

**DATE:** APRIL 27, 2017

**KIND OF MEETING:** TOWN BOARD

**WHERE HELD:** SCHODACK TOWN HALL

**CLERK:** DONNA L. CONLIN

**PRESIDING OFFICER:** DENNIS E. DOWDS

**MEMBERS PRESENT:**

MICHAEL KENNEY  
SCOTT SWARTZ  
TRACEY REX

**MEMBERS ABSENT:** JAMES E. BULT

**ATTORNEY:** DAVID GRUENBERG

**COMPTROLLER:** PAUL HARTER, COMPTROLLER

**OTHERS:** NADINE FUDA, DIRECTOR OF PLANNING & ZONING

DAVID CALARCO, ZBA CHAIR

PAUL PUCCIO, PLANNING BOARD MEMBER

LAWRENCE HOWARD, ZONING COMMITTEE ATTORNEY

NICOLE ALLEN, LABERGE, ZONING COMMITTEE ADVISOR

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Supervisor Dowds called the April 27, 2017 Town Board Workshop Meeting to order at 7:03 p.m. with the Pledge of Allegiance and dispensed with roll call.

**Executive Session**

At 7:04 p.m. S. Dowds called for a motion to enter into Executive Session to discuss a specific appointment in the Assessor's office and the proposed acquisition, sale or lease of real property. Motion made by C. Swartz, seconded by C. Rex.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – M. Kenney, S. Swartz, T. Rex, D. Dowds. Noes – 0.

At 7:39 p.m. C. Kenney made a motion to adjourn the Executive Session, seconded by C. Swartz.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – M. Kenney, S. Swartz, T. Rex, D. Dowds. Noes – 0.

**Public Hearing**

**Proposed Local Law No. 1 of 2017 (P1-2017)  
Requiring Payment of the State Required Animal Population Control Fee**

S. Dowds called the public hearing on proposed Local Law No. 1 of 2017 to order at 7:39 p.m.

The Town Clerk read the Affidavit of Publication seeking public input on proposed Local Law No. 1 of 2017 which would require the payment of a mandated state surcharge for the

Animal Population Control Program for previously exempted service and therapy dogs. The legal notice was published in the April 17, 2017 edition of "*The Record*" and posted on the Town Clerk's signboard and the Town's website on April 14, 2017.

S. Dowds explained that originally service and therapy dogs were wholly exempt from any licensing fee. The State has a program called the Animal Population Control (APC) program and has recently mandated that all municipalities, collect the required fee of \$1.00 for spayed/neutered dogs and \$3.00 for unspayed/unneutered dogs, regardless of whether they are exempt from the town's licensing fee.

### **Public Comment**

K. Stokem asked why this was on the workshop agenda rather than a regular meeting. Atty. Gruenberg explained that it was a matter of timing. In 2010, when the State originally mandated that all municipalities provide for their own licensing there was not a mandate to collect the APC fee for service and therapy dogs. Therefore, when the Town passed their local law to license dogs, they mirrored their language after the State's requirements. Recently, the Town Clerk learned that the State changed that regulation and said that municipalities could not waive the APC fee for service and therapy dogs. Therefore, the Town wanted to amend the law as quickly as possible so we would be in compliance with the State law to collect those fees and remit them as required.

Hearing no other public comment and all persons wishing to be heard, were heard, S. Dowds closed the public hearing on P1-2017 at 7:43 p.m.

### **Adoption of Resolution**

The resolutions voted upon reflect additions, deletions and amendments approved by the consensus of the majority Board.

**EXPLANATION: Bracketed and strikethrough indicates language that was stricken from the resolution when adopted. Underlined indicates language that was added to the resolution when adopted. A WITHDRAWN resolution is so noted and italicized.**

C. Swartz made a motion to adopt the following resolution, seconded by C. Rex:

### **NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN BOARD OF THE TOWN OF SCHODACK DOES HEREBY:**

**2017-138) WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Schodack for a public hearing to be held by said Town on April 27, 2017 at 7:15 p.m. at the Schodack Town Hall to hear all interested parties on Proposed Local Law 1 of 2017 relating to amending Chapter 109, Article I of the Code of the Town of Schodack to collect fee relating to mandated state surcharges for a program of animal population control for all dogs, and

**WHEREAS**, notice of said public hearing was duly posted on the Town Clerk's official sign board on April 14, 2017 and advertised in the April 17, 2017 edition of THE RECORD, official newspaper of the Town, and

**WHEREAS**, said public hearing was held on April 27<sup>th</sup> at 7:15 p.m. at the Schodack Town Hall and all parties in attendance were permitted an opportunity to speak on behalf of, or in opposition to, said proposed local law or any part hereof, and

**WHEREAS**, that the Town Board of the Town of Schodack, after due deliberation, finds that it is in the best interest of the Town to adopt said local law

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby adopts Proposed Local Law Number 1 of 2017 (P1 of 2017) to be known as Local Law 1 of 2017 of the Town of Schodack, and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby directed to enter said local law in the Code of the Town of Schodack and to give due notice of said local law to the Secretary of State.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – M. Kenney, S. Swartz, T. Rex, D. Dowds. Noes – 0.

**Discussion Items:** Supervisor stated that there will be resolutions at the May meeting for Board consideration regarding the following: the road maintenance program for 2017, the Justice Court audit and the contract for the pool for the summer swim program.

**Zoning Update:** Nadine Fuda, Director of Planning & Zoning, introduced the individuals who have been working on the zoning update as well as the zoning for the Town Center (Zoning Update Committee). Following the introductions (members noted above) she asked Nicole Allen to address the Board on behalf of the Committee.

Ms. Allen commended the Committee for their efforts over the past year, explaining that there are a lot of intricacies in the zoning law. They are trying to ensure that the Code mirrors current and future regulations and promotes what the town wants to achieve going forward. While working on the update, they have had to take the Town Center component into consideration. The Town Center study was done through, and under the guidance of, the Capital District Transportation Committee (CDTC) grant. It went through a similar process that included meetings of the Town Center Committee, concluding with public meetings last May which were well attended. Then the Committee took all the information, including public comments, and drafted a report. She said CDTC feels that this draft of the Town Center Form-Based Code, dated April 2017, is substantially complete, but they also recognize that the Town is now working on a larger part of the Code. Ms. Allen explained that there can be inconsistencies when you are linking different parts of the Code together to make sure one part doesn't conflict with another part. Since the Town Center section is essentially complete, CDTC has asked if the Board would accept the draft as complete with the acknowledgement that there will still be a public hearing process in the future which will incorporate both the Town Center portion and all other revisions to the Code recommended by the Committee. This would allow CDTC to close the grant and still give the Board and the public the opportunity to have a totally completed document presented at one time. Also, once the grant is officially closed it gives the Town the added benefit of being eligible for future grants from CDTC.

Ms. Allen continued that as the Committee moved forward with amending the rest of the Zoning Law, they look at the entire Code, not just the Zoning Law (Chapter 219) to

avoid conflicts between the local laws. They have found some inconsistencies with other town laws and recommended that the following local laws should be amended simultaneously with the proposed zoning amendments: Adult Businesses (Chapter 74), Building Permits (Chapter 90), Subdivision of Land (Chapter 188), Water Quality Control (Chapter 223) and hotels & motels related to the allowed length of stay and potential guest restrictions.

Atty. Gruenberg asked why it will take approximately 6 months to complete the review and develop recommendations for the identified laws. Ms. Allen said the Committee envisioned reviewing a Chapter a month. While Laberge would make the revisions, the Committee has to have time to read, evaluate and compare the amendment to the current law for discrepancies. She noted that sometimes the deeper you get into the Code, the more inconsistencies you find. The end goal it is have an enforceable law that can withstand any legal challenges. Atty. Howard said zoning review is always a repetitive process. Often when you go back and forth and change one small piece, it can create a ripple effect on the rest of the zoning code. This iterative process actually provides a good way to check on work already completed. They want the end result to be as perfect as possible.

S. Dowds said he would put a resolution on the May 11<sup>th</sup> agenda to accept the report as complete so CDTC can close out their project. Then the Board will have the public hearings at a later date. He asked if there would be any budgetary impacts by extending this process. Ms. Fuda said there is funding in the budget for this and will have that figure for the Board for the May meeting.

#### **Public Comment**

M. Sherwood said she has grave concerns about the Board making changes that will be reflected in the zoning code in order to satisfy the Town Center concept (piece). She believed that a lot of people were not happy with the whole concept and hoped that those comments were taken under consideration for the report.

C. Kenney wanted it clear that no changes were being made to the Code at this time. When the Board votes on this, it will be for the purposes of closing the grant cycle for CDTC. In the future, there will be hearings on all the proposed changes so the public will have input on the final document. S. Dowds agreed. He said this is just simply a report from CDTC based on the grant.

K. Stokem said some people were enthusiastic about the Town Center concept. His concern was public awareness of the process, regardless of whether they were in favor of the Town Center concept or not and urged the Board to disseminate information about the proposal as soon as possible.

#### **EXECUTIVE SESSION:**

C. Swartz made a motion at 8:00 p.m. to enter into executive session to continue the discussion of appointments to the Assessor and Building Departments and sale of property. Seconded by C. Rex.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – M. Kenney, S. Swartz, T. Rex, D. Dowds. Noes – 0.

C. Kenney made a motion at 8:41 p.m. to adjourn the executive session. Seconded by C. Swartz.

4 Ayes 0 Noes. **MOTION CARRIED.** Ayes – M. Kenney, S. Swartz, T. Rex,  
D. Dowds. Noes – 0.

## **ADJOURNMENT**

As there was no further business before the Board, C. Swartz made a motion to adjourn the 04/27/17 Town Board meeting at 8:41 p.m., seconded by C. Rex. Meeting adjourned.

Respectfully Submitted,

Donna L. Conlin, RMC/CMC  
Schodack Town Clerk

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