

Clifton Park Planning Board Meeting Minutes January 10, 2006

Those present at the January 10, 2006 Planning Board meeting were:

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

Those absent were: S. Pace arrived at 7:20p.m.
J. Larkin arrived at 7:30p.m.
A. Kramer arrived at 8:00p.m.

Those also present were: J. Kemper, Director of Planning; J. Viggiani, Open Space Coordinator; 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 moved, seconded by Mr. Hughes, to appoint Tony Karam as Vice-Chairman, to establish the 2006 Planning Board schedule as published, with meetings generally held on the second and fourth Tuesdays of each month, to appoint Paul Pelagalli, Counsel, and Janis Dean, Secretary, for the 2006 calendar year. The motion was unanimously carried.

Public Hearings

[2005-062] Larson, Laurie – Proposed (3) lot subdivision, Vischer Ferry Road – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on January 3, 2006.

Mr. Flanders, consultant for the applicant, presented this subdivision plan that has been revised in accordance with Planning Board comments issued at the December 13, 2005 meeting. The proposed access for Lot #3 has been relocated. The access for this lot was originally provided from Summerlin Drive: the plan now calls for a combined driveway from Vischer Ferry Road that will serve all three lots. Lot sizes are 1.76 acres, 1.94 acres, and 1.47 acres, respectively. The 1.76 acre lot contains an existing residence. The residences will be served by the Clifton Park Water Authority and the Saratoga County Sewer District.

Mr. Grasso reported that Clough, Harbour, and Associates found the project acceptable.

Mr. O'Brien, Environmental Specialist, reported that the ECC was satisfied that all the Commission's concerns were adequately addressed.

Mr. Joseph Sherber, 1067 Ballston Lake Road, asked if variances were required prior to Planning Board approval. Mr. Bulger explained that the subdivision as proposed was designed in accordance with zoning law: no variances were required. Mr. Sherber stated that he found the density of the project to be too great.

A representative of the Summer Hill Homeowners' Association requested clarification of the proposed access for Lot #3. He was assured that a single access from Vischer Ferry Road would serve all parcels.

Mr. Jack Daniels, 7 Sheridan Court, asked that the existing tree line be preserved. Mr. Flanders reported that clearing would be minimized to the greatest extent practicable.

There being no additional comment, Mr. Bulger moved, seconded by Mr. Karam, to close the public hearing at 7:19p.m. The motion was unanimously carried.

Mr. Russell 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 #1, seconded by Mr. Hughes, to waive the final hearing for this application and to grant preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper. Ayes: Karam, Russell, Hughes, Bulger. Noes: None.

Old Business:

[2005-059] Belmonte Builders – Proposed (33) lot subdivision (Lands of Boel), Crescent Road – Public workshop for amenity zoning request pursuant to Section 208-43.16 of The Town of Clifton Park Zoning Code.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application, explaining that it was last considered by the Planning Board on November 22, 2005. He explained that this evening's meeting affords the Board and interested members of the community the opportunity to help prepare an advisory report for the requested amenities permitted by recently-adopted incentive zoning legislation. The project site lies in the C-R zone on the south side of Crescent Road, west of its intersection with VanVranken Road. The design plan calls for the preservation of 5.32 acres of open land along Crescent Road and a 20' wide selective clearing deed restricted area that would provide a buffer between the proposed homes and Crescent Road. Twenty-two lots would be located north of the Niagara Mohawk utility easement: an additional eleven lots would be developed south of that easement. Of the total parcel area of 76.65 acres, the amount of unconstrained land is calculated to be 65.67. Based upon this calculation, the required open space would amount to 38.33 acres. The developer proposes the preservation of 38.37 acres of land.

The minimum lot size per the zoning code is 30,000 SF, though many of the proposed lots exceed this minimum. Mr. Vuillaume explained that the parcels to the south of the power lines would be reserved for larger “estate-type” homes. The speaker presented Board members with a map depicting the proposed open space areas. This plan also illustrated the multi-use pathway along Crescent Road from the proposed new road eastward to VanVranken Road.

Mr. Vuillaume explained the method of calculating the development potential of this site. The parcel contains nearly 11 acres of “constrained” lands – areas of wetland or steep slopes. This would reduce the number of developable acres to 65 and, consequently, the base density to 22 lots. Incentive zoning would permit the applicant to request approval for an additional 22 lots, though the project plan now designed requires approval for 11 additional units. Mr. Vuillaume noted that in addition to the \$30,000.00 per lot that the applicant will contribute to the Town for the purchase of open space lands, the project will benefit the community in several ways: the plan will protect natural resources existing on the development site, will enhance the quality of life for potential residents by providing amenities and substantial buffers from adjoining properties, will extend existing trail systems and provide additional Town parkland, and will preserve the existing rural character of the neighborhood. Mr. Vuillaume concluded his comments by reporting that all engineering issues identified by Clough, Harbour, and Associates would be satisfactorily addressed in future submittals.

Mr. Kemper reported that this project was last considered by the Board on November 22, 2005 at which time the proposed layout was found to be acceptable. Mr. Kemper explained that the project was considered by the Town Board on December 19, 2005. The project was referred to the Planning Board for recommendations regarding the proposed density increase pursuant to incentive zoning legislation. During conceptual review, Planning Board members requested that a multi-use pathway connection be made between this subdivision and the Southwick Meadows development. Steve Myers, Director of Building and Development commented that “the water line is being extended from Southwick Meadows Subdivision to the east. The sewer line should be extended as well.” Mr. Kemper explained that since the property is currently enrolled in the Town’s Conservation Easement Program, a monetary penalty will be assessed if the project is approved and the easement broken. Sign-offs must be provided from NYSDEC and from the ACOE on the wetland delineation. A Saratoga County Department of Public Works Permit must be provided. A sign-off must be provided from the National Grid power corporation for crossing the power lines. Though the trail connection to Southwick Meadows has been shown on the plans, additional multi-use pathway links should be incorporated within the subdivision. Sight distance information must be shown on the plans. Mr. Kemper reported receipt of a letter from Ron Michalec dated January 10, 2006 requesting that access be provided to a parcel of land he owns that is located in close proximity to the development site. That letter was copied for the review by the Board members.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed application for an increase in density for this property pursuant to amenity zoning regulations. The

following comments were prepared for the Board's consideration. Clough, Harbour, and Associates commends the applicant for proposing a project that appears to meet the intent of the new C-R (Conservation Residential) zoning regulations as well as the requirements of an "Open Space Subdivision". The application materials adequately describe the allowable base density of the property (22 lots), the requested density bonus (11 lots through purchase of development rights for \$330,000.00), the environmental resources of the parcel worthy of protection (open fields along Crescent Road, ravines, steep slopes, wetlands and buffers), and the methods to achieve their protection (citing of homes, public open space allotments, and deed restrictions).

Mr. Grasso further commented that the plan indicates NYSDEC wetlands based on NYSDEC wetland mapping. A wetland delineation map should be submitted to both the United States Army Corps of Engineers and NYS Department of Environmental Conservation for a jurisdictional determination. Both types of wetlands are defined in the zoning regulations as "constrained lands". Only after both agencies have approved the wetland delineation can the exact limits of on-site wetlands be known. This may impact the requested density bonus. The plan appears to establish the 100' adjacent area (NYSDEC wetland buffer) as "constrained land". In accordance with the zoning regulations, this can be considered "unconstrained land". However, it appears much of this land contains slopes in excess of 20%, which is considered "constrained land". Because the limits of the wetlands may not be able to be verified at this time because of seasonal conditions, if the Planning Board so chooses, Clough, Harbour, and Associates supports the request to the Town Board moving forward prior to a wetland verification with the above corrections. Although the firm supports the dedication of the open space to the Town, there are concerns with the long term maintenance responsibilities associated with maintaining the fields and meadows: such maintenance would be required to ensure protection of the rural qualities of the site. It is recommended that an HOA be established to assure proper maintenance of these resources.

Mr. Grasso recommended that soil investigations including deep test pits and percolation tests be conducted in the area of the proposed wastewater disposal systems to verify the adequacy of the soils to accept on-site wastewater disposal systems. Stub street connections to the adjacent properties do not appear warranted. The narrative indicates use of the fields as either active or passive use, though zoning regulations restrict open space to passive or agricultural uses. The extent of active uses will be restricted. The plan and narrative describe a ten foot wide multi-use pathway along Crescent Road. Typical multi-use pathways in the Town are eight feet wide. Future plans should show the trail as an extension of that proposed for the Southwick Meadows subdivision.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project plan, the ECC offered the following comments. The ECC recommends that the sewer district be formed in lieu of the proposed septic systems. He reported that the Commission recommended that the Town contact the Saratoga County Sewer District to request expansion of the District to accommodate further development along Crescent Road.

Mr. McGoolaghan, representative for Belmonte Builders, addressed the ECC's sewer

extension request, noting that the applicant has discussed the sewer line extension with Saratoga County Sewer District representatives. The sewer district is currently unable to approve extension of the system due to capacity issues and aging infrastructure. Mr. McGoolaghan explained that the applicant proposes to install a 12" water line that will eventually provide a "loop" along Vischer Ferry Road. He described the installation as a "substantial public benefit."

Mr. Bulger explained the purpose of the evening's discussion, noting that the amenity zoning legislation called for the Planning Board to conduct a workshop with interested residents to provide Board members and members of the public an opportunity to express their views regarding the density of the proposed development. Board members would seek to determine if the proposal satisfactorily meets the intent of the law and whether or not a positive recommendation to the Town Board was reasonable.

Mr. Russell stated that the lot sizes – ranging from a minimum of 30,000 SF to a maximum of more than two (2) acres - appeared reasonable. In response to Mr. Karam's comment regarding the establishment of a homeowners' association that would be responsible for site maintenance, Mr. Vuillaume stated that although the applicant was not opposed to the creation of such an association, there did not appear to be a substantial amount of land for such a group to control. Mr. Karam noted that jurisdictional approval of the wetland delineations was required: if the applicant found it necessary to extend wetland boundaries, a reduction in the number of approvable lots would likely result. Mr. Hughes approved of the substantial open space area and proposed buffering along Crescent Road.

Mr. Kemper confirmed Mr. McGoolaghan's comments stating that it was his understanding that sewer district boundaries will be respected as established due to capacity issues.

Mr. Karam found the project acceptable as presented, noting that the public benefit received from the extension and upgrading of the water line along Crescent Road, the installation of a multi-use pathway link, and the preservation of open space was significant. He would recommend approval of the additional (11) lots.

Ms. Gail Berley, 3 Talbot Court, requested information regarding the water source for the proposed development. She expressed concern that the wells within the Applewood subdivision would be negatively impacted by the development of residences adjoining Applewood properties. Mr. Grasso explained that the lots would be served by the Clifton Park Water Authority system. Wells for that system are generally located within the Vischer Ferry Preserve. He assured the speaker that there would be no impact to existing wells.

Another resident of the area expressed concern that the proposed development would impact existing dug wells within the area. Mr. Bulger commented that there would be no negative impacts to existing water supplies. He recommended that property owners contact the Clifton Park Water Authority to request that the system be extended to serve

properties along Crescent Road and the Applewood subdivision. Mr. Pelagalli explained that the Clifton Park Water Authority is a “totally separate entity” from the Town, emphasizing that this Board has no authority to ensure that the infrastructure is extended. Mr. Bulger noted that this development will bring water service closer to existing homes situated west of the project site.

Mr. Vuillaume was unable to answer Ms. Berley’s question regarding the heating fuel source proposed for the subdivision. He was uncertain if natural gas was available along the Crescent Road corridor.

A resident questioned the reason for considering an increase in the base density for this project and the proposed use of the \$330,000.00 that the Town would receive from the developer. Mr. Bulger explained that the Town Board established rules for approval of additional lots for developments within the C-R zone. These “rules” permit the applicant to transfer development rights to other properties within the western part of town or to request purchase rights on a \$30,000.00 per lot basis. These regulations were established as a “creative and dynamic” means to preserve natural resources, open space, and the rural character that most residents believe to be important to their quality of life. Mr. Bulger explained that the Town Board has the authority to approve or reject the requested density enhancement for each project it considers. He also pointed out that the GEIS completed for the western portion of the Town determined that potential build-out could total nearly 6,000 new residences. Legislation adopted in May, 2005 reduces that number to approximately 2,500. Mr. Bulger explained the mechanics of the legislation, stating that the money contributed by developers will fund the purchase of open space that will remain undeveloped in perpetuity. He encouraged those in attendance to consider the “overall” benefit to all Town residents: the Town has gained the ability to fund the purchase of properties identified as important for open space preservation.

Residents raised concerns regarding the increased number of children that will enter the school system and other potential costs to taxpayers. In response, Mr. Bulger explained that the GEIS considered all economic and social impacts of development as well as the means to mitigate those impacts. Mr. Grasso explained that developers are not using “loopholes” to gain approval of additional lots. The law permits increases of up to 100% of base density allotments. In theory, the Town will be able to purchase tracts of land for preservation. Describing recent legislation as “a common sense” approach to land preservation, the speaker noted that the Town has recently purchased over 600 acres of land – ensuring its protection for years to come. Mr. Grasso also explained that the Town has a number of tools for acquiring land or encouraging the preservation of existing open spaces, including conservation easement programs, the transfer of development rights, and amenity zoning regulations. Mr. Bulger told the audience that the Planning Board does not set policy. It is the Town Board’s responsibility to hold a public hearing and render a decision on this request. It is the Planning Board’s role to offer a recommendation on the requested density increase.

Ms. Paula O’Connor, 5 Talbot Court, spoke as a representative for homeowners residing in Applewood Estates whose properties border the proposed subdivision. Stating that

these homeowners were “vehemently opposed” to the project. She cited negative impacts to the area’s environmental features. She explained that for many years those living in close proximity to this property have walked this parcel that contains several running streams and wetland areas. The concerns expressed related to disturbance of the wetlands, contamination of streams and wetlands from the proposed septic systems, and the negative impact of multi-use trails that would encourage the use of off-road vehicles such as snowmobiles that would disturb the privacy currently enjoyed by Applewood residents. She urged the Board to “oppose the variance” requested and to recommend approval of only 22 lots.

Ms. Susan Sherber, 1067 Ballston Lake Road, asked the Board to describe the criteria for recommending approval of increased densities for projects. Mr. Karam explained that the decision to recommend approval is not simply based upon the developer’s willingness to contribute \$30,000.00 per lot to the Town. Environmental considerations, traffic safety, and other elements related to public welfare are all considered prior to issuance of recommendations.

Ms. Kelly Tenenini, 11 Talbot Court, addressed comments to Mr. Karam, noting that although he “does not have a problem” with the development as proposed, the residents of Applewood Estates do have concerns about the proposal. She identified the issues of concern as a reduction in the amount of privacy enjoyed by Applewood homeowners, safety hazards created by increased traffic along Crescent Road, and an increase in criminal activity that may result from the increased population in the area and the installation of a multi-use pathway. She asked that the Planning Board communicate such concerns to the Town Board. She believes that the ability of developers to pay extra money to obtain increased density for projects “makes a mockery of open space zoning.”

Mr. Stephen Prescott, 78 VanVranken Road, explained that he and his family reside in an historic home on property that abuts the Boel parcel. He stated his preference for approval of a (22) lot subdivision since a reduction in the number of lots would be consistent with the intent of preserving the area’s rural character. He expressed concerns regarding protection of the delineated wetlands on the site and he encouraged the Board to require a buffer area between his property and the proposed development. In response to these comments, Mr. Bulger explained that such issues would be considered during the subdivision review process.

Ms. Prescott, 78 VanVranken Road, commented that many residents appreciate the uniqueness of the hamlet of Vischer Ferry and the rural characteristics of the area, noting that many residents have chosen to live there because of its quaint, historic charm. She believes that the construction of “mansions” would diminish the appeal of the existing historic homes that are located within close proximity to the proposed development.

Mr. Rick Zahnleuter, 52 Redfield Park, stated that he was in attendance at the previous meeting when the trail location was discussed. He commended the developer for proposing the multi-use trail connection along Crescent Road. He also stated his appreciation of the applicant’s willingness to consider additional trail links. He asked that

this Board consider recommending that the Town Board reject a plan that has little public accessibility to open space areas.

Mr. Paul Martterer, 11 Applewood Drive, asked about the size of the residences proposed. In response, Mr. McGoolagan stated that while the “front” parcels will contain smaller homes while the parcels in the rear will contain larger, “estate-type” residences. The speaker told the Board that he would prefer to see homes constructed on 3 acre lots rather than $\frac{3}{4}$ acre parcels. He stated that he initially viewed the approved zoning changes positively; however, he now understands that higher density opportunities are “built into” the legislation. He is opposed to the sanctioning of additional lots.

Ms. Kathy Clayton, 7 Talbot Court, told the Board that she believes that the amount of wetland identified on plan is not accurate. Mr. Vuillaume explained that wetland identification would continue in the spring when conditions will permit a more accurate site investigation. It was noted that the project density may be revised should approved jurisdictional boundaries change. Ms. Clayton did not support extension of the trail system through the Applewood neighborhood. Mr. Bulger explained that the applicant could have requested approval for (44) single-family residential lots since amenity zoning legislation states that “unit density increases will be granted in increments...not to exceed an increase of 100% of the original base density for the incentive site.”

Mr. Ron Michalec, 40C Raylinski Lane, Mechanicville, submitted a written request for Board approval of an access easement that would provide him access from a land-locked parcel he owns to the proposed Town road. He explained that Niagara Mohawk has denied him permission to cross power corporation property. Though Mr. Kemper confirmed that the parcel owned by Mr. Michalec is presently land-locked, Mr. Bulger informed him that the Board had no authority to impose such a condition upon the applicant. Any agreements negotiated would be strictly between the applicant/developer and Mr. Michalec.

Ms. Nancy Jerome, 722 Crescent Road, explained that she grew up in the area and has enjoyed walking this parcel through the years. She stated that she resides in one of the small ranch-type homes in the area and that she would prefer not to be “overshadowed” by the proposed larger houses. She asked that the Board consider the impacts to wildlife habitat and the permanent loss of forested areas and open fields. She specifically identified a particular tree that blossoms each spring in the existing field.

In response to Mr. Larkin’s questions regarding ultimate build-out scenarios, Mr. Kemper explained that the ultimate build-out of the western portion of Town was projected by the GEIS study to be between 6,000 to 7,000 units. To date, that number has been reduced to approximately 2,200. Mr. Karam expressed his support of the proposed application, encouraging Board members to remain objective and apply the laws adopted by the Town Board. He did note that the project design was dependent upon the accuracy of wetland delineations. Mr. Russell supported Mr. Karam’s position, stating that he was satisfied with the installation of septic systems if soil conditions were found to be acceptable. Mr. Hughes spoke in support of the project, noting that the project is well-designed and will

likely increase the value of homes in the area. Mr. Kramer believed that the workshop resulted in a “healthy discussion” of the project’s benefits and disadvantages. Citing the State Audubon Society’s recognition of the Town’s initiative to preserve open space and the density that would have been permitted prior to Town Board action, he found the project acceptable. Ms. Pace stated that she found the residents’ participation in the decision-making process very worthwhile. Mr. Larkin said that he shared the concerns expressed by Councilmen Paolucci and Speckhard and that he was opposed to a positive recommendation to the Town Board for the requested increase in density for this project. Mr. Karam invited those in attendance to comment at the public hearing that will be scheduled by the Town Board.

Following a comment from a workshop participant who questioned who would be benefit from the amenities provided by Town law, Mr. Bulger again explained the objectives of the zoning legislation. He made a distinction between the two types of benefits that would result from approval of this project as planned. The first would be the construction of a multi-use pathway link and extension of the water service system. These items would be carefully considered during the subdivision review process. The second would be the funding for additional open space land acquisition. This workshop is a part of the law that aims to preserve lands that have been identified as significant open space parcels. Mr. Pelagalli explained that the Planning Board is charged with ensuring that all applications are approved in conformance with established statutes.

Mr. Bruce Jerome, 1722 Crescent Road, asked the Board to consider the fact that a portion of the proposed development site is located within a designated Historic District. He stated that he has resided in the Town for more than 50 years and asked the Board to consider limiting the number of new residential subdivisions it approves. When asked by Mr. Bulger if he found the new zoning legislation helpful in restraining growth, Mr. Jerome responded that the mechanism for establishing a base density for development appeared reasonable, though permitting applicants to purchase additional development rights was not. Mr. Bulger explained that the State Office of Parks, Recreation, and Historic Preservation will review the project plan and provide advisory comments regarding protection of the historic district or archaeological concerns during the SEQRA process. Ms. Littman, Chairman of the Historic Preservation Commission, explained that although a portion of the site has been designated as a Historic District, no local legislation offers protection or preservation measures for such an area.

Mr. Sherber, Town resident, observed that the Town is apparently preserving open space at the expense of increasing density in areas “currently inhabited”. He asked if the Board had considered impacts to existing services such as schools, emergency services, and roadways. Mr. Bulger explained that such development impacts were analyzed during preparation of the Generic Environmental Impact Statement.

Mr. Hughes stated that he believes that Clifton Park has taken a lead in the preservation of open space and he views the establishment of the amenity zoning as an affirmative step in reducing housing density in the western portion of the Town.

Mr. Bulger moved, seconded by Mr. Karam, to authorize the Chairman to forward the following recommendation to the Town Board: since it appears that the applicant has met the letter and the intent of the zoning law, this Board recommends that the Town Board approve the subdivision plat as presented with a maximum density of 33 lots, though this density is an increase of 11 lots above the required number. A majority of the Board is satisfied that the project as designed will be visually appealing and will significantly benefit the Town's open space initiative. Ayes: Kramer, Pace, Karam, Russell, Hughes, Bulger. Noes: Larkin.

Mr. Bulger offered an explanation of the review process, stating that a recommendation will be forwarded to the Town Board for their consideration during deliberations regarding this application. Audience members were encouraged to participate in all Town meetings relating to this project. Should the Town Board approve the increased density as requested, the project will be returned to the Planning Board for subdivision review. The Chairman offered his appreciation to all in attendance for their participation in the workshop session.

[2005-057] Angelillo, Charles – Proposed (2) lot subdivision, Bruno Road – Determination from preliminary public hearing held on December 13, 2005.

Mr. VanGuilder, consultant for the applicant, presented the revised subdivision plan for this application. Though the plan remains generally as presented at the last meeting, Mr. VanGuilder explained that the proposal now shows a 24' wide common access onto Bruno Road. The proposed residences have been re-designed with front-loading garages.

Mr. Kemper reported that this project was considered by the Board on December 13, 2005, at which time the only issue of concern involved a shared access driveway. The Board closed the public hearing but took no action on the application. The locations of wells on neighboring properties must be illustrated on the plans. A grading plan must be provided with the final plan submission. A description for the ingress/egress easement must be provided.

Mr. Grasso addressed a concern raised during the public hearing by an adjacent neighbor regarding the width of the lot. He reported that Clough, Harbour, and Associates reviewed the deeds associated with the property and found that it does appear the site is 200 feet wide as shown on the subdivision plan: the subdivision appears to be in conformance with the zoning regulations.

Mr. O'Brien, Environmental Specialist, reported that the ECC recommended that the following standard statements be added to the plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.

- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

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

Mr. Russell offered Resolution #2, seconded by Mr. Karam, to waive the final hearing for this application and to grant preliminary and final approval to this application conditioned upon satisfaction of the comments offered by Mr. Kemper. Ayes: Larkin, Pace, Karam, Russell Bulger. Noes: None. Mr. Hughes and Mr. Kramer were not present for this vote.

[2004-024] Whitney Capital Company, LLC – Proposed (80) unit Senior Housing PUD – Referral from Town Board.

Mr. Robert Schneider, representative of Whitney Capital Company, LLC, presented this application that has been significantly revised since its last review. He explained that Building #2 has been removed from the project plan. The proposal now shows a single building containing 80 apartments designed for seniors. The building will be less than 40 feet in height and access for emergency vehicles will be provided around the building. He stated that the applicant has attempted to address all Board concerns in a professional manner in an attempt to make the project as appealing as possible to the Board as well as adjoining property owners.

Mr. Schneider introduced Mr. Tom Gears, project architect, who described proposed site preparation and building plans. He explained that the project will be developed on a 16.2 acre parcel at the intersection of Maxwell Drive and Plank Road. Building construction will not require disturbance of the Bear Brook and disturbance of slopes of 15% or greater will be minimized. Stormwater management and pollution plans in compliance with current regulations will be provided and a wooded buffer along the stream corridor will be retained and, if necessary, enhanced. Though flooding has been reported along the Bear Brook in this area, such problems will be addressed in the stormwater management plan. No evidence of endangered species has been evident on the site. Visual impacts from residences along Via da Vinci have been minimized. The project is expected to generate approximately 7 trips during the morning peak hours and 7-9 trips during the afternoon peak hours. Additional traffic information will be provided if requested by the reviewing Boards.

Mr. Kemper reported that this project was last presented to the Board on December 13, 2005 at which time the Board identified a number of concerns. These included the proposed density of the project, the impact to neighboring properties, and impacts to sensitive environmental areas. A letter from the Clifton Park Sewer District #1 expressed concerns with the capacity of the sewer line that this project intends to connect to. This issue must be resolved prior to any formal decision by the Planning Board. Sheryl Reed provided the following comments: occupancy type must be specified; emergency vehicle access is questionable; designated fire lanes may be required which could affect the

number of parking spaces as shown; flush or striped islands may be required to ensure that an adequate turning radius can be obtained.

o Mr. Kemper reported the receipt of a number of letters and e-mails from adjoining property owners who oppose this project. The project is a Type 1 action under SEQRA and coordinated review is required. Though the proposal has been altered to show only one building on the northern side of the property, the applicant should clarify whether or not PUD approval for the whole project is requested at this time. The applicant has added a curb cut to Plank Road to provide emergency vehicle access to all sides of the building.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the site plans for this project which is now being proposed in a phased approach. Building #2 has been removed and Building #1 has increased from 64 units to 80 units. The following comments were prepared based upon the revised application materials. Since the project involves the zone change for over ten acres, it is a Type 1 action pursuant to SEQR. A Full Environmental Assessment Form (FEAF) has been submitted and is under review. The project is described as a phased project: if both phases are being considered, avoiding segmentation will require that the SEQR documents address the impacts of both phases. If the applicant is not prepared to permanently limit the development to 80 units (by having Planned Unit Development legislation specify this), the impacts of both phases should be addressed.

- Item A.3. should be revised. The soil drainage on the site must include a percentage of poorly drained soils if wetlands exist.
- Item A.8. should be revised to reflect the presence of high groundwater in portions of the site, including the wetlands and streams.
- Additional information on potential noise impacts associated with trash removal and heating and cooling systems should be provided.
- Item B.25 should identify Planned Unit Development approval by the Town Board; Section 239 referral by the County Planning Board (if required); Building Permit by Town of Clifton Park Building Department; Sewer Connection Permit by the Saratoga County Sewer District; Water Connection Permit by the Clifton Park Water Authority; Backflow Prevention approval by the NYS Department of Health (not County); NYSDEC Storm Water Permit; and wetland permit(s) required by the Army Corps of Engineers.
- The response to item C.3. appears unrealistic and inconsistent with the data provided in the traffic assessment. This information is important as it may form the basis for comparison of impacts associated with the proposed zoning as compared to the existing zoning.
- The narrative should provide information to back-up the statement made in Item C.6.
- Item C.5. needs to be completed.

Mr. Grasso offered several additional comments. The revised building is 435 feet long and its long dimension is generally parallel with the back yards of the adjacent residential lots. He recommended that the compatibility of such a large structure with the immediately adjacent single family residences be considered in the Board's evaluation. A very limited vegetative buffer is proposed between the building and the adjacent

residential lots. Clough, Harbour, and Associates continues to recommend additional documentation regarding the visibility of the building during all seasonal conditions. 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.

Mr. Grasso stated that 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. Based upon the removal of Building #2 and the only proposed access being from Maxwell Drive it would appear the likelihood of cut-through traffic to Mooney Drive is minimized. Additional information regarding the trip generation provided in the Memo dated December 12, 2005 from Parrone Engineering is requested. Standards or counts from similar facilities that substantiate the trip generation rates should be provided. Measures that will ensure the developed use is consistent with the assumptions in the study (senior apartments) should be included as well. The traffic analysis provided projects the eighty units to generate nine trips during the evening peak hour and indicates this is what would be expected to be generated by five single family lots. The engineering firm is concerned with the accessibility of fire apparatus throughout the site. A turning movement diagram that depicts a design vehicle routed through the site (design vehicle as dictated by Sheryl Reed) should be provided.

Mr. Grasso commented that the second plan within the set that appears to include an air photo of the project site is illegible. Additional detail regarding the “Linear” stormwater management system should be provided. It does not appear the system proposed would be in conformance with the NYSDEC Phase II regulations. Significant additional clearing and grading may be required to conform to the regulations: these impacts should be evaluated.

Mr. O’Brien, Environmental Specialist, reported that the ECC reiterated several comments provided for previous reviews. The ECC recommends that the applicant complete a long Environmental Assessment Form (EAF). 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 adjoining residential property. Due to the fact that one of the few remaining trout streams in Clifton Park runs through this property, extraordinary measures should be taken to preserve the quality of the trout habitat. Additionally, the ECC recommended the following: future use of the southern section of the property be identified in the PUD; the stream corridor along with the LC Zone be deeded to the Town of Clifton Park.

Mr. Bulger explained that the evening’s discussion of this application would not include site plan review. The Board is charged with determining if the project is acceptable in general terms with Town policies and land use goals. Mr. Pelagalli emphasized that although the plan presented at this meeting shows only one building, the PUD legislation may include additional site development.

Mr. Larkin commented that he has reviewed the information provided by the applicant. He questioned the “demographic assumptions” that provided the basis for information related to the number of trips generated. Mr. Schneider responded that trips were more likely to occur throughout the day rather than at peak travel times. He also stated that the general age of the apartment population would be from 68-72. Mr. Schneider reported that the applicant would be willing to conduct additional traffic studies. Mr. Larkin was concerned that the proposed 88 parking spaces would be insufficient for both residents and staff members, pointing out that no public transportation was available to serve the site. While Mr. Larkin agrees that there is a pressing need for senior housing, he does not support this project because of its intensity and the potential impacts to environmentally sensitive areas – particularly the Bear Brook.

Mr. Russell believes that, although senior housing is necessary for the Town, the impact of the proposed project on the adjoining residential neighborhood would be too great. Mr. Schneider assured the Board that the applicant would attempt to provide a senior housing project with a “feeling of community”. Every attempt would be made to minimize visual impacts and to use subtle colors that would blend with the environment. In response to Mr. Bulger’s query, Mr. Schneider reported that the project had been presented to the senior housing committee chaired by Councilman Roth. That committee’s concerns focused upon emergency service access. Mr. Hughes stated that, in his opinion, the applicant has made a “noble effort” to fill a community need. He finds the location, however, unacceptable for construction of the senior housing project. Mr. Karam did not support development of the senior housing facility in the proposed location since he believes that the building height would impact views from the existing residential neighborhood, that drainage produced by the development could impact the Bear Brook, and that erosion of the slope along the western property line may occur as a result of development. Mr. Kramer stated that he found the proposal to be the “right project” in the wrong location: he did not support approval of the PUD application. Although Ms. Pace was pleased that the building would be ADA compliant, she believes that the proposal presents much too intense a use for the site. Mr. Bulger described the site as “tough” and applauded the applicant’s efforts to comply with Board recommendations. Although he continued to have concerns regarding the project, he believed that the senior housing project was viable. He recommended that the decision regarding approval of the senior housing project be left to the Town Board.

Mr. Karam moved, seconded by Mr. Hughes, to authorize the Chairman to forward the following recommendation to the Town Board: Since the applicant has failed to convince a majority of the Board that sensitive environmental areas will be adequately protected and that the proposed development will permanently impact the adjoining neighborhoods, the Planning Board recommends that the application as proposed be denied. Ayes: Kramer, Larkin, Pace, Karam, Russell, Hughes. Noes: Bulger.

Board members asked that the recommendation to the Town Board include the reasons for the negative response. These would include visual impacts to adjoining neighborhoods, problems with emergency service accessibility, and negative impacts to sensitive environmental areas, including classified streams, topography, and steep slopes.

[2004-051] Cillis Builders – Proposed (12) lot subdivision, Bruno Road –Determination from public hearing held on October 6, 2005.

Mr. Vuillaume, consultant for the applicant, presented this application that was last before the Board on October 6, 2005. Though the project remains generally as presented at that time, the two issues of concern were identified as the verification of the NYSDEC wetland boundary and improvements to the drainage situation along Bruno Road. The consultant explained that a NYSDEC permit will be required for installation of the stormwater management area. He also stated that plans call for the installation of a culvert to the east of the proposed roadway that will be designed to direct drainage from north of Bruno Road to the DwaasKill. The applicant has been working with McDonald Engineering, Rick Kukuk, Highway Superintendent, and Shawn Barberia, Bruno Road resident, to develop design plans for improvements that would mitigate drainage problems along Bruno Road.

Mr. Kemper reported that this project last appeared before the Board on October 6, 2005. Coordinated review was conducted and all agencies concur with the Town of Clifton Park Planning Board acting as Lead Agency for this application. A letter has been received from McDonald Engineering with regard to the drainage improvements proposed by the applicant. Sign-off must be provided from the State Office of Parks, Recreation and Historic Preservation, the Clifton Park Water Authority, and the Saratoga County Sewer District. Wetland delineations must be approved by the appropriate agencies. The applicant should clarify whether or not the existing barn/garage is slated for removal. Mr. Kemper recommended that a fence be provided between Lot #1 and the Town property: this should be illustrated on the plans. Fencing will also be required to delineate the wetland area on Lots #10, 7, and 8. Sheryl Reed, Chief of the Bureau of Fire Prevention, has asked that appropriate postal numbers be added to the final subdivision map.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the revised subdivision plan and offered the following comments. If the front yard setbacks for Lots #5 and #6 are greater than the standard minimum setback in order to provide adequate lot width, the minimum setback distance needs to be called out on the subdivision plan. The firm is concerned with the protection of the rear yard drainage crossing the backs of lots #2 and #5: easements and/or catch basins appear required. A revised stormwater management report addressing the comments from the October 3, 2005 review letter must be submitted. Additionally, the report should discuss the newly proposed 24" culvert across Bruno Road and the impacts of this culvert on the flooding problems in the area. It is recommended that some form of berm and vegetative buffer be provided between the rear of Lots #8, #9, and #10 along the rear of lot #11. The proposed street light should be shown and called out as a cobra-head style fixture with a 16' extended arm off of the existing pole and oriented over the new road, not as a new square head fixture and base at a 45 degree angle. Due to the acute entry angle, it is recommended that the inside radius at the southwest corner of the intersection be increased from 25 feet to 34 feet and laid out consistently with that typically applied to DOT curb cuts. This should still provide

adequate separation from the existing utility pole.

Mr. O'Brien, Environmental Specialist, reported that the ECC provided the following comments regarding this application. The following standard statements should be added to the plot plan:

- 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.
- No salts, fertilizers, pesticides or other material may be used on this property where they will contaminate any wetland area 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 constructions ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

The ECC also requested that the Town Engineer evaluate the proposed stormwater handling for septic systems to determine whether or not it will exacerbate the demonstrated high flooding potential of the existing stormwater system. Following the presentation by the consultant, Mr. O'Brien believed that this concern was adequately addressed.

Board members asked for comment from Shawn Barberia since his property is most impacted by existing drainage problems. Mr. Barberia told the Board that the applicant for this project has been most helpful in attempting to address the flooding issues in the area: he is satisfied that the applicant has considered impacts to his property and has been working to mitigate them. Board members discussed alternatives for fencing and/or other methods of establishing a separation between lot boundaries and wetland areas. In response to Mr. Larkin's question regarding the additional plantings shown on the plan, Mr. Vuillaume stated that landscaping materials would be added to increase privacy and separation between lots.

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

Mr. Russell offered Resolution #3, seconded by Mr. Larkin, to waive the final hearing for this application and to grant preliminary subdivision approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso. Ayes: Kramer, Larkin, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

New Business

[2005-051] Rotundi, Anthony - Proposed (2) lot subdivision, 766 Grooms Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application for the Board's consideration. He explained that this project was originally submitted as an (11) lot subdivision: it has now been revised to a (2) lot subdivision. The fifty-seven acre parcel, situated in the C-R (Conservation Residential) zone on the south side of Grooms Road, is located approximately 2,800 feet west of the Grooms-Vischer Ferry Road intersection. The proposed three-acre parcel will provide space for future re-location of Vischer Ferry Fire District facilities. The proposed lot will be served by the Clifton Park Water Authority and the Saratoga County Sewer District #1. Mr. VanGuilder stated the property contains approximately 33 acres of unconstrained land.

Mr. Kemper asked that the plan include the date and firm that performed the wetland delineation. A sign-off must be provided from NYSDEC on the wetland delineation. He noted that this project is located in the Western Clifton Park GEIS Study Area. He also asked that any ACOE wetlands on the property be identified.

Mr. Grasso offered a number of comments that had been prepared by Clough, Harbour, and Associates following review of the project plan. The proposed project is located within the Western Clifton Park GEIS study area and the C-R (Conservation Residential) zoning district. The project site is not identified on the Land Conservation Plan as an Agricultural or Open Space Resource parcel worthy of special protection. As such, development of the project site may be considered appropriate by the Planning Board. The project site is 56.6 acres and two lots are proposed. In accordance with the C-R (Conservation Residential) zoning, the allowable density for development on a parcel greater than 10 acres is one unit per 10 acres where permanent open space is not provided. Therefore, it appears the maximum allowable density of the entire property is 6 units. As such, the subdivision of one new three acre lot would be in accordance with the zoning regulations. In order to avoid segmentation and future subdivisions that would exceed the maximum allowable density, a note should be provided on the subdivision plan prohibiting additional residential lots or indicating the allowable density for any future proposed subdivisions. The proposed water and sewer services, house and driveway locations should be shown on the plan. The adequacy of the sight distance at the proposed driveway location should be verified.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project, the ECC reiterated a previous recommendation that requested the addition of 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, extended 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.

In response to Mr. Larkin's questions regarding future development of the site, Mr.

Grasso explained that the calculations provided by Mr. VanGuilder appear to be accurate: the maximum allowable density for the entire parcel would be six dwelling units. Board members found the conceptual plan acceptable.

[2006-001] Gritziv, Walter – Proposed (4) lot subdivision, Vischer Ferry Road – Conceptual review.

Mr. Dave Flanders, consultant for the applicant, described this proposal that calls for the subdivision of approximately 25 acres of land in a C-R (Conservation Residential) zone into four lots. The property is located on the west side of Vischer Ferry Road, south of its intersection with Englemore Road. The lots range in size from 3.8 acres to 12.4 acres. The largest parcel contains an existing residence. All lots will be served by individual wells and on-site septic systems. Lots will be accessed via a combined driveway from Vischer Ferry Road. The Town's L-C zone has been depicted on the plan. The plan provides for 50% open space which contains 8.3 acres of unconstrained lands.

Mr. Kemper reported that this project is located in the new C-R (Conservation Residential) zone. Steve Myers, Director of Building and Development, provided the following comments: "(3) keyhole lots to be formed. Keyhole lots require 50' setbacks on all sides. Emergency access road requirements will apply." A revised site plan was submitted on January 9, 2006. Mr. Kemper asked that the date and firm that performed the wetland delineation must be shown on the plans. A sign-off must be provided by NYSDEC on the wetland delineation. A signoff will also be required from National Grid for the power line crossing. Descriptions must be provided for the proposed ingress/egress easement.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the concept subdivision plan for this application and offered the following comments. The proposed project is located within the Western Clifton Park GEIS study area and the C-R (Conservation Residential) zoning district. The project site is not identified on the Land Conservation Plan as an Agricultural or Open Space Resource parcel worthy of special protection. As such, development of the project site may be considered appropriate by the Planning Board. In accordance with the zoning regulations, the allowed density is .33 units per acre of unconstrained land provided 50 percent of the area of the development site is designated as permanent open space. A minimum of 25% of the unconstrained land of the parcel shall be dedicated as permanent open space. Based upon calculations provided by the applicant's consultant it appears the proposed four lot density conforms to zoning provided the following open space is provided:

- 50% of the site area = 12.6 acres of permanent open space to be provided
- 25% of unconstrained land on the site = 5.2 acres of unconstrained land to be part of open space

If no open space is provided, the allowed density is limited to one lot per ten acres which would appear to result in three total lots. The approximate location of the proposed septic systems and wells should be shown on the plan. The adequacy of the sight distance at the proposed driveway location should be verified. The culvert proposed across the driveway should be adequately sized to handle upstream flows and the wetland disturbance should

be quantified on the plan.

Mr. O'Brien, Environmental Specialist, reported that the ECC offered the following comments regarding this project proposal. As proposed, a NYSDEC Wetland Permit will be required for the proposed driveway crossing. The following standard statements should be added to the plot plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- This parcel (subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibrations, extended 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.
- Due to that potential for Federal Wetlands on this parcel, the Applicant will determine the location and extent of disturbance of Federal Wetlands before a building permit is issued.

The Commission noted that the applicant would be required to follow the Federal regulations regarding the preparation of a Stormwater Pollution Prevention Plan.

In response to Board questions, Mr. Flanders explained that there will be a buffer in excess of 100' along the boundary line abutting the Lands of Bowman. Board members found the proposed subdivision plan in compliance with zoning regulations.

[2004-032] Thomas J. Farone & Sons –6,000 SF office space in two (2) buildings, Lapp and Crescent Roads – Request for extension of site plan approval.

Mr. Kemper explained that the Planning Department was in receipt of correspondence from Environmental Design Partnership that requested an extension of site plan approval for the Farone Office Building project at the intersection of Lapp and Crescent Roads. Since the developer has been working to satisfy all conditions of approval, Mr. Kemper recommended that the Board grant this request.

Mr. Bulger moved, seconded by Ms. Pace, to grant a one year extension for this approved site plan. Pursuant to §208-120 of the Town Code no further extensions shall be permitted. The final expiry date of this approval will be January 25, 2007. The motion was unanimously carried.

Discussion Items

Coconuts – Clifton Country Road

Mr. Kemper explained that this business has requested approval to change the roofing materials and signage at its Clifton Country Road location. Board members found the proposal acceptable. No formal site plan review was required.

PVC Industries - Pierce Road

Mr. Kemper read a letter from Todd Norman, corporate representative, explaining that improvements had been made to an existing warehouse facility on Pierce Road to accommodate the expanding business. Board members agreed that the improvements were not significant: no formal site plan review was required.

Minutes Approval

Mr. Bulger moved, seconded by Ms. Pace, approval of the minutes of December 13, 2005 as written. Ayes: Kramer, Pace, Karam, Russell, Hughes, Bulger. Noes: None. Abstained: Larkin.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 11:50p.m. The motion was unanimously carried. The next meeting of the Board will be held as scheduled on January 24, 2005.

Respectfully submitted, Janis L. Dean, Secretary cc: Planning Board Members, Planning Department, Clough, Harbour, and Associates, Supervisor, Town Administrator, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Joel Peller, Town Attorney, Lou Renzi, Town Attorney, Jim Trainor, Town Attorney, Paul Pelagalli, Town Attorney, Department of Parks and Recreation, ECC, Saratoga County Planning Board, Shenendehowa Central School, Clifton Park Water Authority, Fire Districts.

Resolution #1

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 January 10, 2006, there were:

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

Absent: A. Kramer, J. Larkin, S. Pace

Mr. Bulger offered Resolution #1, and Mr. Hughes seconded, and

Whereas, an application has been made to this Board by David Triller for approval of a subdivision entitled Subdivision Plan – Portion of Lands of Laurie C. Larson consisting of (3) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held January 10, 2006 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 January 10,

2006, 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 Plan – Portion of Lands of Laurie C. Larson consisting of (3) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper.

Resolution #1 passed 1/10/06
Ayes: Karam, Hughes, Russell, Bulger
Noes: None

Steven J. Bulger,
Chairman

Resolution #2
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 January 10, 2006, there were:

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

Absent: S. Hughes, A. Kramer

Mr. Russell offered Resolution #2, and Mr. Karam seconded, and

Whereas, an application has been made to this Board by Charles Angelillo for approval of a subdivision entitled Subdivision of Lands of Bruce Tanski consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held January 10, 2006 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 January 10, 2006, 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 Bruce Tanski consisting of (2) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the

comments offered by Mr. Kemper.

Resolution #2 passed 1/10/06

Ayes: Larkin, Pace, Karam, Russell, Bulger

Noes: None

Steven J. Bulger,

Chairman

Resolution #1

Preliminary 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 January 10, 2006, there were:

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

Absent: None

Mr. Bulger offered Resolution #3, and Mr. Hughes seconded, and

Whereas, an application has been made to this Board by Cillis Builders for approval of a subdivision entitled Bella Vista Manor consisting of (11) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held October 6, 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 January 10, 2006, 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 Bella Vista Manor consisting of (11) lots is hereby granted preliminary approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso.

Resolution #3 passed 1/10/06

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

Noes: None

Steven J. Bulger,
Chairman