

Clifton Park Planning Board Meeting Minutes

May 29, 2002

Those present at the May 29, 2002 Planning Board meeting were:

Planning Board: K. O'Brien, Chairman, S. Bulger, B. Czub, R. d'Amico, J. Larkin
J. Marzola, J. Russell

Those also present: J. Kemper, Director of Planning, J. Grasso, Clough, Harbour, and Associates, P. Pellagalli, Counsel

Mr. O'Brien, Chairman, called the meeting to order at 7:10p.m.

Public Hearings:

[1999-023] Carnevale, Frank – 49,000 SF Comfort Suites Hotel, Route 146 and Fire Road – Amended site plan review – Preliminary public hearing and possible determination.

Mr. O'Brien called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on May 22, 2002.

Mr. Justin Heller, attorney for the applicant, briefly outlined the history of this application. He then introduced Mr. Gavin Vuillaume, Environmental Design Partnership, who described the proposed changes to the façade for the Comfort Suite Hotel. Mr. Heller pointed out that the changes proposed are not controversial and that they add character to the hotel.

Mr. Brian Wolofsky, 14 Greenridge Drive, stated that he believes that the evening's public hearing and media coverage of the proposed amendment to the hotel site plan is "much ado about nothing". He expressed concern about the construction delay, saying that he supported development that would reduce his taxes and provide employment for young people. He implored the Board to "use a little common sense" and approve the project revisions. He concluded by stating that he was certain that the developer would make the site beautiful in order to attract business.

Ms. Margaret Catellier, 26 Royal Oak Drive, stated that she attends Town meetings regularly and believes that the Planning Board has supported business development by granting variances, supporting water line extensions, and carefully reviewing site plan proposals. She believes that Board members are flexible and work with applicants to achieve desirable goals. She stated that although she does not approve of the location for the hotel, she believes that it would provide a better entrance to the Town if it were to be built as originally presented.

Ms. Pam Marshall, 5 Fairlawn Court, cited several articles regarding the amended site plan that have appeared in area newspapers and stated the public was very interested in Planning Board deliberations. She believes that the hotel lacks character and looks like “a four-story Taco Bell”. Since she believes that the developer would like to attract an “upscale Saratoga crowd,” she would like to see a structure that was more colonial in design that residents would find appealing for years to come. She has traveled extensively and appreciates areas where hotels and other facilities are designed to “fit” into communities.

A resident of 16 Appletree Lane stated that she believes that the Town is struggling to maintain its “country” character. She applauded the Planning Board for holding fast to its position when faced with “contemptuous disregard” for the planning process.

Mr. James Baisley, 22 Barkwood Drive, recognizes the role the Planning Board plays in representing the people of the Town and appreciates manner in which it protects residents. He supports the decisions made by the Board.

Mr. Chris Fischer, General Counsel for Hardy Construction, introduced David J. Hardy, Principal, Hardy Construction, Tom Rotella, Site Manager, and Dave Greenfield, General Contractor, who are all involved in construction of this hotel. He pointed out that Hardy Construction, though not the project owner, applicant, or engineer has been placed in the precarious “middle” between the owner and the Planning Board and the owner and the Building Department. He noted that project completion has been delayed over a month at great cost to the company he represents. He pointed out that the issue is not the process but rather the acceptability of the aesthetics of the site. He further argued that the consideration of aesthetics does not fall within the Board’s purview. He described the Effis material proposed for the first floor façade as a proven product and one that provides a refined look to the building. He urged approval for the amendment, stating that it was now the Board’s duty to render a decision.

Mr. Richard Marcil, 11 Barcelona Drive, stated that he has known the principals involved in this project for more than 15 years. He noted that they have constructed some fine buildings within the Town including the existing Comfort Inn on Fire Road. He asked the Board to approve the site amendments as presented.

Mr. David Hardy, Hardy Construction, explained that after an initial attempt to establish Country Inns and Suites in the state, the company decided not to continue to develop hotels in New York. He stated that he found the architecture of the Comfort Inns and Suites perfectly acceptable and that he was dismayed by the delay caused by Planning Board review of the amendment that is costing his company \$2,500.00 per day.

Mr. O’Brien responded to Mr. Hardy’s comments by noting that the delay in the process that is required of all applicants resulted from the lawsuit and renewal of the lawsuit filed by the applicant.

Mr. Hardy further stated that he met a number of times with representatives of the

Building Department and that at no time did there appear to be a problem or question regarding the building plans.

Mr. Jerry Mehan, 8 Hearthside Drive, questioned the use of Effis material. He asked what specific “unnamed polymer” was used in its construction and asked if this building material had adequate weathering properties. The attorney for Hardy Construction responded that the product proposed for the façade was a proven product that had been on the market and used effectively for more than 20 years.

Mr. Pelagalli, in response to a question by Ms. Marshall, explained that the applicant submitted different plans to the Building Department than those presented for Planning Board approval. He stated that future applicants would be required to submit colored renderings of building elevations with all final site plans prior to stamping by the Planning Department. Mr. Rotella, site manager for the hotel construction, reported that the brick ledge has been installed on the building, that the Building Department required over one month to review the plans, and that the Building Permit cost \$7,000.00.

Mr. O’Brien read a letter received from John D’allesandro, Town of Halfmoon, in which he commends the Planning Board for “upholding the integrity of the planning process” and encourages the Board to preserve the integrity of the planning process.

Mr. Heller explained that though the applicant and the Board may have disagreed on the administrative process to be followed before revising building plans, the Board was now charged with rendering a determination. He contended that the owner-applicant has the “right to build the hotel as he sees fit” and that brand identity is extremely important to his client: it makes “no sense” to require that details from other hotel chains be incorporated in the design for this Comfort Inns and Suites facility.

Mr. Frank Berlin, 980 Main Street, pointed out that businesses should not dictate to Towns what designs should be approved. He said that reputation is established by name rather than by building design.

Mr. Tony Canevale, resident of the Town and owner of the proposed hotel, asked the Board to approve the amendment to the approved site plan. He stated that he was a substantial taxpayer who was trying to develop a business in the Town. He added that he had spent over one million dollars to upgrade this facility and that he intended to construct a beautiful building that would attract visitors to the community. He apologized to the Board for any misunderstandings and urged the Board to render a decision.

Mr. Larkin stated that by presenting two sets of plans to the Planning Board and Building Department, respectively, it was his belief that the developer intended to deceive the Board and build according to plans other than those approved.

Mr. O’Brien stated that he was concerned with the Town’s welfare, and that he considered it the Planning Board’s role to establish of contracts between Town residents and applicants. Since Mr. Nicholson had referred to “value engineering” as cause for the

revision to the façade, Mr. O'Brien believes that the changes were undertaken simply to cut costs. Mr. Carnevale presented an artist's sketch of a prototypical design for the Comfort Inns and Suites' chain and explained that he has already constructed a gold award property on Fire Road and believes that he has the right to continue construction on the disputed site.

Mr. Bulger stated that he searched the Internet and found that there were over 70 different building styles used by this hotel chain. This discovery makes him skeptical about the need to approve the amended plans. Mr. d'Amico noticed that the façade changes apparently reflect interior changes. Mr. Frank Carnevale affirmed this observation and described changes to the initial floor plans and placement of windows and doors.

There being no further public comment, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 8:30p.m. The motion was unanimously carried.

Mr. Bulger stated that he believes that, from his perspective, several questions remain unresolved. He focused upon the apparent differences that exist in Comfort Inns and Suites throughout the country and the applicant's insistence that the hotel be constructed according to company prototypes. He believes that the Planning Board is charged with protecting the welfare of the Town's citizens and he would like to be assured that the decision rendered achieves this end. Mr. O'Brien agreed that additional time was needed to consider Mr. Carnevale's request, stating that he believes in the Board's obligation to ensure that the process is not compromised.

Mr. Heller responded to Board members' comments by restating his client's position that the changes proposed are not substantial and that the reason for the changes is not the critical issue. Mr. Carnevale addressed the issue of the differences in hotel architecture, stating that initially hotel chains take over existing facilities. As growth occurs, the company builds facilities according to specific company standards. Buildings that do not conform are eventually eliminated.

Mr. Pelagalli outlined the parameters for Board review of this application, advising that the Board could not deny this application on the basis of anything in the Town code. He added that denial could not be based upon consideration of site aesthetics or statements made by interested individuals during the public hearing. Since the health and safety of citizens is not at issue, the Board must determine if the welfare of residents is involved in this decision.

Though Mr. Heller described further delay of a decision as "punitive and retaliatory," Mr. O'Brien denied these allegations and stated that the Board was following the process as outlined by Judge Nolan. Mr. Bulger agreed that the process required of this applicant applied to all applicants.

Mr. O'Brien moved, seconded by Mr. Russell, to defer any action on this application to a later date. Ayes: Bulger, Marzola, Russell, Larkin, d'Amico, O'Brien. Noes: Czub. The Board will consider this site plan amendment at its June 11, 2002 meeting.

[2002-013] Parkside Community Church – Proposed 12,000 SF church, Grooms Road – Special Use Permit – Preliminary public hearing and possible determination.

Mr. O'Brien called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on May 22, 2002.

Mr. Thomas Andress, ABD Engineers and Surveyors, outlined the proposal to establish a church in an R-1 zone. He stated that the project remains as presented previously. The project calls for the construction of a 6,500 SF church on a five-acre parcel, and a single cul-de-sac with (18) residential lots. He noted that the parcel was mostly wooded and that connection would be made to the Clifton Park Water Authority and the Saratoga County Sewer District systems. Mr. Andress stated that he had appeared before the ESAB and that the advisory board had no concerns regarding the project proposal.

Mr. Kemper reported that the applicant appeared before the Emergency Services Advisory Board on May 16, 2002. The Board approved the application with the comment that "the applicant should keep in mind 50' vehicles making turns at the rear and sides of the building. Therefore, the Board requests that the applicant provide ample space in these areas for present and future access." Sheryl Reed reports that the applicant will appear before the Fire Code Appeals Board on June 20, 2002 based on section 179-25(i) which states that "two means of access may be required for nonresidential development if deemed necessary by the Board." Section 86-6 (f)(2) of the Town Code states that only 18 units are allowed on a street with a single means of access. Mr. Kemper explained that at this meeting the Board is considering only the Special Use Permit application: other issues this will need to be addressed prior to resubmission of the subdivision.

Mr. Grasso stated that Clough, Harbour, and Associates issued several comments and recommendations regarding this project on March 3, 2002. Many of the comments are applicable to subdivision and site plan review and will be discussed when the project is presented to the Board for those approvals. He suggested that items related to SEQRA be addressed prior to approval of the Special Use Permit.

There being no public comment, Mr. d'Amico moved, seconded by Ms. Czub, to close the public hearing at 8:55p.m. The motion was unanimously carried.

Mr. O'Brien moved, seconded by Mr. d'Amico, to establish the Planning Board as Lead Agency for this application and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. O'Brien offered Resolution #16, seconded by Mr. d'Amico, to grant approval for the Special Use Permit to allow the construction of a church within an R-1 zone conditioned upon satisfaction of the comments and recommendations of Mr. Kemper. Ayes: Marzola, Russell, Larkin, Czub, d'Amico, O'Brien. Mr. Bulger was not in attendance for roll call vote. Noes: None.

[2002-021] Sodergren, Olin – Proposed land transfer of 0.2 acres of the Lands of Country Club Acres, Inc. to a 3.1 acre parcel of the Lands of Country Club Acres, Inc. on Fairway Lane, Rexford – Determination from preliminary public hearing held on May 14, 2002.

Dean Taylor, ReMax, Park Place, described this proposal which calls for the consolidation of two parcels of land currently owned by Country Club Acres, Inc. The applicant proposes to combine existing parcels in an R-1 zone to create an acceptable residential building lot. The lot will be served by the Rexford Water District and on-site sanitary disposal system. The lot will conform to existing setback legislation. Mr. Taylor noted that federally jurisdictional wetlands have been delineated and are now depicted on the plan.

Mr. Kemper noted that the project received approval from the Saratoga County Planning Board on May 16, 2002. He stated that the wetland delineation for the site was complete and requested that the date of the delineation be added to the plan. A consolidation deed must be submitted for review. A 25-foot easement to assure access to the drainage ditch is required and the proper easement description must be prepared for review. Appropriate setbacks for keyhole lots have been added to the plans. Mr. Pelagalli has reviewed the documents provided by Mr. Forkas and is satisfied that Mr. Forkas will retain the right to access his residence from the .2 acre parcel.

Mr. O'Brien moved, seconded by Mr. Larkin to establish the Planning Board as Lead Agency and to issue a negative declaration for this application, an unlisted action, pursuant to SEQRA. The motion was unanimously carried.

Mr. Marzola offered Resolution #15, seconded by Mr. Larkin, to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of the comments and recommendations offered by Mr. Kemper and Mr. Grasso. Ayes: Bulger, Marzola, Russell, Larkin, Czub, d'Amico, O'Brien. Noes: None.

[2002-020] Cingular Wireless – Proposed co-location at the telecommunications tower at 21st Century Park, Route 146 – Preliminary site plan review.

Mr. Bob Isgro, representative for Cingular Wireless, explained that his firm proposes to co-locate on an existing telecommunications tower at the 21st Century Park parcel on Route 146. When the initial presentation was made to the Board on May 14, 2002, several issues remained unresolved. Since then, Cingular Wireless submitted additional information to C.T. Male for review and the engineering firm has forwarded a final sign-off letter to the Planning Department. Mr. Isgro also noted that the antennae proposed would be placed at the 115-foot level of the tower.

Mr. Pelagalli has reviewed the documents regarding lease of the property from the owner and has determined that in 1998 the property owner relinquished rights to involvement with firms seeking to co-locate on the tower. He advised that the documents submitted to the Board regarding the terms of the lease are sufficient to permit review of this application.

Mr. Kemper stated that the Saratoga County Planning Board approved this application at its May 16, 2002 meeting. Since Mr. Pelagalli has found ownership and lease information acceptable and C.T. Male has provided a final sign-off for the project, it appears that all issues have been resolved.

Mr. O'Brien moved, seconded by Mr. Marzola, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. d'Amico moved, seconded by Ms. Czub, to grant preliminary and final site plan approval to this application. The motion was unanimously carried.

[2002-019] Furlow-Johnston Residential Subdivision – Proposed (56) lot cluster subdivision, Route 146 – Revised conceptual review.

Mr. Ivan Zdrahal, Ivan Zdrahal Associates, presented this application that was previously before the Board on April 23, 2002. Though much of the information remains unchanged from that meeting, revisions have been made to make the plan conform to the recommendations offered by the Board. Green space corridors have been created to provide for contiguous tracts of open space, making the project more visually and aesthetically pleasing and open space areas to the east and west of the site have been connected to the large open space area in the center of the subdivision. Distance between the B-1 zoned parcels and the residential lots has been increased to provide a buffer area. A traffic study prepared by Creighton Manning Engineering has been submitted for review.

Mr. Kemper reported that issues remaining outstanding from the last meeting included provision for contiguous corridors of open space within the subdivision and establishment of a buffer between the residential uses and the commercial uses on the project. The revised plan illustrates the applicant's response to Board recommendations. The applicant should indicate the date of the wetland delineation on the plot plan and the appropriate setbacks from Rt. 146 should be shown on the plot plan.

Mr. Grasso offered several engineering comments. The lot areas for the proposed cluster subdivision are now shown on the plan, with the residential lots ranging from 12,388 square feet to 29,507 square feet. A sixty-foot right of way has been reserved to the property to the north for use as a future road or multi-use pathway connection. A note has been added to the plans indicating that access to lots #55 and #56 shall be from the new town road and that future development plans for these lots shall include vehicular ingress/egress to the adjacent properties to the east and west. A land preservation area has been provided between the two commercial properties and the residential lots. A ninety-foot wide corridor has been provided connecting open space parcels "C" and "D" and a connection has been provided between open space parcels "A" and "C". Based on these revisions, the proposed conceptual layout is acceptable.

He provided additional comments. Existing zoning district boundaries should be shown on the plan. Pursuant to Section 179-36 of the subdivision regulations, property within the residential zoning district boundaries are eligible for consideration under the open space subdivision regulations. If parcels #55 and #56 are in the B-1 zone, they should be identified as excluded from the proposed cluster subdivision. The front yard setbacks for these two lots are proposed to be reduced from 130 feet from the road centerline to fifty feet from the front lot line. Although this is consistent with the setback of other adjacent structures along Route 146, a front yard variance may be required if these lots are not subject to the open space subdivision provisions. He further stated that the other comments from the April 17, 2002 review letter should be addressed in subsequent plan submissions.

In response to members' questions, Mr. Zdrahal explained that the water connections would be made to existing lines and all improvements would be made according to Clifton Park Water Authority specifications and development would coincide with the proposed westward development of water and sewer installations.

Board members viewed the proposed cluster plan favorably.

[2002-025] Caribbean Pools – Proposed deck addition, 1525 Crescent Road – Conceptual site plan review.

Mr. Dean Antanasio, owner of Caribbean Pools, presented his proposal for site improvements on property at 1525 Crescent Road. Included on the drawing was the proposed deck as well as parking and pool display areas.

Mr. Kemper explained that the applicant is proposing to construct a concrete deck on the front of the building. A detailed site plan showing the existing and proposed conditions on the site should be submitted. ACOE wetlands in the rear of the parcel must be shown on future plan submissions. In addition, the wetland disturbance areas will need to be depicted on the plot plan. Erosion control measures should be added to the plot plan. The Saratoga County Planning Board approved this project on May 16, 2002. There is no stormwater management area proposed on the plot plan. The plan must indicate the type of water and sewer service that will serve the site.

Mr. Grasso stated that the proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such, coordinated review is optional. The involved agencies are expected to include the Town of Clifton Park Planning Board for site plan approval and the Saratoga County Planning Department. The zoning district boundaries should be shown on the plan. Pursuant to section 208-38.D. and E. of the zoning regulations, in a Neighborhood Business B-3 District no building shall be placed closer to a side property line than twenty feet and no closer to a rear property line than thirty feet. The plan proposes ten-foot setbacks for both the garage and pools. Pursuant to Section 208-38.C. of the zoning regulations, no parking is permitted within thirty feet of the front property line. From the information provided, it appears that the proposed parking is only fifteen feet from the front property line. Variances appear required or the plan should be revised

accordingly. The proposed layout appears to propose the garage and all four pools in existing wetland areas. In order to reduce the potential for significant environmental impacts we recommend the layout be revised accordingly. Any proposed wetland impacts should be identified on the plans. The plan should clearly distinguish between the proposed improvements and the existing features of the site and should include the following: existing and proposed contours at two-foot intervals; the limits of the existing and proposed vegetation; wetland locations; existing and proposed utilities, including the proposed method of stormwater management. An ingress/egress easement over the common entrance drive should be provided.

Mr. Kemper read the comments provided by the ECC. Due to the potential of Federal wetlands on this parcel, the applicant will determine the location and extent of disturbance of Federal wetlands before a building permit is issued. The borders of all lands to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall be maintained until all construction ends and soils are stabilized. The ECC notes that it appears construction has been underway prior to approval by the Planning Board; therefore, the ECC tables further consideration until the Commission determines what exactly the applicant is seeking to accomplish.

Mr. Russell spoke well of the applicant, stating that the facility in Rotterdam operated by Mr. Antanasio and his wife is a very appealing retail business. He anticipates that the Crescent Road site will be a benefit to the Town.

[2002-023] English, Ruth – Proposed (2) lot subdivision, English Road – Conceptual site plan review.

Ms. Janice Witecki, Mrs. English's daughter, presented this application that calls for the subdivision of 12.61 acres of land in a L-I zone into lots of 6 acres and 6.6 acres, respectively. Mr. and Mrs. Daniel Crayon, who were also in attendance, are planning to construct a single-family residence on the 6-acre lot.

Mr. Kemper reported that the Saratoga County Sewer District has reviewed the plan. Mr. DiPasquale, Executive Director, states that in August, 2000, the Saratoga County Board of Supervisors granted a driveway easement over county property in which the Saratoga County Sewer District's interceptor sewer line is located. Location information regarding the proposed driveway must be forwarded to the County prior to requesting approval of and additional easement. A site location map should be added on the plot plan. The applicant received a variance for a residential use in a Light Industrial Zone on April 2, 2002. A note should be added to the plans stating that the project is located in a Light Industrial Zone and therefore the project would be subject to the noise, light, odor, etc. associated with that zone. It appears that there is a N.Y.S.D.E.C. wetland and stream on the property. The LC Zone associated with these features should be added to the plot plan. The applicant should examine the feasibility of using a shared access driveway.

Mr. Grasso stated that the proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such, coordinated review is optional. The only involved agency is expected

to be the Town of Clifton Park Planning Board since subdivision approval is required. Zoning district boundaries should be shown on the plan. It should be noted that the lands west of the Saratoga County right-of-way are located in a Light Industrial zone. Pursuant to section 208-64 of the Zoning Code, residential dwellings are not permitted in such a zone. The bearings, distances and areas of the remaining lands of English should be shown on the plan. Parcels A and B should be consolidated into one deed and the two remaining parcels of Ruth English should be consolidated into one deed to prevent the creation of non-conforming lots. The proposed setbacks from the existing house and garage should be shown on the plan and a site location map should be provided. The location of wetlands and the Land Conservation (L-C) zone should be shown on the plan. The adequacy of sight distance and the adequacy of soils to accept an on-site wastewater disposal system should be verified for the remaining lands of English. The Town's standard subdivision notes should be added, as applicable.

Mr. Kemper listed three recommendations from the ECC. Due to the potential for Federal Wetlands on this parcel, the applicant shall determine the location and extent of disturbance of Federal wetlands before a building permit is issued. It is noted that DEC wetland R-14 is present on the property. The limits of the LC Zone and 100 foot buffer zone; DEC Wetland and federal jurisdictional wetlands should be identified on the map.

[2002-022] Down, Clifford and Eugenia – Proposed (5) lot subdivision, Hubbs Road – Conceptual review.

Mr. Steve Lamb, consultant for the applicant, presented proposed plans for this (5) lot subdivision on Hubbs Road. The project calls for the creation of four lots ranging in size from 1.034 acres to 25.81 acres and the transfer of .77 acres to Reiniger, adjoining property owner. The lots, located in an R-1 zone, will be served by individual wells and septic systems. NYSDEC wetlands have been delineated and are depicted on the plat. Federally jurisdictional wetlands will be delineated and added to the plan. Sight distances along Hubbs Road will be evaluated.

Mr. Kemper requested that the location of the driveway for Lot #1 be shown on the plan since it appears that a NYSDEC wetland permit will be required for this area. The Town of Clifton Park Planning Department should be copied on all correspondence between N.Y.S.D.E.C. and the applicant. The 100-foot buffer should be labeled as the Town of Clifton Park LC Zone. A consolidation deed will have to be submitted to combine Lot #3 with the lands of Reiniger. The location of septic tanks and wells should be depicted on future plan submissions. The consultant should indicate the meaning of the shaded regions on the map. Clarification of the wetland crossing on Lot #1 is requested.

Mr. Kemper also read the comments prepared by the ECC. The following standard statements should be added to the plot plan: the Land Conservation (LC) Zone shall be delineated in accordance with Section 208-69 of the Clifton Park Town Code. Uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone. Due to the potential for Federal wetlands on this parcel, the applicant will determine the location and extent of

disturbance of Federal wetlands before a building permit is issued. The limits of the LC Zone and 100 foot buffer zone, DEC wetlands and Federal Jurisdictional Wetlands should be identified on each plot.

Mr. Grasso stated that the proposed project appears to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency is expected to be the Planning Board with subdivision approval being required. If work is proposed inside the LC-Land Conservation zoning district and within the 100-foot wetland adjacent area of the NYSDEC wetlands, the Zoning Board of Appeals and NYSDEC may also be involved agencies, respectively. In order to verify the adequacy of the soils to accept on-site wastewater disposal systems, soil investigations including deep test pits and percolation tests should be conducted in the areas of proposed systems. The proposed access to Lot 1 should be shown on the plan. It appears access to this lot is not possible without disturbance to NYSDEC wetlands and work within the Land Conservation Zone unless the existing access through lot #2 will be utilized. If so, an ingress/egress easement should be provided. The lands to be added to the Lands of Reiniger should be consolidated into one deed to prevent the creation of a non-conforming lot.

There are many stretches along Hubbs Road that do not have adequate sight distance for new curb cuts. A sight distance evaluation should be made for all potential future driveway locations. It is recommended that definitive driveway locations be shown and the actual sight distance in both directions provided on the plan. The need and required size of driveway culverts should also be addressed. The location of the wells and septic systems of the adjoining properties within 100 feet of lots #4 and #5 should be shown on the plan to verify that the required separation distances can be met.

Given the extent of wetlands and stream corridor within the site and potential for incremental impacts due to additional development, consideration should be given to the establishment of deed restrictions or conservation easements over the environmentally sensitive features of the site. The zoning district boundaries should be shown on the plan. Any federal wetlands on the site should be appropriately delineated and shown.

Mr. Larkin expressed concern about the potential driveway locations due to limited sight distance along Hubbs Road. He also asked that the applicant present any plans for future development of the larger parcels for the Board’s consideration. Mr. Down responded that he had no plans for additional development at this time. Board members were concerned about the sight distance issues, but generally found the plan acceptable.

Minutes Approval

Ms. Czub moved, seconded by Mr. Bulger, to approve the minutes of May 14, 2002 as written. The motion was unanimously carried.

Ms. Czub moved, seconded by Mr. Marzola, adjournment of the meeting at 9:45p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held on June 11, 2002.

Respectfully submitted,

Janis L. Dean,
Secretary

cc: Planning Board Members, Planning Department, Clough, Harbour, and Associates, Supervisor, Town Administrator, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Joel Peller, Town Attorney, Oscar Schreiber, Town Attorney, Jim Trainor, Town Attorney, Paul Pelagalli, Town Attorney, Department of Parks and Recreation, ECC, Saratoga County Planning Board, Shenendehowa Central School, Clifton Park Water Authority, Fire Districts.

Resolution #15

Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on May 29, 2002, at 7:10p.m. there were:

Present: K. O'Brien, Chairman, S. Bulger, B. Czub, R. d'Amico, J. Larkin, J. Marzola, J. Russell

Absent: None

Mr. Marzola offered Resolution #15, and Mr. Larkin seconded, and

Whereas, an application has been made to this Board by Olin Sodergren for approval of a subdivision plat entitled the Consolidation of the Lands of Country Club Acres, Inc. consisting of the transfer of a .2 acre parcel of land owned by Country Club Acres, Inc. to a 3.1 acre adjoining parcel also owned by Country Club Acres, Inc.;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 14, 2002 and

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on May 29, 2002, and

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and the final plat entitled the Consolidation of the Lands of Country Club Acres, Inc. consisting

of the transfer of a .2 acre parcel of land owned by Country Club Acres, Inc. to a 3.1 acre adjoining parcel also owned by Country Club Acres, Inc., is hereby granted preliminary and final approval, conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso.

Resolution #15 passed 5/29/02

Ayes: Bulger, Marzola, Russell,
Larkin, Czub d'Amico, O'Brien
Noes: None
Kevin O'Brien,
Chairman

Resolution #16

Special Use Permit Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on May 29, 2002, at 7:10 P.M. there were:

Present: K. O'Brien, B. Czub, R. d'Amico, J. Larkin, J. Marzola, J. Russell

Mr. O'Brien offered Resolution #16 and Mr. d'Amico seconded, and

Whereas, an application has been made to this Board by Parkside Community Church for approval of a special use permit pursuant to Section 208-10B(9)(a)(8) and 208-79, to construct a church in an R-1 zone, and

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on May 29, 2002 in the Town Office Building, and

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA, and

Whereas the standards for the issuance of a Special Use Permit as set forth in the Town Code have been considered and the Board has determined that the uses proposed are consistent with these standards, and

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now therefore, be it resolved that the Special Use Permit pursuant to Section 208-10B(9)(a)(8) and 208-79 is hereby approved conditioned upon satisfaction of the comments and recommendations issued by Mr. Kemper.

RESOLUTION #16 passed 05/29/02

Ayes: d'Amico, Czub Marzola, Russell, Larkin, O'Brien.

Mr. Bulger was not in attendance during this hearing

Noes: None

Kevin O'Brien

Chairman