

Clifton Park Planning Board Meeting Minutes

August 10, 2004

Those present at the August 10, 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, Mike O'Brien, Environmental Specialist, 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. Mr. Bulger explained that the application for Daniel Donzelli had been withdrawn from this evening's meeting at the request of the applicant.

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 called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on August 3, 2004.

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. Flanders explained that this application remains unchanged from its initial presentation at the July 21, 2004 meeting.

Mr. Kemper explained that the Board was unable to render a determination on this application at its last meeting because the applicant had not sent out the required 500' notifications. These were sent on July 22, 2004. He asked that a consolidation deed be provided for the Lands of Carey and that a description of the Land of Butcher be provided. Mr. Kemper reported that the Saratoga County Planning Board approved the project on July 15, 2004.

Mr. O'Brien, Environmental Specialist, had no comment on this application. Mr. Grasso stated that Clough, Harbour, and Associates found the project plan acceptable.

There being no public comment on this application, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:13p.m. The motion was unanimously carried.

Board members found this application acceptable.

Mr. Larkin 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. Larkin offered Resolution #19, seconded by Ms. Pace, to waive the final hearing for this application and to grant preliminary and final subdivision approval to this land transfer conditioned upon the satisfaction of the comments offered by Mr. Kemper. Ayes: Larkin, Pace, Karam, Marzola, Russell, Bulger. Noes: None.

[2004-034] Donzelli, Daniel – Proposed (4) lot subdivision, Wayto Lane – Preliminary public hearing and possible determination.

This project was withdrawn from consideration at this evening's meeting at the request of the applicant.

[2003-042] Brooks Heritage, Ltd. – Proposed (9) lot subdivision, Ushers Road – 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 August 3, 2004.

Mr. Gil VanGuilder, consultant for the applicant, presented this application for the Board's consideration. The project remains generally as presented previously. The 13.75 acre parcel will be subdivided into (9) single-family residential lots served by the Clifton Park Water Authority and the existing sewer system and located on a 717 foot long cul-de-sac. Land preservation areas will protect the steep slopes: this area will begin along the 296 foot contour to provide larger back yard areas. Mr. VanGuilder explained that negotiations are on-going with Niagara Mohawk: the required separations from the transmission lines will be provided. Though there is limited sight distance along Ushers Road, the applicant is aware that mitigation will be necessary and the applicant will work with the consultant and the Town Engineer to create "safe intersection".

Mr. Kemper reported that this project last appeared before the Board on June 22, 2004 when major issues raised by the Board included a sign-off from the Niagara Mohawk Power Corporation for crossing the power line easement and providing the proper setback to the houses from the power line. The wetland delineation will be required for the lands to be deeded to the Town of Clifton Park. Sign-offs will be required from the Saratoga County Sewer District, CK Sanitary, and the Clifton Park Water Authority. Number 5 under General Notes on the Cover Sheet should refer to the correct subdivision. The

project will be located in the Longkill 1 Park District: a note stating this must be added to the plans. Split rail or another type of fencing must be placed along the top of bank in the rear of the lots bordering the steep bank. Coordinated review was initiated on July 27, 2004; therefore, the Board should adjourn the public hearing until all involved agencies have responded. In addition, there are some minor corrections that need to be made on the Full EAF before a determination can be made. Sign-off from the electrical transmission company must be provided to cross the power lines. The variance that was received from the Zoning Board of Appeals should be placed on the plans. Plantings should be provided along Ushers Road to the front of Lot #1.

Mr. Grasso reported that Clough, Harbour, and Associates prepared several comments after reviewing the project plans and the Water Supply Report, Sewer Report and Stormwater Management Report dated July 20, 2004. The following comments from the April 8, 2004 letter remain to be addressed. The following comments were offered on the Full Environmental Assessment Form (FEAF):

- The name, address and phone number of the current property owner should be completed.
- A.6 and A.7. Copies of correspondence from the NYS Office of Parks, Recreation and Historic Preservation should be provided regarding building, site or district listed on the State or National Registers of Historic Places or listing on the Register of National Natural Landmarks.
- A.11 Copies of correspondence from the NYSDEC should be provided regarding any species of plant or animal life that is identified as threatened or endangered.
- A.16 Freshwater wetlands are located along the drainage course bisecting the rear of the project site. Jurisdictional determination letters should be provided before approvals are granted.
- A. 17 The site is not currently served by public utilities and offsite improvements will be required to allow connection.
- C.1 The project does not require site plan approval but does require subdivision approval.
- The FEAF is to be signed by the Applicant/Sponsor.

The engineering firm recommends that no SEQR determination of environmental significance be made until the plans and FEAF have been revised.

Mr. Grasso explained that overhead electrical transmission lines bisect the project site. A letter from the transmission line owner indicating their willingness to grant a public road right-of-way to the Town should be provided. Offsite sanitary sewer and water supply improvements appear required to serve the proposed project. The consultant should verify if sanitary sewer improvements require review and approval by CK Sanitary Systems, a Transportation Corporation.

Mr. Grasso offered several additional comments. The right-of-way shown on the subdivision plan does not match that shown on the design drawings. Right-of-way cusps should be provided in accordance with the subdivision regulations. He explained that there was concern over the adequacy of sight distance and appropriate mitigation. The plans indicate that the recommended intersection sight distance for a 40 mph design

speed is 441 feet and that the available sight distance is only 417 feet. Installation of an intersection warning sign is proposed as mitigation. It should be noted that although the posted speed limit is 40 mph, the design speed on Ushers Road is actually 50 mph. Additional investigation into more appropriate mitigation is required. Mr. Grasso recommended that the slope of the rear yards of Lots #6 & #7 beginning at elevation 298 be included in the proposed Land Preservation Areas. Lot development below these elevations may result in significant environmental impact. The Town's standard Land Preservation notes should be added to the subdivision plan. The filling of or disturbance to the existing drainage course on Lot #7 is not recommended: the grading plan should be revised accordingly. The grading plan depicts a drainage swale being constructed along the south side of Lot #1 to a low area in the rear of the lot: to prevent ponding, this area should be positively drained to the storm sewer system or a natural drainage course. The proposed grading of Lots #3 & #4 could potentially negatively affect lots on Hill Top Hollow Drive. These impacts should be evaluated. An acceptable alternative may include extending a storm sewer and catch basin between the lots to pick up rear yard drainage. A note should be added to the retention pond outlet structure detail indicating that the pond drain gate valve is to be open only for maintenance of the basin and closed during normal conditions. References to details provided by Clough, Harbour & Associates should be removed from the plans. The Town's standard details should be considered minimums and project specific details should be developed to meet the site's conditions.

Mr. Grasso offered the following comments of the Stormwater Management report dated July 20, 2004:

- In order to verify existing soil conditions such as soil type, impermeable layers, high groundwater and percolation rates, test pits and percolation tests should be performed within the limits of the proposed stormwater management area(s) to a depth of two feet below the bottom of the basin(s).
- Since the project will involve the disturbance of greater than 1 acre of land, the applicant is required to submit a Notice of Intent (NOI) pursuant to the State Pollution Discharge Elimination System (SPDES). A copy of the NOI should be included in the Stormwater Pollution Prevention Plan (SWPPP).
- Copies of the SWPPP should be available on the project site at all times during construction. The contractor should be advised of his responsibilities for inspection, maintenance and certification as specified in the SWPPP at the pre-construction meeting.
- The stormwater report should have the seal and signature of licensed New York State Professional Engineer.

Mr. O'Brien, Environmental Specialist, reported that the ECC recommended that Lot #6 and #7 should have a permanent "no cut buffer" to preserve the stability of the slopes at the rear of the building lots. Individual plot plans should be annotated accordingly.

Several members of the audience addressed the Board. Ms. Barbara Hartman, 1 Hillcrest Drive, asked that the project location be more clearly described. Mr. Kemper called her attention to the GIS display that showed the project location between the Knollwood Hollow subdivision and the Country Knolls subdivision.

Mr. Rich Ahl, 18 Terrace Court, expressed his concerns regarding disturbance to the slope that borders his rear property line. Mr. Grasso explained that since site grading would be confined to the area to the south of the ravine, it would pose no threat to his property.

Mr. Frank Dangiollillo, 16 Terrace Court, stated that he was concerned about erosion into the ravine and with the stability of the land on which the proposed new residences would be constructed. Mr. VanGuilder stated that site drainage would be directed away from the slope and to the stormwater management area. Mr. Dangiollillo also said that he was interested in reviewing the DEC impact statement because he is certain that there will be impacts to wildlife, including a protected woodpecker. He noted that this parcel is the only forested area remaining along Ushers Road. Mr. Kemper explained that involved agencies, including NYSDEC, have been notified of the application and have not offered comment. Mr. Bulger explained that Mr. Dangiollillo could contact Mr. Kemper to arrange a time for review of SEQRA documents. Mr. VanGuilder assured the Board that no alteration of the steep slopes or stream corridor is proposed: much of the land to the north of the proposed development will be protected in perpetuity because it will be conveyed to the Town.

Ms. Nancy Clemens, 29 Southwood Drive, asked that a buffer be provided between Southwood and the proposed development and that the location of the stormwater management be shown. She was unsure where the wildlife would go since the steep slopes would not be suitable for their needs.

Mr. Don Spaulding, 14 Eastwood Drive, observed that the proposed development appeared to encroach on the existing lots within the Knollwood Hollow subdivision. Mr. Kemper explained that this was not the case.

Mr. Bill Engleman, 6 Partridge Plateau, asked Mr. VanGuilder to explain how the stream flowing near this parcel drains to the DwaasKill. Mr. VanGuilder explained that this stream crosses the Northway north of Ushers Road and eventually flows to Round Lake. In response to Mr. Engleman's request for the amount of land that was not part of the stream corridor, slopes, or drainage corridor, Mr. VanGuilder stated that such calculations had not been part of the project submission. He reported that the applicant had worked with the Planning Department and Clough, Harbour, and Associates to protect significant environmentally sensitive areas. The speaker stated that although NYSDEC did not provide comments regarding this application, the Planning Board, as Lead Agency pursuant to SEQRA, could establish its own goals for the protection of wildlife, flora, and fauna habitats.

Mr. Ray Seymour, 7 Nadler Road, asked how the land to be conveyed to the Town as a part of this application could link with other open space areas. Mr. Kemper displayed the GIS view of the area that illustrated how the area to be conveyed will create a substantial area of contiguous open space. In response to Mr. Seymour's question regarding the connection of this parcel with the trail system, Mr. VanGuilder stated that this development will not connect to existing trail segments.

Ms. Margaret Catellier, 26 Royal Oak Drive, suggested that since there are concerns with open space, drainage, and erosion, the applicant should consider reducing lot sizes. In her opinion, such an action would reduce the impact of the proposed development.

Mr. Scott Rasmussen, Terrace Court, stated that he believes that sight distance in the area of the access point to this subdivision from Ushers Road is very limited. He stated that there is a very sharp curve to the west of the proposed access that could constitute a serious hazard for travelers using the new road. He asked that approval be withheld until this issue has been satisfactorily resolved. Mr. VanGuilder indicated that Clough, Harbour, and Associates has spent time preparing plans for improvements to the Ushers Road corridor: he will revise project plans to achieve adequate sight distance and ensure traffic safety.

Mr. Paul Bollow, 25 Meridian Lane, agreed with Mr. Rasmussen, expressing his concerns regarding traffic safety. Though he suggested that the applicant pursue access through the Knollwood Hollow subdivision, Mr. VanGuilder explained that no such access is available.

There being no further public comment, Mr. Bulger moved, seconded by Mr. Russell, to close the public hearing at 7:50p.m. The motion was unanimously carried.

Mr. Bulger explained that this project has been before the Board several times and that the project has been reduced from (11) to (9) lots in response to Board comments to reduce environmental impacts. He acknowledged that the sight distance issue was significant and assured the public that the Town Engineer would be required to approve of the project plan as a condition of approval. Mr. Karam supported protection of the steep slopes and the establishment of a no-cut buffer. Mr. VanGuilder will work to find viable solutions to the problems identified by residents and Board members.

[2003-067] Exxon Mobil Oil Corp. – Proposed 3,900 SF convenience store, 1,152 SF carwash, and 6 gasoline dispensers, Ushers Road at VanPatten Drive –Public hearing for Special Use Permit and preliminary site plan review and possible determination.

Mr. Bulger called the public hearing to order. The Secretary read the public hearing notice as published in the Daily Gazette on August 3, 2004.

Mr. Spiak, consultant for the applicant, presented this project proposal, providing a brief history of Exxon's proposal. The plan has been refined and revised to address the comments and concerns offered by the Board and Clough, Harbour, and Associates at previous meetings. The building has now been moved to the south allowing the preservation of many large trees: this permits the applicant to "maintain the look of the corridor". Right-ins and right-outs, creating restricted access to and from Ushers Road has been provided, thus reducing the impact of a full-access point on that road. Mr. Spiak assured the Board that all of the engineering concerns identified by Clough, Harbour, and Associates would be addressed.

Mr. Kemper explained that this project last appeared before the Board on June 22, 2004 at which time the major concerns raised by the Board included ingress/egress into the site, provision for a cross access easement with the parcel to the east, the details on the rights-in and rights-out curb cut onto Ushers Road, lowering the gas canopy, and the placement of false windows along the building's western façade. He reported that a ten page letter submitted by James and Gretchen Ruhl was forwarded to the Board members. A full EAF was provided to the board with July 7th at the time of application for approval of Special Use Permit.

Mr. Grasso offered the comments provided by Clough, Harbour, and Associates. The following are based upon revisions and/or refinements made to the application in response to previous comments regarding traffic impacts associated with the project and providing desirable access management strategies along Ushers Road and Van Patten Drive.

- The number of fueling positions has been decreased from 16 to 12, which will likely result in a proportional reduction in trips caused by the selling of fuel. If the proposed scale of the project and access arrangement is deemed acceptable to the Board, a final revised traffic study should be submitted for the file.
- The proposed access point on Ushers Road has been changed to be rights in/rights out and a cross access easement to the adjoining property to the east is shown. This is generally consistent with previous recommendations; however, the curb cut configuration needs to be substantially modified if it is to prohibit exiting traffic from taking a left onto Ushers Road. If the curb cut arrangement is driven by the need to handle fuel trucks and can't be modified to restrict turning movements, it is recommended that the access be eliminated. In addition, because it is not known at this time where the access connection to the property to the east will be, it is recommended that the cross access easement be established continuously along the east side of the site from Ushers Road to the main aisle crossing in front of the store.
- In response to concerns regarding the need for a turn lane or center median on Van Patten Drive, a combined center median has been provided, which is an acceptable approach. Because the access point to the site has not been shifted to the south per previous recommendations, the shared left turn median must accommodate both the site and the curb cuts for the Trustco across Van Patten Drive. The fifty foot left turn storage bay on the northbound approach is consistent with queue characteristics of the intersection. The MUTCD manual table 262-2 provides values for taper lengths as a function of lateral shift and the 85th percentile approach speed. Based on 40 mph approach speed and twelve foot lateral shift, the taper length should be increased to 320 feet. In addition, the 10 degree deflection in the alignment of Van Patten Drive is unacceptable and should be corrected.

Mr. Grasso offered several additional comments. There is significant concern over the potential change in character of the area due to development of the site. Preserving as much of the existing vegetation within the site as possible has the potential to mitigate the impact of development. The plan proposes a standard designed storm water management area on the south side of the site which will require the removal of many significant trees.

In addition, the sandy soils on the site are conducive to using infiltration as a method of storm water management. As such, it is recommended that the applicant investigate the use of a subsurface storm water infiltration system beneath the paved portions of the site to mitigate post development peak flows. The proposed lighting associated with the use has been raised as a significant concern regarding the impact of the proposed development. As such, the plans for any proposed exterior building mounted lights should be included on the site plans and a large note should be added stating that no lights shall be installed other than those shown on the site plans. Some of the impact caused by lighting the site will be caused by the internal illumination of the fascia around the canopy over the fueling dispensers. It is recommended the fascia lighting be prohibited. To improve the uniformity of the light pole spacing, it is recommended that the light pole located on the west side of the access drive from Ushers Road be relocated on the east side of the drive. The use of 400-watt fixtures on fourteen foot high poles is generally not recommended due to hot spots directly below the fixtures. The maximum lamp wattage should be 250 watts. In order to keep the aesthetics of the site lighting consistent with the area, particularly the Trustco bank, the use of high pressure sodium lamps should be considered. All lights facing south or east should have house side shields to reduce the potential for glare from the public right-of-ways. In order to determine if the proposed grading should be refined to preserve any more significant trees, the existing tree survey should be added to the grading plan or separate plan.

Mr. Grasso provided additional comments. The proposed sanitary sewer system within the Town right-of-way will need to be made public and acceptable for dedication to the Saratoga County Sewer District. NYSDEC review and approval will also be required. Proposed sanitary manhole #2 should be relocated to the west side of Van Patten Drive with a stub for future connection and manhole #3 should be located on the north side of Fairchild Square and outside the pavement limits. The proposed gas service should be located under proposed pavement areas to reduce the need for additional clearing. A 54" high black vinyl coated fence should be proposed along the southern side of the proposed multi-use pathway a minimum of 24" from the path. In addition, a cross walk and landing area should be established across Pierce Road and Van Patten Drive with appropriate advanced warning signs and detectable warnings. A typical section of the multi-use pathway should be provided. The site plan should include additional "No Left Turn" signs placed at the near right corner and far left corner of each restricted direction of the rights in/rights out curb cut. The proposed light pole and catch basin located in the area of the anticipated cross connection to the east should be shifted to the south to avoid the need for future modification. A detail of the dumpster enclosure and mountable curb should be provided. The hours of operation should be added to the plan.

Mr. Grasso offered the following comments on the Stormwater Pollution Prevention Plan dated June 29, 2004:

- The consultant should reference the SMP Selection Matrices in order to determine the appropriateness of the proposed method of stormwater treatment. It does not appear as though the Vortech unit is an approved method of water quality treatment. Therefore box 24b of the Notice of Intent should be checked "no."
- Due to the presence of erodable soils on site, it is recommended that an erosion control

mat be installed on all slopes 3 (horiz.) on 1 (vert.) and greater.

- The stormwater report should have the seal and signature of licensed New York State Professional Engineer.

Mr. O'Brien, Environmental Specialist, provided the following comment offered by the ECC. In light of the recommendations put forth in the November, 2003 ECC comments and in consideration of the proximity of a primary aquifer to the parcel in question, the ECC recommends that the Planning Board (as lead agency) complete Part II and Part III of the Full Environmental Assessment Form (EAF).

Mr. Bulger addressed introductory comments to the approximately 125 people in attendance who were interested in this project. He explained that, per Town Board policy, each speaker will be allowed five (5) minutes to address the Board. If need be, time will be provided after all have been heard for additional comment. Mr. Bulger emphasized that the hearing would not permit debate: the Board will consider all comments offered by residents.

Mr. Glenn Valle, President of the Country Knolls Civic Association, expressed his gratitude to the Planning Board members, the Planning Department, and the applicant for their cooperation and patience during this project review. Commenting that the last time this application was reviewed by the Board, the applicant's legal representative expressed dismay at the length of time required for Board deliberation, Mr. Valle implored Board members to "not be rushed" to render a decision. He noted that the project would exist for a far longer time than it took to issue a determination. Speaking to the issue of neighborhood character, Mr. Valle noted that such a consideration would provide a basis for restricting the project. It would not be cause for disapproval. Citing traffic impacts as a reason to deny the project, the speaker cited the difficulties in negotiating turns from and onto Pierce Road and VanPatten Drive from Ushers Road. Describing Ushers Road as a road that "caters to commuters," he noted that people using the road are frequently "rushing" to meet professional or family commitments. He noted the appropriateness of the "On the Run" business label, but believes that people will literally "run into one another." He pointed out that Clough, Harbour, and Associates has identified potential traffic impacts and respectfully asked that the Board deny this application based upon Section 208-79G of the Town Code. If, however, the Board opts to approve the project, he asked that the proposed access to Ushers Road be eliminated and that all site details, including building materials and colors, lighting, and signage all be carefully considered. He urged the Board to limit the large expanses of glass on the building because this often results in an unappealing assortment of advertising signs. He concluded by asking the Board to allow residents the opportunity to "have their say."

Mr. Ray Seymour, 7 Nadler Road, member of the Friends of Open Space group, echoed the gratitude offered by Glenn Valle to members of the Board. He then explained that the Friends of Open Space had written two letters to the Board. The first, sent in December, 2003 urged the Board to conduct a public hearing on the Exxon Mobil project. The second letter, dated June, 2004, again urged the Board to schedule a public hearing. This letter also identified several items of concern. Mr. Seymour asked that the Board consider

several things. The first would be the impacts to the aquifer area located beneath the proposed development. He asked the Board to consider the damage that could occur from fuel spills and the problems that could be created by the removal of tanks and the cleaning of contaminated soils. Mr. Seymour asked the Board to consider the future. When the station is closed – perhaps 10 or 12 years from now – the Town may be left to clean up the site. A potential “brownfield” may result making redevelopment of the site difficult. Mr. Seymour asked that the Town Board establish and endorse a realistic “vision” for the entire Ushers Road corridor. Such a plan would offer development guidelines and create a framework for responsible decision making.

Ms. Gretchen Ruhl, 168 Wooddale Drive, read a prepared statement outlining the basis on which she believes the Board should deny approval to the Exxon application. She observed that the Board has legitimate grounds for denying the requested Special Use Permit for the Exxon Mobil convenience store, fueling station, and carwash near Exit 10. Citing Section 208-79(E) of the Town Code, she identified several examples of what she believes illustrate Exxon’s failure to satisfy legal requirements. Specifically referencing Section 208-79(E)(1)(g) that states that consideration must be given to “the effect that the location of the proposed use may have on the increase of vehicular traffic congestion on public streets and highways,” she stated that the traffic report submitted as part of the applicant’s preliminary submission failed to take into account existing traffic problems and the increased volume of traffic generated by new development in the area. Ms. Ruhl then discussed maintenance of the existing character of the neighborhood. She quoted comments made by Don Clemens, Director of Building and Development and Jamie O’Neill of the Saratoga County Planning Department in support of her view that approval of this project would be inconsistent with surrounding land uses. She also stated that the lighting required for operation of this facility would detract from the existing “beautiful wooded character” of the area. Turning her attention to future possibilities, she stated that this business may threaten existing businesses, causing them to close. This could potentially result in empty buildings that would become “eyesores not consistent with the character of the neighborhood.” Such deterioration would then result in the decline of property values – this would be in conflict with the standard identified in Section 208-79(E)(1)(f). The speaker indicated her concern regarding pollution of the aquifer, stating that representations made by the applicant that an aquifer does not exist on this parcel and that there is no potential for problems are inaccurate. Referring to the recently-constructed multi-use pathway along VanPatten Drive, she stated that “no one wants to utilize a trail that is intersected by heavy traffic.” She believes the problems created by the site development would be in opposition to Section 208-79(E)(1)(k). Ms. Ruhl addressed comments made by a Board member during a previous meeting, reporting that the member in question had observed that zoning would permit more intense uses. Her response was that the Board is obligated to review each project to assess its merits and act with due diligence to protect public interests. She concluded her remarks by stating that she was opposed to “inappropriate” development and she asked that the Board deny the Exxon Mobil application.

Mr. Ben Rotondi, 347 Ushers Road, stated that he concurred with the comments of those who had spoken before him. He observed that there were five convenience stores, four

gas stations, and one carwash in operation between Longkill Road and the Northway. In his opinion, since there was obviously no need for the Mobil Exxon project, the Board should reject this application.

Ms. Pam Marshall, 5 Fairlawn Court, told the Board that she has been a resident of the Town for more than 33 years. Attracted by the communities created by Mr. VanPatten, she believes that businesses in the Exit 10 corridor have been designed to be compatible with adjoining residential neighborhoods. Explaining that residents were excited about construction of the long-anticipated trail link along VanPatten Drive, she expressed her dismay that the trail would be interrupted by curb-cuts. Approval of a convenience store at “an already dangerous” intersection was not a part of the vision for the Exit 10 area. She spoke of the traffic problems at the Pierce Road-Ushers Road intersection and at the VanPatten Drive-Ushers Road intersection.

Mr. Steven Potter, 11 Eagle Trace, stated his agreement with others who stood in opposition to the Exxon proposal, noting that traffic congestion was a significant problem and that the preservation of community character was important to him. He cited his concerns for protection of the “primary aquifer” and believes that the EAF submitted by the applicant is incomplete. He asked that the Board issue a positive declaration pursuant to SEQRA and require the preparation of a full environmental impact statement. He encouraged the Town Board and Planning Board to create a development plan for Exit 10 that would prevent it from looking like areas surrounding Exit 8 and Exit 9. He believes that the alignment of Ushers Road should be evaluated.

Ms. Barbara Berry, 11 Hearthside Drive, stated that she had been a Country Knolls resident for thirty-four years and she listed some of the subdivisions that have been added to the Ushers Road corridor during that time. Her main concern was the safety of those who travel Ushers Road on a daily basis. She said her concerns had led her to Mr. Michael Doody of the New York State Department of Transportation. Citing statistics that indicate that there is a serious accident rate of one every two months, she described in detail the problems associated with travel in the Exit 10 area. She concluded by stating that “any additional curb cuts onto Ushers Road in the high traffic area would be disastrous.” She encouraged the Board to deny the pending application.

Mr. Sandy Roth, 52 Sweet Brier Drive, describing himself as a Town Board member, Clifton Park resident, and resident of Country Knolls, asked the Planning Board to carefully consider the Exxon Mobil application. He read a statement prepared by Supervisor Philip Barrett. The Supervisor recognized that the project being considered by the Board had generated considerable controversy. Though he appreciated the revisions that had been made to enhance the project and minimize impacts to the Exit 10 area, he believes that the project will impact the visual aesthetic of the area and that the abundance of gas stations in the area makes this facility unnecessary. He asked that the Planning Board demonstrate the same sensitivity that the Town Board employed during consideration of widening and associated improvements to Ushers Road: that plan was eventually rejected by that Board.

Mr. Roth then listed his own concerns regarding the proposed project. He commended the Board and the applicant for the time and effort spent to develop an acceptable plan, recognizing that the Board must act in compliance with applicable laws. He noted that a majority of his constituents stood opposed to Exxon's plans. Mr. Roth asked that members keep the existing number of service stations in mind and he provided a detailed accounting of the available fueling dispensers to the number of vehicles requiring service. He then commented that all environmental and traffic safety issues must be satisfactorily addressed, asking that comments offered by the residents of Exit 10 be carefully considered. Commenting on the traffic study included with the applicant submission, he noted that there is a substantial difference between "watching traffic" and being a "constant participant" in the flow. He emphasized that the proposed business with only intensify an already hazardous situation. He recommended the following:

- that the Board adjourn, rather than close, the public hearing
- that the members of the Planning Board spend time observing traffic flow in the Exit 10 area
- that the Board "leave no stone unturned" when assessing potential impacts of the Exxon project: he offered Town Board assistance should additional studies or investigation be helpful in rendering a decision
- that the Director of Building and Development reconsider his determination regarding allowed uses within the L-I (unshaded) zone
- that if the project is approved by the Planning Board all curb cuts onto Ushers Road be eliminated and that the need for traffic signal at VanPatten Drive and Ushers Road be considered (the cost to be borne by the applicant)

Mr. Roth concluded his remarks by entreating the Board to comply with all Town laws while bearing in mind the concerns so articulately presented by Town residents at this meeting.

Ms. Barbara Hartman, 1 Hillcrest Drive, read from a letter she submitted to the Board in which she acknowledges that a petition to the Board regarding the Exxon proposal contains several invalid signatures. She asked that the Board consider the fact that there were nearly 300 signatures obtained from individuals residing in the Exit 10 area and that the long hours and hard work of those who worked to collect the signatures be respected. Ms. Hartman stated that she believes that community opposition resulted in the rejection of several projects within the area, citing preservation and protection of the Jonesville Cemetery buffer area, the withdrawal of the garbage transfer station proposed for Pierce Road, and the rescinding of plans for the widening of Ushers Road. She asked the Board to reject this application because of the number of service stations already established in the area, the traffic congestion near the Exit 10 interchange, impacts to the water supply, and property values.

Mr. Robert Reyer, 15 Augusta Court, expressed his concerns regarding potential fuel spills at the site, noting that sometimes such spills are "unpreventable". He advised that construction of the site as presented with right-ins and right-outs onto Ushers Road would create a hazardous "bottleneck" on this very busy road.

Mr. William Wojcik, 2 Hidden Valley Lane, described himself as a “young resident” of the Town. While he does not dismiss the comments of others as nostalgia for the “good old days,” he said that his family does not need another convenience store or car wash in the Ushers Road area.

Mr. Tom Piwinski, 7 Inverness Lane, endorsed the comments made previously. He provided a brief history of Mobil’s presence in the Exit 10 area and noted that there are already Mobil pumps at the Stewart’s on Longkill. He was also concerned that, should Mobil abandon the facility, the building would become an “eyesore”. The speaker also pointed out that the site could become a “brownfield”. He asked if the site would comply with the Governors’ Executive Order 111.

Mr. Anthony Butler, 1 Hillstone Court, reported that he his children ride their bicycles along the bike path to visit friends. He asked the Board members to focus not on “words of law” but rather on the impact this development would have on those who live in the Ushers Road area, including families who frequently use the VanPatten multi-use trail.

Mr. Walt Erndt, 2 Knollwood Drive, asked that the applicant provide information regarding the proposed signage.

Mr. Bulger commended all those who spoke at the public hearing, noting that he was impressed by the level of thought, public involvement, and concern that was expressed. He explained that the public hearing was scheduled in accordance with state and town law. It was his opinion that the hearing should be adjourned to allow time for the applicant to address the residents’ concerns and for the Board to contemplate the issues raised by the speakers. Mr. Bulger moved, seconded by Ms. Pace, adjournment of the public hearing. The motion was unanimously carried.

Mr. Larkin directed a comment to Ms. Hartman, stating that at the previous Board meeting he did not mean to impugn her integrity or that of others residing in the Exit 10 area who had worked to collect signatures in opposition to the Exxon proposal. He appreciated the time she had taken to collect signatures and prepare comments for this meeting. He did, however, want the July 21, 2004 meeting record to reflect the fact that many of the signatures included on submitted petitions were from those who resided outside of Clifton Park.

In response to Mr. Seymour’s question, Mr. Bulger stated that the Board would provide responses to the issues raised by the citizens at a future meeting. He also stated that written comments would continue to be accepted since the comment period was still open. Addressing another speaker, Mr. Bulger stated that he would encourage the applicant to include all proposed signage with the next submission.

Old Business:

[2004-032] Thomas J. Farone & Sons – Proposed 6,000 SF office space in two (2) buildings, Lapp and Crescent Roads – Revised conceptual review.

Mr. Gavin Vuillaume, consultant for the applicant, presented the revised application which was last considered by the Board on June 22, 2004. The current plan shows an increase of 1,500 SF of office space from approvals granted for the Special Use Permit by the Zoning Board of Appeals in September, 1988. This project now calls for the construction of two 3,700 SF professional office buildings on lots of .78 and .81 acres, respectively. Lot #1 will have 23 parking spaces while Lot #2 will have 16 spaces. Lot #1 will now have 14,990 SF of green area, amounting to 44.1% of the site. Lot #2 will have 22,669 SF of green area for a total of 64.3% of the site. Sanitary service will be provided by the Saratoga County Sewer District No. 1 and water service will be provided by the Clifton Park Water Authority. One storm water management basin is now shown on the plan in the southwestern portion of the property. One dumpster location has been shown on the plan. In response to Board comments, Mr. Vuillaume agreed to build the number of parking spaces required by the code and to “landbank” remaining spaces to provide additional green area on the site. He proposes the installation of a retaining wall topped with fencing between the parking lot and the residences to the west.

Mr. Kemper reported that this project last appeared before the Board on June 22, 2004 at which time the major concerns were identified as the number of parking spaces, and addressing the drainage concerns raised by the Building Department. The note referring to the Special Use Permit should be significantly expanded. The size of the plantings in the landscaping plan must be increased. Colored façade renderings must be provided as the project moves forward. Sight distance information must be added to the plans. The water service will be provided from the Clifton Park Water Authority - not the Town of Clifton Park. This should be corrected on the plans. The entrance signs proposed for the site must be depicted on the plans. The amount of parking on the site still seems excessive. The applicant should consider land banking some parking until it is deemed necessary.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the revised concept site plan. He noted that substantial additional technical information has been provided. The details of the height and type of fencing used to shield the headlights toward the neighboring residences should be discussed with the Board. If the intention of the applicant is to maintain the site as two separate parcels, a public sewer extension will be required. In addition, an ingress/egress access easement should be provided for the southern building. The proposed building heights should be shown on the plan. The plan should indicate the trees to be removed as a result of the off-site storm sewer connection. The addition of an on-line catch basin along Easton Drive should allow the elimination of the driveway culvert. The plan proposes 39 parking spaces while only 25 are required by code. The engineering firm recommends that only the required parking be constructed initially until it is determined additional parking is needed.

Mr. O'Brien, Environmental Specialist, reported that the ECC made the following recommendations regarding this project. The following standard statements should be added to 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.

- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

Mr. Russell recommended that the proposed fence be constructed of materials in earthtones to blend in better with the area. Mr. Larkin asked that the proposed fence be long enough to provide adequate screening for all residences. Mr. Karam asked that the applicant consider moving the proposed fence to the east, however, Mr. Vuillaume pointed out that the applicant had to assure that there would be space to install additional parking when and if warranted. Mr. Vuillaume stated that the buildings will be vinyl sided and be residential in character. Mr. Russell asked if a shared access will the chiropractor was feasible. Such access was not viable because of the distance between the driveways and because of the grade change.

[2004-029] Country Club Acres – Proposed (18) lot subdivision, Grooms Road and Vischer Ferry Road – Revised conceptual review.

Mr. Joseph Bianchine, consultant for the applicant, presented this application that has been revised since previously presented. As originally submitted, this project called for the creation of (18) lots: the plan now shows (15) single-family residential lots. The lot lines to the west have been redrawn to insure that there will be no impacts to the L-C zone or the delineated federally jurisdictional wetlands. A ten-foot strip along Grooms Road will be conveyed to the County for future road improvements and sidewalks will be installed within the subdivision to provide a connection with the Stewart's development at the Grooms – Vischer Ferry Road intersection. The consultant proposes the installation of a white vinyl-clad fence and plantings to separate the residential use from the commercial area. A one-way entrance from the proposed new road to the Stewart's complex is proposed.

Mr. Kemper explained that this project last appeared before the Board on June 8, 2004 when the major issues of concern included a multi-use path connection to Wishing Well Subdivision and a shared access curb cut to the Stewart's project. The current curb cut as proposed is unacceptable to Stewarts Corporation; therefore, the curb cut for the proposed subdivision should be moved to the eastern most property line. Though Mr. Kemper and Mr. Grasso have met with this applicant and a representative of Stewarts, it does not appear that a mutually agreeable project plan can be designed. Sign-offs must be provided from the Clifton Park Water Authority and the Saratoga County Sewer District. It does not appear that the lots in the rear of the property can be constructed without significant intrusions into the environmentally sensitive areas of the site. It appears that the density for the project will have to be reduced. With the current proposal the applicant is seeking to develop every usable portion of the site. A catch basin must be provided at the center of the cul de sac. The rear of Lots #13, 14, and 15 are will be highly visible from Vischer Ferry Road: substantial and appropriate buffering must be provided. A

detail should be provided for the multi-use path. Plantings should be provided in and around the stormwater management basin. It appears that ponding will occur on the road side of Lot #1.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the revised concept subdivision plan and offered the following comments. The plans have been revised and a response letter by the applicant's consultant has provided that addresses some of the previous comments related to concerns over development along Mill Creek and consideration of a cluster style development. It is recommended that the lands along the Mill Creek around the Cole homestead be permanently protected, such as through dedication of passive open space to the Town. The engineering firm is also concerned with the development of Lots #13, #14 and #15 in the open field when substantial commercial development is being proposed on the lands being conveyed to the Stewart's Ice Cream Company. The fencing proposed along the common lot line may result in its own visual impact and will eliminate the ability to remove snow from the future Stewart's parcel. The planning between these adjoining properties has not been appropriately coordinated.

Mr. Grasso offered additional comments. The Board's concerns with respect to the need for sidewalks and streetlights within the subdivision and buffering between the lots have not been addressed. A Full Environmental Assessment Form (FEAF) should be submitted for review. A SEQR determination of environmental significance should not be issued until the FEAF has been reviewed. Although additional technical information has been provided, the plans have only been reviewed at a conceptual level. All future plan submittals should include a revision date.

Mr. O'Brien, Environmental Specialist, reported that the ECC reiterated its comments made June 1, 2004 as follows.

- The ECC requests clarification of the term "possible lot additions." The three (3) parcels designated as possible additions should remain undeveloped due to extreme environmental constraints and the designation of an LC-Zone.
- The ECC recommends that the three (3) parcels designated as "possible lot additions" be dedicated to the Town of Clifton Park.
- This parcel (subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation and other associated activities. A study describing this impact in detail is available for inspection in the office of the Albany International Airport.

Mr. Larkin expressed his dismay that the two applicants with adjoining projects were unable to reach a compromise regarding the design and location for a combined access from Grooms Road. He believes that a single access onto Grooms Road would be important. Mr. Karam was also unhappy that there was an apparent lack of cooperation between the two applicants. He did like the proposed sidewalk that would link the proposed homes with the convenience store. In response to his remark that a white vinyl fence would be unacceptable, Mr. Bianchine stated that substantial landscaping could be installed as a buffer between the uses. Mr. Larkin pointed out that a "win-win" situation could result if both parties cooperated in creating a viable access plan. Mr. Russell

encouraged the extension of the sidewalk along Vischer Ferry Road to Wildflower Way. Mr. Karam supported the conveyance of the stream corridor and associated L-C zone to the Town to ensure protection of the wetland. Ms. Pace stated her preference for a single access onto Grooms Road. Mr. Marzola noted that Mr. Lewis, Stewart's representative, was extremely concerned with accessibility. Mr. Bulger stated that if a compromise is not forthcoming, he would request that the proposed new subdivision road be relocated as far as possible to the east. Though he viewed each application as viable, he suggested that the Board may decide to take no action on either project until a mutually acceptable access design is prepared.

[2003-054] Hoffman, Peter – Proposed (2) lot subdivision, Clifton Park Village Road – Final determination.

[2003-055] Hoffman, Peter – Proposed 33,816 SF Proposed 3-story hotel, and 5,217 SF diner, Clifton Park Village Road – Final site plan review.

Since these two projects involve the same parcel, they were reviewed concurrently.

Mr. Kemper reported that the project last appeared before the Board on June 22, 2004. At that time the Planning Board granted preliminary approval to the application and issued a negative declaration under SEQR. As an outside user, an agreement to supply water to these projects must be approved by the Town Board. A copy of the agreement will be provided to the applicant. The Board issued negative declarations under SEQRA and granted preliminary approvals for both the subdivision and the site plan at that meeting. The comment letter from the Clifton Park Water Authority dated July 20, 2004 must be addressed and a sign-off must be received from the Saratoga County Sewer District. A note should be added to the plans stating that the proposed project will adhere to the sign law. Colored façade renderings with samples of building materials will need to be provided with the plans that are submitted for stamping by the Planning Department. Mr. Kemper commented that the proposed signage seems excessive compared to what other projects in the area have received. The code allows for a total 150 SF for a freestanding sign, the maximum height on the signs would be 20 feet to top of sign from grade. Wall signs are limited to a maximum of 60 SF.

Mr. Grasso reported that Clough, Harbour, and Associates found the revised project plan to be acceptable, though he recommended that letters from all the respective agencies requiring approval be submitted.

Mr. O'Brien reported that the ECC found the project acceptable at the June 22, 2004 meeting.

Mr. Kemper expressed his concern regarding the timing of project completion, since it is likely that the diner will receive a Certificate of Occupancy before the hotel is completed. Board members found it acceptable to consider the projects separately. Mr. Kemper explained that this will require the establishment of separate inspection escrow and

security deposits. Mr. Souvis, who will own and operate the diner and Mr. Bianchine, consultant for the hotel developer, agreed that this would be acceptable.

Mr. Karam offered Resolution #20, seconded by Mr. Marzola, to grant final subdivision approval to this application. Ayes: Larkin, Pace, Karam, Marzola, Russell, Bulger. Noes: None.

Mr. Larkin moved, seconded by Mr. Bulger, the grant final approval to the site plan that included the hotel and the diner conditioned upon satisfaction of the comments offered by Mr. Kemper, Mr. Grasso, and the Board. The motion was unanimously carried.

[2004-036] 21st Century Park – Proposed (7) lot subdivision, 450 Twenty First Century Park Road – Conceptual review.

Mr. Address, consultant for the applicant, explained that this project calls for the subdivision of the 23.6 acres included in the 21st Century Park that lies within the Corporate Commerce zone into (7) lots with frontage on Route 146. Access will be restricted to a joint internal common road. All lots will be served by the Clifton Park Water Authority and the Saratoga County Sewer District via a force main on the site. Proposed lots will range in size from 1.45 acres to 6.08 acres. The existing Systemations building will be located on the largest parcel and an existing office/warehouse building will occupy a 3.78 acre parcel. The applicant's objective is to provide smaller lots for office/warehouse type uses.

Mr. Kemper reported that this project is located in the Corporate Commerce Zone GEIS study area, and, therefore, must comply with the findings statement. All grinder pumps must be placed outside of the proposed buildings. Those responsible for maintenance of the private road should be determined. Mr. Kemper encouraged the applicant to install a public road since such a roadway would provide additional access to adjoining parcels. The timing for the construction of the new access drive should be determined. Site statistics must be provided for each lot within the proposed subdivision. All federally jurisdictional wetlands and NYSDEC regulated wetlands must be delineated on the project site. The status of the easement on adjoining lands should be clarified because site amenities related to existing development are located on the lands now owned by the Niagara Mohawk Power Corporation.

Mr. Grasso explained that Clough, Harbour, and Associates offered the following comments following a review of the concept subdivision plan. The proposed project is located within and comprises a significant portion of the Corporate Commerce Zone for which a generic environmental impact statement (GEIS) and findings statement was previously prepared. In order to initiate SEQR review of the application, the findings statement should be reviewed by the applicant's consultant and a narrative should be provided that indicates how each finding statement item either applies and is being addressed or does not apply. Although this application is just for a subdivision, build-out of the proposed lots should be considered at this time for SEQR review purposes. Because development of the lots will involve greater than ten acres, coordinated review is

required. The Town Engineer has concerns over the subdivision as proposed. The layout of lots does not appear appropriate for the proposed commercial uses and will likely require a substantial number of easements and land transfers as lots become developed. The Planning Board should consider whether or not a private road is appropriate for this type of commercial development. A new Town road may give the Town greater control in the future, particularly with regard to serving adjacent properties in the future and reduce the potential for problems associated with cross parking, cross access, and cross utility issues. The plan also indicates “future road alignment”. The construction of the principal access drive to serve all the proposed lots should be established and detailed construction plans provided at this time. As identified in the Corporate Commerce Zone’s GEIS, there are significant areas of wetlands expected on the project site. These should be identified by field delineation. Any proposed access arrangement should include provisions for access connections to adjoining properties. Assuming the subdivision plan application proceeds, an amended site plan should be submitted for Lot #3 that includes the proposed lot statistics following the proposed subdivision. It appears as though a significant portion of the existing paved area for the lot is located on the Lands of Niagara Mohawk, Lot #2, and Lot #4. Clarification as to the intent and land use rights of these areas is required.

Mr. O’Brien, Environmental Specialist, reported that the ECC offered one comment. It was recommended that the applicant indicate the presence of any state or federal wetlands on the existing site especially focusing on the northern end of the project site.

Board members discussed alternatives for the location of a new Town road through the property, though Mr. Address remarked that such a road would cause a loss of property for the applicant and may require site plans to be revised. Mr. Bulger commented that relevant GEIS documents would have to be reviewed to determine how roadways are to be configured. Board members agreed that such a review would be prudent before further consideration of this project.

[2004-037] 21st Century Park – Proposed 8,100 SF warehouse addition to existing office/warehouse – Conceptual site plan review.

Mr. Address, consultant for the applicant, explained that this project calls for the construction of an 8,100 SF warehouse addition to the existing 21,000 SF office/warehouse building located on the northern portion of the 21st Century Park site. The building currently houses the B & D office and warehouse facility. The building will connect to the on-site water and sewer lines. No additional parking spaces will be required.

Mr. Kemper reported that this project is located within the Corporate Commerce GEIS Study Area and, therefore, must comply with the findings statement. A site statistics table should be added to the plans. Colored façade renderings must be provided with future submissions.

Mr. Grasso reported that the following comments were issued by Clough, Harbour, and

Associates after review of the proposed project plan. The proposed project appears to be an unlisted action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency appears to be the Clifton Park Planning Board with site plan approval being required. The location of the existing utilities should be shown on the plan. It should be clarified as to when the building will connect to the recently installed municipal sewer system. Evaluation of the existing septic system may be required. The existing and proposed site statistics should be shown on the plan. It should be verified that additional parking will not be required. Pursuant to ADA regulations handicap parking spaces and signage should be provided. The contours should depict actual existing grades, not the contours prior to development.

Mr. O'Brien reported that the ECC reiterated its comment regarding the proposed subdivision. The applicant should indicate the presence of any state and federal wetlands on the existing site.

Mr. Russell expressed his concerns with fire safety and he requested information regarding the installation of sprinklers within the building. Though this is a building code issue, Mr. Kemper agreed to consult with Ms. Reed, Chief of the Bureau of Fire Prevention. Board members found the plan generally acceptable.

[2003-027] Abraham, Akiva D. – Proposed 9,600 SF medical building, 956 Route 9 – Request for extension of site plan approval.

Mr. Kemper explained that he was in receipt of a letter from ABD Engineers and Surveyors that requests a year-long extension of the approvals granted to this application on September 9, 2003. The applicant has apparently been unable to begin construction of the site, but does intend to satisfy the conditions of the approval and begin building in the near future. Mr. Kemper explained that pursuant to Section 208-120(B), such an extension "shall in no event exceed one year." No further extensions are permitted.

Board members discussed this request in light of the fact that the applicant has not completed the brick work on the medical office on the adjoining site as required by approval for this application. Board members agreed that the plans should be stamped by the Planning Board and that the applicant should be granted a foundation permit for this site. The brick must be placed on the existing office building prior to the issuance of a framing permit for this location.

Mr. Bulger moved, seconded by Mr. Karam, to approve this request, thereby granting an extension of the site plan until September 9, 2005 conditioned upon placement of the brick on the existing office building before the issuance of a framing permit for the two buildings at this site. The motion was unanimously carried.

[2003-059] Shishik, Serge – Proposed 4,000 SF Office Building, 653 Plank Rd. – Request for extension of site plan approval.

Mr. Kemper explained that this applicant has requested a year-long extension of the

approvals granted to this application on September 9, 2003. Mr. Shishik explained in his letter of July 2, 2004 that the property is currently under contract and that Mr. Klimkewicz, the purchaser, will soon be applying for a Building Permit. Mr. Kemper explained, as he did for the previous agenda item, that pursuant to Section 208-120(B), such an extension "shall in no event exceed one year." No further extensions are permitted.

Mr. Bulger moved, seconded by Mr. Marzola, to approve this request, thereby granting an extension of the site plan until September 9, 2005 conditioned upon the forwarding of a certified letter to the applicant reaffirming the previous site plan approval that restricted use of the basement floor to storage. Ayes: Pace, Karam, Marzola, Russell, Bulger. Noes: Larkin. Mr. Larkin wished the record to reflect that he disapproved this request because of the blatant disregard of the original site plan approval.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Larkin, approval of the minutes of July 21, 2004 as written. The motion was unanimously carried.

Discussion Items:

Mr. Larkin moved, seconded by Mr. Karam, adjournment of the meeting at 11:35p.m. The motion was unanimously carried.

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 #19

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 August 10, 2004, there were:

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

Absent: R. d'Amico,

Mr. Larkin offered Resolution #19, and Ms. Pace seconded, and

Whereas, an application has been made to this Board by Lisa Carey for approval of a subdivision entitled Lot Line Adjustment between the Lands of Donna E. Butcher and Lisa A. Carey consisting of the transfer of 17,330 SF of land from the Lands of Donna E. Butcher to the Lands of Lisa A. Carey;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on August 10, 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 August 10, 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 Lot Line Adjustment between the Lands of Donna E. Butcher and Lisa A. Carey consisting of the transfer of 17,330 SF of land from the Lands of Donna E. Butcher to the Lands of Lisa A. Carey is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper.

Resolution #19 passed 8/10/04

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

Noes: d'Amico

Steven J. Bulger, Chairman

Resolution #20

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 June 22, 2004, there were:

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

Absent: R. d'Amico

Mr. Karam offered Resolution #20, and Mr. Marzola seconded, and

Whereas, an application has been made to this Board by Carey Construction for approval of a subdivision entitled Proposed Subdivision Plan Motel and Diner – Clifton Park Village Road and Old Plank Road consisting of (2) lots:

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 25, 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 June 22, 2004, and the final hearing was waived;

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 subdivision plat entitled Proposed Subdivision Plan Motel and Diner – Clifton Park Village Road and Old Plank Road is hereby granted final approval conditioned upon satisfaction of the comments offered by Mr. Kemper, Mr. Grasso, and the Board.

Resolution #20 passed 8/10/04

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

Noes: None

Steven J. Bulger, Chairman