

November 1, 2010

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 Hughes
Councilman Romano
Councilwoman Walowit
Supervisor Barrett
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy
Michael Shahan, Town Administrator
Richard Kukuk, Superintendent of Highways
Mark Heggen, Comptroller
John Scavo, Director of Planning

MOTION BY Councilman Romano seconded by Councilwoman Walowit, to approve the minutes of the October 12 and 18, 2010 meetings as presented.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Supervisor Barrett asked the Town Board to go into Executive Session after public privilege to discuss a personnel issue.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 260 of 2010, a resolution authorizing the Supervisor to sign documents in support of submitting an application for a \$50,000 grant for renovation and repairs to the Historic Grooms Tavern facility.

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

WHEREAS, the Town of Clifton Park has been selected in accordance with required procedures to receive a Community Capital Assistance Program (CCAP) grant in an amount of \$50,000 for the continual renovation and repairs to the Historic Grooms Tavern facility, and

WHEREAS, the Dormitory Authority of the State of New York has indicated that the Town of Clifton Park has fulfilled all of the criteria necessary to receive a CCAP Grant and now requires the Town to execute a Grant Disbursement Agreement (the GDA); now, therefore, be it

RESOLVED, that the Town Supervisor is authorized to sign the attached Grant Disbursement Agreement with the Dormitory Authority of the State of New York to receive a Community Capital Assistance Grant in the amount of \$50,000 for repairs and renovation to the

Historic Grooms Tavern facility and to sign additional documents as needed in support of the grant application.

Historic Preservation Commission Chairman Kazmierczak explained this is for restoration and repairs to the existing fireplace in the kitchen and for new construction for the second floor.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 261 of 2010, a resolution accepting the conveyance of a parcel of land from Gerald and Maryann Currier for future multi-use trail/public right of way.

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

WHEREAS, a condition of approval of the original 2008 Currier Subdivision the Town of Clifton Park Planning Board required that the developer convey a parcel of land to the Town of Clifton Park for future multi-use trail/public right of way, and

WHEREAS, a bond has been provided to the Town Planning Department as security for the contractor to complete all remaining punch list items; now, therefore, be it

RESOLVED, that the Town Board accepts the conveyance of the following parcel of land for future multi-use trail/public right of way, briefly described as follows:

<u>Street</u>	<u>Name of Owner</u>
<ul style="list-style-type: none"> • Land conveyance of 30,019 square feet (along Rt. 146A, south of Schaubert Rd.) 	Gerald and Maryann Currier

and, be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney and Town Engineer of all necessary documents, and 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.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 262 of 2010, a resolution adopting Local Law No. 8 of 2010, a local law amending Local Law No. 4 of 2005, Section 208-111, Penalties for offenses, regarding Civil Penalties for unlawful destruction of structures in contra of a zoning or site plan special condition.

Introduced by Councilman Hughes, who moved its adoption, seconded by Councilman Romano.

WHEREAS, Section 208-111 is the provision of the Town Code which provides fines and penalties for offenses for violations of town building and fire codes, as well as violations of Zoning and Planning Department directives, including provisions for cumulative fines for continuing violations, and

WHEREAS, the Town Board wishes to consider a provision for additional civil penalties for specific violations where an owner or contractor allows the demolition of any structure in violation of any special condition or directive arising out of site plan approvals, zoning variances or similar land use determinations by the Planning Board, Zoning Board of Appeals or other Town Board with jurisdiction, and

WHEREAS, a public hearing was conducted on June 14, 2010 at 7:10 P.M. to consider the proposed change to the local law, and

WHEREAS, the public was given the opportunity to speak in favor of or against the proposed change to the local law; now, therefore, be it

RESOLVED, that Local Law No. 8 of 2010, a local law amending Local Law No. 4 of 2005, Section 208-111 Penalties for offenses, regarding Civil Penalties for unlawful destruction of structures in contra of a zoning or site plan special condition of the Town Code is hereby adopted; and be it further

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

Town Attorney McCarthy explained this is specific authorization for a special proceeding initiated at the Town Board's direction to provide a substantial deterrent and civil penalty if a situation arises as in the past with the destruction of the historic house on Fire Road. He said this will provide clarity for a much higher civil penalty that would have to be passed on in the Supreme Court. Mr. McCarthy reported he has checked with the Association of Towns and has done research and doesn't see a provision like this in New York State with a civil penalty this high. Supervisor Barrett stated if an applicant doesn't follow the rules of the Planning Board and Zoning Board of Appeals, there will be consequences. Councilman Hughes stated the Historic Preservation Commission supports this legislation.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 263 of 2010, a resolution authorizing the Supervisor to sign a 2011 SAFETEA-LU Recreational Trails Grant Application to complete the construction of the West Sky neighborhood pathway.

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

WHEREAS the New York State Office of Parks, Recreation and Historic Preservation has announced a 2011 New York State Recreational Trails Grant due on November 5, 2010 and has indicated preference for "shovel-ready" trail projects, and

WHEREAS, the project proposed is the construction of the West Sky Trail neighborhood pathway from Shirewood Park and play lot north, to the south side of West Sky Lane through a 30-acre property the Town acquired as permanent open space and natural area, and

WHEREAS, this project will enable residents of Woodcrest Point, Berkshire Estates and Autumn Glen to access the park amenities in Shirewood, and

WHEREAS, the trail link will enable the neighborhoods to the south, Shirewood, Tremont Estates and Stoney Creek, to travel the trail to West Sky and then travel local roads over to the new Stony Creek Park on Moe Road, and

WHEREAS, the Town of Clifton Park Trails Master Plan supports the trail connection between West Sky Lane and the Shirewood neighborhood park, and

WHEREAS, the Trails Subcommittee of the Open Space, Trails and Riverfront Committee supports the proposed project and

WHEREAS, the design is complete, the required permits have been approved and the project connects neighborhoods in eastern Clifton Park to existing neighborhood trails, public parks and public natural areas, and

WHEREAS, the estimate to complete the West Sky neighborhood pathway is \$156,000, and

WHEREAS, the project has an anticipated \$40,000 (Belmonte proposed escrow) to be used towards construction of the pathway with a balance of \$116,000 of the cost of the project to be applied for from the 2011 SAFETEA-LU Recreational Trails Grant Program; now, therefore, be it

RESOLVED, that Clifton Park Supervisor Barrett is hereby authorized to sign a 2011 SAFETEA-LU Recreational Trails Grant Application for \$116,000 to complete the construction of the West Sky neighborhood pathway; and be it further

RESOLVED, that the Town Supervisor is authorized to utilize Town staff to prepare and file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of the 2011 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) Recreational Trails Program.

Director of Planning Scavo said this is a shovel ready project and permits are in place with both DEC and Army Corp of Engineers that are valid. Construction is planned for 2013.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 264 of 2010, a resolution authorizing the Highway Department to enter onto private property to restore the Town's drainage area on Leonardo Drive.

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

WHEREAS, State Highway Law provides that Town Highway Departments may enter upon private land to perform work necessary for highway drainage with Town Board and County Highway approval, and

WHEREAS, storm drain systems in the streets in the vicinity of Leonardo Drive have outflow pipes that add water to the stream, and

WHEREAS, at 26A Leonardo Drive the stream flows through a 48" culvert and where the driveway provides access to the property, recent heavy rains have caused damage to the structure and stream banks changing the flow of the stream, and

WHEREAS, the homeowner at 26A Leonardo Drive has asked the Highway Department for assistance in returning the stream to its natural water course, and

WHEREAS, Highway Superintendent Richard Kukuk has requested authorization to enter onto private property at 26A Leonardo Drive to repair storm damage to highway drainage structures pursuant to Highway Law Section 147; now, therefore, be it

RESOLVED, that Town Board authorization is hereby provided to the Highway Department to enter onto private property at 26A Leonardo Drive to repair storm damage to highway drainage structures pursuant to Highway Law Section 147, pending authorization from the Saratoga County Highway Department; and be it further

RESOLVED, that the Highway Department's entry onto private land shall be at no cost to or charge from the homeowner at 26A Leonardo Drive.

Highway Superintendent Kukuk explained the heavy rains of October 1st caused damage to a culvert which is natural water course keeping the stream within its banks, as well as the structure that supports the culvert. He said because the storm drains add volumes of water to that area, the Highway Department has the responsibility of maintaining it and can repair the damage to the structure. He said the owner will be responsible for his stone wall and landscaping and most of the costs, noting the Highway Department is working with the homeowner and his contractors.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 265 of 2010, a resolution authorizing the installation of a stop sign on Trevor Court as it intersects with Jamison Drive.

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

WHEREAS, residents in the Crescent Pointe West subdivision have expressed concerns about the traffic pattern at the intersection of Trevor Court and Jamison Drive, and

WHEREAS, after a review of the situation, Highway Superintendent Richard Kukuk in an effort to improve traffic patterns at the intersection, recommends that a stop sign be installed on Trevor Court as it intersects Jamison Drive; now, therefore, be it

RESOLVED, that the Highway Superintendent is hereby authorized to install a stop sign on Trevor Court as it intersects with Jamison Drive.

Highway Superintendent Kukuk reported Jamison is one of the streets resurfaced this summer and residents have asked for a stop sign at this intersection. After review of the area, he concurs.

ROLL CALL VOTE

Ayes: Councilman Paolucci, Councilman Hughes, Councilman Romano,
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC HEARING, 7:10 PM
TO CONSIDER AN HISTORIC CONSERVATION EASEMENT APPLICATION

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on October 19, 2010.

Supervisor Barrett explained this application is for 394 Vischer Ferry Road.

The public hearing was opened for comments from the audience at 7:28 p.m.

Historic Preservation Commission Chairman Kazmierczak reported this house is the only gothic revival structure left in the town and has retained many of its original features. He noted he lived in the home for a number of years. He said the Commission recommended that the Town Board consider the application. Supervisor Barrett asked Mr. Kazmierczak if he has any current involvement with the property. Mr. Kazmierczak responded "none whatsoever" and no longer lives there.

Everyone was given an opportunity to speak in favor of or against the Historic Conservation Easement application and no one wished to be heard. Supervisor Barrett declared the public hearing closed at 7:30 p.m.

PUBLIC PRIVILEGE

Frank Berlin, Main Street, Jonesville, member of Friends of Clifton Park Open Space, spoke with regard to the proposed changes in the Corporate Commerce and Light Industrial Zones. He referred to a letter sent to the Supervisor from the Friends that highlighted areas of concern, including the Planning Board's authorization on deciding the height of a building, noting this takes the decision out of the hands of the Town Board and puts it into the hands of non-elected people. He said the Friends are happy with the current 35 foot height. The Friends feel a project should be approved and done before it is determined "shovel ready" and not before it is known what the applicant wants to do. They are also concerned with the proposed change in buffering and want the 100 foot buffer to remain. Mr. Berlin reported the Friends are concerned that chemicals will be allowed and stated the importance of knowing the type of chemicals as there are aquifers in the region. The Friends asked that the Town Board not be "swept away by a gold rush mentality into approving regulations which threaten the safe, healthy and attractive reputation of Clifton Park".

MOTION BY Councilwoman Walowit, seconded by Councilman Hughes, to move into Executive Session. Motion unanimously carried at 7:35 p.m.

In Attendance – Supervisor Barrett, Councilman Paolucci, Councilman Hughes, Councilman Romano, Councilwoman Walowit.

The Town Clerk was called into the session at 8:40 p.m. Supervisor Barrett announced no action was taken.

MOTION BY Councilwoman Walowit, seconded by Councilman Hughes to return to the regular meeting. Motion unanimously carried at 8:41 p.m.

MOTION by Councilman Paolucci, 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 8:41 p.m.

Patricia O'Donnell
Town Clerk