

Clifton Park Town Board Meeting Minutes

January 13, 2003

The regular meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 7:00 p.m., Supervisor Barrett presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG

Present: Councilman Speckhard
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Paolucci, Councilman Roth

Also Present: Town Attorney Trainor
Louis Gerard, Superintendent of Highways
Jason Kemper, Director of Planning
Michael Shahan, Town Administrator
Walter Smead, Assessor

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett noted the list of legal holidays will be posted.

Supervisor Barrett expressed appreciation for the efforts that went into making the 175th Kick Off Celebration such a success and noted there is a list of events planned for the year on cliftonpark.org.

REPORTS

Reports for December from the Justice Court, Highway Department and Saratoga County Sheriff's Department were filed with the Town Clerk.

**PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW RELATING TO AN INTERIM APPLICATION
PROCESS FOR PERMITS RELATING TO LAND CONSERVATION
ZONES/DISTRICTS**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on January 9, 2003.

Question from the floor asking what part of the law is being reviewed.

Town Attorney Trainor explained the Town Board wants to review the language in the existing law, balance that against the procedure, and see if it can be improved upon.

The public hearing was opened for comments from the audience at 7:10 p.m.

Al North, Carlton Road, asked what changes are being contemplated since his property is near a Land Conservation zone.

Mr. Trainor said this is the beginning of the review process and specific changes have not yet been identified.

Mr. North stated obviously if a moratorium is needed, the changes will be burdensome, yet undefined, unspecified and unvalued upon the landowners that are impacted. He said it is premature to put in a moratorium and is circumventing a homeowner's right to make changes under the existing laws.

Supervisor Barrett said the town is trying to give itself an opportunity to make adjustments to the law if it is warranted. Setting a moratorium doesn't necessarily mean there will be wide sweeping changes or minimal changes.

Mr. North said imposing the moratorium without knowing what changes are being made which could impact a homeowner's future plans is locking people out from executing their plans that they have formulated and is heavy handed.

Supervisor Barrett noted the current law has been in place for about twelve years and needs to be reviewed. He said there will be further public hearings on changes to be made.

Bert Roy, Kinns Road, owns property that contains LC zones. He said he doesn't see anything of substance in the proposed legislation to comment on except that it states the Board has a right to change any plan a homeowner may come forward with. He said he is opposed to this and thinks it is a heavy handed approach. He is opposed to the moratorium and asked the Board to come up with something of substance.

It was noted the moratorium will be in effect through April 21, 2003.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one else wished to be heard. Supervisor Barrett declared the public hearing closed at 7:23 p.m.

PRESENTATION ON FINAL OPEN SPACE PLAN

Supervisor Barrett stressed the Open Space Plan will be strictly on a volunteer basis.

Presentation by David Miller and James Romano, Co-chairs of the Open Space

Committee, and John Behan of Behan Planning Associates.

Mr. Miller reviewed the history of preparation of the plan and the results of the second survey, noting this is the most extensive public involvement and planning process that has ever been done in the capital region for open space planning. Mr. Miller reported both town wide surveys had returns of 25 to 30 percent. (2nd survey results attached). Mr. Miller reported wildlife nature preserves and watersheds were the top open space category, with farmland, preservation and trails second. He said 73 percent of responding homeowners supported establishment of an open space account and based on the survey the mean household investment willingness to pay was approximately \$29.28. The Open Space Committee is presenting the final plan to the Town Board for consideration with a recommendation for adoption after public review. It is hoped to have public review and public hearing over the next four to six weeks.

Mr. Behan stated, in the broadest sense, this is an economic development project for the community. He reported 35 percent of the land is remaining as open land. The town consists of 43,000 acres and out of that 2000 acres are protected and approximately 12,000 acres are open and undeveloped. Mr. Behan reported the protection goal the committee is recommending is 1350 acres over the next five years with a local share estimated cost of approximately \$6 million divided over five years. This would be supported and matched from grants, partners, bargain sales, open space set aside, etc. He reviewed the benefits, including property values and environmental health, and noted open space increases property values. Mr. Behan estimated, to generate \$6 million over time, the local share cost for open space to the average homeowner would be \$25.00 for a \$150,000 home. Over the next two to five years, it is recommended the town look to secure 1350 acres, six to ten miles of trails and paths, four to six historic sites and scenic roads to protect.

Mr. Romano reviewed the implementation of the plan as stated in the Clifton Park Open Space Plan Summary, attached. The plan is to be reviewed by the Town Board, public hearings held, adopt the plan and develop a scope of work for the remainder of the year, including the hiring of an Open Space Coordinator, secure project commitments and funding, and execute projects. Mr. Romano expressed appreciation to Mr. Kemper and his staff, Behan Planning Associates, and the Open Space Committee for their support. He further noted support from the community is necessary in order for the plan to be a success. The Open Space Plan will be available for review in the Library, Town Hall, as well as on line.

Debbie Botch, Longkill Road, asked if the plan speaks to the issue of tax assessment policy. She expressed concern that open space is valued at the highest and best use and as a result landowners are putting small parcels on the market that many neighborhoods enjoyed as part of their open space experience.

Mr. Miller responded the issue is discussed in detail in the plan and NYS tax law says highest and best use. Some of the mechanisms that can provide for monetary benefits to the landowner are conservation easement and development right programs. Mr. Miller

said until the town gets an idea of what funding will be received over the next five years, the exact local share won't be known.

Bob Gauvreau, Oakwood Drive, commended the Open Space Committee on an excellent job.

Supervisor Barrett stated the taxpayers deserve a plan. He emphasized that this would not be a new \$30 tax. He said this will take a tremendous amount of work and support to go forward.

Allen North, Carlton Road, said the Open Space Plan shows a key linkage through his property but key linkage was not define. He said the outreach needs to be specific and feels he should have been notified.

Mr. Miller emphasized the Open Space Plan is strictly voluntary and Mr. North does not have to have a key linkage through his property. Mr. Miller said a great deal of outreach was done during the preparation of the plan.

Mr. North said an alternative to the open space plan is a building moratorium or allow a system for limiting the number of building permits for a year.

Mr. Miller said the committee tried to shy away from moratoriums and high level regulations as they want it to be a voluntary program. He stated builders have property rights too. He said if the town can work with the building community in looking at ways to preserve open space then it is a win-win situation. Mr. Miller commended the Town Board on their leadership and commitment to open space and the steps being taken, noting over 100 acres have been protected over the last two years.

Supervisor Barrett explained the town's funds come largely from sales tax revenue and surplus monies are used to reduce highway and property taxes. He reviewed purchases the town has made to preserve open space.

Question from the floor asked if the town has access to the river. Supervisor Barrett said there is limited access and this issue is discussed in the plan.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 13 of 2003, a resolution authorizing Sanford Roth, Lynda Walowit, Michael Shahen, Barbara McHugh, Thomas Paolucci, Mark Heggen, James Trainor, Anita Daly, and Robert Rybak to attend the Association of Towns Meeting.

Introduced by Councilman Speckhard, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, the New York State Association of Towns will be holding its annual meeting from February 16 - 19, 2003 in New York City, consisting of seminars and other educational meetings, and attendance at those seminars and meetings would provide a public benefit to the Town; now, therefore, be it

RESOLVED, that the Comptroller is authorized to reimburse Sanford Roth, Lynda Walowit, Michael Shahan, Barbara McHugh, Thomas Paolucci, Mark Heggen, James Trainor, Anita Daly, and Robert Rybak for reasonable transportation and lodging after attending the New -York State Association of Towns meeting in New York City from February 16 - 19, 2003, to be vouchered appropriately.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

DECLARED ADOPTED

Resolution No. 14 of 2003, a resolution rescheduling the February 18, 2003 Town Board meeting to February 24, 2003.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman Speckhard.

WHEREAS, members of the Town Board will be attending the Association of Towns meeting in New York as scheduled for February 16-19, 2003, and

WHEREAS, the third Town Board meeting for the month of February is scheduled for February 18, 2003; now, therefore, be it

RESOLVED, that the Town Board meeting scheduled for February 18, 2003 is hereby rescheduled to February 24, 2003 in order to permit Town Board members and various Town Officials to attend the annual New York State Association of Towns meeting.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Roth, Councilman Paolucci

DECLARED ADOPTED

Resolution No. 15 of 2003, a resolution awarding the contract for Fireworks for the 4th of July Celebration.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman Speckhard.

WHEREAS, bids were solicited for the annual Fourth of July Fireworks display, and two bids were received for the same amount, and

WHEREAS, due to their superior qualifications and previous experience Patricia Haffner, Parks and Recreation Director, has recommended that the bid from Alonzo Fireworks, 12 County Road 75, Mechanicville, NY, be accepted and the Town Administrator recommends the same; now, therefore, be it

RESOLVED, that the bid for the Fourth of July Fireworks display be awarded to Alonzo Fireworks at a cost not to exceed \$12,500 to be budgeted from A-7550-52 (Parks & Recreation-July 4th), and be it further

RESOLVED, that the Supervisor is hereby authorized to sign an agreement reflecting the approved terms, after the review of the Town Attorney.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

DECLARED ADOPTED

Resolution No. 16 of 2003, a resolution appointing Skye Morey Heritage to the Zoning Board of Appeals.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman Speckhard.

WHEREAS, a vacancy exists on the Town of Clifton Park Zoning Board of Appeals, and

WHEREAS, the Town Supervisor has recommended that Skye Morey Heritage, be appointed to fill this vacancy; now, therefore, be it

RESOLVED, that Skye Morey Heritage, 2 Woodstock Drive, Clifton Park, is hereby appointed to the Town of Clifton Park Zoning Board of Appeals to fill the unexpired term of Helmut Gerstenberger, term to expire December 31, 2005.

Supervisor Barrett explained Mr. Gerstenberger is currently a member of the Water Authority and wants to devote his time to that organization.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

DECLARED ADOPTED

Resolution No. 17 of 2003, a resolution authorizing the Supervisor to sign agreement with Charter One Bank for a Smart Business One Card.

Introduced by Councilman Speckhard, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, the Supervisor has recommended the use of a debit card for his executive Secretary for miscellaneous small purchases, and

WHEREAS, Charter One offers a card at no expense to the Town; now, therefore, be it

RESOLVED, that the Town Board hereby approves the Supervisor's entry into an agreement for a debit card with Charter One and his executive Secretary's use of same.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

DECLARED ADOPTED

Resolution No. 18 of 2003, a resolution amending the Town of Clifton Park Senior Van Policy.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilman Speckhard.

WHEREAS, the Senior Center Policy is to admit members at the age of 50, and

WHEREAS, the current age for use of the Senior Van is 55, and

WHEREAS, the Town wishes to conform the Senior Van Policy to the Senior Center Policy per Schedule A; now, therefore, be it

RESOLVED, that the Town of Clifton Park Senior Van Policy is hereby amended to conform to the Senior Center Policy per Schedule A.

Councilman Speckhard noted one does not have to be a member of the Senior Center to ride the Senior Van.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Roth, Councilman Paolucci

DECLARED ADOPTED

Resolution No. 19 of 2003, a resolution authorizing an advance of \$80,000 from the Unreserved Fund Balance to the Grooms Road Tavern Budget Line.

Introduced by Councilman Speckhard, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, in order to complete the next round of the Grooms Road Tavern Restoration Project an advance of \$80,000 is necessary from the Unreserved Fund Balance to the Grooms Road Tavern Budget Line, and

WHEREAS, the General Fund will be paid back when an \$80,000 Grant is received from the State of New York Office of Parks, Recreation and Historic Preservation funded by the Environmental Protection Fund; now, therefore, be it

RESOLVED, that authorization is hereby given to the Comptroller to advance \$80,000 from the Unreserved Fund Balance to the Grooms Road Tavern Budget Line.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci, Councilman Roth

DECLARED ADOPTED

Resolution No. 20 of 2003, a resolution adopting Local Law No. 1 of 2003, a local law directing an Interim Application Process for Permits Relating to Land Conservation

Zones/Districts and regarding Local Law No. 23 of 1990 as amended.

Introduced by Councilman Speckhard, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, since the enactment of the 1990 L-C Zoning Law in Clifton Park there has been substantial growth in the need for construction within or near L-C Zones/District, and

WHEREAS, changes have been recommended to the Town's current ordinance, and

WHEREAS, the Town wishes to implement, revise or replace one or more laws to more effectively protect the health, safety, and welfare of the community, to assure the orderly development in the community, including but not limited to the development of procedures governing the filing of an application, and for reviewing and analyzing an application, and for granting a permit to construct and use facilities or structures within or containing Land Conservation Zones/Districts, and

WHEREAS, a reasonable time for the Town to complete its aforementioned review, and for the Town to enact any required legislation resulting therefrom is deemed to be approximately three (3) months from the date such local law enacting said interim application process adopted by the Town Board, and through April 21, 2003, and

WHEREAS, pending applications for projects within an LC Zone/District which have received at least preliminary approval should continue to be reviewed under existing legislation but any new applications shall be evaluated under the Town's revised law regarding LC Zone/District projects; now, therefore, be it

RESOLVED, that while this interim application process is not meant to be prohibitive or exclusionary in nature, during the interim application process, applications for a building permit, special use permit or site plan approval, or use variance or other necessary Town approval for subdivision or soil disturbance within or contained in a Land Conservation Zone/District, shall be accepted by the Town; however, in processing an application during the period of this interim application process, if a permit is issued it will be issued in accordance with any revisions made to the Town code during the Interim Application Process period, and be it further

RESOLVED, that Local Law No. 1 of 2003, a Local Law directing an Interim Application Process is hereby adopted in its entirety effective immediately for permits relating to Land Conservation Zones/Districts.

**LOCAL LAW NO. 1 of 2003
INTERIM APPLICATION PROCESS FOR PERMITS
RELATING TO LAND CONSERVATION ZONES/DISTRICTS**

BE IN ENACTED by the Town Board of the Town of Clifton Park as follows:

Section 1. Intent: The Town wishes to implement, revise or replace one or more laws to more effectively protect the health, safety and welfare of the community, and to remove or change certain sections pursuant to recent case law to assure the orderly development of structures or facilities within or containing Land Conservation Zones/Districts in the community, including but not limited to the development of procedures governing the filing of an application, and for reviewing and analyzing an application, and for granting a permit to construct and use facilities or structures within or containing Land Conservation Zones/Districts.

2. Application: This law shall apply to all areas in the Town of Clifton Park.

3. Duration: This Local Law shall be in effect from the date of the Town Board's adoption of said Local Law until April 21, 2003 unless extended.

4. Interim Application Process: While this interim Application process is not meant to be prohibitive or exclusionary in nature, during the interim application process, applications for a building permit, special use permit or site plan approval, or use variance or other necessary Town approval for subdivision or soil disturbance within or containing a Land Conservation Zone/District shall be accepted by the Town. However, in accepting an application during the period of this interim application process, if a permit is issued it will be issued in accordance with any revisions made to the Town code during the Interim Application Process period.

5. Severability: The invalidity of any word, section, clause, paragraph, sentence, part or provision of this law shall not affect the validity of any part of this law which can be given effect without such part or parts.

6. Effective Date: The Local Law shall take effect immediately upon its adoption by the Town Board and shall be filed with the Secretary of State in accordance with Section 27 of the Municipal Home Rule law, but shall also be effective immediately upon a person or organization personally served with a copy of this Local Law.

Councilman Speckhard explained this is being done as the court has raised some questions about this law and the law needs to be examined to determine just what the impacts of the court's comments are and then take up the question whether any impacts need to be addressed.

ROLL CALL VOTE

Ayes: Councilman Speckhard, Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Roth, Councilman Paolucci

DECLARED ADOPTED

PUBLIC PRIVILEGE

Norman Goldman, London Square Drive, expressed appreciation to Councilman Speckhard for his explanation regarding the reason for Local Law No. 1 of 2003. Mr. Goldman asked if there is a record of the number of people being told there was no space on the senior van, as now several thousand people have been added to the eligibility list for riding the van.

Mr. Shahen said on several occasions he has seen empty vans and he has asked Barbara Smith, Secretary to the Supervisor, to track how many people are transported during the day. He said he has not heard of any problem with people being turned down.

MOTION by Councilman Speckhard, seconded by Councilwoman Walowit, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of Town business.

Motion carried at 9:04 p.m.

Patricia O'Donnell
Town Clerk