

September 12, 2011

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
Mark Heggen, Comptroller
Myla Kramer, Director of Parks, Recreation and Community Affairs
John Scavo, Director of Planning

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the August 22, 2011 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATIONS

Councilman Hughes gave an update on Farm Fest scheduled for September 17 and 18.

Supervisor Barrett noted the importance of farms in the community.

Councilman Hughes reported approximately 900 cars came through on Hazardous Waste Day. The Red Cross collected \$2500 during Hazardous Waste Day for flood relief. He noted Sanford Roth will give an update at the September 19th Town Board meeting.

Supervisor Barrett thanked all involved with the 911 Remembrance event on the Common.

PRESENTATION TO THE BOARD

Supervisor Barrett, noting the Arena Management Group has been managing the arena for ten years, said the town has had ten years of success and operational profits and all money has gone back into the ice arena. He said in 2010 there was a profit of \$31,779.

Scott Bobrow, Arena Management Group, LLC, briefly reviewed the Financial Statements December 31, 2010 and 2009, attached. He explained effective October 1st rates will be raised by three percent, noting this is the first increase in four years. Mr. Bobrow stated most of the expense has been in maintenance and repairs. He said the entire rink has been painted, including benches and locker rooms. He reported the town did an excellent job of cleaning the building after the town's summer camp. Mr. Bobrow, noting the rink is 22 years old, explained the life expectancy of the stainless steel pipes in the concrete floor is 20-25 years and the floor is starting to deteriorate. Mr. Bobrow stated the rinks bring more business to town in one weekend than other sports do in one year. Mr. Bobrow presented a check in the amount of \$60,000 to Supervisor Barrett.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 240 of 2011, a resolution authorizing the hiring of an attendant for the Clifton Park Action Park.

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

WHEREAS, a need exists for an attendant for the Clifton Park Action Park, and

WHEREAS, Myla Kramer, Director of the Office of Parks, Recreation and Community Affairs, has recommended that Chad Hagner, 9 Guadalupe Pass, Clifton Park, be hired to fill the position; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Chad Hagner, Clifton Park, as an attendant for the Clifton Park Action Park, effective immediately, at a rate of \$8.50 per hour, to be paid from A-7200-E4000 (Action Park-Part time Employee), retroactive September 6 , 2011 through October 31, 2011.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 241 of 2011, a resolution to retain Foit-Albert Associates to assess the bridge abutment at Ferry Drive.

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

WHEREAS, by Resolution No. 300 of 2007, the Town Board authorized participation in a New York State Department of Transportation (NYS DOT) Marchiselli Program for the installation of interpretative informational kiosks, including the selection and repair of sites along the Mohawk Scenic Byway, and

WHEREAS, the structural assessment of the old Ferry Drive bridge abutment is a funded task within the Marchiselli Grant for the Scenic Byway Marchiselli Program, and

WHEREAS, the Town is under contract with Foit-Albert Associates for design services for the Historic Erie Canal Towpath Community Connector Project along the byway, and

WHEREAS, the Town wishes to assess the feasibility of rehabilitating the Ferry Drive bridge abutment to determine its potential as a pedestrian platform because of its unique views along the lower edge and its relationship to the old Erie Canal, and

WHEREAS, Foit-Albert is currently working on a towpath design for the Historic Erie Canal Towpath Connector Trail in the immediate vicinity of the Vischer Ferry Bridge and has submitted a proposal for the assessment and design of the bridge abutment for the scenic byway project in an amount of \$13,943; now, therefore, be it

RESOLVED, that the Town Board accepts the proposal of Foit-Albert and Associates for structural assessment of the Vischer Ferry Road bridge for use as a pedestrian platform and design for integration in this site within the Scenic Byway Kiosk Project in an amount of

\$13,943, to be paid from H31-7629-135 (Capital Projects-Mohawk Towpath Kiosk); and be it further

RESOLVED, that the Planning Department is authorized to administer the Scenic Byway Informational Project in conjunction with the Historic Erie Canal Towpath Community Connection Project with the Town of Halfmoon and NYSDOT.

Director of Planning Scavo explained since Foit Albert is doing the Erie Canal Towpath Project they already have a lot of base line data for Ferry Drive. This data can be used to get a scope within the grant funding levels for design work and to show how to proceed with a restoration project of the bridge abutment using existing baseline data.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

MOTION BY Councilwoman Walowit, seconded by Councilman Hughes, to remove Resolution No. 227 of 2011 from the table.

ROLL CALL VOTE ON MOTION

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

Noes: None

MOTION CARRIED

Resolution No. 227 of 2011, a resolution accepting Draft Environmental Impact Statement for Ushers Woods PDD as Final.

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

WHEREAS, the Town of Clifton Park Town Board (the "Town Board") has received the application of Boni Enterprises, LLC (the" Applicant"), for PDD approval to develop a mixed use development on approximately 96.1 acres of undeveloped land, which lie along the west side of Interstate 87 near Exit 10 and is bounded on the south by Ushers Road, and is adjacent to existing residential homes along Wooddale Drive to the west within the Country Knolls neighborhood, and

WHEREAS, said application for a planned development district with subsequent subdivision review is for development of 193 single family detached homes exclusively for senior residents and commercial lots, and

WHEREAS, this application constitutes a Type I Action under the State Environmental Quality Review Act ("SEQRA"), and

WHEREAS, the Town Board is the lead agency for this Action pursuant to 6 NYCRR §617.6, and

WHEREAS, the Town Board received and evaluated the application, environmental assessment form and supplemental studies regarding possible environmental impacts of the proposed action in accordance with the criteria set forth in 6 NYCRR §617.7, and

WHEREAS, the Town Board, as lead agency, determined that the proposed action may have a significant effect on the environment and that a Draft Environmental Impact Statement (“DEIS”) must be prepared, and

WHEREAS, the applicant submitted a DEIS which the Town Board accepted as complete on February 28, 2011 with respect to its scope, content and adequacy for the purposes of commencing public review, and

WHEREAS, the Town Board accepted written comments on the DEIS for a 72-day period (from February 28, 2011 to May 11, 2011) after the DEIS was accepted as complete, and

WHEREAS, the applicant submitted a Final Environmental Impact Statement (“FEIS”) on July 5, 2011, and

WHEREAS, the Town Board has extensively reviewed and caused revisions to the FEIS, including requiring a response to Town Board and public comments and comments of involved or interested agencies, and

WHEREAS, the FEIS last updated July 5, 2011 has been revised to the satisfaction of the Town Board and professional staff, now, therefore, be it

RESOLVED, that this notice of FEIS completion is issued pursuant to part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the New York State Environmental Conservation Law and declares as follow:

A final Environmental Impact Statement has been completed and accepted by the Town of Clifton Park Town Board, as lead agency, for the propose action described below:

Name of Action: Ushers Woods Planned Development District (PDD) Application.

Description of Action: The proposed action is the adoption of a planned development district by the Town of Clifton Park to allow for the construction of a 193 single family detached units exclusively for senior housing on seven adjoining parcels (controlled by the applicant) located on the north side of Ushers Road immediately adjacent to the Adirondack Northway at Exit 10. The project involves construction of new access roads, modification of Ushers Road, the installation of water, sanitary and storm sewers. The project also involves the disturbance of less than .5 acres of Federal Wetlands. All of these activities are regulated by respective authorities having jurisdiction over each respective action.

Location: The project is located on triangulated piece of land comprised of 96.1 +/- acres on Ushers Road in the Town of Clifton Park, Saratoga County, New York. The site is comprised of seven parcels that are all controlled by the applicant. The site is comprised of the following lots identified by tax parcel identification numbers:

- 259.00-2-60
- 259.00-2-62
- 259.00-2-66
- 259.00-2-70
- 259.00-2-71
- 259.00-2-69.11
- 259.00-2-68

The site is generally bounded by N.Y.S.D.O.T. Rt. # 87 (Adirondack Northway) to the east, Ushers Road (Town of Clifton Park) to the south and Country Knolls Estates (Wooddale Drive, Town of Clifton Park) to the west.

Potential

Environmental Impacts: Environmental Impacts addressed in the DEIS and FEIS include:

- Soil, Slope Stability and Vegetation
- Wetlands, Drainage, and Endangered Species
- Air Resources/Noise Impacts
- Water Resources
- Traffic and Transportation
- Impact to Community Character

And be it further,

RESOLVED, that a copy of the FEIS will be on file for review at the Town Clerk's Office, Town of Clifton Park Town Hall, One Town Hall Plaza, Clifton Park, and be it further

RESOLVED, that copies of this resolution shall be provided to and/or made available to all involved and interested agencies.

Director of Planning Scavo reviewed the project history. He explained a public scoping session was held in February 2010 and a scoping document based on feedback from professional staff, the public and the Town Board was created and the applicant was asked to address these concerns in an Environmental Impact Statement. The Town Board and the public reviewed the DEIS and the applicant responded with an addendum that becomes part of the DEIS and would be incorporated into the Final EIS.

Supervisor Barrett stressed this is not a decision on the project but just accepting the Final EIS.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

No one wished to be heard.

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 7:38 p.m.

Patricia O'Donnell
Town Clerk