

**Clifton Park Town Board Meeting Minutes
May 8, 2006**

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
Richard Kukuk, Superintendent of Highways
Steven Myers, Director of Building and Development
Michael O'Brien, Environmental Specialist
Michael Shahan, Town Administrator
Deputy Town Attorney Renzi

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Speckhard reported the Comprehensive Plan is under review and amendments are being proposed mostly to do with open space. He anticipates a mid-June Public Informational Meeting. The proposed amendments will be in the Town Clerk's office. Changes will be considered at a Public Hearing in September, with adoption anticipated for October.

**PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING CHAPTER 208, ZONING,
SECTIONS 109-(C)(2)(d) AND 109-(C)(3)(d) BOARD OF APPEALS,
NOTIFICATIONS**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on May 5, 2006.

Deputy Town Attorney Renzi explained currently applications for area variances have no requirements for specific notification by letter to any adjoining property owners. This can be improved by asking an applicant who is requesting an area variance to notify by letter all adjacent property owners within 500 feet of the subject parcel.

Supervisor Barrett responded it could be expensive to send out 500 foot notices, by certified mail, for a minor project that would require a variance, e.g. a small shed.

Mr. Renzi said he is looking to make some changes as this could be burdensome upon the applicant.

Councilman Roth recommended notifying contiguous property owners.

Town Attorney Trainor said by the time the Chairman of the Zoning Board realizes that more people need to be notified, the first meeting is already underway. He suggested perhaps the Building Department's discretion is the better way to go.

Supervisor Barrett recommended having a standard, less than 500 feet, with the ability of the Director of Building and Development to ask for up to 500 feet.

Mr. Trainor stated it may be easier to administer having the standard on the high side and allow the Building Director to consider a lesser distance.

It was emphasized this only applies to an area variance.

The public hearing was opened for comments from the audience at 7:25 p.m.

Bob Gauvreau, Oakwood Blvd., said the town should be careful with this legislation as neighbors should be notified.

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 7:28 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

Glenn Valle, Hillside Drive, President of the Country Knolls Civic Association, spoke in favor of the amendment to the election sign law but has concerns with the non-profit fundraising signs. He reported the entrance ways to the developments along Ushers Road become "magnets" for all kinds of signs. He expressed concern with the length of time allowed for "fundraising" signs, stating 30 days is too long a period of time, noting many of the signs become litter. Mr. Valle had the following comments: 1) window of exposure is too long; 2) signs are more appropriate and less burdensome in commercial areas rather than residential; 3) consider limitations on the number of signs; 4) signs should be 3 square feet. He would like consideration given to a "free zone" around development entrance markers, stating signs should not be within 100 feet of a residential entrance way.

Supervisor Barrett stated signs are illegal if they are not registered with the town.

Mr. Valle stated the proposed amendment is too broad.

Arnold Harris, Northcrest Drive, stated directional garage sale signs should be taken down every night.

Resolution No. 153 of 2006, a resolution appointing John A. Farina as an Associate Member of the Environmental Conservation Commission.

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

WHEREAS, an opening exists for an Associate Member of the Environmental Conservation Commission, and

WHEREAS, Robert Marino, Chairman of the Environmental Commission, has reviewed the qualifications of John A. Farina, 34 Blue Jay Way, Rexford and recommends that he be appointed to serve as an Associate Member of the Environmental Conservation Commission; now, therefore, be it

RESOLVED, that John A. Farina, 34 Blue Jay Way, Rexford, be appointed as an Associate Member of the Environmental Conservation Commission, term to expire December 31, 2007.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 154 of 2006, a resolution authorizing the transfer of \$1,000 from Contingency due to an increase for services rendered regarding Saratoga Country Youth Court.

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

WHEREAS, over the past two years Saratoga County Youth Court has experienced a significant increase in referrals and have found it necessary to increase the requested allocation from the municipalities that have the busiest courts, and

WHEREAS, the Alcohol and Substance Abuse Prevention Council of Saratoga County has increased the total grant for Youth Court Fees from \$2000 to \$3000; now, therefore, be it

RESOLVED, that authorization is hereby given to transfer \$1000 from Contingency to A-1110-29 (Justice-Youth Court) to cover the increased cost for Youth Court fees.

Councilman Roth said he has no problem with the town's sponsorship of the program but would like to see the budget for the program and how it equates out for the Town of Clifton Park.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 155 of 2006, a resolution supporting the Rose and Kiernan Clifton Park International Soccer Classic.

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

WHEREAS, for thirty years, the Rose and Kiernan Clifton Park Soccer Classic has drawn youth soccer teams from states up and down the East Coast, Canada and Europe, and

WHEREAS, this annual event enhances the economy of the Town of Clifton Park, and

WHEREAS, financial support in the form of sponsorship is needed in order to meet the rising costs of conducting the tournament; now, therefore, be it

RESOLVED, that the Town of Clifton Park supports the 30th Annual Rose and Kiernan Clifton Park International Soccer Classic with a \$5,000 sponsorship to be paid from Contingency.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 156 of 2006, a resolution appointing Jason Hogan to permanent status as

Part-time Animal Control Officer per Civil Service certification.

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

WHEREAS, Jason Hogan, 4 Valencia Lane, Clifton Park, was provisionally appointed to the position of Part-time Animal Control Officer for the Town of Clifton Park, and

WHEREAS, Jason Hogan, successfully passed the Civil Service Exam for the position of Part-time Animal Control Officer and was certified as a permanent employee on April 14, 2006; now, therefore, be it

RESOLVED, that Jason Hogan, 4 Valencia Lane, Clifton Park, is hereby appointed to permanent status as a Part-time Animal Control Officer for the Town of Clifton Park, per Civil Service Certification as of April 14, 2006.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 157 of 2006, a resolution authorizing the hiring of a full time laborer in the Clifton Park Sewer District No. 1.

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

WHEREAS, a need exists for a full time laborer in the Clifton Park Sewer District No. 1, and

WHEREAS, Michael O'Brien has recommended that Thomas Ziobrowski, 23 Main Street, Rexford, be hired to fill the position; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Park Sewer District No. 1, hereby authorizes the hiring of Thomas Ziobrowski, 23 Main Street, Rexford, as a full time laborer for the Clifton Park Sewer District No. 1, at Grade 3, Step 1, (\$25,416) effective June 1, 2006, with his salary of \$12,708, through the end of 2006 to be paid from Clifton Park Sewer District No. 1-Fund Balance and in 2007 from budgeted District funds.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 158 of 2006, a resolution authorizing the issuance of a Mass Gathering Permit to the Cole Brothers Circus and waiving the statutory time period for said application.

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

WHEREAS, Cole Brothers has requested that the Town issue a Mass Gathering Permit for the purpose of utilizing the southwest parking lot of the Clifton Park Center for eight circus shows June 19 - 22, 2006, and

WHEREAS, the Town has been provided with information concerning this activity, and

WHEREAS, the Town has been named as an additional insured on the required insurance policy; now, therefore, be it

RESOLVED, that the Town Board is satisfied with the information provided that the potential effect of the proposed public assemblage will have minimal effect upon the public health, safety and welfare of the people and property of the Town of Clifton Park; and be it further

RESOLVED, that the Town Board hereby directs that a permit be issued to the Cole Brothers Circus for a public assemblage to be held in the southwest parking lot of the Clifton Park Center, June 19 - 22, 2006 for the sole purpose of conducting eight circus shows.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 159 of 2006, a resolution authorizing the Highway Superintendent to attend the 2006 Highway School in Ithaca, N.Y.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by

Councilman Roth.

WHEREAS, Richard Kukuk, Highway Superintendent, has requested that he be authorized to attend a Highway School in Ithaca, N.Y., June 5-7, 2006, at a cost not to exceed \$750, and

WHEREAS, Superintendent Kukuk's attendance at the conference would provide a benefit to the Town; now, therefore, be it

RESOLVED, that Superintendent Kukuk is hereby authorized to attend the Highway School in Ithaca, N.Y., June 5-7, 2006, at a cost not to exceed \$750, to be paid from A05010-00001 (Highway-Training/Conferences).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 160 of 2006, a resolution in connection with a block party to be held in The Oaks/Summerhill Subdivision.

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

WHEREAS, the residents of The Oaks/Summerhill Subdivision wish to conduct a block party within the subdivision on July 1, 2006, (rain date July 2, 2006) between 12 noon and 10:30 pm and have requested permission to use Brittany Oaks and Newburry Court for their party activities; now, therefore, be it

RESOLVED, that the residents, with the approval and advice of the Town Highway Superintendent, have permission to use a portion of Brittany Oaks and Newburry Court, July 1, 2006 from 12 noon to 10:30 pm for their party activities, but must not block off the street and make sure emergency vehicles can gain access to the street if needed, and be it further

RESOLVED, that the residents shall be responsible for all clean-up activities on Town property or on the street right-of-way resulting from the social activity; and be it further

RESOLVED, that a copy of this resolution be sent to the applicable Fire Department, the Ambulance Corps., the Sheriff's Department and the State Police.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 161 of 2006, a resolution in connection with a block party to be held in
The Oaks Subdivision.

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

WHEREAS, the residents of The Oaks Subdivision wish to conduct a block party within
the subdivision on June 17, 2006, from 2:00 to 9:00 PM, and have requested permission
to use Avenue of The Oaks between Cheshire Ridge and Davenport Circle for their party
activities; now, therefore, be it

RESOLVED, that the residents, with the approval and advice of the Town Highway
Superintendent, have permission to use Avenue of The Oaks between Cheshire Ridge and
Davenport Circle, June 17, 2006 from 2:00 to 9:00 PM for their party activities, but must
not block off the street and make sure emergency vehicles can gain access to the street if
needed, and be it further

RESOLVED, that the residents shall be responsible for all clean-up activities on Town
property or on the street right-of-way resulting from the social activity; and be it further

RESOLVED, that a copy of this resolution be sent to the applicable Fire Department, the
Ambulance Corps., the Sheriff's Department and the State Police.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 162 of 2006, a resolution regarding bids for materials and services used
by the Highway Department.

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

WHEREAS, bids were received for certain materials and services used by the Highway Department, and

WHEREAS, the Highway Superintendent has requested that the conforming bids received be awarded to the lowest responsible bidders based upon price, availability and supplying material as specified per attached recap; now, therefore, be it

RESOLVED, that the following bids for materials and services be awarded to the following lowest responsible bidders:

- 1) Asphalt Concrete 6F and 7F Delivered in Place-Towne Construction & Paving
- 2) Dense Binder Delivered in Place-DelSignore Blacktop & Paving
- 3) Curb Mix F.O.B.-Palette Stone
- 4) Automotive Parts – Advanced Auto Parts, D &G Auto, Chromate Industrial, Lawson Products, Schenectady Unit Parts, Orange Motors

Superintendent of Highways reported the cost of asphalt has gone up 32% in the last year.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 163 of 2006, a resolution in connection with a block party to be held in the Peacock Glen Development.

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

WHEREAS, the residents of Peacock Glen Development wish to conduct a block party within the subdivision on August 26, 2006, between the hours of 1:00 pm and 11:30 pm and have requested permission to use a portion of Blue Jay Way between Chickadee Lane and Bluebird Lane for their party activities; now, therefore, be it

RESOLVED, that the residents, with the approval and advice of the Town Highway Superintendent, have permission to use a portion of Blue Jay Way between Chickadee Lane and Bluebird Lane, August 26, 2006 from 1:00 pm to 11:30 pm for their party activities, but must not block off the street and make sure emergency vehicles can gain access to the street if needed, and be it further

RESOLVED, that the residents shall be responsible for all clean-up activities on Town property or on the street right-of-way resulting from the social activity; and be it further

RESOLVED, that a copy of this resolution be sent to the applicable Fire Department, the Ambulance Corps., the Sheriff's Department and State Police.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 164 of 2006, a resolution allocating funds from undesignated surplus.

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

WHEREAS, the Town Board wishes to transfer funds to be allocated as a supplemental budget for the following projects:

Generators for Town Hall, Kinns Building (Senior Center) and Buildings & Grounds Building \$107,500
Appraisals for Acquisition of Open Space 20,000

Total \$127,500

now, therefore, be it

RESOLVED, that \$127,500 be allocated from undesignated surplus to the above referenced projects.

Councilman Roth explained the generators will make the buildings available and operational if there are any major problems in town. He noted the generator currently used by the town hall belongs to the Clifton Park Water Authority.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 165 of 2006, a resolution authorizing the Town Supervisor to sign an Agreement with Clough, Harbour and Associates to conduct a Mohawk Riverfront Public Access Feasibility Study.

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

WHEREAS, the Town of Clifton Park Mohawk Riverfront Committee presented a Final Report 2005 to the Town of Clifton Park Town Board recommending the action of “improving public access to the Mohawk River for recreation” in addition to a number of other recommendations, including “the protection and privacy of Town residents who live near the waterfront,” and

WHEREAS, the 2006 Town of Clifton Park Open Space, Trails and Riverfront Committee generally supports the findings of the 2005 committee’s report and would like to help the Town in identifying feasible sites, but the committee and Riverfront Subcommittee need specialized technical guidance for assessing specific suitability, and

WHEREAS, the proposed feasibility study will include: assessing the Town’s desired needs for waterfront lands, identifying the physical requirements and criteria necessary for feasible public access sites along the Riverfront, and conducting a field assessment to identify potential areas and site that will meet appropriately the Town’s needs for waterfront access, and

WHEREAS, any parcel(s) that may be identified that the town would like to purchase would necessitate a future Town Board decision and resolution at the time of a definite purchase proposal; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to enter into an Agreement with Clough, Harbour and Associates, LLP, to conduct a Mohawk Riverfront Public Access Feasibility Study, at a cost not to exceed \$20,000, to be paid with funds previously designated by Resolution No. 301 of 2005 with a transfer to A-7105-135 (Riverfront-Engineering).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 166 of 2006, a resolution awarding the bid for Contract No. 1, Pump

Station Repair Services for the Clifton Park Sewer District No. 1.

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

WHEREAS, on April 28, 2006 bids were received for the above referenced contract, and

WHEREAS, the low bid for the maintenance and repair of the residential grinder pumps and maintenance and repair of eight sewer system pump stations was submitted by George LaPlante for the total bid amount of \$89,050, and

WHEREAS, as per letter from McDonald Engineering, dated May 3, 2006, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that the total bid in the amount of \$89,050 submitted by George LaPlante be accepted as the lowest most responsible bid; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Park Sewer District No. 1, hereby accepts and awards the above referenced bid to George LaPlante in the amount of \$89,050.

Town Environmental Specialist O'Brien explained the focus is Clifton Park Sewer District No. 1, however, the bid is written in such a way that it covers all Town of Clifton Park Sewer Districts. He stated each district would be billed accordingly. He said it is anticipated, with the addition of Tom Ziobrowski to the sewer district, much of the work will be done in house.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 167 of 2006, a resolution awarding the bid for Contract No. 2, Sewer Line Cleaning for the Clifton Park Sewer District No. 1.

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

WHEREAS, on April 28, 2006 bids were received for the above referenced contract, and

WHEREAS, the low bid for sewer line cleaning and television inspection of designated sewer lines was submitted by Municipal Services in the total bid amount of \$100,000, and

WHEREAS, as per letter from McDonald Engineering, dated May 3, 2006, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that the total bid in the amount of \$100,000 submitted by Municipal Services be accepted as the lowest most responsible bidder; now, therefore, be it

RESOLVED, that the Town Board, acting as Commissioners of the Clifton Park Sewer District No. 1, hereby accepts and awards the above referenced bid to Municipal Services in the amount of \$100,000.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Speaking with regard to the following two resolutions, Supervisor Barrett emphasized the fact that the \$960,000 to be received for these additional units will go to the Open Space Fund for the purchase and protection of additional open space within the GEIS study area.

Resolution No. 168 of 2006, a resolution approving an open space incentive zoning proposal for a residential subdivision of the Heflin property known as Rolling Meadows on MacElroy Road.

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

WHEREAS, under the Town's Open Space Incentive Zoning option for a proposed subdivision in accordance with Section 208-43.16 of the Town Code, the applicant is requesting a density increase of up to twenty-one additional units in exchange for providing the public benefit of \$30,000 per unit for a total of \$630,000 to be placed in a dedicated Western Clifton Park Open Space Incentive Zoning Fund, and

WHEREAS, a project narrative, requested incentive and proposed amenity, subdivision calculations, site location map, constrained and unconstrained plan, and proposed layout was submitted to the Town Board in accordance with Section 208-43.16 of the Town Code, and

WHEREAS, the Planning Board conducted an advisory review of the proposal, and the Town Board has considered the Planning Board's advisory report, and

WHEREAS, the Town Board conducted a Public Hearing on April 3, 2006 to obtain

public comments on the proposal, and

WHEREAS, an Environmental Assessment Form has been prepared for this proposal and the Town Board circulated a request to be Lead Agency under SEQRA for 30 days, and

WHEREAS, the Town Board has reviewed the Environmental Assessment Form and finds that the proposed project including the incentive can be adequately supported and will not significantly impact the environment nor reduce the availability of facilities for projects permitted as of right, and

WHEREAS, the proposal provides a public benefit of funding to be used towards securing permanent open space for the public; now, therefore, be it

RESOLVED, that the Town Board hereby establishes itself as Lead Agency for this proposal under SEQRA and authorizes the preparation of a Negative Declaration and Findings Statement by the Town Engineering Consultant, and be it further

RESOLVED, that the Town Board hereby approves the density increase request of up to a maximum of twenty-one additional units for the property in exchange for open space benefits for the Town of Clifton Park; and be it further

RESOLVED, that the applicant is hereby required to pay in full the amount of \$630,000 to be placed in the designated Western Clifton Park Open Space Incentive Zoning Fund, and such fund may only be utilized by the Town of Clifton Park to acquire lands and interests to lands in Western Clifton Park.

Supervisor Barrett noted there were many positive comments received at the public hearing. He said this process has resulted in an improved development project with contiguous open space. With regard to wetlands on the property, Mr. Kemper explained the resolution reads “up to” 21 additional units so that the Planning Board will have the ability to revise plans, if necessary. He also reported as part of the SEQRA coordinated review, Army Corp of Engineers and DEC have been contacted and they have assured the town that permits will be granted for crossing the wetlands. Councilman Speckhard stated he has no opposition to these two resolutions but in the long term it would be easy for the Town Board to focus in on the money that will become available, however, there are other aspects to consider one being that it does increase local density within the neighborhood and also will increase the cost of the homes. Councilman Roth, speaking in agreement with Councilman Speckhard, said with the zoning change the Town Board is trying to keep the number of homes in western Clifton Park at a minimum. He said it is important for developers to understand the town is looking for open space and not necessarily in terms of dollars. Councilman Roth stated the Planning Board will look at traffic concerns for this project. Supervisor Barrett reviewed the advantages to amenity zoning. Councilman Paolucci said he would prefer to call it open space zoning. He explained the Board’s intent was to reduce the amount of development in western Clifton Park which prior to the zoning change could have allowed some 5000 plus houses. Councilman Paolucci stated while he supports this legislation that doesn’t necessarily

mean that future applications should be “rubber stamped”. He said the Board needs to look at the development potential of the parcel being considered, not in relation to what’s being done but in relation to the previous zoning. Councilman Paolucci further stated residents’ benefits need to be taken into account, e.g. with regard to the Heflin proposal, 43 acres are being preserved on the parcel, \$630,000 into the open space fund, an improved water system, increase in water pressure in a large development and a second means of access. He said most comments received have been positive and believes there are significant positive outcomes in both cases. Councilman Paolucci said the \$30,000 fee is a good fit. Mr. Kemper reported both subdivisions will be placed in park districts. Supervisor Barrett explained at the time of the GEIS and moratorium, development pressure was as high as ever seen.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 169 of 2006, a resolution approving an amenity zoning request on the Boel Property located on Crescent Road.

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

WHEREAS, under the Town’s Open Space Incentive Zoning option for a proposed subdivision in accordance with Section 208-43.16 of the Town Code the applicant is requesting a density increase of up to 11 additional units in exchange for providing the public benefit of \$30,000 per unit for a total of \$330,000 to be placed in a dedicated Western Clifton Park Open Space Incentive Zoning Fund, and

WHEREAS, a project narrative, requested incentive and proposed amenity, subdivision calculations, site location map, constrained and unconstrained plan, and proposed layout was submitted to the Town Board in accordance with Section 208-43.16 of the Town Code, and

WHEREAS, the Planning Board conducted an advisory review of the proposal, and the Town Board has considered the Planning Board’s advisory report, and

WHEREAS the Town Board conducted a Public Hearing on April 3, 2006 to obtain public comments on the proposal, and

WHEREAS an Environmental Assessment Form has been prepared for this proposal and the Town Board circulated a request to be Lead Agency under SEQRA for 30 days, and

WHEREAS the Town Board has reviewed the Environmental Assessment Form and finds that the proposed project including the incentive can be adequately supported and will not significantly impact the environment nor reduce the availability of facilities for projects permitted as of right under the Town of Clifton Park Code, and

WHEREAS, the proposal provides a public benefit of funding to be used towards securing permanent open space for the public; now, therefore, be it

RESOLVED, that the Town Board hereby establishes itself as Lead Agency for this proposal under SEQRA and authorizes the preparation of a Negative Declaration and Findings Statement by the Town Engineering Consultant, and be it further

RESOLVED, that the Town Board hereby approves the density increase request of up to a maximum of eleven additional units for the property in exchange for open space benefits for the Town of Clifton Park; and be it further

RESOLVED, that the applicant is hereby required to pay in full the amount of \$330,000 to be placed in the designated Western Clifton Park Open Space Incentive Zoning Fund, and such fund may only be utilized by the Town of Clifton Park to acquire lands and interests to lands in Western Clifton Park.

Councilman Paolucci explained this application will preserve the rural character in the area by maintaining 18 acres directly adjacent to Crescent Road and believes these applications have met the hurdles of the Town Board's intent. Councilman Roth asked that the Planning Board give consideration to having sewers instead of septic in this subdivision. Mr. Kemper said this subdivision is outside the Saratoga County Sewer District but the Town Board has the option to extend the Clifton Park Sewer District No. 1. Mr. O'Brien noted the County can extend their district. Councilman Paolucci spoke in favor of the project's design. Supervisor Barrett stated the new law will result in 60 percent reduction in housing in the study area.

Also see comments above under Resolution No. 168.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 170 of 2006, a resolution authorizing a \$500 expenditure from the Hurricane Katrina Fund.

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

WHEREAS, students at Acadia Middle School conducted a book drive to collect used books for five charitable organizations (Albany Medical Center's Pediatric Unit, a Schenectady elementary school in need, a local pre school for autistic children and two schools in Mississippi), and

WHEREAS, the drive was very successful and now the students at Acadia Middle School are in need of money for postage to ship books to Mississippi to help schools devastated by Hurricane Katrina, and

WHEREAS, the Town of Clifton Park has established a fund to aid victims of Hurricane Katrina and the Town Board would like to pay \$500 for the shipping cost to help the students at Acadia Middle School with their project; now, therefore, be it

RESOLVED, that \$500 be expended from the Hurricane Katrina Fund, to the Acadia Middle School students to help with the cost of shipping books to schools in Mississippi.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 171 of 2006, a resolution adopting Local Law No. 4 of 2006, a local law amending Chapter 103, Article II, Local Activity Fees.

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

WHEREAS, Steven Myers, Director of Building and Development, has recommended that a fee schedule for fire inspections be established, and

WHEREAS, on April 10, 2006, at 7:20 pm a public hearing was conducted to obtain comment from the public regarding this matter; now, therefore, be it

RESOLVED, that Local Law No. 4 of 2006, a local law amending Chapter 103, Article II, Local Activity Fees, is hereby adopted, and be it further

RESOLVED, that the Town Clerk file said local law with the New York State Department of State as required by law; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

Local Law No. 4 of 2006, a local law amending
Chapter 103, Article II, Local Activity Fees

Section 103-17, Fire Inspection Fees

Educational Occupancies: \$ 50.00

Multiple Dwellings: R-1 & R-2 Occupancies:

0-50 Units \$ 50.00

51-100 Units \$ 75.00

101 + Units \$100.00

R-3 Occupancies including Adult and Child Care: \$ 50.00

R-4 Occupancies: Residential Care & Assisted Living: \$100.00

Business and Mercantile: Groups B & M Occupancies

\$ 10.00 per tenant up to 500 SF

\$ 25.00 per tenant 501 to 2500 SF

\$ 50.00 per tenant 2501 to 5000 SF

\$ 75.00 per tenant over 5000 SF

Common Building areas not applicable to any one tenant \$ 50.00

Industrial and Storage Occupancies: Groups F-1, F-2, S-1, & S-2:

\$ 50.00 per tenant up to 5000 SF

\$ 100.00 per tenant over 5000 SF

Assembly Spaces: Groups A-1, A-2, A-3, A-4 & A-5:

Up to 50 people \$ 20.00

51 – 250 people \$ 40.00

251 – 500 people \$ 60.00

501 – 1000 people \$ 75.00

Over 1000 people \$ 100.00

Institutional Occupancies: Group I:

Up to 2500 SF \$ 25.00

Over 2500 SF \$ 50.00

Miscellaneous and Utility: Group U:

\$ 25.00 per tenant up to 2500 SF

\$ 50.00 per tenant over 2500 SF

Hazardous Occupancies: Group H:

\$ 50.00 per tenant up to 2500 SF

\$ 75.00 per tenant 2501 to 5000 SF

\$ 100.00 per tenant over 5000 SF

Fireworks:

\$ 25.00 per event (maximum of \$100.00 for the year per vendor)

Vendors will not be charged a fee if they have more than 4 events in a year.

Surcharge for inspections before or after normal business hours or for special events (not including fireworks): \$ 50.00 per hour

Fireworks fees to be retroactive to and effective as of January 1, 2006

Re – Inspection Fee:

One re – inspection is included with the initial fee. Additional re- inspections required after that will be charged at twice the initial fee for each subsequent inspection.

Waiver of any and all fees are at the discretion of the Director of Building and Development with Town Board approval.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 172 of 2006, a resolution adopting Local Law No. 5 of 2006, a local law amending Chapter 208, Zoning, Article II, Section 73-10, of the Town Code, Duties of Enforcement Personnel.

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

WHEREAS, Steven Myers, Director of Building and Development, has recommended that the Town Code be amended regarding duties of Enforcement Personnel, and

WHEREAS, on April 10, 2006, at 7:10 pm, a public hearing was conducted to obtain comment from the public regarding this matter; now, therefore, be it

RESOLVED, that Local Law No. 5 of 2006, a local law amending Chapter 208, Article

II, Section 73-10, of the Town Code, Duties of Enforcement Personnel, is hereby adopted, and be it further

RESOLVED, that the Town Clerk file said local law with the New York State Department of State as required by law; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

(Clerk's Note – This local law deletes Section 73-10 B)

LOCAL LAW NO. 5 OF 2006

Article II, Section 73-10, Duties of Enforcement Personnel

ARTICLE II Fire Prevention

§ 73-10. Duties of enforcement personnel.

Under the direction and supervision of the Director, the Chief of the Bureau of Fire Prevention or any other code enforcement officer appropriately qualified in modern methods of fire prevention shall perform the following duties:

A. Fire Safety inspections as listed in § 73-13 below.

[B. Investigations of all structural fires and other fires and/or emergencies involving the fire service as specifically requested by the Chiefs of the Fire Departments or the Fire Department officer in charge at the scene of the fire or emergency. When, in the opinion of the investigating officer and/or the Fire Department officer in charge, a fire or explosion is of suspicious origin, an immediate investigation shall be requested from the police agency having jurisdiction over the area.]

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 173 of 2006, a resolution adopting Local Law No. ___ of 2006, a local law amending Chapter 171, Signs, Section 171-4, Prohibitions; applications; exemptions and Key to Sign Charts, as adopted by Local Law No. 27 of 1989, as amended.

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

WHEREAS, Steven Myers, Director of Building and Development, has recommended that the Sign Law be amended, and

WHEREAS, on May 1, 2006, at 7:10 pm a public hearing was conducted to obtain comment from the public regarding this matter; now, therefore, be it

RESOLVED, that Local Law No. ___ of 2006, a local law amending Chapter 171, Signs, Section 171-4, Prohibitions; applications; exemptions and Key to Sign Charts, is hereby adopted, and be it further

RESOLVED, that the Town Clerk file said local law with the New York State Department of State as required by law; and be it further

RESOLVED, that this local law shall take effect immediately upon its adoption.

Councilman Paolucci questioned prohibiting not-for-profit signs in commercial areas. Supervisor Barrett expressed concern with this proposed legislation, noting the time signs can be up for a primary election has been extended. The current legislation states September 1st but the new legislation would bring the date to mid-August. It was decided further review of the proposed legislation is necessary.

MOTION TO TABLE by Councilman Paolucci, seconded by Councilman Roth, to table the resolution.

ROLL CALL VOTE ON MOTION

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

Noes: None

MOTION CARRIED

PUBLIC PRIVILEGE

Jim Baisley, Barkwood Drive, asked why money is coming out of the general fund for open space appraisals in western Clifton Park.

Supervisor Barrett responded this can be used for open space appraisals anywhere in town. (\$20,000 referred to in Resolution No. 164.)

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

Motion carried at 9:38 p.m.

Patricia O'Donnell
Town Clerk

