

TOWN OF CLIFTON PARK TOWN BOARD MEETING

October 5, 2020

I. Call to Order/7:00 P. M.

II. Pledge to Flag

III. Roll Call

IV. Approval of Town Board Minutes

V. Communications/Announcements

VI. Business

- **Presentation by Shadrach Treat – Air Ionization Project**
- **Resolutions for Consideration**
- **Other Business**

VII. Open Public Privilege

NOTE:

The Town Board meeting will be open to the public with strict social distancing protocol in place. All visitors must wear a face mask at all times. Each speaker shall state name and address prior to addressing the Board and shall be granted the floor for a single time frame of up to five minutes. The Board asks that members of the public respect the opportunity of the speaker at the podium to be heard, and asks that the public refrain from conducting side meetings within the meeting room. In an effort to ensure that the widest number of community viewpoints are heard, the Board asks members of groups or the public to withhold comment, if their viewpoints have already been presented.

The Board thanks everyone in attendance for their understanding and also for their desire to actively participate in the Town decision making process.

VIII. Adjournment

Resolutions for Consideration
Clifton Park Town Board Meeting
October 5, 2020

<u>SOURCE</u>	<u>RESOLUTION</u>	<u>CONTACT</u>
1. Town Board	Appoint Anthony Morelli to the Clifton Park Town Board	P. Barrett
2. Town Board	Assign the duties of counsel to the Town Planning Board to Robert Wilcox, Deputy Town Attorney	P. Barrett
3. Supervisor	Award a contract for air ionization at the Clifton Park Senior Community Center to Siemens	P. Barrett
4. Supervisor	Approve Edison Club Planned Development District II – amendments to repeal and replace existing Edison Club PDD	P. Barrett
5. Buildings & Grounds	Approve change order to the Bernini Dr. tennis court contract with M. Sullivan Construction	P. Barrett
6. Buildings & Grounds	Authorize engineering services for the Bernini Dr. tennis court project	P. Barrett
7. Justice Court	Resubmit an application for a JCAP grant in the 2019-2020 grant cycle	P. Barrett
8. Planning	Approve a contract with Greenman-Pedersen, Inc. for professional design services for pedestrian crossings at Ushers Road and Wood Dale Dr.	P. Barrett
9. Supervisor	Appoint Paula Cooper as Secretary of the Emergency Services Advisory Board and Fire Code Appeals Board	P. Barrett

Resolution No. _____ of 2020, a resolution appointing Anthony Morelli to the Clifton Park Town Board.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, a vacancy exists on the Clifton Park Town Board due to the resignation of James Romano, effective October 1, 2020, and

WHEREAS, pursuant to New York State Town Law Section 64 Sub 5, the Clifton Park Town Board has the authority to appoint an individual to the Town Board to fill such seat for the remainder of Mr. Romano's term, pending an election to be held in November 2021, and

WHEREAS, Anthony Morelli, 29 Gloucester Street, Clifton Park, has indicated his interest in being appointed to the Town Board for the remainder of Mr. Romano's term, and

WHEREAS, Anthony Morelli grew up in Saratoga County, attending Christian Brothers Academy, and upon graduation enrolling at Rensselaer Polytechnic Institute on a four-year Navy ROTC Scholarship, and

WHEREAS, Anthony Morelli served as an officer on active duty in the U.S. Navy for ten years before transitioning into the Navy Reserves, where he was recalled to active duty for two 1-year deployments, and has completed over twenty years of military service; and

WHEREAS Anthony Morelli holds a Bachelor of Science from Rensselaer Polytechnic Institute, a Master of Business Administration from The George Washington University, and a Juris Doctor from Albany Law School, and

WHEREAS, Anthony Morelli is an attorney in private practice with a focus on family and criminal law and serves on the Board of Directors for the Saratoga County Bar Association, and

WHEREAS, Anthony Morelli currently serves his community as a board member for Miss Shen Softball, as well as being an active parishioner of Saint Edward the Confessor Church, and

WHEREAS, Anthony Morelli previously served town residents as a volunteer member of the Town Environmental Conservation Commission, Zoning Board, and Industrial Development Agency rising to the position of Chairman, and

WHEREAS, Anthony Morelli has submitted his resignation from his current role as Deputy Town Attorney and Counsel to the Town Planning Board, and

WHEREAS, Anthony Morelli has lived in Clifton Park for over 15 years where he is raising his three children, Andrew, Morgan and Addison; now, therefore, be it

RESOLVED, that Anthony Morelli has the experience and qualifications that make him uniquely suited to be a member of the Clifton Park Town Board; and be it further

RESOLVED, that Anthony Morelli, 29 Gloucester Street, Clifton Park, is hereby appointed to the Clifton Park Town Board effective immediately through December 31, 2021, pursuant to New York State Town Law 64 (5); and be it further

RESOLVED, that the sum of \$4,157.00 be paid over the remainder of the year with a transfer from A-1010-E385 [Legislative Board – J. Romano] to A-1010-E0720 [Legislative Board – A. Morelli].

Resolution No. _____ of 2018, a resolution assigning Deputy Town Attorney Robert Wilcox as the Planning Board Counsel.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, due to the resignation of Anthony Morelli from the Town Attorney Staff, a need exists for an attorney to be assigned to the Planning Board, and

WHEREAS, Mr. Wilcox served as the Attorney for the Clifton Park Water Authority from 1996 to 2008, and was an Assistant County Attorney from 2008 to 2018, where he advised the Sewer Department, Sheriff's Department, Probation Department, as well as performing certain prosecutorial duties on behalf of the office, and

WHEREAS, Mr. Wilcox has been an Assistant Town Attorney since January 2020 and has six years of experience on the Clifton Park Industrial Development Agency, and

WHEREAS, Robert Wilcox has agreed to take on duties previously performed by Anthony Morelli in addition to his other assigned duties; now therefore be it

RESOLVED, that Robert Wilcox is hereby appointed as the Assistant Town Attorney to the Town Planning Board for the remainder of Mr. Morelli's unexpired term, at a salary as budgeted, effective immediately; and be it further

RESOLVED, that the sum of \$5,633.00 be paid over the remainder of the year with a transfer from A-1420-E720 [Town Attorney – A. Morelli] to A-1420-E877 [Town Attorney – R. Wilcox].

Resolution No. _____ of 2020, a resolution awarding the contract for an indoor air ionization system at the Clifton Park Senior Community Center.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, the Town Board, wishes to authorize improvements to the indoor air quality at the Senior Community Center, and

WHEREAS, the Department of Buildings and Grounds solicited proposals for air ionization devices to be installed within the existing HVAC system at the Senior Community Center, based on a request for proposals, and

WHEREAS, Siemens Industry, Inc. submitted the lowest responsive proposal to provide the system in an amount not to exceed \$5,384.00, to be installed by Town Staff, and

WHEREAS, the air ionization system will improve indoor air quality by reducing and controlling harmful pathogens, viruses, bacteria and certain volatile organic compounds at The Center; now, therefore be it

RESOLVED, that the Supervisor is authorized to sign purchase orders and contract documents in an amount not to exceed \$5,384.00, authorizing siemens Industry, Inc. to provide the system, to be paid from A-1624-200 [Clifton Park Senior Community Center - Equipment]; and be it further

RESOLVED, that the Comptroller is authorized to transfer \$ 5,384.00 from A-1620-200 [Town Hall – Equipment] to A-1624-200.

Resolution No. _____ of 2020, a resolution adopting Local Law No. 7 of 2020, to establish the Edison Club Planned Development District, II and to repeal the existing Planned Development district previously established for the premises by amending Local Law No. 2 of 1967, as amended by Local Law No. 8 of 1999, of the Town Code, entitled “Local Law Relating to Zoning for the Town of Clifton Park”, and repealing Local Law 8 of 1999.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, an application has been presented to the Town Board for a change in the Zoning Code to establish a new Planned Development District encompassing the existing Edison Club Golf complex, reducing the number of Golf holes from 27 to 18, and providing for residential housing units within the complex, and

WHEREAS, the proposal includes authorization for the conversion of the existing and historic clubhouse facility and its adaptive re-use as a senior care facility, the relocation of a convenience store and gasoline pumps with direct access to the property, as well as the retention of swimming pool and tennis court facilities on the premises, and the construction of a new clubhouse facility on the grounds, and

WHEREAS, on January 28, 2019, the Planning Board provided an advisory opinion to the Town Board, supporting the project for up to 215 residential housing units, and recommending approval of zoning legislation to approve the application with recommendations for site plan detail, and

WHEREAS, on September 21, 2020, the Saratoga County Planning Board issued a review letter under Section 239-m of the NYS General Municipal Law, recommending the approval of the zoning change with recommendations, and

WHEREAS, the Town Board conducted a Public Hearing on the proposed legislation on September 21, 2020, to receive comment for and against the proposal, and

WHEREAS, the planned development district legislation requires that the Club convey a deed of conservation easement to the Town of Clifton Park, over 162.9 acres of core golf course property, in a form substantially compliant with Exhibit C to the legislation, attached, ensuring that the property remain a golf course or recreation asset in perpetuity, providing substantial public benefits to the Town, and

WHEREAS, the Town Board has reviewed the proposed zoning amendment pursuant to the State Environmental Quality Review Act and has issued a negative declaration pursuant to the Act; now, therefore be it

RESOLVED, that the Town Board determines that the proposal is consistent with the goals of the Town’s comprehensive plan and with the objectives of Section 208-71 A of the Town Code, and be it further,

RESOLVED, that local law No. 8 of 1999 is hereby repealed, and be it further

RESOLVED, that Local Law No. 2 of 1967, is hereby amended, and Local Law ___ of 2020, attached, is hereby adopted, establishing the Edison Club Planned Development District II, and be it further

RESOLVED, that the Planning Board is directed to review appropriate mitigation measures relative to the planned phasing and access points consistent with the Determination of non-significance issued by the Board on September 21, 2020

RESOLVED, that the Town's Zoning Map is hereby amended by adoption of the Supplemental Zoning Map, attached, and be it further

RESOLVED, that the Town Clerk file said notice with the New York State Department of State as required by law.

EDISON CLUB PLANNED DEVELOPMENT DISTRICT II

Section 1. Title

This local law shall be known and may be cited as Local Law Amending Local Law No. ___ of 2020, providing the repeal and replacement of the previous Edison Club Planned Development District established by Local law No. 8 of 1999, and may be referred to as the Edison Club Planned Development District II.

Section 2. Establishment of District

The Edison Club Planned Development District II consisting of the Edison Club PDD, being 286.7+/- acres, described below, is hereby established.

Section 3. Boundaries

The area of Edison Club Planned Development District II is located northerly and southerly of Riverview Road, southerly and easterly of State Route 146, and westerly of Nott Road, and is depicted on the supplemental Zoning Map attached hereto as **Exhibit A** and made part of hereof.

Section 4. Development

The proposed amendment of the Edison Club PDD is described according to a Development Plan (Plan) attached hereto as **Exhibit B**. This Plan may be changed, altered or amended by approval of the Planning Board and Town Board. Within the boundaries of the Edison Club PDD II, there are five defined land use areas:

Area A – Golf Course Complex. The area of the Edison Club 18-hole golf course shall consist of 205.5+/- acres. This area shall continue to be maintained as a golf course by the Edison Club to include the following uses:

- 18-hole golf course plus minimum of 2 practice holes
- New Clubhouse with practice green, short game practice area and practice tee
- Practice Range (existing)
- Two new Tennis Courts
- Two new Pickleball Courts
- Maintenance and Equipment Area (existing and new)
- Parking Area (new)
- Outdoor pool
- Other ancillary recreational uses

The proposed uses are further identified on the Plan.

Future changes to the golf course complex shall be limited to typical golf course improvements, including but not limited to, course modifications and improvements, irrigation, ponds and

collection areas, renovations to existing structures and construction of new structures directly related to the function of a recreational golf course, subject to required permits and approvals. During construction of the new clubhouse, the use of temporary structures for club operations is authorized. Such structures authorized to include food and beverage service, restrooms and changing areas, office space, golf shop retail operations and storage. Any temporary structures will be located outside of permanent conservation areas.

Area B – Residential Development. The area of residential development includes 77± acres and consists of proposed private roads, up to 215 dwelling units made up of a mix of single-family detached homes and multi-unit dwellings, consisting of up to eight separate eight-unit buildings, with the remainder a mix of two-unit, four unit and single family homes as shown on the Plan. The current vegetation buffer between Riverview Road and State Route 146 and the residential area shall be maintained as shown on the Plan.

Area C – Senior Care Facility. The area of the existing Club House is proposed as a Senior Care Facility on approximately 3.2+/- acres. This area encompasses the current Club House, Pro Shop and parking facilities. This area is proposed for Senior Care Facility as well as uses currently permitted in the Hamlet Mixed Use zoning. Setbacks between commercial uses and residential uses within 208-43.2 shall not apply.

Area D – Stewarts Shop Site. This area consists of approximately 2.2 acres+/- located in the southwest corner of the Edison Club PDD. The allowed uses for this area consist of a convenience retail store, 4 gas pumps, car wash and parking facilities as further shown on the Plan.

Area E - Hamlet Mixed Use Area . These areas containing the Clubhouse, Parking Areas, Senior Care Facility, Stewarts Shop and Maintenance complex shall also be alternative Hamlet Mixed Use areas, as depicted on Exhibit B.

Section 5. Conservation Easement

Approximately 162.9± acres of the remaining 18-hole golf course shall be preserved as permanently protected golf and recreation space, as depicted on **Exhibit B**, through a deed of permanent conservation easement to be conveyed to the Town of Clifton Park consistent with **Exhibit C**, attached. The deed of Conservation Easement, shall be conveyed to the Town prior to the issuance of any Building Permit for the Residential Area B.

Section 6. Vehicular Access

Vehicular access to the PDD will be provided by a total of six (6) curb cuts:

- From Riverview Road – Three (3) total access points are proposed; Two (2) access points for golf course/clubhouse, Senior Care Facility and residential development and one (1) access point for the Stewart’s Site
- From NYS Route 146 – Three (3) access points are proposed; One (1) is located along the northerly frontage with NYS Route 146 for access to the proposed residential development, one (1) is the existing access drive for the maintenance area and one (1) is for the Stewart’s Site. The Senior Care facility and the Golf Course shall share cross easements.

The road systems that service the Edison Club Planned Development District shall be privately owned and maintained. The roads will be constructed to Town standards, and will be of such width and capacity to provide for access by emergency services vehicles pursuant to applicable fire codes and building codes. Authority for the final approval of the configuration of the internal road system is delegated to the Planning Board consistent with applicable codes.

The roads will not be offered to the Town for dedication.

Section 7. Sanitary Sewer Service

The project area is located within the Town of Clifton Park Olde Nott Farm Sewer District. Therefore, with regard to sanitary sewer access, maintenance and operation.

Area A – Golf Course Complex and all proposed residential uses in *Area B – Residential Development* will be serviced by a low-pressure sewer system which will discharge to the existing gravity line on Riverview Road referenced below, as will the alternate Hamlet Mixed Use area E.

Area C – Senior Care Facility and Area D – Stewarts Shop site will be serviced by existing sewer infrastructure which discharges to the existing gravity line located on Riverview Road westerly from its intersection with NYS Route 146 in the Rivercrest Sewer District.

Final Sewer Collection configurations are delegated to the Planning Board through Site Plan approval.

All public sewer will be owned and maintained by the Old Nott Farm sewer district. All individual service connections, inclusive of a grinder pump, if any, will be maintained by the respective owner/user. Access to the sewer facilities owned by sewer district (s) within the district shall be provided by permanent easement.

Determination of sewer capacity and destinations is delegated to the Planning Board during Site Plan review.

Section 8. Water Supply

Edison Club PDD will be served by a new water distribution system which will be connected to the existing water main on Riverview Road and NYS Route 146. Fire hydrants will be installed for fire protection. The proposed water main will be constructed according to standards approved by the Clifton Park Water Authority, and construction shall be inspected and approved by the Authority. Upon satisfactory completion the system will be owned and maintained by the Clifton Park Water Authority. Access to the water facilities owned by CPWA within the district shall be provided by permanent easement.

All individual services will be the responsibility of the respective owner/user.

Section 9. Drainage

The proposed stormwater management system will be developed to be in full compliance with Town and NYSDEC requirements. It will include an adequate green infrastructure component together with flood control protection measures to prevent adverse downstream impacts.

Section 10. Residential Development Phasing

Construction will proceed in several phases (3 minimum) starting at Riverview Road as shown on the Plan. The proposed residential development will be exempt from Section 179-25(H) of the Town Code but subject to the requirements of Section d 107.1 the NYS Fire Prevention and Building Code, requiring a second means of access for Emergency Services Equipment upon completion of more than 30 residential dwelling units. The specific timing of the construction of a second means of access shall be determined by the Planning Board in consultation with Fire Code officials and the Fire Chief.

A permanent second means of ingress/egress will be provided from NYS Route 146 when the last phase is constructed. Each phase of The Development will comply with NYS Fire Prevention Code Sections 503 and 511.

Section 10. Planning Board Approval

Each development project within the PDD shall obtain Planning Board approval as required by the Clifton Park Town Code.

Section 11. Construction Regulations

All improvements shall be designed and constructed pursuant to the plans and specification approved by a duly licensed Architect and/or Engineer and by the Town Planning Board, and shall

be designed and constructed in full compliance with the New York State Uniform Fire Prevention and Building Code. When completed, these improvements shall be certified as having been constructed in full compliance with The New York State Uniform Fire Prevention and Building Code.

The Architect and/or Engineer performing the work herein shall be employed at the sole expense of the Edison Club PDD. All construction performance thereon and upon completion shall be subject to the inspection and approval by the Building and Development Department.

Section 12. Zoning Code and Map

Section 208 of said Local Law No. 10-1996, as amended by that of Local Law No. 10 of 1996, is hereby amended by repealing existing Planned Development District enacted by LL 8 of 1999 for the area within the district and replacing same with these Edison Club Planned Development District II, and by amending the Town's Zoning Map by reference to the supplemental Zoning Map, attached hereto as Exhibit A.

Section 13. Effective Date of this Amendment to Local Law No. 8

This local law shall take effect upon being filed in the Office of the Secretary of State as provided in the Municipal Home Rule Law, and upon being posted as provided in Local Laws of the Town of Clifton Park and Section 265 of the Town Law.

Resolution No. _____ of 2020, a resolution authorizing a Change Order to the contract with M. Sullivan construction for installation of a gate at the entrance to the Bernini Drive tennis court.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, by Resolution No. 175 of 2020, the Town Board awarded the contract to replace the tennis and basketball courts at the park on Bernini Drive to M. Sullivan Construction in the amount of \$157,500.00, and

WHEREAS, the quote submitted also included options for a front entrance gate and fencing and a gate of the East Side area, at costs of \$1100 and \$5700 respectively, and

WHEREAS, the Dwaaskill Park District wishes to proceed with the Alternate Item #1 for a 12' wide double gate at the entrance to the court at a cost not to exceed \$1100.00; now, therefore be it

RESOLVED, that the Town Board, as commissioners for the Dwaaskill Park District, authorizes a Change Order for the installation of Alternate Item #1 in the amount of \$1100, to be paid from SP4-7135-200 [Dwaaskill Park – Equipment].

Resolution No. ___ of 2020, a resolution to authorize Environmental Design Partnership to perform construction engineering services for the Bernini Dr. Court Replacement Project.

WHEREAS, Resolution No. 175 of 2020, authorized the replacement of the tennis and basketball courts at the Bernini Dr. Park in the Dwaaskill Park District, and

WHEREAS, members of the Dwaaskill Park District recommended that the Town Board accept a proposal for engineering services offered by Environmental Design Partnership as outlined, at a cost not to exceed \$11,000.00; now, therefore be it

WHEREAS, the Town Board, as commissioners of the Dwaaskill Park District determines that it is in the public interest to engage EDP for engineering construction management services; and be it further

RESOLVED, that the Supervisor is authorized to execute an agreement with Environmental Design Partnership for professional engineering services for the Bernini Dr. Court Replacement Project; and be it further

RESOLVED, that the Comptroller is authorized to transfer \$11,000.00 from SP4-7135-200 [Dwaaskill Park Dist. – Dwaaskill – Equipment] to SP4-7135-135 [Dwaaskill Park District – Engineering] for Engineering Services relative to the project, to be paid from SP9-7135-135.

Resolution No. _____ of 2020, a resolution authorizing the Clifton Park Town Court to submit an application for a Justice Court Assistance Program Grant.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, the Clifton Park Town Court wishes to acquire cement pillars, window tint, chairs, and computer back-up batteries, and

WHEREAS, Justice Court Assistance Program was established by the Legislature to provide a means by which town and villages may obtain limited state funding to improve operations of their Justice Courts, and

WHEREAS, the Clifton Park Town Court wishes to apply for a grant of approximately \$4,879 from the Justice Court Assistance Program to purchase the aforementioned equipment to improve security and operations at the Clifton Park Town Court; now, therefore, be it

RESOLVED, that the Town of Clifton Park Town Board authorizes the Clifton Park Town Court to apply for a JCAP grant in the 2019-20 grant cycle for up to \$4,879; and be it further

RESOLVED, that the Supervisor is authorized to execute all necessary documents in support of such efforts; and be it further

RESOLVED, that the Comptroller is instructed that revenue shall be increased by \$4,789 in A-3089 [NYS Grant Revenue] and expenditures shall be increased by \$4,879, with the expense of \$2,879 for cement pillars and window tinting to be paid from A-1621-24 [Public Safety Building – General Maintenance] and \$2,00 for chairs and computer back-up batteries be paid from A-1110-6-200 [Court Office Supplies].

Resolution No. _____ of 2020, a resolution authorizing the Supervisor to sign a contract for engineering services.

Introduce by _____ who moved its adoption, seconded by _____.

WHEREAS, the Planning Director, John Scavo has recommended the establishment of a safe crosswalk on Ushers Road between the multi-use path and Wood Dale Drive, and

WHEREAS, the Town Board wishes to proceed with professional engineering services necessary for the project, and

WHEREAS, the Planning Director recommends that the engineering services contract be awarded to Greenman-Pedersen, Inc. based on their initial response to the Town's request for expressions of interest, and their preliminary design in support of the Ushers Road Crosswalk Project, and

WHEREAS, the Town Board wishes to fund the design services for the project with local funds; now therefore be it

RESOLVED, that the Supervisor is authorized to sign the attached Engineering Consulting Agreement for design services with GPI, in an amount not to exceed \$6,960.20 from A-7629-200 [Trails Equipment].

Resolution No. _____ of 2020, a resolution appointing Paula Cooper to the position of Secretary for the Emergency Services Advisory Board and the Fire Code Appeals Board for the Town of Clifton Park.

Introduced by _____, who moved its adoption, seconded by _____.

WHEREAS, as of September 16, 2020 a vacancy exists for the position of Secretary to the ESAB and Fire Code Appeals Board with the resignation of Millicent Miller from the position; and

WHEREAS, Paula Cooper, 45 Old Route 146, Clifton Park, is recommended to fill the vacant position; now therefore be it

RESOLVED that Paula Cooper is hereby appointed Secretary to the above-mentioned boards, for the remainder of the one year term, term to expire December 31, 2020; and be it further

RESOLVED, that the position be compensated \$500 per year as budgeted, to be paid from A-3989-E2200 [General Fund - ESAB Secretary]; and be it further

RESOLVED, that this appointment shall take effect immediately.