

**Clifton Park Planning Board Meeting Minutes
June 13, 2006**

Those present at the June 13, 2006 Planning Board meeting were:

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

Those absent were: A. Kramer

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. He reported that Jan Dean has been appointed by the Town Board to serve as Interim Director of Planning. All in attendance stood for recitation of the Pledge of Allegiance.

Public Hearings

[2006-017] Compton, Erika – Special Use Permit for proposed two-family residence in a C-R zone, 21 Lee Avenue, Rexford – Preliminary public hearing 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 June 3, 2006.

Mr. Shawn Compton, applicant, presented this application for a Special Use Permit that would allow the construction of a two-family dwelling in a CR (Conservation Residential) zone. The plan proposes a 20' x 24' addition to the east side of the existing residence.

Mr. Kemper explained that this project was considered by the Board on May 23, 2006. Steve Myers, Director of Building and Development, provided comment in a memo dated June 2, 2006:

“Applicant thought side setback variance was required but the zone has changed from R-3 (25' setback) to Conservation Residential (10' setback) and as a result only the Special Use Permit is required.”

Mr. Kemper reported receipt of an e-mail from a concerned neighbor that was copied for each Board member to review. He recommended that the adequacy of the septic system to accept additional flows be evaluated. After visiting the site, Mr. Kemper recommended that the proposed addition be relocated because of its potential impact on neighboring properties.

Mr. Grasso asked that the adequacy of the septic system be evaluated.

Mr. O'Brien, Environmental Specialist, reported that the ECC offered no comment on this application.

Ms. Cindy Sawyer-Kozel and her husband, William Kozel, spoke in opposition to the project as proposed, citing several concerns. The first was the close proximity of the proposed addition to the Kozel's residence. The second was the possibility that the "in-law" apartment would become a rental property in the future. The Kozels were also concerned that the property boundary separating the two properties may be inaccurately marked and that the trees that have been planted on there property may be irreparably damaged by construction equipment. They were also concerned that the value of their home would be diminished.

There being no further public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:22p.m. The motion was unanimously carried.

Mr. Compton stated that he had no intention of damaging or removing the trees located on the Kozel's property. In response to Mr. Karam's question regarding setbacks, Mr. Compton explained that his residence is currently situated approximately 39 feet from the eastern property line: the addition would place the home about 15 feet from the line.

Mr. Bulger explained that although the proposed two-family residence is a permitted use within the C-R zone, Board members are concerned with preservation of character of the neighborhood. Members discussed various alternatives for relocating the in-law apartment, though none of the choices appeared acceptable to the applicant. In response to Ms. Pace's concerns about future rental of the "in-law" space, Mr. Bulger explained that law permits two-family residences within the zone: the Board has no authority to regulate future use as a rental unit.

Mr. Kemper suggested that the Comptons meet with their architect to determine if the addition can be relocated. He proposed that the architect provide a PDF file that could be reviewed by Board members.

[2005-010] Lisuzzo, Michael – Proposed (2) lot subdivision, NYS Route 146 – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:35p.m. The Secretary read the public notice as published in the Daily Gazette on June 3, 2006.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that was conceptually reviewed by the Board on February 23, 2005. The plans remain generally as presented at that time. A 2.2 acre lot located on the northern side of NYS Route 146 just west of Waite Road will contain an existing residence. A single-family residence is proposed for a 2.99 acre parcel to the north. ACOE and NYSDEC wetlands have been delineated and are shown on the plan. The proposed home will be located outside the delineated wetland boundaries. Access to the new parcel will be via a 25' wide ingress/egress easement from a section of the existing circular driveway onto Route 146. The required 40' frontage on a Town road has been provided to the west. A NYSDEC

permit will be required for the disturbance of approximately 1,100 SF of land required for driveway construction, though Mr. VanGuilder explained that building on the newly-created lot is not anticipated in the near future. He asked that the request for the permit be delayed until a home on the lot is actually proposed.

Mr. Kemper reported that this project last appeared before the Board on February 23, 2005. Steve Myers provided the following comments in a memo dated June 2, 2006: "Preliminary review was done while zoned R-1 (2/05), therefore new CR zoning is not applicable per the Planning Director. Keyhole lot appears to meet all required regulations even though access will be via permanent easement." Mr. Kemper asked that the 50' setback to the ACOE wetlands be shown on the plans. Soil investigation information must be submitted prior to the stamping of the plans. The NYSDEC wetland permit must be issued prior to the stamping of the plans.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed this application and offered the following comments. The following item remains unaddressed from previous review letters: Soil investigations including deep test pits and percolation tests should be conducted in the area of the proposed wastewater disposal system to verify the adequacy of the soils to accept an on-site wastewater disposal system. The following is a new comment relating to preliminary drawing. The Subdivision Plan identifies the property as being in an R-1 Residential zone. By the adoption of Local law No. 5-2205 on May 5, 2005 this property is now located in the new created CR (Conservation Residential) zone. Because the parcel was in the approval process prior to the adoption of the new Local Law, the approval of the application will continue relative to the former zoning. The plan should, however, indicate the current zoning of the parcel.

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

- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federal jurisdictional wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone and/or Federal Wetlands.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:40p.m. The motion was unanimously carried

In response to Mr. Bulger's question regarding the date of wetland delineation, Mr. VanGuilder reported that the delineation was conducted on October 15, 2004. Mr. Karam asked for information regarding the length of the driveway and construction standards for the access. Mr. VanGuilder reported that the 250-foot driveway would be 16 feet wide. He agreed to increase the proposed turn-around to accommodate emergency vehicles.

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

Mr. Karam offered Resolution #14, seconded by Ms. Pace, 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. Ayes: Pace, Karam, Russell, Hughes, Bulger. Noes: None.

Old Business

[2004-047] Kain Development Group, LLC – Proposed (16) lot subdivision, Longkill Road –Possible determination from preliminary public hearing held on February 14, 2006 and reconvened on April 11, 2006.

Mr. Frank Fazio, consultant for the applicant, presented a revised subdivision plan for the Board's review and listed the changes that have been made to the plan in an attempt to address comments offered by the Town Engineer, Board members, Mr. Kemper, and the public. The plan has been reduced by two (2) building lots: the plan now calls for the construction of sixteen (16) single-family residences. The road length has been reduced by 250 linear feet. The speaker explained that these changes will reduce the impacts to non-jurisdictional wetlands. He also stated that the ACOE has determined that wetlands to the north of the site are non-jurisdictional. Fencing will be installed to protect Land Preservation Areas. Utility easements that serve the Wassenaar residence have been field located and are indicated on the plan. A 75-foot wide easement has been provided to National Grid. The proposed sanitary sewer line will be extended along Parkside Trail: this will require the installation of a retaining wall along the stormwater management area that serves the park. A trail connection from the proposed subdivision to Parkside Trail has been included on the plan. Mr. Fazio presented a plan that illustrated existing conditions that produced substantial run-off to adjoining properties and a plan that illustrated post-development conditions. He concluded that post-development run-off would be less than pre-development run-off.

Mr. Kemper stated that this project last appeared before the Board on April 11, 2006. All additional letters received since the last meeting have been copied for the Board members' review. Sign-offs must be provided by the Saratoga County Sewer District and the Clifton Park Sewer District. A hook up fee will be assessed on each house prior to the issuance of a building permit. A sign-off must also be provided by the Clifton Park Water Authority. The proposed fencing along the wetland boundary must be illustrated on the plans. A Saratoga county Department of Public Works Work Permit must be provided. Plantings must be placed in and around the stormwater management area

Mr. Grasso commented that Clough, Harbour, and Associates reviewed the revised plans that were submitted by the applicant and found them, with the exception of a few minor technical issues, to be generally complete. He noted that the applicant has submitted a revised Long Environmental Assessment Form that appears to be accurately prepared. He

also advised the Board that if the application receives preliminary approval, the applicant will submit plans to the NYS Department of Health and the NYS Department of Environmental Conservation for required approvals.

Mr. O'Brien provided the following comments on behalf of the ECC. The Commission reiterated the recommendations made at their February 7, 2006 review of this project, as follows: 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 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.

The ECC strongly requests that the applicant perform a mature tree inventory. Based on those results, the Planning Board may consider increasing the number of trees required to be replaced to offset losses due to cutting and extensive backfilling that is proposed. The ECC recommends that a 50' no-cut buffer be created around the perimeter of the property. It was recommended that this area be conveyed to the Town of Clifton Park.

Mr. Bulger focused attention of the proposed land preservation areas, noting that the Town will be granted the right of enforcement. Mr. Pelagalli explained that the applicant will be required to include a note on the plans that establishes such authority. In response to Mr. Bulger's concerns regarding the off-site connection to the sanitary sewer and proposed trail connection, Mr. Grasso reported that engineering review of the project determined that both were adequately designed. Mr. Karam asked that the plan show that isolated wetlands – particularly those on Lot #10 – be included as Land Preservation Areas. Mr. Bulger reported that he had spoken with John Connell, representative of the Army Corps of Engineers. Mr. Connell expressed his satisfaction with the wetland delineation as depicted on the revised project plan.

Mr. Larkin stated his opposition to the issuance of a negative declaration for the application and the granting of preliminary approval, explaining that, in his opinion, environmental impacts had not been sufficiently evaluated and addressed. He submitted calculations regarding the potential impacts that the proposed tree removal would have on air quality. A copy of his calculations is attached to these minutes. He has concluded that the Planning Board does not have sufficient information to issue a negative declaration pursuant to SEQRA.

Mr. Bulger addressed the audience, speaking particularly the members of FOLK, stating that he appreciated all the input from area residents who had researched information and thoughtfully presented it to the Board. He pointed out that as a result of their efforts, the plan had changed significantly. He invited one spokesperson to speak on behalf of those opposed to the project.

Mr. Jeff Baker, legal representative for FOLK from the firm of Young, Sommer, LLC, recognized that the applicant has offered a “diminution” of the project, but questioned whether the application has met all SEQRA review standards. Labeling the comments included in the documents provided by the Board entitled “Comments from Kain Development Public Hearing: February 14, 2006” and “Comments from Kain Public Hearing: April 11, 2006” as “conclusionary” and “incorrect,” he noted that no calculations regarding the site grading or the amount of fill to be brought to the site had been provided by the applicant. He argued that the Board had not considered potential drainage problems, the fact that the project is served by a single detention basin, loss of wildlife habitat, the value of wetland areas, and other potentially significant impacts to the environment and requested that the Board recommend the completion of an EIS. Though he stated his appreciation for the Board’s efforts in offering comments in response to public concerns, he found the documents provided “no substitute for the strict, formal preparation of an EIS.”

Mr. Bulger spoke in response, informing Mr. Baker that he disagreed with the statements expressed and that the Board believes that impacts and alternatives have been studied in-depth and to the Board’s satisfaction. He further stated that the comments provided reflected the opinions of a majority of Board members and that the applicant has met all reasonable development standards. Mr. Karam addressed Mr. Baker’s comments, stating that all Board members diligently reviewed all comments and shared in the preparation of the documents presented to the public.

Mr. Russell recused himself from any comment and/or vote on this application.

Mr. Bulger moved, seconded by Mr. Karam, to establish the Planning Board as Lead Agency for this application and to issue a negative declaration pursuant to SEQRA. Ayes: Pace, Karam, Hughes, Bulger. Noes: Larkin. Abstained: Russell

Mr. Hughes offered Resolution #15, seconded by Mr. Karam, to waive the final hearing for this application and to grant preliminary approval conditioned upon satisfaction of the comments offered by Mr. Kemper, Mr. Grasso and the incorporation of the document entitled Comments from Kain Development Public Hearing: February 14, 2006 and Comments from Kain Development Public Hearing: April 11, 2006 in the negative declaration prepared by the Planning Board pursuant to SEQRA. Ayes: Pace, Karam, Hughes, Bulger. Noes: Larkin. Abstained: Russell

[2005-065] Murray, Phyllis – Proposed (2) lot subdivision and lot line adjustment, Crescent Road – Determination from preliminary public hearing held on March 28, 2006.

Mr. Gil VanGuilder, consultant for the applicant, explained that this project was last considered by the Board at a public hearing held on March 28, 2006. The plan remains generally as presented at that meeting. The speaker explained that comments by an adjoining property owner during the public hearing focused upon the approval of the setback variance by the Zoning Board of Appeals and he sought direction from the Board and Mr. Pelagalli for the means to appeal the Zoning Board's determination. Though the Zoning Board of Appeals did review the decision, no action was taken to rescind it.

Mr. VanGuilder explained that the subdivision plan remains generally as presented at the March 28, 2006 meeting. The proposed residence will be constructed in the northern portion of the proposed lot and will be kept above the existing grade. Drainage will flow to the lower portion of the lot though no vegetation will be cleared in the southern portion of the property. The speaker reported that it appears that drainage from Crescent Road apparently flows through a swale on Ms. Murray's property to the low area on the site. It is Mr. VanGuilder's assessment that this drainage has been interrupted by development of adjoining properties and by the construction of a pool on Lot #5, Boyack Road. At some point a pipe was installed from the low area of Ms. Murray's property to an open ditch located along Boyack Road. Minor excavation of the site determined that the pipe was poorly installed: the result is ineffective control of water flow. Mr. VanGuilder proposes minor improvements to the drainage area to improve water flow and absorption, though he believes that existing conditions will not worsen due to the construction of the proposed new home.

Mr. Kemper explained that this project was last before the Board on March 28, 2006 at which time the most significant issues considered by the Board was the issuance of the Zoning Board of Appeals' variance and the drainage problem that exists at the southern portion of the property. Mr. Kemper asked that clearing limit lines and no disturbance areas be added to the plans. Sign-offs must be provided by the Clifton Park Water Authority and the Crescent Estates Sewer Company. The public hearing was closed following public hearing held at the March 28, 2006 meeting. Steve Myers provided the following comments in a memo dated June 2, 2006: "No further comment. See variance #80585. Grading and drainage will be critical to development of lot. Proposed grading appears to have addressed these issues."

Mr. Grasso stated that Clough, Harbour, and Associates reviewed the subdivision plan. Clough, Harbour, and Associates offered the following comments in a letter dated June 12, 2006. Significant concerns were raised during the public hearing regarding drainage impacts and impacts on adjoining properties that have not been adequately addressed. Based on the grading information shown on the plan, grading within the site will occur within existing low areas that currently collect runoff from adjacent properties and development of the lot may adversely impact adjacent properties. Due to the low nature of the lot being subdivided, the lot should be investigated for federal wetlands. If none are present, this should be noted on the plans. The level the house will be determined by groundwater levels.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project, the

ECC reiterated the following comments. The following standard statements should be added to the plot plan:

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

In addition, the ECC requested that the applicant evaluate current hydrology of the site to ensure the existing water on the property will not impact the existing residents that surround the property. The ECC requests the applicant describe how stormwater will be handled on site.

Mr. Bulger reported that Mr. Kemper, Mr. O'Brien, Mr. VanGuilder, and he had recently walked the site and found that Mr. VanGuilder accurately described site conditions. He encouraged the applicant to preserve as many trees as possible on the lot. In response to Board comments concerning the installation of additional landscaping to provide as much privacy for adjoining residences as possible, Mr. VanGuilder agreed to provide a planting plan for the Board's consideration, with screening particularly located to the northeastern corner of the Campoli property and to the rear of the proposed residence.

Mr. Jim Burnes, 14 Oakwood Boulevard, provided information regarding the Zoning Board of Appeals' discussion related to the request by Ms. Murray's neighbors to rescind a decision that approved a reduction in the required setbacks for a keyhole lot. He reiterated concerns expressed at the March 28, 2006 public hearing regarding potential impacts to his property from drainage from the Murray property. He was also concerned that construction equipment would likely damage the back portion of his property since the building envelope was so narrow.

Mr. Bulger responded to the speaker's concerns, noting that the proposed project will likely improve the area's drainage problem, that no one has the right to trespass on another's property, and that a planting plan will be required to mitigate tree removal from the property.

Ms. Christine Izzo, 16 Oakwood Boulevard, presented a petition signed by several property owners who adjoin Ms. Murray's parcel. The petition asks that Ms. Murray's subdivision application be denied because of the "precedent it sets, property values in the area, density, privacy, aesthetics, drainage, safety, and construction." Ms. Izzo also expressed concerns about impacts to septic systems that serve adjoining properties, the safety hazard created by the unfenced drainage area, and the loss of privacy for her family.

Mr. Bulger explained that the drainage area of concern to neighbors is located within the land preservation portion of the property. He perceives the area as a “minimal hazard” and does not support work in the area that would involve significant land disturbance. Mr. Pelagalli addressed the issue of liability, stating that if the drainage conditions remained unchanged after the construction of the house, Ms. Murray would not be liable for any injury that might occur. She would be liable only if the area became more dangerous. Mr. Grasso noted that the Town requires the installation of stormwater management areas for subdivisions: no fencing is required for such areas.

Mr. Larry Williams, 5 Boyack Road, questioned the reason for excavation that occurred on the Murray parcel. Mr. VanGuiler explained that his firm uncovered the drainage pipe to determine whether or not it was installed properly and to determine pipe elevations. Mr. Williams stated that he was considering removing the portion of the drainage pipe that crosses his property. Board members discussed such a removal and advised the speaker against taking such an action.

Mr. Larkin asked Mr. Grasso if there would be increased drainage into the basin in question. Mr. Grasso replied that the additional accumulation of run-off would be incremental. In response to Mr. Larkin’s questions, Mr. VanGuilder stated that there will be no additional drainage directed to the southern portion of the building site. There are apparently no easements associated with the placement of the pipe. In his opinion, it is unlikely that the construction of the proposed residence would impact the drainage area. Mr. Larkin recommended that a note be added to the plan that states that access to the drainage area and any work on the low area to the rear of the site is exempt from the restrictions imposed on the property as a Land Preservation Area.

Ms. Izzo requested additional buffering along existing homes. Mr. Bulger suggested that existing trees on the property be moved to property boundaries. He asked that Planning Department staff review a landscaping plan prepared by the applicant’s consultants.

Ms. Pace asked that Mr. Grasso review the management of the projected water run-off and details of the drainage plan.

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 #16, seconded by Mr. Russell, 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, Mr. Grasso, and the Board. Ayes: Larkin, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

[2002-042] Assembly of God – Proposed 3,265 SF church, 635 Englemore Road – Revised conceptual site plan review.

Mr. Gavin Vuillaume, consultant for the applicant, and Dwight Moore, Pastor of the Assembly of God church, were in attendance at the meeting. Mr. Vuillaume explained that plans for the church have been revised since the project was last before the Board on January 27, 2004. The proposal calls for the construction of a 5,603 SF church in an R-1 zone on the northerly side of Englemore Road. 16 parking spaces are proposed. The parcel will be served by an on-site well and septic system. The septic field is designed with a 50% future expansion area, though the septic design is not yet complete. The church plans a second phase of 2,687 SF in the future. A single drive from Englemore Road provides access to the site. The dumpster has been located to the northwesterly side of the property. The retention basin has been relocated to the front of the property. Soil testing has indicated ground water levels to be 3-4 feet.

Mr. Kemper stated that this project last appeared before the Board on January 27, 2004 at which time there were several issues of concern. He noted that the church has now employed an area consulting firm familiar with Town code requirements. The plan has been significantly revised. Steve Myers provided a memo dated June 2, 2006 that listed the following items to be addressed: "keyhole lot and parking requirements appear to be met: access roadway must be to emergency vehicle standards; the roadway should be extended to rear of building; public water supply is available within 500' of property line (Emmons Drive, Hidden Crest Drive may be over 500') and should be required due to place of public assembly." Sheryl Reed submitted a memo dated June 13, 2006 that requested the posting of "No-Parking-Fire Lane Signs" along the east side of the driveway.

Mr. Grasso reported that the plans submitted for revised conceptual review included a Cover Sheet, Site Plan, Grading and Utility Plan, Planting Plan, Sediment and Erosion Control Plan, and Site Details. Clough, Harbour, and Associates offered the following comments on the drawings and documents. The current plan is similar in concept to the plan previously submitted. The entrance drive from Englemore Road is approximately 150 longer on the current plan, the proposed building has been shifted approximately 100 feet to the north toward the rear of the property, the parking is configured differently on the new plan, and the storm water management and septic system are now located to the front of the property. Many of the comments that were made on the previous plan apply to the current plan, and several documents and reports that had been provided relative to the prior plan should be revised and resubmitted. Because the amount of new impervious area has increased from the previous plan, the applicant should provide a new stormwater management report for the project. Test pits and percolation tests should be performed at the location of the proposed storm water management basin to determine soil characteristics and groundwater levels. At least two percolation tests and test pits should be performed within the proposed absorption area with the bottom of the test holes at 24" to 30" below grade. A 100 percent expansion area should be provided. Soil test pit logs, percolation results and wastewater computations and details should be provided with the preliminary plans. Regarding water supply, the applicant is strongly encouraged to extend municipal water supply to serve the project. An adjacent residential development (Hidden Crest) has extended municipal water on Englemore Road west of the project site.

Mr. Grasso provided several additional comments regarding the application. The Site Statistics table should be expanded to include the greenspace that will be provided for the various phases of the project. The applicant is proposing a phased development with a 5600 SF building being built during Phase I and a 2700 SF building being added in Phase II. The plan provides a total of 16 parking spaces for the Phase I development and an additional 43 spaces are indicated for the smaller phase II building. The applicant should provide a project narrative to describe in more detail the plans for this development. The construction of the driveway creates a dam and cuts off the natural drainage of the area to the west. Provisions need to be included to maintain this existing drainage course. The new electric service should be installed underground in accordance with generally accepted practices in residential areas. The grading plan relies heavily on conveying concentrated discharge via sheet flow through the parking lot including across pedestrian access routes between parking spaces and the sidewalk curb line. This design is not recommended due to the potential for erosion and ice accumulation. Details should be provided for the proposed light fixtures. Detailed grading, including spot elevations, should be provided for the proposed driveway connection to Englemore Road. All pavement slopes shall be a minimum of 1.0%. Extensive grading impacting an existing tree line is proposed along the eastern property line adjacent to the existing multi-family residence. A landscape buffer including deciduous and evergreen trees should be added in this area. The proposed lights along the access drive should have house side shields. It is recommended that the pavement section include a 1 ½" wearing course, 2 ½" binder course and 12" of subbase material. Erosion control mat should be used on all proposed slopes of 3 to 1 or greater. A stockpile area for snow removal should be shown on the plan.

Mr. O'Brien, Environmental Specialist, explained that, after reviewing the project, the ECC offered the following comments. The following standard statements should be added to the plot plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.
- 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.
- All exterior lighting should be directional and limited.
- The proposed project site is in close proximity to the Clifton Park Rod and Gun Club. The applicant must take into consideration the associated sounds, activities and hours of operation of the club. A note should be added to the plot plan accepting these activities. The ECC also advised the applicant that all Phase 2 Stormwater Regulations must be met.

Board members found the proposed plan much more acceptable than plans that had been

submitted previously.

New Business

[2006-020] Independent Towers, LLC – Proposed telecommunications tower, 953 Main Street (Jonesville Fire Department) – Conceptual site plan review.

Mr. John Stevens, representative for applicant Independent Towers, LLC, presented this application that calls for the construction of a 130-foot monopole tower that would be “disguised” as a flagpole. The 75’ x 75’ “compound” would be located on an existing bocci ball court located in the southwestern corner of the Lands of the Jonesville Volunteer Fire Department.

Mr. Kemper reported receipt of the following comments from Steve Myers in a memo dated June 2, 2006: “New telecommunications towers in an R-1 zone are prohibited per 208.95(B)(2)(c){ 1 }. Proposed location does not meet the 500’ setback from a single family dwelling.” The applicant would require approval of a variance from the Zoning Board of Appeals.

Mr. Grasso provided comments from Clough, Harbour, and Associates. A copy of the prepared comment letter from the firm follows. The project involves the construction of a 130-foot high telecommunications tower at the Jonesville Fire Department located at 953 Main Street. The tower will be camouflaged as a flag pole. The project also includes the installation of radio equipment in pre-fabricated shelters or in pad-mounted metal cabinets. The facility has been planned for two current carriers (Verizon Wireless and T-Mobile), plus three additional future co-locators. Detailed review comments follow.

Exhibit 1 – FAA Determination

Applicant has submitted a report from its FAA consultant, Sitesafe, indicating that the structure does not require marking and lighting in accordance with FAA requirements, but it does require FAA notification. The Sitesafe report indicates that the FAA notification was filed on or before April 4, 2006, and that they anticipate receiving an FAA Determination of No Hazard on or about June 5, 2006. A copy of the FAA determination should be forwarded to the town when received.

Exhibit 2 – Site Plan

Applicant has submitted site plans prepared by Infinigy Engineering, dated May 24, 2006 and consisting of site plans, elevations and details. Our review encompasses conformance of the project with the town code and with generally accepted engineering practices; however, we have not addressed the subject of the permissibility of this use in an R-1 zoning district, as the use appears to be in conflict with Section 208-95 B(2)(c)[1] of the town code. Our comments follow:

1. The plan shows proposed equipment shelters within the 25-foot front yard required by Section 208-11 of the town code.
2. The plan does not provide the 500-foot minimum separation from the tower and ancillary equipment to residential dwellings as required by Section 208-95 B(2)(c)[1] of

the town code.

The plan does not provide for the tower to be set back ½ the height of the tower from the lease line, as required by Section 208-95 B(9)(b) of the town code.

3. The site plan is missing the following details required for preliminary site plan approval, per Section 208-115 of the town code:

- a. Property line dimensions, azimuths or angle and curve data (Subsection B(1)).
- b. Two-foot contour lines (Subsection B(10)).
- c. Location of outdoor lighting facilities (Subsections B(22) and C). Note that it is customary to provide lighting for the flag so that it does not need to be raised and lowered daily. The applicant's intent with respect to flag lighting should be stated.
- d. Identification of plant names and sizes (Subsections B (23) and (24)).
- e. Proposed grading, erosion control device placement and stormwater conveyance measures (Subsections B (25) and (26)).

4. The site plan seems to indicate future generator pads between future carrier shelters. These elements should be labeled on the site plan.

5. The general routing of cable bridges from future carriers' shelters to the flagpole should be shown to ensure that the fenced area will not need to be expanded to accommodate access to cable entry ports on the north and east sides of the pole.

6. The height of the cable bridges should be indicated. If practical, the top of the ice bridge should be kept below the top of the fence.

7. The flagpole elevation indicates that a fire department antenna will be located at the top of the pole, on the exterior. This is an uncommon feature. The antenna connection and cable connection should be detailed to ensure it will be done without impacting the functionality of the structure as a flagpole.

8. The size of the flag should be selected such that it appears harmonious with the scale of the pole. The flag size should be indicated on the plan. The planning board may want to obtain clarification on whether the Applicant or the fire department will be responsible for maintaining the flag.

9. The dig alert note on the title sheet references the 1-888-DIG-SAFE number, which we believe is not in service for New York State. The plans should direct the contractor to call U.F.P.O. before digging, at 1-800-962-7962.

Exhibit 3 – Tall Structure Inventory, Documentation of Need, and FCC License

Applicant has submitted a map and photographs of potential alternate sites, including Grace Chapel Church and Jonesville Methodist Church, both lower structures in relative proximity to the proposed site, and the Kinns Road Water Tank and Global Tower Exit 10 monopole, both taller structures more than a mile away. The applicant has also submitted detailed reports from RF engineers at Verizon Wireless and T-Mobile. These reports appear to adequately demonstrate that the proposed project will address a current need or deficiency in their existing networks. Copies of the carriers' FCC licenses were not found in this exhibit, as suggested by the heading.

Exhibit 4 – Letter of Commitment/ Shared Use

Applicant has submitted a letter of commitment to negotiate with future carriers as required by Section 208-95 B(7) of the town code.

Exhibit 5 – Short Form EAF with Visual Addendum

Applicant has submitted a short EAF, Part I with Visual Addendum. Applicant has also submitted a suggested Part II, although completion of this part is the planning board's responsibility. The EAF does not address the use and area variance issues that this project raises (question 8). In our opinion, Applicant should provide a Full EAF so that the planning board can adequately consider the potential environmental impacts of the project.

Exhibit 6 – Preliminary Photo Representation

Applicant has submitted two photo-simulations from nearby locations showing before and after views toward the proposed pole. Applicant's submission does not indicate the methodology used to create the photo-simulations, and it is difficult to assess the accuracy of the submission without this. However, from the materials provided, the photo-simulations seem to provide a reasonable representation of the proposed flag pole, except that they should be revised to include the fire department antenna at the top of the pole. The planning board may ask for additional visual impact assessment information if they deem necessary, in accordance with Section 208-95 B(10) of the town code.

Exhibit 7 – Letter of Intent/ Discontinuance of Use

Applicant has submitted a letter of intent to notify the building inspector within 30 days if the use of the tower is discontinued, as required by Section 208-95B(17) of the town code.

Exhibit 8 – Certified Mailings to Neighboring Municipalities

Applicant has provided a copy of the form letter that will be mailed to neighboring municipalities at a later date.

Exhibit 9 – Certified Mailings to Nearby Landowners

Applicant has provided a copy of the form letter that will be mailed to neighboring property owners at a later date.

Exhibit 10 – Redacted Lease

Applicant has provided a redacted copy of its lease agreement, executed by the president of the Jonesville Fire Department. Note that the height of the flagpole in the lease is 150-feet, and the site plan shows a different configuration of equipment shelters. We do not see this as necessarily problematic, as the lease agreement can most likely be amended to incorporate the final plans, subsequent to action by the planning board.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project, the ECC offered the following comments:

- The Town of Clifton Park Law requires that a cell tower must be a minimum of 500' from the nearest residence. This location does not comply with the law.
- The Applicant is encouraged to find another location more suitable than in the center of the small hamlet of Jonesville. The Application is inconsistent with the setting of the surrounding area.
- The applicant must describe what lighting will be used to light the flag at night. All

exterior lighting shall be directional and limited. The proximity of a residential home could be impacted by the lighting for the flag.

- If hazardous materials will be stored on-site, the Applicant must submit a plan addressing handling and storage and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored.

Mr. Larkin expressed concerns regarding the proposed location of the pole because of its proximity to existing residences. He asked that the applicant provide aerial photos that would illustrate its location in relation to these residences. Mr. Hughes' question concerned the health problems that may result from the pole's proximity to existing homes. Mr. Bulger explained that the Planning Board's decision would be dependent upon the ruling of the Zoning Board of Appeals. Though he asked if members found it appropriate to offer recommendations to the ZBA, Mr. Pelagalli explained that the proposed utility will fulfill a need since a gap exists in the service area. He also stated that if studies determine that the proposed pole and location meet FCC guidelines and SEQRA requirements, the Town's 500-foot buffer law may not be supportable in Court. He advised against any Planning Board recommendation to the Zoning Board of Appeals.

Mr. Russell asked about monies received from the lease agreement, noting that the Jonesville Fire Company will be benefiting from the lease: the Jonesville Fire District that is supported by taxpayer dollars will not. He asked if it would be reasonable for the Board to recommend that the tower be located on Fire District property. Board members generally agreed that such considerations did not fall within the purview of the Board, though Mr. Kemper asked the applicant to discuss project proposals with the Fire District.

[2006-019] M. J. Rekucki Construction, Inc. – Proposed 10,000 SF office building, 11 Old Plank Road – Conceptual site plan review.

Mr. Tom Andress, consultant for the applicant, presented this application for the Board's review. He described this project proposal that calls for the construction of a 10,000 SF office building on a one acre parcel on Old Plank Road. The property is located within a B-4A zone. The site statistics table indicates that the building area totals 22.9% of the site and the pavement area amounts to 29% of the site: 48% of the site will be greenspace. The applicant proposes 34 parking spaces – the amount required by the Town Code. Mr. Andress explained that a front parking setback variance has been requested from the Zoning Board of Appeals since the minimum setback requirement is not met.

Mr. Andress explained that the building will be used for general office uses. The location of the existing easement that provides access to the residence just west of the parcel will be labeled on the plan. A single access will be located on Old Plank Road. The consultant stated that it will be necessary to level the site to grade. The applicant hopes to combine the proposed parking lot with the adjoining church parking lot. Mr. Andress reported that the parcel will be served by an on-site well and an infiltration system for stormwater management.

Mr. Kemper reported receipt of the following comments from Steve Myers in a memo dated June 13, 2006: “the applicant has applied for required variances: the applications will be considered by the Zoning Board of Appeals on June 6, 2006.” Sheryl Reed provided the following comments in a memo dated June 13, 2006: “Connect into municipal water per the Town Zoning Law.” All variances granted by the Zoning Board of Appeals must be added to the plans. The variances granted from the Zoning Board of Appeals should be placed on the plans. He recommended that the building be “shifted” to provide parking in the as well as in the rear of the building.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed this application and offered the following comments. The proposed project is 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 Zoning Board of Appeals-Area Variance; Saratoga County Sewer District No. 1 – Sewer Connection Permit. The plan proposes parking spaces within thirty (30) feet of the front lot line. This is contrary to Section 208-38 and as such will require an area variance from the Clifton Park Zoning Board of Appeals. The variances should be reviewed with the Planning Board before proceeding to the Zoning Board of Appeals. The Town Zoning Law requires that the side property margins be planted with trees and shrubs from the front building line to the rear property line for a width of not less than fifteen (15) feet. This has not been provided. The plantings shown along the westerly side line should be extended to the rear property line and the required planting should be added along the easterly property margin. The plan proposes parking levels suitable for office buildings used for purposes other than medical and dental offices. Any approvals considered should include a restriction limiting the use of the proposed building to general offices. The applicant has proposed the use of an individual well to provide water for this building: connection to a municipal system is required if one exists within 500 feet of the site.

Mr. Grasso offered a number of additional comments. The applicant should confirm location of the nearest water line and include this information on the plan. The applicant has oriented the proposed building parallel to the front property line. This orientation results in a maximum violation of the front yard parking setback requirement. The applicant should consider placing the back of the building along the rear building setback line. This will pull the northwest corner of the building away from the road and reduce the amount of parking that extends into the setback area. The concept plan does not provide information pertaining to proposed drainage or stormwater management. Future plans should include this information or the applicant should provide justification for not requiring these facilities. This plan will create over one-half acre of impervious surfaces and the site lies within the Bear Brook watershed, which historically has and continues to have flooding problems. Runoff from this project should be retained and infiltrated to the greatest extent possible. The plan is proposing a shared access with the Lands N/F of Vandenburg along the westerly side of the subject property. The plan must include a permanent easement to provide for perpetual use of this access. Improvements to the combined access arrangement will be required. The plan proposes significant grading of the site and there are substantial grade changes from the road to the site and to the

adjoining properties. Extreme care will be required and the grading approach should be discussed with the Planning Board prior to final design. Clough, Harbour, and Associates does not support the running of private sewer laterals along a Town road right-of-way. Extension of a public gravity sewer or low pressure force main may be required. Insufficient information has been provided to make a determination. The van accessible aisle between the two handicap parking spaces appears to align with the main entrance to the building. This alignment makes it very difficult to provide the signage that is required for this aisle may result in conflicts between wheelchairs and pedestrians entering the building. The handicap spaces should be moved to a more appropriate location.

Mr. O'Brien, Environmental Specialist, read the comments prepared by the ECC. After reviewing the project, the ECC offers the following comments:

- The site appears to be heavily wooded. The Applicant should preserve as many mature trees as possible.
- Due to the proximity of existing residential homes, the applicant must provide extensive screening to the northwest side of the parcel.
- Stormwater will need to be addressed on-site. Future submissions should address the location of these facilities to allow a more comprehensive review of the project and its site impact.
- The Town's Comprehensive Plan encourages tree preservation to the greatest extent practicable; therefore, the ECC requests that the applicant clearly identify existing mature vegetation that is to remain following construction.

In response to Mr. Bulger's question about the project design, Mr. Andress stated that the building will be approximately 25 feet in height and will resemble the office building Mr. Rekucki recently constructed near Route 9 and Ushers Road. Board members found the proposal generally acceptable, though they asked that the building be moved to accommodate parking to the rear of the building as well as the front.

Minutes Approval:

Ms. Pace moved, seconded by Mr. Hughes, approval of the minutes of the May 23, 2006 as written. Ayes: Pace, Karam, Russell, Hughes, Bulger. Noes: None. Abstained: Larkin.

Discussion Items

Petsmart Sign – Village Plaza

Mr. Robert Miller, representative of Windsor Development, owner of Village Plaza, presented this request for approval of a sign that would identify the Petsmart store. He explained that, pursuant to Section 217-209.2 of the Town Code (Village Plaza PDD), the Planning Board must "approve, modify, or disapprove" proposed signage for Village Plaza. Mr. Miller submitted a chart that compared the square footage of signs for stores within the Exit 9 area with the square footage of the properties. Mr. Miller also presented a colored rendering of the proposed sign superimposed on a rendering of the storefront elevation. After considering the information provided, Board members unanimously

agreed that the sign as proposed would be appropriate.

Rucinski, John and Robin R.

Mr. Kemper explained that the Planning Board granted preliminary and final subdivision approval to this application at its May 23, 2006 meeting. The approval was conditioned upon the installation of a combined driveway if such installation was feasible. Since the Board meeting, it has been determined that due to an existing sewer, it will not be possible for the driveways to be combined. Board members were satisfied with this information and agreed that separate driveways would be reasonable.

PVC Industries

Mr. Kemper reported that Mr. Lamb, consultant for the applicant, submitted information regarding the outside storage at the PVC site on Pierce Road as requested by the Board. Approximately 99% of the outside storage will remain. Board members asked that the applicant submit a preliminary site plan for formal review.

Mr. Bulger moved, seconded by Mr. Hughes, adjournment of the meeting at 10:40p.m. The motion was unanimously carried.

Respectfully submitted, Janis L. Dean,

Secretary

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

Resolution #14

Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on June 13, 2006, there were:

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

Absent: A. Kramer, J. Larkin

Mr. Karam offered Resolution #14, and Ms. Pace seconded, and

Whereas, an application has been made to this Board by Michael Lisuzzo for approval of a subdivision entitled Subdivision of the Lands of Michael Lisuzzo consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 13, 2006;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on June 13, 2006;

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 subdivision plat entitled Subdivision of the Lands of Michael Lisuzzo consisting of (2) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso.

Resolution #14 passed 6/13/06

Ayes: Pace, Karam, Russell, Hughes, Bulger

Noes: None

Steven J. Bulger,
Chairman

Resolution #15

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 June 13, 2006, there were:

Present: S. Bulger, Chairman, S. Hughes, T. Karam, J. Larkin, S. Pace, J. Russell
Mr. Russell recused himself from any comment and/or vote on this application

Absent: A. Kramer

Mr. Hughes offered Resolution #15, and Mr. Karam seconded, and

Whereas, an application has been made to this Board by Kain Development Group, LLC for approval of a subdivision entitled Longkill Subdivision consisting of (16) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on February 14, 2006 and reconvened on April 11, 2006;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on June 13, 2006;

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 subdivision plat entitled Longkill Subdivision is hereby granted preliminary approval conditioned upon satisfaction of the comments offered by Mr. Kemper, Mr. Grasso and the incorporation of the document entitled Comments from Kain Development Public Hearing: February 14, 2006 and Comments from Kain Development Public Hearing: April 11, 2006 in the negative declaration prepared by the Planning Board pursuant to SEQRA.

Resolution #15 passed 6/13/06
Ayes: Pace, Karam, Hughes, Bulger
Noes: Larkin
Abstained: Russell

Steven J. Bulger,
Chairman

Resolution #16
Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on June 13, 2006, there were:

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

Absent: A. Kramer

Mr. Karam offered Resolution #14, and Mr. Russell seconded, and

Whereas, an application has been made to this Board by Phyllis Murray for approval of a subdivision entitled Resubdivision of the Lands of Guy J. & Phyllis A. Murray consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 13, 2006;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on June 13, 2006;

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 subdivision plat entitled Resubdivision of the Lands of Guy J. & Phyllis a. Murray consisting of (2) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper, Mr. Grasso, and the Planning Board.

Resolution #16 passed 6/13/06

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

Noes: None

Steven J. Bulger,
Chairman