

Clifton Park Planning Board Meeting Minutes

July 21, 2004

Those present at the July 21, 2004 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, T. Karam, J. Larkin, J. Marzola, S. Pace, J. Russell

Those absent were: R. d'Amico

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

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m. Board members and all in attendance stood for recitation of the Pledge of Allegiance.

Public Hearings:

[2004-033] Butcher, Donna E. and Carey, Lisa A. – proposed transfer of 17,330 SF of land from the Lands of Butcher to the Lands of Carey – Preliminary public hearing and possible determination.

The Chairman explained that this application would be reviewed conceptually because the applicant has not yet sent the 500 foot notifications to adjoining property owners as required by Town law.

Mr. Dave Flanders, Professional Land Surveyor, explained that this application calls for the transfer of 17,330 SF (.398 acres) of land from the Lands of Donna E. Butcher to the adjoining property owned by Lisa A. Carey. The properties are located south of the Niagara Mohawk Power Corporation warehouse on Pierce Road in an L-I zone. This lot line adjustment is requested in order to position the property line as it was originally thought to be.

Mr. Kemper asked that consolidation deeds be submitted for review. Mr. Grasso reported that Clough, Harbour, and Associates found this application acceptable. Mr. Kemper reported that the ECC provided no comments.

Board members agreed that this land transfer was acceptable. Once the required notifications have been sent, a public hearing will be scheduled.

[2004-030] Country Club Acres – Proposed (3) lot subdivision, Carlton Rd – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:20p.m. The Secretary read the

public notice as published in the Daily Gazette on July 13, 2004.

Mr. David Flanders, consultant for the applicant, explained that this project plan remains generally as presented at the June 8, 2004 meeting. All lots meet applicable zoning requirements. He did note that a combined drive has been provided to serve all three lots and that perpetual ingress-egress easements will be prepared. The consultant addressed the issue of construction debris that had reportedly been dumped on the site, stating that the builder will excavate the area and remove all buried debris.

Mr. Kemper required the submission of a consolidation deed will have to be provided for the lands of Vedder and a description of the land to be deeded over will need to be provided. He reported that serious deterioration of the sewer line crossing this project has been reported. Construction of the proposed homes will be dependent upon proper repair of the line. The Saratoga County Planning Board approved this project on July 15, 2004. In Mr. O'Brien's absence, Mr. Kemper reported that the ECC had no comment on this application.

Mr. Grasso stated that Clough, Harbour, and Associates found this subdivision proposal acceptable.

There being no public comment on this application, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:25p.m. The motion was unanimously carried.

Mr. Bulger expressed his thanks to the applicant for providing combined driveways for the three proposed lots. He noted that the required repairs to the sewer line must be completed prior to the connection to the Fairway Woods (Country Club Acres – 100 Lots) subdivision and subsequent conveyance to the County system. Though Board members discussed the issues of sewer line improvements and assurance of the satisfactory compaction of soils as recommended by Mr. Clemens, Mr. Pelagalli explained that the issues of concern could be reviewed by the Building Department prior to the issuance of a Building Permit. Mr. Flanders assured the Board that the buried debris found on the site would be removed.

Mr. Marzola moved, seconded by Mr. Karam, 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. Russell offered Resolution #16, seconded by Mr. Larkin, to waive the final public hearing and to grant preliminary and final subdivision approval to this application conditioned upon a sign-off from Mr. Clemens and satisfaction of the comments offered by Mr. Kemper. Ayes: Larkin, Pace, Karam, Marzola, Russell, Bulger. Noes: None.

[2004-020] Fitzgerald, Patricia E. – Proposed (2) lot subdivision, Riverview Road – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:35p.m. The Secretary read the

public notice as published in the Daily Gazette on July 13, 2004.

Mr. Dave Flanders, consultant for the applicant, stated that the application remains generally as presented on June 8, 2004 with lots of 181,200 SF and 122,800 SF, respectively. The larger lot contains an existing residence: a second single-family residence is proposed for the smaller lot. Access for each lot is provided from Riverview Road. The lots will be served by individual wells and septic systems. Though no stream crossing is planned, the proposed new driveway crosses the NYSDEC buffer area: the applicant has applied for the appropriate NYSDEC permit. Mr. Flanders noted that although a small area of federally jurisdictional wetland has been identified in the western-most portion of the parcel, there are no NYSDEC wetlands in the area that adjoins a pond located on an adjoining parcel or near the proposed house location.

Mr. Kemper reported that this project last appeared before the Board on June 8, 2004 at which time no major issues were identified by the Board. The date of the NYSDEC wetland delineation should be added to the plans. The site statistics table must be corrected. Mr. Kemper announced that a copy of the NYSDEC wetland permit was submitted by the applicant. Mr. Kemper asked if all work was completed in compliance with the DEC wetland permit. Mr. Flanders stated that no work had begun on the driveway crossing. Mr. Kemper reported that the ECC reiterated their request that called for the delineation of any federal wetlands on this parcel prior to the issuance of a Building Permit. In addition, the ECC recommended that the following standard statement be placed on the plot plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.

Mr. Grasso reported that comments from the Clough, Harbour and Associates' previous letter of May 4, 2004 remain to be addressed. The off-site limits of the NYSDEC and federal wetlands should be verified. If they encroach in any location within 100 feet of the site, this will further reduce the land available to accommodate an on-site septic system. The applicant should be aware of the site's limitations with respect to accommodating an on-site septic system. Mr. Grasso recommended that sites with significant septic system constraints should provide a full septic design reviewed during the subdivision review process. The drive for "Lot B" appears to encroach on an adjoining parcel owned by Gerald and Mary Harwood. The driveway to the parcel extends onto the neighboring parcel. An easement should be obtained or the driveway configuration will need to be revised. In accordance with §179-8 of the subdivision code, submissions should include, but not limited to, contours at five foot intervals and flood hazard areas.

There being no public comment on this application, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 7:45p.m. The motion was unanimously carried.

In response to Mr. Bulger's question concerning the demarcation of boundaries for installation of the septic system, Mr. Flanders indicated that both NYSDOH and

NYSDEC separation requirements will be indicated on the plan. Mr. Larkin asked that topographic information be added to the plan. In response to his question regarding the floodplain, Mr. Flanders stated that the entire parcel lies outside the regulated floodplain. He assured the Board that the new residence, septic system, and well will be placed in accordance with all local, state, and federal regulations.

Mr. Karam moved, seconded by Mr. Russell, 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. Bulger offered Resolution #17, seconded by Mr. Marzola, to waive the final public hearing and to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of the comments offered by Mr. Grasso and Mr. Kemper. Ayes: Larkin, Pace, Karam, Marzola, Russell, Bulger. Noes: None.

[2004-031] Figueroa, Ralph – Proposed (2) lot subdivision, 154 Vischer Ferry Road – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:50p.m. The Secretary read the public notice as published in the Daily Gazette on July 13, 2004.

Mr. Gil VanGuilder, consultant for the applicant, presented this application for the Board's consideration. He explained that the project remains generally as presented at the previous meeting. Federally jurisdictional wetlands have been delineated and are indicated on the plan. The proposed new home has been relocated to the south and will be accessed by a portion of the existing driveway. Percolation tests in the area of the proposed house indicate that a shallow absorption trench type septic could be installed. The remainder of the asphalt driveway will be removed. The existing residence will be served by a driveway along the northern property boundary. The existing well located near Vischer Ferry Road will serve the new home; a new well will be drilled nearer the existing house to provide water service. Mr. VanGuilder noted that the 5' contours indicate the drainage flows.

Mr. Kemper stated that this project last appeared before the Board at the June 22, 2004 meeting at which time the major issues raised by the Board were the delineation of wetlands and the submission of percolation test results. The application was approved by the Saratoga County Planning Board on June 17, 2004. In response to Mr. Kemper's question concerning the purpose of the proposed ingress/egress easement on the Lot #2, Mr. VanGuilder explained that it would allow the owners of the new lot to access the back portion of their lot without disturbing wetland areas. Mr. Kemper asked that the date and firm that performed the wetland delineation be added to the plans. He also pointed out that the site statistics table must be revised to indicate the correct setbacks from Vischer Ferry Road. Sheryl Reed's memo of July 21, 2004 asked that the appropriate postal addresses and the driveway note for driveways over 500 feet be added to the plan. Mr. Kemper reported that the ECC found the project acceptable.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed this subdivision plan and provided several comments. The proposed project appears to be an unlisted action pursuant to SEQR, and as such, coordinated review is optional. Involved agencies are expected to include the following: Town of Clifton Park Planning Board – Subdivision Approval. Soil investigations including deep test pits and percolation tests should be conducted in the area of the proposed wastewater disposal system to verify the adequacy of the soils to accept an on-site wastewater disposal system. Any existing wells or wastewater disposal systems within 200 feet of the proposed well or wastewater disposal system must also be shown to verify required separation. The sight distance at the proposed driveway location should be verified. In accordance with §179-8 of the subdivision code, future submissions should include contours at five foot intervals. This is necessary to determine the adequacy of the separation distances. Mr. Grasso noted that although Mr. VanGuilder has addressed most of the engineering concerns, he asked that the 100' separation note be added to the final plan.

There being no public comment on this application, Mr. Bulger moved, seconded by Larkin, to close the public hearing at 8:00p.m. The motion was unanimously carried.

Mr. Larkin asked that the plan be revised to show the proper acreage for the larger lot.

Mr. Marzola moved, seconded by Mr. Larkin, 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.

Ms. Pace offered Resolution #18, seconded by Mr. Bulger, to waive the final public hearing and to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of the comments offered by Mr. Grasso and Mr. Kemper. Ayes: Larkin, Pace, Karam, Marzola, Russell, Bulger. Noes: None.

Old Business:

[2003-071] Kasey's Meadow Subdivision – Proposed (135) lot cluster subdivision, 626 Waite Road – Revised conceptual review.

Mr. Rob Osterhout, consultant for the applicant, presented this revised subdivision application for the Board's consideration. Although the applicant is aware that the project lies within the Western Clifton Park GEIS area, the spokesman noted that the project began prior the establishment of the moratorium and he asked that the Board consider the revised plan. Mr. Osterhout explained that this proposal appeared before the Board on February 24, 2003 at which time the Board found the 146-lot conventional lay-out plan to be accurate for the purposes of establishing the project's density. Since then, the plan has been reduced to 135 single-family residential lots. Referring to map, the consultant pointed out that 133 lots would be located to the north of the NYSDEC stream and the L-C district. This would reduce the visual impact of the project from Waite Road and the adjacent landowners and preserve open space.

The consultant explained that three separate home types are proposed for the subdivision. The area generally to the northwest of the stream would feature 56 neighborhood home lots. The area generally to the northeast of the wetlands would provide for 77 parkside home lots. The wetlands and wooded areas between these two areas would be protected and preserved. Two estate lots have been provided south of the stream. These lots would be reserved for the construction of larger estate homes with room for barns and pastures for horses. Several areas of open space are also shown on the plan.

The revised plan has resulted in a reduced roadway length of 3,346 LF and impacts to wetlands have been decreased by .93 acres or 72%. The consultant listed the benefits of the revised project proposal as a modification of standard road requirements and a reduction of the impacts to significant on-site natural resources. There has been no reduction in the ability for emergency services to provide service to the subdivision.

Mr. Osterhout reported that the plan now requires only one access road across the NYSDEC stream and wetland corridor. A boulevard roadway section within an 80' wide right-of-way is proposed from Waite Road. The entranceway would be enhanced by street trees, landscaping, and a decorative identification sign. The boulevard would terminate at the intersection with the neighborhood home area where it would transition to a standard 24' wide carriageway within the 60' wide right-of-way. Negotiations are currently underway with the adjoining property owner to secure a second means of access along the eastern portion of the site.

The applicant has provided a 5' wide pedestrian trail to interconnect the open space areas and the planned gazebo. The trail would require minor impacts to the wetlands. It would provide access to the Lands of Dopp and Sammler that border the northern property line. The main stormwater management area would have a fountain for visual enhancement from the pedestrian trail, gazebo, and rear yards of adjoining homes. Many mature, healthy trees would be protected and maintained throughout the subdivision.

Connection would be made to the recently-completed Corporate Commerce Water and Sewer Districts that have extended utilities from the east to the vicinity of Waite Road. The proposed subdivision entrance is 1,955 LF from the intersection on NYS Route 146 and Waite Road: a new connection to the water main is proposed to provide water service to the subdivision. A new sanitary sewer force main has also been installed along the northern side of NYS Route 146 to the vicinity of Waite Road. Confirmation of the reserve capacity in the 8" sewer with Saratoga County Sewer District has been initiated. A sanitary sewer pump station would be required for the subdivision. A new force main would be required and installed parallel with the existing 3" force main.

Mr. Kemper explained that this project last appeared before the Board on February 24, 2004. Of major concern at that time was that the fact that the project is located within the GEIS study area and is, therefore, affected by the moratorium. This will be the third time that the project has been presented to the Planning Board. He suggested that the Planning Board defer further review of the project until the moratorium is lifted and the GEIS is adopted. He did note that there are still some lots that do not provide enough usable

backyard between the house and the wetland area and he asked that building footprints be placed on the lots that have wetlands located on their property. He asked that a stub street be provided to the land to the North. In the cover letter provided with the most recent submission, the applicant stated that the Planning Board “approved a 156 lot conventional layout” for the subdivision. He explained that the Planning Board did not approve any application: members merely agreed with the density calculation or the cluster layout. Mr. Clemens provided the following comments: “At least one additional entrance must be provided.”

Mr. Kemper read a portion of the Town Board Minutes from the last time Clough, Harbour, and Associates presented build-out alternatives for the western part of Town, emphasizing that recommendations currently call for significantly less density than proposed by this application. Sheryl Reed provided the following comments in a July 21, 2004 memo:

- Only one access point is provided for the entire subdivision of 141 lots. A second ingress/egress point of a variance from the Fire Code Appeals Board will be required.
- Emergency services are not able to maneuver with a boulevard at the entrance. She asked that the entrance be redesigned.

Mr. Kemper read the comments provided by the ECC. The applicant should adjust lots to limit any encroachment into wetlands. Impacts are likely and difficult to regulate when wetlands exist on building Lots #94, 93, 92, 91, 70, 72, and 98. The project’s density appears to be excessive for the character of the surrounding area.

Mr. Grasso offered the following comments prepared by Clough, Harbour, and Associates. He reiterated Mr. Kemper’s comment regarding the project’s location within the study area of the Western Clifton Park Generic Environmental Impact Statement (GEIS) for which there is an existing moratorium on subdivision applications. Although it is permissible for the applicant to continue with plans for a subdivision in accordance with the existing zoning and subdivision regulations, a SEQR determination and preliminary plan determination can not be made until the existing moratorium is lifted. In addition, the applicant should be alerted to potential changes to the existing land use requirements as a result of the GEIS. The proposed project will be subject to the anticipated Statement of Findings and potential changes to the zoning regulations, subdivision regulations, and design and construction standards. If sewer service for the project requires capacity in excess of what the existing force main will allow, replacement and upsizing of the force main may be required to avoid multiple redundant utilities along the same route.

Mr. Bulger finds the current plan deficient because a second means of access is essential to its development. He agreed with comments made by both Mr. Kemper and Mr. Grasso, noting that recommendations based on current zoning may not be applicable since it will likely change as a result of the environmental study and adoption of the Statement of Findings. He viewed the on-going negotiations between this applicant and the adjoining property owner as a positive approach to obtaining an additional access point. Mr. Larkin questioned whether or not the second access would have to be a “paved, public road.”

Mr. Grasso responded that although such a roadway would be preferable, some type of easement and maintenance agreement may satisfy the second-means-of-access need. Mr. Osterhout responded to the Board's comments by stating that the applicant will suspend further project revisions until the Town Board has acted upon the generic environmental study.

[2004-025] Stewart's Ice Cream Shops - Proposed 10,600 SF retail plaza, Vischer Ferry and Grooms Roads – Revised Conceptual site plan review.

Mr. Tom Lewis, Stewart's representative, explained that this project proposal has been revised since it was initially reviewed by the Board on May 25, 2004. At that time, the plan called for the construction of two retail buildings totaling 11,934 SF. The current plan calls for the construction of 10,600 SF of retail space in three buildings on the 1.8 acre parcel located in a B-3 zone on lands surrounding the existing Stewart's Ice Cream Shop and retail store at the northeastern corner of the Vischer Ferry and Grooms Road intersection. The plan calls for 53 parking spaces. The site statistics table reads as follows: greenspace will total 33,123 SF or 42% of the site; building area will account for 10,600 SF or 14% of the site; concrete and paving will cover 34,686 SF or 50% of the site. As the plan is presented, both side yard and front yard setback variances will be required from the Zoning Board of Appeals. The site may be accessed from both Vischer Ferry and Grooms Roads. Extensive landscaping has been shown along the property borders.

Mr. Lewis explained that this evening's presentation focused on three items. The first was the compromise proposal for combining the access for Stewart's proposed retail complex and the 18-lot subdivision proposed on the adjoining property. The conceptual drawing showed a combined access from Grooms Road which then separated to serve both proposed uses. Mr. Lewis emphasized the importance of adequate access, describing it as a "critical factor" for developing profitable businesses. The second item to be considered by the Board was approval of a "phasing" process that would allow the company to complete the 4,000 SF building while holding formal plans for the additional buildings in abeyance. His third objective was to encourage the Board to recommend approval of the necessary variances by the Zoning Board of Appeals.

Mr. Kemper explained that this project last appeared before the Board on May 25, 2004. The major concerns raised by the Board included consideration of a combined access with the site adjacent to this parcel. Sign-offs will be required from the Saratoga County Sewer District and the Saratoga County DPW. The applicant must illustrate a pedestrian pathway that will connect to the Wishing Well Subdivision. It appears that much more detail is provided on the portion of the site containing the 4,000 SF building because the applicant is seeking a phased approval. A tenant has been secured for the 4,000 SF building. The Saratoga County Planning Board approved the project on May 20, 2004 with the following comments: "Due to the conceptual nature of the proposed site plan the planning staff recommends that there be some flexibility allowed with respect to the parking layout. Currently there are sixty spaces proposed which may be excessive depending on the nature of the rental use." The comment letter from Don Austin, Director

of the Clifton Park Water Authority, dated June 10, 2004 must be addressed. The existing plaza sign should be replaced with a more decorative sign for the entire plaza. A detailed landscaping plan should be provided with the next submission. Access should be provided to the proposed subdivision adjacent to the project. Colored façade renderings must be provided with future submissions. Handicap and No Parking signs must be illustrated on the plans. Mr. Kemper read the comments provided by Eric Hamilton on behalf of the Trails Committee. A memo from Don Clemens stated that he recommends that the two lots be combined to create an integrated site plan. Sheryl Reed requires the addition of the appropriate postal numbers to the plan.

Mr. Kemper read the comments submitted by the ECC. The applicant should consider reconfiguring the pavement plan to reduce the paved surface area between the two (2) northernmost buildings. Since the project may have an adverse impact on the surrounding character of the area, significant vegetative buffers should be employed to reduce this impact.

Mr. Grasso stated that Clough, Harbour, and Associates reviewed the revised site plan for the above referenced project. He stated that several comments from the May 19, 2004 comment letter remain to be addressed and that additional comments have been prepared. As discussed during the conceptual subdivision plan review, there is a need for pedestrian improvements in the area and the planning of these improvements should include the Wishing Well subdivision and the Coburg Village development. Sidewalks and/or multi-use pathways should be provided. Permitted uses for a B-3 zone are outlined in §208-37 of the town's zoning code. Other uses may be considered via the issuance of a Special Use Permit in accordance with §208-79. The plans do not specify the use of the buildings other than to state that they are rental units. Therefore, conformity with the zoning can not be verified at this time. The applicant should provide a narrative description in greater detail than that provided relative to the use of the structures. The site plans show the sidewalks and parking right up to the buildings with no room for landscaping. This is not in keeping with the character of the area. Additionally, the parking spaces must be ten feet from the building to comply with NYS Building Code.

Mr. Grasso observed that the proposed construction is located within a B-3 zone. The parcel abuts an R-1 zone to the east. This should be shown on the plan. Section 208-38 of the Town Code specifies the space and bulk requirements for the B-3 zone. Since the nature of the "rental" units" is not specified it is unclear which requirements will apply. The following list summarizes the requirements outlined in this section:

- Residential buildings shall comply with §208-11 of the code.
- Minimum net land area per establishment shall be 40,000 square feet and the minimum width at the building line shall be 150 feet. Section 208-38.B of the Town Code allows the construction of a group of establishments with an integrated site and architectural plan. Grouping the parcels currently owned by the applicant together with the proposed additional parcel will yield a parcel size of 2.96 acres. In accordance with the code only one additional establishment would be permitted.
- Front yard set backs pursuant to §208-98 take precedence and are not met. The applicant has noted that area variances will be required for front yard setbacks.

- The side yard setback when abutting a residential district is 50-feet.
- For buildings over 35-feet in height the side and rear yard set backs must be increased by two-feet for each foot over 35-feet. The building heights are not specified and therefore compliance with this standard could not be verified.
- The green space requirement of 35% appears to be met on the 1.8 acre parcel; however, as noted above the establishments under consideration should also include the existing buildings and parcels. The total green space within the group of establishments should be shown.
- When abutting a residential zone a minimum buffer of 100 feet shall be maintained and supplemented as deemed appropriate by the Planning Board. The 100 foot buffer is not included in the proposed plan.

Mr. Grasso offered several additional comments. The concept plan proposes access to the site from Grooms Road and Vischer Ferry Road. Section 208-66-A of the Town Code states that no more than one curb cut shall be permitted unless the Planning Board finds that traffic safety will be improved with the addition of another curb cut. We recommend combining the curb cuts. Access to the proposed public street that abuts the eastern property line should be investigated. Section 208-40 of the Town Code stipulates that the property margins from the front building line to the rear property line shall be planted with trees and shrubs for a width not less than 10-feet. This requirement could not be met as currently proposed since parking has been proposed within the 10-foot width along the northern property line. Although the parking configuration has been revised along the northern property line, the drive configuration along the eastern property line does not provide a width sufficient to plant within the 10-foot buffer. The project will benefit from and use reserve capacity within the municipal sanitary sewer and water supply systems that were installed as part of the Vischer Ferry Road Corridor Capital Improvement Plan (CIP). As such, in order to mitigate this project's impact on those facilities the respective mitigation fees should be applied.

Though Board members offered various design alternatives for the combined entranceway, none of them seemed to be entirely acceptable. Mr. Bulger stated that he was not in favor of requiring this applicant, the first in this area, to conform to the subdivision proposal submitted by Country Club Acres since a detailed plan has not yet been prepared. Board members unanimously agreed to recommend that the Zoning Board of Appeals approve the variances requested by Stewart's in order to develop the site as presented.

[2002-058] Cole, Daniel – Proposed (2) lot subdivision, Riverview Road – Revised conceptual review.

Mr. VanGuilder, consultant for the applicant, presented this application that calls for the subdivision of 3.67 acres of land located in an R-3 zone on the westerly side of Riverview Road into two lots of 1.81 acres and 1.86 acres, respectively. The lots will conform to two area variances that were granted by the Zoning Board of Appeals on June 1, 2004. One variance will permit two lots with less than the required 100,000 SF area. This approval was conditioned upon the applicant's agreement to connect to municipal

sewer when and if it becomes available and if it is determined to be feasible by an engineer. The Zoning Board also approved an area variance of 31 feet to allow for a front yard setback of 69 feet from the centerline of Riverview Road. The lots will use a common curb cut that is at the optimum sight distance location. A septic design for Lot #828 has been completed by a professional engineer and will be submitted to the Building Department when application is made for a Building Permit. Due to the topography, the garage will be constructed at road level and a walk-out basement will be provided.

Mr. Kemper reported that this project last appeared before the Board on September 24, 2002. The Saratoga County Planning Board approved the project on May-15, 2003 with the following comments: "The Saratoga County Planning Board approved the proposed subdivision with the condition that the wooden retaining wall constructed within the public right of way be fully removed to within the bounds of the private property...because it is an obstacle to proper snow removal and by its very existence creates unwarranted potential liability for Saratoga County."

Mr. Kemper stated that the applicant will be required to obtain a curb cut permit from the Saratoga County Department of Public Works. A profile and cross section of the proposed driveway from its intersection with the county highway to the property line should be provided with the permit application. The 22% slope from edge of pavement to property line may be a safety concern to be addressed in discussion with the Town and the Saratoga County DPW. A letter from this department dated June 27, 2003 explained that the required curb cut permit would not be issued until the comments from the Saratoga County Planning Board are addressed. A sign-off must be received from the Rexford Water District. Sheryl Reed requires that approved postal addresses be added to the plan.

Mr. Kemper stated that the ECC reiterates its previous comment. The applicant should indicate the location of the property with respect to the Federal Flood Zone map and note the boundary of the designated Federal Flood Zone on the plot plan.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the revised plan for this project as prepared by Gilbert Van Guilder Land Surveyor, PLLC. He noted that subdivision plans for this parcel, prepared by David J. Bolster, LS, were reviewed in September, 2002, April, 2003, and June, 2003. Although the surveyor is different, the concerns are generally the same. There are significant concerns over the constructability on the lot without environmental impacts given the site's constraints. This concern will be eliminated only through the preparation of detailed construction plans for the entire lot, including driveway, area around the house, and the septic system. Given the conceptual nature of the house and septic system, it doesn't appear that final design information is available. The consultant recommended that the Planning Board refrain from making a SEQR determination on the project until additional information is available.

Mr. Grasso provided several additional comments. On April 16, 2002, the Zoning Board

of Appeals granted area variances from the minimum lot area of 100,000 square feet for the two proposed lots. On June 1, 2004 the Zoning Board of Appeals granted area variances to allow a front yard setback of 69 feet from the centerline of Riverview Road. The proposed lot to be subdivided includes steep slopes, shallow bedrock and borders the Mohawk River. In order to protect the Mohawk River from siltation, the firm recommends that a grading plan be provided which identifies proposed grading, limits of clearing and grading, and erosion and siltation controls. Existing and proposed grading should be provided for the entire site, including the driveway and transition into the existing roadway. Proposed clearing and grading limits should also be shown. Erosion and siltation controls to protect the river during construction should be provided in accordance with NYSDEC requirements. Soil investigations including deep test pits and percolation tests should be conducted in the area of the proposed wastewater disposal system to verify the adequacy of the soils to accept an on-site wastewater disposal system. The limits of any streams or wetlands within 100 feet of the edge of the tile field must be verified. Any existing wells or wastewater disposal systems within 200 feet from the proposed well or wastewater disposal system must also be shown to verify the required separation. As previously noted in a letter of April 17, 2004, due to the steep slopes and shallow bedrock apparent in the area, it is recommended that the applicant provide a complete design of the proposed septic system before subdivision approval is considered. The location of the proposed water service connection should be shown and will require approval of the Rexford Water district.

Mr. Bulger centered attention on the severity of the slope on this parcel, noting that it is Mr. Grasso's opinion that building on slopes of greater than 15% is not advised: such sites are generally considered "undevelopable". The septic system design and grading plan must be submitted for review by a professional engineer to ensure that all site constraints are considered. Board members agreed that all engineering comments must be addressed.

New Business:

[2004-036] Captain's Treasures – Proposed 910 SF addition to existing building, 1714 Route 9 – Conceptual site plan review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application for the Board's review. Captain's Treasures sells clothing, furniture, and other household items donated by community residents to local families who need assistance. A request is being made by the property owner to increase the existing 3,536 SF building by 910 SF to provide space for warehousing, sorting, and pricing items that have been contributed. No loading docks or large doors will be installed. The site plan shows three additional parking spaces and additional pavement for access to the addition being added to bring the site into compliance for off-street parking. A minor expansion of the circular drive around the building will be required. The facility is located on a 4.6 acre parcel in a B-4 zone. In response to Clough, Harbour, and Associates' comment letter, the dumpster will be placed to the west of the three new parking spaces, making it less visible from Route 9.

Mr. Kemper reported that this application was referred to the Saratoga County Planning Board on June 24, 2004 and received its approval on July 17, 2004. He asked that the applicant supply an architectural rendering of the addition and samples of proposed building materials. Mr. Kemper explained that the ECC has requested that all applicable standard statements be included on the plan.

Mr. Grasso reported that the proposed project appears to be an unlisted action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include: Clifton Park Planning Board - Site Plan Approval; Saratoga County Planning Board – Section 239 Referral; Town of Halfmoon – Site Plan Approval (A portion of the project site is located within Halfmoon). The proposed addition appears to impact the existing drive along the back of the building and the accessibility to the dumpsters. Appropriate modifications to these existing facilities should be addressed. After viewing the revised plan presented at the meeting, Mr. Grasso found the proposal acceptable.

Though Board members were concerned that approvals from the Town of Halfmoon may be required, Mr. Kemper noted that a project plan and accompanying documentation was been forwarded to the Town of Halfmoon on June 24, 2004. No improvements are proposed within the Town of Halfmoon. Since no comment has been received from Mr. Williams, Planner for the Town of Halfmoon, Mr. Kemper believes that the plan may be approved.

Mr. Bulger moved, seconded by Mr. Karam, 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. Karam moved, seconded by Mr. Marzola, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by Mr. Kemper and the ECC. The motion was unanimously carried.

[2004-034] Weiss, Jeffrey – Proposed 6,000 SF retail building, NYS Route 146 and Plank Road – Conceptual site plan review.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application for the Board's consideration. The project plan calls for the demolition of the existing on-site structures and the construction of a single-story 6,000 SF retail building with 43 parking spaces. Several area variances are required for this .77 acre parcel that lies within the B-4 zone. As proposed, these variances are identified as follows:

- A 5 foot side yard setback variance from the northern property boundary
- A 23 foot front yard parking setback variance to allow parking closer than allowed along Plank Road
- A 20 foot front yard parking setback variance for parking along Route 146
- An 18 foot side yard building setback area variance along the western property boundary

The stormwater management area is located along the northern property boundary. The

retaining walls that have been illustrated on the plan may be required to adequately grade the site. Connection will be made to the Clifton Park Water Authority and to the Saratoga County Sewer District. Mr. Vuillaume reported that the Zoning Board of Appeals approved the variances on July 20, 2004. The applicant will work to establish cross-easements with the adjoining property to the west.

Mr. Kemper offered several comments regarding this application. He reported receipt of a memo from Mr. Clemens that indicated that the project received all the variances that are depicted on the site plans at the Zoning Board meeting of July 20, 2004. The Saratoga County Planning Board approved the application on July 15, 2004. The required amount of parking for this project would be 30 spaces. If the building size was reduced and the excess parking eliminated the project would be much closer to the required 45% greenspace. If additional parking is deemed to be absolutely necessary then the parking should be landbanked until deemed necessary by the Planning Department and the Building Department. The project is located in the Exit 9 GEIS study area and, therefore, must comply with the findings statement: 45% greenspace is required within the GEIS study area. Due to the lack of greenspace, Mr. Kemper recommended that the landscaping around the building be significantly increased. Colored façade renderings must be provided for the building. The project will require sign-offs from the CPWA and the SCSD. A NYSDOT curb cut permit will be required.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed this project plan and prepared the following comments. The project site lies within the limits of the Exit 9 Commercial Area GEIS, and as such, if the Planning Board determines the proposed action to be consistent with the Statement of Findings, additional SEQR review may not be required. The following comments were offered relative to the GEIS. One of the findings recommends that all commercial sites be provided a minimum of 45% greenspace. The proposed greenspace is 35%. Justification for the reduced greenspace should be provided. The proposed building height should be specified to verify that the height does not exceed the maximum forty-foot height recommended in the GEIS. In accordance with the Findings, development should provide pedestrian connections to the maximum extent practicable. The GEIS preparation mitigation fee totals \$1890.00 for 10,500 SF of commercial space based on \$0.18/SF.

Mr. Grasso also explained that the involved agencies are expected to include: Clifton Park Zoning Board of Appeals – Area Variances; Clifton Park Planning Board - Site Plan Approval; Saratoga County Planning Board – Section 239 Referral; New York State Department of Transportation – Curb Cut Modification Clifton Park Water Authority – Water Connection Permit; Saratoga County Sewer District #1 – Sewer Connection Permit. In accordance with §208-46 of the town’s zoning code, the minimum net land area per establishment shall be one acre. The parcel is 0.77 acres, and as such, an area variance for the minimum land area requirement is required. Additionally, the applicant is requesting variances for front yard parking along both Plank Road and Route 146, front yard building setback, and side yard setbacks along both the western and northern property lines. Given the lack of conformance with the standard zoning requirements and lack of conformance with the recommendations within the Exit 9 Area GEIS, the extent

of the proposed development appears excessive for the site. In accordance with §208-99 of the town's zoning code, the minimum parking spaces for a retail establishment is one parking space per 200 square feet of gross floor area. Although only 30 spaces are required the plans are designed to accommodate 43 vehicles, greater than 40% of the minimum. It is recommended that the additional spaces be land banked and only constructed if deemed required by the Code Enforcement Officer. The proposed plans indicate a possible requirement for approximately 320 linear feet of a 6 to 8-foot retaining wall along the rear and side property lines. Site topography should be provided to assess the impacts on the adjoining parcels and on the other proposed features. It should be noted that the retaining wall and the storm water management area are only 1-2 feet away from each other. The impacts of the recharge of the storm water into the ground along the top of the retaining wall may be detrimental to the structural integrity of the wall and should be investigated. The need for the retaining walls is exacerbated by the amount of proposed development on the site. As designed, the project could result in significant impacts and the scope of the project should be reduced accordingly.

The Town Engineer offered additional comments. Proposed connections to the existing water and sewer systems should be shown. The plans shows dead end parking areas: such areas are not recommended. In addition, the site does not appear to accommodate delivery vehicles, emergency vehicles, or a refuse truck. There may not be sufficient room for any of these vehicles to maneuver within the area proposed. An alternative site layout should be investigated. A cursory estimate of the green space provided indicates approximately 26% as being provided. Since the project data states that 35% is shown, clarification is requested.

Board members were pleased to hear that this site that has been vacant for many years will be improved. Mr. Russell suggested that the applicant may consider working with the adjoining property owner to achieve a more desirable grading plan for the area: the goal would be to eliminate the existing steep slopes. Mr. Karam recommended that trees and landscaping be added along NYS Route 146 to make the site more visually appealing. Ms. Pace suggested that the applicant may wish to consider construction of a two-story building.

[2004-035] Country Club Acres, Inc. – Proposed 5,000 SF Blue Spruce landscaping facility, NYS Route 146A – Conceptual site plan review.

Mr. Gavin Vuillaume, consultant for the applicant, explained that the applicant proposes to construct a 5,000 SF building on a 4.17 acre parcel in a B-3 zone on the south side of NYS Route 146A opposite the intersection of Elnora Road. The proposed non-retail landscape/nursery business received a use variance from the Town of Clifton Park Zoning Board of Appeals on June 15, 2004. The site is bounded on the south by railroad tracks and single family residences and by the VanPatten Country Club and Price Chopper warehouses to the north. Site improvements will include the installation of 15 parking spaces. The site will be served by an on-site well and septic system.

Mr. Kemper reported that a use variance was granted by the Zoning Board of Appeals to

allow the operation a landscaping business within the Light Industrial Zone. A planting plan must be submitted and colored architectural renderings for the building must be provided. Mr. Kemper recommended that the proposed storage bins be adequate to contain all of the business' landscape material. Sight distance must be provided on the plans. Mr. Kemper reported that a memo from Don Clemens dated July 21, 2004 provided the following comments: "This site was approved as a non-retail, wholesale business site. The rear lot line does not abut a residential zone, the D&H and B&M properties are also zoned B-3 and are adjacent to the residential zone. Therefore, a 100' buffer will not be required." The Saratoga County Planning Board approved the project on July 15, 2004.

Mr. Kemper read the comment submitted by the ECC that states that the applicant should confirm that the site does not contain any hazardous materials from past disposal activities.

Mr. Grasso offered several comments prepared by Clough, Harbour, and Associates following review of the concept plan. The proposed project appears to be an unlisted action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include: Clifton Park Planning Board - Site Plan Approval; Saratoga County Planning Board – Section 239 Referral; NYSDEC – SPDES Permit for Stormwater Associated with Construction Activity; NYSDOT – Curb Cut Permit. It appears as though a special use permit has been granted for the proposed project: it should be verified that the currently proposed project is consistent with the permit that was granted. In addition, the project site should continue to provide a transition zone between the commercial nature of the project and the nearby rural residential and recreational uses. Although the application and the SEQR form note that the nature of the business is non-retail, the building is noted on the plans as being office/retail: this should be clarified. The adequacy of sight distances and conformance with NYSDOT recommended minimums should be verified and added to the plan. Because of the likelihood of a high percentage of truck traffic, these longer sight distance requirements should also be addressed. The location of the fenced-in equipment storage area, the proposed parking, and the access to the storage bins appears to encroach on the 100-foot buffer required between the proposed project and the adjoining residential district. The location of the proposed storm management system should be shown. In accordance with § 208-40 of the town's zoning code, the property margins at the sides from the front building line to the rear property line shall be planted with trees and shrubs for a width of not less than 10-feet. In accordance with § 208-38 (G) of the town's zoning code, the green space requirement for the district is 35%. Although this requirement is noted on the plans, the percentage of green space being provided should be added. The locations of the on-site sewage disposal system and well should be shown, together with deep test pit and percolation test results demonstrating the adequacy of the soils to accommodate an on-site system.

Mr. Bulger informed the applicant's representative that the moratorium requires that the building size be less than 5,000 SF. Mr. Vuillaume stated that the building would be designed to be less than 5,000 SF. Mr. Larkin observed that the sight distance at this

location is quite limited: he recommended that the access be located as far west of the NYS Route 146A-Elnora Road intersection as possible. Mr. Karam stated that he was pleased that the area would be cleaned up and improved. Members agreed that the project was acceptable.

[2004-024] Maxwell Road Senior Housing (Olsen Whitney LLC) – Proposed PUD, Maxwell Drive – Referral from the Town Board.

Mr. Gary Olsen, representative of Olsen Whitney, LLC, began by stating that the purpose for this application was to provide a “much needed” affordable option for people 55 and older who wish to reside in the Town of Clifton Park. He cited a study that estimated that 1,400 new apartments for senior would be needed within the next five years. Mr. Olsen provided information concerning his company, noting that Olsen Whitney has recently received approvals to build a 105-unit affordable senior housing project in Saratoga Springs and that the firm has presented an application in Albany for a similar approval. He cited the benefits of such a complex, reporting that senior housing projects generate low traffic patterns and traffic typically does not occur during normal rush hour periods. He also explained that traffic from the site will generally move toward the existing shopping areas, the library, and the YMCA. Describing the project plan, Mr. Olsen explained that 196 apartments will be contained within two buildings, allowing a significant amount of the site to be preserved as greenspace. The developers will provide hiking trails and other amenities such as gazebos, picnic tables, and benches throughout the site. The apartments will be served by existing CPWA lines and the Saratoga Country Sewer District. Though three-story buildings are proposed, the buildings will be placed to minimize visual impacts. Building materials will be selected to make the project “look natural” in this setting. The applicant believes that the project will be compatible with the adjoining town houses and offer a quiet buffer zone for the single family development that borders the property to the west. He plans to prepare the site during the fall and begin building in the spring. Completion would be anticipated in the fall of 2005.

Mr. Kemper explained that this application was referred to the Planning Board by the Town Board on June 14, 2004. The Planning Board must provide comments back to the Planning Board within 60 days. The applicant should revise the plans to eliminate any disturbance to the Bear Brook and its associated LC Zone. Due to the steep slopes on the site, a detailed grading plan must be submitted. The project is a Type 1 action and as such coordinated review is required. A site statistics table should be added to the plans that indicates greenspace, parking spaces, and the square footage. A detailed landscaping plan must be provided. Mr. Kemper stated that the ECC provided no comments regarding this application.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the application materials for this project and offered the following comments. The project site lies within the limits of the Exit 9 Commercial Area GEIS, and as such, if the Planning Board determines the proposed action to be consistent with the Statement of Findings, additional SEQR review may not be required. The following comments were offered relative to the GEIS:

- A Full Environmental Assessment Form should be submitted.
- The site should be investigated for the presence of federal wetlands and a letter should be sought from NYSDEC regarding the potential for threatened and endangered species.
- One of the findings recommends that all commercial sites be provided a minimum of 45% greenspace.
- The proposed building height should be specified to verify that the height does not exceed the maximum forty-foot height recommended in the GEIS. If the building height is greater than forty feet, a visual impact assessment should be conducted.
- In accordance with the Findings, development should provide pedestrian connections to the maximum extent practicable. The plan lacks appropriate pedestrian facilities.
- The GEIS preparation mitigation fee will be applicable based on the total building square footage.

The proposed project appears to be a Type 1 action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include: Clifton Park Planning Board – PUD Referral from Town Board, Site Plan Review; Clifton Park Town Board – PUD Approval; Saratoga County Sewer District – Sewer Connection Permit; Clifton Park Water Authority – Water Connection Permit; Saratoga County Planning Board – Section 239 Referral; NYSDEC – General Permit for Stormwater Discharges Associated with Construction Activity.

Mr. Grasso further explained that the concept plan provided fails to respect the existing environmentally sensitive features of the site including the existing Bear Brook corridor, the steeply sloped areas, and the existing vegetative communities. Before extensive site design begins, it is recommended that the applicant's consultant provide a site analysis plan that depicts the environmentally sensitive resources of the site that are worthy for protection. These features should include, but not be limited to, areas sloped greater than 15%, the Bear Brook corridor and any areas within 100 feet of the high water mark (not from the centerline as presently shown), any federally jurisdictional wetland areas, and vegetative buffers, etc. These should then be discussed and confirmed with the Planning Board prior to site design. The cursory grading shown for the building to the north demonstrates the inappropriateness of the building footprints shown. Mr. Grasso noted that the Bear Brook has historical flooding problems in the vicinity of the project site. This may be caused by downstream constrictions along the stream channel. An analysis of the floodplain associated with the stream should be conducted and construction in all areas subject to flooding during a 100-year storm event should be restricted.

Mr. Grasso stated that access to all sides of the buildings should be provided for fire protection. A fifty foot wide relatively level area with twenty feet of pavement in a loop around each building is preferable. Since stormwater management areas will comprise significant areas of the site, they should be considered in the early stages of site analysis and site planning.

Board members discussed this Planned Unit Development proposal at length. Mr. Karam was concerned about the visual impact from adjoining residences and stated that although he would prefer the construction of a two-story building, he would support the

construction of a three-story building because of the reduced footprint. Mr. Russell was also concerned about the impact to the adjoining homes located on Via daVinci because a number of the residences on that street have walk-out basements and are open the parcel slated for development. In response to Mr. Larkin's question regarding the amount of parking spaces and underground parking, Mr. Olsen stated that plans call for providing one parking space per living unit and that some underground parking could be provided. Though Mr. Larkin stated that he would prefer a smaller building – perhaps one containing sixty units, Mr. Olsen stated that many more units were required to make the project economically feasible. Mr. Larkin approved of the location, but noted that environmental impacts would be significant. He noted that setbacks from existing utility lines and stream corridors must be respected, perhaps impacting the proposed building locations.

Board members were particularly concerned with the potential impacts to the Bear Brook. Although Mr. Olsen contended that the stream corridor could benefit significantly from clean up, Mr. Grasso advised that the Bear Brook was a classified stream that supported a significant trout population. He did not recommend disturbance of the stream or adjoining property.

Mr. Bulger summarized the Board's concerns by stating members had "differing perspectives" concerning this project and that there could be no realistic recommendation regarding this PUD until a more specific and detailed plan is prepared. Noting that the Board takes the comments offered by Mr. Kemper and Mr. Grasso very seriously, he stated that the results of environmental and other studies will be important for adequate deliberation of the project proposal. He recommended that the Planning Board request additional time to review the plan: members unanimously concurred with this suggestion. Mr. Pelagalli advised that since the Planning Board must comment on the project plans referred by the Town Board, more detailed plans would be helpful in assessing the benefits and impacts of the project.

Mr. Larkin offered the following comment to be forwarded to the Town Board: "The Planning Board finds the site plan as presented unacceptable. Should the Town Board wish to have this Board seriously review the PUD proposal, it is recommended that Town Board encourage the applicant to provide a more detailed plan that shows proper setbacks from property lines and sensitive environmental areas, delineated wetlands, the location of site improvements such as parking, sidewalks, and trails, and the preferred number of stories for the building design." Planning Board members also asked that the time frame for its response and recommendation be extended to ensure that reasonable and comprehensive review may be accomplished.

Minutes Approval:

Mr. Bulger moved, seconded by Ms. Pace, approval of the Planning Board minutes of June 22, 2004 as written. The motion was unanimously carried.

Discussion Items:

Price Chopper

Mr. Kemper explained that representatives of Price Chopper have submitted drawings that illustrate proposed improvements to the property located at the intersection of Route 146 and Route 146A. The plan calls for renovation of the existing façade and upgrading of the sidewalk area. Board members found the proposal insignificant: no formal site plan review will be required.

Cingular Wireless

Mr. Kemper explained that he has received a request from Cingular Wireless to permit the installation of a generator at the telecommunications tower located on Sugar Hill Road at the Bowman property. Board members found the project insignificant, but conditioned acceptance of the proposal on the applicant's assurance that the generator would serve all the companies currently sharing the tower. No formal site plan review will be required.

Ms. Barbara Hartman, town resident, who had been in attendance throughout the meeting, was recognized by the Chairman. She stated her concern with statements attributed to the Planning Board Chairman that had appeared in a local newspaper. She wanted to point out that signatures that appeared on petitions submitted to the Town regarding the proposed Exxon convenience store and carwash at the intersection of VanPatten Drive and Ushers Road were those of residents residing in the Exit 10 area. Mr. Bulger and Mr. Larkin both responded to her statement, noting that several individuals who signed the petitions did not live in the area. Mr. Kemper agreed to supply a copy of the petitions to Ms. Hartman.

Mr. Bulger moved, seconded by Mr. Larkin, adjournment of the meeting at 11:05p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on Tuesday, August 10, 2004.

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, Lou Renzi, 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 #16

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 July 21, 2004, there were:

Present: S. Bulger, Chairman, J. Larkin, T. Karam, J. Marzola, J. Russell, S. Pace

Absent: R. d'Amico,

Mr. Russell offered Resolution #16, and Mr. Larkin seconded, and

Whereas, an application has been made to this Board by Country Club Acres, Inc. for approval of a subdivision entitled Subdivision Plan of a Portion of the Lands of Country Club Acres, Inc. consisting of (3) lots:

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on July 21, 2004 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 July 21, 2004, 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 subdivision plat entitled Subdivision Plan of a Portion of the Lands of Country Club Acres, Inc. consisting of (3) is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso.

Resolution #16 passed 7/21/04

Ayes: Larkin, Pace, Karam, Marzola, Russell, Bulger

Noes: None

Steven J. Bulger, Chairman

Resolution #17

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 July 21, 2004, there were:

Present: S. Bulger, Chairman, J. Larkin, T. Karam, J. Marzola, J. Russell, S. Pace

Absent: R. d'Amico

Mr. Bulger offered Resolution #17, and Mr. Marzola seconded, and

Whereas, an application has been made to this Board by Patricia E. Fitzgerald for approval of a subdivision entitled Subdivision Plan of a Portion of the Lands of Patricia E. Fitzgerald consisting of (2) lots:

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on July 21, 2004 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 July 21, 2004, 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 subdivision plat entitled Subdivision Plan of a Portion of the Lands of Patricia E. Fitzgerald consisting of (2) is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso.

Resolution #17 passed 7/21/04

Ayes: Larkin, Pace, Karam, Marzola, Russell, Bulger

Noes: None

Steven J. Bulger, Chairman

Resolution #18

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 July 21, 2004, there were:

Present: S. Bulger, Chairman, J. Larkin, T. Karam, J. Marzola, J. Russell, S. Pace

Absent: R. d'Amico

Ms. Pace offered Resolution #18, and Mr. Bulger seconded, and

Whereas, an application has been made to this Board by Ralph Figueroa for approval of a subdivision entitled Subdivision of the Lands of Ralph Figueroa consisting of (2) lots:

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on July 21, 2004 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 July 21, 2004, 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 subdivision plat entitled Subdivision of the Lands of Ralph Figueroa consisting of (2) is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso.

Resolution #18 passed 7/21/04

Ayes: Larkin, Pace, Karam, Marzola, Russell, Bulger

Noes: None

Steven J. Bulger, Chairman