

Clifton Park Planning Board Meeting Minutes - June 14, 2005

Those present at the June 14, 2005 Planning Board meeting were:

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

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. All in attendance stood for recitation
of the Pledge of Allegiance.

Public Hearings:

[2005-024] Morton, Catherine – Proposed two-family residence in an R-1 zone, 45
Parkwood Drive – Preliminary public hearing for Special Use Permit and site plan and
possible determination.

The Chairman called the public hearing to order. The Secretary read the public notice as
published in the Daily Gazette on June 4, 2005.

Ms. Morton presented her application to the Board. The applicant explained that she
formerly operated a day care in the basement of her residence and would like to now use
the area as a rental unit. No renovation would be required since the space is currently set
up with facilities necessary for the additional living area.

Mr. Kemper explained that this project was presented to the Board on May 11, 2005 at
which time the Board found the proposal generally acceptable.

There being no public comment, Mr. Bulger moved, seconded by Mr. Russell, to close
the public hearing. The motion was unanimously carried.

Board members were concerned with the facilities available in the proposed rental unit.
Ms. Morton explained that there were two bedrooms installed by a prior owner and that a
bathroom with a small tub was also included. The applicant assured the Board that no
parking on the street would be necessary.

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

Mr. Larkin offered Resolution #12, seconded by Mr. Kramer, to grant approval to this Special Use Permit application conditioned upon the stipulation that parking be restricted to the driveway: no on-street parking will be permitted. Ayes: Hughes, Karam, Pace, Kramer, Larkin, Russell, Bulger. Noes: None.

Mr. Bulger explained that a vote approving the site plan was also required.

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

Mr. Bulger moved, seconded by Mr. Larkin, to grant preliminary and final site plan approval to this application. The motion was unanimously carried.

[2005-011] Kain Development, LLC. – Proposed lot line adjustment, 1028 Hatlee Road and 171 Hubbs Road – 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 June 7, 2005.

Mr. Chris Malandrino, applicant, presented his proposal to the Board. He explained that the plan remains generally as presented at the May 24, 2005 meeting, though the plan will be revised to show the easement boundaries as requested by Mr. Kemper. Both residences will meet zoning requirements.

Mr. Kemper reported that this project was last considered by the Board on May 24, 2005. He asked that the plans be revised to indicate the accurate easement boundaries.

Mr. Grasso asked that the language in the easements be revised to indicate that the easements are granted to the owners of the properties and not to the Town.

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

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

Mr. Kramer offered Resolution #13, seconded by Mr. Larkin, to grant preliminary and final approval to this application conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso. Ayes: Hughes, Karam, Kramer, Larkin, Pace, Russell, Bulger. Noes: None.

[2005-030] Teixeira, Carlos – Proposed lot line adjustment, 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 June 7, 2005.

This application was reviewed concurrently with the site plan application that followed on the agenda.

Mr. Ron Bova, consultant for the applicant, presented this application. The application requests approval of a lot line adjustment between two properties owned by the applicant. Lot #1 will be 1.69 acres: Lot #2 will be 1 acre with 100 feet of frontage on Route 146. Mr. Bova explained that the proposed transfer and 8,370 SF easement area will allow for the expansion of the parking lot that serves the Dunkin' Donuts store.

Mr. Bova explained that the applicant received approval for the installation of a generator pad at the December 14, 2004 Planning Board meeting. The applicant also requests approval of 10' x 18' freezer addition and a 20' x 40' office addition to the building. He stated that the existing landscaping will be relocated. The stormwater management area design has been revised to handle additional run-off. In response to Mr. Bulger's question regarding access to the site from Balltown Road, Mr. Bova stated that the second access has been removed: the applicant has addressed all NYSDOT concerns.

Mr. Kemper explained that these applications were presented to the Board on December 14, 2005 at which time Mr. Teixeira was asked to remove all temporary structures that were inadvertently placed on property owned by the Rexford Fire District. The applicant removed all items soon after the December meeting. Mr. Kemper has been assured by NYSDOT that the curb cut as indicated on the site plan is acceptable, though a written sign-off will be required prior to the release of the plans. A consolidation deed must be supplied for review. The site plan appears to be acceptable.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the site plan for this project and offered the following comments. Although the project site is located within the Western Clifton Park GEIS Study Area, Clough, Harbour, and Associates believes that the application was not subject to the former moratorium and as such, the new zoning regulations are not applicable. This should be confirmed with Planning Department staff. A site statistics table should be provided showing the project's conformance with the applicable zoning including minimum lot size, setbacks, greenspace, etc. The applicant should understand that any future development on either parcel will be subject to the new zoning regulations. Based upon the information provided in the project narrative, it appears that the site disturbance is less than one acre and as such the NYSDEC Phase 2 regulations may not be applicable. The site plan should provide details of the stormwater management facilities described in the project narrative. The site plan shows a proposed easement. The purpose of the easement and to whom the easement is being granted should be identified on both the site plan and subdivision plan.

Mr. Kemper and the Board agreed that the new zoning regulations were not applicable to this application.

Mr. O'Brien, Environmental Specialist, reported that the ECC asked that the following standard statements 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. Teixeira asked for clarification regarding the new zoning that would be applicable to any additional development at this location. Both Mr. Grasso and Mr. Kemper agreed that any new application would be governed by the new zoning code. The site is located within the Hamlet – Mixed Use zone.

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

In response to Mr. Larkin's question regarding the easement area, Mr. Grasso stated that the shared use/cross access easement has not been problematic. In this instance he found the proposal acceptable. Mr. Grasso addressed Mr. Karam's concern regarding stormwater management, stating that because site disturbance is less than one acre, Phase II Stormwater Management regulations are not applicable.

Mr. Bulger stated that lot line adjustment would be considered first. Mr. Larkin moved, seconded by Mr. Kramer, 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 #14, seconded by Mr. Hughes, to grant preliminary and final approval to this subdivision application that proposes the transfer of .14 acres of land from the northernmost parcel owned by Teixeira and Sharifipour to a parcel to the south under the same ownership conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso. Ayes: Larkin, Kramer, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

The Board then considered the proposed site improvements.

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

Mr. Kramer moved, seconded by Mr. Russell, to grant preliminary and final site approval. The motion was unanimously carried.

Old Business:

[2004-064] Dunkin' Donuts – Proposed amendment to existing site plan, Route 146 – Preliminary site plan review and possible determination.

This agenda item was considered with the proposed subdivision application.

[2004-038] 21st Century Park – Proposed 8,100 SF warehouse addition to existing office/warehouse – Preliminary site plan review and possible determination.

Mr. Andress, consultant for the applicant, presented this application that was considered by the Board on August 10, 2004. He described the location of the existing B & D Automotive facility: the metal building is accessed from Route 146 and is located behind the concrete warehouse building. The facility is served by public water. The facility currently utilizes an individual septic system. Addressing Clough, Harbour, and Associates' comments, Mr. Andress reported that the sidewalk will meet handicapped requirements. The "banked" parking has been indicated. Since use of the building is limited, the applicant believes that the parking shown is adequate. Additional parking would be available if warranted.

Mr. Kemper reported that this application was considered by the Board on August 10, 2004. The major concern expressed at that time was the adequacy of fire suppression within the building and emergency service access. Mr. Kemper explained that Sheryl Reed, Chief of the Bureau of Fire Prevention, reports that access to the building will be dependent upon the type of use proposed for the building addition. It is possible that a thirty-foot access strip may be required around the building. The Board may wish to condition approval on satisfaction of comments from Ms. Reed. Colored façade renderings will be required. The Saratoga County Planning Board approved the project on August 19, 2004. A site statistics table must be added to the plans.

Mr. Grasso offered the following comments that were provided by Clough, Harbour, and Associates. The slope of the existing sidewalk to the building appears to exceed the 5% maximum to be considered handicap accessible. The site statistics should verify that the site meets parking requirements.

Mr. O'Brien reported that the ECC reiterated the following comment. The applicant should indicate the presence of state or federal wetlands on the existing site. Focus should be especially placed on the northern end of the project site.

Mr. Andress addressed Mr. O'Brien's concerns, stating that there are wetlands located beyond the parcel boundary; however, the proposed building addition would not impact existing wetlands.

Board members discussed the fire safety requirements at length. Mr. Grasso explained that fire safety requirements were based upon a building's use. Mr. Russell was concerned that the materials contained within the building and the activities conducted by employees could pose a serious fire threat. Mr. Andress pointed out the location of

proposed fire hydrants. Mr. Bulger stated that it would be Ms. Reed's responsibility to ensure that all current code requirements are met. It was determined that if an emergency road would be required, a revised site plan would be submitted for Board review. In response to Mr. Larkin's question regarding the realignment of the driveway, Mr. Andress stated that the driveway will not be modified at this time.

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

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

New Business:

[2005-032] Rucinski Hall Architecture – Proposed 600 SF addition and renovation of existing law office, 514 Vischer Ferry Road – Preliminary review and possible determination.

Mr. Ronald Rucinski, consultant for the applicant, presented this application that is described as a "minor expansion" of the existing law office. The representative explained that the existing first floor has a handicapped entrance in the rear of the building near the existing parking area. The owner plans to add a 6' x 8' porch to protect this entrance from the weather. The second floor has three levels, an elaborate bathroom, and awkward other spaces. The proposed alteration will make the second floor one level, which requires raising a portion of the roof: the second floor will increase by approximately 600 SF. The building's exterior will retain the "farmhouse" character. Trim details will be added to newer portions of the first floor in keeping with the building's existing façade. Mr. Rucinski reported that there will be no changes to the site or an increase in the number of employees.

Mr. Kemper reported that this project last appeared before the Board on May 10, 2005 as a discussion item. At that time the Board requested that the applicant make a formal site plan application. The applicant should determine if additional parking spaces will be required.

Mr. Grasso reported that Clough, Harbour, and Associates offered the following comments on this application. The subject property is located within the Vischer Ferry Road GEIS Study Area. As such, if the project is deemed to be consistent with the Statement of Findings, no additional SEQRA review may be required. In addition, the project will benefit from capital improvement projects constructed or planned for the corridor. As such, the applicant should contribute to the mitigation fees established in the Vischer Ferry Road Corridor GEIS and Capital Improvement Plan. The C.I.P. fees are assessed as follows:

- Transportation 2 trips x \$250/trip = \$500

- The remaining fees of Sanitary Sewer, Water Distribution, GEIS Preparation and CIP Preparation are either not applicable or were previously paid during the 2000 site plan approval.

The proposed addition of 600 SF requires an additional 2 parking spaces for a total of 12 parking spaces. The site currently has 11 parking spaces and based on the existing use this number appears adequate.

Mr. O'Brien, Environmental Specialist, stated that the ECC asked that the following standard statements be added to the 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. Hughes asked about the age of the building. Mr. Rucinski explained that the building was originally constructed in the early 1800's: it was renovated or expanded on several different occasions throughout the years. It was recommended that the Historic Preservation Commission review this application. The architect reported that although there is a library in the home that remains as originally constructed, all other rooms have been modified.

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

[2005-031] Down, Clifford – Proposed 12,144 SF equestrian center, Hubbs Road – Conceptual site plan review.

The applicant proposes the construction of a 12,144 SF equestrian center to be known as the Lucky 7 center. Mr. Clifford Down, applicant, presented his application for the Board's consideration. The project plan includes the construction of a 60' x 152' indoor riding arena, a 36' x 84' barn to stable up to 22 horses, and a 100' x 200' outdoor ring on a 25.8 acre parcel on the northern side of Hubbs Road. Mr. Down explained that he received a use variance from the Zoning Board of Appeals on May 3, 2005. Mr. Stephen Lamb, consulting engineer for the project, conducted perc tests on the property and it was determined that soils would be adequate for the installation of a conventional septic system. An individual well will serve the site.

Mr. Kemper stated that this applicant received a use variance from the ZBA on May 3,

2005. The date that the use variance was granted and the application number should be included on the plans. Mr. Kemper also reported the receipt of the following comment from Sheryl Reed in a memo dated June 14, 2005: "The applicant should clarify the use of the "Equestrian Center" because it will effect the occupancy classification of the building under the State Building Code." The applicant should indicate whether or not the driveway construction was completed under the DEC permit issued in 2004. Mr. Kemper also asked that clearing limit lines be indicated on the plans.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the concept subdivision plan for this project. The following comments were prepared. The proposed project is located within the Western Clifton Park GEIS study area and as such, development of the project site requires conformance with the Statement of Findings. In addition, the new zoning designation of the project site is CR-Conservation Residential, which allows a Commercial Stable as a special use in accordance with Section 208-79 "Special Use Permits". The project should be reviewed in accordance with those requirements. The project site was not identified as a special Open Space Resource parcel within the GEIS, and as such, does not necessarily need to be considered for special open space protection. Hubbs Road was identified as a road with a significant viewshed corridor. As long as development of the site mitigates aesthetic impacts to this corridor, no special measures should be required. As proposed, it appears that the project will be in conformance with the Findings Statement and new zoning regulations. Continued conformance will need to be verified as the development plans are progressed. The project site contains a significant amount of state and federal wetlands and wetland buffer areas. Any work in these areas must be identified and limited to the maximum extent possible.

Mr. Grasso explained that Clough, Harbour, and Associates was unaware of the application that was submitted to the Zoning Board of Appeals. Since the project was submitted to the Zoning Board of Appeals prior to the adoption of the Statement of Findings for the GEIS study area, it is not subject to the new zoning regulations.

Mr. Grasso offered several additional comments. The site plan application is an "Unlisted" action pursuant to SEQR, and as such coordinated review is optional. The involved agencies are expected to be the Planning Board with issuance of a special use permit and site plan approval being required. A more detailed site plan at a larger scale should be provided that includes the following items: existing contours, proposed method of stormwater management, proposed wetland impacts, existing wood line and proposed limits of clearing and grading, proposed lighting, and hours of operation. It does not appear that the proposed septic area meets the required setbacks from the proposed buildings. The proposed driveway is over 500 feet long and will need to be designed in accordance with the appropriate Town standard. The plan should address the anticipated parking needs of the facility and graphically depict the limits of the parking areas. Handicap accessible parking should be provided. Sight distance is poor at many locations in the vicinity of the access on Hubbs Road. The adequacy of sight distance should be verified and shown on the site plan. Given the proposed use, the sight distance should be verified for horse trailers as well as typical passenger vehicles. The plans include notes

regarding a Land Conservation Area/Easement. If such an area exists, it must be shown on the plan. The project will result in the disturbance of over one acre and as such, will require conformance with NYSDEC's Phase 2 Storm Water Regulations. Any exterior lighting shall be shown on the plans.

Mr. O'Brien, Environmental Specialist, reported that the ECC expressed concerns regarding the pasture area and the location of the wetlands. The ECC recommended that the horses be kept from traveling within the wetland area. The applicant should identify the limits of the pasture and turn-out area in the next submission. The proposed outdoor ring should be kept as far from the wetland buffer as possible to avoid intrusion during construction.

Mr. Hughes explained that a resident of Dutch Meadows had expressed concerns regarding the storage and removal of horse waste from the site. Mr. Down assured the Board that the manure would be stored in a dumpster and trailer and removed on a regular basis – at least once a month. Board members agreed that approval of the application must include a specified time for removal of animal waste. Mr. Grasso recommended that the condition assure that there are no noxious odors or detrimental impacts to adjoining neighbors. In response to Mr. Larkin's question regarding activities that would be conducted on the site, Mr. Down stated that the Zoning Board conditioned approval upon a guarantee that no rodeo or other types of equestrian events would be held at the site. Ms. Pace asked about the number of trailers that would visit the site each day: Mr. Down believes that since the facility is primarily designed to board horses: the number of trailers entering and exiting the site each day would be limited.

Mr. Bulger stated that the impacts to adjoining residents were of concern to the Board. Mr. Down noted that the wetland area provided a substantial buffer to existing homes along Hubbs Road. Mr. Grasso explained that a detailed plan prepared by the applicant's consultant would cause the application to move through the planning process more rapidly.

Mr. Ronald Ochrym, adjoining property owner, expressed his concern that run-off from the barn and the riding area may affect the pond that is located on his property. He has spoken to Mr. Down regarding maintenance of the forested area and swale area to ensure the preservation of wildlife habitat.

[2005-033] Tyll, Arthur – Proposed (3) lot subdivision, NYS Route 146A – Conceptual review.

Mr. Joseph Dannible, consultant for the applicant, presented this application that calls for the subdivision of 6.9 acre parcel on the north side of NYS Route 146A adjoining the Fairway Woods subdivision that is currently under construction. The proposal calls for two flag lots of 2.09 and 2.32 acres, respectively and a lot of 2.45 acres fronting on Legends Way. A shared access will serve all three lots. The utilities installed along Legends Way will be used to service the proposed single-family residences. It is anticipated that grinder pumps will be needed to provide workable connections to the

existing sewer system. An unclassified intermittent stream traverses the property along the northeastern property boundary.

Mr. Kemper asked that a wetland delineation be performed to determine the extent of the ACOE wetlands. Descriptions for the ingress/egress easement must be submitted for review. Clearing limit lines must be illustrated on the plans. Mr. DiPasquale, Executive Director of the Saratoga County Sewer District provided a memo dated June 13, 2005 that stated the following: "Sanitary sewer service for the project will be contingent on SCSD #1 accepting dedication of the Fairway Woods Phase 1 system. Service for the 3 parcels will need to be private laterals with easements for dedication to SCSD #1."

Mr. Grasso reported that a review of the project plan by Clough, Harbour, and Associates resulted in the following comments. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency is expected to include the Clifton Park Planning Board with subdivision approval being required. The proposed water and sanitary sewer services should be shown on the plan. The actual location of the federal wetlands should be field verified to determine the impacts associated with the proposed development. It is recommended that the homes be located no closer than fifty feet to the definitive border of the federal wetlands. Given the fact that all three homes are situated on land lower than the proximate isolated wetlands, very high groundwater likely exists in the area and needs to be addressed in the lot drainage design. Because the rear of the homes may be facing NYS Route 146A and the site contains environmentally sensitive areas, a significant land preservation area should be established along the Route 146A corridor and over the federally jurisdictional wetlands. Lots #2 and 3 appear to meet the definition of flag lots, and as such, need to have the minimum lot area without the flag portion of the lot being included. The plan should clarify if the connection provided to Legends Way is through a right-of-way created as part of the Van Patten subdivision. If this connection is not right-of-way it appears that Parcel #3 does not meet the required frontage.

Mr. O'Brien, Environmental Specialist, reported that the ECC reviewed this project plan and prepared the following comments. The proposed building lots may have a high groundwater table; in light of this, the applicant should examine the site to determine the best location for the proposed homes. The following standard statements should be added to the plot plan:

- No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).
- 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

- Federal jurisdictional wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in federal wetlands.

Mr. Dannible addressed Clough, Harbour, and Associates' comment concerning the minimum lot areas for the proposed keyhole lots. The lot lines have been adjusted to conform to zoning requirements. Deed restrictions designed to protect wetland areas and clearing and grading restrictions along NYS Route 146A would be imposed on property owners.

In response to Ms. Pace's question regarding the grinder pumps, the consultant stated that each grinder pump would be located along Legends Way. Each homeowner would be responsible for maintenance of an individual pump though they may be located in a common trench.

Mr. Bulger explained that the Board is concerned that drainage from new subdivisions negatively impacts existing properties. He asked that the consultant investigate the most practical location for new homes. The goal would be to minimize the impact of run-off that would impact existing homes. Mr. Grasso stated that Clough, Harbour, and Associates does review plans to determine if development is likely to produce such impacts.

The Board found the proposal generally acceptable.

[2005-034] Everitt, David – Proposed (2) lot subdivision, Crescent Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application. He explained that Mr. Everitt would like to subdivide 8.81 acres of land on the north side of Crescent Road, east of the VanVranken Road – Crescent Road intersection, into lots of 2.71 acres and 6.1 acres, respectively. The larger lot contains an existing residence and pole barn. Both lots will be served by individual wells and septic systems. Since the property lies adjacent to the Stony Creek Reservoir, the minimum separation from the edge of water to the house must be 200 feet. The minimum separation from the edge of water to the septic system is 300 feet. Because of the limited buildable area between the property line and the 200 foot setback line, an area variance for a reduced setback line for a keyhole lot will be required. A 30 foot variance will be requested from 50 to 20 feet to allow for adequate area to position the house. The septic area will be positioned more than 300 feet from the edge of the water. A new driveway will be installed to serve the proposed lot. Mr. VanGuilder explained that the proposed utilities will be placed with adequate separations from systems on adjoining properties.

Mr. Larkin recommended that the parcels be reconfigured to place the existing house on a flag lot, allowing an additional lot to meet all zoning regulations. Mr. VanGuilder explained that Mr. Everitt eventually plans to subdivide the remaining lands at a later date.

Mr. Kemper reported receipt of the following comment from Jim DiPasquale dated June 13, 2005: "The project is located outside the boundaries of SCSD #1 and an on-site septic system is proposed." A sign-off will be required by the Latham Water District. A variance is being requested for setback at the building line. The plan was referred to the Saratoga County Planning Board and the Latham Water District on May 26, 2005.

Mr. Grasso offered several comments prepared by Clough, Harbour, and Associates. The proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such coordinated review is optional. Involved agencies are expected to include the following: Clifton Park Planning Board – Subdivision Plan Approval; Clifton Park Zoning Board of Appeals – Area Variance. The proposed house location on Lot #1 does not meet the required fifty foot front yard setback. An area variance appears required. In addition, the resultant parcel size if the flag portion of the lot was not included needs to be shown, as the minimum lot size shall be met without this being included. Mr. Grasso expressed concern with the adequacy of the front yard as proposed given the configuration of the lot and restrictions caused by being adjacent to the Stony Creek Reservoir. Soil investigations including deep test pits and percolation tests should be conducted in the area of the proposed wastewater disposal system to verify the adequacy of the soils to accept an on-site wastewater disposal system. Additional clearing and grading detail will be required to adequately review the proposal. Review and comment by Latham Water District should be provided. The adequacy of the proposed turnaround for use by fire apparatus should be verified. The adequacy of sight distance at the proposed driveway location should be shown.

Mr. O'Brien, Environmental Specialist, reported that the ECC offered the following comments regarding this application. The Town of Clifton Park L-C zone should be delineated on the plot plan. The applicant must comply with all requirements of the Latham Water District.

Board members discussed the fact that the portion of the lot proposed for the house location falls short of the required 100,000 SF bulk requirement. Mr. Pelagalli will discuss the situation with Mr. Renzi, Zoning Board Counsel, to determine if an area variance will be required. Mr. Larkin called for a "consistency of approach" for applications, noting that the applicant did have land enough to design a subdivision that could meet zoning requirements. Board members discussed the proposed variances at length, though they issued no recommendation to the Zoning Board of Appeals. The applicant was directed to consider alternative design plans.

Discussion Items:

Fortune Warehouses – E. J. Prescott Supply

A representative from E. J. Prescott Supply presented a request for the construction of a pole barn that would provide shelter for a new building material that requires inside storage. Mr. Kemper explained that he had directed Mr. Fortune, owner of the property,

to provide a complete site plan application for review by the Board. Mr. Grasso explained that the site has been “built out”: setbacks and zoning requirements must be respected. He suggested that Mr. Fortune prepare an amended site plan for the Board’s consideration.

Wildberry Court (Healy Subdivision)

Mr. Kemper explained that the clearing limit lines as established for this subdivision would not allow for construction of the homes to be built on the lots. Mr. Grasso noted that there were no buffer areas established for this subdivision as with other subdivisions where no cut buffers would restrict clearing. Board members agreed that although the clearing limit lines could be moved slightly, they were not to be moved to the extent proposed by the developer.

Minutes Approval:

Mr. Bulger moved, seconded by Russell, approval of the minutes of May 24, 2005 as written. Ayes: Larkin, Kramer, Russell, Karam, Hughes, Bulger. Noes: None. Abstained: Pace.

Mr. Bulger moved, seconded by Karam, adjournment of the meeting at 9:15p.m. The motion was unanimously carried. The next Planning Board meeting is scheduled for June 28, 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 #12

APPROVAL

Special Use Permit

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 14, 2005 there were:

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

Absent: None

Mr. Larkin offered Resolution #12 and Mr. Kramer seconded, and

Whereas, an application has been made to this Board by Catherine M. Morton for approval of Special Use Permit #80549 to allow the construction of a two family residence in an R-1 zone pursuant to Section 208-10,B(9) and 208-79 of the Town Code;

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on June 14, 2005 in the Town Office Building,

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

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

Now therefore, be it resolved that the application of Catherine M. Morton for approval of Special Use Permit #80549 to allow the construction of a two family residence in an R-1 zone pursuant to Section 208-10,B(9) and 208-79 of the Town Code in an R-1 zone is hereby approved.

Resolution #12 passed 6/14/05

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

Noes: None

Steven Bulger,
Chairman

Resolution #13

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 June 14, 2005, there were:

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

Absent: None

Mr. Kramer offered Resolution #13, and Mr. Larkin seconded, and

Whereas, an application has been made to this Board by Christopher Malandrino for approval of a subdivision entitled Foundation Location for Kain Development, LLC consisting of the transfer of a five-foot wide strip of land from the Lands of 171 Hubbs

Road to the Lands of 1028 Hatlee Road;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 14, 2005 and;

Whereas, the Planning Board was established as Lead Agency for this application, a Type I action, and a negative declaration was issued pursuant to SEQRA on June 14, 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 Foundation Location for Kain Development, LLC consisting of the transfer of a five-foot wide strip of land from the Lands of 171 Hubbs Road to the Lands of 1028 Hatlee Road is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso.

Resolution #13 passed 6/14/05

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

Noes: None

Steven J. Bulger, Chairman

Resolution #14

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 June 14, 2005, there were:

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

Absent: None

Mr. Bulger offered Resolution #14, and Mr. Hughes seconded, and

Whereas, an application has been made to this Board by Carlos Teixeira for approval of a subdivision entitled Lot Line Adjustment Between the Lands of Teixeira and Sharifipour the transfer of .14 acres of land from the northernmost parcel owned by Teixeira and Sharifipour to a parcel to the south under the same ownership

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 14, 2005 and;

Whereas, the Planning Board was established as Lead Agency for this application, a Type

I action, and a negative declaration was issued pursuant to SEQRA on June 14, 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 Lot Line Adjustment Between the Lands of Teixeira and Sharifipour consisting of the transfer of .14 acres of land from the northernmost parcel owned by Teixeira and Sharifipour to a parcel to the south under the same ownership is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso.

Resolution #14 passed 6/14/05

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

Noes: None

Steven J. Bulger, Chairman