

**Clifton Park Town Board Meeting Minutes
January 18, 2005**

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 Paolucci
Councilman Speckhard
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney Trainor
Mark Heggen, Comptroller
Jason Kemper, Director of Planning
Barbara McHugh, Director of Community Development
Michael Shahan, Town Administrator

MOTION by Councilman Roth, seconded by Councilman Paolucci, to approve the minutes of the January 3, 2005 meetings, organizational and regular, as presented.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth
Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Speaking with regard to the tabled tsunami resolution, Supervisor Barrett reported Town Attorney Trainor researched the legality of using public funds and recommended this not be done. The Supervisor said he would support setting up an account to receive private donations. Councilman Speckhard reported an amended resolution is on the agenda this evening.

Supervisor Barrett announced the retirement of Highway Superintendent Louis W. Gerard effective January 29, 2005 after a long and distinguished career. He said he always appreciated his help and admired his dedication to public service and hopes Mr. Gerard will stay involved in the transition. The Supervisor asked anyone interested in the position of Highway Superintendent should let the Town Board know right away.

Councilman Speckhard read Mr. Gerard's letter into the record.

Councilman Speckhard praised and congratulated the Friends of Grooms Tavern on their outstanding newsletter and encouraged them to continue their fine work.

**PUBLIC HEARING, 7:10 PM
REGARDING THE DRAFT GENERIC ENVIRONMENTAL
IMPACT STATEMENT FOR WESTERN CLIFTON PARK**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on January 4, 2005.

Joseph Grasso, Clough, Harbour & Associates, reviewed the process to date, noting it is a culmination and compilation of work over the past fifteen months. He said the public has played a great role in the process.

Chris Einstein, Clough, Harbour & Associates, discussed the purpose and finer points of the Draft GEIS. It is recommended that more work be done in the future on the hamlet areas to develop a vision and concept plans. He noted benefits of zoning will be greater flexibility and design through development guidelines proposed. Open space can be under private or public ownership. Mr. Einstein reviewed "amenity zoning" which will allow a developer to purchase the development rights of an important open space parcel and take those development rights to a parcel that might be more suitable for increasing the density. The Final GEIS will be prepared at end of the public comment period which will run until January 28, 2005. The Final GEIS will be available for public review. After the Final GEIS public review, the Findings will be prepared and will be the development guidelines.

Supervisor Barrett said the town is approaching forty years of strong residential growth. He reviewed issues of concern, including traffic and infrastructure, effect on emergency services and school system. He said this plan gives the Town Board flexibility and thanked the public for their time and comments.

In response to Councilman Roth's request, Mr. Einstein reviewed development rights explaining this needs to be done through legislation and will allow a developer to purchase development rights of a parcel and transfer those rights to a parcel where it makes sense to allow the density.

Jennifer Viggianni, Behan Associates, working with Clough, Harbour & Associates on the GEIS, further explained development rights.

Councilman Roth wants landowners understand that development rights are a possibility.

Councilwoman Walowit stated the transfer of land has to stay within the study area.

The public hearing was opened for comments from the audience at 8:00 p.m.

Youseff Ballout, Torrero Drive, expressed concern that there appears to be no effort to keep contiguous open space across the western side of town. He believes early on in the process people expressed their view of the necessity of keeping that corridor open across the entire western part of the town. He said it now appears as islands of open space. Mr. Ballout said the town will have to take leadership when developments come in to continue the contiguity. He said if a developer's request for an exception to zoning doesn't appear to be addressed in the GEIS and feels there should be restrictions on size and necessity of PUDs. Mr. Ballout said it behooves the town to extend water lines to residents in the western part of town that need it, especially in the existing hamlets but he doesn't think it is clear in the plan that there should be total prohibition, unless there is some real reason for new water and sewer lines, into the open space areas in the western part of town. This should be clearly defined that this is not a desired action. He stated the real reason for Transfer of Development Rights (TDR) is to preserve open spaces. Mr. Ballout said there should be a plan of creating recreational facilities but facilities should not be placed in the envisioned open space areas within the western part of town because water and sewer lines would have to be extended, thereby opening the door for additional development to come in. He recommended recreational facilities be placed near existing residential areas such as the hamlets. Mr. Ballout said boundary of hamlets needs to be defined and advised the Board to pay attention to "hamlet creep", continuous growth.

Mr. Grasso, in response to Mr. Ballout, said key open space parcels have been identified and it is hoped under Planning Board review they will get extra scrutiny. He explained PUDs would be restricted on the conservation residentially zoned properties, which is most of the study area, but not restricted in hamlets in order to allow some flexibility regarding the mixed uses. Mr. Grasso said the whole document is based on density and the valuation of impacts of that density. Regarding prohibition of water extensions and other public utilities, although new development requiring the extension of those utilities isn't envisioned, provisions has been made for the extension of water to the western portion of town. Mr. Grasso explained regarding the transfer of development rights out of the study area to the eastern part of town, this is not evaluated in the study but can be looked at in the future. He reported a recreational center has been identified as part of the Rexford hamlet, as well as the establishment of a park by Veterans' Memorial Park.

Raymond Seymour, Nadler Road, member of the Friends of Clifton Park Open Space and the Open Space Committee, applauded the Town Board for taking this monumental revolutionary step, stating the document is very well done and visions incorporated in it are excellent. He said the citizen participation has demonstrated that residents want to see a different implementation for the western part of town. Mr. Seymour recommended having an historic designation for hamlets which will make the area attractive and

increase property values. He reported many studies have been done that property adjacent to preserved land is always more valuable.

Supervisor Barrett stated this is the last chance to change the direction of the future of our town, how it's going to look and the effects that continued development will have. He said if the same development occurs in the western part of town as in the eastern, the town will have a hard time coping with it.

Bill Koebbeman, Riverview Road, said if the GEIS is effectively implemented, western Clifton Park can be a model for other communities. He continued the underlying residential density of three acres is a good foundation to build on. He said proactive action on the part of the Town Board and Planning Board will be necessary to implement aggregate large blocks of fragmented open space, as well as money. Mr. Koebbeman feels it is fair for developers to contribute through an open space mitigation fee. He said he doesn't want to pay to have water lines run into the area because it undermines the public's objective of preserving the area and the objective of the plan. He suggested that the plans recommendation of the public paying 28 percent of the cost of running water lines be eliminated. Mr. Koebbeman said he strongly supports the results in the primary recommendations of the study and hopes the Board will rigorously implement them.

Frank Berlin, Main St. Jonesville, spoke in support of the GEIS and of having the residents involved in the study. It was noted that Ballston Lake is considered one of the hamlets. He questioned what can be considered green space.

Supervisor Barrett said the plan protects hamlets from big box stores.

William Engleman, Partridge Plateau, questioned if there will be public hearings held regarding zoning changes, does the 50 percent open space include or exclude unbuildable areas of protected wetlands and other LC zones and the allowable maximum density bonus. He reviewed his comments from the draft scoping of a year ago, noting field checking is important. He recommended a large map of the GEIS study area be displayed in the town hall lobby and library.

Supervisor Barrett announced the Historic Preservation laws of the town are currently undergoing a change.

Mr. Grasso, answering Mr. Engleman's questions, said there will be public hearings for zoning changes, 50 percent open space does not entirely exclude constrained lands and would be looked at on a case to case basis by the Planning Board. Maximum density bonus is included in the plan. He reported field checking was beyond the scope of the study and will come up during site plan review.

Pam Marshall, Fairlawn Court, wants to see nature and the rural character preserved, noting wildlife needs connected parcels. She recommended a survey of flora and fauna be done when developers come before the Planning Board. Ms. Marshall asked that type of architecture in hamlets be specified.

Beth Edelman, Brian Drive, Rexford, spoke in favor the GEIS study and asked if the GEIS addresses allowing water for everyone. She stated water is desperately needed by hundreds and hundreds of people all over town and would like to see a study done on the economy of scale if everyone in Clifton Park were to receive water and divide the cost among everyone, as well as what the cost would be to the town as opposed to the individuals involved.

Supervisor Barrett reported the Clifton Park Water Authority look at the cost a number of years ago and it came to many millions of dollars.

Pauline Boehm, Riverview Road, said she is very happy about the study and land conservation plan but expressed concern with the mention of the possibility of a secondary circulation road from Waite and Miller Roads to Appleton Road.

Mr. Grasso reported it is not a connection to Appleton Road but basically an east to west connector which could possibly relieve some traffic from Route 146.

Ms. Marshall asked if there was a way to direct drainage from heavy rains into town aquifer recharge areas.

Mr. Engleman recommended reading materials by Randall Arendt. He hopes there will be methods of training for Planning Board and Zoning Board of Appeals members regarding proper standards and how subdivisions can be designed. Mr. Engleman said he hopes there will be a public committee that will take on a role of advising the Boards and ranking properties for conservation and possible acquisition. He recommended extending the public comment period.

Supervisor Barrett said it will be important for the Planning Board and ZBA to understand the spirit of the plan.

Councilman Speckhard said it is important to realize that this is a very important culmination of a long time of town planning which could have been established in 1980 when the town Master Plan process was started. He said if this plan is adopted, the Board is saying that this development process in the western part of town is extremely acceptable to us and also implies the necessity to do other things to support, rather than underplay or defeat it, noting that water will be extended out to Rexford Water District and coming south from the County. He said it is important to pay attention to the impacts on the natural environment. Councilman Speckhard stated this is a fantastic plan and thanked all for the great comments.

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 9:15 p.m.

PRESENTATIONS TO THE BOARD

Town Administrator Shahan reported the radar sign is being well received in the community. Supervisor Barrett said security personnel are monitoring speeds as well. Mr. Shahan said negotiations with the Town Hall and Highway Unions have resulted in five year contracts.

Comptroller Heggen reported it is anticipated the books for 2004 will be closed the middle of February. He said the town is ahead of budget for revenues and below expenditures.

PUBLIC PRIVILEGE ON RESOLUTIONS

Question from the floor asked why, at this point in time, the Town Board is considering the resolution on tsunami relief when so many other organizations are involved. Councilman Roth responded the more organizations involved, the more people will give and this is just another mechanism.

Councilman Speckhard said this is “community giving” and sets up a person to person relationship.

Resolution No. 19 of 2005, a resolution appointing Frank Kunker, 6 Bay Hill Court, Clifton Park, to the Clifton Park Water Authority.

Introduced by Councilman Paolucci, who moved its adoption, seconded by Councilman Speckhard.

WHEREAS, an opening exists on the Clifton Park Water Authority, and

WHEREAS, Frank Kunker has been recommended to serve on the Water Authority; now, therefore, be it

RESOLVED, that Frank Kunker, 6 Bay Hill Court, Clifton Park, be appointed to the Clifton Park Water Authority, for a five-year term, term to expire December 31, 2009.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 20 of 2005, a resolution authorizing an inter-municipal agreement between the Town of Hadley and the Town of Clifton Park for bus transportation to and from the 2005 Association of Towns Meeting.

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

WHEREAS, a proposal has been made that the Town of Hadley and the Town of Clifton Park enter into an inter-municipal agreement providing for bus transportation to and from the 2005 Association of Towns Meeting which is being held in New York City; now, therefore, be it

RESOLVED, that the Town of Hadley and the Town of Clifton Park enter into an agreement which provides that:

1. The Town of Hadley will provide bus seats to and from the 2005 Association of Towns Meeting, at a cost to be determined by the Town of Hadley, not to exceed \$40.00 per person with the understanding that the seats are a non-refundable purchase. The bus will depart and return to pre-designated areas.
2. The Town of Hadley will provide receipts for paid reservations for bus transportation to and from the Association of Towns Meeting.
3. The Town of Hadley will pay for no other cost or amount or consideration.
4. The term of the agreement shall be from February 20 - 23, 2005.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 21 of 2005, a resolution to establish a town account to accept contributions from residents of the Town of Clifton Park, or any other community, to aid the victims of the earthquake and tsunami disaster in Asia.

Introduced by Councilman Roth, who moved its adoption, seconded by Councilman Speckhard.

WHEREAS, it appears that 160,000 plus fatalities will result from this disaster and the possibility of secondary deaths from hunger or disease could push this toll much higher without a steady supply of aid to the region, and

WHEREAS, on January 10, 2005, Resolution No. 18 of 2005 was introduced and tabled due to the need for more information and clarification; now, therefore, be it

RESOLVED, that the Town of Clifton Park will accept contributions payable to “TOCP Tsunami Relief Fund”, deposited to a separate account, and be it further

RESOLVED, that the following each thirty-day period for the next ninety (90) days, a check equal to all contributions for each thirty-day period will be processed and made payable to a local non-profit organization that is also committed to assisting Tsunami victims or, if necessary, one of the following agencies - American Red Cross, Lutheran World Relief, Unicef, and a complete list of contributors will accompany the payment to the agency as designated, and such agency will provide the town with descriptive information regarding the distribution of funds received from the Town of Clifton Park, and be it further

RESOLVED, that the Town Comptroller will assign an account number for accepting contributions to the “TOCP Tsunami Relief Fund; and be it further

RESOLVED, that the Town Director of Community Development will publicize the existence of the Town Relief Fund and advocate and encourage private contributions to the fund.

Town Attorney Trainor stated he has reviewed this resolution and it has his approval. Councilman Paolucci asked if donations going through the town are tax deductible. He said he supports this resolution if it encourages people to donate as a community.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

No one wished to be heard.

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

Motion carried at 9:43 p.m.

Patricia O'Donnell
Town Clerk