

March 7, 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 Paolucci
Councilman Romano
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Hughes

Also Present: Town Attorney McCarthy
Myla Kramer, Director of Parks, Recreation and Community Affairs
Richard Kukuk, Superintendent of Highways
Mark Heggen, Comptroller
Barbara McHugh, Director of Community Development
Steven Myers, Director of Building and Zoning
John Scavo, Director of Planning
Jeffrey Vedder, Supervisor of the Convenient Transfer Station

MOTION BY Councilwoman Walowit, seconded by Councilman Romano, to approve the minutes of the February 22, 2011 meeting as presented.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett announced the Summer Brochure will be mailed to residents this week.

PRESENTATION OF TAX BASE ANALYSIS

James Angus of SEDC introduced Michael N'dolo, Vice President of Camoin Associates who presented the Tax Base Analysis, attached, which was prepared for the Clifton Park IDA Economic Development Fund, Inc. He explained this Tax Base Analysis is a financial planning tool that predicts the effects of development on municipal budgets and provides insight into how economic, demographic and development changes impact the revenue and expenses of taxing jurisdictions.

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

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on March 3, 2011.

Supervisor Barrett noted more research and discussion was held after the first public hearing thereby requiring a second public hearing.

Director of Building and Zoning Myers reviewed the proposed changes explaining the following areas will be restricted: B-3 zone along Route 9 from Kinns Road to the car dealership, due to residential areas, and along the southern end of Clifton Park Center and Sitterly Roads. Town Attorney McCarthy said this proposal will ban LED signs entirely except for the listed acceptable zones. He stated the definition of Animated Signs to be added to the legislation as “Any sign which includes action or motion or whose copy is changeable by other than direct manual intervention”. Mr. McCarthy noted it is also proposed the statement “No sign shall be illuminated by or contain flashing, intermittent, rotating or moving lights except to show time and temperature” will be deleted from the existing legislation. Mr. Myers reviewed how the legislation affects the southern end of Clifton Park Center Road, noting the B-4 zone runs along this road to the south end of the mall and along Sitterly Road to the The Crossing shopping center. He proposed a 100 foot buffer from the edge of the road into the zones to prevent any of the signs from getting close to the residential zones across the road.

The public hearing was opened for comments from the audience at 7:26 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 7:33 p.m.

PUBLIC HEARING, 7:20 PM
TO CONSIDER A LOCAL LAW AMENDING
CHAPTER 208 THE ZONING CODE TO ADDRESS SOLAR ARRAYS

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on March 3, 2011.

Town Attorney McCarthy explained he worked with Planning Board Chair Ferraro, Director of Building and Zoning Myers and members of the Planning Department to look at ways to regulate the siting of solar panels and solar arrays in residential districts. It was recommended that ground mount and pole mount solar array be added to the section of the zoning code where it calls for allowing structures only with a special use permit. This would provide the authority to the Planning Board to review the siting requirements for basic compatibility with the surrounding neighborhood, setbacks, height dimensions and deny a permit in those instances where, in the Planning Board’s judgment, it did not fit or to provide a permit with special conditions to allow, e.g. good siting determination with appropriate buffering, landscaping and screening and mitigation of any adverse impacts. Applications will be reviewed on a case to case basis. Councilman Paolucci asked if there is a need for certain acreage. Mr. McCarthy responded the minimum acreage of 20,000 square foot and a new home cannot be built in Clifton Park with less than 20,000 square feet. Mr. Myers said permits will be required from his department as well.

The public hearing was opened for comments from the audience at 7: 35 p.m.

Brett Miller, Michelle Drive, stated his home is directly behind the home in Addison Estates with the solar array. He said he supports the proposed legislation, noting the town’s plan seems sensible. He asked what the town’s plan of action is in the event proposed buffers may die or not be cared for. He said there needs to be some provision in place to address the issue. Mr. Miller recommended an annual review of all live solar panel screenings. He reported there is a 1600 square foot solar panel array directly behind his home and feels he should be allowed some input on the proposed site plan on the Addison property, specifically concerning how many trees will be planted directly behind his property and also the size of the trees. Mr. Miller said in conversation with Mr. McCarthy, he believes the trees are 6 to 8 feet which will take many years before the buffer is in place. He believes it is important for the town to work with the residents of Michelle Drive concerning what would satisfactorily conceal the solar array behind Michelle Drive. Mr. Miller expressed concern that the town had no guidelines regarding the installation of these solar panels particularly since there are state and federal subsidies. He feels this is a unique circumstance and the town has some obligation to help and support the residents.

Town Attorney McCarthy asked Mr. Miller if he wants the town to pay to have trees cut down in his yard, as well as bring truckloads of dirt into his yard. Mr. Miller responded if possible but the residents would have liked a response. Mr. McCarthy said a response was given that the town doesn't do work on private property.

Director of Planning Scavo reported no municipalities in Saratoga County have any legislation nor has the town been able to find any regulating solar. He said zoning laws cannot be based on spot zoning; any change in zoning has to be based on a community's comprehensive plan. He continued in all the prior comprehensive planning processes that the Town Board has done, never once has the issue been brought up to regulate solar by anybody in the community. In fact, it has been the opposite to promote green infrastructure and to do everything to encourage solar energy. Supervisor Barrett said it is very difficult to account for every alternative on every issue and it was very difficult to foresee the kind of structure that was erected.

Joann Coons, Balsam Way, asked the Town Board to keep the big picture in mind and not just little problems. She said solar energy does not endanger health or welfare and is questioning why it needs to be regulated, stating she feels the legislation is counterproductive of what NYSERDA and state government are trying to promote. Ms. Coons reviewed the advantages of solar energy. She spoke in favor of pole mounted solar array, noting she uses pole mounted solar array at her home and has never had a problem with it.

Paul Coons, Balsam Way, said he understands the reason for the proposed legislation but disagrees with the law as it is written, stating the town should be encouraging systems not setting onerous requirements. He asked if the town is going to set onerous requirements on all solar panels or just the ones perceived as unpleasing, and is it necessary to require a special use permit for installations even the solar light system such as what is used at the dog park. Mr. Coons displayed a small solar panel, approximately 2X2 inches, noting by definition in the proposed legislation, it would require a special use permit. He noted certain solar projects under the proposed legislation that would require a special use permit. Mr. Coons recommended giving the proposed legislation to the Green Committee for review and to come up with a law that is fair and still addresses concerns. He read Article XVI, Zoning and Planning, Section 263 of the Consolidated Laws of New York.

Supervisor Barrett said he doesn't want dissuade solar projects from taking place but at the same time there needs to be an extra level of scrutiny given to these projects.

Eric Vandenvos, Michelle Drive, spoke in support of having legislation because in a residential area structures, such as the one in Addison Estates, shouldn't just appear without permits. He said a special use permit is the right way to go. Mr. Vandenvos suggested, along with the special use permit, that the Planning Board look at guidelines that would include yearly inspection of the solar panels to make sure they are in working order and if not, there should be guidelines to either bring them into working order or to take out. He asked why the Board isn't also addressing wind turbines. Supervisor Barrett said this is also being looked at.

Mr. Vandenvos said he is in favor of the special use permit as this will give the Planning Board and community the best opportunity to see if it makes sense in the area. He continued if it is good and green and maintains property values and the character of the location, then it should be permitted and if not, then shouldn't be permitted.

Supervisor Barrett explained depending on what changes are being made to the proposed legislation will determine whether another public hearing is necessary. He said a decision will be made in the next two to three weeks regarding the legislation.

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 8:07 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 78 of 2011, a resolution extending the hours of the Town Convenience Transfer Station for the annual Spring Clean Up/Green Up.

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

WHEREAS, a request has been made by Jeffrey Vedder, Transfer Station Supervisor, for authorization to extend the hours of the Convenience Transfer Station for the annual Spring Clean Up/Green Up to include Sundays, May 1 and May 8, 2011, and

WHEREAS, authorization for overtime costs for the extended hours is required; now, therefore, be it

RESOLVED, that the Transfer Station Supervisor is hereby authorized to extend the hours of the Convenience Transfer Station for the annual Spring Clean Up/Green Up to include Sundays May 1 and May 8, 2011 with the extended hours to be as set forth in the attached Schedule A; and be it further

RESOLVED, that the Sunday hours will be for the collection of leaves and brush only while all other items will be taken during the extended hours from Tuesday through Saturday and authorization is further granted for the overtime requirements to be paid as budgeted in A-08160-00074 (General Fund-Convenience Transfer Station-Overtime).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 79 of 2011, a resolution authorizing the hiring of a part-time summer laborer for the Convenience Transfer Station.

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

WHEREAS, a need exists for a part-time summer laborer at the Convenience Transfer Station, and

WHEREAS, Jeffrey Vedder, Transfer Station Supervisor, has recommended that Jared Benway, 705 Carlton Road, Clifton Park, be hired to fill the position, and

WHEREAS, Jared Benway has been a part-time employee at the Transfer Station for the past two years; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Jared Benway, 705 Carlton Road, Clifton Park, as a part-time summer laborer at \$9.00 per hour, effective immediately, to be paid from A-08160-E-4000, (General Fund-Convenience Transfer Station-Part-Time Laborers)

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 80 of 2011, a resolution adopting course rules for the Barney Road Golf Course.

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

WHEREAS, the Town of Clifton Park has recently purchased the Barney Road Golf Course, and

WHEREAS, a need exists for course rules in order to maintain efficient operation of the golf course; now, therefore, be it

RESOLVED, that the Town Board hereby adopts rules for the Barney Road Golf Course, per Schedule "A".

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 81 of 2011, a resolution authorizing the hiring of seasonal staff for the Barney Road Golf Course recently purchased by the Town of Clifton Park.

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

WHEREAS, openings exist for staff for the Barney Road Golf Course, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the individuals listed in the attached Schedule "A" be hired to fill the positions; now, therefore, be it

RESOLVED, that authorization is hereby given to hire the individuals listed on attached Schedule "A" as staff for the Barney Road Golf Course, effective immediately, at a salary as indicated on Schedule "A".

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 82 of 2011, a resolution authorizing John Scherer, Town Historian, to attend the Association of Public Historians Annual Conference.

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

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs has recommended that John Scherer, Town Historian, be authorized to attend the Association of Public Historians Conference in Elmira, New York, April 4 - 6, 2011, and

WHEREAS, John Scherer's attendance at the Association of Public Historian's Conference would confer a benefit to the Town; now, therefore, be it

RESOLVED, that John Scherer is authorized to attend the Association of Public Historians Conference in Elmira, New York, April 4-6, 2011 at a cost not to exceed \$445 for registration, lodging, meals and mileage, to be paid from budget line item A-07510-00001 (General Fund-Historian-Training/Conference).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 83 of 2011, a resolution approving the 2011 Salary Matrix for pool and summer camp staff.

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

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has prepared a 2011 Summer Recreation Salary Matrix, per Schedule A; now, therefore, be it

RESOLVED, that the Town Board hereby adopts the 2011 Salary Matrix for pool and summer camp staff, per Schedule A.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 84 of 2011, a resolution authorizing the hiring of Summer Recreation Directors, Pool Managers and Pool Director for the 2011 Season.

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

WHEREAS, it is necessary that staff be hired by the Department of Parks and Recreation to operate the Town of Clifton Park summer recreation programs, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that the individuals listed in Schedule A, attached hereto, be hired for such purpose; now, therefore, be it

RESOLVED, that the individual specialists listed in Schedule A, attached hereto, shall be hired to staff the Town of Clifton Park's summer recreation programs; and be it further

RESOLVED, that all hires are effective with start dates and ending dates as per Schedule A.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 85 of 2011, a resolution authorizing the hiring of attendants for the Clifton Park Action Park.

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

WHEREAS, openings exist for attendants for the Clifton Park Action Park, and

WHEREAS, Myla Kramer, Director Parks, Recreation and Community Affairs, has recommended that the individuals listed in the attached Schedule "A" be hired to fill the positions; now, therefore, be it

RESOLVED, that authorization is hereby given to hire the individuals listed on attached Schedule "A" as attendants for the Clifton Park Action Park, effective immediately through November 5, 2011, at a salary as indicated on Schedule "A".

Supervisor Barrett asked that the new membership costs be publicized.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 86 of 2011, a resolution authorizing Michael O'Brien, Collection System Manager, of Clifton Park Sewer District No. 1 to attend the "EDP Supervisory Management in the Water/Wastewater Field" online learning class.

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

WHEREAS, Michael O'Brien has requested authorization to attend the "EDP Supervisory Management in the Water/Wastewater Field" course to be conducted online, and

WHEREAS, completion of this course will satisfy the last condition required by Michael O'Brien to complete the Voluntary Collection System Certification Program with New York Water Environment Association (NYWEA) and New York State Department of Environmental Conservation (NYSDEC), and

WHEREAS, completion of this program by Mr. O'Brien will confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Michael O'Brien is hereby authorized to attend the "EDP Supervisory Management in the Water/Wastewater Field" course at a cost of \$325, to be paid from G7-8111-01 (Training and Conference).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 87 of 2011, a resolution authorizing Steven Myers, Director of Building and Zoning, to attend the New York State Green Building Conference.

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

WHEREAS, Town Councilman Scott Hughes has recommended that Steven Myers, Director of Building and Zoning, attend the New York State Green Building Conference March 24-25, 2011 in Syracuse, New York, and

WHEREAS, attendance at this conference by Mr. Myers will confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, that Steven Myers is hereby authorized to attend the New York State Green Building Conference, March 24-25, 2011, in Syracuse, New York, at a cost of \$530, to be paid from A-03620-00001. (General Fund-Building Development-Travel & Conferences)

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 88 of 2011, a resolution authorizing the town to sponsor a Community Emergency Response Training (CERT) program through the Citizen Corps Grant.

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

WHEREAS, Citizen Corps provides training to help prepare residents for emergencies and disasters of all kinds and introduces community volunteerism opportunities to support town emergency planning and preparedness, and

WHEREAS, the Citizen Corps Grant provides funding for emergency training and public education, and

WHEREAS, the town wishes to schedule the Spring CERT training for six weeks on Thursday evenings, beginning March 24 through May 5, at the Public Safety Building for residents of the town at no charge, and

WHEREAS, the program will train residents to be added to the group of CERT trained volunteers available to assist the town during disasters, emergencies and major incidents; now, therefore, be it

RESOLVED, that the Town Board authorizes CERT training for residents of the Town of Clifton Park to take place on six consecutive Thursdays, from March 24 through May 5, 2011, at a total cost not to exceed \$3,800, to be paid from A-08762-015 (General Fund-Clifton Park Citizen Corp-Other Contractual) for instruction, facility use, supplies, equipment and shirts.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 89 of 2011, a resolution authorizing the Town of Clifton Park to sponsor four Red Cross Babysitter Certification Courses.

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

WHEREAS, in a continuing effort to provide educational safety courses to the residents of the town, four Red Cross Babysitter Certification Courses will be offered in cooperation with Captain and the town’s Teen Job Assist Program, and

WHEREAS, this program will be funded utilizing Citizen Corps Grant funding as part of public preparedness and safety education outreach efforts in the community; now, therefore, be it

RESOLVED, that the Town of Clifton Park is authorized to sponsor four Red Cross Babysitter Certification Courses at a cost not to exceed \$1600 for books, instructor, materials and certifications, to be paid from A-8762-015 (General Fund-Clifton Park Citizens Corp- Other Contractual).

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 90 of 2011, a resolution appointing Allan Atwell as Chairman of the Emergency Services Advisory Board.

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

WHEREAS, due to the passing of David Bowen, Chairman of the Emergency Services Advisory Board, a vacancy exists for a Chairman, and

WHEREAS, Allan Atwell, 9 Greenlea Drive, Clifton Park, has been recommended to fill the vacancy; now, therefore, be it

RESOLVED, that Allan Atwell is hereby appointed as Chairman of the Emergency Services Advisory Board, to fill the unexpired term of David Bowen, term to expire December 31, 2011.

Supervisor Barrett said Dave Bowen will be honored at the Vischer Ferry Fire Station at a date to be announced.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 91 of 2011, a resolution reappointing Charles Goody as an Alternate Representative from Rexford Fire District to Emergency Services Advisory Board.

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

WHEREAS, the Town Board wishes to reappoint Charles Goody as an Alternate Representative from the Rexford Fire District to Emergency Services Advisory Board; now, therefore, be it

RESOLVED, that Charles Goody, 55 Bluff Road, Rexford, is hereby reappointed as an Alternate Representative from the Rexford Fire District to the Emergency Services Advisory Board, term to expire December 31, 2013.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

Resolution No. 92 of 2011, a resolution scheduling a public hearing to consider a local law amending Chapter 208-7, 208-16 and 208-79 of the Town Code.

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

WHEREAS, the Town of Clifton Park has a Right-to-Farm Law, known as Chapter 102 Farming, adopted in 1996 which provides that the Town Board finds that farming is an essential activity within Clifton Park, and

WHEREAS, the Town Board has supported the preservation and conditions for the continuation of operational farms by enacting measures to establish agricultural districts and conservation easements to help farmers retain land in agricultural use and adopted a town-wide Open Space Preservation Plan and a Western Clifton Park GEIS, which all supported operational farms within the Town, and

WHEREAS, the State of New York, through the New York State Department of Agriculture and Markets, finds that on-farm housing is beneficial to both the farm worker and farmer to accommodate scarcity of rental housing and long farm workdays, and

WHEREAS, the Clifton Park Town Board desires to hear public comment on a proposal to allow farm labor housing for active and operational farms in the Conservation Residential zoning district, pursuant to a special use permit, in order to support the needs of farmers to conduct their agricultural activities and remain economically viable; now, therefore, be it

RESOLVED, that the Clifton Park Town Board hereby schedules a public hearing on Monday, March 14 at 7:10 p.m. in the Wood Memorial Room, One Town Hall Plaza, Clifton Park, New York, to consider a local law amending Chapter 208-7, 208-16 and 208-79 regarding modification of Conservation Residential Zoning to allow farm labor housing by special use permit with certain minimum acreage.

Supervisor Barrett explained this is to allow working farms to take advantage of a revolving line of credit at zero percent being offered by New York State for permanent housing for their workers.

ROLL CALL VOTE

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

Noes: None

Absent: Councilman Hughes

DECLARED ADOPTED

PUBLIC PRIVILEGE

Diane Miciotta, Carlton Road, said it is her understanding an offer has been made to purchase the home at 885 Main Street, Jonesville. She believes the buyer/owner would not live there but would house transient workers for his business. She expressed concern with the proximity of this house to the community park and with transient type rental property in a family neighborhood. She noted her neighbors are also concerned. Ms. Miciotta said it is also her understanding that there is no legislation limiting the number of unrelated individuals that may live in a single family dwelling. She asked the Town Board to consider a limit of four and a possible exemption be made for farm housing in the community. She also asked that a moratorium be put in place this evening in order to research and consider her plea. She referred to a Legal Memorandum from NYS Office of General Counsel citing the definition of "Family" in Zoning Law and Building Codes. (Copies have been distributed to the Town Board).

Director of Building and Zoning Myers said this dwelling may qualify as a boarding house which is only allowed in an R-3 zone, however, if the people are acting as a family unit, as defined in the Town Code, then it could possibly be legal in R-1.

Town Attorney McCarthy, noting R-1 is single family homes, asked if a company put ten workers in a home is that a single family unit. Mr. Myers responded if they are acting as a single family and have free rein of the whole house as if they owned it, there could be an issue.

Mr. Myers explained if the town proposes a law that is more restrictive than what the state law currently says, approval is necessary from the Department of State.

Mr. McCarthy stated he thinks the town law can be enforced and will consider writing a letter to put the affected parties on notice that the town has concerns. He will review the situation and the memo from Office of General Counsel and see if immediate action is necessary.

Steve Cosgrove, Michelle Drive, expressed concern with the land transfer in Addison Estates between the Town and Todd and Bethanne Silaika and the concrete slab that was poured. He said

he disagreed with the land transfer and felt something could have been done with the land transfer and solar array situation. He asked that a meeting be held with the affected stakeholders. He said he thinks it is good the town is trying to mitigate the solar array for the Millers and the slab for himself but at the same time he would like to be included in that procedure. He noted he supports the proposed legislation on solar array.

Town Attorney McCarthy responded it appears that Mr. Cosgrove wants himself and the Michelle Drive neighbors to be involved in negotiating the terms of the land swap.

Supervisor Barrett said the town is trying to provide some mitigation since a portion of the slab was put on town property. He noted though there was no meeting, Michelle Drive residents were kept informed of the process.

Mr. Cosgrove said the residents of Michelle Drive don't want to end up here again and reported there is a 3 car garage structure and very good anecdotal evidence that there is going to be a go cart, ATV track. He feels the 8000 square feet given in the land transfer will allow for a loop behind his house for a track, though he noted this is hearsay.

Mr. McCarthy said this is speculation. He said the 50 foot buffer would be a vegetative buffer only.

Mr. Cosgrove replied his lawyer said the 50 foot buffer is very interpretive and asked what that means. He said there was a road built on town property to get the cement truck in that wasn't mitigated by the 8000 square foot land swap and asked if that would be remediated back to "forever wild" space.

Supervisor Barrett stated he spoke with Mr. Cosgrove after the resolution was passed but at that time was far from official as there was a permissive referendum process. He stated the land transfer hasn't happen yet. The Supervisor asked Mr. Scavo to check on the status of the road used for the cement truck.

Question from the floor as to recourse if property at 885 Main Street, Jonesville is purchased. Mr. McCarthy responded once the property goes to contract a letter can be written to all parties to the closing expressing the town's concerns. He further noted if the town had to act quickly to do something legislatively at a subsequent meeting we could, theoretically, come back with a moratorium. Mr. McCarthy said the town can check to see if there is a closing planned on the property.

Question from the floor asking what the recourse is if the buffers used for Michelle Drive die. Mr. McCarthy said the Planning Department is working with the owners right now as to where they are going to go and what can be done to best mitigate the array and if trees die there is an enforcement capability. It was noted approximately 30 trees will be planted, locations to be determined.

Supervisor Barrett recommended the resident email her suggestions to Mr. Scavo.

Jim Baisley, Barkwood Lane, said the town is setting a precedent by allowing people to speak longer than five minutes.

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

Motion carried at 9:08 p.m.

Patricia O'Donnell
Town Clerk