

Clifton Park Town Board Meeting Minutes

September 4, 2001

The regular meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 7:00 p.m., Supervisor Barrett presiding.

Pledge of Allegiance to the Flag

Present: Councilman Paolucci
Councilman Speckhard
Councilman Roth
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney Trainor
Louis Gerard, Superintendent of Highways
Mark Heggen, Comptroller
Jason Kemper, Director of Planning
Michael Shahan, Town Administrator
Sheryl Reed, Chief of Bureau of Fire Prevention
Donald Baker, Animal Control Officer

Announcements and Communications

Councilman Roth reminded residents of the Special Collection Day scheduled for September 29th, 9:00 a.m. to 4:00 p.m.

Councilwoman Walowit announced through negotiations with Time Warner, Road Runner has agreed to wire the Senior Center with a free service consisting of eight ports and a descriptive video service for the visually impaired.

With regard to the "Jacobsen property", Councilman Speckhard referred to memos from Pat Haffner, Director of Parks, Recreation and Community Affairs, and Walter Smead, Assessor, stating New York State is also interested in the property either by purchasing or sharing the purchase. He stated details need to be worked out at the County and it is hoped a resolution of intent to purchase can be done at the September 10th Town Board meeting.

Supervisor Barrett reminded the public of the dedication of the Veterans Monument on September 22, 2001 at the Saratoga National Cemetery.

Reports

Reports for August from Animal Control and the Justice Court were filed with the Town Clerk.

Public Hearing, 7:10 PM

To Consider a Local Law Amending Setbacks Around Cemeteries

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on August 24, 2001.

Supervisor Barrett summarized the proposed local law explaining this is an extra provision meant to protect cemeteries with an additional set back distance.

The public hearing was opened for comments from the audience at 7:20 p.m.

Joann Coons, Chairman of the Historic Preservation Commission, recommended this be applied to all districts, not just R-1. She noted there are 22 cemeteries in town.

Ray Bowman, Sugar Hill Road, spoke in opposition to the proposed legislation and questioned the purpose. He reported there is a cemetery on his property on the choicest area of his land and if this law were to take effect, it means he would have 240 feet by one direction and 220 by another where there could be no building placed, including house or farm support building. He noted he takes care of the cemetery and has been paying taxes on it for 48 years.

Martin Egan, Carriage Road, said he has worked with the Historic Preservation Commission in cataloging cemeteries and has become interested in the Jones Cemetery on Waite Road which is one of the most historical sites remaining in the Town but very overgrown. He stressed the importance of respect, upkeep and educational aspect of cemeteries .

Norman Goldman, London Square Drive, asked what the current setbacks are. Mr. Trainor responded 50 in front, 25 to the rear, 10 to the sides. Mr. Goldman recommended looking carefully at the impact of the proposed legislation. He is concerned that property rights could be taken away bit of adopted should include all neighborhoods. He said he has not heard any complaints about existing setbacks. He asked the Town Board to consider funding for the secretaries of the cemeteries.

John Scherer, Town Historian, asked that the legislation be applied to all areas of the Town. He said the model for the setback is from the Town of Wilton where the setback is 200 feet. He reported all cemeteries in town have been located and mapped. He noted a house was planned to be built on top of a cemetery in a subdivision proposed about ten years ago but did not happen. He spoke in favor of the setback noting a subdivision was built very close to the Jonesville Cemetery and the proposed setback legislation would have solve that problem. Mr. Scherer stated cemeteries are important historical resources. He said the next phase of the Preservation Commission's cemetery project is to clean up

the various cemeteries but since many of them are privately owned, people have become very defensive about anyone coming on their property to clean the cemetery and this problem has to be worked out.

Jan Lemon, Esopus Drive, said the issue of taking land needs to be investigated, specifically with regard to possible lawsuits. She said there needs to be a way for the Town Board to work with the owners of the cemeteries and if they are on private property perhaps obtain a waiver. She noted there might be more cooperation if the town funded the cleanup of the cemeteries.

Karl Salzer, Vischer Ferry Road, spoke in favor of maintaining the cemeteries but thinks raising the setback to 100 feet is excessive. He suggested 25 feet on three sides and maintain 50 feet in the front and stipulate any new development must put up some sort of tasteful fencing around the area so it not become some sort of a storm drain.

Ed Dussault, Grooms Road, said he is familiar with the cemetery on the Bowman property and it is well maintained and feels Mr. Bowman would lose a tremendous amount of land if the setback was imposed. Mr. Dussault said he is in favor of historic preservation but this needs to be worked out with property owners.

Mr. Scherer said perhaps there can be some differentiation between small family cemeteries and the larger ones.

Councilman Speckhard asked what the reasons are for the proposed setback. Mr. Scherer responded a combination of both aesthetic and protection. Ms. Coons said it is necessary to get things in place so there is no crisis.

Beverly Czub, Miller Road, recommended having specific determinations made at the Planning Board level so it can be done on an individual basis.

Mr. Trainor said the purpose of the legislation is to give the Planning Board guidance as to what the standards ought to be.

Frank Berlin, Main Street, Jonesville, said people have different opinions of what is aesthetically acceptable. He said it is right to have respect around the area but if the setbacks disrupts what a property owner wants to build on their property that is not right either. Mr. Berlin said there needs to be some way to protect the cemeteries.

Tom Hall, President of the Jonesville Cemetery, said it is important to distinguish between the old Jonesville Cemetery on Edward Street and the large Jonesville Cemetery which is run by a committee which has an established budget and authorized by the New York State Senate. He said there is no need for anyone to go in the Jonesville Cemetery for upkeep.

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

at 7:50 p.m.

A short skit was presented to recognize the Historic Grooms Tavern and to encourage volunteerism and membership in the Friends of Historic Grooms Tavern. Supervisor Barrett reported a grant application has been submitted for restoration of Grooms Tavern.

Public Hearing, 7:20 PM

To Consider a Local Law Regarding the Mary Jane Row Dog Park

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on August 24, 2001.

Supervisor Barrett expressed appreciation to Lorna Kircher for her attention to the dog park.

The public hearing was opened for comments from the audience at 8:05 p.m.

Lorna Kircher, Lilac Court, said there is a public safety aspect to the proposed legislation and concern that dogs in the park without a permit may not be vaccinated.

Leonard Carbonera, Winding Ridge, user of the dog park, doesn't agree with the current permit use of placing the tag on the sign in table but recommended a metal identification tag on the dog's collar so it is known by the other users of the park that the dog has been vaccinated.

Fred Halley, Oakwood Blvd, agreed with Mr. Carbonera and said there is concern about people using the park without permits.

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 8:10 p.m.

Public Hearing, 7:30 PM

To Consider a Local Law Regarding Alternate Membership in the Emergency Services Advisory Board

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on August 24, 2001.

The public hearing was opened for comments from the audience at 8:12 p.m.

Sheryl Reed, Chief of the Bureau of Fire Prevention, explained this change would add alternate positions to the current positions. She noted at times there has been breakdown in communications due to illnesses or members being on extended vacation, particularly during the winter months, and information doesn't get back to the respective districts. Ms.

Reed said the alternate's term would be concurrent with the current member's term and the alternate would not have to be a resident of the Town of Clifton Park but a resident of the fire district. She said in the absence of the regular member, the alternate would have voting power.

Norman Goldman, London Square, said he hopes this won't set a precedent for having the same kind of practice with respect to Zoning and Planning Boards.

Ray Bowman, former Chief of the Bureau of Fire Prevention, spoke in support of alternate members.

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 8:20 p.m.

Presentation to the Board - Clifton Park Youth Court

Joel Peller, Ass't. Town Attorney, introduced Judy Eckman, Executive Director of the Prevention Council, Kristen Hamilton, Youth Court Director and Lisa Chamberlin, Coordinator assigned to Clifton Park. Mr. Peller said approval has been received from the Town of Clifton Park Public Safety Task Force, assurance from Superintendent of Schools McClure that the Youth Court Program could become an organization for the high school, agreement from Town Justices Hughes and Rybak, and approval of District Attorney's Office. Mr. Peller asked the Town Board to consider an allocation of \$2000, which is needed to get the program started. It is expected this program could begin in late October or early November. The Town Justices have agreed to allow training and trials to take place in the courtroom.

Judy Eckman reviewed the history of the Prevention Council and Youth Court and peer involvement and expressed appreciation with the Town of Clifton Park's involvement.

Kristen Hamilton reviewed process and requirements of people involved in the program and sentences, noting a large segment of the population is served through training of officers and jurors of the court. Ms. Hamilton said she sees this as a prevention message and noted peer pressure can be positive. She said the Town Justices would make the determination if a defendant can be referred to Youth Court. The offender would have to admit his/her guilt in order to go through the program. The Youth Court does not determine guilt or innocence. It was noted a parent must be involved in the process.

Councilman Paolucci asked if the Youth Court would be open to youth outside the Town of Clifton Park and if there was any documentation of youth in the program five years later.

Mr. Peller said youth would have to live in the Shenendehowa School District.

Ms. Hamilton said 16 to 19 year olds can be followed but the majority of referrals come from the probation department and there is no way to follow up on those individuals. She said the Prevention Council asks the youth to contact them in a year for an update.

Mr. Peller said the Steering Committee is an opportunity for interested members of the community to participate in Youth Court.

Councilman Speckhard said it is necessary for teens living in the Shenendehowa School District but attending other schools to have an equal opportunity to be a part of this program.

Ms. Hamilton said other schools will be notified of the opportunity and flyers will also be posted around town.

Supervisor Barrett said this is long overdue and a positive program. He expressed appreciation to all involved and to Judges Rybak and Hughes for their support.

Public Privilege on Resolutions

With regard to a question from the floor concerning the Northcrest PUD resolution, Supervisor Barrett said these were concerns that came out of a meeting with residents but agreed they need to be better specified.

Resolution No. 230 of 2001, a resolution adopting Local Law No. 11 of 2001, a local law establishing regulations for the Mary Jane Row Dog Park.

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

WHEREAS, regulations are needed to control the use of the Mary Jane Row Dog Park by Town residents and to ensure that permits are being obtained prior to use of the park, and

WHEREAS, a public hearing was held on September 4, 2001 to consider adoption of regulations to control use of the Mary Jane Row Dog Park, and

WHEREAS, all comments received have been considered; now, therefore, be it

RESOLVED, that the sign regarding the need for a permit for using the park shall be relocated from the Dog Park fence to a post in the Parking lot, and be it further

RESOLVED, that the Town Administrator shall incorporate onto next year's budget funds needed to issue a car sticker for permit holders and to install a small sign to be attached under the existing sign on Ray Road, stating "Permit Use Only", and be it further

RESOLVED, that the Town Board hereby adopts Local Law No. 11 of 2001, amending

Section 92 of the Town Code and the Town Clerk is directed to file notice of same.

It was decided the requirement of the dog wearing a tag can be part of the rules and regulations of the dog park and this would be in addition to the card permit.

Roll Call Vote

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

Noes: None

Declared Adopted

Resolution No. 231 of 2001, a resolution authorizing the appointment of Laurie Luse to the position of payroll clerk.

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

WHEREAS, a vacancy exists in the Office of the Comptroller for a full time payroll clerk for the Town of Clifton Park, and

WHEREAS, the Town Board wishes to hire Laurie Luse of Round Lake as payroll clerk; now, therefore, be it

RESOLVED, that the Comptroller is hereby authorized to hire Laurie Luse of Round Lake as payroll clerk at a salary of \$26,505 annually (Grade 5 Step 1) effective September 17, 2001.

Roll Call Vote

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

Noes: None

Declared Adopted

Resolution No. 232 of 2001, a resolution accepting the Environmental Assessment for the 2001 Special Collection Day for household hazardous waste.

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

WHEREAS, the Town's Environmental Specialist has completed a Short Environmental

Assessment Form regarding the 2001 Special Collection Day for household hazardous waste, and

WHEREAS, the Town of Clifton Park is the 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 Environmental Specialist, finds the proposed action to be unlisted pursuant to SEQRA, and hereby issues a negative declaration regarding the same.

Roll Call Vote

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

Noes: None

Declared Adopted

Resolution No. 233 of 2001, a resolution authorizing Howard LaVine, Computer Consultant and Barbara McHugh, Community Development Director, to attend a Government Technology Seminar held at the Empire State Plaza from September 12-14, 2001.

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

WHEREAS, a Government Technology Seminar will be held at Empire State Plaza in Albany, from September 12-14, 2001, and

WHEREAS, Howard LaVine, Computer Consultant and Barbara McHugh Community Development Director, for the Town of Clifton Park have requested authorization to attend this conference, and

WHEREAS, Howard LaVine, Computer Consultant and Barbara McHugh, Community Development Director, attendance at this conference will confer a benefit upon and be in the best interest of the Town of Clifton Park; now, therefore, be it

RESOLVED, Howard LaVine, Computer Consultant and Barbara McHugh, Community Development Director of the Town of Clifton Park is hereby authorized to attend the Government Technology Seminar at a cost not to exceed \$570 as budgeted to be paid from A-8989-001 (Community Development/Travel and Conferences).

Roll Call Vote

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

Noes: None

Declared Adopted

Resolution No. 234 of 2001, a resolution authorizing Jason Kemper, Director of Planning, to attend the Northeast Arc Users Group Conference from September 24-26, 2001.

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

WHEREAS, the Northeast Arc Users Group Conference will be held in Worcester, MA, from September 24-26, 2001, and

WHEREAS, Jason Kemper, Director of Planning for the Town of Clifton Park, has requested authorization to attend this conference, and

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

RESOLVED, that Jason Kemper, Director of Planning for the Town of Clifton Park, is hereby authorized to attend the Northeast Arc Users Group Conference at a cost not to exceed \$500 as budgeted to be paid from A-8021-1 (Planning/Training and Conference).

Roll Call Vote

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

Noes: None

Declared Adopted

Resolution No. 235 of 2001, a resolution authorizing the Supervisor to enter into an agreement with the Village of Round Lake for the purchase of approximately 80 acres including and surrounding the Round Lake Reservoir, located in the Town of Clifton Park.

Introduced by Councilman Paolucci, who moved for its adoption, seconded by Councilman Speckhard.

WHEREAS, the Town Board wishes to enter into an agreement with the Village of Round Lake to purchase said parcel for parkland and will prohibit commercial and

residential development, and

WHEREAS, entering into this agreement will confer a benefit upon the people of the Town of Clifton Park, and

WHEREAS, the Town will allow the Village of Round Lake to continue to use said Reservoir until the village is hooked up to the Clifton Park Water Authority water, and

WHEREAS, the Town will allocate fifty five thousand (\$55,000) dollars from the Saratoga County Revenue Sharing Plan and add to the one hundred fifteen thousand (\$115,000) dollars previously authorized by Resolution No. 152 of 2001 for the purchase of the Round Lake Reservoir Land; now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to enter into the attached agreement with the Village of Round Lake for the purchase of approximately 80 acres surrounding and including the Round Lake Reservoir located in the Town of Clifton Park for parkland, and the funds be allocated for the same as outlined above.

Supervisor Barrett said it is very exciting to be able to preserve this pristine area in the middle of a large development, which will be used for purely passive recreation. He stated there would be no development on this property. He reported the final price is \$240,000 with \$70,000 coming from a grant. \$170,000 is payable up front and \$70,000 by April 1, 2002. Councilman Speckhard said this is also in line with the proposed purchase of the Jacobsen property in the Vischer Ferry Nature Preserve as both are lands being purchased to retain the environmental quality of the land as it exists now. He said though the town is fortunate at this time to have the financial ability to purchase these properties, he asked the Board to explore developing a permanent capital fund that can be added to on an annual basis that would be available for these kinds of purchases, noting that five or six years ago the Town would not have been able to make these purchases. Supervisor Barrett explained the addendum to the agreement is for the Phase I Environmental Study.

Roll Call Vote

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

Noes: None

Declared Adopted

Resolution No. 236 of 2001, a resolution altering the fire district boundary lines between the Vischer Ferry and West Crescent Fire districts within the proposed Countryman Estates North subdivision through the lands of Amedore Homes.

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

Roth.

WHEREAS, a joint public hearing was held and the Boards of the Vischer Ferry and West Crescent Fire Districts adopted a joint resolution approving the boundary line change as shown on a map prepared by Environmental Design Partnership, titled "Countryman Estates North Fire District Boundary Map" dated June 27, 2001, and

WHEREAS, the boundary line change will enhance emergency response, confer a benefit upon, and be in the best interest of the Town of Clifton Park, and

WHEREAS, pursuant to New York Town Law Section 172-a, the Town Board within thirty (30) days of receipt of the memorandum of proposed change by the Town Clerk, such day being August 21, 2001, must approve the proposed change; now, therefore, be it

RESOLVED, that the fire district boundary lines between the Vischer Ferry and West Crescent Fire Districts as shown on a map prepared by Environmental Design Partnership, titled "Countryman Estates North Fire District Boundary Map" dated June 27, 2001 is hereby approved.

Roll Call Vote

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

Noes: None

Declared Adopted

Resolution No. 237 of 2001, a resolution appointing Peter Fort to the Historic Preservation Commission.

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

WHEREAS, a vacancy exists on the Historic Preservation Commission, and

WHEREAS, the Historic Preservation Commission has recommended that Peter Fort, Riverview Road, Rexford be appointed to the Commission for a term to expire on December 31, 2002; now, therefore, be it

RESOLVED, that Peter Fort, Riverview Road, Rexford is hereby appointed to the Historic Preservation Commission for a term to expire December 31, 2002.

Roll Call Vote

Ayes: Councilman Paolucci, Councilman Speckhard, Councilman Roth,

Councilwoman Walowit, Supervisor Barrett

Noes: None

Declared Adopted

Resolution No. 238 of 2001, a resolution authorizing the creation of a Clifton Park Youth Court.

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

WHEREAS, the Prevention Council, 36 Phila Street, Saratoga Springs, has received a grant from the New York State Division of Criminal Justice Services to coordinate a Youth Court Program in various municipalities throughout Saratoga County, and

WHEREAS, the Town of Clifton Park is desirous to establish a Youth Court Program to be run by the Prevention Council, in conjunction with the Justice Court of the Town of Clifton Park and the Shenendehowa School District, and

WHEREAS, the Town of Clifton Park Public Safety Task Force, the Shenendehowa School District, the Honorable James A. Murphy, Saratoga County District Attorney, the Honorable James F. Hughes, Clifton Park Town Justice, and the Honorable Robert A. Rybak, Clifton Park Town Justice have expressed their support of the establishment of a Town Youth Court, and

WHEREAS, the establishment of a Youth Court will confer upon and be in the best interest of the youth of Clifton Park, and

WHEREAS, the Town is required to contribute Two Thousand (\$2,000) Dollars to the Prevention Council for administrative and other costs associated with running a Youth Court; now, therefore, be it

RESOLVED, that the Clifton Park Youth Court is hereby established and the payment of Two Thousand (\$2,000) Dollars for administrative expenses is to be made to the Prevention Council, 36 Phila Street, Saratoga Springs, from County surplus funds.

Roll Call Vote

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

Noes: None

Declared Adopted

Resolution No. 239 of 2001, a resolution authorizing the Director of Parks, Recreation and Community Affairs and the Town Historian attend the NYS Canal Conference in Syracuse, NY from September 16-18, 2001.

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

WHEREAS, it is the intention of the Town Board to have the Director of Parks, Recreation and Community Affairs and the Town Historian attend the NYS Canal Conference September 16-18, 2001, and

WHEREAS, the attendance of the Director of Parks, Recreation and Community Affairs and the Town Historian at this conference will confer a benefit upon the Town and its residents; now, therefore, be it

RESOLVED, that the Director of Parks, Recreation and Community Affairs and the Town Historian, are authorized to attend the 2001 NYS Canal Conference in Syracuse, NY, September 16-18, 2001 at a cost not to exceed \$350 per person, with funds to be allocated from budget account A07021-001 (Parks and Recreation Administration/Travel and Conference) and A7510-001 (Historian/Travel and Conference).

Roll Call Vote

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

Noes: None

Declared Adopted

Resolution No. 240 of 2001, a resolution adopting Local Law No. ___ of 2001, a local law amending Local Law No. 6 of 1983 as amended and amending Local Laws No. 5 of 1994 and No. 6 of 1998 entitled "Local Law Relating to the Zoning of the Town of Clifton Park Providing for the Creation of a Planned Unit Development District No. 24, to be known as Northcrest Park (Executive Woods)".

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

WHEREAS, an application has been made to amend the Northcrest Park PUD to add food services as per Exhibit, and

WHEREAS, a public hearing was held on July 2, 2001 to consider the amendment and all comments were considered, and

WHEREAS, the Planning Board has previously submitted comments to the Town Board

which have been duly considered; now, therefore, be it

RESOLVED, that Local Law No. ___ of 2001, a local law amending Local Law No. 6 of 1983 as amended and amending Local Laws No. 5 of 1994 and No. 6 of 1998 entitled "Local Law Relating to the Zoning of the Town of Clifton Park Providing for the Creation of a Planned Unit Development District No. 24, to be known as Northcrest Park (Executive Woods)" as provided in Exhibit A, is hereby adopted subject to the following conditions: 1) that there be no outside seating on the restaurant premises, 2) the service of alcohol on the premises is to be accessory to the provision of food in the restaurant and 3) fencing, berm and vegetation be installed; and, be it further

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

Supervisor Barrett reported there was a meeting held with Tallow Wood residents and the changes made to the resolution involved DCG Development offering to erect a chain link fence with green slats within five feet of the boundary of the two property lines of the homeowners and would minimize taking of any large trees. DCG has offered a four-foot by 80 to 90 foot berm with plantings on top. He stated multiple plantings are already required through the planning process outside of what is being discussed. Supervisor Barrett said the residents have expressed concern as to what type of restaurant is proposed and noise emanating from the establishment. He said the Town could regulate the outside activity of the restaurant. Mr. Trainor said the resolution specifies that the restaurant should not be used primarily as a bar but envisions alcohol would be served as part of a meal. It doesn't restrict a bar portion to the restaurant. Councilman Roth said Sheryl Reed is to speak with the Emergency Services Advisory Board with regard to the second

access by "Child Time". He said closing that entrance would be a problem for emergency services personnel due to getting the large fire engine into the particular development as the other access is a boulevard type access. Councilman Roth said DCG is more than willing to put benches in the park if the people still want to maintain the park. He referred to a letter dated July 19

from DCG Vice President Donald MacElroy to Director of Planning Kemper.

Councilman Paolucci said he contacted Director of Planning Kemper with the idea of a fence after a discussion with a resident of Tallow Wood who said there are security concerns with the building being. Councilman Paolucci stated he doesn't want to consider zoning changes unless the change benefits

the residents or if the landowner would be put at detriment if there weren't a zoning change. He said he isn't convinced that the residents feel there is benefit or a consensus. He said looking at properties that abut the PUD property, he feels there are more people against than for it. Councilman Paolucci said he doesn't think the resolution is ready to be considered as written. Councilman Speckhard said before the Board can move on this resolution, a specific consensus among the affected residents in very detailed form is needed as to what the tradeoff is. He said this could set a precedent for the amendment of PUDs simply with the developer making some kind of a deal with the neighborhood. He said the question of a restaurant was addressed when the PUD was passed four or five years ago and to put it into a bargain between the developer and the neighborhood could

set a bad precedent.

Councilwoman Walowit said she has heard demands from residents for more restaurants.

MOTION TO TABLE by Councilman Paolucci, seconded by Councilman Speckhard.

Roll Call Vote on Motion to Table

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

Noes: None

Motion Carried

Public Privilege

Frank Berlin, Main Street, Jonesville, speaking with regard to the proposed Van Patten Golf Course PUD, expressed concern with the location of the road and possible traffic on Main Street. He recommended the proposed road be placed nearer to Carlton Road.

Supervisor Barrett announced the Town is in receipt of \$634,433 from County surplus money.

Norman Goldman expressed concern regarding the sound system in the meeting room.

Rebecca Galick, Tallow Wood, said the residents do not want a restaurant but the enticement of a stockade fence at the edge of the clearing line was too good to pass up. She said the residents don't want a chain link fence and the berm should be required since a four-story structure as been built one hundred feet from the Tallow Wood homes. Ms. Galick reiterated the residents don't want a restaurant even with stipulations.

Councilman Roth said he will still pursue the berm behind the garage and asked Councilwoman Walowit to report back to the residents after the Emergency Services Advisory Board meeting with regard to the road.

Supervisor Barrett said he would like the situation of garbage pickup in commercial areas near residential zones looked at.

Youssef Ballout, Torrero Drive, said the residents of Tallow Wood want a stockade fence, not chain link, and they do not want a restaurant. He said DCG building a fence around their property should not be part of a bargain. He said in the original PUD allowing the building there was nolanguage to protect the people who live below it. Mr. Ballout said even with no restaurant, it is incumbent upon the Town to come forward and ask DCG Development to build the stockade fence and berms all along the back of the houses.

Director of Planning Kemper said far more is being done than is required. He said required landscaping won't be done until the building is completed and noted the plantings go around the building and forty six to seven foot coniferous trees will be planted.

Norman Goldman said he is hearing implied threats regarding the developer coming in for other projects and said each project should be dealt with on its own merits. He further said this project came in and was dealt with on its merits and the opportunity to talk about the stockade fence or how long the berm should be were issues to be discussed when the PUD was processed.

Betsy Cuttita, Tallow Wood, said when this project started most residents didn't live there and when the building was started residents weren't given any notice.

Jan Lemon, Esopus Drive, said over the years developers have always met with residents to hear concerns and to come to an agreement. She said there is too much on that property and precedent was set when a four-story building was allowed. Ms. Lemon said the Town should fight for the residents without giving anything else to the developer.

Ms. Lemon questioned the state of the billboard litigation.

Supervisor Barrett said when there is a decision made it will be announced.

Councilman Speckhard, speaking with regard to the PUD, said he agrees with Ms. Lemon in terms of not having been able to anticipate what the impacts of that project were, stating it was the first of a kind and he wishes the Board would have had a better sense of what the impacts were going to be because decisions might have been different. He said during the process a great deal of emphasis resident reaction and response and a lot of things were put into the PUD in response to residents requests and in the end of the process the residents that spoke supported the project. He said there was a bargaining process that went on between the developer and the residents and it seemed to come to a point where the residents said okay, we won't object to the project. Councilman Speckhard said Mr. Trainor is exploring whether or not a PUD can be amended without the approval, consent or agreement of the developer. He said of all the PUD projects he has been involved with the Northcrest Park PUD has caused him the most questioning of past actions of the Board.

Norman Goldman said he would hope that developments, proposals, and applications are considered on their merits. He said a residence in the western part of town, Llenrock, qualifies as a four-story building so there is a precedent. He said he believes 500-foot notices were sent by certified mail to residents.

Councilman Speckhard said in the original PUD residents were very much involved in the decision process and the developers bent over backwards to do what the residents wanted.

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

Motion carried at 10:00 p.m.

Patricia O'Donnell
Town Clerk