

Clifton Park Planning Board Meeting Minutes December 13, 2005

Those present at the December 13, 2005 Planning Board meeting were:

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

Those absent were: J. Larkin

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. Mr. Bulger announced that the 7:25 public hearing regarding Dunseath and the second item under new business regarding the Santoro subdivision had been withdrawn from the agenda at the request of the applicants.

Public Hearings

[2005-061] Pecoraro, Paula – Proposed two-family residence in an R-1 zone, 12 Cranberry Lane – Special Use Permit public hearing, site plan review and possible determination.

Mr. Bulger called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on December 5, 2005.

Ms. Pecoraro presented her application that remains as presented at the November 22, 2005 meeting. She explained that her family intends to construct a 400 SF addition to the northwest side of their existing home to provide an in-law apartment for her elderly mother. She stated that another family in the neighborhood family had received approval to construct a similar "in-law apartment".

Mr. Kemper explained that this project last appeared before the Board on November 22, 2005, at which time the Board found it acceptable. He asked that façade renderings be provided with the plans submitted for stamping.

Both Clough, Harbour, and Associates and the ECC found this application acceptable.

There being no public comment, Mr. Bulger moved, seconded by Mr. Karam, to close the public hearing at 7:15p.m. The motion was unanimously carried.

After reviewing the façade renderings that had been submitted for review and determining that there would be sufficient off-street parking for an additional automobile, Board members found the plan acceptable. Mr. Karam also commented that since another

in-law apartment has been approved in the neighborhood, Board approval seemed reasonable.

The Board first addressed the Special Use Permit application. Mr. Bulger 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. Kramer offered Resolution #36, seconded by Mr. Karam, to grant Special Use Permit approval to this application conditioned upon satisfaction of the comments offered by Mr. Kemper. Ayes: Kramer, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

The Board then addressed the site plan application. Mr. Bulger moved, seconded by Mr. Hughes, 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 to this application conditioned upon satisfaction of the comments offered by Mr. Kemper. The motion was unanimously carried.

[2005-056] Guyer, Richard H., III – Proposed transfer of 2.53 acres of land from 186 Blue Barns Road to an adjoining property – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:18p.m. The Secretary read the public notice as published in the Daily Gazette on December 5, 2005.

Mr. VanGuilder, consultant for the applicant, presented this application, explaining that the applicant owns a 4.46 parcel of land that lies within the Town of Clifton Park. The goal of the proposed land transfer is to attach a portion of that lot to an existing 1.81 acre parcel in order to provide access to a larger parcel of land that lies within the Town of Ballston. The applicant will deed restrict an additional 1.35 acres of land in order to meet existing density requirements. A 60' wide future right-of-way has been illustrated on the plans. The consultant reported that sight distance requirements at the proposed intersection of the new road with Blue Barns exceed acceptable standards. Mr. VanGuilder explained that, pursuant to comments issued by Clough, Harbour, and Associates, the proposed future roadway was reviewed for compliance with subdivision regulations. An adjustment has been made to the alignment of the future road in relation to Blue Barns Road in order to meet these regulations. The interior angle of two intersecting streets must be between 75° and 90°: the angle shown on the previous plan did not meet these specifications. The interior angle is now 75°. In addition, the gradient of the new road, within 100 feet of the intersection must not exceed 3%. A topographic survey of the existing ground in the vicinity of the new street indicates that the gradient requirement can be met without excessive fill or cut. Mr. VanGuilder stated that public water is available to serve the future development, though no public sewer system exists

in the area. Individual septic systems will be required.

Mr. VanGuilder reported that his firm is preparing suggested descriptions for the unconstrained lands to be permanently restricted against development or being used in density calculations for future development of the remaining lands of Guyer. Upon acceptance by the Planning Board, deeds will be filed in the Saratoga County Clerk's Office to document the permanent restrictions. Mr. Pelagalli asked that drafts of the deed descriptions and restrictions be submitted for his review.

Mr. Kemper stated that this project last appeared before the Board on November 9, 2005 at which time the Board was advised that future development of the larger parcel owned by Guyer was anticipated. At that meeting, Board members found the proposal generally acceptable. Deed descriptions must be provided for the property to be transferred and a consolidation deed must be provided. Clough, Harbour, and Associates must provide a sign-off on the sight distance at the proposed road location. The deed restrictions previously requested by the Board have been submitted for review.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed this application and issued the following comments. The applicant is proposing the preservation of an appropriate amount of open space (1.32 acres) in order to permit the subdivision as proposed while maintaining an overall development proposal of one lot per three developable acres. As such, the subdivision is deemed to be in conformance with the new CR (Conservation Residential) zoning. Deed restrictions shall be established in perpetuity and if the opportunity arises, be conveyed to the Town as open space.

Mr. Grasso noted that the prior review letter identified concerns regarding the location and alignment of the land designated as future right-of-way for use as a proposed roadway to the rear parcel. He reported that the applicant has provided new information indicating that adequate sight distance exists along Blue Barns Road at the location proposed for the new intersection. The earlier review letter also suggested that the applicant complete preliminary design of the proposed access road to determine if it can be built in accordance with Town standards. Since this plan has not been provided, and the applicant should understand the risks associated with setting up a right-of-way that may need to be revised in the future, such as providing right-of-way cusps. If a Town road right-of-way is established in the proposed location at some point in the future, the lands N/F of Bartlett located south of the road will become a corner lot. It was recommended that the Board consider the associated impacts on the adjacent property.

Mr. VanGuilder responded to Mr. Grasso's comment regarding possible impacts to the Lands of Bartlett, explaining that there are no structures within 100 feet of the proposed roadway and that the deed restricted property lies between the proposed roadway and the Bartlett parcel.

Mr. O'Brien, Environmental Specialist, reported that the ECC found this application acceptable.

Mr. Wesley A. Bartlett, 178 Blue Barns Road, submitted a letter to the Planning Board and voiced his concerns regarding the proposed land transfer. He stated that he believed that approval of this application would constitute a de facto approval of the construction of the road as indicated on the map. He believed that the information provided by the applicant did not adequately evaluate the impact of the proposed roadway on his property, the traffic on Blue Barns Road, or the environment. He asked that the Board defer any decision concerning this application until the impacts related to obstruction of views from his property, pollution, and drainage are considered. The speaker also provided comments from Mr. and Mrs. Lamb, residents of 176 Blue Barns Road. Their concerns related to increased noise levels, traffic, and drainage.

There being no additional public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:29p.m. The motion was unanimously carried.

Both Mr. Karam and Ms. Pace expressed concerns regarding future development of the site but were assured by Mr. Kemper that any future proposals would require review and approval by the Board. Proposals submitted within the Town of Ballston would be referred to the Board for comment because of the proximity of the project to the Town boundary. Mr. Bulger agreed that the concerns expressed by Mr. Bartlett were valid, explaining that any future subdivision application would require that all subdivision requirements, including traffic studies, stormwater management plans, and engineering details be prepared as part of the preliminary submission process. Mr. Bartlett remained concerned about future development, reporting that site work had already begun. Mr. VanGuilder explained that although County maintenance crews had deposited some materials from road work on Mr. Guyer's property, no more fill would be added. Mr. Bulger reiterated that all traffic safety, setback, and drainage impacts would be evaluated when a formal subdivision submission is presented for review.

Mr. Karam moved, seconded by Mr. Hughes, 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 #37, seconded by Mr. Kramer, to waive the final hearing for the application and to grant preliminary and final subdivision approval to the application conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso and the addition of a note to the plan stating that any further development of the parcel will require Planning Board review and approval. Ayes: Kramer, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

[2005-057] Angelillo, Charles – Proposed (2) lot subdivision, Bruno Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:32p.m. The Secretary read the public notice as published in the Daily Gazette on December 5, 2005.

Mr. Gil VanGuilder, consultant for the applicant, presented this application for the

Board's consideration, explaining that the plan remains generally as presented at the November 22, 2005 Planning Board meeting. As requested by the Board at that time, the applicant has agreed to convey a 5' strip for future road improvement projects along the property's frontage. The applicant rejected the use of a combined driveway, however, since both homes would be designed with side-load garages. The speaker reported that sight distance information indicates that acceptable standards are exceeded at these proposed driveway locations. The lots will be served by public water. Individual septic systems will be installed. Mr. VanGuilder reported that soil conditions are favorable for the installation of conventional systems.

Mr. Kemper reported that this project was last reviewed by the Board on November 22, 2005 at which time the Board found it generally acceptable. The Board did recommend that a shared access driveway be shown on the plans. Sign-off must be provided from the Clifton Park Water Authority. The proposed driveway should be graded so that additional drainage is not shed onto the property north of the proposed subdivision. Sheryl Reed requires verification of the postal address.

Mr. Grasso reported that, after reviewing the project submission, Clough, Harbour, and Associates prepared the following comments. The parcel is located in area zoned R-1 Residential. The minimum lot size for parcels served with municipal water and sewers is 20,000 SF: 30,000 SF for parcels served with municipal sewer only. Parcels only served with municipal water or neither water nor sewers is 40,000 SF. This should be so noted on the plan. It should be confirmed that wetlands are not present on the site that would affect the development or the installation of the wastewater disposal system. The lot width at the front building line should be labeled on the plan.

Mr. O'Brien, Environmental Specialist, reported that following a review of this application, the ECC recommended 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. Don McCune, 605 Bruno Road, asked about the available frontage of the parcel. Mr. VanGuilder stated that the frontage totals nearly 203 feet. There would be approximately 100 feet of separation between the proposed residences and existing homes.

Ms. Angelo DiSalvatore, 615 Bruno Road, stated that since she and her husband resided on property that abuts the Tanski parcel, she is concerned that their property will be negatively impacted by drainage from more intense development of the site.

Mr. VanGuilder responded to Ms. DiSalvatore's concern, explaining that a swale would

likely be provided between the driveway and the property line to prevent water from flowing from the Tanski parcel. He also noted that the driveways would be installed 6-7 feet from the property boundaries to prevent such problems and allow for proper maintenance though there are no setback requirements for driveway locations. Mr. Bulger agreed with Mr. VanGuilder's explanation, stating that a sign-off from the Town Engineer is required before plans are released from the Planning Department.

There being no additional public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:46p.m. The motion was unanimously carried.

Mr. Karam expressed his preference for installation of a combined driveway, though Mr. VanGuilder explained that the applicant believes that his privacy would be compromised. Mr. VanGuilder reported that the applicant also believes that a combined drive would be visually unappealing since it would create a "parking lot" look. He reported that the sight distance is adequate at both access points. Mr. Karam restated his position regarding the driveway issue, stating that such a driveway would provide better traffic management and safety for those traveling Bruno Road. Mr. Hughes, observing that the existing drive is located near the center of the site, supported Mr. Karam's recommendation.

Mr. VanGuilder asked the Board to defer action on the application until he can consult with his client. In the meantime, Clough, Harbour, and Associates will review the deed descriptions to assure those who commented publicly that the frontage measurements are accurate.

[2005-058] Dunseath, Hugh – Proposed (2) lot subdivision, Moe Road – Preliminary public hearing and possible determination.

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

[2005-025] DiCocco, Americo – Proposed (2) lot subdivision, Ashdown Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:52p.m. The Secretary read the public notice as published in the Daily Gazette on December 5, 2005.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that was last before the Board on May 10, 2005. The plan remains as presented at that time. The consultant explained that the applicant received a variance for a reduction of the required lot size for the existing home from the Zoning Board of Appeals on April 19, 2005. The proposed lot will meet zoning requirements. The new lot as well as the existing residence will be served by an individual well and septic system.

Mr. Kemper explained to the Board that this project was last reviewed on May 10, 2005 at which time Board members found the application generally acceptable. They did request that a note be added to the plans advising of the project's close proximity to the

railroad tracks. Postal addresses must be provided on the plans. Names of adjoining property owners should be added to the plans. This project received Zoning Board of Appeals approval prior to the adoption of the Findings Statement and is therefore, exempt from the new zoning regulations. Any wetlands located on the parcel should be shown of the plan. If none exist, a note stating this must be added to the plans. Sheryl Reed, Chief of the Bureau of Fire Prevention, requires verification of the postal addresses.

Mr. Grasso reported that Clough, Harbour, and Associates provided the following comments after review of this application. The proposed project is located within the Western Clifton Park GEIS study area and within the newly adopted CR (Conservation Residential) zone. Because the variance was granted allowing deviation from the previous zoning regulations prior to these regulations, conformance with the statement of findings or new zoning does not appear warranted. The names of the adjacent property owners should be added to the plan.

Mr. O'Brien, Environmental Specialist, reported that the ECC provided the following comments. Due to the potential for Federal wetlands on this parcel, the applicant was asked to determine the location and extent of disturbance of Federal wetlands before a building permit is issued. 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.
- 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.

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

Board members observed from the aerial photo that a line of trees crossed the proposed new lot and asked if these trees would be preserved. Mr. VanGuilder explained that it was a condition of a previous approval that the trees be preserved. He did state, however, that the applicant will thin the dead trees to improve the aesthetics of the property. Members also discussed the lot's proximity to the railroad tracks and asked that a note in bold type be added to the plan indicating that the lot does adjoin railroad property. Mr. VanGuilder reported receipt of correspondence from the Guilford Transportation, owner

of the railroad line, that expressed concern for development only if a railroad crossing was proposed.

Mr. Kramer 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 offered Resolution #38, seconded by Mr. Kramer, to waive the final hearing for this application and to grant preliminary and final subdivision approval to the application conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso and the addition of a note in bold type to the plan stating that the property lies in close proximity to an operating railroad line. Ayes: Kramer, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

[2005-055] Taylor, Alan D. and Carolyn A. – Proposed lot line adjustment between 767R and 765R, Waite Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 8:05p.m. The Secretary read the public notice as published in the Daily Gazette on December 5, 2005.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that remains exactly as presented on November 9, 2005. The plan provides an enlarged useable back yard space for the Taylors. There will be no impacts to existing wells, septic systems, or residences.

Mr. Kemper explained that this project last appeared before the Board on November 9, 2005 at which time the Board found the project acceptable. A consolidation deed must be provided for review

Both Mr. Grasso and the ECC found the application acceptable.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 8:07p.m. The motion was unanimously carried.

Ms. Pace moved, seconded by Mr. Bulger, 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 offered Resolution #39, seconded by Mr. Kramer, to waive the final hearing for this application and to grant preliminary and final subdivision approval to the application conditioned upon satisfaction of the comments offered by Mr. Kemper Ayes: Kramer, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

[2005-021] Carlson Farm – Proposed (44) lot subdivision, Moe Road – Reconvening of public hearing held on October 25, 2005.

Mr. Bulger reconvened a public hearing that was originally held on October 25, 2005 at 8:09p.m. The Secretary read the public notice as published in the Daily Gazette on December 5, 2005.

Mr. Gavin Vuillaume, consultant for the applicant, provided a brief history of the project proposal that remains generally as presented on October 25, 2005. Although most of the technical issues have been resolved, there were several issues that were identified by the Board as significant concerns at that time. These include drainage along the rear property lines of existing homes on Arbor Lane, sign-offs from appropriate agencies for accurate wetland delineations, impacts of the development on Moe Road, the most feasible location of the multi-use pathway connection, and the preservation of the existing homestead. Mr. Vuillaume addressed each issue of concern specifically.

Mr. Vuillaume explained that the preliminary plans prepared for this development were based upon the assumption that the .42 acre wetland area located at the north end of the property will be determined by the ACOE to be an isolated wetland area that is non-jurisdictional. He reported that John Connell, US Army Corps of Engineers representative, last visited the site on May 26, 2005 during spring conditions. Mr. Connell has indicated that he will confirm the final non-jurisdictional determination within the next few months. Once the final determination is made, proposed drainage improvements to the rear of the existing lots along the south side of Arbor Lane will be finalized. Mr. Vuillaume stated that a sign-off letter had been received from the NYSDEC: he will forward a copy to the Town. The current plan shows that two storm sewers will be designed to improve the drainage for Arbor Lane residents, directing water to the new roadway.

Though Mr. Vuillaume stated that the traffic data submitted to date concludes that no improvements to the bend on Moe Road are warranted by the proposed application, he submitted a sketch of a re-design for the curve along Moe Road. He explained that the clearing of trees along the south side of the road is recommended to improve to existing conditions. A significant amount of land designated as Lot "43E" is proposed for conveyance to the Town on the south side of Moe Road. This would enable the proposed clearing as well as reconfiguration of the curve in the future if necessary. The speaker pointed out that sight distances at the proposed new intersections with Moe Road were determined to be adequate. The secondary access at the curve along Moe Road has been deemed by the Planning Board to be more appropriate than a connection to Arbor Lane.

The multi-use pathway has been shown on the plan running from Moe Road at its intersection with the northernmost new roadway through the development to Huntwood Drive. The plan does not show details of the pathway on Town-owned land abutting residences along Huntwood Drive since this land has been occupied by the adjoining owners and is currently fenced. The applicant has agreed to construct an 8-foot wide pathway through the development and will add plantings to screen the path from existing properties.

Mr. Kemper reported that this project was considered by the Board during an October 25,

2005 preliminary public hearing. That public hearing was adjourned. The main issues of concern identified at that time were the significance of the historic barn on the property and assuring that the residents along Arbor Lane are not negatively impacted by additional drainage. A trail connection should be shown to Arbor Lane. Sign-offs will be required from the Clifton Park Water Authority and the Saratoga County Sewer District. The multi-use pathway should be shown on all sets of plans. The applicant should clarify the status of the archeological study. A jurisdictional determination must be provided by the ACOE. Lots #25 and 26 should be relocated or removed to provide a usable rear yard. The deed restricted area note should be revised to indicate that no vegetation over 4" can be removed. Sheryl Reed provided a memo dated October 25, 2005 that requests that street names be submitted for accurate postal verification. The plan must specify a 24' carriage way without curbing to comply with rural road design standards: plans currently reflect 22' carriage way.

Mr. Kemper recommended that additional right-of-way be provided along Moe Road for future highway improvements. A catch basin should be added to drain the low areas behind Arbor Lane. Split rail vinyl fencing must be provided around the stormwater management areas. A sign-off must be provided from NYSDEC for the wetland delineation. Street lights must be provided at the intersections with Moe Road. If approved, a penalty will be paid to the Town of Clifton Park for breaking the agreement signed when the property was enrolled in the Conservation Easement Program.

Mr. Grasso offered several comments that resulted from Clough, Harbour, and Associates' review of the project plan. At the last Planning Board meeting the need for a traffic study that addresses the impacts to Moe Road and, specifically, the project's impact at the sharp corner of Moe Road was discussed. Although a traffic study that addresses the adequacy of sight distance and impacts to nearby intersections was submitted, it did not address this item. Mr. Grasso recommended that additional investigation be completed. A plan should be provided showing the multi-use pathway connection to the south. The multi-use pathway detail should be revised to comply with the detail currently in use by the Town. He asked that the applicant's engineer contact his office for a copy of the detail. A detail of the proposed multi-use pathway boardwalk should also be provided.

The following comments related to the Stormwater Management Report:

- 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).
- A minimum 10-foot wide gravel access drive should be constructed from the proposed roadways to each of the stormwater management areas to facilitate future maintenance by the Town.
- A Stormwater Pollution Prevention Plan with erosion and sediment control methods and details should be provided.
- A Construction Phasing/Sequencing Plan should be prepared showing how the site will be developed while limiting disturbance to a maximum of 5 acres at a time. The plan

should also should additional temporary erosion control measures including temporary diversion measures, temporary sediment basins, a stabilized construction entrance and designated topsoil and fill stockpile areas.

Mr. Grasso offered the following comments based upon the revised plan set that had been submitted for review. He noted that at the last Planning Board meeting residents of Arbor Lane expressed concern over the drainage along the rear of Lots #4 - #12. Catch basins and perforated storm sewers should be provided in the rear of these lots to provide adequate drainage, draw down groundwater levels, and provide an opportunity for these adjoining residences to connect drainage lines. The use of underdrains should be considered to alleviate the current high ground water condition in this area. The grading plan needs to be revised to not shed water to the backs of these lots. How this affects the no-cut buffer also needs to be articulated. An additional triangular shaped portion of right-of-way should be conveyed from the eastern portion of proposed Lot #44 to allow for the radius of Moe Road to be increased from the Kleinberg/Kazen property to the south. Given the extent of constraints on the property to be annexed, it should be noted that Clough, Harbour, and Associates will not support the future re-subdivision of the Kleinberg/Kazen property. The proposed multi-use pathway should connect to Huntwood Drive. If this connection is not made, the trail should be constructed along Moe Road to the intersection of Huntwood Drive. As currently depicted, the limits of clearing and grading extend beyond the limits of the proposed silt fence. Additional silt fencing should be located at the lower limits of the proposed clearing and grading. Street lights at the road intersections and foundation drain laterals for each lot should be shown. Handicapped-accessible ramps and detectable warning strips need to be provided wherever the multi-use paths will cross a public road. Mr. Grasso explained that additional review comments would be provided as the plans are progressed.

Mr. O'Brien explained that the ECC reviewed this application on several occasions and reiterated the following comments. Any potential Army Corps of Engineers (ACOE) wetlands that are pending a ruling by the ACOE should be noted on the plot plan, specifically Lots #9, 37, 38, 39, 40, and 41. The results of this ruling should be reflected on each plot plan as any ruling may affect the ability to build residences on these lots. Due to the potential of a high water table, the ECC recommends that the applicant put comments to that effect on each individual plot plan. The ECC also recommends that the L-C zone be indicated on the plot plan. The ECC recommends that the following standard statement 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. Bulger introduced Mr. John Scherer, Town Historian, who was in attendance to address the Board's concerns regarding preservation of the existing historic home. Mr. Scherer provided Board members with a copy of his prepared statement which is attached to these minutes. He concluded his report by stating his appreciation for the Board's willingness to consider preservation of the "Moe Homestead" and he encouraged the

Board to work to save the home, barn, and cemetery site. Mr. Bulger agreed that preservation of these components of the site was important. In response to Mr. Karam's question regarding the re-use of building materials from Edison Laboratories, Mr. Scherer responded that such re-use of materials was common and that it is very likely that some elements of the old laboratory was used to construct the barn that remains on the property.

Mr. Tidmarsh, 22 Huntwood Drive, identified four concerns related to the proposed multi-use pathway. He described these concerns as proximity to existing residences, privacy for those adjoining the path and security for those using the path, the impact to his plans to enlarge his home, and the potential creation of a "mini-park" within the Countryman Estates subdivision that may require re-routing of the proposed trail. Noting that there were several large trees on the town-owned property adjoining his lot, he asked if it would not be more prudent to place the trail along Moe Road: he suggested that conveyance of additional lands from the Carlson Farm project would perhaps make this possible. He also expressed concerns for the "isolation" that would result from the trail location, explaining that, in his opinion, a trail that is distant from well-traveled roadways would pose a danger to those using it – particularly children. Mr. Tidmarsh asked the Board to describe how the pathway would be maintained. Mr. Kemper explained that maintenance of the pathway network is the responsibility of the Buildings and Grounds department.

Mr. Steve Keneke, 12 Huntwood Drive, reiterated concerns expressed during the first public hearing regarding the curve on Moe Road. He believes that creating a new intersection on that curve will produce a safety hazard for drivers.

Mr. Steve Konn, 14 Arbor Lane, stated that the drainage problem currently existing along Lots #10 and 12 Arbor Lane also extends eastward to his lot. In response, Mr. Vuillaume explained that the applicant will preserve existing vegetation to the greatest extent practicable and will provide underdrains and grading to direct water away from the northern property boundary.

Mr. Jay Honsinger, 10 Arbor Lane, encouraged the Board to require further review of the wetland delineations since he is concerned with standing water in his back yard.

Mr. Bulger explained that the applicant is working to help improve an existing situation. Project review by professional engineers ensures that the applicant will manage drainage and stormwater adequately on the site. He noted that the ACOE visited the site in September, 2004 and May, 2005 and that the delineations provided appear to be accurate.

Ms. Margaret Catellier, 26 Royal Oak Drive, thought that the applicant did a "good job" with historic preservation. She asked the consultant to quantify the number of homes that will find the use sump pumps necessary. Mr. Vuillaume was unable to provide that number. Mr. Grasso explained that new home construction generally includes sump pump piping to be utilized as needed. Ms. Catellier, describing her family's personal experience with sump pumps, called on the Board to ensure that no sump pumps will be

needed by the potential homeowners. She stated that, in her opinion, if the drainage situation worsens for those along Arbor Drive following the build-out of this subdivision, either the developer or the Town should assume responsibility for resulting damage.

Mr. Dave Wareing, 20 Huntwood Drive, told the Board that his property adjoins the proposed multi-use pathway location. He was concerned about the safety of his family and those traveling along the pathway where “dangers may lurk”. Stating that most trails in the area are located along well-traveled roads, he encouraged the Board to support development of the trail along Moe Road rather than through the development. Mr. Sherer, a member of the Trails Committee, explained that there are many off-road trails throughout the Town. Mr. Bulger explained that security has never been an issue for those using the trail network.

Mr. Al Czerpak, 52 Via da Vinci, shared the concerns put forth by Mr. Tidmarsh and Mr. Wareing regarding the issue of safety for those using Town trails. Mr. Bulger explained that the trails are patrolled by the security force employed by the Town and that barriers are required to prevent vehicular access. To his knowledge, no incidents have been reported involving those using the trail network.

Board members and those in attendance discussed the issue of trails at length. Mr. Scherer commented that published reports conclude that properties located near trails increase in value and that safety is not jeopardized by the proximity to trails or the location of trails. Though Mr. Tidmarsh and Mr. Wareing continued to press the issue of safety, Mr. Bulger stated that the Town would not approve a project that would threaten the “health, safety, and welfare” of Town residents. In his opinion there was no potential threat to one’s security should the trail be located as proposed. Mr. Kramer reported that he grew up on Huntwood Drive and that there were no problems associated with use of the open space areas within that development. Mr. Karam stated that should a security problem arise, the Public Safety Task Force would act immediately to address the situation. In response to his question regarding signage at the intersection of the pathway with the new roadway, Mr. Grasso explained that STOP signs, warning strips, bollards, and other devices would be used as controls.

Mr. William Engleman, 6 Partridge Plateau, asked if the subdivision was considered to be a conventional subdivision. Mr. Kemper responded that the design was considered to be a cluster, with 43 acres of open space preserved. Approximately 10-20% of that open space is described as “unconstrained”.

Board members recommended that the area surrounding the cemetery be enlarged, that any remediation for the ponding that occurs on lots along Arbor Lane that can be incorporated in the pending plan be included with design plans, and that details of the elevated boardwalk that will allow for the trail to cross wetland areas be provided. Mr. Kramer encouraged the applicant to maintain as much vegetation as possible along Moe Road. Mr. Hughes asked that the trail connection to Huntwood be screened as much as possible. Mr. Bulger asked that the applicant and Town officials meet with Rick Kukuk, Highway Superintendent, to discuss future improvements to Moe Road.

There being no additional public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 9:45p.m. The motion was unanimously carried.

Mr. Bulger thanked all those who participated in the public hearing, especially Mr. Scherer, for their contribution to the planning process.

Old Business

[2002-002] Rolling Meadows - Proposed (44) lot subdivision, 675 MacElroy Road – Public workshop for amenity zoning request pursuant to Section 208-43.16 of The Town of Clifton Park Zoning Code.

Mr. Bulger introduced this application, citing it as the “very first” public workshop for the recently-adopted amenity zoning law. Mr. Scott Lansing, consultant for the applicant, presented the subdivision application that includes a request for a positive recommendation from the Planning Board to the Town Board for approval of 20 additional lots. Mr. Lansing explained that this project plan was submitted for Planning Board review prior to the establishment of a moratorium and the completion of a Generic Environmental Impact Statement for the Western Portion of the Town. The plan was re-submitted following the adoption of legislation that defined the C-R (Conservation Residential) zone.

Mr. Lansing described the property slated for development. The applicant proposes to subdivide approximately 80 acres of land into 43 single-family residential lots that will be accessed from an extension of Winkel Way and a new roadway that will intersect with MacElroy Road. All lots will be served by the Clifton Park Water Authority and the Saratoga County Sewer District via the Town of Clifton Park Sewer District #1. The minimum lot size will be 20,000 SF. A cluster lay-out has been designed. 43 acres of open space will be conveyed to the Town. Analysis of the water system has been completed and it has been determined that the proposed “looping” of the system will increase available fire flows and water pressure. Since Dutch Meadows has experienced flow and capacity issues related the sewer system, the applicant proposes the construction of a central pumping station. Mr. Lansing described the method used to calculate allowable density for the project. The site contains 67.86 acres of unconstrained land which permits the development of 23 housing units: 43 residences are proposed. The applicant has agreed to pay \$600,000 to purchase development rights for the extra 20 homes. Mr. Lansing described the benefits to the community as follows: the development will provide a second means of egress for the residents of Dutch Meadows; there will be a substantial improvement in water services; the cluster design will provide a significant open space area; \$600,000 will be contributed to the Town for the acquisition of additional open space lands. Mr. Lansing respectfully asked for a positive recommendation from this Board to the Town Board for the requested increase in project density.

Mr. Kemper reported that this project last appeared before the Board on June 28, 2005.

The concerns raised by the Board at that meeting included water pressure in the area, cut through traffic, wetland impacts, and the density of the project. A multi-use path connection must be shown to Veterans Park. Lots #44, 17, 18 and 19 should be modified or removed to allow for usable rear yards without impacting the wetland areas. Coordinated review has not yet been initiated for this project. A stone dust or gravel multi-use path must be illustrated on the plans in the upland open space areas. Sign-offs will be required from the Clifton Park Water Authority, the Saratoga County Sewer District, and the Clifton Park Sewer District. The applicant must forward a copy of all correspondence from the Army Corps of Engineers, particularly a jurisdictional determination letter. A NYSDEC Wetland Permit must be provided prior to the stamping of the plans. Sight distance must be illustrated on the plans. The application was referred from the Town Board on November 21, 2005. Mr. Kemper explained that the purpose of this public workshop is to answer any questions the public may have on the proposal and to forward an advisory opinion to the Town Board on the incentive zoning request. The Town Board will then hold a public hearing on the application, will assume Lead Agency status pursuant to SEQRA, and will render a decision on the amenity zoning request. If approved, the project progresses through the normal subdivision review process.

Mr. Kemper emphasized the importance of the verification of the wetland delineation by the ACOE. Mr. Lansing described the jurisdictional determination letter from the ACOE as “overdue”. Mr. Kemper pointed out that the design of the project and density determination will be directly related to the ACOE agreement with delineated wetlands.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the following documents submitted by Lansing Engineering, PC relative to the above referenced project: Proposed Layout Plan, dated 11/01/05; Constrained and Unconstrained Plan, dated 11/01/05; Project Narrative, Dated 11/01/05; Requested Incentive and Proposed Amenity, dated 11/01/05; Rolling Meadows Subdivision Calculation, dated 11/01/05. The following comments were based on that review. The applicant’s “Constrained and Unconstrained Plan” identifies several wetland areas located on the property. The project narrative notes that the property contains 12.65 acres of wetlands and a note on the plan indicates that some of the wetland limits are based on NYSDEC wetland mapping filed in the Saratoga County Clerks office. In the June 27, 2005 review letter it was noted that the wetland boundaries need to be field delineated, surveyed and mapped. These maps must be submitted to both the United States Army Corps of Engineers and the New York State Department of Environmental Conservation for a jurisdictional determination. The speaker explained that this review often results in an increase in the amount of land identified as jurisdictional wetlands. Such a change will affect the amount of “unconstrained land” within the project site. This is important, as it will determine the number of development rights that need to be purchased to allow the development plan to progress. No documentation has been submitted indicating this has been completed. Additionally, it appears a small portion of the site has slopes over 20% which should be defined as “constrained land”. Based on the contention that the 12.65 acres of land identified on the Constrained Lands Plan are the only such lands on the property, the applicant has completed the calculation to determine the base density allowed for development in the Conservation Residential Zone. The calculation appears to be correct,

and the applicant has determined that twenty-three lots would be allowed. The applicant is proposing to purchase development rights for an additional twenty lots, bringing the proposed development to a total of forty-three lots. If the amount of development rights needed is verified at twenty lots, the applicant should deposit \$600,000 (20 lots times \$30,000 per development right) with the Town at the time of final subdivision approval. Assuming the above information is verified, it appears that the development plan is consistent with the CR (Conservation Residential) zoning and that application of amenity zoning through the purchase of development rights is appropriate. If the Board agrees with this determination, it should forward a positive recommendation to the Town Board authorizing the purchase of a set number of development rights. If approved by the Town Board, the application may proceed to final subdivision review.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project, the ECC offered the following comments. The ECC believes the proposed subdivision meets the spirit and intent of the amenity zoning that is presently part of the Town of Clifton Park Zoning Code. The ECC recommends that the existing high density nature of the proposal necessitates review of the projects by the Trails Committee.

Mr. Bulger explained that the evening's review would not be an in-depth consideration of the proposed subdivision but rather a determination on whether or not the proposal meets the intent and spirit of the new zoning regulations to the satisfaction of Planning Board members.

Mr. Lawrence McLaren, 9 Winkel Way, expressed several concerns regarding negative impacts the proposed development may have on existing properties. The first involved existing drainage and water flow from lands adjoining Dutch Meadows to the north. The speaker was concerned that additional run-off would negatively impact the existing 60 homeowners. Mr. Lansing explained that the applicant proposes to incorporate existing drainage patterns and utilities into the planned project. Mr. McLaren was also concerned that drivers would use the new roads as "short cuts" from Hubbs Road to MacElroy Road. He noted that Gretel Terrace was not currently in good condition. Mr. Bulger explained that the Highway Superintendent is working to improve roadways throughout the Town. Mr. Grasso stated that the second access from the development to MacElroy Road will likely improve the traffic flow. In his opinion, it was not likely that travelers would use the new streets as a short cut. Mr. McLaren's third concern was the "historically low water pressure" throughout the Dutch Meadows system. Mr. Lansing explained that water testing was completed and modeled with the future connections to Fairway Woods. This testing resulted in a positive impact to the existing system. Mr. Grasso agreed that the "loop system" would generally benefit existing residents. In response to Mr. McLaren's question regarding the proposed use for the dedicated open space, Mr. Kemper reported that the space would serve "passive" open space needs.

Mr. David Stitt, 684 MacElroy Road, expressed his concerns regarding traffic safety. He believes that the proposed access onto MacElroy would be unsafe due to limited sight distances. He also noted that the road poses "winter hazards" due to ice build up on the curves. He reported that excessive speed on MacElroy is also a problem. The speaker also

asked the Board members to consider the impact of headlights on homeowners residing directly opposite the proposed roadway. Mr. Bulger explained that the location of the access onto MacElroy has yet to be determined: sight distance must be evaluated and must meet engineering standards. If necessary, screening properties impacted by the development will be required. Mr. Stitt was also interested in the ability of property owners along MacElroy to tie into the utility lines. Mr. Lansing explained that owners could possibly benefit from water and sewer line extensions.

Mr. Mike Murphy, 686 MacElroy Road, agreed with Mr. Stitt, stating that speeding along MacElroy is a serious problem. He asked the Board to consider a reduction in the speed limit. Mr. Bulger explained that the Town cannot reduce speed limit below 30 mph without state legislative action.

Mr. Joe Stockbridge, 12 Denhelder Drive, asked the Board to clarify the applicant's request for the development of 43 lots, rather than the 23 permitted by zoning. Mr. Bulger explained the density requirements and the possible density increases permitted by the transfer of development rights and/or the outright purchase of such rights. Though Mr. Stockbridge also suggested access from the proposed development to Hubbs Road, Mr. Kemper explained that the applicant has no ownership of properties to the north of the development.

Mr. Bulger explained that the Town Board has established a value of \$30,000 per lot as the purchase price for increased development rights. Mr. Pelagalli cited the section of Town law that authorizes the Planning Board to issue an advisory opinion regarding increased density to the Town Board. Mr. Bulger did note that approval of the proposed density would be dependent upon the accuracy of the wetland delineations and approval by the applicable regulatory agencies. Mr. Karam commented that under previous zoning, approximately 80 homes could be constructed on this parcel: the new legislation is working to benefit the Town. He also noted that the Town Board would determine the best possible way to spend the \$600,000 received from the applicant.

Mr. William Engleman, 6 Partridge Plateau, requested information regarding a formal public hearing for this application. Mr. Pelagalli explained that the Town Board would be required to conduct a public hearing. Mr. Engleman expressed concern with the amount of wetland disturbance that would be required to construct an access from the proposed development onto MacElroy Road.

Mr. Bulger stated his support of the applicant's request because of the benefits derived by the Town and because the plan appears to meet the intent of the zoning legislation.

Mr. Bulger moved, seconded by Mr. Karam, to support the amenity zoning as proposed by the applicant conditioned upon affirmation of the wetlands as currently delineated. Should the wetland delineations require revision, the Planning Board will defer to the Town Board if it is deemed necessary to reduce the number of residential parcels proposed. The motion was unanimously carried.

Mr. Bulger offered thanks to the applicant for his perseverance and willingness to work cooperatively with the Town to achieve a project that satisfies the needs of the developer and benefits the Town.

[2004-047] Kain Development Group, LLC – Proposed (18) lot subdivision, Longkill Road – Revised conceptual review.

Mr. Frank Fazio, consultant for the applicant, presented the revised subdivision plan prepared for this application, reporting that the applicant has attempted to address the concerns identified by the Board at the September 15, 2005 meeting. The ESAB granted approval for an access from Longkill Road that serves (20) lots. The proposed stormwater management areas have been relocated to permit the establishment of a 50' wide buffer area between the proposed development and the new homes. The applicant has agreed to connect to the existing sewer at Parkside Trail. Mr. Fazio reports that the ACOE has confirmed the wetland delineation.

Mr. Kemper reported that this project last appeared before the Board on September 15, 2005. Since that time a number of letters have been received by the Planning Department. All of the letters were copied for review by the Board members. In general, the letters discussed ground water issues, wetland impacts, buffers to existing homes, loss of wildlife habitat, and a lack of confidence in the builder's ability to complete the project as approved. Some of the neighbors have also been in contact with the ACOE: those letters were also copied for the Board. The applicant received a variance from the Fire Code of Appeals Board on November 11, 2005: a note stating this should be added to the plans and all the conditions of the variance must be added to the plans. Sign-offs will be required from the Clifton Park Sewer District and the Clifton Park Water Authority. Mr. Kemper reported that coordinated review has not been initiated on this project. He recommended that a buffer area be provided along the Wassenaar property. A jurisdictional letter must be provided from the ACOE. Clearing limit lines must be illustrated on the plans. A multi-use path connection should be provided to Parkside Trail. A catch basin must be provided in the center of the cul-de-sac. Sheryl Reed, Chief of the Bureau of Fire Prevention, recommended that the entrance off Longkill Road be widened per the approved variance from the Fire Code Board of Appeals.

Mr. Grasso reported that the applicant appears to have responded positively to several of the comments included in the last review letter. The primary access road from Longkill Road and the southerly cul-de-sac at the end of the access road have been shortened. This change allows for deeper lots that provide greater separation between the existing homes in Country Knolls and the proposed houses. The plan also provides for a fifty foot wide no-cut buffer along the westerly property line. While these improvements are noted, the following concerns from the September 7, 2005 review letter appear unresolved, and will require additional attention. The plan should better define the property ownership arrangement that will result at the entrance to the proposed development. It appears the applicant is proposing to establish an ingress/egress easement over the existing lands now or formally of Wassenaar (Parcel 2). For the roadway to be dedicated to the Town, the roadway right-of-way must also be dedicated to the Town. The proposed easement would

not be acceptable. The plan continues to show a “Proposed Ingress/Egress Easement”. Any easements associated with the existing overhead transmission line that crosses the entrance road should be identified on the drawing. The power line referenced is not shown on the current drawing. If the line still exists, it must be shown and the plan and the information provided.

Mr. O’Brien, Environmental Specialist, reported that, after reviewing the project, the ECC offered the following comments. The ECC requests that the applicant complete a long Environmental Assessment Form (EAF) prior to the preliminary review stage of the project. Due to the potential/observed high water table on the property, several lots may need to be reconfigured to prevent excessive water problems for future and existing residents. The ECC request an inventory of environmentally sensitive habitat. 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.

Board members offered a number of comments on the revised plan. Mr. Russell commended the applicant for moving the internal roadway a bit to the east and stated that he approved of the lay-out design. Mr. Hughes agreed that the 50’ buffer that was shown to the western portion of the site would increase privacy for the existing residents on Hearthside Drive. Mr. Karam noted that some isolated wetlands will be filled and he encouraged that applicant to achieve a 50’ useable back yard area for each lot.

Mr. Bulger addressed members of the audience, stating that this evening’s discussion did not include a public hearing. A public hearing will likely follow the next submission. The Chairman explained that a sign-off would be required from NYSDEC regarding impacts to endangered wildlife that may occur should the development be approved. The applicant will prepare preliminary plans.

[2004-061] Daigle, Howard – Proposed (5) lot subdivision, Vischer Ferry Road – Possible determination from preliminary public hearing held on January 11, 2005 and possible determination.

Mr. Matt Brobston, consultant for the applicant, presented this application that remains generally as presented at the May 10, 2005 Planning Board meeting. At that time the Board approved the project as designed with the request that an extension of the Clifton Park Water Authority line that ends at Coburg Village be extended to serve the project. Although the applicant pursued negotiations with the Water Authority and Coburg Village to obtain easement rights and financial support for the extension, discussions have proved unsuccessful. The applicant finds that it would cost prohibitive to meet the condition set by the Board. Since this was the remaining issue of concern, the applicant now requests approval of the project with water for each lot supplied by an individual well constructed to New York State Health Department standards.

Mr. Kemper reported that this project last appeared before the Board on May 19, 2005 at which time the major discussion at that meeting was the logistics of extending public

water to the site. The applicant has since abandoned the plans to extend public water to the site due to cost factors. A curb cut must be issued by Saratoga County Department of Public Works prior to the stamping of the plans. The public hearing was closed at the last meeting.

Mr. Grasso found that all engineering concerns have been adequately addressed. He did comment that the viability of the water supply would have to be proven prior to the issuance of the building permit for each property.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project, the ECC reiterated the following comments. The applicant should add the following standard statement 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.

The Commission also asked that the reference to the "Hidden Crest" subdivision in the Sportsman Club statement referring to the noise associated with discharge of firearms be corrected.

Though Mr. Karam encouraged extension of the water line, Mr. Brobston explained that even though the Clifton Park Water Authority agreed to contribute to the cost of the line and Coburg reduced the amount for the easement, Mr. Daigle finds installation of the infrastructure unaffordable.

Mr. Pelagalli commented that a partner in his law firm has worked with Mr. Daigle, the Clifton Park Water Authority, and representatives of Coburg Village. It is his understanding that negotiations between the parties were unsuccessful in resolving the financial issues involved.

Mr. Bulger reported discussions with Coburg's attorney and the Clifton Park Water Authority and explained that since the Water Authority does not wish to "set a precedent" for other development throughout the Town by contributing in excess to this project, the limited contribution makes it difficult for this applicant to move forward. Though he believes that the applicant has acted in good faith, the cost estimates for the installation of wells and an estimate of financial benefit for sales of residences that are served by public water have not been supplied as requested. The Board had requested such calculations to determine if the cost of the water line extension could be reasonably offset.

Mr. Pelagalli stated that if he had been aware that negotiations had not been successful, he would have advised the Board that subdivision approval may not be conditioned upon the applicant's extension of the municipal water line.

Mr. Bulger suggested that approval for this subdivision application be granted conditioned upon the applicant's submission of three cost estimates for well construction as well as estimates from three Clifton Park realtors on the percentage of cost increase

that would accrue to properties served by public water. Such estimates should be submitted within thirty days. A lengthy discussion between the Board and the applicant regarding the reasonableness of this request ensued without apparent resolution.

Mr. Bulger 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 #40, seconded by Mr. Karam, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso and the applicant's attempt to resolve the issues surrounding the water line extension. Ayes: Kramer, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

New Business

[2005-063] XAR Development – Proposed (9) lot subdivision, Route 9 and Wood Road – Conceptual review

Mr. Dominick Arico, consultant for the applicant, presented this application that calls for the subdivision of a 213.5 acre parcel in a LI-2 zone. The property is located between US Route 9 and I-87 (the Northway) just south of the town boundary. The project plan calls for a (9) lot subdivision with lots ranging in size from 9.5 acres to 82 acres. All lots will meet or exceed zoning requirements and have been designed to avoid delineated NYSDEC and ACOE designated wetlands. The lots will be served by extension of both public water and sewer systems from Ushers Road. The consultant provided Board members with copies of aerial photographs with the wetlands overlaid and buildable areas outlined.

Mr. Kemper offered several comments regarding this application. The status of the consent order issued by the EPA for the wetland filling activities must be documented. The date and firm that performed the wetland delineation should be added to the plans. A letter must be provided from DEC and ACOE on the wetland delineations. The consultant must clarify whether or not the steep slopes were excluded from the buildable area outlined on the plans. The plans should illustrate Are any curb cuts that are proposed at this time. A full EAF must be provided. The project is located in the Wood Road GEIS study area and, therefore, must conform to the Findings Statement.

Mr. Grasso listed several comments that had been prepared by Clough, Harbour, and Associates. He first addressed items related to SEQRA review, stating that the proposed project is located within the limits of the Wood Road Corridor GEIS Study Area. As such, if the proposed project is deemed consistent with the findings of the GEIS, no additional SEQR action may be required. Involved agencies are anticipated to include the Clifton Park Planning Board for Subdivision Plan Approval and the Saratoga County Planning Board. Submission of a Full Environmental Assessment Form is recommended. Pursuant to the Findings Statement for the FGEIS for the Wood Road Corridor, the

following issues should be addressed:

- Per Finding No. 34, traffic mitigation fees are required to address cumulative impacts of the proposed development. The applicant's consultant should submit an analysis of the projected trip generation so that the respective mitigation fee can be assessed.
- A mitigation fee is due for the original review of the DGEIS in the amount of \$74.28 per acre. Based on a 213-acre site, the respective mitigation fee is \$15,821.
- Per Finding No. 40 and No. 41, the habitat of the Karner Blue Butterfly is protected and that no site plan proposal will be approved if such would involve the destruction of or disturbance to the habitat. Because significant time has passed since the original investigation, an updated investigation of Karner Blue Butterfly habit should be performed within the limits of the project.
- Per Finding No. 73, a Phase I Environmental Audit shall be conducted and submitted at the initiation of site plan review.
- Per Finding No. 78, the applicant shall contact NYSOPRHP regarding historic sites and archeologically sensitive resources near the project area. Copies of the correspondence should be sent to the Town and to our office for our files.

Per Finding No. 79, the Light Industrial zoning district was amended to allow only uses such as warehousing, fabrication and similar low intensity land uses. Additional information regarding the proposed uses is required to determine if the uses are consistent with those outlined in the GEIS and the zoning regulations

Mr. Grasso offered additional comments. In order to evaluate the impacts of the proposed subdivision, a full build out plan should be provided. The plan should include the conceptual building footprints, parking, and utilities. The plan should also quantify the proposed wetland impacts. A jurisdictional determination letter on the wetlands should be submitted from the ACOE and NYSDEC. The 100' wetland adjacent of the NYSDEC wetlands should be shown on the plan. The L-C (Land Conservation) zone is located within the project site. The limits of the zone should be shown on the plan.

Mr. O'Brien, Environmental Specialist, reported that the ECC offered the following comments on the project plan. A long Environmental Assessment Form (EAF) will be necessary for this proposal due to the potential environmental constrains that exist on the parcel and the potential impacts any development might have on this parcel. The applicant must identify the Town of Clifton Park L-C zone on the site plan. This buffer area may reduce the amount of buildable land for this project. The applicant should give better representation of why the land is to be subdivided. Building locations, roads, and other features must be included on the plant. This would allow for a more comprehensive and thoughtful review. The ECC requests that any approval be contingent upon removal of tires and other debris from the site. The ECC recommends that this proposal be referred to the trails committee.

Board members requested clarification of the useable acreage on each parcel and potential impacts to wetland areas. Both Mr. Hughes and Mr. Karam did not support the proposed use of Lot #8 as a parking lot. Mr. Kramer encouraged the applicant to consider the location of a trail link that would connect to the Zim-Smith trail. Ms. Pace recommended that a unifying architectural style be considered for all lots. In response to

Mr. Karam's question regarding the removal of billboards located on the site, the applicant responded that the leases for the signs would likely not be renewed.

Board members appeared to find the project plan unclear and lacking sufficient detail to make reasonable judgments regarding the likelihood of its attracting permitted uses and responsible development. Mr. Grasso recommended that the applicant provide the Board with a narrative that addresses each issue identified in the Statement of Findings adopted for the Wood Road Corridor.

[2005-064] Santoro, Victor – Proposed (3) lot subdivision, Hubbs Road – Conceptual review.

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

[2005-062] Larson, Laurie – Proposed (3) subdivision, Vischer Ferry Road – Conceptual review.

Mr. David Flanders, consultant for the applicant, explained that the applicant proposes the subdivision of a 5.19 acre parcel at 418 Vischer Ferry Road into three lots ranging in size from 1.5 acre to 1.9 acres. The westernmost lot contains an existing residence. The lots will be served by the Clifton Park Water Authority and the Saratoga County Sewer District. Mr. Flanders explained that a section of a NYSDEC buffer area intrudes on the northern portion of the property rendering a significant portion of the site undevelopable. A common ingress/egress easement will provide access to the two proposed single family residences. A new driveway from Summerlin Drive is proposed for the existing home.

Mr. Kemper reported that this project is located in the Vischer Ferry Road Study Area and will therefore be subject to CIP Fees. The applicant should consider using a shared access for all three residences from Vischer Ferry Road. A signoff must be provided from NYSDEC on the wetland delineation and the date and firm that performed the wetland delineation must be added to the plans. Sign-offs must be provided from the Clifton Park Water Authority and the Saratoga County Sewer District. A curb cut permit will be required from Saratoga County Department of Public Works. Clearing limit lines must be shown on the plans.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the project plan and offered the following comments. The proposed project lies within the Vischer Ferry Road GEIS Study Area. As such, if development of this site is determined to be consistent with the Findings Statement, no additional SEQRA review may be required. In addition, the project will benefit from the capital improvement projects constructed or planned for the corridor. As such, this project should contribute to the mitigation fees established in the Vischer Ferry Road Corridor GEIS and Capital Improvement Plan. An estimate of the C.I.P. fees is as follows:

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

- Sewer 2.0 EDUs x \$3,314/EDU = 6,628
 - Water 2.0 EDUs x \$1,728/EDU = 3,456
 - GEIS 2.0 EDUs x \$310/EDU = 620
 - C.I.P. 2.0 EDUs x \$49/EDU = 98
- Total \$11,302

Mr. Grasso offered additional comments. The plan indicates that the two new houses will be connected to municipal water and sewer services, and appears to indicate that the existing home is currently connected to the water system. The plan does not show the current method of wastewater disposal for the existing house. This information should be added to the plan. If the existing house is not presently connected to the municipal sewers, the applicant should be encouraged to make this connection. Lots #2 and 3 will meet the definition of keyhole lots and will be subject to fifty foot minimum setbacks from all property lines. It does not appear that this will impact the “possible house locations” shown.

Though Board members agreed that the plan was generally acceptable, they found the proposed access to the existing home from Summerlin Drive unacceptable. Mr. Flanders explained that he had proposed the plan with the new driveway because he found it more aesthetically pleasing. Mr. Bulger asked that all three residences be served by a common driveway. Board members agreed that such a revision would be reasonable.

[2005-066] TCT Federal Credit Union – Proposed 3600 SF credit union, Vischer Ferry Road – Conceptual site plan review.

Mr. Lynn Sipperly, consultant for the applicant, presented this application that calls for the construction of a 3,600 SF branch office building for TST Federal Credit Union – a permitted use with the B-3 (Neighborhood Business) zone. The building will have a partial basement for storage and the housing of mechanical equipment. The building will be 24 feet high. Two drive-thru teller lanes and one ATM lane for customer convenience are included in the design. 32 parking spaces are provided on site. The site development plan proposes to incorporate low earthen berms and quality landscaping to accent and compliment site development. The site development statistics were presented as follows: lot area totals 126,039 SF; the building area is 3,600 SF or 2.9% of the site; pavement and walkways will cover 29,956 SF or 23.8% of the site; greenspace is calculated at 92,483 SF or 73.3% of the site. Mr. Sipperly explained that access to the property exists via a common driveway that is developed as a joint utility and access easement for Lots #1, 3, and 4. The parcel will be served by the Clifton Park Water Authority and the Saratoga County Sewer District #1. A portion of the site, at its westerly boundaries is located within the Town of Clifton Park L-C zone. In addition, a deed restriction places a “No Cut Buffer” line along the top of the slope of the subject parcel at its westerly boundary.

Mr. Kemper reported that this project is located within the Vischer Ferry Road GEIS Study Area and therefore, mitigation fees will be due. Colored façade renderings will be required with the preliminary plan submission. Since there is excessive parking shown on the plans, the applicant should consider land banking some of the spaces. Details must be

provided for the dumpster enclosure. Handicap and No Parking signs should be shown on the plans. A planting schedule must be added to the plans. Steve Myers, Director of Building and Development, provided the following comments: “The perimeter road should be widened at corners and south of drive-thru aisles to accommodate emergency and waste disposal vehicles. The project narrative states the dumpster will be located on the north side of the site: the plan shows it to be located on the southwest corner of property.”

Mr. Grasso offered the following comments that were prepared by Clough, Harbour, and Associates. The proposed project lies within the Vischer Ferry Road GEIS Study Area. As such, if development of this site is determined to be consistent with the Findings Statement, no additional SEQRA review may be required. In addition, the project will benefit from the capital improvement projects constructed or planned for the corridor. As such, this project should contribute to the mitigation fees established in the Vischer Ferry Road Corridor GEIS and Capital Improvement Plan. An estimate of the C.I.P. fees is as follows:

- Transportation 45 trips x \$250/trip = \$11,250
 - Sewer 1.2 EDUs x \$3,314/EDU = 3,977
 - Water 1.2 EDUs x \$1,728/EDU = 2,074
 - GEIS 1.2 EDUs x \$310/EDU = 372
 - C.I.P. 1.2 EDUs x \$49/EDU = 59
- Total \$17,732

Sewer flow calculated to be 0.1 g.p.d./s.f. x 3600 SF = 360 gpd divided by 300 gpd/EDU = 1.2 EDUs

Traffic rate calculated to be 12.302 trips/1000 s.f. (per ITE) x 3.6 = 45 trips.

Mr. Grasso reported that the current plan appears to show a twenty foot setback line along the front of the property. Section 208-38 of the Town’s Zoning Ordinance requires that front yard setbacks in a B-3 zone be established at eighty (80) feet. The plan should be revised to comply with this provision. The plan provides for a total of thirty-two (32) parking spaces. This number is fourteen spaces beyond the number required by the Town code. The applicant should provide justification for the greater number of spaces. If justification is not provided the Board may require the applicant to “land bank” the excess spaces until their need can be justified by the actual use of the building. The applicant should provide a sanitary sewer easement extending between Manhole C-7 as shown on the plan and a point to be determined at the northwesterly corner of the property. The applicant should consult with the Town’s engineer to determine the best location for this easement. The following additional information should be provided on future plan submissions: stormwater management system; proposed grading and drainage; proposed lighting.

Mr. O’Brien, Environmental Specialist, reported that the ECC found the project acceptable.

Board members found the project plan generally acceptable. Mr. Bulger recommended that lighting on the site be minimized to reduce impacts to adjoining properties. He also asked that the applicant consider the granting of an easement for the sewer location. Mr. Kramer asked if the establishment of a cross-easement to the North Country Common parcel would be reasonable. Though Mr. Grasso initially stated that such an easement would not be necessary, he agreed that since the North Country Common parcel was now under new ownership, such an easement may be important to future design plans. Mr. Sipperly agreed to discuss a reduction in the number of parking spaces installed with the applicant. All other Board concerns will be addressed.

[2005-065] Murray, Phyllis – Proposed (2) lot subdivision and lot line adjustment, Crescent Road - Conceptual review.

Mr. Gil VanGuilder, the applicant's consultant, presented this application that calls for a lot line adjustment and subsequent subdivision of lands located on the south side of Crescent Road at its intersection with Boyack Road. Lot #1A, as shown on the plan, will consist of 28,593 SF and will contain an existing residence. Lot #1B will be 40,409 SF. Both lots will be served by public water and sewer utilities.

Mr. Kemper offered several comments regarding this application. He asked that site be illustrated on the site location map. A description must be provided for the lands to be transferred. Public sewer and water lines should be shown on the plans. Sign-offs will be required from the Clifton Park Water Authority and the Saratoga County Sewer District. Steve Myers, Director of Building and Development, reports that the subdivision proposal "creates a keyhole lot which requires 50' setbacks on all sides."

Mr. Grasso reported that after reviewing the project plan, Clough, Harbour, and Associates determined that the subdivision is an "Unlisted" action pursuant to SEQR, and as such coordinated review is optional. The only involved agency is expected to be the Planning Board with subdivision approval. He asked that the existing and proposed utilities, adjacent property owners, and rear and side yard setbacks should be shown on the plan.

Mr. O'Brien, Environmental Specialist, reported that the ECC reviewed the proposed plan and asked that the following standard statements be added:

- 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.

Board members found the plan acceptable as presented.

[2004-024] Whitney Capital Company, LLC. – Proposed (117) unit Senior Housing PUD
– Referral from Town Board

Mr. Robert Schneider, Whitney Capital Company representative presented this application for the Board's consideration. He explained that as a major senior tax credit developer, the company was currently constructing a senior housing facility in Saratoga Springs. He then described the revisions that have been made to the plan since its initial review by this Board on July 21, 2004. The project has been reduced to 117 units of affordable housing for seniors. The site will contain 66 parking spaces – a reduction from the 82 spaces originally proposed. The average age of residents living in such facilities ranges from 68 to 72. Development plans call for the construction of two 2-story buildings, though Building #2 will have a partial lower level. A full EAF will be submitted. The slopes and delineated wetlands have been accurately mapped. Disturbance to federally jurisdictional wetlands will be less than 1/10th of an acre and no work will disturb the floodplain. NYSDEC has agreed that no endangered species inhabit the site. 73% of the site will remain as green space. Stormwater management will be handled on site, sewer locations will be illustrated on the plans, and as much vegetation as possible will be retained on site. Comparing the vehicular trips generated at peak hour, Mr. Schneider stated that the allowable 23 residential units would result in 13-26 trips: senior housing would result in just 10 trips.

Mr. Kemper offered several comments regarding this PUD application. The project last appeared before the Board on July 21, 2004, at which time the Board determined that the project needed significant revisions: it was returned to the Town Board for further refinement. The Town Board received a revised application and discussed the project plan at its November 21, 2005 meeting. At that time, the Town Board again referred the project to the Planning Board for a recommendation. Should the project eventually be found to be acceptable, the applicant should be aware that sign-offs must be provided from NYSDEC and ACOE on the wetland delineation. A planting schedule should be provided with future submissions. The newly submitted plans show the project elevation relevant to neighboring properties as was originally requested by the Planning Board. In response to an additional Board concern, the number of units has also been significantly reduced. A traffic study must be completed. Sign-offs will be required from the Saratoga County Sewer District and the Clifton Park Water Authority. Significantly more plantings will be required along Maxwell Road. Sheryl Reed provided comments on December 13, 2005 that asked the applicant to specify the specific type of occupancy under the NYS Building Code and to provide adequate accessibility to all buildings for emergency services vehicles, including turning radii and access to rear of Building 200. Details on fire lane must be submitted. The following comments were provided by Steve Myers: "The plan must include a fire lane at rear of Building #2. Limited information prevented further review of the plan."

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

The following comments regard the application's adherence to the GEIS:

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

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

Mr. Grasso offered a number of additional comments. Bear Brook has historical flooding problems in the vicinity of the project site. This may be caused by downstream constrictions along the stream channel. An analysis of the floodplain associated with the stream should be conducted and construction in all areas subject to flooding during a 100-year storm event restricted. The applicant has provided substantial additional information regarding the environmentally sensitive resources of the project site in response to previous recommendations. This information appears to validate concerns over the intensity of the proposed development on the environmentally sensitive resources of the site, specifically including development on slopes greater than 15%, disturbance to federal wetland areas, development within 100 feet of the Bear Brook, and loss of existing vegetative screening that provides a buffer between commercial development from the residences on Via da Vinci and Mooney Drive. As such, development of the site may result in significant environmental impacts. Notwithstanding the above concerns, additional information that could be helpful for an accurate concept plan review include a preliminary grading plan with limits of vegetative clearing, photo simulations, quantification of wetland impacts and aerial photos showing the proximity of adjacent residential development. An analysis of the proposed removal of the existing residences along Via da Vinci Way and Mooney Drive should be provided. The analysis should include photo simulations of both buildings during “worst case” scenario settings. The simulations should include both winter and nighttime scenarios when the proposed buildings will be the most visible from the adjacent residential development. The submitted grading plan depicts clearing for Building #1 up to the property line of the adjacent residential development. Significant concern was raised at the Town Board meeting regarding potential traffic impacts and the use of Mooney Drive as a cut-through to and from NYS Route 146 and points west. These should be addressed in a traffic

impact study.

Mr. O'Brien, Environmental Specialist, offered the following comments that had been prepared by the ECC:

- The ECC recommends the applicant complete a long Environmental Assessment Form (EAF).
- The ECC recommends that an extensive paved multi-use trail network be constructed to serve residents of adjacent neighborhoods with sewage line access and maintenance.
- The applicant should submit a Stormwater Management Plan for review by the Town of Clifton Park engineer and the ECC.
- In keeping with the recommendations and goals of the Town Comprehensive Plan, the applicant is encouraged to retain existing vegetation and/or the use of landscaping and grading to provide visual and auditory buffering between the project and the Northway.
- Due to the fact that this is a designated trout stream and one of the few remaining in the Town, extraordinary measures should be taken to preserve the quality of the trout habitat.

Mr. Bulger explained the PUD approval process. A PUD application is first submitted to the Town Board. The Town Board reviews the project plan and, should it be deemed reasonable, that Board refers the application to the Planning Board for its recommendations. Following a Town Board public hearing and approval of site-specific legislation, the project is resubmitted for site plan review to the Planning Board. Though Mr. Bulger believes that the plan has been significantly improved, he cautioned that the site development may result in significant environmental impacts. Mr. Karam expressed his support for affordable senior housing, yet he considers the proposed location a "tough site" and called upon the applicant to minimize environmental impacts. He identified several issues of concern: excessive parking, density, and environmental impacts. Mr. Hughes described this application as "the right project" that provides privacy, greenspace, and easy access to community services. He was concerned that the Maxwell Drive site was not the best one for the proposed development.

Mr. Bulger summarized the discussion by stating that the Board was "not opposed nor in favor" of the project and was not prepared to issue a recommendation to the Town Board at this time. He asked that the applicant use Clough, Harbour, and Associates' comments to address the comments issued for this evening's meeting. The main concerns were identified as visual impacts to adjoining properties and stream corridor, building on existing slopes, traffic, and adequate access for emergency service vehicles.

[2005-067] DCG Development Company – Proposed revisions to Clifton Park Center Mall, 22 Clifton Country Road – Conceptual site plan review.

Mr. Donald MacElroy, representative of DCG Development Co. and Mr. Gordon Nicholson, consultant for the applicant were in attendance at this meeting to provide a brief overview of the project plan. Mr. MacElroy explained that DCG Development Company was involved in negotiations with the current mall owners to acquire and improve the property. Once permission is obtained from the two large anchor stores - Penney's and Boscov's - the applicant intends to determine "what went wrong" with the

mall and why it fails to attract shoppers. Mr. Nicholson explained that the applicant intends to remove major sections of the mall in an attempt to create a “city streetscape”. Though existing water and sewer services will be adequate, changes to the parking areas will be made. There will be little or no reduction in the current 14% greenspace. Noting that signage is an extremely critical part of the proposed upgrades, the applicant will propose a unified sign package with future submissions. New buildings will be constructed with direct access to parking lots. Mr. Nicholson presented colored façade renderings for the Board’s review and emphasized that pedestrian facilities will be incorporated into the plan.

Mr. Kemper offered comments based upon his review of the application. Façade renderings will need to be provided with future submissions. A site statistics table should be added to the plans indicating the amount of square footage that will be demolished and the amount proposed for new buildings. The traffic study completed when Boscov’s was constructed considered full build-out for the mall. The applicant should compare the current proposal to the previous build-out plan. Since the project lies within the Exit 9 GEIS Study Area, it must meet the requirements of the Findings Statement. Pedestrian access should be provided between the buildings.

Mr. Grasso reported that Clough, Harbour, and Associates performed an initial review of the conceptual site plan for this project and offered the following comments. The proposed project appears to be an “Unlisted” action pursuant to SEQR, and as such coordinated review is optional. Involved agencies are expected to include the following: Clifton Park Planning Board – Site Plan Approval; Clifton Park Water Authority – Water Connection Permit; Saratoga County Sewer District No. 1 – Sewer Connection Permit; Saratoga County Planning Board – Section 239 Referral; NYSDEC - SPDES Permit for Storm Water Associated with Construction Activity. Mr. Grasso explained that the subject property is located within the Exit 9 GEIS Study Area. If development of the project is deemed to be in conformance with the Statement of Findings, then a negative declaration pursuant to SEQR may be appropriate. The applicant should contribute to the mitigation fees established in the Exit 9 Area GEIS. The Town may wish to negotiate with the applicant and pro-rate the mitigation fees required based on the fact that businesses currently occupy portions of the site. The applicant should consult the Exit 9 GEIS Area Finding Statement and provide the required documentation. In addition, a Full Environmental Assessment Form, which addresses the Exit 9 GEIS Findings statement, should be submitted for review. In general, the access road and curb cut modifications lack a logical hierarchical progression from collector drives to parking aisles. Additional thought needs to go into this important design component. The proposed site plan modifications include installation of parking spaces against the building fronts. These areas are usually reserved as fire lanes. Review and comment by the Building Department and Bureau of Fire Safety are required. The new parking along both sides of the building between Boscov’s and the Cinemas/Marshall’s, respectively, are undesirable from an access and traffic flow standpoint. The new entrance proposed or being considered in the northeast corner of the JC Penney building is unacceptable. In addition, with the proposed boulevard entrance across from the Ninety-Nine Restaurant, Clough, Harbour, and Associates would recommend that the existing curb-cut at the northwest corner of the

Penney's parking lot be eliminated. In the northwest corner of the existing vacant building, there appear to be too many curb-cuts into the parking lots to the north. This area should be examined to reduce the driveways onto the access road. The parking lot in the center of the former "U" should be modified to eliminate the few existing one-way aisles. With the addition of several new buildings throughout the site, it is recommended that pedestrian access improvements be implemented into the new site plan. The need for the removal of the existing vegetation near the southerly entrance to the site from Clifton Country Road, should be clarified. The building in that location has no proposed storefronts and the vegetation provides screening of the existing parking lot, softening the views from Clifton Country Road. If the trees along the west side of the site need to be removed as proposed, it is recommended that significant plantings be installed to provide screening of the parking in that location. With the proposed 50,000 SF of new building proposed in the site's southwest corner, the extent to which the existing vegetation and berming will be removed must be considered. This area has provided a significant buffer to the residential areas to the south for many years and any clearing in this area will likely have a significant impact. The applicant should review the entire parking field in the site's southwest corner to determine if a more efficient layout could be established. The plans should include the proposed overall site statistics and a comparison of these statistics with the statistics approved for the previous site plan approval. As development plans are progressed, the application materials should include an as-built depiction of the storm sewer, water supply, and sanitary sewer systems, including the extent of public and private ownership of these systems. Mr. Grasso added the caveat that all the comments offered at this meeting were provided for the Board's initial consideration. Further comments will be forthcoming as additional information is provided and preliminary planning is initiated.

Mr. Bulger stated that his initial impression was that the plans indicated a "significant improvement" over existing conditions. He observed that though the project will evolve over time, much of the infrastructure is in place. He explained that the Board will work cooperatively to create an appealing shopping destination. Mr. Hughes spoke favorably of the plan and found the façade renderings attractive. Mr. Russell commented that the proposed "streetscape" design is similar to ones he has found attractive during visits to Tennessee. Mr. Karam expressed his hope that the mall would be revitalized and recommended that gathering areas and a "village square" concept be incorporated into the design plan. Mr. MacElroy encouraged the Board to formally endorse the project plan in order for the applicant to garner the support of those involved in the renovation.

Mr. Bulger moved, seconded by Ms. Pace, to fully support and endorse the concepts presented at this meeting for a renovation of the existing Clifton Park Center mall that includes the razing of some portions of the structure, the addition of architectural elements to the façade that would add interest to the buildings, and the construction of additional, though separate, retail facilities that would be easily accessed from the parking areas. The motion was unanimously carried.

Minutes Approval

Mr. Hughes moved, seconded by Mr. Kramer, approval of the minutes of the November 22, 2005 Planning Board meeting as written. Ayes: Kramer, Pace, Karam, Hughes. Noes: None. Abstained: Russell, Bulger.

Discussion Items

Giffy's Bar-B-Q

Mr. Kemper explained that the owner of Giffy's Bar-B-Q has requested approval to enclose the existing 817 SF porch area to provide more year-round comfort for patrons. As a result of the enclosure, no additional parking is required since 43 parking spaces currently exist on the site. The exterior of the proposed porch enclosure will match and compliment the existing building. Outdoor lights will be added to the exterior between the proposed windows and an additional emergency exit door with emergency lighting will be located on the right side of the existing porch.

Board members found this plan acceptable and agreed that no additional site plan review would be required.

Mr. William Lorensen, 14 Hearthside Drive, describing himself as a life-long resident of Clifton Park, voiced his opposition to the proposed Kain Development project on Longkill Road. He stated that he was very concerned about the impacts to existing wetlands and to adjoining properties. He asked the Board to issue a positive declaration pursuant to SEQRA for the project. He submitted a compact disc to the Secretary which contains comments and letters he has prepared regarding the proposed development.

Mr. Bulger moved, seconded by Mr. Karam, adjournment of the meeting at 2:25a.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on January 10, 2006.

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

Resolution #36

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 December 13, 2005 there were:

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

Absent: J. Larkin

Mr. Kramer offered Resolution #36 and Mr. Karam seconded, and

Whereas, an application has been made to this Board by Paula Pecoraro for approval of Special Use Permit #80581 to allow the construction of a two-family dwelling in an R-1 zone pursuant to Section 208-10B(9)(e)(7) of the Town Code;

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on December 13, 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 Wilton Development, LLC for Special Use Permit #80581 to allow the construction of a two-family dwelling in an R-1 zone pursuant to Section 208-10B(9)(e)(7) of the Town Code in an R-1 zone is hereby approved conditioned upon satisfaction of the comments provided by Mr. Kemper.

Resolution #36 passed 12/13/05

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

Noes: None

Steven Bulger,
Chairman

Resolution #37

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 December 9, 2005, there were:

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

J. Russell

Absent: J. Larkin

Ms. Pace offered Resolution #37, and Mr. Russell seconded, and

Whereas, an application has been made to this Board by Richard H. Guyer, III for approval of a subdivision entitled Subdivision of Lands of Richard H. & Carolyn J. Guyer and Richard H. Guyer, III consisting of a transfer of 2.53 acres of land from 186 Blue Barns Road to a 159 acre parcel of vacant land that lies in the Town of Ballston and the Town of Clifton Park.

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held December 13, 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 December 13, 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 Lands of Richard H. & Carolyn J. Guyer and Richard H. Guyer, III consisting of a transfer of 2.53 acres of land from 186 Blue Barns Road to a 159 acre parcel of vacant land that lies in the Town of Ballston and the Town of Clifton Park is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso and the addition of a note to the plan stating that any further development of the parcel will require Planning Board review and approval.

Resolution #37 passed 12/13/05

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

Noes: None

Steven J. Bulger,

Chairman

Resolution #38

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 December 13, 2005, there were:

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

Absent: J. Larkin

Mr. Bulger offered Resolution #38, and Mr. Kramer seconded, and

Whereas, an application has been made to this Board by Americo DiCocco for approval of a subdivision entitled Subdivision of Lands of Americo and Nancy DiCocco consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held December 13, 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 December 13, 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 Lands Americo and Nancy DiCocco consisting of (2) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso and the addition of a note in bold type to the plan stating that the property lies in close proximity to an operating railroad line.

Resolution #38 passed 12/13/05

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

Noes: None

Steven J. Bulger,
Chairman

Resolution #39

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 December 13, 2005, there were:

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

Absent: J. Larkin

Mr. Karam offered Resolution #39, and Mr. Kramer seconded, and

Whereas, an application has been made to this Board by Alan D. and Carolyn A. Taylor for approval of a subdivision entitled Lot Line Adjustment Map for Lots 765R and 767R Waite Road of Eagle Crest Subdivision as Prepared for Alan D. Taylor & Carolyn A. Taylor consisting of the transfer of approximately 5,246 SF from the Lands of Currier to the Lands of Taylor;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held December 13, 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 December 13, 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 Map for Lots 765R and 767R Waite Road of Eagle Crest Subdivision as Prepared for Alan D. Taylor & Carolyn A. Taylor consisting of the transfer of approximately 5,246 SF from the Lands of Currier to the Lands of Taylor is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper.

Resolution #39 passed 12/13/05

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

Noes: None

Steven J. Bulger,
Chairman

Resolution #40

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 December 13, 2005, there were:

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

Absent: J. Larkin

Mr. Bulger offered Resolution #40, and Mr. Karam seconded, and

Whereas, an application has been made to this Board by Howard Daigle for approval of a subdivision entitled Subdivision of the Lands of Howard F. Daigle consisting of (5) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held, January 11 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 December 13, 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 Howard F. Daigle consisting of (5) lots hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso and the applicant's attempt to resolve the issues surrounding the water line extension.

Resolution #40 passed 12/13/05

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

Noes: None

Steven J. Bulger,
Chairman