road until you get to the intersection of Clamsteam, along Clamsteam, there are a few homes along that frontage, and then along northerly, whether it is new or

connection to an existing line all the way to Dunsbach. So primarily the Dunsbach route

Dave Beatty, 28 Clamsteam Road said that there are two things that I would like to know, how are they going to go up Beach through rock, where you have to put the water line zig zagging through that, and two, how do you plan to dig all that stuff out of Krause's and the lower road, we call it. You call it Canal Road. It is highly toxic, it is as bad as what they are digging out of the Champlain, it is all garbage

Supervisor Wormuth stated that as far as the engineering for the water line or the sewer line, the applicant has done due diligence, and I believe that it is identified and there will be some rock blasting and some cutting that is done and they are aware of that, and those will be done under both New York State and Federal guidelines. I am not sure what you are referring to and I will acquiesce to the applicant's engineer on this. The area that he is referring to off of Canal Road that may have some contamination

Dave Beatty, what they said at the last meeting that they were going to dredge all the way around Krause's

Supervisor Wormuth asked if that was the Lagoon area

Dave Beatty, said yeah, right behind Krause's

Andy Rymph, the area of the sewer along Towpath, essentially the southern margin of the roadway, which you see the old Towpath, what we have done is due diligence on the environmental assessment

Dave Beatty, asked; how are you going to get up Beach? That's the thing, the water line is on one side and solid rock is on the other side.

Andy Rymph, said that the studies all show, and it is all documented, that we come along Towpath Road, along the side with the margin of the road, and then we directional drill past the intersection of Beach, through the intersection because actually it is part of the old Erie Canal, so I did the archeological avoidance plan up through there, a structural on Beach

Dave Beatty, asked but aren't you going to have to go over the water line too, I thought that you couldn't by State law. They have to be a certain footage

Supervisor Wormuth said; there is a ten-foot separation

Andy Rymph, said you can have a ten-foot separation or a protective

Dave Beatty, is the plan still to dig out that back bank?

Andy Rymph, said that there are still approximately 55 cubic yards of dredging

Dave Beatty, asked if that was sewer

Andy Rymph, said environmental contaminants are included in the DEIS

Dave Beatty, said that the last time that we did it, it is all toxic junk that come from the dump

Andy Rymph, said that is the Lagoon area, we are not dredging

Dave Beatty, asked; you changed your mind?

Andy Rymph, said yes, I do not think that

Dave Beatty, said that the last meeting that you had here, that they were going to dredge that all out so the canoe's could get back in through there.

Andy Rymph, said no, that is not going to happen

Dave Beatty, said that the last meeting we had they said they were going to dredge that all out.

Supervisor Wormuth said; that the application has changed throughout the years with the different engineers, so I am glad that you are bringing that up and asking for clarification and certainly we do not have an issue getting any of those answers tonight, and I know that the applicant's engineer does not mind answering them. They are just not aware of it because it was prior to their involvement in it

Peter Bardunias, President and CEO of the Southern Saratoga County Chamber of Commerce, which covers the Town of Halfmoon in its jurisdiction area. Wanted to just in general just pledge the Chambers support and any help that we can be in helping achieve something that can work out to the satisfaction of the town, to the landowners, to the developer, and to the concerned residents. We do feel that the Mohawk River waterway is a vital connection in the economic recovery for New York State and for this area. We think that the Town of Halfmoon can play a very central roll in that, so to whatever extent that we can be a partner, we just want to pledge our support, being sensitive to the fact that whatever happens needs to be palatable to all parties involved.

Ray Dahoda, 85 Beach Road, I missed out on all of this and I just have a question about the sewers. They are going to run up through Beach and up Dunsbach, what provisions have been made for the homeowners up through there to tie into the sewer?

Supervisor Wormuth said; that she will let the applicant speak on that in the different areas as to if it is gravity fed or forced. I think that there are opportunities along the way for the homeowners to hook in if they wish. They will stub it to the property line and there's not any obligation to tie into the sewer. It's not like a water district extension, where if the water goes by your house and you pay for it whether you use it or not. A sewer line is different than that. So you wouldn't obligated, but there would be an opportunity where the applicant would provide a stub at the end of each individual property that it passes in order to do that. The grinder pump and any hook up into your home would be your responsibility, the way the language is usually constructed.

Andy Rymph, said that there are approximately 85 residential homes along our sewer route that are not connected with municipal sewer at this time or public sewer I should say, so those we are affording the opportunity to do just as you said, which is extend the service connection to the property owners so that they have the ability if they desire. The last thing that we want is for the homeowner to think that they are segregated from the ability to take their septic system and put it to the public sewer system.

Supervisor Wormuth said that again, it purely by choice, there is no obligation to do that; you would not be charged an annual fee for it. It could be done at a later date because it would be stubbed to the property line, although it is suggested to do it at the time usually works out. 85 is the number of homes that that would be added to the service area from the project through the connections.

Ray Dahoda, asked; do I understand that there would be no charge for hooking into this sewer line from the owner?

Supervisor Wormuth said that there is not a charge from the applicant to hook into it, there would be a charge for the grinder pump for the either the contractor or in your case, yourself to do it, and then there is an annual fee with the sewer district, but the applicant isn't making money off of people hooking into the sewer line. This is a required part of their project that they are very willing to do and spent several thousands of dollars and hours trying to pick the best route to go.

Ray Dahoda, said thank you

Councilman Polak asked to comment on this as he is working on 4 & 32-sewer project. Are you going to provide the curb shutoff at each resident as part of the project? That is the same thing that is happening at 4 & 32, and then it is up to the resident to provide the pump station, all of the electrical, excavation and the cost that we are incurring and estimating on that project is \$12,000 to \$15,000 per residence and then there is a yearly charge yet to the town of \$244.00 once you are connected. That does go up as time goes on but the initial fee is \$244.00

Supervisor Wormuth said that the \$244.00 is the annual rate with the sewer district if you were hooked up to it today. The \$12,000 to \$14,000 that Mr. Polak is referring to, is an estimate that the County Engineering Firm gave for the general public to go out and buy their own grinder and pump to hire their own private sewer contractor, and then it depends on the length of the run from the edge of the road into your home where you would need to hook up. That price can vary, and again from that project to this project, it can be very different because some of the homes along the river are set very far back so they were including lots of runs. They did suggest that the cost might be a lot less if you had a group of 5 or 6 people in a row with one contractor could come in and do all of them at once. They were just trying to give a realistic number to people so when they make decisions on what they wanted to do as they move forward. There was no guarantee on cost

Councilman Polak said that it is up to you whether you hook up or not, it isn't mandatory.

Supervisor Wormuth said right, and I just wanted everybody to understand that because at the other meeting, the engineer talked for a very long time about how those numbers could become very different. They could go from \$6000 to \$15,000 depending on what you are doing. I just wanted to make sure that everybody understands that the town is not under any obligation to honor any of those numbers.

Georgia Beatty, 28 Clamsteam Road I have a question about the roadway going from both ends and are they going to be maintained? The road right now as you come down Clamsteam is horrible now. If you are going to have a lot of trucks, debris, it is like a washboard now, and it sinks every 5 years.

Supervisor Wormuth said that she would ask the applicants engineers to address any improvements that how are identified through your traffic study both during the construction phase and then the post construction phase of any resurfacing or areas of improvement that would be done along the area that she is talking about

Georgia Beatty said that at one time there was talk about the road being closed.

Supervisor Wormuth said that I will let him address that and any roadways that are planned with this that are outside of the actual condominium area would be built to town standards and the plan would be to turn them over to be maintained by the town, so they would become town roads. I will let the applicant address exactly what those upgrades are going to be. Our Highway Superintendent is here in the audience if he wishes to chime in at any point, he certainly may.

Andy Rymph, said what our FEIS states or findings are right now is that we would agree to rebuild from connection point from our property to Towpath Road, which a lot of people know where it is, is going to be shifted about 100 feet further to the west. We are saying about 100 feet west of where the new entrance to Krause, all the way up to Beach Road. We would rebuild that. During this we are looking into different options for how to rebuild, what exactly does rebuild mean. It means repavement, sub based to get everything up to traffic truck roadway system along that stretch of the roadway directly. The elevation of the road may actually come up as part of the flood study that we were doing to bring the road up a couple of feet at the entrance back to Beach Road. So essentially the direct connection between the Krause property and Beach Road, that itself is our mitigation that is proposed. That is the part that is in our findings. Due to the geometry of the old Erie Canal right there, the historic Towpath on the northern side, it is technically classified as wetland and back through there. That restricts how much road widening that we can do with the current configuration

Supervisor Wormuth asked if there were culverts or things that you can do that will keep that section of roadway from being underwater? I know that there are wetlands on the sides, but are there mitigations that can be done by the applicant to recreate new wetlands in order to allow a disturbance there or is there something that can be done or should we always plan on that being underwater in the springtime thaw that I know residents down there are used to, but I just want people to have an understanding as we are adding additional traffic in what we are doing and what that means for them.

Andy Rymph, said the condition of the roadway right now Canal and Towpath were under in the last flood. If you went out there in the worst time, perfect marker is the intersection of Beach Road. What we are looking to do is to bring that roadway up to almost that level so that the passageway from our property out to Beach Road to where you get to a higher ground where that is rebuilt. The likelihood of that happening would be decreased, does not mean it couldn't happen, wouldn't happen. I would never say that because I could not guarantee any of that, but we are reducing the likelihood that you would have a problem on that stretch of the road. If you had a problem somewhere else, could you culvert? If I culverted and move some of the water, I would just be moving it to someone else's problem. Essentially you are dealing with a river that would just find its way, the water would find its way back to the lowest point. To absolutely alleviate all of the problems on Canal Road or Towpath Road, that would be a major town reconstruction project. This mitigation that we think is most practical, just to make the improvements from the Krause project up to the intersection of Beach Road.

Supervisor Wormuth asked and you will not do anything to add any additional water to any of those homes that are in that area?

Andy Rymph, said correct. We will do everything above and beyond to make sure

Supervisor Wormuth said I guess I am still confused, where do we get that water to go? If it not going to go to someone else's property, and it is not going to stay on the property, you are raising the road; it's got to go some place?

Andy Rymph, said it all has to do with flood storage as well as the whole flood study

Supervisor Wormuth said where will it go?

Andy Rymph, said it will go in various locations, whether it goes more in the south or west into the Lagoon or the Towpath Road section there, or if it actually doesn't go anywhere because there isn't anymore, because it has been absorbed with the Krause property. The flood studies are such that you are looking at the whole

stretch of the road. At a flood you will see it different every ten feet, essentially it is the whole body of the land, by virtue of doing the study and looking at different regions. It's not going to go anywhere else because you do not generate any additional water. There is a stream channel through the site

Supervisor Wormuth said so it will be maintained on site?

Andy Rymph, said it essentially will transfer itself to Krause's site, but it is all part of the river.

Mr. Montagne said the river itself is going to rise to a level; the river itself is a very long body of water that's flowing, any displacement on the road by raising it, it continues to flow along the river. There is no additional flooding on the properties, that is why we did that study

Supervisor Wormuth said I just want to show the people who are here from the properties

Councilman Polak said that primarily what they are going to do is the entrance to their site, is they are going to raise it up so you can get to their site and leave their site without the road being closed. John and I were down there under these floods, so from Beach Road toward the Yacht Clubhouse, that's completely underwater in the flood, and then from Beach Road to the Krause property is underwater during the floods we had this year. So John has to close them up, but by them raising the elevation to that site, they will be above the flood plane and they will be able to get in and out without that road being closed off. But if I understand all of the documents correctly, you are not doing any road improvement to Beach, Dunsbach, or any of the other roads, correct? You are only improving the area in front of your property

John Montagne said correct

Supervisor Wormuth said including any sort of traffic mitigation, turning lanes, there is nothing other than the area right in front of

Andy Rymph, said there are sign improvements recommended in the traffic study as part of the FEIS at the triangular intersection with Beach and Clamstream, there are some signs we are looking to put

Councilman Polak said that he just did not want the public to think that you were going to repave all of the roads to and from the Crescent Road, because that is not going to happen. And then one of the concerns that I was having also was, if you are going to do 89 crossings on Dunsbach, if you are going to do those lateral boxes for the shutoffs then you know the road may need repaving if you are going to have all of those crossings.

John Montagne said we would most likely do them directional

Councilman Polak said that you are going to do them all directional bore

John Montagne said a very small diameter, yes

Councilman Polak said OK

Andy Rymph, said you are correct, if the situation came up where

Supervisor Wormuth said that I just knew that while we had the public informational meeting at the Town Board level last time, they had talked about improvements at areas to get traffic away from the site to the Northway. It seems

like as you finish up your traffic study and your FEIS , it has moved away from some of that being done. I just wanted to make sure the people who are here tonight understand that.

John Montagne said that is part of the combined studies that were done. The recommendation was that the traffic signal there is not really a benefit for our project. DOT will have the say on that, and that is where we are going to come back in

Supervisor Wormuth said that is where the difference in the attorney's version and your version of the applicant will make additional road improvements as required by the town of Halfmoon. I think that the statement was made at that meeting, and I can go back and look at the notes, but I just want everyone to understand how we got from point A to point B. If you are not doing that, then I want people to understand that you are not willing to participate in that

John Montagne said I would say that is not the case. As I said to you, we were just looking for that to be defined better, it was very open ended

Supervisor Wormuth said I guess I was coming back to as we were talking where that came from

Mr. Montagne said we do know that if there is anything that has to do with that intersection, again, that is something that we will get the nod from DOT. We did have Clough Harbour look at it in great detail. So the initial traffic studies

Supervisor Wormuth said you referred to another project that a different developer is doing, so if Ivan's project doesn't come in and we start the build out on your project and we have all of that traffic coming up there and there is not another project to pay for those increase, where does that leave us getting traffic away from your site to the Northway in the direction that you thought it was going to go

John Montagne said first of all, I think that we are taking things out of context because part of what we did in the traffic study, as all traffic studies do, we looked at the kinds of residents we would have, the kind of traffic that is already generated by the existing project that is there, the Clamsteam, the other background traffic that's going to happen in the area, and if you just take the background traffic, just the background traffic, it is going to continue to have all of the traffic that goes down. So you are not going to have, the reason why there is a slowdown at the intersection that we are talking about is because there is no traffic signal there. Until there are warrants that DOT will agree with to allow the signal to come in they will not allow the signal. The project that we have standing by itself, in the traffic studies, does not trip or warrant for that traffic signal.

Supervisor Wormuth said; John, I do understand that

John Montagne said all that I am saying is that if you get the multiple projects together and there is a requirement for the signal, we are not saying that we would not participate in that

Supervisor Wormuth said I do not want to take anything out of context; it is just that you talk about the Clamsteam as it exists now, the Clamsteam as it existed when we held the last public informational meeting has changed hands, has changed owners, is now looking at becoming more of a restaurant style establishment than a bar establishment. So knowing the ebb and flow like you said of different projects

John Montagne said you are talking about the Tavern?

Supervisor Wormuth said yes

Mr. Montagne said Oh; I thought that you were talking about Gail's Clambake's and Clamsteam.

Supervisor Wormuth said No, you said the Clamsteam, I am just saying that everything changes and adjusts, and I certainly wasn't trying to take anything out of context, I just want to say where that comment came from, from the Attorney's point of view based on the willingness to move this project forward with some of those things being fluid

John Montagne said we have three phases on the project. I think that we sent in the traffic study that we would look into the background traffic each time and we would truth it out. Not a problem, I mean a signal itself, the signal work, we have estimates for what that cost would be. We do know that if there a multiple projects that support that we would probably in a position to contribute to that. All that I am saying is that our project alone won't trip a signal, so if the other projects come along and they are all built at the same time, or some sequence of that, we are open to that. Again, that would be something that I would be saying that if we could define that a bit cleaner, it would make us a lot more comfortable than just an open ended one. As Councilman Polak said, we are not looking to repave or rebuild all of the roads from the highway down to the project. We are looking to do what is reasonable, make sure that if we have any impacts to the road itself during construction, that we will repair that, that is fine, looking at upgrading or repairing the section along Clamsteam/Towpath, so we get us out of the flood, basic improvements, things that you would expect if you had an impact on the roadway

Supervisor Wormuth said Thank you

John Pingelski, Highway Superintendent, one intersection that I would like to have looked at and seeing how Beach Road is going to be the evacuation route and 244 units dumping onto Beach at the Beach and Clamsteam Y area, is not set up to handle that kind of traffic the way it is now. I think that it needs to be looked at.

Supervisor Wormuth asked if John Montagne had something that he could comment on that from an evacuation standpoint or an engineering standpoint as to what you have looked at for improvements, if any

John Montagne said that tonight we were looking at focusing on the PDD language, so you are bringing up a lot of comments that were part of the other studies. I will say that when we look at those studies, we looked at those intersections; part of the intersection analysis we did at the time was really for traffic flow of circulation. As far as an evacuation plan goes, that we have proposed in the plan is that we would work out, a final evacuation plan with emergency services, you know that we did meet with them, met with the fire department, walked through how the site would be evacuated, what the phasing would be. We are looking at a flooding condition that happens in a 100 year or a 500 year event. We did have some of those issues this summer, we looked at our flood study and our study is actually very conservative. It showed that the study itself predicted the intersection at Beach and Clamsteam would actually have water in it. The actual condition there was that the intersection itself, the center of it did not have water. So our model was overly conservative. The estimates of what that flood was, was n excess of a 100-year event. It took over 24 hours for that water to come up. We are not looking at a panic situation like an earthquake when you would have 244 residents who would be driving away. There will be plenty of time for people to slowly leave the site. We are not looking at a hysterical kind of an evacuation situation. I would say to you that no, you are not going to have an impact.

Supervisor Wormuth said; so there are going to be no improvements

John Montagne said that there is really nothing to improve, is what I am getting at

Supervisor Wormuth said; the Highway Superintendent was just disagreeing with you, so I was asking you to comment

John Montagne said I could see where your point would be on that. If you had 244 vehicles all leaving at the same time, you would have an issue. But let me point out another issue. When there is an event at the Clamsteam at the Krause's Grove, they are well in excess of 400 vehicles there, well in excess of that on a regular event. They feed in and out, there are no traffic jams, there are no major

Andy Rymph said that in a normal flood situation, or in any other emergency situation, there is time delay for evacuation plans to work out details, not 244 vehicles at once. Obviously, there will be times that in theory, it's the delay evacuation from the property, those people would not all have to take the same route

John Montagne said I think what you are saying is 244 residents are not going to stay there, and all the units at the same time

Frank Denno, 123 Canal Road having been a resident and living on Canal Road for 40 years, we know historically that the water does come up in a matter of hours. Usually when it floods, it floods from the ice flow at night, hitting the bridge coming down and jamming the water. So in the course of an hour to two hours, that water will come up to where it was this spring. It is not usually 24 hours. This is actually very unusual. The normal case is that it comes up in a matter of hours and not in a matter of days. If that is the plan, that is simply untrue, it is not the case that you have 24 hours to evacuate.

John Montagne said I think that the best way to answer that and to answer all of these questions is to say that we did do engineering studies. We have engineering evaluations that were done. We have documentation on flooding history. We have documentation on ice jams. We have documentation that has gone into a very elaborate flood study that the Town's engineer did a very elaborate study on. We have run this by every agency that has jurisdiction over, and the conclusions on it were that what we had proposed is reasonable, and were reasonable to bring closure to the SEQRA process, which evaluates the environmental impacts. So to bring it up in this context with somebody in the audience that really is just describing a situation that we have already described in our engineering studies, and have shown that we are going to be alright on that, seems rather redundant right now.

Supervisor Wormuth said; thanks John, and we will aqueous that right now, but please remember that part of this process is before we develop the language and approve the language, we are going to allow the public a chance to comment, and if you want to repudiate that, you are more than welcome to, if not you certainly don't have to, but again, this isn't an application of rights. The Board is going to take a public opinion into I would assume and wait on how they feel about it, and the people who are already living in that area

Georgia Beatty asked if the number was 244

John Montagne said 244 vehicles

Georgia Beatty said; and you are going to be having 2-3 bedroom units

John Montagne said yes

Georgia Beatty said; so you are probably talking 2-3 vehicles per unit

John Montagne said that the type of use, again, we are bringing up a lot of things that have already been addressed in the presentations on site plans, buildings, but what you are looking at

Supervisor Wormuth said; John, I am sorry, that is going to be a redundant process just because the public is involved. We are not going to rush through a process that the public wants to have input on. So if they want to ask questions, whether they asked them before or not, I am going to allow them to be asked again

Michelle Anderson said; OK first of all, the public workshop is not a public hearing, and we are actually being very gracious in having this communication and this question and answer. We encourage and want to answer questions. What we would recommend, is that you make the FEIS and all of the studies available to the public so they can read it

Supervisor Wormuth said that they are available, they have been available, and they are in the Clerk's Office. This is a Town Board workshop as well, so I will choose how we are going to interact with the public and what we are going to do. If you do not want to respond to it, by no means have to participate in it, but I will not refuse to allow my residents to ask questions and give them as many answers as we can to them regardless of how many times they have been asked before.

Michelle Anderson said; we didn't say that we did not want to entertain questions. What we said was that these issues have been addressed and we didn't want to treat them as if they were new, because your engineers as well as ours have reviewed them, and have concluded that all of these issues have been resolved and this project is acceptable as proposed.

Attorney Murphy said it is clearly her opinion.

David Ryan, 69 Canal Road, at the last public hearing that I attended on this project, I stated it then and I will state it again now, your traffic studies are flawed. Figures are my friends; I can make them say whatever I want, but when there is traffic congestion at Dunsbach and Crescent, we live there, we know, that traffic is coming down Canal Road. It is not going to sit and wait for an exit onto Crescent Road. They are just going to travel down Canal Road, because it is easier to come down Canal Road and come out near where the little park is at the end of the street, very easy access to get out to Route 9. So the traffic study that says there is not going to be a lot of impact for the residents there, I said then it's flawed and I still think it's flawed. My main reason for coming back up tonight is to say is the sewer lines, the increased traffic, the construction traffic, it's going to impact the people who live down there, and if anybody in the audience that also lives there, correct me if I am wrong, but the route that the sewer line is taking is going to benefit 3 homes, who live there and are going to benefit and have all the traffic, all the construction. There are only 3 homes between the Krause's development and Beach where they are going to up the sewer lines. Looking back, I wasn't here, I have only been here 8 years, love it here, kudo's to the highway department, by the way, I think you guys are great, do a great job, love living here, but I have heard the stories about how difficult it was to get water lines run down Canal Road and to the residents there. It seems like a replay all over again like that whole section from Crescent down to Beach is just this forgotten area. What area with a new bike path, walking path that has been great, people love it, they walk down there a lot, ride their bikes down there a lot, come down and picnic, what area deserves and is more in need with the river there, to have sanitary sewers in place to prevent more pollution into the river. I do not know why that is being bypassed and I would hope that the town would work in conjunction with Saratoga County Sewer District and take another look at that. Thank you

Supervisor Wormuth said that the applicant did work with the sewer district and they did spend lots of money doing engineering. The route they have chosen to take is acceptable to the sewer district. A lot of times I can see why an applicant is picking one route over another because it is less expensive, but this is by no means an inexpensive route, and what they are doing made the most sense with the sewer district and with their engineers. So for all of the things that perhaps I am being a little argumentative with them tonight, which totally is not my intention, they did work for a very long time with the sewer district for the best route for the sewer. I would have to leave the comments with the sewer districts engineers and to wonder why one route was chosen over the other, but I do know that they did do due diligence on that, because I spoke with the former Director of the Sewer

David Ryan, could I ask that at the next public hearing that a representative of the sewer district be present?

Supervisor Wormuth said sure, we can certainly request that

Richard Castle, 59 Canal Road, I am going to have to second Mr. Ryan's statements about the traffic study possibly being flawed. For those of us who live down there, I have also worked in law enforcement in the area for 22 years. Taking into account what happens here in the winter, we all know what Beach Road is like, the hills on Beach Road. There is going to be a significant amount of traffic on Canal Road heading toward Crescent Road toward the Route 9 area. Before any changes are made to the requested language relative to nailing the town down as to what roadway modifications may be required. I know that they are looking for more clarification on that but I do think that the Town Board does need to consider what impact the additional traffic is going to have on Canal Road headed out toward Crescent before the applicants been able to nail you down any tighter on what changes may need to be required. Thank you

Supervisor Wormuth said that those traffic studies that were a part of the FEIS as well as the other scientific studies that the gentlemen from Chazen refers to, they are available for review in the Clerk's Office, so if any one is interested in viewing particular points of them, our Planning Office can pull them out. Our Town Planner, our Senior Planner, are more than willing to set up times with anybody who would like to review those and will help explain them and break them down into what is probably a little more like English than what is written in there. I know it can seem like we hand you this big binder and it is a little intimidating if you have never done it, so we do have staff here that would be happy to help residents do that. If you would just call and set up a time. I know that our Planning Department is more than willing to help work on that, and the Clerk's Office can make copies.

Marcel Nadeau asked for just a bit of clarification you say that you have a shut off on the sewer, you have a shut off for every residence?

Andy Rymph said that we put stubs to the existing residential property

Supervisor Wormuth said that they were just talking about the difference between a water line stub and a shut off for sewer and how they clog

Steve Watts said that we have been through for a number of years, evaluations of this project. It covers staff, Planning Board, various engineers. This is a big project; there have been modifications to the project, sewer, water, and traffic. From one perspective, at least the Planning Board, I believe, saw this as a work in progress. We never believed that this procedure was a stop because of an FEIS or anything else, otherwise why would we have spent the hours and time that we spent reviewing the project? That is just a philosophy that the Planning Board

Supervisor Wormuth said that I think it is the one our Attorney shares as well

Steve Watts said thank you, and then relative to the traffic studies that are on the July 25th meeting that which the Planning Board raised the issues of the density, of the public benefit, for the park, of the implications of traffic on the project. Not in any way, shape or form, did we denigrate the answers of the engineers, but we stated at that meeting we were told that the traffic studies said that there was no impact. We see the comments that were made relevant to a lack of commitment to the traffic improvements that we have seen in other projects. As with any of these traffic studies that have been done they tend to be done to the benefit of the applicant rather than the sense of impartiality. This is part of the decision process. If a traffic study was done, and the traffic engineers will tell you when they do a study, here's where we are. We followed the guidelines, followed the books, followed what Professor Jones said that what the most resent theory at the University, then we would just sit back and go oh OK; our Town Planning Board does not operate with that constraint. We have Town Engineers who reviewed the materials, we reviewed the materials, we are a board that is appointed by the Town Board and when we do make our recommendations based upon our knowledge of the community, the people who live here, the people who drive on our streets, they all have to live in our town. Many people here have been on the Town Planning Board for a number of years. We take all these things into consideration and we continue to do it. I do not know if anyone else from the Planning Board has anything to add to this. This is the reason why we have Public Hearings, informational meetings, workshops at the request of the applicant to the Town Board. I believe if the process continues that there will be a public hearing that will be heard as well, where people could say what they believe is right or wrong. That is how government works, that's how democracy works. We gave it our best.

Supervisor Wormuth said; I think at this point, we have moved a little bit beyond where I thought that this meeting was going to take us tonight. The applicant wanted an opportunity to explain why they felt the Planning Board's recommendation of 7 units didn't work. Other than hearing that their attorney and our attorney disagree on the finality of what an FEIS does. I am not sure that we have done that. I do not know if there are any comments or questions from the Town Board that they would like to ask either the applicant or the Planning Board at this point for clarification. I am glad that we got more input from the public. Certainly I see that as a plus and I think Mr. Watt's is right, we will do that as we move forward with public hearings, but if there is anything to discuss specifically relative to the PDD language and whether or not that should be adjusted, I think now is a good opportunity to do that.

Councilman Hotaling said that he has 2 questions; I am not sure if this should be for John or Andy, how many residents are going to benefit from the gas line? I know that you are going to run gas but I never heard

Andy Rymph said; that the gas line will come down Beach on National Grids location and it shows up Beach and they would run themselves down through. To give you an exact number Paul I

Councilman Hotaling said ok and that we are all talking about the road flooding and limited number of accesses out of the project. Is there any consideration to fixing the road down to White's Lane, so you would have another alternative route out of the project?

John Montagne said that White's Lane is the one beyond the Marina?

Councilman Hotaling said yes it is to the eastside

John Montagne said that low point is fairly significant drop. If you look at that elevation, the reason why that area floods first is because it is so much lower than the rest of the area by almost the whole stretch. It was never really studied

Councilman Hotaling said thank you

Councilman Hayner said that I had the opportunity to take a couple of drives down there and take a look at Beach Road. I know for a long time that the road has been the in and out to that area. Obviously, when you look at it, it's really a traffic issue. With or without the number of cars, whether it is 400 vehicles leaving the Clamsteam or your project. Is there anything that you can do on that road to, because there is no good view either way you take a left or right out of that area with a hill on Clamsteam. Is there anything you can do on that area to improve that traffic flow?

John Montagne said that I would say that in good faith to keep the traffic flowing, we would definitely look at that and evaluate to see if there are things that we can do. There are some utility poles along that area that are restricting some of the right away. Those are things that we can look at. Yeah, we are not saying that we are not willing to work with you on that

Andy Rymph explained that there is some horizontal geometry, whether it is the telephone poles, there is some horizontal trees, there is some shoulder that is currently there, that you are not that close to the neighboring property. I do not think that anybody has looked in perspective where is that property line? Make sure you can do it within the correct

Attorney Murphy said; that you have been clear that you would be willing to work with the town to making those improvements, which is why the language isn't specific yet because no said specifically what it is as to what you were willing to do or not willing to do, which is exactly why it is written the way that it is.

Andy Rymph said; that in our document that the only thing that it actually doesn't describe is related to the traffic study that does show some sign improvement

Councilman Hayner said; talking about a pole...taking a drive down there it would seem that the best opportunity to point traffic would be to either go left or right and just bypass Beach Road totally, but obviously with the flood plan, that makes it a little bit more of a difficult issue because at least White's Lane comes up to a T intersection to go left or right, or you could take Canal out to Clamsteam that way as the best routes possible. If the evacuation plans is Beach Road that makes it pretty difficult to bypass Beach Road.

Andy Rumph said; currently where you would put a sign that says to go to 87 as you leave Clamsteam,

John Montagne said that perhaps the best thing to do here is it is difficult to really figure anything out this evening. Why don't we just agree to talk about it and see if we can nail this down a little bit more and get more perspective on it, understand a little bit more. Go and look at some of these things, I know our studies

Supervisor Wormuth asked if there anything that anybody wants to talk about the density wise. I know that was one of the burning issues of the two boards, and we have seem to have gotten off of focus on traffic this evening. I know more density creates more traffic, but I don't necessarily see the two as just related in that area. I just want the Boards to have the opportunity, the applicant asked to have a workshop to specifically look at changing the language in the proposed PDD to have it be above ten units per acre.

Councilman Polak said; I have been here longer than most here at the Board, I have been here a long time, 10 years on the Planning Board and 22 on the Town Board. When I look at density, I know one thing; I always look on two sides of the fence. People have property they want to sell; they certainly have the right to make a profit that is called American business. But also, I always try to look at the people that live here, that have lived here for centuries that lived here for decades. I look at the density and when it is up to ten, the impact that it has on the certain areas in the communities. Not just the impact on this project, but the ones along the way and the ones for the people who have the property that wants to sell to a developer and make a profit. I always try to look ahead long term. What is the overall density impact? What is that going to do for the highway system, for the sewers, for the water? Those are all the things that I put into perspective when I look at all of the projects through the years. When an individual says we have to have ten or the project does not work, and I think about that, and I go well maybe this project can't work. I would ask the applicants to review the density because I thought that the 7 units was a fair number. No more than we ask for anybody else. They have never come with a lesser number, never offered that. I would ask them to entertain that and come back to this board with the new number. I know that you hired the best engineers and the best legal staff to represent you and that is your prerogative, you are paying that dime. I am just trying to look at the overall impact that it is going to have on our community when we are all done. Certainly, you are not the only project that is before this board, there are several others in the Exit 8 area and we have to look at them too, long term. What are they going to impact on the same small area?

Councilman Hotaling said that he would like to at least have a better idea of what improvements we were going to make before making any density decisions as far as the roads entrances, exits and entrances, flood plans, I think that it has much impact as the density does. I would like to at least look at it.

Councilman Hayner said that he agrees with Mr. Hotaling, and the only other thing that I would like to add that there is to me, my opinion, that there is a tremendous amount of benefits for property values in that area, revitalization of the waterfront. I think that it is a unique project. The fact that there is ownership of condos has a positive effect on property tax base. I think that as far as school impacts, it is less than other projects. You are talking about a very unique area of town that traffic does not necessarily be impacted in the same way as other parts of town. Obviously, getting out to Vischer Ferry Road, out to the Northway, and out to Route 9 is very impacted. I do not think that people from this project would necessarily go to Clifton Country Mall through Dunsbach Road. I wanted to reiterate that I think that there is need to take a look at the density and all of the parts to it. I agree with Mr. Hotaling that I think that if the applicant was willing to mitigate some of these traffic issues, which is over and over again what the Planning Board has mentioned, and the Town Board. Personally speaking, I think that I could come to a better understanding of where we go for this whole thing

Councilman Wasielewski said that he would like to thank Mr. Polak and Mr. Hotaling, and Mr. Hayner for all of their comments. I think that this is an unique project, and it doesn't fit into the typical mold of the projects that are normally brought before this board. The density is an issue and certainly the residents who live down there, your opinions matter an awful lot. I look forward to future meetings, getting a little bit more information before I can make a final judgment.

Supervisor Wormuth said that I was not asking anybody to make judgment tonight. We had made it clear in the beginning of the meeting that we weren't going to vote on anything. I guess I just didn't know if there were any other questions to the Planning Board or to the applicant as to how they were at one number and the Planning Board was at another, that the board wanted clarification from, because

that was one of the things that the applicant felt was important to bring forward at this type of a workshop meeting.

Councilman Wasielewski said that the 10 units

Supervisor Wormuth said that it is plus 10

Councilman Wasielewski said plus 10, does that mean 11? Does that mean 15? I do not know.

John Montagne said that we were looking at and the way it was stated in the regulations is that we were looking at 10 units per acres which is the 22.3 useable acres, that's 10 units per acre, that is 223 units. In order to get an additional 21 units, we had agreed to purchase the development rights to

Councilman Wasielewski said so that everybody is clear John, that 10 is your number. It's not 9, it's not 8, and it's not 7

John Montagne said correct

Councilman Wasielewski said OK

John Montagne said the PDD language of the Town says 10

Steve Watts said how the Planning Board gets its number for any project is that 10 is the maximum permitted in the Town Ordinance, doesn't mean 10 is a right. We look at many, many projects with the impacts in the surrounding areas, which include a number of issues, which we've discussed, the roads, the infrastructure

Attorney Murphy said; from the health and safety point

Steve Watts said every point. We look at the 10 but my recollection, I do not know if we have ever touched the 10. The Planning Board, and correct me if I am wrong, is around 7. It varies, we move around there

Supervisor Wormuth said that the only reason why I said plus 10; John is while the gentleman from Chazen is correct that they are looking at buying additional property. There will be more than 10 units per acre put on that particular parcel. Number one; there isn't even anything that exists in our language today that allows a transfer of development rights, although I have been actively, and continue to push that we do look at that, and we do think outside of the box. That does mean that you may be putting more development pressure per unit density in that area and then not having a piece in the Northern end of town. There is nothing right now that says where that piece is going to be. So when I say the impacts are more than 10 plus, that is where my interpretation of that is coming in. I wasn't just being flippant with that remark.

John Montagne said that he would just add that as the applicant has made it very clear that our intent was to go through the process with the town to evaluate our project that was based on 10 units per acre with an additional 20. We never suggested the project was anything less or other than that. We identified that all of the environmental impacts, including all of the safety issues because that is part of that process, and sincerely believed that as we went through the SECRA process. We had closure with the town in June that would be in advance of the July Planning Board meeting that we had come to an agreement, and that is where we are basing our conclusions right now. We did all of the studies that we could and every study we were asked for. So that is our position

Attorney Murphy said; and again it has been stated that if that were accurate there would be no reason to go to the Planning Board, so we just disagree on your interpretation in June being an end date for this. So we will have to agree to disagree. You have been told throughout the process and even the FEIS language was written in such a nature that it was a maximum of 10 units. And that's not to say that this board isn't going to agree to do that, it's just that I do not want there to be a misunderstanding by the public of what these boards have advised you clearly throughout this process.

There being no one else to come forward, Supervisor thanked everyone for coming.

Respectfully Submitted,

Lynda A. Bryan
Town Clerk