

# TOWN OF CLIFTON PARK TOWN BOARD MEETING

December 10, 2018

- 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**
  - **Recognition of 2018 EMS Educator of Excellence – Russ Coonradt**
  - **Presentation on T.I.P. Grants – Planning Director, John Scavo**
  - **Resolutions for Consideration**
  - **Other Business**
- VII. **Open Public Privilege**

NOTE:

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

**December 10, 2018**

<u>SOURCE</u>	<u>RESOLUTION</u>	<u>CONTACT</u>
1. Supervisor	Recognition of 2018 EMS Educator of Excellence, Russ Coonradt	P. Barrett
2. Supervisor	Authorize the approval of a grant disbursement agreement with DASNY for reimbursement for Sr. Center improvements	P. Barrett
3. Supervisor	Authorize the Supervisor to sign Supplemental Agreement #1 for the Sitterly Road Improvements Project	P. Barrett
4. Supervisor	Authorize the right-of-way acquisitions for the Sitterly Road Traffic Improvements Project	P. Barrett
5. Supervisor	Issue a negative declaration pursuant to SEQR for an amendment to zoning code relative to 2-family residences	P. Barrett
6. Supervisor	Adopt Local Law No. ___ of 2018, an amendment to Chapter 2018 relative to 2-family residences	P. Barrett
7. Supervisor	Adopt determination and findings relative to Eminent Domain Procedures Law for Ballston Lake Sewer District No. 1	P. Barrett
8. Assessor	Schedule a public hearing to extend deadlines for senior citizens to apply for tax exemptions under certain circumstances	P. Barrett

Resolution No. \_\_\_\_\_ of 2018, a resolution recognizing the achievements and contributions of the 2018 New York State EMS Educator of Excellence, Russell Coonradt.

Introduced by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_.

WHEREAS, Russ Coonradt has served his community as a Navy Corpsman, Petty Officer Second Class, as an EMT, and as a New York State Certified Instructor/Coordinator, and

WHEREAS, Russ Coonradt in partnership with the Clifton Park Halfmoon Emergency Corps, established a free EMT course for US Military Veterans, with the goal being that veterans would have an opportunity for free education and certification that might ultimately be applied to gainful employment, and

WHEREAS, in 2016 Russ was the Certified Lab Instructor for the inaugural course, and was the Certified Instructor Coordinator for the 2018 course, and

WHEREAS, the EMT Course is specifically designed for military veterans, providing groups of veterans an opportunity to work together, train together, and succeed together, with the result that all 2018 veteran EMT students passed their practical exams in 2018, and

WHEREAS, Mr. Coonradt has been recognized in 2017 as a WGNA Capital Region Hometown Hero, and most recently, was awarded the New York State EMS Educator of Excellence for 2018, and

WHEREAS, the Town Board wishes to recognize Russ Coonradt as one who has served his country and his community with honor; now therefore be it

RESOLVED, that Russell Coonradt is gratefully recognized by the Clifton Park Town Board, on behalf of all citizens of the Town, for his service to his community.

Resolution No. \_\_\_\_\_ of 2018, a resolution authorizing the Supervisor to sign a contract with DASNY for grant reimbursement for upgrades to the Clifton Park Senior Community Center.

Introduced by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_.

WHEREAS, the Town was awarded grant funding pursuant to the State and Municipal Facilities Program for upgrades to the Clifton Park Senior Community Center, and

WHEREAS, the grant program is administered by the Dormitory Authority of the State of New York, and

WHEREAS, contracts for new flooring, upgrades to the HVAC system, and a new front door at the center were awarded by Resolutions No. 164, 171, and 165 of 2018, and

WHEREAS, work on the upgrades has been completed, and

WHEREAS, DASNY has forwarded execution contracts for the disbursement of grant funds under the S.A.M. Program for reimbursement of \$85,000 towards the cost of the upgrades, now, therefore be it

RESOLVED, that the Supervisor is authorized to sign the attached Grant Disbursement Amount Contract with DASNY for the Clifton Park Senior Community Center upgrades.

Resolution No. \_\_\_\_\_ of 2018, a resolution authorizing the implementation, and funding in the first instance 100% of; federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

Introduced by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_.

WHEREAS, the Sitterly Road Improvements and Traffic Signal Improvement Project, Town of Clifton Park, Saratoga County P.I.N. 1757.84 (the Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Town of Clifton Park desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design and Right-of-Way Acquisition & Incidentals,

NOW, THEREFORE, the Town Board duly convened does hereby

RESOLVE, that the Town Board hereby approves the Sitterly Road Improvements and Traffic Signal Improvement Project; and it is hereby further

RESOLVED, that the Town Board hereby authorizes the Town of Clifton Park to pay in the first instance 100% of the federal and non-federal share of the cost of Design and Right-of-Way Acquisition & Incidentals work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$182,014.00 has been previously appropriated by Resolution No. 290 of 2017 and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that the additional sum of \$71,816.00 shall be appropriated from H48-5112-200 and made available to cover the cost of participation in the above phases of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Town Board of the Town of Clifton Park shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Supervisor be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Town of Clifton Park with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State

Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

RESOLVED, this Resolution shall take effect immediately.

Resolution No. \_\_\_\_\_ of 2018 a resolution authorizing the Town Board to approve the Recommended Just Compensation amounts for the acquisition of properties necessary for the completion of the Sitterly Road Traffic Improvements and Traffic Signals Project regarding the Right-of-Way Acquisition Phase.

Introduced by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_.

WHEREAS, the Town has received funding for the construction of the Sitterly Road Traffic Improvements Project, and

WHEREAS, the Town has retained R. K. Hite and Co., Inc. to evaluate the land Acquisition necessary for the construction of the Project, and to prepare Appraisal reports on the interests in land required for the Project, and

WHEREAS, by Resolution No. 290 of 2017, the Town Board approved the Project and appropriated funds for Design and Right-of-Way acquisitions, and

WHEREAS, R.K. Hite has completed the analysis of the Acquisitions required for the Project and has requested that Determinations be made for Just Compensation for the owners of property where rights are to be acquired, and

WHEREAS, the Town Attorney recommends acceptance of the recommendations made by R. K. Hite & Co., Inc., now, therefore, be it

RESOLVED, that the Town Board finds and determines that the Appraisal Reports on the properties listed in the attached Request for Determination of Just Compensation are complete and support the requested values for the Real Property interests required for the Project, and be it further

RESOLVED, that the Town Board approves the Just Compensation amounts for the Properties listed, and be it further

RESOLVED, that R. H. Hite & Co., Inc. is authorized to offer the amounts to the property owners as listed on the attached Request for Just Compensation.

Resolution No. \_\_\_\_\_ of 2018, a resolution that action to consider and adopt a local law amending Local Law No. 2 of 1967, Section 208-of the Town Code, defining the space and bulk requirements for two family dwelling units as including the equivalent as two separate units within each of the affected zones, as a Type I action under the State Environmental Quality Review Act, and issuing a Negative Declaration.

Introduced by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_.

WHEREAS, a proposal has been presented to the Town Board to define the structures for 2 family dwelling units as 2 separate units for the purposes of determining conformity with Space and Bulk requirements for the R-1, CR, A-3 and HR Zoning Districts, and

WHEREAS, the proposal has been reviewed by the Town's Planning Department and Director, who has prepared an Environmental Assessment Form for the review of the proposal pursuant to the State Environmental Quality Review Act, and

WHEREAS, John Scavo, Planning Director has also prepared Parts 2 and 3 of the EAF, recommending that the Town Board classify the proposed legislative action as a Type I Action, and issue a Negative Declaration for its Determination of Significance, and

WHEREAS, the Town Board has reviewed the Environmental Assessment Forms, attached, prepared by the Planning Department, now therefore, be it

RESOLVED, that the Town Board accepts the recommendation of the Town's Planning Department and hereby determines that the adoption of the proposed local law constitutes a Type I Action pursuant to SEQRA, and will not have a negative impact on the environment; and be it further,

RESOLVED, that the Town Board hereby issues a Negative Declaration with regard to the proposal, and be it further,

RESOLVED, that this resolution shall take effect immediately.

Resolution No \_\_\_\_\_ of 2018, a resolution adopting Local Law \_\_\_\_ of 2018 to amend Chapter 208- of the Town Code regarding 2-family dwellings in certain zones.

Introduced by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_.

WHEREAS, Section 208 of the Town Code provides space and bulk standards for single family homes, in various zoning codes within the Town, and

WHEREAS, Section 208 of the Town Code contains separate definitions for two-family dwellings, which are allowed in the R-1, CR, HR and R-3 Zones by Special Use permits, and

WHEREAS, the Town Board scheduled and held a public hearing on December 3, 2018 at 7:05 pm on a proposal to define 2 family dwelling units within the space and bulk standards by requiring the equivalent of 2 separate dwelling units for purposes of space and bulk tables within the code, and

WHEREAS, the Town Board wishes to define 2 family dwelling units as two separate units for space and bulk purposes in the R-1, CR, HR and R-3 Zoning Designations. now, therefore, be it

RESOLVED, that Town Board hereby adopts Local Law \_\_\_\_ of 2018, a local law to amend §208 of the Town Code, as attached.

**§ 208-7 Definitions and word usage.**

- A. Certain words and terms used in this chapter are defined, for the purposes thereof, as follows:

**ACCESSORY APARTMENT, FAMILY MEMBER**

See "In-Law Apartment."

**IN-LAW APARTMENT**

Any room or suite of rooms comprising of one (1) complete housekeeping unit with its own cooking and its own bathing and toilet facilities wholly within the subroom, or suite of rooms, occupied by an in-law or family member(s) constituting a kinship of first-degree, second degree, or third degree:

- i. First-degree relatives include an individual's parents, siblings, and children
- ii. Second-degree relatives include an individual's grandparents, grandchildren, uncles, aunts, nephews, nieces, and half-siblings
- iii. Third-degree relatives include an individual's great-grandparents, great grandchildren, great uncles/aunts, and first cousins

of the residing owners of the principal dwelling unit. The size of the in-law apartment is not to exceed 30% of the gross floor area of the principal unit and is to be constructed within the existing building footprint or added to a building addition attached to the primary dwelling. The In-Law Apartment is not to be constructed as a stand-alone dwelling detached from the main residence.

# Chapter 208

## Zoning

### Article III

#### Residential Districts

##### § 208-8 Agricultural/Residential 3 Districts (R-3).

B. Permitted uses; restrictions. In Agricultural/Residential 3 Districts (R-3), no building or other structure or land shall be used and no building or other structure shall be built, altered or erected for any purpose other than that of:

(9) (a) Only the following special uses shall be considered pursuant to § 208-79 et seq.:

[10] Dwelling, two-family and/or semidetached. Each structure shall be considered the equivalent of 2-dwelling units. Each structure shall conform with the minimum land area requirements per dwelling unit as prescribed by §208-11.

[a] IN-LAW APARTMENT/FAMILY MEMBER ACCESSORY APARTMENT – Not to constitute an additional dwelling unit when factoring bulk density calculations.

##### § 208-10 Residential 1 Districts (R-1).

B. Permitted uses; restrictions. In Residential 1 Districts (R-1), no building or other structure or land shall be used and no building or other structure shall be built, altered or erected for any purpose other than that of:

(9) (a) Only the following special uses shall be considered pursuant to § 208-79 et seq.:

[7] Dwelling, two-family and/or semidetached. Each structure shall be considered the equivalent of 2-dwelling units. Each structure shall conform with the minimum land area requirements per dwelling unit as prescribed by §208-11.

[a] IN-LAW APARTMENT/FAMILY MEMBER ACCESSORY APARTMENT – Not to constitute an additional dwelling unit when factoring bulk density calculations.

##### § 208-11 Space and bulk standards.

[Amended 5-9-2005 by L.L. No. 5-2005; 3-21-2011 by L.L. No. 9-2011]

Space and bulk standards for residential districts shall be as follows (For CR Zone also refer to § 208-16, and for HR Zone also refer to § 208-17.):

Standards	R-3	R-1	CR	HR
Minimum land area per dwelling <u>unit</u> (square feet)				
With central sewer and central water	80,000*	20,000	10,000	6,000
With central sewer only	90,000	30,000	20,000	20,000
Without central water or sewer	100,000	40,000	40,000	40,000

**§ 208-16 Conservation Residential Zones.**  
**[Added 5-9-2005 by L.L. No. 5-2005]**

D. Permitted uses.

(3) (a) Only the special uses shall be considered pursuant to § 208-79 et seq.:

[8] Dwelling, two-family attached or semi-detached. Each structure shall be considered the equivalent of 2-dwelling units. Each structure shall conform with the minimum land area requirements per dwelling and based density requirements as prescribed by §208-16(E) of this Chapter.

[a] IN-LAW APARTMENT/FAMILY MEMBER ACCESSORY APARTMENT – Not to constitute an additional dwelling unit when factoring bulk density calculations.

E. Standards. The following minimum standards shall apply to all parcels in the CR District:

(1) Base density. The maximum allowable dwelling units that may be built within the CR District shall be a calculated based on the acreage of unconstrained land included in the development parcel(s). The base density of the parcel (the maximum allowable number of units) is the result of dividing the unconstrained land acreage by maximum development density as set forth herein. Applicants may round down fractional units of 0.5 or less and round up fractional units greater than 0.5.

**§ 208-17 Hamlet Residential (HR) District.**  
**[Added 5-9-2005 by L.L. No. 5-2005]**

B. Permitted uses: restrictions. In Hamlet Residential Districts (HR), no building or other structure or land shall be used, and no building or other structure shall be built, altered or erected, for any purpose other than that of:

(6) Other uses and other buildings and structures as provided by the following subsections:

(a) Only the following special uses shall be considered pursuant to § 208-79 et. seq.:

[1] Dwelling, two-family attached or semi-detached. Each structure shall be considered the equivalent of 2-dwelling units. Each structure shall conform with the minimum land area requirements per dwelling and based density requirements as prescribed by §208-17(C).

[a] IN-LAW APARTMENT/FAMILY MEMBER ACCESSORY APARTMENT –  
Not to constitute an additional dwelling unit when factoring bulk density  
calculations.

C. Area and bulk standards. Residential uses:

- (1) Base density: 0.33 unit per acre.
- (2) Minimum lot size: 6,000 square feet.
- (3) Front yard: 50 feet.
- (4) Rear yard: 25 feet.
- (5) Side yard: five feet (10' adjacent to commercial units).
- (6) Maximum building height: 35 feet.

Resolution No. \_\_\_\_\_ of 2018, a resolution regarding the adoption of Determination and Findings for the Ballston Lake Sewer District Construction Project and Eminent Domain Proceedings.

Introduced by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_.

WHEREAS, the Town Board conducted an Eminent Domain Public Hearing regarding the Ballston Lake Sewer District (BLS D) Construction Project on December 3, 2018; and

WHEREAS, in accordance with Article 2 of the New York State Eminent Domain Procedure Law (EDPL), a Determination and Findings are required to be made by the Town Board within 90 days of the public hearing; and

WHEREAS, the Town Board of Ballston, as lead agency for the coordinated review of the project has made specific findings regarding the environmental significance of the project and the EDPL proceedings pursuant to the State Environmental Quality Review Act (SEQRA).

Now, therefore, be it

RESOLVED, that the Town Board hereby adopts the attached Determination and Findings pursuant to section 204 of the Eminent Domain Procedure Law and authorizes Supervisor Barrett to sign the same on behalf of the Board; and be it further

DIRECTED, that the Town Clerk, with the assistance of the Eminent Domain attorneys for the Town, are to publish and mail to the four affected property owners a Synopsis of the attached Determination and Findings as required by law; and be it further

RESOLVED, that the Eminent Domain attorneys for the Town, in conjunction with the Engineers for the Project, take all steps necessary to acquire the property interests described in the EDPL Public Hearing record and Determination and Findings, including proceedings required under the Eminent Domain Procedure Law.

Resolution No. \_\_\_\_\_ of 2018, a resolution setting a public hearing extending the deadline for applications for the Partial Tax Exemption for Real Property of Senior Citizens.

Introduced by \_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_.

WHEREAS, Section 467 of the NYS Real Property Tax Law allows the assessor to extend deadlines in cases of illness or death of immediate family members with Town Board approval, and

WHEREAS, the statute provides that such Town Board approval be in the form of a Local Law, and

WHEREAS, the Town Board wishes to authorize the assessor to extend the deadline for certain exemptions under RPTL 467 where illness or death of an immediate family member impacts the applicant's ability to file prior to taxable status date, and

WHEREAS, the Town Board wishes to receive public comment on a proposal to extend the deadline in cases of illness or death of immediate family members; now, therefore be it

RESOLVED, that a public hearing is scheduled for January 2, 2019 at 7:05pm on a proposal to extend the deadline for applications for the Partial Tax Exemption for Real Property of Senior Citizens in the case of illness or death of an immediate family member, and be it further

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

Local Law No. \_\_\_\_\_ of 2019

Pursuant to New York State Real Property Tax Law §467, deadlines for filing for Partial Tax Exemption of Real Property of Senior Citizens are hereby extended as follows:

1. The deadline for applications for exemptions for new or the renewed applications are extended to each Annual Tax Grievance Day upon proof of the death of an immediate family member, or serious illness of the applicant or immediate family member that is documented by a physician. RPTL 467 (5-a)