

**Clifton Park Town Board Meeting Minutes
February 12, 2007**

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
Deputy Town Clerk Brobston

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
Kathleen Maynard, Director of Planning
Steven Myers, Director of Building and Development
Michael Shahan, Town Administrator

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett congratulated Parks, Recreation & Community Affairs Director Myla Kramer and her staff for a very successful Winter Fest this past weekend. New activities offered were a tour of the Dwaaskill Nature Preserve, Kinns Road Park Cross Country racing, Clifton Park Idol and Clifton Park's Best Pizza Contest. He announced that Ferretti's Pizza won the contest for both best pizza and best cheese toppings. He thanked judges, Dan Bazile, Emily Cusick, Sandy Roth, Dian Dippold and Dennis Yusko for their expertise and time. Winner's of the Clifton Park Idol were Jamie Burton, Lauren Bailey, Michelle Ann Flynn Borecki.

Councilman Speckhard requested the 21st Century PDD be placed on the agenda for tonight.

Councilman Paolucci announced the acceptance of memberships for the 2nd season of the Skateboard Action Park will be starting February 20, 2007 in the Parks, Recreation & Community Affairs office.

Councilman Roth thanked the Parks, Recreation & Community Affairs Department for the Winter Fest.

PRESENTATIONS

Resolution No. 43 of 2007, a resolution honoring David Miller and Jim Romano for their outstanding commitment to the Town of Clifton Park.

Introduced by Supervisor Barrett, who moved its adoption, seconded by the entire Town Board.

WHEREAS, David Miller and Jim Romano have dedicated themselves to the Clifton Park Open Space Committee serving as co-chairmen since February, 2001, spending countless hours in public meetings, hearings and conducted charrettes in multiple location throughout town in order to obtain maximum public comment and feedback regarding the Town's Open Space initiatives, and

WHEREAS, David Miller and Jim Romano lent their professional expertise on behalf of The Clifton Park Open Space Initiative, consulting with the Town Board, Planning Board, Town Engineers, the environmental community, with members of the general public, and invested innumerable hours in the drafting of a comprehensive Open Space Plan, for presentation to the Town Board, and

WHEREAS, the Town Board was pleased to adopt the committee's comprehensive Open Space Plan, which has been recognized for its depth and breadth and which has helped Clifton Park to be recognized for leadership and innovation in the areas of Open Space Preservation throughout the state and region, and

WHEREAS, Mr. Miller and Mr. Romano oversaw the transformation of the Open Space Committee from a planning committee to an implementation committee in 2004, and helped the Town Board to identify the first major Open Space parcels for acquisition and for the purchase of development rights, as well as the consolidation of the Open Space Committee with the River Committee, and Town-wide Trails Committee in 2006, and

WHEREAS, these individuals have continued to volunteer their time and expertise, and to dedicate themselves to the community, through their leadership and tireless commitment to the Open Space, Riverfront and Trails initiatives and their spirit of volunteerism, and their example of civic-mindedness; now, therefore, be it

RESOLVED, that in recognition of six years of dedicated service to Clifton Park, and the time, effort, expertise and leadership provided to The Clifton Park Open Space Plan, the Open Space Committee, and, more recently, the combined Open Space, Riverfront and Trails Committee, the Town of Clifton Park does hereby grant our ceremonial keys to the Town to Jim Romano and to David Miller, as outstanding examples of citizens who give of their time and expertise to their community.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Supervisor Barrett and Councilman Roth presented the “Keys to the Town of Clifton Park” to Dave Miller and Jim Romano, co-chairs of the Open Space, Riverfront and Trails Committee. Supervisor Barrett recognized and thanked them for all their volunteer efforts toward Open Space and throughout the community.

PUBLIC PRIVILEGE ON RESOLUTIONS

Norman Goldman, London Square Drive, recommended adding more information under Resolutions column on the Agenda. He questioned if resolutions should be added to the meeting that are not on the agenda. He voiced concerns about the mailing out of the Open Space Report Card.

Supervisor Barrett requested Kate Maynard, Director of Planning, for an update on total acres with Conservation Easements.

Resolution No. 44 2007, a resolution accepting an application for a conservation easement.

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

WHEREAS, a public hearing was held on January 16, 2007 in order to receive public comment regarding a conservation easement application for a parcel at 759 Waite Road, (SBL 264-2.58.4) Eagle Crest Golf Club, in accordance with Local Law No. 12 of 1996, and

WHEREAS, the Town Board has considered the application and the comments received; now, therefore, be it

RESOLVED, that the application for a parcel at 759 Waite Road (SBL 264-2.58.4) Eagle Crest Golf Club is hereby accepted and is granted a conservation easement in accordance with the provisions of Local Law No. 12 of 1996; and be it further

RESOLVED, that the applicant, whose parcel has been granted a conservation easement, shall execute an agreement provided by 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. 45 of 2007, a resolution authorizing employees from the Building & Development Department to attend training for Onsite Wastewater Treatment.

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

WHEREAS, Code Enforcement Officers are required by New York State Statute to undergo 24 hours of in-service training on an annual basis, and

WHEREAS, the Foundations of Onsite Wastewater Treatment training is designed to give their members the needed hours to complete the 24 hour statutory requirement for in service education for all Code Enforcement Officers to maintain their certification, and attendance at this seminar would provide a public benefit to the Town; now, therefore, be it

RESOLVED, that the Building & Development Department is authorized to send Patrick Jarosz and Derek Miller to the Foundations of Onsite Wastewater Treatment training in Ballston Spa, New York, March 29, 2007 at a cost not to exceed \$226, as budgeted in item A-3620-001 (Building & Development-Travel & Conferences); and be it further

RESOLVED, that Patrick Jarosz and Derek Miller be authorized to use a Town vehicle for their transportation to and from this conference.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 46 of 2007, a resolution authorizing the Supervisor to sign change order No. 1 for the Highway Garage Sanitary Sewer Contract No. 2 Electrical Contract.

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

WHEREAS, Resolution No. 363 of 2006 authorized a contract for Highway Garage Sanitary Sewer System Contract No. 2 – Electrical Work, and

WHEREAS, a Change Order was prepared by McDonald Engineering which provides the

breakdown of individual item costs, and

WHEREAS, the Change Order results in a decrease of \$556.59 for Highway Garage Sanitary Sewer System Contract No. 2 – Electrical Work from the current amount of \$5,000 to arrive at a new contract amount of \$4,443.41; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No. 1 dated January 4, 2007, to Brownell Electrical Corp; and be it further

RESOLVED, that the decrease amount of \$556.59 be released from encumbrances A-5132-200 (Highway Garage – Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 47 of 2007, a resolution authorizing Christ Community Reformed Church to use Town roadways in the Calico Colony subdivision and The Clifton Common for a race event.

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

WHEREAS, the Christ Community Reformed Church is organizing a 5k Road Race to take place in the Calico Colony Subdivision and The Clifton Common on September 29, at 4pm; now, therefore, be it

RESOLVED, that authorization is hereby given to Christ Community Reformed Church to use Damask Drive, Lace Lane, Plaid Place and the Clifton Common on September 29 for a race event.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 48 of 2007, a resolution authorizing the Director of Parks, Recreation and

Community Affairs to attend the New York State Recreation and Park's Society Annual Conference and Business Expo.

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

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has requested authorization to attend the New York State Recreation and Parks Society 67th Annual Conference and Business Expo, to be held in Buffalo, New York, and

WHEREAS, the Director's attendance at this conference will confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, that the Director of Parks, Recreation and Community Affairs is hereby authorized to attend the New York State Recreation and Parks Society Annual Conference and Business Expo, April 22-25, 2007, in Buffalo, New York, at a cost not to exceed \$589.75 for registration and hotel, to be paid from A-7021-001 (Parks and Recreation-Training & Conference); and be it further

RESOLVED, that Myla Kramer be authorized to use a Town vehicle for her transportation to and from this conference.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 49 of 2007, a resolution authorizing the hiring of Adventure Challenge Staff per Schedule A.

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

WHEREAS, it is necessary that Adventure Challenge Staff be hired to conduct the 2007 Project Adventure Program within the Department of Parks, Recreation and Community Affairs; now, therefore, be it

RESOLVED, that the individuals on the annexed Schedule A are appointed to said positions at the salary amounts listed, to be paid from A-7621-E2360 (Project Adventure

Staff) and A7621-E2350 (Project Adventure Coordinator).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 50 of 2007, a resolution awarding the bid for the Grooms Tavern Restroom Construction in the Town of Clifton Park.

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

WHEREAS, on January 17, 2007, bids were received for the above referenced contract, and

WHEREAS, the low bid for Grooms Tavern Restroom Construction was submitted by Bast Hatfield in the total bid amount of \$27,879, and

WHEREAS, as per a letter from McDonald Engineering, dated January 18, 2007, McDonald Engineering has reviewed the bids and has recommended to the Town Supervisor that the total bid in the amount of \$27,879 submitted by Bast Hatfield, be accepted as the lowest most responsible bidder; now, therefore, be it

RESOLVED, that the Town Board hereby accepts and awards the above referenced bid to Bast Hatfield in the amount of \$27,879, the funds to come from amounts previously designated in Resolution No. 418 of 2006 and transfer to A-1627-200 (Grooms Tavern – Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Steven Myers, Director of Building & Development, stated that at 8 Westchester Drive frozen water pipes have burst with the water going into the walls of the neighbors. The property is vacant at this time. The owner has been notified. He stated an investigation is needed.

Resolution No. 51 of 2007, a resolution authorizing Steven Myers, Director of Building and Development, to perform emergency procedures pursuant to Chapter 77-4 of the Clifton Park Town Code.

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

WHEREAS, The Building Inspector is charged by The Town Code with code enforcement of the Unsafe Buildings Law, and

WHEREAS, The Building Inspector has reported a condition which, in his professional opinion warrants immediate action in order to prevent imminent harm to the general public and to property owners immediately adjacent to 8 Westchester Drive, Clifton Park, and has duly reported those facts to the Town Board pursuant to Clifton Park Town Code Chapter 77-4; now, therefore, be it

RESOLVED, that the Director of Building and Development is hereby authorized to invoke the procedures outlined in the Town's Unsafe Buildings Law, Chapter 77-4, to provide a notice to the Buildings owner, pursuant to Section 77-6, and to undertake such invasive investigations that are necessary and proper to determine the nature and extent of residual water leaks and standing water within the structure of 8 Westchester Drive, Clifton Park, and to report back to the Town Board upon those findings.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Councilman Speckhard requested the proposed PUD amendment to move forward at this time. He stated the application has been around for quite some time and feels the pro's and con's have been discussed. With increasing numbers of Seniors there is a real need for this proposal. He felt there has been no real formal interest in the Corporate Commerce Zone and the proposed application fills a need at this time. He explained that the mandate of at least 80% of the units occupied by at least one person 50 years or older does not mean 20% can be sold to people who are under 50 years old. It means if a family is living there and the 50 year old or older one dies and the surviving person is younger than 50 years old they can continue to live there.

Supervisor Barrett stated this proposal is half the size of the original application. He stated this type of age restricted housing is very popular and needed at this time. Clifton Park does not have a lot of that type of housing to offer.

Councilman Roth expressed his continued concern about the traffic flow for this project. He would like to make the area as safe as possible for the residents. He stated during the past week he had conversations with Mr. Wagner and Mr. Fitzgerald and indicated to them what he felt would be appropriate concerning traffic and the safety of the residents. He asked them to put in writing to the Planning Board Mr. Wagoner's commitment to address the Town Boards concerns. He would like to see these items included in the approval of the project. He would like to see a light at the intersection. The letter was presented to the Town Board. It included a suggestion of an additional lane on Rte. 146, a light at Tanner & Miller Rds., pending DOT approval, and a stacking lane coming out of the project. He didn't feel there is interest in the Corporate Commerce Zone in this area. He suggested this area be designated as senior housing. He stated senior housing is included in the Comprehensive Plan.

Councilman Speckhard questioned if the letter written by Mr. Wagner can be included in the proposal.

Attorney McCarthy stated the letter will be a part of the package when referred back to the Planning Board. He stated the Planning Board has recognized the mentioned issues.

Councilwoman Walowit stated she feels it is important to provide opportunities of "downsizing" homes for all members of the community.

Councilman Paolucci stated he understands the Planning Board gave this project a qualitative review. He doesn't think the process allows them to do anything else because other studies need to be completed to make sure the project moves forward safely. He stated when the project goes back to the Planning Board they will deal with the issues of concern. He stated by looking at other projects developers have numbers they need to hit to make the project work. He understands Mr. Wagner had originally committed to \$250,000 for remediation of Rte. 146. He was glad to see the letter of commitment from Mr. Wagner who is willing to go the whole way so the Town doesn't have to make up the balance to make the project work. Concerning the Corporate Commerce Zone, he supports looking at a different direction for this zone.

Councilman Paolucci suggested a sunset provision. He is concerned that if the Town Board approves this change, and down the road the developer is not able to follow through with the project, then a time frame be put in place for it to return to the current zone.

Attorney McCarthy stated a sunset provision on a PUD is valid. The Town Board could consider any time frame they wanted.

Discussion was held on the consideration and time frame of the sunset provision.

Attorney McCarthy suggested adding the amendment to the bottom of page 2 of the

proposed legislation. The amendment would state “Should the project not receive final approval for the site plan process within sixty months of submission to the Town Planning Board, the zoning shall revert to its existing zoning status as it appears in the Clifton Park Town Code on February 11, 2007.”

MOTION BY Councilman Paolucci to amend the legislation, seconded by Councilman Speckhard to amend the legislation as follows: “Should the project not receive final approval for the site plan process within sixty months of submission to the Town Planning Board, the zoning shall revert to its existing zoning status as it appears in the Clifton Park Town Code on February 11, 2007.”

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

Resolution No. 52 of 2007, a resolution adopting Local Law No. 1 of 2007, a Local Law amending establishing the 21st Century Mixed Use Planned Development District and amending Local Law Nos. 10 of 1967 and 3 of 1969 as amended.

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

WHEREAS, the applicant has applied for an amendment to the existing Planned Development District and for a resolution effecting a change to the Town Code which would modify the existing Zoning code to allow and encourage age restricted residential housing with a mandate that at least 80 % of the units are to be occupied by at least one person 50 years or older, and

WHEREAS, a public hearing was held on February 5, 2007, in order to receive public comment on the application for an amendment to Planned Development District No. 2, formerly zoned light industrial, and

WHEREAS, on December 15, 2006, the Planning Board sent a memorandum to the Town Board supporting the overall concept of senior housing at the site of the existing , and recommending approval of the PDD, and

WHEREAS, the Board recognizes the need for expanded opportunities for such housing within the Town; now, therefore, be it

RESOLVED, The Town Board hereby adopts Local Law No. 1 of 2007, a local law amending Local Law Nos. 10 of 1967 and 3 of 1969, 21st Century Mixed Use Planned Development District, as per the attached Exhibit A; and be it further

RESOLVED, that the Town Clerk file said notice with the New York State Department of State as required by law.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Local Law No. 1 of 2007
21st Century PUD Amendment

Title.

This local law shall be known and may be cited as “Local Law No. 1 of 2007,” providing for the modification of a planned unit development district to be known as “Planned Development District No. 2 – Conservation Residential.”

Establishment of District.

Local Law No.1 of 2007, entitled “Planned Development District No. 2 – Conservation Residential, “and further amending Local Law No. 3 of 1969 of the Town of Clifton Park as set forth therein and made a part therein and made a part thereof, be and the same is hereby amended, by adding senior housing use to the existing PDD, consisting of approximately 23.5 acres, as hereinafter described in Exhibit A, attached hereto and made a part hereof, designating and creating boundaries of such described area Planned Development District known as “Planned Development District No. 2 – Conservation Residential of the existing which will have the additional designated use allowing for senior housing.

Boundaries.

The area of modification of Planned Development District consists of approximately 23.5 acres located, and bounded and described specifically on Exhibit A, attached hereto and made a part hereof.

Development.

A. The development of the Planned Development District No. 2 – Conservation Residential has been presented and is described according to a sketch plan filed with the Town Planning Board of the Town of Clifton Park. This sketch may be changed, altered or amended by approval of the Planning Board.

B. The Planned Development District No. 2 – Conservation Residential modification will allow the initial construction of 51, 2-story attached townhouses with at least on garage space per unit plus additional outside surface parking. Future phases may be constructed so that the total gross density of all phases does not exceed 6 units per acre of constrained and unconstrained land. The senior townhouses would be market-based product, with units being offered for sale. A homeowners association would be established that would be responsible for all exterior upkeep on the buildings, lawn services, plowing, etc. The internal roads would be privately owned and maintained by the homeowners association.

C. Parking setbacks and building setbacks will be as displayed on Exhibit A. No unit shall be constructed closer to N.Y.S. Route 146 than 100' to the R.O.W.

D. The design shall incorporate a potential future road connection to the adjoining property to the east.

E. Parking areas shall be provided at all times and shall be not less than required by the Zoning Regulations when the construction of the entire development as planned is completed.

F. On-site directional signage shall identify individual buildings as required. The size, height, lettering, style, illumination and placement of all signs shall be in accordance with the Town's signage and Zoning Code requirements.

G. Any traffic improvements that may be necessary to Route 146 and/or the Miller/Tanner Road intersection with Route 146 shall be determined by the Planning Board, upon presentation by the developer of necessary traffic studies, etc.

Occupancy of Senior Housing.

A. It is the intention of the development of the Senior Townhouses that the Senior Townhouses will be marketed for total occupancy by persons 50 years of age and older. At least eighty (80%) percent of the Senior facility shall be occupied by at least one person per unit who is 50 years of age or older. It is the intention that the developer of the Project will market the Project occupancy by Senior citizens.

C. The Senior Housing will be marketed to the public as housing for persons aged 50 or older.

D. The complex will be maintained such that 80% of the units will be occupied by at least one tenant who is 50 years or older expecting that surviving spouse or significant others under the age of 50 may continue to live in the units irregardless if the percentage of occupancy falls below 80%.

Water and Sewerage Facilities.

Water shall be provided by the Clifton Park Water Authority.

The Sewer system is to be serviced through the Saratoga County Sewer District No. 1.

Construction Regulations.

All improvements shall be designed and constructed pursuant to plans and specifications approved by a duly licensed architect and/or engineer and in full compliance with the New York State Uniform Fire Prevention and Building Code. When completed, these improvements shall be certified as having been constructed in full compliance with the New York State Uniform Fire Prevention and Building Code. The engineer and/or architect performing the work herein described shall be employed and at the sole expense of the owner/developer. All construction shall be subject to inspection and approval by the appropriate officials of the Town of Clifton Park.

Sunset Provision.

Should the project not receive final approval for the site plan process within sixty months of submission to the Town Planning Board, the zoning shall revert to its existing zoning status as it appears in the Clifton Park Town Code on February 11, 2007.

Submission of Plans.

Prior to commencement of any phase of construction within the planned unit development, or prior to issuance of any building permit, final site plans and specifications shall be submitted to the Planning Board for its review and approval in accordance with the Town Code of the Town of Clifton Park.

PUBLIC PRIVILEGE

Norman Goldman, London Square Dr., stated he has no political affiliation. He stated the PDD proposal should not have been added to tonight's agenda. He read a prepared statement regarding Character Counts Program and Ice Arena.

Bob Gauvreau, Oakwood Blvd., stated his concern for senior housing, "downsizing" and questioned why there is a need for age restricted housing.

Mr. Goldman continued reading from a prepared statement regarding the recent financial audit report, eminent domain on trails, senior housing, the position of Executive Assistant of the Planning Board, Corporate Commerce Zone and the Towns Open Space.

Councilman Paolucci explained to Mr. Goldman that it is stated in the Towns Open Space policy that the Town Board would not acquire open space areas except on a willing buyer, willing seller type of arrangement. It was never discussed in terms of trails and trails development.

MOTION by Councilman Paolucci, 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 9:00 p.m.

Teresa J. Brobston
Deputy Town Clerk