

December 8, 2014

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 Whalen  
Councilwoman Standaert  
Councilman Romano  
Councilwoman Walowit  
Supervisor Barrett  
Town Clerk O'Donnell

Also Present: Town Attorney McCarthy  
Myla Kramer, Director of Parks, Recreation and Community Affairs  
Steven Myers, Director of Building and Development  
Michael O'Brien, Collection Systems Manager  
John Scavo, Director of Planning

**ANNOUNCEMENTS AND COMMUNICATIONS**

Councilman Whalen and Supervisor Barrett thanked the Friends of Grooms Tavern for hosting the wonderful Open House at the Tavern.

Supervisor Barrett thanked the Clifton Park Elks Lodge 2466 for the moving Memorial Service.

**PUBLIC HEARING, 7:05 PM  
TO CONSIDER A LOCAL LAW AMENDING SECTION 208 OF THE ZONING CODE  
THE TOWN CENTER ZONING CODE VERSION 4.0**

The Town Clerk read the Notice of Public Hearing as published in The Daily Gazette on November 24, 2014.

Director of Planning Scavo summarized the proposed local law explaining this is a guide to help enable and implement the plan adopted in 2012, is a land use tool and is not to be considered as the "be all and end all" for achieving the goals and recommendations outlined in the plan. He acknowledged receipt of the \$217,000 Water Quality Improvement Grant through DEC to improve four storm water basins and Stony Creek stream that runs through the Town Center area, noting as the town is looking at land use tools that can be controlled locally, we are also looking at other elements that the town can have some local influence over to improve the land use quality and sustainability within the town center area.

Mr. Scavo introduced Messrs. Mike Allen and John Behan of Behan Planning Associates. He explained the Plan tries to re-envision more pedestrian friendly neighborhood. Mr. Allen presented an overview of the proposed Town Center Form-Based Zoning, attached. He explained the proposed zoning is to give landowners the ability to try and reconfigure their development thru reduced building setbacks and to give the ability to build out lots and reduce parking minimums. The zoning also looks at internalizing parking. The proposed zoning includes design standards and promotes sidewalk and street trees.

Mr. Scavo reported he has received three written comments, attached.

Supervisor Barrett reviewed the Town Center Plan and stated the subsequent zoning is a product of public meetings, workshops, and stakeholders comments. It is a vision of the future and includes many ideas and initiatives for consideration. There is no time line as it is a living breathing document that can be adjusted over time. The Plan follows in the footsteps of many other long term planning studies embarked upon over the last 15 years. The goal is to sustain the success that Exit 9 commerce area has achieved in recent years, as well as improve pedestrian access and

aesthetics, and foster greater connectivity between uses in the Exit 9 area. He noted the empty spaces have been replaced with vibrant businesses and millions of dollars of private sector investment and credits the landowners in the area for their entrepreneurship, determination and money invested in those areas that were struggling. The Supervisor said the residential portion is important but is only one use in the Plan. It is more important that the residential complement the business tax base in the Exit 9 area. He stated this zoning offers flexibility and will encourage complementary uses.

The public hearing was opened for comments from the audience at 7:32 p.m.

Daniel Hartnett, Southbury Road, Chair of Trails Sub-Committee, favors owner occupied residential housing, not exclusively apartments and stressed the need for parks. He requested that bike racks be added to the Plan. He noted there is no mention of standards for sidewalks other than in TC 6. Some of the widths are not the same as in the trails center master plan. He asked that trails and sidewalks not count against green space and any roadways and sidewalks, public or private, should have a public right of way.

Robert Miller, Sr., Greenfield, Windsor Development, complimented the Board on doing a great job on the plan, noting it envisions a town that has a vibrancy. He said Windsor Development has been part of the plan project from the beginning. He said he has had properties in town since 1985, noting Price Chopper and Kmart (Shoppers' World) and Hannaford and Toys R Us plazas (Village Plaza). Mr. Miller said a need exists for apartments for young professionals and empty nesters and he believes the Plan calls for high density residential in the town center to serve the needs of those people, noting he has heard from people that the need exists. He stated he loves the Plan but it requires a critical mass of residences in town center for the Plan to work though he doesn't know what that critical mass is but without it the plan will not work. He continued it has been said there are enough residences around the town center but if that were the case then the Town Center Plan would be here and we would see the vibrancy, however, the vibrancy is not there yet, The Plan "gets it" but the code has a limit on residential downtown of 10 units per acre with a maximum of 20 per site. Mr. Miller stated the difficulty with that is that there won't be a Town Center Plan if those densities are held as it simply won't allow that vitality to be accomplished. He continued we do have opportunity in the Town of Clifton Park to make great steps in achieving this properly. Mr. Miller explained there are only a few sites in town that could be developed starting today to create the retail first floor, residential office on the floors above, but they do exist, noting the Kmart property. He said his company owns the Kmart property and he is frequently asked by people to please do something with the property – parking lot is too big and underutilized. Mr. Miller reported his company would like to redevelop in accordance with Town Center Plan, however, the proposed code doesn't permit it and that is a lost opportunity stating if something else is developed or underdeveloped there it cannot be corrected. He recommends bringing the experts back to the table on this issue in order to work collectively and collaboratively to determine what the right density is for the town center. He anticipates developers, stakeholders, town personnel and other interested parties working together to achieve this as no one can do it on their own. Mr. Miller stated if residential is left out there will not be a Town Center Plan.

Robert Miller, Jr., Cardinal Court, Windsor Development, said as part of the process, Windsor engaged the business owners and explained the Plan and code regarding the residential density cap. He distributed a petition signed by 23 "concerned business owners operating in the Town of Clifton Park Town Center who are urging our Town Board Members to act now to revise the Clifton Park Town Center Form Based Development Code such that it shall permit, as of right, the higher density residential development that (i) was envisioned in the Town Center Plan adopted by the Town Board in April of 2012 and (ii) will provide the critical mass of people required to create a more walkable, mixed used center of activity in the Town of Clifton Park Town Center".

Frank Gallo, Guilderland, spoke on behalf of the residential plan. He said the proximity of residences is paramount to small businesses. He reported some of his stores that haven't done well is due to communities that didn't foster residential and/or commercial development. He said he didn't sign the petition as he felt strongly enough to speak in person. Mr. Gallo stated having more residential development is very important to the future of this community.

Jill Ross, Brunswick, Secretary of Not So Common Players, read a prepared statement, attached.

David Rowley, Cooper, Erving, Savage, attorneys for Shenendehowa School District, stated this plan is a large step in the right direction. He spoke with regard to the 34 acres owned by the school district and expressed concern with the proposed zoning of TC-3 for the 34 acres as it does not allow for residential use. He said the area needs to be zoned TC-5 which would allow residential and commercial which would be the better route to achieve the town's and school district's goals. Letter of December 3, attached.

Oliver Robinson, Superintendent of Shenendehowa School District, said TC5 zoning would provide for a better complement mix of uses and allows the school a greater assurance that big box stores won't wind up behind the school. He prefers allowing residential and not big box stores and noted the 34 acres are an opportunity for economic development. Mr. Robinson said part of the concern is how to create a buffer as with purely commercial there could be huge vacant buildings behind the school. He continued the major issue to the school is that the owners have a major stake in the property and not businesses that can come and go.

Supervisor Barrett said a PUD is an option for the TC-3 zone and offers more control as far as uses, could work through process a little easier, and make sure there is a buffer and, perhaps, public amenities next to the school. The TC-3 zone is the only way to guarantee a big box store wouldn't go there, however, with TC-5 there is no guarantee a big box wouldn't come in.

Peter Bardunias, Waite Road, President and CEO of the Chamber of Southern Saratoga County, praised the Clifton Park community. He recommended the Board take a step back and look at concerns expressed by developers and reevaluate in some places. Mr. Bardunias stated with a few tweaks he is confident the town will end up with a downtown center of which to be very proud.

James Trainor, Greenlea Drive, School Board member, reiterated Superintendent Robinson's and Mr. Rowley's recommendations to zone the 34 acres owned by the school district to TC5 rather than TC3, noting the TC3 portion be better suited closer to Route 146 and not as a buffer for the school district.

Director of Planning Scavo stated the 34 acres, as the largest portion in the plan, needs a higher level of analysis. He acknowledged during public workshop sessions some people said leave it as green space, others saying something will go in and needs to be done with a quality design. He explained the 34 acres is the biggest natural vegetation site and not subject to redevelopment and, therefore, needs a different level of thought and analysis above and beyond the exercises done under the Town Center Plan. Mr. Scavo continued because the Town Center Plan didn't follow visioning exercise on that piece of land to the level of detail of other parcels, and didn't want to dictate to another municipal entity what the future uses or intentions of their property should be. Mr. Scavo stated the town is open to work with the school district to look at what may occur there. His concern is the information within the Town Center Plan to just assign a designation without having the critical element for Planning Board analysis and review and look at opportunities to set aside design and public elements was a consistent theme whether they wanted density or left alone. Mr. Scavo noted there is a strong possibility that the stream corridor that dissects the parcel could be a DEC regulated wetland so there would have to be an analysis of natural features on site and also the need to look at how development can occur and protect natural features within the site. He said under this designation it needs Planning Board analysis.

Supervisor Barrett said this is a sensitive area as it is the closest open parcel to the school.

Susan Burton, Riverview Road, asked if a pedestrian cross way over Route 146 connecting the two malls is part of the Plan. Supervisor Barrett responded though he would love to see it, this is not in the Plan and would be very expensive.

Peter Guidarelli, Schenectady, explained he does business with people in Clifton Park. He said this is a rare opportunity and ability to expand residential base, explaining residential in the Town Center Plan will bring pedestrian traffic. He stated the first component of mixed use is residential, then commercial and civic. He stressed the importance of offering young professionals residential units located in the town center which will create the feeder for next generation who will be single family home owners. Mr. Guidarelli stated this is a rare opportunity to make sure this plan can be maximized responsibly

Supervisor Barrett explained apartment complexes require Town Board approval and at least a dozen apartment complexes have been turned down over the last few years and is not something the Town Board is in favor of unless it is something unique, noting The Bentley and Meadow View on Waite Road. The Supervisor noted there has been over 70 million dollars in new health care investment over the last few years, as well as the expansion of the YMCA and other community organizations and this success will bring a well-rounded community.

Jim Baisley, Barkwood Lane, said the concept is the way to go, explaining he has seen a similar plan in Florida with apartment complexes, restaurants, and event locations.

Daniel Fariello, Carlson Way, Capital Bank, Commercial Real Estate Lending Officer, said he has worked with Messrs. Greene's and Miller's companies, as well as other developers. He explained he has worked with developers that have created buildings with commercial on the ground floor and for rent apartments above – calling it a “sensitive mix”.

Supervisor Barrett said it is clear this evening the one theme is the Plan does not allow for enough density for residential housing though the plan does offer for more flexibility and density than the rest of the town. He stated there have been some very good points raised this evening. He noted currently 10 acres or more are required for a PUD. He said a “slew” of multi-family projects is not something the Town Board wants to see occur. The Supervisor continued there has been discussion of possibly allowing a five-acre PUD that would allow a developer that had a valuable project to present it to the Town Board. Supervisor Barrett said another discussion piece is the 20 unit cap per project - for apartments 10 unit per acre with a 20 unit cap per project. He said a sound argument can be made that the 20 unit cap is too low to complement a commercial project. There has been discussion to raising the cap to 50, keeping it manageable but at the same time increasing the amount of apartment units allowed on one particular parcel. The Supervisor stated it is important to keep in mind where we've been, where we are today before anything new is codified and where we might be in the future. He said this Plan offers more flexibility and more density than has ever been allowed in the town. He said there will be more residential in the Exit 9 commerce area identified in the plan. He reiterated there is no time frame for the Plan, as a lot of it relies on the private sector and people making investments. The Plan is meant to encourage more investment.

Councilman Whalen said comments tonight were very thoughtful and measured and feels everyone is conceptually supportive of the Plan though there may be some issues that differ on the details. He said the challenge to the Town Board is moving forward with developing the “sensitive mix”

Supervisor Barrett said the town is managing success and the Plan is to ensure to continue to manage success.

Director of Planning Scavo said people are wondering what is the “critical mass” number, noting there is commercial, retail and housing in the town center and the number doesn't say allow uses to go unchecked. This will continuously be evaluated.

Supervisor Barrett reiterated this is a living breathing document that will get further scrutiny before being approved and will be reviewed on a regular basis long after this Town Board is gone. He thanked all involved in their participation of the preparation of the Plan.

Mr. Scavo explained the next step will involve the Town Board, with professional staff, looking at all comments received and making adjustments and modifications as seen fit, as well as potentially having Citizens Advisory Committee meet one last time to summarize any changes or modifications. At least one more additional comment period will be held, as well as an environmental review will be done and completed for the final version. Mr. Scavo said final adoption may be held at a March meeting.

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 8:35 p.m.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 302 of 2014, a resolution authorizing the Supervisor to sign contracts with 2015 sub-contract hires, per Schedule "A".

Introduced by Councilwoman Standaert, who moved its adoption, seconded by Councilman Whalen.

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has requested that the Town Board authorize certain updated contracts for certain 2015 programs, and

WHEREAS, the Town Board supports continuation of the listed 2015 sub-contract hires, listed on the attached Schedule "A"; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign contracts with 2015 sub-contract hires, per Schedule "A".

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 303 of 2014, a resolution authorizing the hiring of Jennifer Tambasco as a co-instructor for the Winter Wonderland Camp

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

WHEREAS, a need exists for a co-instructor for the Winter Wonderland Camp, and

WHEREAS, Myla Kramer, Parks, Recreation and Community Affairs Director, has recommended that Jennifer Tambasco, 5103 Forest Pointe Drive, Clifton Park, be appointed as co-instructor for the camp, and

WHEREAS, Ms. Tambasco has done an excellent job for the past seven years as site director at the Jonesville half-day camp and would be a natural fit; now, therefore, be it

RESOLVED, that authorization is hereby given to hire Jennifer Tambasco as co-instructor for the Winter Wonderland Camp, to be paid \$400 for the week, from A-7330-E4000 (Youth Recreation Programs-Camp Salary).

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 304 of 2014, a resolution approving the 2015 Summer Recreation Salary Matrix for summer camp staff and pool employees.

Introduced by Councilman Whalen, who moved its adoption, seconded by Councilwoman Standaert.

WHEREAS, Myla Kramer, Director of Parks, Recreation and Community Affairs, has prepared a 2015 Summer Recreation Salary Matrix, per Schedule's A and B; now, therefore, be it

RESOLVED, that the Town Board hereby adopts the 2015 salary matrix for day camp staff per Schedule A, and 2015 salary matrix for 2015 pool and swim program salaries per Schedule B.

Supervisor Barrett explained NY State has increased the minimum wages, however, Municipalities are exempt from minimum wage so summer employees may not reach minimum wage for three years.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 305 of 2014, a resolution accepting the Environmental Assessment for the execution of a Power Purchase Agreement with Gro Solar in support of a Solar Energy Project at the Clifton Park landfill.

Introduced by Councilwoman Standaert, who moved its adoption, seconded by Councilman Romano.

WHEREAS, the town's Planning Department has completed a short Environmental Assessment Form regarding the project proposed by Gro Solar at the Clifton Park capped landfill, and

WHEREAS, the project has received incentives and funding support from NYSERDA, and

WHEREAS, the Town of Clifton Park will consider entering into a binding commitment with Gro Solar in the form of a Power Purchase Agreement to support the funding and financing of the project, to purchase energy and receive certain credits from the completed project; now, therefore, be it

RESOLVED, that the Town Board declares itself Lead Agency for the review of the project, and be it further

RESOLVED, that the Town Board, as Lead Agency, hereby accepts the Environmental Assessment completed by the Town's Planning Department, finds the proposed action to be unlisted pursuant to SEQRA, and hereby issues a negative declaration regarding the same.

Supervisor Barrett reviewed the process of the project, noting there will be 3000 solar panels on seven acres of the capped landfill. He reported between \$1and \$1.5 million over the 25 year term of agreement could be saved, however, money saved is dependent on how much electric prices go up in the future. The Supervisor said DEC is involved in the project.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 306 of 2014, a resolution authorizing the Supervisor to sign a Power Purchase Agreement with Gro-Solar for a Solar Energy Project at the Clifton Park landfill.

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

WHEREAS, on July 7, 2014 the Town Board authorized execution of a Letter of Intent with Gro-Solar, Columbia, Maryland, to partner in the submission of an application for funding and incentives from NYSERDA to support a 995 MW Solar Energy Project at the capped landfill on Vischer Ferry Road, Clifton Park, and

WHEREAS, in September, 2014, NYSERDA announced that the town's project had been selected for incentive funding under Program Opportunity Notice (PON 2956), and

WHEREAS, the town and Gro-Solar have submitted a Letter of Intent to National Grid relative to an Interconnection Agreement, and

WHEREAS, the Town Board has analyzed the impact of the proposed Power Purchase Agreement on the town's energy costs for the projected term of the agreement, and

WHEREAS, the Town Board has reviewed the negotiated Power Purchase Agreement as well and has analyzed the potential savings to be generated as a result of the agreement over the term of twenty-five years, and

WHEREAS, the Town Board supports the concept of re-purposing the capped landfill site for the generation of clean, renewable energy under the terms of the attached Power Purchase Agreement, and

WHEREAS, pursuant to NYSTL 64 (6), the Town Board is authorized to award contracts for any purpose authorized by law; now, therefore, be it

RESOLVED, that the Town Board approves the attached Power Purchase Agreement with Gro-Solar for a term of twenty-five years, renewable for an additional five years upon mutual consent; and be it further

RESOLVED, that the Supervisor is authorized to sign the attached Power Purchase Agreement with Gro-Solar.

Councilman Whalen commended Town Attorney McCarthy and Supervisor Barrett for their work on the Power Purchase agreement.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano,  
Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

Resolution No. 307 of 2014, a resolution authorizing the Supervisor to sign a contract to replace a floor damaged from sewage overflow.

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

WHEREAS, on November 4, 2014 a grinder pump failed at 9 Rolling Brook Drive, resulting in a sewage overflow, and

WHEREAS, carpeting, tile and wood trim had to be removed and quotes solicited for the replacement, and

WHEREAS, Sherwin Williams Floor Division, Albany, New York, submitted a quote of \$2,723.24, to replace the damaged floor with an all vinyl floor, and

WHEREAS, Michael O'Brien, Collection Systems Manager, has recommended that the quote of Sherwin Williams Floor Division for an amount not to exceed \$2,723.24 be accepted for the replacement of the damaged floor; now, therefore, be it

RESOLVED, that the Town Board hereby accepts the quote of Sherwin Williams Floor Division for an amount not to exceed \$2,723.24, to be budgeted from G7-8111-21 (Clifton Park Sewer District No. 1-Emergency Repairs).

Collection Systems Manager O'Brien explained approximately 600 grinder pumps in Clifton Knolls and Country Knolls South were abandoned to the town by CK Sanitary Systems. These grinder pumps had no audible alarms to alert residents to an overflow. He said over the years when there is a problem in a residence alarms are installed, however, he plans to do a census in January of residences in Country Knolls South to take an inventory of what pumps are left without audible alarms.

ROLL CALL VOTE

Ayes: Councilman Whalen, Councilwoman Standaert, Councilman Romano, Councilwoman Walowit, Supervisor Barrett

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

Jim Baisley, Barkwood Lane, asked if anything would drastically change at the Transfer Station with the installation of solar panels. Supervisor Barrett responded no, just a meter and no capital investment or maintenance responsibilities.

Peter Bardunias, Waite Road, Chair of the Chamber of Southern Saratoga, commended the town for the installation of the solar panels.

Supervisor Barrett thanked the Chamber for the Chamber Angels project over the years.

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

Motion carried at 9:03 p.m.

Patricia O'Donnell  
Town Clerk