

February 2, 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
Councilman Romano
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy
Mark Heggen, Comptroller
Steven Myers, Director of Building and Development
Michael O'Brien, Collection Systems Manager
John Scavo, Director of Planning

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the January 12 and 20, 2015 meetings as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett reminded residents of WinterFest on February 7th.

Councilman Whalen announced local historian and author David Patruccio will be at the Clifton Park Halfmoon Library on March 24th. This is sponsored by the Community Arts and Culture Commission.

**PUBLIC HEARING, 7:05 PM
TO CONSIDER A LOCAL LAW AMENDING SECTION 208 BY ADOPTION OF THE
TOWN CENTER ZONING AMENDMENTS**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on January 22, 2015.

Supervisor Barrett noted this is the second public hearing on the Town Center Plan zoning.

Director of Planning Scavo introduced Michael Allen of Behan Planning who reviewed the revisions from the December 8th public hearing. Mr. Allen said the Town Center Plan, adopted in 2012, was to take the commercial area immediately off the Exit 9 area to try to encourage and allow redevelopment in this area to create a more mixed use and walkable community. To that end Behan Planning started to define the Town Center Plan and to outline conceptual ideas where some of the properties could be slowly converted and to create a type of desired community character to

develop a more walkable mixed use community. He reviewed the boundaries and the form-based zoning code, stating much of the focus is defining what the form, shape, size, volume, mass of allowable structure are but giving a little more freedom to the allowed uses inside of them. Mr. Allen reviewed and explained changes since the last public hearing, explaining the design overlay is reduced in size, made adjustment at the corner of Rt. 146 and Plank Road, area north of Zaika restaurant changed from open space to TC2 zone, and the parcel north of senior housing (clerk's note: Schuyler Ridge Nursing Home) removed from the zoning area since they are in process of a PDD. Mr. Allen gave an overview of the six zoning districts. He explained the overall intent is to pull the buildings out to the street to the sidewalk to have a direct connection to the pedestrian while internalizing the parking inside. The proposed zoning is allowing residential and mixed use development with residential being the major component not previously allowed. After comments from the December 8th public hearing, a maximum of density has been changed to up to 50 units maximum per acre. Setbacks have been reduced, as well as parking minimum to create more buildable area, promotes retail storefronts and internalizing parking inside, also adds design standards for architecture and landscaping and creates a more pedestrian friendly neighborhood. He reviewed some more specific changes, attached.

The public hearing was opened for comments from the audience at 7:17 p.m.

Michael Barry, Crescent Estate South, noting a strong food and beverage background, said his former residence in South Carolina is a mirror of the Town Center Plan. Spoke of the new wine store in Shopper's World. He endorsed the plan and said he would even consider putting his type of restaurant/lounge in a space such as this. He asked how many restaurant spaces in project that don't have drive thrus. Supervisor Barrett explained this is a hearing on zoning. Mr. Scavo said there are no restaurant projects pending right now.

Bob Miller, Sr. Town of Greenfield, commercial resident of Clifton Park for 35 years, Windsor Development, commented there were a number of people interested in coming this evening but due to the weather couldn't make it. He asked for an opportunity to submit comments and would like copies of all comments sent to town hall and the Supervisor's office. Mr. Miller said the decision called upon to make will be one of the most important made as Town Board members and defines the future of Clifton Park for 50–100 years and for many generations. He reviewed purpose of Zoning Code and questioned if the amendments will "enable, guide and implement" the Plan. He stated the Town Center Plan is clear; it wants high density residential in the Town Center noting it says it in words and in pictures. He continued the concept of the Town Center Plan is to live, work, shop and play, mixed use, walkable, vibrant, high density residential, an attractive alternative to driving. He displayed plans from Windsor Development. He questioned does any cap on residential promote the Plan, stating the code must follow the Plan. Mr. Miller stated the cap in the code is inconsistent with the Plan. He asked what is the rational basis is for the cap as there isn't anything in words or images in the Plan or code to suggest that a cap is an appropriate zoning restriction. He continued it was not included in the early drafts of the code and didn't appear until the 4.0 Plan. He said somewhere along the line the decision was made that a cap would somehow implement and enable the Plan. The town had years to make this concern known and the cap was never discussed in the public forums. He said within the zoning area 2.5 million square feet of commercial and retail exist. Mr. Miller stated in the north node there are no residences and in the south node only The Bentley consisting of 170 units but also has 1.5 million square feet of commercial. He said at the time when Windsor studied the plan and draft of the code they were buying back the 13 plus acre parcel from Kmart, noting its location is in the center of the town. Mr. Miller said the Kmart area is currently a blight and there are no tenants for a 85,000 square foot building anywhere. He reported there were some discussions with a sporting goods store to take over the site that didn't work out and feels the town encouraged that use, however, traffic would have been much more with that store. He said with the proposal of apartments on that property, traffic is an issue to be dealt with when going through the process. He said the building proposed for the Kmart site is not permitted with the cap other than through a PDD. He said there are only two or three sites available in town for any development and this type of residential there isn't a site in town that wouldn't be more than fifty because the economics of scale require it. Mr. Miller stated to under build some of the best property in town is a mistake. He said the building displayed is approximately 380,000 square feet but that includes parking for the entire facility including the commercial.

Supervisor Barrett reviewed the redevelopment of properties since the 1990s, stating now the town has the opportunity to take a slow and methodical approach to prepare for future opportunities as they occur. He stated it was never the intention of the Town Board to decide a few thousand apartments were needed at the Exit 9 area. The intent was to grow commercial tax base to bring in complementary uses within the private sector service industry and have all those complementary uses work together to sustain future success that Exit 9 has achieved. Since the Plan was started a few years ago there has been retail success, hospitality, health care investment, noting an incredible rebirth of the Exit 9 area that is very important to the future of Clifton Park and financial success of the town and Saratoga County. He said the vision is that residential would complement future commercial not the other way around. Supervisor Barrett commented he understands going through a process like this expectations are raised and that is great as the other part of the Plan was to encourage ideas. He continued the Town Board appreciates the fact that Windsor is bringing new and unique ideas forward though the Town Board may not always agree if that is something that brings value to the Town of Clifton Park, but we may. He explained this Plan is more flexible and offers more density under revisions being considered than current code allows.

Mr. Miller asked what "high density residential" means in the context of the Town Center Plan and proposed code. He said if a PDD is required then nothing has changed.

Supervisor Barrett responded in that particular project no, the Town Board is not proposing to change the code to allow for everything.

Mr. Miller said this an unprecedented opportunity in Clifton Park to get it right and requires cooperation and collaboration and if this is done there will be a town to be proud of.

Supervisor Barrett said if the town isn't careful and in the next couple of years a bunch of very large scale apartment complexes crop up, people will not be too pleased. He stated if we wanted an apartment plan we would have called it an apartment plan.

Councilwoman Walowit said she prefers to define her own vision in ratios. She reported there are 661 living units in The Bentley and Hollandale apartments, noting though Hollandale is not part of the Plan it is walkable. She said there are 120 retail units in Clifton Park Center including what Windsor holds, and 661 to 120 is way out of what she is thinking in the long term. She prefers to slow down and see if the town wants to have that huge ratio of housing over retail before proceeding with more housing in that area until there is more detail.

Bob Miller, Jr., Robinwood Drive, Windsor Development, said if there are enough apartments, where is the vibrancy in the town center. He disagrees that this is an apartment plan and that there are enough apartments in the town center. He reported in the northern node, out of a total of 105 acres there is 954,000 square feet of commercial uses, retail and medical, with three acres constrained by wetlands, there is zero residential units. In the southern node there is 182 acres of land developed as commercial - 1.5 million square feet of commercial spaces. There are 13 acres of vacant land - omitting the school land and the DCG property, leaving 8 acres in the southern node that may or may not be developed as residential. Mr. Miller reported in the southern node there are 171 residential units with 168 in The Bentley which is not an apartment project but a senior housing, age restricted condo project. He said any concern that residential is going to drive retail is misplaced. Mr. Miller continued today, prior to the adoption of any code, the only way to get residential apartments anywhere in town is through the PDD process, though the Plan mandates high density residential and says don't use PDDs and to encourage investment. He said despite the fact form based code was chosen because of its streamlined development review process that encourages revitalization with photos and images clearly showing residential uses in excess of 50 units and despite \$200,000 of public money and seven years of time being put into this project; despite the fact there have been statements in the press of the predictability of the new zoning; and despite the fact in part of the application for funding the town made representations that the zoning revisions would remove barriers and encourage the kind of development envisioned in the town center. Mr. Miller stated in light of the fact that the only thing missing from the town center, out of 2.4 million square feet, are residential uses, in light of all experts saying you can't have a town center without residential, this town is deciding that a 50 unit per project cap is necessary and that a

PDD process is necessary. The cap and PDD is a solution to a problem that doesn't exist. He stated this is contrary to the Plan and the town's own statements.

Supervisor Barrett responded many things pointed out are on point, however, it is a matter of how much. He said Windsor is far down the road from where the visions of the town and its residents are, stating he doesn't blame them for trying to push the limits.

Pat Barrington, Vice President of Property and Project Management for Capital District YMCA, noting the flagship branch is on Wall Street with 12,000 members. He commended the Board and the working groups on the Town Center Plan, noting the Y is excited about it and how it is going to impact their organization. Noting the Y is a not-for-profit that provides mission work and service to the community, he said it is difficult with other fitness centers opening up. He said he has been involved with, looking at and commenting on plans in Schenectady, Albany, East Greenbush, and Clifton Park and has a little bit of experience. When he looked at what is proposed, the walkability jumped out. He stated he is a big believer that residential does drive economics of new business. He said he believes the inclusion of high density housing is not only good for the Plan but also good for the YMCA. He continued as things get difficult the Y is thinking about partnerships with developers, noting when people can walk to facilities there tends to busier facilities as well as a larger volunteer base. Mr. Barrington said he believes the high density benefits the Y. Regarding the 50 cap, when you deal with a well-respected developer, that has roots in the community and gives a larger quality project with more residential units the outcome can be better than 50 here and 50 there. The Y would be looking at partnerships in running programs in complexes and managing fitness centers and pools.

Supervisor Barrett reviewed residential areas near the Y and questioned how many people might walk to the Y. He said he fully expects there will be new residential in the study area, even at 50 cap, if passed, or through the PDD process.

Frank Gallo, Florist, Guilderland, stated he feels strongly about the 50 unit cap. He has seen revenue drop due to internet and big box stores. He said he is all in favor of more people closer to his stores, noting anytime Gallo has opened stores it has been because there has been high density and other commercial flourishing projects.

Eric Schnakenberg, MD, Casablanca Court, offices at 5 South Side Drive, practicing for 25 years in the Clifton Park community, stated he is a Community Care physician. He said he recognizes he is retail and has to be where the patients are. He continued the idea of co-locating in a town center that has high density residential is very attractive and noted the right location close to residents is critical to health care and stressed the importance of walkability. Dr. Schnakenberg said Community Care model of health care will be changing over time and they will be proposing locating and consolidating a lot of the practices and access to high density is important as high density does drive business and is critical for the success of health care.

Stephen Kineke, MD, Huntwood Drive, family physician in Clifton Park for 25 years, with offices near Giffys Restaurant, said he seconds Dr. Schnackenberg's comments and noted they are interested in investing and expanding in Clifton Park.

Tim Miller, Windsor Development, read letters into the record from Daniel Ruzow, Esq. Whiteman Osterman & Hanna, LLP dated February 2, 2015, and David Zecchini and Nancy Bambara, DZ Restaurants, owners of Pasta Pane, dated January 30, 2015, attached. Mr. Miller reported Windsor sent the Town Center Plan and drawings to an architect asking "give us something like this". He displayed the plan received from the architects.

Supervisor Barrett said a lot of this discussion comes down to amount, size matters and that is where we disagree.

Paul Goldman, Esq., speaking on behalf of the Windsor Company, asked when the deadline would be to submit written comments. Supervisor Barrett responded by the end of the month. Speaking with regard to garages, a cap makes it not functional to build something the size of the proposal.

Supervisor Barrett noted there are a great many apartments, diversified as well, in town. He said there will be opportunities for mixed use which the Town Board will encourage. The Supervisor continued where we differ we, and the community, look at this as residential complementing commercial as opposed to the other way around.

Mr. Goldman said the Plan calls for a mixed use walkable community. He stated once you have a project that qualifies for the form base you do not have to come to the Town Board because that zoning amendment is the expression of what the community wants. Mr. Goldman said the zoning amendments have to be consistent with the Plan and the cap is not consistent. He stated the cap is inconsistent with the "comp" plan and therefore, illegal. He emphasized the Plan calls for mixed use, retail on the bottom and apartments above and the property should be used for something that will keep people in the community. The form-based code dictates what the community wants.

Supervisor Barrett said within the framework of the code, and the future of the town, it is important that when you look at a large scale project it is important to get continued public input to also make sure it fits in with the community at large.

Mr. Goldman stated he does not agree with that as the form-based code dictates what the community wants. He further stated once there is a project that qualifies for the form base the applicant does not have to come to the Town Board as that zoning amendment is the expression of what the community wants.

Supervisor Barrett said that is a very good point and asked what is the community saying about the amenities within the project and the type of project and where does it say it in the code. He said there is nothing in the code that says anything about amenities and the type of project. Projects could be looked at through the PDD process.

Mr. Goldman said it is in the mixed use concept of residential over retail.

David Rowley, attorney representing Shenendehowa School District, read his letter dated January 29, 2015 requesting a TC5 designation. He stated the TC3 zone does not allow for any residential zoning and feels this is somewhat contrary to the town's goals of having a vibrant area of mixed commercial and residential use to totally preclude this major parcel from having any residential use. Mr. Rowley continued the district is interested in achieving the maximum value to taxpayers of the sale and having TC3 zoning inhibits the district from achieving that goal. He said no one is a more important stakeholder than the school district.

Daniel Fariello, Carlson Way, Sr, Vice President Capital Bank, Commercial Real Estate, said he has worked with all developers in the area and reported mixed use in surrounding communities has given to a rebirth to the downtown region. He stated the key to the Town Center Plan is mixed use. He said he doesn't know if the 50 unit cap is arbitrary or by formula. He noted reuse of land is key.

Dan Hartnett, Chair of Trails Subcommittee, thanked the Board for the revision to the Plan that Trails Subcommittee requested. He said it seems the focus is on apartments for rent as opposed to buying. He said he would like the Board to focus on owner occupied as there is a greater buy-in to the community and respect for properties over the long term.

Peter Bardunias, Waite Road, President of the Chamber of Southern Saratoga County, said he feels the 50 limit is too low and is concerned about the reliance on a PDD noting in other towns this has proven to be an "Achilles Heel" in their economic development. He asked if there was another way to work this out as a community and not have to resort to individual development proposals. Mr. Bardunias asked in the process of developing the form base code that the Town Board really adequately look at the issue and possibly tweak.

Supervisor Barrett noted that much of Exit 9 is a PDD.

Oliver Robinson, Superintendent of Shenendehowa Schools, expressed "kudos" to Superintendent of Highway Kukuk on the condition of the roads after the storm today.

Chuck Chisholm, Sienna Drive, Ballston Lake, Director of Real Estate for Price Chopper, congratulated the Board on thought and effort gone into the zoning change. He spoke in favor of mixed use zoning and the Windsor proposal. He said this type of project will keep the shopping center alive, people in restaurants and would be a very complementary use for the parcel. People want variety in housing choices and amenities. Mr. Chisholm said with the size of the Kmart parcel the proposed project does not seem that intense.

Supervisor Barrett said the town is uniquely situated with an incredible opportunity to not only have the amenities and elements of a town center but also diverse retail offerings. He said the town also has the opportunity to take advantage of people from neighboring communities who travel through Clifton Park. The Supervisor noted there have been 30,000 people since 1990, noting we pull from neighboring municipalities and when Clifton Park is included there are 100,000 people who commute through town and shop in Clifton Park. The Supervisor continued in order to be successful in the future it is necessary to create an experience. He stated the town does everything it can to create an environment to have businesses be successful and eventually get a return on investments noting this is what the Town Center Plan is all about. He reported the Empire Center study looked at tax rates across every municipality in New York State and when Clifton Park is compared across its peer group in most instances it is not even close. He said this is a very important element in helping some of the businesses and land owners here tonight be successful and give a competitive advantage. He stated the town's finances are solid and this should give some comfort that there will not be large increases in already low taxes. Supervisor Barrett continued additional flexibility and density in the Exit 9 area is taking it to the next level and will take advantage of new opportunities that arise. He understands for some that doesn't go far enough, noting point taken.

Peter Guiderelli, Schenectady, noting he does business with several companies in the area, read an email into the record from Paul Bonacquisti owner of Park Lane Tobacco Shop dated February 2nd. Noting the Kmart site is the largest vacant site in town, Mr. Guiderelli said to refit 86,000 square feet on 13 acres is a herculean task and to do so it would be necessary to repurpose the site by demolishing and rebuilding. He feels the Windsor plan seems very consistent with Town Center Plan with retail, office and restaurant space on the first floor and 200 plus units above. The ratio should be discussed and vetted. In order for a business to be successful it needs high density and people traffic and needs to create an experience to attract more people to the town center. This project talks about high end apartments homes of 220 units with an average income of perhaps \$70,000-\$90,000 equaling \$18 million of earned income coming into the community. Mr. Guiderelli stated there are not a lot of options of places to retire in Clifton Park. Disposable dollars will bring new sales tax that will contribute to the bottom line. Mr. Guiderelli said maybe it was a timing issue but if Kmart had been vacant at the time the form base code was being considered and developed it might have had a different outlook and maybe a TC7 could have been considered.

Councilman Whalen said a TC7 zone was never discussed by the Town Board.

Supervisor Barrett said it is interesting with all the discussion and criticism no one has asked the Board if they like the project.

James Trainor, Greenlea Drive, member of Shenendehowa School Board, agrees with a lot of comments regarding residential. He explained the school's 34 acres parcel is walkable to/from a number of quasi-public entities. Mr. Trainor said allowing residential on that property seems to make sense as it is a natural transition area not only to retail areas but to the quasi-public areas. He continued allowing residential on the school's 34 acres would still have potential for trails which also adds to walkability of that area. Residential should be part and parcel of that area. Mr. Trainor said for all the reasons Windsor made as far as their TC5 area it seems to make sense to also make the school 34 acres TC5 with the PDD option and asked that the Town Board change the designation.

Supervisor Barrett said the school asked that the 34 acre property included in the Plan. He said the proposed designation was the product of early meetings. He asked Mr. Scavo what the hurdles would be with a change.

Director of Planning Scavo referred to pages 42-46 in the Plan regarding the 34 acre school district parcel and the need additional attention. The overlay zone is a direct result of recognizing and reinforcing in the Comprehensive Plan is because it didn't have the level of visioning that it should go thru a regular Planning Board review process with the PDD as an available land use tool. He noted the Maxwell Drive South parcel where senior housing has been built out but the 90,000 square feet of retail has not been built out and is looking to be withdrawn from the Version 5.0 Plan and allow it to continue under the PDD. He continued everything else will fall under the new zoning designation proposed this evening and be a repeal of existing PDD. Mr. Scavo explained The Schuyler Ridge PDD would be extinguished and allowed as a nursing home facility as a Special Use Permit. Supervisor Barrett said the expansion of Schuyler Ridge has been approved by the Town Board. Mr. Scavo said the fourth pod that was in original PDD but was never built out and subsequently the PDD sunset. The amendment allowed them to go forward to build the forth pod.

Mike Barry asked what the ratio is to pedestrian friendly residential to driving friendly residential, noting pedestrian friendly is a vital component. He stated pedestrian friendly residential is a vital component of the Plan.

Supervisor Barrett reviewed residential properties in proximity to the area of the Plan. He said there will certainly be additional residential units in the study area but it is about residential complementing commercial. He stated one of the main goals of the Plan has been to encourage and attract complementary uses within the Exit 9 study area. Supervisor Barrett stated he understands from the two public hearings that the main concern is that there is not an unlimited amount of apartments allowed to be built within the Town Center Plan. He said a PDD application can be submitted for multifamily dwellings not only in the Exit 9 area but anywhere within the entirety of the town. He noted several large scale multifamily dwellings have been turned down in recent years.

Councilman Whalen said he agrees with Supervisor Barrett and read his comments, attached.

Supervisor Barrett said he thinks in principle people agree on the tenets of the Plan but disagree on how much.

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 9:18 p.m.

PUBLIC HEARING, 7:10 (9:19) PM
TO CONSIDER A LOCAL LAW AMENDING CHAPTER 208
B-1 AND B-2 ZONING CLASSIFICATIONS

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on January 22, 2015.

Town Attorney McCarthy explained this change is one word in two places: the word "commercial" to be inserted in Chapter 208 33B and 34 between the words "multiple" and 'buildings'. He said the reason for the amendment is to correct a judicial reinterpretation of the existing code which came out of a decision on January 15th. Mr. McCarthy reviewed Section 208-30, Purpose: delineation of zones. Mr. McCarthy said the court recognized that they were imposing an interpretation of that code on the town that the Town Board had not wanted.

The public hearing was opened for comments from the audience at 9:21 p.m.

Peter Belmonte, Belmonte Builders, Clifton Park, said he understands the need for the town to clarify the present regulation. He said he is the owner of a 10 acre parcel of land presently part of the B zone that is unique insofar that it is a landlocked parcel, surrounded by the former Van Patten PDD which is now classified to be a B2 zone. He said he has made an applications to what he understood the zoning to be on the 10 acre parcel of land to develop that parcel for residential use

which he thinks is the proper use for that land. He explained this will create a buffer from the existing Country Knolls neighborhood to what sometime in the future will be commercial or a business park. He asked that as a the town continues to decide on the existing clarification of the zones that due to the application having been submitted prior to this decision that they can proceed forward with the review of the present application under the new regulation and have it go forward as a residential use. He said he is not opposing the clarification regulation but would like the 10 acre parcel to be able to lie under the present understanding of being potentially residential.

Mr. McCarthy asked if the application referred to was submitted today. Mr. Belmonte responded yes.

James Ruhl, Wood Dale Drive, said the parcel has been an issue of contention for up to five years. It continues to be that way and there are people from the neighborhood who want to keep it as friendly to the neighborhood as possible. Many of the proposals submitted in the past did not do that. The bottom line is he encourage the town to make and take all efforts to appeal and overturn the decision – Boni vs. Town of Clifton Park. He stated the decision is hypocritical and contradictory of the state to enable the towns to protect the health and safety of citizens and then have this responsibility nullified by a state appellate decision on narrow and specious grounds noting it is an affront to the police powers of the Town of Clifton Park. He hope this language submitted tonight will clarify the intent of the town which is recognized by the court but contradicted in its decision

John Rajeski, Wood Dale Drive, spoke in support of Mr. Ruhl's urging the Town Board to appeal the issue.

Councilman Whalen asked if today's application supersedes the original application.

Mr. Belmont said the original application was submitted in mid to late 2000s, explaining Boni, Van Patten and Belmonte had thrown land into a common pool and had made application for PDD and residential community. That application over time withered away and Boni continued to proceed on his own. Belmonte Builders, in order to protect their interest on the 10 acres parcel only, have submitted an application for residential, as the buffering element between what may become commercial and the existing residential on Wood Dale.

Town Attorney McCarthy explained resolutions on the agenda this evening are necessary in order to proceed with this legislation.

Supervisor Barrett said written comments will be accepted for the next couple of weeks.

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 9:37 p.m.

CONTINUATION OF PUBLIC HEARING
UNSAFE STRUCTURE of 969 MAIN STREET, JONESVILLE

Mr. McCarthy reported that Andrea Domenico has forwarded the signed contract for the sale of that property to him. The contract has a couple of contingencies including the buyer would like to make an application for some area variances to the Zoning Board. Mr. McCarthy told her the town would not take any steps in demolishing the structure that is under contract. He reviewed legal options of keeping the public hearing open or closing it. Supervisor Barrett said he doesn't see any reason to keep the public hearing open.

The Town Board agreed to close public hearing and noted it doesn't take away any option for now and in the future. Supervisor Barrett declared the public hearing closed at 9:40 p.m

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 32 of 2015, a resolution hiring Mark Kazmierczak as a part-time assistant Building Inspector.

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

WHEREAS, Mark Kazmierczak retired from the Town of Clifton Park effective January 30, 2015, and

WHEREAS, Director of Building and Zoning Steven Myers has recommended that Mark Kazmierczak, 444 Vischer Ferry Road, Clifton Park be hired as a part-time assistant Building Inspector, Grade 7, Step 4, (\$27.83 per hour), part-time rate schedule; now, therefore, be it

RESOLVED, that the Town Board authorizes the hiring of Mark Kazmierczak as a part-time assistant Building Inspector at Grade 7, Step 4, effective immediately, as budgeted in A-3620-E4000 (Building & Zoning-part-time staff).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 33 of 2015, a resolution authorizing the Clifton Park Sewer District No. 1 to purchase a 2015 4x4 Chevrolet pickup truck from “piggy back” contract with Hamilton County.

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

WHEREAS, Michael O’Brien, Collection Systems Manager for the Clifton Park Sewer District No. 1 has identified a need for an additional truck to allow current E-150 Van to be used less and only as a camera van, and

WHEREAS, after assessing the needs of the sewer district, Mr. O’Brien has recommended the purchase of a 2015 4x4 Chevrolet pick-up truck for use by the sewer district, and

WHEREAS, the prices quoted are extended from the Hamilton County bid award, under the provisions of New York State General Municipal Law Section 103 which allows one municipality to “piggy-back” off the contracts of another municipality as long as that contract was let in a manner that constitutes competitive bidding consistent with state law and made available for use by other government entities, and

WHEREAS, General Municipal Law Section 103 has been amended to allow the extension of equipment configurations and awarded pricing discounts to all political subdivisions in New York State based upon qualified bid responses to a municipal entity with notice, and

WHEREAS, after reviewing the options available, Mr. O’Brien has recommended that the pricing from Carbone Auto Group, Utica, NY be accepted for an amount of \$34,099 for a 2015 4x4 Chevrolet pick-up truck; now, therefore, be it

RESOLVED, that the Town Board authorizes the purchase of a 2015 Chevrolet pick-up truck from Carbone Auto Group of Utica under the provisions of the amendment to General

Municipal Law, at a total cost not to exceed \$34,099, to be budgeted from G7-8111-200 (Clifton Park Sewer District No. 1-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 34 of 2015, a resolution authorizing the Director of Safety and Security to purchase a 2015 Dodge Grand Caravan vehicle for use by the Animal Control Department from “piggy back” contract with the Delaware-Chenango-Madison-Otsego (DCMO) BOCE.

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

WHEREAS, Louis Pasquarell, Director of Safety and Security has identified a need for a Public Safety Animal Control vehicle, and

WHEREAS, Carbone Auto Group, Utica, New York has extended an offer to the Town of Clifton Park for a 2015 Dodge Grand Caravan, for an amount of \$21,704, including a spare wheel and tire, utilizing the “ piggyback” of the DCMO BOCES-2015 bid, and

WHEREAS, the prices quoted are extended from the Delaware-Chenango-Madison-Otsego BOCES vehicle bid award, under the provisions of New York State General Municipal Law Section 103 which allows one municipality to “piggy-back” off the contracts of another municipality as long as that contract was let in a manner that constitutes competitive bidding consistent with state law and made available for use by other government entities, and

WHEREAS, General Municipal Law Section 103 has been amended to allow the extension of equipment configurations and awarded pricing discounts to all political subdivisions in New York State based upon qualified bid responses to a municipal entity with notice, and

WHEREAS, after reviewing the options available, Mr. Pasquarell has recommended that the pricing from Carbone Auto Group, Utica, New York be accepted for an amount of \$21,704 for a 2015 Dodge Grand Caravan vehicle; now, therefore, be it

RESOLVED, that the Town Board authorizes the purchase of a 2015 Dodge Grand Caravan from Carbone Auto Group of Utica under the provisions of the amendment to General Municipal Law, at a total cost not to exceed \$21,704 including a spare wheel and tire, to be budgeted from A-3510-200 (Animal Control-Equipment).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 35 of 2015, a resolution authorizing the Supervisor to sign and submit a grant application to the National Park’s Erie Canalway National Heritage Corridor.

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

WHEREAS, by Resolution No. 253 of 2014, the Town Board authorized the Supervisor to execute a grant application to the National Park's Erie Canalway National Heritage Corridor for assistance for the installation of way-finding signage in the Vischer Ferry Preserve, and

WHEREAS, by correspondence dated January 15, 2015, the Erie Canalway advised the Town that a matching grant of \$3,900 had been awarded to the town for coordinated riverfront signage, and

WHEREAS, the grant program accepted in-kind contributions from the town and from associated volunteer groups toward the local match, and

WHEREAS, the \$3,900 grant requires a local match of cash and in-kind contributions in the same amount, and

WHEREAS, Resolution No. 253 of 2014 authorized a cash contribution from the town not to exceed \$1,500; now, therefore, be it

RESOLVED, that the Supervisor is authorized to execute the attached Erie Canalway Grant Contract, and be it further

RESOLVED, that the town will contribute \$1,500 from A-1440-135, (Engineering-Engineering) with the remainder in in-kind contributions from town staff and the Erie Canal Byway.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 36 of 2015, a resolution authorizing the Supervisor to sign a Letter of Agreement between the Town of Clifton Park and the Center for Initiatives in Pre-College Education of Rensselaer Polytechnic Institute for joint sponsorship of a program to provide an educational opportunity in the field of Junior LEGO Robotics Engineering and Animation and Gaming to be held during the 2015 summer season.

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

WHEREAS, the town recognizes that the field of Robotics provides an excellent educational environment which helps to introduce young minds to fields encompassing science and engineering, and

WHEREAS, the center is a pre-eminent educational institute with particular expertise and experience in these fields, with nationally recognized robotics teams and competitors, and

WHEREAS, the town and the center wish to cooperate in a program which provides an opportunity for students ages 8-10 to learn in a unique environment which enables them to interact with and learn from college level mentors and facilitators in the field of advanced LEGO Robotics and Gaming/Animation, and

WHEREAS, students ages 11-14 will further have the opportunity to experience a full day Arduino: Electronics, Programming and Designing Academy experience; now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign a Letter of Agreement between the Town of Clifton Park and the Center for Initiatives in Pre-College Education of Rensselaer Polytechnic Institute for joint sponsorship of a program to provide an educational opportunity in the field of Robotics and Junior LEGO Robotics Engineering and Gaming/Animation.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 37 of 2015, a resolution authorizing the hiring of a Camp Site Director for the full day camp and returning Site Directors for the four half day camps for the 2015 season.

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

WHEREAS, it is necessary that staff be hired by the Department of Parks and Recreation to operate the Town of Clifton Park 2015 summer recreation programs, and

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

RESOLVED, that the Camp Site Directors, 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 Whalen, Councilwoman Standaert, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 38 of 2015, a resolution appointing Pauline Boehm to serve as secretary to the Historic Preservation Commission.

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

WHEREAS, an opening exists for a secretary to the Historic Preservation Commission, and

WHEREAS, Pauline Boehm has been recommended to serve as secretary to the Commission; now, therefore, be it

RESOLVED, that the Town Board hereby appoints Pauline Boehm, 861 Riverview Road, Rexford as Secretary to the Historic Preservation Commission at Grade 1, Step 1, \$14.21/hour.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 39 of 2015, a resolution declaring the town lead agency for SEQRA review for an amendment to Section 208-33 and Section 208-34 of the Town Code regarding the B-1 and B-2 Business Zones.

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

WHEREAS, the planning staff have completed a short Environmental Assessment Form regarding a local law amending Section 208-33 and 208-34 regarding the B-1 and B-2 Business Zones, as amended, and

WHEREAS, the Town of Clifton Park is declared lead agency for SEQRA purposes; now, therefore, be it

RESOLVED, that the Town Board, as lead agency, hereby accepts the environmental assessment completed by the town’s Planning Director, and declaring the proposed B1 and B2 amendment to be an unlisted action pursuant to SEQRA, and hereby issues a negative declaration regarding the same.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 40 of 2015, a resolution referring proposed amendments to Section 208-33 B and 208-34 of the Town Code to the Saratoga County Planning Board.

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

WHEREAS, a Public Hearing on the proposed amendments was held on February 2, 2015, and

WHEREAS, the Town Board would like to seek input and review of the Saratoga County Planning Board before considering the amendments further; now, therefore, be it

RESOLVED, that the proposed amendments to Section 208-33 B and 208-34 are hereby referred to the Saratoga County Planning Board pursuant to General Municipal Law Section 239M.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

No one wished to be heard.

MOTION by Councilwoman Walowit, seconded 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 9:53 p.m.

Patricia O'Donnell
Town Clerk