

## **Clifton Park Town Board Meeting Minutes**

**August 16, 2004**

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  
Mark Heggen, Comptroller  
Jason Kemper, Director of Planning  
Barbara McHugh, Director of Community Development  
Michael O'Brien, Environmental Specialist  
Michael Shahan, Town Administrator  
Walter Smead, Assessor

MOTION by Councilman Paolucci, seconded by Councilman Roth, to approve the minutes of the August 2, 2004 meeting as presented.

### **ROLL CALL VOTE**

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

Noes: None

### **MOTION CARRIED**

### **ANNOUNCEMENTS AND COMMUNICATIONS**

Supervisor Barrett thanked the Parks, Recreation and Community Affairs staff and Counselors for the successful first year of Full Day Camp.

The Supervisor presented Resolution No. 221 of 2004 to the family of Amato (Matty) Semenza noting his service and dedication to his country. He noted the county honored the memory of Major General Amato Semenza in July.

PUBLIC HEARING, 7:10 PM  
REGARDING WESTERN CLIFTON PARK LAND USE STUDY AND GEIS  
PROPOSED LAND CONSERVATION PLAN RECOMMENDATIONS DRAFT

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on August 5, 2004.

Supervisor Barrett explained this Study is to look at alternate ways to reduce the amount of housing units and commercial space that could occur in the area today.

Joe Grasso, Clough, Harbour & Associates, reviewed the process to date including what would be expected to be developed with today's zoning. He explained the next step will be the preparation of the draft plan and how to address the impacts of a build out. Mr. Grasso reviewed the purpose of the plan – primarily to address the impacts of build out, identify a land conservation scenario for the GEIS and establish concepts that could be looked at in the future. He noted the build out analysis was determined to be unacceptable at the community workshops. Mr. Grasso reviewed the plan summary, attached.

Supervisor Barrett said the reasons for the moratorium in addition to protecting the rural character of the western part of town, are infrastructure, water, sewer, roads, schools and proper planning for the future. When speaking of open space preservation, permanent easements or purchase of development rights, the Supervisor emphasized this is strictly a voluntary program.

Councilman Speckhard asked if the open space required due to the number of housing units has to be adjacent to the project. Mr. Grasso responded no.

In response to Councilwoman Walowit's question does the contributed land have to be in the western part of town, Mr. Grasso responded no, but as of right now it has not been specified that it has to be in the study area. Regarding hamlets, Mr. Grasso said there would be greater flexibility regarding density. Supervisor Barrett recommended that architectural standards be considered as part of hamlet zoning.

To make sure landowners know what to expect, Councilman Roth, speaking with regard to permanent easements/development rights, asked what happens to that parcel when the owner sells or transfers the property or it goes into an estate. Town Attorney Trainor responded the restriction is perpetual in nature and runs with the land.

Mr. Grasso explained, if proposed zoning recommendation are adopted, current PUD legislation would stay in place but would not apply to the study area.

The public hearing was opened for comments from the audience at 7:58 p.m.

John Brock, Denim Drive and owner of property on southwest corner of Glenridge Road and Route 146, reported a year ago he came before the Planning Board for conceptual approval on an office project for that area that offered more greenspace than required.

The Planning Board asked him to do away with the community sewer system and put a septic system in for each lot. He had the project redesigned at the cost of hundreds of thousands of dollars but the moratorium was put into effect before he could return and he doesn't think the proposed reduction is fair to a property owner that was trying to work with the town. Mr. Brock said he has owned the land for 27 years. Mr. Kemper said there were other issues; e.g. traffic. Mr. Brock said the roadways through the project have been changed.

Carmen DePoalo, Waite Road, expressed concern about a proposed subdivision on Waite Road (Kasey's Meadows) noting there is only one exit in and out, questioned if construction could affect the wells on Waite Road and if Waite Road is capable of handling traffic from 145-190 homes. He asked the Board to take these concerns into consideration.

Frank Griggs, Bradt Road, Rexford, said he likes the lower density and hamlet idea. He asked what the difference is between a hamlet residential and conservation residential in terms of density. Mr. Grasso said the density would be the same but the design standards would be different. He continued there would be design standards trying to keep developments off the major roads, which are roads deemed to have important view sheds along them.

Tom Powers, 1221 Route 146, owner of property at the intersection of Routes 146 and 146A and which he described as an area that has commercial surrounding it. He said the proposed plan does not make it conducive to what is already there. He said reducing the amount of build out on commercial side is going to reduce the value of his property. He said there is a shopping center and night club across from his home on Route 146 and this area is not conducive to the proposed hamlet type of development at that intersection.

Supervisor Barrett said smart planning will only increase property values.

Rocky Ferraro, Friar Tuck Road, speaking as a resident, said conservation subdivisions are different from clustering and is an excellent opportunity for the town to preserve its natural resources. He stated conservation subdivisions are a critical component of the study area. He stated it is important to preserve existing vegetation particularly for commercial subdivisions. Mr. Ferraro said residential development does not pay for itself while commercial does and is important as a tax base in order to maintain a low tax rate. He recommended applying the plan town wide. He commended the town for this study and encouraged its implementation. Mr. Ferraro suggested the town invest in hiring someone specific to work on the recommendations outlined in the study. He noted the Transfer of Development Rights Program also requires additional staff and he would like to see this town wide as well.

Sue Hicks, Sugar Hill Road, owns 340 acres, said the plans will affect property values. She said she wants to preserve land but wants to be treated fairly. Ms. Hicks said she doesn't see the reason to raise the density level.

Supervisor Barrett assured Ms. Hicks that the town will work with her within all legal means.

Susan Sherber, 1067 Ballston Lake Road, spoke in favor of cluster housing but wants to make sure the greenspace is within the subdivision. She expressed concern with “builders’ discretion” and asked the Board to take into consideration how the hamlets and green spaces are being handled upfront. Ms. Sherbert is in favor of keeping vegetation.

Gary DeNovio, Grooms Road, asked what the residents of Grooms Corners area can do to have the speed limit reduced on Grooms Road and get a four way stop at Grooms Corners. He reported tractor trailers and heavy trucks are using the road and he would like to see that traffic go to Route 146.

Chuck Eels, Grooms Road, agreed with the previous speaker regarding traffic on Grooms Road. He said the proposed plan is a good “baby step” but asked if this would be easy to change by another Board in the future.

Supervisor Barrett responded it can be changed in the future but any change in zoning would have to go through the same process.

Kevin Bowman, Sugar Hill Road, applauded the Board for moving forward with the Open Space Plan and the support given agriculture in town. He said Clifton Park cannot be a town of no growth but needs reasoned growth. Mr. Bowman said three acre zoning, in itself, makes unaffordable housing. He stated it is time for the Town Board to commit dollars toward the purchase of development rights and toward transfer of development rights and to move forward while the state and federal government still support it.

Supervisor Barrett said the town is using surplus money to preserve open space and will continue to pursue county, state and federal money. He emphasized the importance of shopping locally and supporting local businesses.

Kurt Swartz, Ashdown Road, said the proposed recommendations constitute a reasonable and significant action, noting there has been a response to public input and congratulated the Board on the process. He said the ground water supply in the study area is not uniform and asked how the supply can meet the expected demands at whatever intensity of zoning. Mr. Swartz doesn’t want to see the town get into an issue of fragmenting hard work that is going into the plan now because strategic time hasn’t been taken to structure a good strategy.

Supervisor Barrett said the recently approved county water plan to bring water from the upper Hudson River will solve the longstanding water supply problems that have been going on for some time and once hooked into that water system the town should never have to worry about having an adequate water supply for decades to come. He noted there is a crucial need in various parts of town for good public potable water.

Judy Kaiser, Imperial Court, owner of Waite Road property, Kasey’s Meadows, reported

she bought the property, which is zoned R1, over two years ago for investment purposes and is planning a horse farm for the property, as well as subdividing for a development. She is concerned that zoning could now be changed and, if so, what will she be able to do with the property.

Gary Boel, 1686 Crescent Road, resident for 27 years, said he has been approached by several builders to buy his property but everything is on hold due to the moratorium. He stated he didn't realize his property on Crescent Road was included in the western part of town moratorium. He reported a development of 115 houses is going in next to his property, Applewood Estates is on the western part of the property, and asked why his one piece of property has been singled out to be included in the moratorium. Mr. Boel stated this is causing him a financial hardship.

It was noted that the site of the subdivision of 115 houses was included in the moratorium but had received approval prior to the moratorium.

Nancy Bellamy, Eastside Drive, said the Ballston Lake water shed needs to be protected.

Michelle Bissonette, Waite Road, expressed concern with the 150 homes proposed for Waite Road. She asked if the water line coming down Route 146 which stops just before Waite Road was put in for the proposed development on Waite Road.

Supervisor Barrett explained the water line was paid for by the landowners in the Corporate Commerce Zone.

Bob Voelker, Stratford Drive, expressed concern with cluster development in one area and the "free land" elsewhere.

Mr. Grasso explained there are various parcels spread throughout the study area that the town would look to buy development rights from.

Sharon Battaglia, 30 year resident of Waite Road, spoke against the proposed subdivision on Waite Road and recommended the owner carve out a certain amount of acres for the horse farm and sell the rest back to the town.

Youseff Ballout, Torrero Drive, said he hopes the town will continue to move forward with this program. He suggested the following points: 1) open space mitigation fees, 2) the town should define now what should happen to those open spaces to prevent development on golf courses, 3) set backs from existing farms of 500 feet, 4) recommended minimum size of PDD to 50 acres in the western part of town, 5) he recommended the hiring of an open space coordinator, 6) study should address impact of taking water and sewer lines to the western part of town, 7) define boundaries of hamlet by law.

Supervisor Barrett stated hamlet density needs to be reviewed.

Ed Dussault, Grooms Road, said he is afraid of taxes that future development could bring and doesn't see the advantage of cluster subdivisions.

Mr. Grasso said the town is not looking to promote an increase in density in this land use plan, if anything, it would be a decrease.

Supervisor Barrett asked Mr. Grasso to come back with a definitive answer regarding fees, the tightening up of hamlet density and zoning as a whole, and to see what is needed to implement architectural standards for commercial buildings.

Supervisor Barrett read a letter from Dave Miller, Co-chair of the Open Space Committee and Executive Director of Audubon New York, commending the town on their actions regarding the western portion of Clifton Park which is consistent with the town's Open Space Plan.

Mr. Grasso said the Draft GEIS will be available for public review in two or three months after which a final EIS, and Findings Statement will be prepared and legislation to be acted upon by the Town Board.

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 9:10 p.m.

Motion by Councilman Roth, seconded by Councilwoman Walowit, to recess until 9:15 p.m. Motion unanimously carried. The meeting resumed at 9:20 p.m.

#### REPORTS TO THE BOARD

Town Administrator Shahen said he will ask the Highway Superintendent to look at traffic and speed on Grooms Roads, as well as a four way stop. He reported Department Heads and various committees are preparing their 2005 budgets, noting the Tentative Budget will be filed with the Town Clerk on September 27th, workshops are scheduled for October 6 and 7, Public Hearing scheduled for November 4 and considered for adoption on November 15. Mr. Shahen said he will be meeting with both CSEA units shortly after Labor Day.

Town Comptroller Heggen reported internal audit reports have been given to the Town Board. He said general fund revenues are ahead and expenses less than 2003.

#### PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 229 of 2004, a resolution authorizing Change Order No. 1 as recommended by McDonald Engineering for General Construction of the New CAPTAIN Addition in the amount of \$4,757.14, General Construction Contract, Contract

No. 1.

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

WHEREAS, a contract for the building construction project was awarded to Dutch Valley General Contracting, Inc. in an amount of \$389,793, and

WHEREAS, a Change Order was prepared by McDonald Engineering for the additional work by the contractor, Dutch Valley General Contracting, Inc., at a cost of \$4,757.14, and

WHEREAS, the change order results in an increase of \$4,757.14 for General Construction at the CAPTAIN Building from the current contract amount of \$389,793 to arrive at a new contract amount of 394,550.14; now, therefore, be it

RESOLVED, that Supervisor Barrett is hereby authorized to sign Change Order No.1 dated August 4, 2004 to Dutch Valley General Contracting, Inc., for Contract No. 1, General Construction, at the CAPTAIN Building in the amount of \$4,757.14, resulting in the new contract amount of \$394,550.14.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 230 of 2004, a resolution accepting a conveyance of land along Moe Road in the Town of Clifton Park.

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

WHEREAS, the New York State Department of Transportation had acquired property along Moe Road in the Town of Clifton Park from October, 1999 through August 2000 by virtue of eminent domain proceedings for the purpose of completing improvements along said roadway, and

WHEREAS, the New York State Department of Transportation is now desirous of transferring said lands to the Town of Clifton Park; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following land briefly described as follows:

TYPE NAME OF OWNER

Strips of Land along both sides of NYS Department of Transportation  
Moe Road

As attached on Schedule "A".  
And be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt and an approval by the Town Attorney, Highway Superintendent and Town Engineer of all necessary documents, provision of a title report which is acceptable to the Town Attorney, upon payment of all taxes and assessments, and be it further

RESOLVED, that there be appended to the within resolution a copy of the recorded conveyance after it has been returned from the Saratoga County Clerk, and be it further

RESOLVED, that the Town Superintendent of Highways is authorized to post all necessary regulatory signs if any.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 231 of 2004, a resolution in connection with a block party to be held in the Robinwood Estates Subdivision.

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

WHEREAS, the residents of the Robinwood Estates Subdivision wish to conduct a block party within the subdivision on September 11, 2004, from 12:00 pm to 3:00 pm (rain date: September 12, 2004), and have requested permission to use West Crest Drive for their party activities; now, therefore, be it

RESOLVED, that the residents, with the approval and advice of the Town Highway Superintendent, have permission to use West Crest Drive on September 11, 2004 from 12:00 pm to 3:00 pm for their party activities, but must not block off the street and make sure emergency vehicles can gain access to the street if needed, and be it further

RESOLVED, that the residents shall be responsible for all clean-up activities on Town

property or on the street right-of-way resulting from the social activity, and be it further

RESOLVED, that a copy of this resolution be sent to the applicable Fire Department, the Ambulance Corps, the Sheriff's Department and the State Police.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 232 of 2004, a resolution authorizing the hiring of Christopher Armenia as a full time Security Officer.

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

WHEREAS, a need for a full time security officer has been identified, and

WHEREAS, Christopher Armenia, 25 Springbrook Mobile Home Park, Clifton Park, has been recommended to fill this position; now, therefore, be it

RESOLVED, that authorization is hereby granted to hire Christopher Armenia, 25 Springbrook Mobile Home Park, Clifton Park, as a full time Security Officer at Grade 3, Step 2 (\$24,319.00/yr.) effective immediately to be budgeted from A-3120-E2200 (Security Staff Salary).

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 233 of 2004, a resolution authorizing the Sole Assessor to attend the New York State Assessors' Association Seminar on Assessment Administration at Kerhonkson, New York.

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

WHEREAS, Walter Smead, Sole Assessor, has requested authorization to attend the New York State Assessors' Association Seminar on Assessment Administration at Kerhonkson, New York, October 3-6, 2004, and

WHEREAS, his 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 Walter Smead, Sole Assessor, is hereby authorized to attend the New York State Assessors' Association Seminar on Assessment Administration at Kerhonkson, NY, October 3-6, 2004, at a cost not to exceed \$729 to be paid from 2004 Budget Item A1355-01 (Training Conferences) to be vouchered appropriately.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

Resolution No. 234 of 2004, a resolution authorizing the Town Supervisor to sign an agreement with AMP-Best Consulting for computer training on accounting software.

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

WHEREAS, the Town of Clifton Park wishes to provide computer training on accounting software to assist personnel in better utilizing the MIP accounting software, and

WHEREAS, the Town wishes to engage the services of AMP-Best Consulting to provide computer training on accounting software; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign the attached agreement with AMP-Best Consulting, Inc. to provide computer training on accounting software at a cost to come from A-1315-4 (Comptroller-Computer), \$950 and A-1320-18 (Auditor-Valuation Services), \$2000, transferred to A-1315-4 (Comptroller-Computer).

#### ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 235 of 2004, a resolution granting authorization to hire Shawn Ensel as the gatekeeper at the Kinns Park and Dwaaskill Park.

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

WHEREAS, the Supervisor of Buildings and Grounds has recommended that Shawn Ensel, 6 Rolling Brook Court, Clifton Park, be hired as a gatekeeper at the Kinns Park and Dwaaskill Park; now, therefore, be it

RESOLVED, that authorization is hereby granted to hire Shawn Ensel, 6 Rolling Brook Court, Clifton Park, as gatekeeper at the Kinns Park and Dwaaskill Park at \$6.50/hour for two hours per day, effective immediately, with funds for payment of salary to be taken from Accounts SP4-7135-E4000 (Dwaaskill Park-Part-time laborer) and A-7111-E4000 (Kinns Road- Part-time laborer) with 50% to come from each account.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 236 of 2004, a resolution authorizing the Town Supervisor to execute a contract with Sequoia Pacific Voting Equipment, Inc.

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

WHEREAS, the Town Board has previously adopted a policy to replace the Town's voting machines over a period of years by purchasing new electronic machines each year, and

WHEREAS, it continues to be both reasonable and desirable to purchase new machines each year through Sequoia Pacific Voting Equipment, Inc.; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to execute a contract with Sequoia Pacific Voting Equipment, Inc. for the purchase of seven electronic voting machines totaling \$43, 930, to be paid from A-1450-200 (Equipment Booths) as budgeted.

It was noted that with the purchase of these machines, all voting districts will be using

electronic machines. Councilman Speckhard said he assumes if results needed to be checked that Sequoia would make them available.

#### ROLL CALL VOTE

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

Noes: None

#### DECLARED ADOPTED

#### PUBLIC PRIVILEGE

Nancy Bellamy, Eastside Drive, said she has been told barrels, possibly environmentally unsafe, have been buried at Lake Auto Parts (now Elmos) and asked if this could be looked into. She expressed concern that a black top paving company is leasing part of the area and black top is leaking. Mr. Shahen will ask Mr. Clemens to check on it.

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

Motion carried at 9:45 p.m.

Patricia O'Donnell  
Town Clerk