

March 16, 2015

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 Whalen
Councilwoman Standaert
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Absent: Councilman Romano

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
Barbara McHugh, Director of Community Development

MOTION BY Councilwoman Walowit, seconded by Councilman Whalen, to approve the minutes of the March 2, 2015 meeting as presented.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert,
Councilwoman Walowit, Supervisor Barrett

Absent: Councilman Romano

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett reported on the single stream recycling, noting this should increase recycling and decrease garbage.

Councilman Whalen reminded residents that local historian and author Joseph Pietrusza will be presenting a program at the Library on March 18th.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 64 of 2015, a resolution authorizing Town Historian John Scherer to attend the Association of Public Historians Annual Conference.

Introduced by Councilman Whalen, who moved its adoption, seconded by Councilwoman Standaert.

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that Town Historian John Scherer be authorized to attend the Association of Public Historians Conference in Corning, New York, April 9-12, 2015, at a cost not to exceed \$675.50, 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 Corning, New York, April 9-12, 2015 at a cost not to exceed \$675.50 including registration, meals, lodging and transportation, to be paid from budget line item A-7510-001 (Historian-Training/Conferences).

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 65 of 2015, a resolution authorizing the hiring of staff for the Clifton Park Action Park.

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

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

WHEREAS, Myla Kramer, Director of the Office 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 staff as listed on attached Schedule "A" as attendants for the Clifton Park Action Park, effective March 29 through October 31, 2015 at a salary as indicated on Schedule "A".

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert,
Councilwoman Walowit, Supervisor Barrett

Absent: Councilman Romano

Noes: None

DECLARED ADOPTED

Resolution No. 66 of 2015, a resolution hiring returning camp counselors for the 2015 full day and four half day Summer Day Camp Program.

Introduced by Councilwoman Standaert, who moved its adoption, seconded by Councilman Whalen.

WHEREAS, it is necessary that returning staff be rehired by the of Parks & Recreation Department for the Town of Clifton Park Summer Day Camp Program, and

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

RESOLVED, that the individuals listed in the attached Schedule A be rehired as staff for the town's 2015 Day Camp Program, effective May 30th through August 21, 2015; and be it further

RESOLVED, that the returning camp counselors be paid as indicated on Schedule A.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert,
Councilwoman Walowit, Supervisor Barrett

Absent: Councilman Romano

Noes: None

DECLARED ADOPTED

Resolution No. 67 of 2015, a resolution authorizing the hiring of summer staff for the Parks, Recreation and Community Affairs Office.

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

WHEREAS, an additional staff member is required to staff the Department of Parks and Recreation during the summer months, and

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has recommended that McKenzie Snyder-Tripp, 5 Cottonwood Court, Ballston Lake, be hired as a summer office staff member; now, therefore, be it

RESOLVED, that the Director of Parks, Recreation and Community Affairs is hereby authorized to hire McKenzie Snyder-Tripp as a member of the summer office staff, effective April 1, through July 31, 2015, at Grade 1, Step 1, \$14.21 per hour, to be paid from A7021-E4000 (Parks and Recreation-Administration).

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert,
Councilwoman Walowit, Supervisor Barrett

Absent: Councilman Romano

Noes: None

DECLARED ADOPTED

Resolution No. 68 of 2015, a resolution changing the position of Youth Court Director to Youth Court Program Coordinator and appointing Lisa Clapper as Youth Court Program Coordinator.

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

WHEREAS, by Resolution No. 147 of 2014, the Town Board established the Town of Clifton Park Youth Court Community Board and appointed members to the Board, and

WHEREAS, due to the resignation of Kindra McHale, the position of Youth Court Director has been vacant since January of 2015, and

WHEREAS, the Town Board wishes to change the position of Youth Court Director to Youth Court Program Coordinator and appoint Lisa Clapper, 6 Cabot Way, Clifton Park, to the new position; now, therefore, be it

RESOLVED, that the Town Board hereby changes the position of Youth Court Director to Youth Court Program Coordinator; and be it further

RESOLVED, that the Town Board hereby appoints Lisa Clapper as Youth Court Program Coordinator.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilwoman Walowit, Supervisor Barrett

Absent: Councilman Romano

Noes: None

DECLARED ADOPTED

Resolution No. 69 of 2015, a resolution scheduling a public hearing to consider a local law to repeal Section 97-3 of the Town Code relative to fees for use of the town Transfer Station.

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

WHEREAS, Section 97-5 of the Town Code authorizes the Town Board to set user fees for the town transfer station by resolution, adjusting Exhibit A to the Chapter, and

WHEREAS, Section 97-3 of the Town Code lists such fees as a matter of the Town Code, and

WHEREAS, The Town Board wishes to repeal Section 97-3 of the Town Code as inconsistent with Section 97-5 of the code; now, therefore, be it

RESOLVED, that a public hearing will be held on April 6, 2015 at 7:05 PM to consider a local law relative to a proposal to repeal Section 97-3 of the Town Code, with user fees to be set exclusively by resolution pursuant to Section 97-5 of the code; and be it further

RESOLVED, that the Town Clerk is directed to publish notice of the public hearing accordingly.

Supervisor Barrett stated there will be no permit fee increase in the 2015-2016 period.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilwoman Walowit, Supervisor Barrett

Absent: Councilman Romano

Noes: None

DECLARED ADOPTED

Resolution No. 70 of 2015, a resolution authorizing changes to the boundaries of the Rexford Fire District and the Vischer Ferry Fire District.

Introduced by Councilman Whalen, who moved its adoption, seconded by Councilwoman Standaert.

WHEREAS, New York State Town Law, § 172-a, authorizes changes to boundary lines of adjacent fire districts upon mutual consent, providing there is no net loss of service to any property formerly within either fire district, and

WHEREAS, the plans for the proposed Windhover Farms subdivision would provide for construction of residential homes and the subdivision of residential lots on lots that would

straddle both affected fire districts, and

WHEREAS, the boards of the Rexford Fire District and the Vischer Ferry Fire District have jointly executed a Memorandum of Proposed Change in the manner consistent with NYSTL 172-a, and

WHEREAS, the Memorandum of Proposed Change has been filed in the office of the Town Clerk, and

WHEREAS, a joint public hearing was held by the fire district boards at 7:00 P. M, October 30, 2014, at the Rexford Fire Station consistent with NYSTL 172-a to receive public comment concerning the proposed change to the boundary lines, and

WHEREAS, the Town Board supports the efforts of the Rexford Fire District and the Vischer Ferry Fire District to clarify the service area and to avoid confusion among residents and among firefighters responding to emergencies; now, therefore, be it

RESOLVED, that the boundary line between the Rexford Fire District and the Vischer Ferry Fire District is hereby modified consistent with the Memorandum of Proposed Change, attached hereto as Exhibit "A".

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert,
Councilwoman Walowit, Supervisor Barrett

Absent: Councilman Romano

Noes: None

DECLARED ADOPTED

Resolution No. 71 of 2015, a resolution recognizing St. George's Episcopal Church of Clifton Park on the celebration of its Centennial Anniversary.

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

WHEREAS, St. George's Episcopal Church was founded in 1914 along Route 9 in Clifton Park, and was soon incorporated in 1915 as a Community of Faith, and

WHEREAS, reflecting the growth and change that took place in Clifton Park and surrounding communities, the congregation expanded and moved in 1964 to its current location along Route 146 in Clifton Park, and

WHEREAS, since its inception, the St. George's Episcopal Church has stood as a pillar in the Clifton Park community, meeting the needs of the less-fortunate, empowering lives through its ministry, and carrying the message of hope to families across the region, and

WHEREAS, St. George's Episcopal Church has maintained a congregation of steadfast parishioners through the years, driving initiatives that support the physical and emotional health of the community, working through the Epiphany Fund to offer assistance to children in need in Southern Saratoga County and through outreach in all areas of ministry as they seek to welcome, affirm and offer their financial and spiritual gifts, and

WHEREAS, under the spiritual leadership of Reverend John W. Henry, II and Priest Associate Reverend Karen E. J. Henry, St. George's Episcopal Church continues to stand as a shining light in the community of faith, fervent in its mission to reach out in hospitality to the local community, particularly those in need of healing and renewal, and

WHEREAS, St. George's Episcopal Church embodies the spirit of service that rings true throughout Clifton Park, advocating for opportunity, emanating boundless faith and spreading the good news of love to every doorstep, and

WHEREAS, St. George's Episcopal Church merits sincere recognition for its 100 years of leadership, unwavering belief, compassionate service, and building a timeless legacy that will transform lives for years to come; now, therefore, be it

RESOLVED, that the Clifton Park Town Board recognizes and honors the leaders and members of St. George's Episcopal Church of Clifton Park on the 100th Anniversary of their founding.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert,
Councilwoman Walowit, Supervisor Barrett

Absent: Councilman Romano

Noes: None

DECLARED ADOPTED

Resolution No. 72 of 2015, a resolution adopting Local Law No. 4 of 2015, a local law amending Section 208 of the Town Code by enacting Chapter 208-20, Town Center Zoning and by amending Section 208-71 of the Town Code.

Introduced by Councilwoman Standaert, who moved its adoption, seconded by Councilman Whalen.

WHEREAS, by Resolution 163 of 2012 the Town Board adopted the Town Center Plan, and

WHEREAS, by Resolution No. 186 of 2012 the Town Board accepted a grant from Capital District Transportation Committee to assist the town in implementing the Town Center Plan through the Town Center Zoning Code Revisions Project for the Exit 9 Area, and

WHEREAS, the Town Board appointed a Town Center Study Advisory Committee consisting of community stakeholders to collaborate with regional transportation agencies that participate in the Capital District Transportation Committee's Linkage Program which included representatives from the Capital District Transportation Committee, Capital District Transportation Authority, Capital District Regional Planning Commission and New York State Department of Transportation, and

WHEREAS, public workshops were held beginning in March of 2013, along with presentations by town staff and consultants, meetings with landowners and stakeholders, and

WHEREAS, both written and verbal public input gathered throughout the zoning code update process was considered and included in the Draft Zoning Code Amendments, and

WHEREAS, meetings with various owners and stakeholders continued throughout 2013 and 2014, with Town Board members and staff meeting with individual stakeholders to receive input and comment on the Draft Zoning Code, and

WHEREAS, a public hearing was held on proposed amendments to the Town's Zoning Code through implementation of the Clifton Park Town Center Form Based Development Code, Version 4.0, on December 8, 2014, and

WHEREAS, as a result of that hearing and input received from the public, changes were added to the proposed amendments, including an increase in the proposed cap on the maximum dwelling units to be allowed per acre and per project within the Town Center Area, and a

decrease in the minimum acreage eligible for consideration as a Planned Unit Development District within most of the Town Center Zone Districts, and

WHEREAS, a second public hearing on the updated proposed amendments was held on February 2, 2015, at which additional comment and public input was received, and

WHEREAS, amendments to Section 208 of the Town Code, adopting Version 5.0 of the Town Center Form Based Development Code will provide greater flexibility to owners, developers and businesses within the Exit 9 Study Area, as well as more density and complementary uses, and

WHEREAS, the Town Board supports the proposed zoning amendments to the Town Center Area, and wishes to provide more flexibility to the owners and stakeholders within the Town Center Area, and to introduce mixed uses within the area to provide residential uses that will complement existing and future commercial uses, and

WHEREAS, a reduction in the acreage needed for Planned Unit Development consideration from ten (10) acres to five (5) acres for most of the study area also provides greater flexibility for consideration of effective project planning within the Town Center area; now, therefore, be it

RESOLVED, as Lead Agency, the Clifton Park Town Board hereby adopts the attached Full Environmental Assessment Form and issues a Negative Declaration pursuant to the State Environmental Quality Review Act, and be it further

RESOLVED, that the Town Board hereby adopts Local Law No. 4 of 2015, a local law amending Chapter 208 of the Town Code, by adding Section 208-20, et seq., Clifton Park Town Center Form Based Development Code, Version 5.0, and that

Local Law No. 1 of 1991, Section 217-253, Article XXXII, as amended, which established the Leonard Geriatric Planned Unit Development District of the Town Code, is hereby repealed, and replaced with applicable sections of the Town Center Zoning Code which provide for Nursing Home Services as allowed uses with Special Permits, and that

Local Law No. 3 of 1987, Section 217-198, Article XXVII, as amended, which established the Village Plaza Planned Unit Development District, is hereby repealed and replaced with Clifton Park Town Center Form Based Development Code, Section 208-20 et seq., and that

Local Law No. 6 of 1998, Section 217-147, Article XXIA, which established the Northcrest Park Extension Planned Development District is hereby repealed and replaced with Clifton Park Town Center Form Based Development Code, Section 208-20 et seq., and that

Local Law No. 10 of 2003, Section 217-358, Article XLIII, which established the Maxwell Drive South Mixed Use Planned Unit Development District of the Town Code, remains in full force and effect, and that

Chapter 208, Zoning of the Town Code, is further amended by amendment to Section 208-71 B (2), Planned Unit Development Districts, as attached, to reduce the minimum acreage lots eligible for consideration for Planned Unit Development designation within most of the Town Center Zoning Districts, and that

All other prior zoning designations inconsistent with Town Center Form Based Zoning Districts are hereby repealed and replaced, and be it further

RESOLVED, that these amendments are effective immediately; and be it further

RESOLVED, that the Town Clerk is directed to publish appropriate notice of same.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert,
Councilwoman Walowit, Supervisor Barrett

Absent: Councilman Romano

Noes: None

DECLARED ADOPTED

Resolution No. 73 of 2015, a resolution increasing Town Court revenue and expenditures by \$14,200 as a result of a grant received by the Justice Court Assistance Program.

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

WHEREAS, the Clifton Park Town Court has received a grant of \$14,200 from the Justice Court Assistance Program for the purchase of a new heating and air conditioning system and the replacement of interior windows; now, therefore, be it

RESOLVED, that Revenues (A-3089) be increased by \$14,200 and Expenditures (A-1621-200-Public Safety Building) be increased by \$14,200.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert,
Councilwoman Walowit, Supervisor Barrett

Absent: Councilman Romano

Noes: None

DECLARED ADOPTED

Resolution No. 74 of 2015, a resolution awarding a contract for removal of large trees on Crescent Road for Crescent Road Multi-Use Trail Project.

Introduced by Councilwoman Standaert, who moved its adoption, seconded by Councilman Whalen.

WHEREAS, right of way acquisition for the Crescent Road Multi-Use Trail is complete, and

WHEREAS, the town wishes to prepare the rights of way for construction of the project, and

WHEREAS, bids were solicited for the removal of certain large trees along the Crescent Road Multi-Use Trail Project, in conjunction with the Town Highway Department, which will cut smaller trees and perform clean-up, and

WHEREAS, Buddy's Tree Service has submitted the low bid for the removal of large trees-Phase 2 in the bid documents, in the amount of \$1,200, and

WHEREAS, the town has had significant experience with Buddy's Tree Service and knows the company for the quality of the work performed; now, therefore, be it

RESOLVED, that the bid for large tree removal for the Crescent Road Multi-Use Trail Project right of way clearance is awarded to Buddy's Tree Service in the amount of \$1,200; and be it further

RESOLVED, that the Comptroller is authorized to transfer \$1,200 from H35-7679-135 for tree removal for the Crescent Road Multi-Use Trail Project.

Supervisor Barrett explained the Highway Department will be doing the majority of tree removal with Buddy's Tree Service taking out the larger trees. He explained any project receiving federal funds needs to be completed by the end of the month to insure there is no altering of any bat habitats.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert,
Councilwoman Walowit, Supervisor Barrett

Absent: Councilman Romano

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Todd Ryan, Hiawatha Drive, asked that the Abele PUD proposal be rejected by the Town Board. He stated the developer will benefit at the neighbors' expense, noting people moved into the neighborhood knowing that that area was zoned residential. Mr. Ryan expressed concern with the traffic on Crescent Road, noise from the Northway if the buffer is removed, lights from the parking lot, and runoff, noting underground streams in the area. He said there is no upside to the application.

Supervisor Barrett said he has heard from many people and has met with some residents that live adjacent to the proposed site. He stated the Town Board will make a decision in early April on the next step. He said the current zoning allows for single family homes. He reviewed the PUD process. The Supervisor explained apartment complexes are only allowed through a PUD application and the final decision on a PUD rests with the Town Board not the Planning Board.

Kathy Ophardt, Daniel Lill Court, spoke in opposition to the proposed PUD and reiterated her concerns expressed at the March 9th Town Board meeting and asked the Town Board to look into the wetland issues. She also mentioned land on Christinamarie Drive located in the Town of Halfmoon could be developed in the future.

Supervisor Barrett said this Town Board over the last several years has turned down about ten apartment applications but every application deserves a fair hearing.

Ralph Reale, Hiawatha Drive, stated the proposed PUD backs up to his property and before he bought his property eighteen years ago checked the zoning which is residential and he wants the area to stay residential with no apartments. He understands the plan calls for 94 units on 8 acres, stating the density is too much.

Dave Williams, Hiawatha Drive, expressed concern with the 224 parking spaces and traffic on Crescent Road. He asked that the zoning remain residential.

Paul Long, Hiawatha Drive, said his back yard backs onto the woods. He reported a stream at times raises to almost flooding and with an apartment complex there will be more pavement than with single family homes, stating runoff could flood his home and property. He said this proposal has the potential to destroy properties and do havoc to the wetlands, as well as disturb wildlife habitats. He asked the Town Board to take all comments into consideration.

Ryan McEvoy, Hiawatha Drive, speaking in opposition to the proposed PUD said he moved to his home in October after researching the zoning and preferred a mature area. He stated he agrees with the previous speakers' concerns.

Regarding wetlands, Supervisor Barrett said a thorough site plan process is done with DEC and/or the Army Corp of Engineers.

Cindy Reynolds, Christinamarie Drive, reported Mr. Abele invited residents to meet and go over plans for the apartment complex as well as single family homes. She said she has the same concerns as the other speakers, stating people on Christinamarie Drive will lose their backyards. Ms. Reynolds said if single family homes are built she is concerned Christinamarie Drive will become a through street, and said Mr. Abele has stated “the Town of Clifton Park does not like cul de sacs”. She said this project is alarming to her and her neighbors.

Supervisor Barrett, responding to the cul de sac statement, said this is not necessarily the case and depends on the amount of homes in the adjoining neighborhood, as well as other accesses available to the neighborhood. This would be a Planning Board discussion.

Bill Kelly, Hiawatha Drive, asked what the Board considers to be a benefit to the community.

Supervisor Barrett said every request deserves a fair hearing. He said The Bentley and the middle income apartments on Route 146 were approved due to their uniqueness and this has been the criteria in considering projects and the value the proposal brings to the town. He noted other proposals considered had nothing unique to offer.

John Murphy, Hiawatha Drive, stated this would be a detrimental zoning change.

Councilman Whalen said in the three plus years he’s been on the Town Board he can’t recall approving a new PUD and every application is given a fair hearing. Regarding the Town Center Plan, he said the Town Board has chosen to stay at the 50 cap.

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

Motion carried at 8:13 p.m.

Patricia O’Donnell
Town Clerk