

January 18, 2011

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 Hughes
Councilman Romano
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Paolucci

Also Present: Town Attorney McCarthy
Michael Shahen, Town Administrator
Mark Heggen, Comptroller
Steven Myers, Director of Building and Development
John Scavo, Director of Planning

MOTION BY Councilwoman Walowit, seconded by Councilman Romano, to approve the minutes of the January 3, 2011 organization and regular meetings as presented.

ROLL CALL VOTE

Ayes: Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

None

Supervisor Barrett, noting there are several public hearings, explained most of them are housekeeping changes to match the State Code. The public hearings are stretched out to 7:50 p.m. and with the inclement weather, the Supervisor said some of the public hearings may be started sooner than time noted. (Clerk's note: as of 7 p.m. there were two members of the audience).

**PUBLIC HEARING, 7:10 PM
TO CONSIDER A LOCAL LAW AMENDING
CHAPTER 171, SIGNS**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on January 10, 2011.

Supervisor Barrett explained these are digital signs that sometimes are brightly colored with messages that change on an ongoing basis. He continued concern has been brought to his attention regarding the proliferation of these signs. The Supervisor said he would like to have discussion on not only on the proposed change but on areas where these signs would be allowed.

Town Attorney McCarthy said he and Mr. Myers have looked at the Town of Colonie legislation and have kept the drafting of the proposed legislation very simple. He reviewed the proposed legislation, noting under this draft, signs would be prohibited on all zones.

Director of Building and Development Myers said he has concerns with eliminating these signs in all zones as gas stations use animated signs to change gas prices since prices change so frequently.

Supervisor Barrett said he doesn't think these signs have a detrimental effect in the Exit 9 area, however, there are business areas at the Northway exits that are in and around residential areas and an LED sign might be more offensive to nearby residents. The Supervisor questioned if signs can be regulated based on different business zoning designations or areas of town by drawing boundaries.

Mr. Myers responded his initial proposal was to eliminate them to all residential zones. He continued if they were limited to just B4 and B4A zones that would include the mall area and north on Route 9 which are the heaviest commercial areas.

Discussion ensued as to limiting the animated signs to the B4 and B4A zones, however, Mr. Myers noted there are gas stations in B3 zones and, perhaps certain, but not all, B3 zones could be designated for the signage. Councilman Romano asked if the legislation could restrict gas station LED signs for "pricing only". Supervisor Barrett said Exit 8 and Exit 10 are sensitive areas as the zoning goes from business to residential. Mr. Myers said legislation could state businesses in a B3 zone requesting LED signage would have to go through the Zoning Board of Appeals for approval. Town Attorney McCarthy asked by what standard the Zoning Board would judge the request since the Board only has two standards, area and use.

Mr. Myers said the billboard overlay zone has not been addressed, noting there are neighboring towns that have digital billboards. He believes at this time a company would have to get a use variance from the Zoning Board for a digital billboard in Clifton Park.

The public hearing was opened for comments from the audience at 7:26 p.m.

Tim Golden, Summerlin Drive, said he chose to live in Clifton Park because of the rural feel to the town but with access to resources and amenities. He expressed concern with the proliferation of LED signs that will adversely impact the look and feel of the town, though in some zones may be acceptable. Mr. Golden said he is in favor of further delineating the Town Code.

Supervisor Barrett said he would like to see more specifics on the zoning areas. He asked Messrs. Scavo and Myers to look at business areas of town and have information ready prior to the next Town Board meeting. He stated he does not want to place a burden on businesses.

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 7:30 p.m.

PUBLIC HEARING, 7:15 PM
TO CONSIDER A LOCAL LAW AMENDING
CHAPTER 103 BUILDING PERMIT FEES

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on January 14, 2011.

Director of Building and Development Myers reviewed the proposed local law explaining this will change the Town Code requirement of 101 square feet to match the State Code of a minimum of 144 square feet.

The public hearing was opened for comments from the audience at 7:30 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:32 p.m.

PUBLIC HEARING, 7:20 PM
TO CONSIDER A LOCAL LAW AMENDING
CHAPTER 138 JUNKYARDS

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on January 10, 2011.

Director of Building and Development Myers reviewed the proposed local law explaining the Code Enforcement office found the need for more authority regarding junkyards and this legislation will give the town more ability to enforce some issues found over time, It further defines what junk/rubbish is in order to control quantities that can be accumulated on property. Mr. Myers said the proposed legislation reads “three cubic yards in commercial zones or two cubic yards in all other zones” and he recommends reducing it to one cubic yard in all other zones. He said he understands residents have gravel or mulch dropped off and this legislation would not cover that unless the gravel or mulch (wood) remained over a long period of time.

The public hearing was opened for comments from the audience at 7:34 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:36 p.m.

Mr. Myers noted the change in Junkyard definition will also apply in Section 208-7.

PUBLIC HEARING, 7:25 PM
TO CONSIDER A LOCAL LAW AMENDING
CHAPTER 73, ARTICLE II SECTION 19

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on January 14, 2011.

Director of Building and Development explained the proposed legislation deletes this section of the Town Code having to do with accessibility to premises and replaces it with the State Code.

The public hearing was opened for comments from the audience at 7:37 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:38 p.m.

PUBLIC HEARING, 7:30 PM
TO CONSIDER A LOCAL LAW AMENDING
CHAPTER 73-13 FIRE PREVENTION

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on January 10, 2011.

Director of Building and Development Myers explained this proposed legislation extends the interval for nonresidential fire safety inspections from two to three years and will match the State Code.

The public hearing was opened for comments from the audience at 7:39 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:40 p.m.

PUBLIC HEARING, 7:35 PM
TO CONSIDER A LOCAL LAW AMENDING
CHAPTER 86-7 SPDES GENERAL PERMIT

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on January 14, 2011.

Director of Building and Development Myers said this is to change the permit number for the new SPDES permit.

The public hearing was opened for comments from the audience at 7:40 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:41 p.m.

PUBLIC HEARING, 7:40 PM
TO CONSIDER A LOCAL LAW AMENDING
CHAPTER 86-6 STREETS

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on January 10, 2011.

Director of Building and Development Myers explained the State Fire Code upgrades the standard weight that the road must support from 56,000 to 75,000 pounds. He noted trucks and equipment are getting heavier.

The public hearing was opened for comments from the audience at 7:41 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:41 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 27 of 2011, a resolution authorizing Judge Robert Rybak, Town Councilman Thomas Paolucci and Court Clerk Connie Brown to attend the Association of Town's meeting.

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

WHEREAS, the New York State Association of Towns will be holding its annual meeting from February 20-23, 2011 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 Judge Robert Rybak, Town Councilman Thomas Paolucci and Court Clerk Connie Brown are hereby authorized to attend the New York State Association of Town's meeting in New York City from February 20-23, 2011; and be it further

RESOLVED, that meals, and other incidentals be paid per the stated 2011 per diem.

ROLL CALL VOTE

Ayes: Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 28 of 2011, a resolution of support of the Association of Town's positions to be voted on at the Association of Town's Annual Meeting.

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

WHEREAS, the Association of Town's Annual Meeting will be held February 20-23, 2011, and

WHEREAS, resolutions concerning various topics have been prepared by the Association of Town's Resolutions Committee and sent to the Towns to review prior to the annual meeting; now, therefore, be it

RESOLVED, that the Town Board, after having reviewed the resolutions, has authorized delegate Thomas Paolucci to vote to adopt the proposed resolutions on behalf of the Town of Clifton Park as indicated in attachment "A", 1, 2, 4-11.

Councilman Hughes explained the Association of Town's Resolution No. 3 regarding Property Tax Cap has been omitted from the town's resolution but in no way is meant to signify that the town is not in support of a property tax cap. He said the Town Board is looking to do a resolution in support of having the legislature and governor move forward on a property tax cap. The Town Board feels the resolution put forth by the Association needs to be stronger. The Association is calling for defined form of four percent which could include an increase given the inflation rate and also calls for a super majority of the Town Board to override it. The Town Board wants more safeguards which would give better protection for the taxpayers and is looking at a hard two percent cap for property taxes. The Town Board will bring a resolution forward in the next few weeks that will have "more teeth" and affords more protection.

Supervisor Barrett asked what the town could expect in a state property tax cap. Councilman Hughes said it would be a minimum of four percent a year and would include a percentage of the inflation rate that could easily become six to seven percent a year at a minimum. Supervisor Barrett, stating he fully supports a tax cap, said his fear is with any state tax cap there will be so many way around it.

ROLL CALL VOTE

Ayes: Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 29 of 2011, a resolution rescheduling the February 14, 2011 Town Board Meeting to February 28, 2011.

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

WHEREAS, the second Town Board Meeting for the month of February is scheduled for February 14, 2011, and

WHEREAS, it is necessary to reschedule the meeting of the 14th of February; now therefore, be it

RESOLVED, that the Town Board Meeting scheduled for February 14, 2011 is hereby rescheduled to February 28, 2011.

ROLL CALL VOTE

Ayes: Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

Resolution No. 30 of 2011, a resolution approving a Letter of Intent with Energenics Systems LLC to advance Project for Solar Arrays Power Station on the capped Clifton Park landfill.

Introduced by Councilman Hughes, who moved its adoption, seconded by Councilman Romano.

WHEREAS, Energenics Systems LLC and Consulting Engineers Barton and Loguidice submitted a Feasibility Study to analyze a potential solar energy project at the capped Clifton Park landfill in May of 2010, and

WHEREAS, the Town has reviewed the study submitted and has gathered information on other similar projects in the neighboring States of Massachusetts and New Jersey, and

WHEREAS, the project proposed would be the first of its kind in New York State for capped landfills, and

WHEREAS, the study has determined the feasibility of constructing a photo voltaic solar energy system, with a utility scale distributed power station, cogeneration, waste heat generators and energy storage devices, and

WHEREAS, elements of the project as described have been discussed with the Department of Environmental Conservation, and

WHEREAS, the project, as envisioned, would utilize 20± acres of the capped landfill that is otherwise unused, promote renewable energy, monetize the existing landfill asset, and demonstrate the feasibility of such projects within New York State; now, therefore, be it

RESOLVED, that the Town Board commits to entering good faith negotiations with Energenics for a long term lease for the Clifton Park landfill property on a positive revenue basis, and be it further

RESOLVED, that the Supervisor is authorized to sign the attached Letter of Intent outlining the obligations of the Town and of Energenics Systems LLC regarding lease negotiations, required conditions and expected milestones.

Supervisor Barrett thanked Councilman Romano for his work on this project, noting he has an extensive background in energy matters. He said it would be difficult for Energenics to look for funding without some kind of commitment from the Town of Clifton Park.

Councilman Romano said this is a good opportunity for the town to take an asset and generate some revenue. He said he and Mr. McCarthy have researched projects in Massachusetts and New Jersey.

ROLL CALL VOTE

Ayes: Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

Absent: Councilman Paolucci

DECLARED ADOPTED

PUBLIC HEARING, 7:50 PM
TO CONSIDER A LOCAL LAW AMENDING
CHAPTER 208-6B, 107B, 108F

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on January 10, 2011.

Director of Building and Development Myers explained there are four sections that are being addressed – DEC permit number change, removal of an electrical inspector who is no longer doing business in town, change of year, and size of shed and exempting up to two single story detached structures rather than one. Mr. Myers said this is intended for residential areas and ag businesses are exempt from the detached structure legislation.

The public hearing was opened for comments from the audience at 8:03 p.m.

Everyone was given an opportunity to speak in favor of or against the proposed local law and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 8:05 p.m.

Supervisor Barrett said action will be taken on seven of the public hearings but more information is needed on the proposed sign legislation.

PUBLIC PRIVILEGE

No one wished to be heard.

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

Motion carried at 8:07 p.m.

Patricia O'Donnell
Town Clerk