

April 20, 2020

The regular meeting of the Town Board of the Town of Clifton Park was held in the Town Office Building at 5:05 p.m. Supervisor Barrett presiding.

Present: Supervisor Barrett  
Councilman Whalen via tele-conference  
Councilwoman Standaert  
Councilman Romano  
Councilwoman Walowit  
Town Clerk Brobston

Also Present via tele-conference:

Town Attorney McCarthy  
Michael O'Brien, Collection Systems Manager  
John Scavo, Director of Planning

MOTION BY Councilman Romano, seconded by Councilwoman Walowit, to approve the minutes of the April 6, 2020 meeting as presented.

ROLL CALL VOTE

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

Noes: None

MOTION CARRIED

ANNOUNCEMENTS AND COMMUNICATION

Supervisor Barrett explained NY Pause has been extended to May 15, 2020. He stated workforce reductions will continue at current status. The extensive outreach to the senior community will continue with shopping/errands services and meal deliveries.

Supervisor Barrett announced Thursday, April 23 on Facebook Live, Dr. McAvoy will have a question and answer period on COVID-19.

**PUBLIC HEARING, 5:15 P.M. REGARDING AN EXTENSION  
TO THE DUTCH MEADOWS SEWER DISTRICT NO. 1.**

Town Clerk Brobston read the Notice of Public Hearing as published in The Daily Gazette on April 10, 2020.

No comments were received by the Town Clerk.

Collection Systems Manager Michael O'Brien explained there are 5 properties that are proposed to be added to the district with one unilateral line down Hubbs Road. All 5 property owners agree with the proposal. Grinder pumps will be installed in each home proposed. The total charges will be \$600 per year which will include the Saratoga County Sewer District charges. The proposed charges are similar to what the homeowners in Dutch Meadow currently pay.

Public hearing closed at 5:30 P.M.

**PUBLIC HEARING, 5:31 P.M. REGARDING RENEWING EXISTING CONSERVATION  
EASEMENTS PURSUANT TO CHAPTER 125-10.**

Town Clerk Brobston read the Notice of Public Hearing as published in The Daily Gazette on April 16, 2020.

No comments were received by the Town Clerk.

Supervisor Barrett explained there are 2 Conservation Easements (1 Historic and 1 Farmland) to be considered for renewal at this time.

Public Hearing closed at 5:33 P.M.

PUBLIC PRIVILEGE ON RESOLUTIONS

No one wished to be heard.

Resolution No. 86 of 2020, a resolution renewing existing term easements pursuant to Chapter 125-10, Conservation Easements, of the Town Code.

Introduced by Councilwoman Standaert, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, the town initiated a Term Conservation Easement Program in 1996, with term easements issued with a minimum 15-year term thereafter, and

WHEREAS, the first term conservation easements issued pursuant to Chapter 125 of the Town Code, expired in 2011, and

WHEREAS, on February 6, 2012, the Town Board adopted Local Law No. 1 of 2012 providing for the streamlining of the process for holders of existing term conservation easements to re-apply for terms of their choice, and

WHEREAS, two applications were received from individual holders of existing conservation easements expiring in 2020 to renew the existing conservation easement, and

WHEREAS, Eric and Eva Tanski have applied for renewal of a 20-year Historic Preservation Conservation Easement for a home located at 913 Route 146, Clifton Park, (SBL:271.-2-22.112), and

WHEREAS, Adam and Lisa Catalano have applied for a renewal of a 20-year Conservation Easement for a home, located at 35 Garnsey Road, Rexford, NY, (SBL:269.-2-56), and

WHEREAS, pursuant to Chapter 125-10 (C) the Town Board conducted a single public hearing on April 20, 2020 to consider all applications for renewal of term conservation easements, and

WHEREAS, the public was given the opportunity to speak in favor of or against the renewal of expiring term conservation easements; now, therefore, be it

RESOLVED, that the expiring renewal submitted for property at 913 Route 146, is hereby renewed for a 20-year term; and be it further

RESOLVED, that the expiring renewal submitted for property at 35 Garnsey Road, is hereby renewed for a 20-year term.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 87 of 2020, a resolution scheduling a public hearing to consider an amendment to Chapter 125-10 of Town Code, eliminating the requirement for a public hearing on renewals of term conservation easements.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilwoman Standaert.

WHEREAS, the town maintains a temporary conservation easement program which authorizes reduced assessments on farmlands for easements of a certain term of years, and

WHEREAS, the Town Board wishes to streamline the procedure for evaluation and consideration of renewal applications for term easements under the program, and

WHEREAS, the Town Board wishes to schedule a public hearing on a proposal to amend provisions of Chapter 125-10 of the Town Code, to eliminate the necessity for a public hearing in each case; now, therefore, be it

RESOLVED, that the Town Board hereby schedules a public hearing for May 4, 2020 at 5:05 pm on a proposal to amend Chapter 125-10 removing the requirement for the Town Board to hold a public hearing on renewal applications of term conservation easements; and be it further

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

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 88 of 2020, a resolution authorizing 2019 final budget adjustments as specified in Exhibit A.

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

WHEREAS, the Comptroller has recommended that certain budget adjustments contained in Exhibit A be made to address the needs of all funds, as well as other miscellaneous expenditures as set forth in Exhibit A; now, therefore, be it

RESOLVED, that the budget adjustments specified in Exhibit A, be adopted per the Comptroller's recommendations.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 89 of 2020, a resolution authorizing the acceptance of the conveyance of land within the Windhover Farms Subdivision identified as SBL: 276.-1-84.11.

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

WHEREAS, as a condition of approval for the Windhover Farms Subdivision on August 12, 2016, the applicant agreed to convey 2 parcels of land totaling 95+/- acres to the Town of Clifton Park for open space and park purposes, and

WHEREAS, Planning Director John Scavo recommends acceptance of the land for the purposes as stated by the Planning Board in their site plan notice of decision for Windhover Farms; now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the acceptance of the conveyance of land from Beverwyck Development Corporation, described in attached Schedule A, for open space and park purposes; and be it further

RESOLVED, that this conveyance is expressly conditioned upon receipt of an approval by the Town Attorney of all necessary documents including review of the recorded deed in the Saratoga County Clerk's Office, metes and bounds description of the conveyance and retained easements, provision of title report, provisions for payment of all taxes, recording fees, and assessments which are acceptable to the Town Attorney; and be it further

RESOLVED, that there be appended to the within resolution, a copy of the recorded conveyance after it has been filed with the Saratoga County Clerk to effect transfer of title to the property to the town.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Supervisor Barrett read a letter written by the landowner of the property in Windhover Farms John Stevens regarding the donation of lands.

Resolution No. 90 of 2020, a resolution determining that proposed amendments to Town Code to establish a procedure for density bonus(es) within the Town Center, is an unlisted action for purposes of the New York State Environmental Quality Review Act.

Introduced by Councilwoman Standaert. who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, the Town Board is considering the amendment of Section 208-22, and the repeal of Section 208-72 3 E of the Town Code, to replace the Planned Development District procedure for the consideration of residential density bonus applications in Town Center, and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the town desires to comply with the SEQR Act and the Regulations with respect to the project, and

WHEREAS, the proposed amendments to the Town Code are consistent with the Town Center Plan and zoning, and will eliminate the potential for conflicting development district regulation in the Town Center; now, therefore, be it

RESOLVED, by the members of the Clifton Park Town Board as follows:

1. The project constitutes an "Unlisted Action" under 6 NYCRR § 617.2(ak), as it constitutes a streamlined legislative procedure only.
2. This resolution shall take effect immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 91 of 2020, a resolution adopting a local law amending Chapter 208-22 of the Town Code relative to procedures for residential density bonus applications above allowable base levels in Town Center Zone.

Introduced by Councilwoman Walowit, who moved its adoption, seconded by Councilwoman Standaert.

WHEREAS, by Resolution No. 63 of 2015, the Town Board adopted Local Law No. 4 of 2015, establishing Form Based Zoning Code within the Town Center, and

WHEREAS, pursuant to Chapter 208-22 6 A of the Town Code, the allowable base density for residential development within the Town Center zones was established at 10 dwelling units per acre, up to a maximum of 50 such dwelling units per project, and

WHEREAS, pursuant to Chapters 208-22 6 B and 208-72 3 E, the Town Board retained the authority to consider and grant additional density above allowable base levels within the Town Center Zone, and

WHEREAS, Chapter 208-72 3 E provides that the procedure for density bonus applications would follow those for Planned Development Districts within the town, and

WHEREAS, the Planning staff recommend replacing the Planned Development District procedure with a streamlined procedure to avoid conflicts with the goals and effects of Form Based Zoning throughout the Town Center Area, and

WHEREAS, on August 19, 2019, the Town Board held a public hearing on the proposal to establish a more efficient process by which the Town Board may consider applications for residential density bonuses for projects within the Town Center Zone, and

WHEREAS, on June 21, 2019, the Saratoga County Planning Board provided its review of the action under Section 239-m of the General Municipal Law, recommending approval of the proposed procedure, and

WHEREAS, the proposal retains the requirement that such applications be granted only by local law following a public hearing; now, therefore, be it

RESOLVED, that Local Law No. 3 of 2020, a local law amending Chapter 208-22 (6) of the Town Code is hereby enacted, as attached, effective immediately; and be it further

RESOLVED, that Chapter 208-72 (C)(3)(E) is hereby repealed; and be it further

RESOLVED, that the Town Clerk is directed to file the amendments with the New York Secretary of State and to publish due notice hereof.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 92 of 2020, a resolution determining that proposed granting a residential density bonus to Windsor Development within the Town Center Zone is an unlisted action for purposes of the New York State Environmental Quality Review Act.

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

WHEREAS, the Town Board of the Town of Clifton Park, Saratoga County, New York, (the "Town") is an increase in residential density bonus for multi-family dwelling units at 15 Park Avenue, and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, as amended (the "Regulations"), the Town desires to comply with the SEQR Act and the Regulations with respect to the project, and

WHEREAS, the proposed density bonus at 15 Park Avenue is consistent with the Town Center Plan zoning legislation; now, therefore, be it

RESOLVED, by the members of the Clifton Park Town Board as follows:

1. The project constitutes an "Unlisted Action" under 6 NYCRR § 617.2(Ak), as it constitutes the replacement, rehabilitation or reconstruction of equipment, in kind, on the same site, and no further action under the SEQR Act and the Regulations is required.
2. This resolution shall take effect immediately.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Resolution No. 93 of 2020, a resolution adopting a local law approving a Residential Density Bonus for 15 Park Avenue, SBL 271.-3-81, at the former K-Mart property site.

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

WHEREAS, pursuant to Chapter 208-22 (6) of the Town Code, base residential density for projects within Town Center is a maximum of 50 units per project, and

WHEREAS, the Town Board has authority to increase the allowable density for residential housing within the Town Center Zones under Chapter 208-22 6 E-G of the Town Code, and

WHEREAS, on October 18, 2018, Windsor Development applied for a bonus allowance for an additional 50 residential units in allowed residential density for a planned redevelopment project on the 13 + acre site of the former K-Mart property at 15 Park Avenue, within the TC-5 zone, and

WHEREAS, the proposal would allow for a redevelopment project to include up to 100 residential units on the 13 + acre site, and

WHEREAS, on August 16, 2019, the Saratoga County Planning Board provided its review of the action under Section 239-m of the General Municipal Law, recommending approval of the proposal, and

WHEREAS, on August 19, 2019, the Town Board held a public hearing to solicit public comment on the proposal for such a residential density bonus; now, therefore, be it

RESOLVED, that Local Law No 4 of 2020, a local law authorizing the residential density bonus of an additional 50 units for a total project density authorized of up to 100 residential units to be constructed on the site at SBL 271.-3-81, also known as 15 Park Avenue, per the attached amendment to Chapter 208-22 G, attached; and be it further

RESOLVED, that the Town Clerk shall publish, and post notice thereof, as attached, and is directed to file the amendments with the New York Secretary of State.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

Supervisor Barrett stated over the last few years the board has seen different versions of this proposal and this last version is acceptable. The applicant will now continue the process with the Planning Board.

Resolution No. 94 of 2020, a resolution authorizing the hiring of a Camp Site Director for the full day camp for the 2020 season.

Introduced by Councilwoman Standaert, who moved its adoption, seconded by Councilwoman Walowit.

WHEREAS, the Town Board wishes that staff be hired by the Department of Parks and Recreation to operate the Town of Clifton Park 2020 summer recreation programs, and

WHEREAS, it is recommended that Ann Marie Strife be hired as Director of the full day camp for the 2020 summer season; now, therefore, be it

RESOLVED, that Ann Marie Strife, 23 Grissom Drive, Clifton Park, NY, shall be hired as Camp Site Director for the Town of Clifton Park’s full day camp program; and be it further

RESOLVED, that Ms. Strife be hired at a rate of \$1,262 per week to be paid from A-7320-E9000 (Summer Rec Full Day Camp - Director), effective June 29<sup>th</sup> – August 21<sup>st</sup>, 2020.

It was noted the Parks, Recreation and Community Affairs Director was unaware of the recommendation.

ROLL CALL VOTE

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

Noes: None

DECLARED ADOPTED

PUBLIC PRIVILEGE

No one wished to be heard.

MOTION BY Councilwoman Walowit, seconded by Councilwoman Standaert, to adjourn the meeting to the next regular meeting or any other meeting necessary for the conduct of town business. Motion carried at 6:35 p.m.

Teresa Brobston

Town Clerk