

**Clifton Park Planning Board Meeting Minutes  
March 8, 2005**

Those present at the March 8, 2005 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, S. Hughes, T. Karam, A. Kramer, J. Larkin, S. Pace, J. Russell

Those absent were: None

Those also present were: J. Kemper, Director of Planning; J. Grasso, Clough, Harbour and Associates; M. O'Brien, Environmental Specialist; P. Pelagalli; Counsel

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

Public Hearings:

[2004-058] Peacock Glen Water Company – Proposed (2) lot subdivision and land transfers, Raven Court – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on February 28, 2005.

Mr. VanGuilder, consultant for the applicant, presented this application that has been revised since its original presentation on November 9, 2004. Though the new residential lots remain at 20,000 SF respectively, the plan now calls for the transfer of 2,785 SF from the Lands of the Peacock Glen Water Company to the Lands of Noll, 3,015 SF of land from the Lands of the Peacock Glen Water Company to the Lands of Gaedje, and 7,595 SF of land from the Lands of the Peacock Glen Water Company to the Lands of Estus. Adjoining property owners requested the annexation of lands in part to ensure preservation of existing treed areas. Mr. Dailey, legal representative for the applicant, reported that the water storage tank and other equipment remaining on the parcel has been sold: dismantling and removal of the structures is anticipated by the end of the month.

Mr. Kemper explained that this project last appeared before the Board on November 9, 2004 at which time the Board found the proposal generally acceptable. He noted that there is an existing water tower on the site that must be removed prior to the stamping of the final plat. Consolidation deeds must be recorded for those homeowners expanding their properties through the approved land transfers. Sign-offs will be required from the Clifton Park Water Authority and the Saratoga County Sewer District.

Mr. O'Brien, Environmental Specialist, reported that the ECC found the project acceptable. Mr. Grasso reported that all engineering concerns have been addressed.

There being no public comment regarding this application, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing. The motion was unanimously carried.

In response to Mr. Russell's concern that underground utility structures may be located in the area of the proposed new lots, Mr. VanGuilder stated that he believed that all services were installed from Raven Court. He agreed to conduct additional site investigations to ensure that no utility lines are located on the developable lots.

Mr. Larkin moved, seconded by Ms. Pace, 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 #4, seconded by Mr. Karam, to waive the final hearing for this application, and to grant preliminary and final approval conditioned upon satisfaction of the comments issued by Mr. Kemper. Ayes: Kramer, Larkin, Pace, Karam, Hughes, Russell, Bulger. Noes: None.

[2004-011] Amedore Homes (formerly Lands of Beck) – Proposed (24) lot subdivision, 1262 Route 146 – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on February 28, 2005.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that has been revised since its last review on June 22, 2004. He explained that the applicant appeared before the Fire Code Board of Appeals on July 27, 2004 at which time that Board approved the application with conditions. In compliance with those conditions, the applicant has eliminated the boulevard entranceway from Route 146, provided a streetlight at the intersection of the proposed roadway with Route 146, and illustrated the location for a secondary access drive from Route 146 to the proposed Saybrook Circle. Mr. Vuillaume reported that all wetlands on the 26-acre parcel have been delineated and an archeological survey has been completed. No significant artifacts were uncovered on the property. A split-rail fence will be installed along the fronts of all properties: maintenance will become the responsibility of individual homeowners.

Mr. Kemper offered a number of comments on this application. The project last appeared before the Board on June 22, 2004 at which time the major issues to be addressed included the location of the multi-use path, approval of a variance from the ESAB, and the installation of fencing on the lots within the subdivision. The applicant should clarify whether or not a homeowners' association will be established to ensure maintenance of the common areas. Mr. Kemper stated that the ESAB determined that a homeowners' association must be responsible for the maintenance of the driveway that will serve as a temporary second access. The multi-use path must be designed prior to preliminary approval. The ACOE wetlands to be disturbed must be indicated on the plans. The project received a variance from the ESAB on July 27, 2004. One side of the temporary T

turnaround along the western property line should be eliminated. Coordinated review has not been conducted for this project; however, if the Board is comfortable with the layout presented, coordinated review could be initiated. The project will become an outside user to the Corporate Commerce zone water and sewer district. This connection must be authorized by the Town Board. A sign-off will be required by the Saratoga County Sewer District. A sign-off should be provided from DEC on the location of the wetlands. A bond must be established for the removal of the temporary second roadway into the subdivision. A note must also be added to the plans stating that this roadway will need to be removed in the future. Signs must be placed on each end of the emergency access drive. Plantings must be placed on the rear of lots 18-22 Saybrook Circle and in and around the stormwater management area. The planting plan must be revised to include the specific number of plantings. A detail must be provided for the split rail fence. Lot #17 should be removed from the layout because the steep grades on this parcel and high visibility from NYS Route 146 make this parcel unbuildable. Elimination of this lot was discussed at the last meeting.

Mr. Grasso reported that, after the preliminary subdivision plan was reviewed by Clough, Harbour, and Associates, the following comments were prepared. The layout has not significantly changed from the revised conceptual layout that was labeled as a cluster, though appears conventional in nature. In order to limit visibility from Route 146 and increase the proposed open space area, it is recommended that the applicant eliminate the proposed Lot #17. A lot was not proposed in this location on the concept plan. The change in grades within the lot, although significant, will allow the house to be plainly visible to those traveling west along Route 146. In addition, it is recommended that the proposed future right-of-way to the east be relocated to the original location directly across from Saybrook Circle. Refinements to the plan from concept to preliminary do not adequately address the concerns that were discussed during the development of an acceptable concept plan. A jurisdictional determination should be made by NYSDEC regarding the wetlands on site, as this may impact the limits of the L-C (Land Conservation) zoning district. A right-of-way should be granted to the town between Lots #7 and 8 for the proposed multi-use pathway. Adequate separation between the path and the home sites should be provided. The horizontal curve in Saybrook Circle does not meet the required 300' minimum centerline radius.

Mr. Grasso offered several additional comments. The location of the fence on the open space lands is questionable. In addition, a note should be added to the plans that clearly states that the ownership and maintenance of the fence shall be the responsibility of individual land owners. It is recommended that the "T" turnaround be approved by the Highway Superintendent, as it is not a standard design. In addition, if it is an acceptable turnaround method, the right-of-way and curbing should run straight through to allow the integrity of the roadway to be maintained when the turnaround is eliminated. Test pits should be performed along the proposed roadway to determine ground water levels and the presence of poor soils. The grading around the cul-de-sac is not shown correctly. Although the Town typically requires catch basins to be placed within all cul-de-sacs to provide drainage within the grassed island, the enlarged design may make this requirement unnecessary. Review and approval of the sanitary sewer system is required

by the Saratoga County Sewer District.

Mr. O'Brien, Environmental Specialist, read the comment prepared by the ECC. The following standard statement should be added to the plot plan:

- The Land Conservation (LC) zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federal jurisdictional wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC zone and/or federal wetlands.

Mr. Bulger stated that he believed that since this submission represented more of a revised conceptual than a preliminary submission, he would encourage the Board to adjourn the public hearing. This would permit the Board to reconvene the hearing at a future date. Board members noted that Lot #17, previously located to the northwestern corner of the site had been relocated to the southwestern portion of the site. In response to concerns regarding the proposed public lands that surround the site, Mr. Vuillaume explained that the applicant has attempted to create a buffer between this subdivision and those that may be proposed on adjoining lands in the future. Mr. Karam asked that the bollards used to identify the second access be set back from Route 146 to reduce the visibility from the roadway. Mr. Bulger asked that the split rail fence along the front of the lots be continued along the northern boundary of lot sixteen. Mr. Vuillaume agreed to this extension. Mr. Grasso recommended that individual deeds include mention of the homeowners' responsibility for maintenance of the fencing.

Questions concerning responsibility for the maintenance of common areas and the secondary access resulted in a lengthy discussion. Mr. Pelagalli pointed out that it is very difficult for a homeowners' association to exist in perpetuity. Mr. Kemper explained that the creation of such an association was a condition of the Fire Code Board of Appeals to ensure proper maintenance of the required temporary second access. Mr. Pelagalli suggested that since the Town has the responsibility of assuring that the access is maintained, the Board may consider executing an agreement with a third party right of enforcement clause. Though Board members discussed the possibility of incorporating this subdivision with an existing park district, they were not certain that the existing districts would be willing to assume the additional maintenance responsibilities. Mr. Vuillaume will determine whether or not it is the intention of the applicant to form a homeowners' association. Once this is determined, maintenance issues regarding the road and the berm will be considered. The multi-use pathway location will be more clearly defined at the next submission.

Mr. Bulger moved, seconded by Mr. Hughes, to adjourn this public hearing until recommendations and comments offered by Mr. Kemper, Mr. Grasso, and Board members are addressed. The motion was unanimously carried. Board members agreed that coordinated review could be initiated.

Old Business:

[2004-029] Country Club Acres – Proposed (15) lot subdivision, Grooms Road and Vischer Ferry Road – Final review and possible determination.

Mr. Tom Andress, consultant for the applicant, presented this application for the Board's review. Though most issues have been resolved, the location of the multi-use pathway or sidewalk remains to be addressed. Mr. Kevin Dailey, legal representative for the applicant, explained that correspondence between the applicant's consultants and homeowners residing along Vischer Ferry Road in the area of the proposed pathway resulted in the one property owner agreeing to grant an easement for its installation; the remaining two residents rejected the request. Mr. Dailey presented proposals for the installation of the pathway within the available right-of-way, stating that this applicant, in conjunction with Stewart's Ice Cream Shops remains committed to its installation. He proposed the construction of either a 5' wide walkway or 8' wide walkway. Depending on the walkway width, separation from Vischer Ferry roadway would be 3' - 8'.

Mr. Kemper reported that this project last appeared before the Board on January 11, 2005, at which time the major issue remaining to be addressed by the Board was the location of the multi-use path. The Board granted preliminary approval and issued a negative declaration pursuant to SEQRA on November 23, 2004. A sign-off must be received from the Saratoga County Sewer District. Postal verification has been provided. Mr. Kemper reported that although the applicant was directed to seek easements from property owners along Vischer Ferry Road to provide the space necessary for installation of a multi-use pathway, the applicant's representatives were unable to obtain the necessary easements.

Mr. Grasso reported Clough, Harbour, and Associates' receipt of the stormwater management report and revised subdivision plans. The plans and details for the proposed multi-use pathway remain to be finalized and agreed to by all respective parties, including the Town and Saratoga County. He recommended that the pathway issue be resolved prior to final approval. A landscaping plan detailing the proposed wetland plantings should be submitted since the required plantings do not appear to be shown on the plans.

Mr. Grasso expanded on the issues to be considered when establishing trail locations, including the types of materials used for construction, the required separation of the trail from the roadway, and the signage that is required for traffic control. If the trail would be constructed of asphalt, an 8' width would be required in order to provide for maintenance. If constructed of concrete, a 5' width would be acceptable. A 10' separation from the roadway would be recommended: in no instance would a separation of less than 5' be considered. The location of street signs, grading, and drainage must all be considered in the design plan. He concluded by stating that he believes that the right-of-way along the western side of Vischer Ferry Road is not adequate for trail development.

Mr. O'Brien, Environmental Specialist, reported that the ECC reiterated previous comments. The following standard statement should be added to the plot plan:

- 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. O'Brien reported that the ECC recommends that the large area of LC Zone and stream corridor on the northern end of the parcel be designated as a Land Preservation Area.

Mr. Bulger acknowledged that trail development in this area will be difficult. Following a brief discussion, Board members agreed that the most reasonable location for the trail would be along the east side of Vischer Ferry Road from the northern entrance to the property owned by Stewart's to Four Leaf Manor. Though Mr. Grasso recommended an 8' wide asphalt pathway consistent with those in existence in the corridor, members supported a plan that would provide the greatest separation between the travel lanes and the pathway. It was agreed that the applicant would work with the town's engineers to develop the most viable multi-use pathway design.

Mr. Karam offered Resolution # 5, seconded by Mr. Kramer, to grant final subdivision approval to this application conditioned upon the preparation of a satisfactory design for the multi-use pathway and its installation on the east side of Vischer Ferry Road between the northern entrance to the Stewart's property and Four Leaf Manor. Ayes: Kramer, Larkin, Pace, Karam, Hughes, Russell, Bulger. Noes: None.

[2004-048] Stantec – Proposed 5,688 SF 99 Restaurant, Clifton Park Center Road – Preliminary site plan review and possible determination.

Mr. Paul Boel, consultant for the applicant, listed the revisions that have been made to this project plan in response to comments from Board members and the Town's engineer at the October 13, 2004 and January 11, 2005 meetings. Pedestrian crossing signs have been shown on the plan in the area of the walkway from the mall parking lot to the restaurant property. The "dead end" parking area originally proposed for the northeastern portion of the site has been revised. The revision not only eliminates the parking problem but also allows for an increase in greenspace to 42%. In response to ECC comments, the applicant has agreed to supply additional landscaping materials to provide increased screening from adjoining properties and roadways. Mr. Boel reported that test borings on the parcel produced no evidence of contaminated water or soils. He assured the Board that monitoring will be continued as construction begins. The applicant is awaiting a written approval from the Saratoga Country Sewer District that will permit connection to the existing system.

The consultant explained that all necessary variances for site development as proposed were approved by the Zoning Board of Appeals on March 1, 2005. These variances included a front parking setback variance to allow parking within 1' of the southern property line: the Town requires that parking be 30' from the front property line. A front building setback variance was granted to allow the building to be placed within 71' of the south property line. Another front building setback variance allows the building to be constructed within 50' of the north property line. Current zoning would require the

building to be placed 80' from the front property line.

Though Mr. Boel had no colored façade renderings to present to the Board, he did distribute photographs of an existing restaurant, noting that the proposed building would be built of similar materials and painted with the same colors.

Mr. Kemper reported that this project last appeared before the Board on January 11, 2005. The Board found the application generally acceptable, but recognized that the applicant was required to obtain approval for several variances from the Zoning Board of Appeals. Sign-offs will be required by the Saratoga County Sewer District and the Clifton Park Water Authority. All required setback variances were granted by the Zoning Board of Appeals on March 1, 2005. The specific variances and application numbers that were granted should be placed on the project plans. He reported that the total greenspace on the project has been increased to 42%. Mr. Kemper recommended that the planting plan be expanded to include some plantings along NYS Route 146. Colored façade renderings must be provided. The handicap and no parking signs must be illustrated on the plans. Comments provided on March 8, 2005 by Sheryl Reed asked that the location of all fire hydrants be shown on site map. She also asked that postal verification be provided. The comment letter from the Clifton Park Water Authority dated March 8, 2005 must be addressed.

Mr. Grasso stated that Clough, Harbour, and Associates reviewed the site plan and the stormwater management report for this project. This review resulted in the following comments. The "No Parking" signs for the handicap access aisles should be shown on the final plans. It appears the handicap spaces may need to be shifted away from the doorway. A sidewalk should be provided from both ends of the proposed crosswalk across the adjacent landscaped islands to the parking lots. Extensive landscape buffering should be provided around the dumpster enclosure area. The minimum caliper of the proposed trees should be 3". Cut sheets of the proposed light fixtures should be provided. All building mounted lighting should be depicted on the plan. A detail of the proposed 2,500 gallon grease trap and the proposed sanitary sewer connection to the existing main should be provided. The stormwater management report appears acceptable, though the proposed peak ponding elevations in Table 5 appears to be incorrectly labeled.

Following a cursory look at the photographs of other sites provided by the consultant, Mr. Grasso emphatically stated that floodlights on the building would not be acceptable. Wall pack units near the doorway should be eliminated.

Mr. O'Brien, Environmental Specialist, reported that the ECC finds the revised plan acceptable.

In response to Mr. Karam's questions regarding façade treatments, the consultant explained that the plans show windows on both northern and southern exposures, adding the architectural interest that Mr. Kramer and other Board members found desirable. Heating and cooling equipment will be "hidden" behind a parapet as shown in the photographs provided. In answer to Mr. Hughes' comment regarding visibility of the

dumpster, Mr. Boel stated that the dumpster will not be visible from NYS Route 146 and it will have limited visibility from adjoining properties and roadways. Mr. Larkin asked that additional landscaping be placed around the dumpster to make it less visible. Mr. Bulger asked the applicant to work Mr. Kemper and Mr. Grasso to develop an adequate landscaping plan. Mr. Russell found the architectural design acceptable, commenting that he finds the 99 Restaurant in Wilton to be quite attractive. Though the Board identified minor issues such as lighting details, increased plantings, colored façade renderings, and additional buffering that must be addressed, members agreed that approvals could be conditioned upon the applicant's satisfactory response to comments and recommendations.

Mr. Kramer moved, seconded by Ms. Pace, 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 moved, seconded by Mr. Karam, to grant preliminary and final site plan approval conditioned upon satisfaction of the comments offered by Mr. Kemper, Mr. Grasso, and Board members. The motion was unanimously carried.

New Business:

[2005-012] Dilorenzo, Charles P. and Elizabeth A. – Proposed (2) lot subdivision, 808 Grooms Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application for the Board's consideration. The proposal calls for the subdivision of 5.38 acres of land in an R-3 zone into lots of 2.31 and 3.07 acres, respectively. An existing residence is located on the smaller lot; a single-family residence is proposed for the larger parcel. Both lots will be served by individual wells and septic systems. Locations of the existing well and septic system will be shown on future submissions. Test pit information will be provided with the preliminary application. Although wetland areas are limited, it is likely that there is a small area located in the north eastern area of the site along Grooms Road. These will be delineated and incorporated on future plans. Mr. VanGuilder described the property as "sloping gently" from the back of the property to the road. All required setback and lot width requirements will be met.

Mr. Kemper requested information regarding NYSDEC or ACOE wetlands that may be located on the parcel. Sight distances should be included on the plans. A Saratoga County Department of Public Works curb cut permit will be required prior to the stamping of the plans.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the concept subdivision plan for this application and offered the following comments. The proposed project is located within the Western Clifton Park GEIS study area, but because it only involves the subdivision of one lot, it is not subject to the existing moratorium. The subdivision is an "Unlisted" action pursuant to SEQR, and as such coordinated review is

optional. Involved agencies are expected to include the following: Clifton Park Planning Board – Subdivision Plan Approval; Saratoga County DPW – Curb Cut permit; Saratoga County Planning Board – Section 239 referral. The location of the existing on-site wastewater disposal system should be shown on the plan. 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 such a system. Grooms Road is identified in the Trails Master Plan as a roadway recommended for a separate off-road path. The existing right-of-way width of Grooms Road is fifty feet, which is ten feet less than the Town's minimum standard of sixty feet. Because it has not been determined on which side of the road a multi-use pathway may be developed, it is recommended that an additional ten feet of right-of-way be provided across the project site's frontage.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project plan, the ECC prepared the following comment. Due to the potential of state and/or federal wetlands located on or near the proposed project area, the applicant should determine the location of these features and associated buffers and indicate them on the plot plan.

Mr. Grasso advised the Board that the Saratoga County Department of Public Works has asked that 10' strips conveyed to provide for future road improvements or trail installations become the Town's property: the County will no longer accept rights-of-way required by Planning Board approvals.

Board members found this application generally acceptable.

[2005-011] Abele Builders – Proposed (26) lot subdivision, 1562 Crescent Road – Conceptual review.

Mr. Tom Andress, consultant for the applicant, presented this proposal that calls for the subdivision of 8.6 acres of land in an R-1 zone on the south side of Crescent Road just west of its intersection with Lapp and Southbury Roads. Lots will range in size from 20,000 SF to 2.6 acres. The consultant explained that all lots will have "properly sized" back yards. All will be served by the Clifton Park Water Authority and the Saratoga County Sewer District #1. Access to eighteen of the proposed lots will be from a proposed town road: another five lots will be accessed from a shared driveway on Crescent Road. A single lot near the intersection of Crescent Road and Southbury Road will be served by its own driveway from Crescent Road. The twenty-sixth lot contains an existing duplex that is currently accessed via a circular drive that will be combined with the drive for the adjoining lot. The seven keyhole lots all meet the required 50-foot setback requirements. Mr. Andress explained that 8.6 acres of the parcel have been delineated as federally jurisdictional wetlands.

Mr. Kemper offered a number of comments regarding this subdivision plan. He reported that the project is a Type 1 action under SEQRA and coordinated review is required. He is in receipt of a memo dated March 7, 2005 from Jim DiPasquale that states: "The referenced project is proposed to discharge to Crescent Waste Sewer System. Prior

information and engineering studies indicate that portions of the sewer system have capacity limitations. Information will need to be presented indicating point of discharge, volume of discharge, and confirmation of the ability and agreement to be served by Crescent Waste. Submittals and approvals for service will be required to be submitted in compliance with Saratoga County Sewer District Rules and Regulations. Town consideration should be contingent on the above information.” A Saratoga County Department of Public Works work permit will be required. Mr. Kemper observed that the ACOE wetland disturbance on the plan is not practicable; he asked that footprints of the houses be placed on the plans. He also noted that the project plan is very similar to the last project proposed by this applicant on a parcel off from Southbury Road. He recommended that the density be reduced to minimize the impact to the wetland areas. Sight distance information should be added to the plans. A letter must be provided from NYSDEC verifying that there are no DEC designated wetlands on the project site.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the subdivision plan prepared for this project and offered the following comments. The proposed project is considered a realty subdivision per NYSDOH regulations, and as such, it is considered a Type 1 Action and coordinated review is required. Involved agencies are expected to include the following: Clifton Park Planning Board – Subdivision Plan Approval; Saratoga County Sewer District – Sewer Connection Permit; Clifton Park Water Authority – Water Connection Permit; NYSDEC – Wastewater Disposal System Approval, SPDES Permit; NYSDOH – Realty Subdivision Approval; Saratoga County Planning Board – Section 239 referral.

The speaker identified several issues of concern. In order to provide effective access management, the engineering firm does not recommend the development of multiple curb cuts onto Crescent Road. Access to all lots should be from a new Town Road or one private drive. There was a stub street right-of-way that connects to Southbury Road, which is a part of the project site: this should be considered for access to the proposed development. The sight distance at any new proposed access locations should be verified and shown on the plan. The potential for incremental impacts to the wetlands after the initial construction of the homes should be addressed. The close proximity of the home sites to the wetlands will result in drainage problems in the basements of the homes due to high groundwater conditions and reliance on sump pumps. It is recommended that a greater horizontal and vertical separation from the wetlands be provided. Conceptual house locations be shown and a minimum fifty foot useable yard area should be provided in front of and behind the houses. The resultant wetland impacts should then be re-quantified. Pursuant to Section 179-27 of the subdivision code, a certain percentage of open space or park fees should be proposed. This should be addressed with the Planning Board. Because the subdivision will result in greater than five acres of disturbance, full compliance with the NYSDEC Phase 2 storm water quality and quantity regulations will be required for all proposed development. Conceptual locations and methods should be identified. The storm water analysis should take into account the storm water storage provided by the existing wetlands to be impacted and hydrologically modified. The proposed project should address pedestrian accommodations, such as development of a multi-use path along the south side of Crescent Road to Southbury Road. The proposed

water and sewer extensions should be shown on the plan. The plan should clarify if the existing home on Lot #26 is to remain.

Mr. O'Brien reported that the ECC offered the following comments. The proposed subdivision contains extensive wetlands as indicated in the plot plan. The applicant must verify if these are jurisdictional wetlands and what impact the placement of homes will have on these areas. The applicant was also advised that the subdivision design must take into account the shallow water table on the parcel and the affect construction may have on changed to the water table.

Board members discussed the project plan at length. Although Mr. Larkin initially rejected the entire project plan, he later provided specific comments and recommendations that could form the basis for the project's revision. He did not approve of the driveway serving the proposed Lot #19. He also asked that the applicant consider using the stub from Southbury Road to provide access to the subdivision: he would find such an access preferable to the design presented. The speaker also asked the applicant to consider the probability that water problems would increase when existing vegetation was removed from the site. Mr. Hughes supported the concept that the stub from Southbury Road should be considered as an access point to the proposed development.

Mr. Andress explained that access from the existing stub street along Southbury Road is not viable since the Town has stringent road standards that would preclude the 90° angle that would be required to avoid impacts to delineated wetlands. Mr. Andress stressed the fact that the proposed design plan avoids to the greatest extent practicable impacts to the wetlands and provides large lots in an effort to create a sense of "community". Mr. Kemper noted that enforcement of wetland protections is very difficult on parcels such as this one because designated areas are often small and are dispersed throughout the site. He asked that the plan be color coded and include typical building footprints.

Both Mr. Karam and Mr. Hughes expressed concerns about the high water table on the site and the potential for the new residences to have wet basements. Mr. Grasso found their comments reasonable, stating that he also had "significant concerns" about the "buildability" of the lots due to the amount of identifiable wetland.

Mr. Abele, applicant, while recognizing that comments from Mr. Grasso, Mr. Kemper, and Board members are valid, explained that the project design was dictated by the location of wetlands and the desire to create reasonably sized lots. He asked that the Board agree that the road location and driveway access points are acceptable. Mr. Bulger stated that the proposed driveway for the proposed Lot #19 was too close to the Crescent Road – Southbury Road intersection. Though he approved of the cul-de-sac location, he did not find the combined driveway access from Crescent Road acceptable. He also discouraged the applicant from designing a "loop" road with two access points on Crescent Road. Mr. Grasso stated that access management was important: a single access on Crescent Road would be preferable to the five presented as part of this application.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Russell, approval of the minutes of February 23, 2005 as written. The motion was unanimously carried.

Discussion Items:

There were no items for discussion at this evening's meeting.

Mr. Bulger moved, seconded by Mr. Kramer, adjournment of the meeting at 9:35p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on March 22, 2005.

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 #4

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 March 8, 2005, there were:

Present: S. Bulger, Chairman, S. Hughes, J. Larkin, T. Karam, A. Kramer, S. Pace, J. Russell

Absent: None

Mr. Bulger offered Resolution #4, and Mr. Karam seconded, and

Whereas, an application has been made to this Board by Peacock Glen Water Company, Inc. for approval of a subdivision entitled Subdivision of the Subdivision of Water Storage Lot – Peacock Glen consisting of (2) lots and the transfer of 2,785 SF of land from Peacock Glen Water Co., Inc. to the Lands of Noll, 3,015 SF of land from the Peacock Glen Water Co. to the Lands of Gaedje and 7,595 SF of land from Peacock Glen Water Co., Inc. to the Lands of Estus.

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on March 8, 2005 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 March 8, 2005, 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 that the final subdivision plat entitled Subdivision of the Lands of Subdivision of Water Storage Lot – Peacock Glen consisting of (2) lots and the transfer of 2,785 SF of land from Peacock Glen Water Co., Inc. to the Lands of Noll, 3,015 SF of land from the Peacock Glen Water Co. to the Lands of Gaedje and 7,595 SF of land from Peacock Glen Water Co., Inc. to the Lands of Estus is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper.

Resolution #4 passed 3/8/05

Ayes: Kramer, Larkin, Pace, Karam, Hughes, Russell, Bulger

Noes: None

Steven J. Bulger, Chairman

Resolution #5

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 March 8, 2005 there were:

Present: S. Bulger, Chairman, S. Hughes, J. Larkin, T. Karam, A. Kramer, S. Pace.

Absent: None

Mr. Karam offered Resolution #5, and Mr. Kramer seconded, and

Whereas, an application has been made to this Board by Country Club Acres, Inc. for approval of a subdivision entitled Subdivision of a Portion of the Lands of Country Club Acres, Inc. consisting of (15) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on November 23, 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 November 23, 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 plat entitled Subdivision of a Portion of the Lands of Country Club Acres, Inc. consisting of (15) lots is hereby granted final approval conditioned upon satisfaction of the comments offered by Mr. Kemper, Mr. Grasso, and members of the Planning Board.

Resolution #5 passed 3/8/05

Ayes: Kramer, Larkin, Pace, Karam, Hughes, Russell, Bulger

Noes: None

Steven J. Bulger, Chairman