

**Planning Board Meeting**  
**January 9, 2007**

Those present at the January 9, 2007 Planning Board meeting were:

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

Those absent were:    T. Karam

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

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. Kramer, to appoint Tony Karam as Vice-Chairman, Scott Hughes as Acting Vice-Chairman, to establish the 2007 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 2007 calendar year. The motion was unanimously carried.

**Public Hearings**

[2006-040] **Diaz, Lionaldo** – Proposed (2) lot subdivision, 629 Kinns Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:12p.m. The Secretary read the public notice as published in the Daily Gazette on December 30, 2006.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that remains generally as presented at the November 14, 2006 Planning Board meeting. He addressed the Board's concerns regarding limited sight distance along Kinns Road in the vicinity of the proposed driveway, stating that topographic work in the area indicates that removal of the vegetation and minor grading within the right-of-way and relocating the driveway 40' to the west will increase the intersection sight distance to meet ASHTO design requirements of 500 feet. This improvement will result in a stopping distance in excess of the 360' requirement. Mr. VanGuilder reported that he had met with Mr. Ted Serbalik, Director of the Saratoga County Department of Public Works at the site. The following conditions of approval must be satisfied prior to the issuance of a driveway permit: improvements to increase the available sight distance must be made prior to the issuance of a Building Permit for either new lot; a lane closure detail must be submitted with the application for the clearing and grading work within the right-of-way. The speaker stated that the applicant has agreed to comply with the stated conditions and will also work with the adjoining property owners to establish a new tree line. Mr. VanGuilder reported that there is a wetland and associated L-C zone along the western property boundary. This area will be protected through the establishment of a Land Preservation easement.

Mr. VanGuilder reported that the base mapping as requested by Clough, Harbour, and Associates has been added to the plan. The consultant submitted a plan to the Building Department to determine if a variance would be required since the wood frame deck of the existing home lies 2.1 feet from the rear property boundaries.

Ms. Maynard read the comments prepared by the Planning Department. The Board reviewed this application at its November 14, 2006 meeting at which time concerns included the location of the driveway access for Lot #3, landscaping along the boundary lines of Lot #2, and resolution of the sight distance issue. The Saratoga County Planning Board approved this application at its November 16, 2006 meeting with the condition that a sign-off regarding the sight distance be provided by the Saratoga County Department of Public Works. The note on the revised plan appears to satisfy this condition: verification of adequate sight distance will be required prior to the stamping of the plans. Ms. Maynard asked that the proposed driveway location for Lot #3 be added to the plans. The standard note for common ingress/egress must be added to the plan. Sign-offs will be required from the Clifton Park Water Authority and the Saratoga County Sewer District.

Mr. Myers, Director of Building and Development, provided the following comments regarding this application. The existing structure is pre-existing and non-conforming. The newly subdivided lots must meet all zoning requirements for keyhole lots.

Mr. Grasso reported that Clough, Harbour, and Associates found that all comments issued previously regarding this application have been satisfactorily addressed.

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

- The Land Conservation (LC) zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC zone.
- 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 application will control fugitive dust and debris during the construction/demolition phase of the project.

Mr. Alan North, 712 Carlton Road, stated his opposition to the proposed subdivision, citing several sections of the Town Code that he believes would preclude the Board from approving this application. Citing several sections of the Town Code regarding non-conforming land, structures, and uses, he recommended that the Board deny this application since the existing deck is located within the 25' required setback.

Mr. North also expressed his concern for proper maintenance of the well on his property that is owned by the Flaherty family. The speaker also stated that owners of the parcel to be subdivided have cleared a portion of the property and moved debris onto his land. He was advised to discuss this issue with the Department of Building and Development.

There being no further public comment on this application, Mr. Hughes moved, seconded by Ms. Pace, to close the public hearing at 7:24p.m. The motion was unanimously carried.

Mr. Bulger addressed Mr. North's concerns regarding the "non-conforming" structure on the lot, stating that since Mr. Myers, the Zoning Enforcement Officer, had determined that the structure is a pre-existing, non-conforming use that will not impact the proposed subdivision, the Planning Board must accept that determination.

Mr. VanGuilder spoke to the issue of the well, explaining that an existing easement agreement allows the Flahertys to cross the parcel to obtain access to a well

located on the property owned by North. Though the easement for water line will remain, Mr. VanGuilder suggests relocated the line to the east.

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

Mr. Hughes offered Resolution #1, seconded by Mr. Kramer, to waive the final hearing for this application and to grant preliminary and final subdivision approval to this application conditioned upon verification of the adequacy of sight distance along Kinns Road prior to the stamping of the subdivision plat. Ayes: Kramer, Pace, Russell, Hughes, Bulger. Noes: None. Abstained: Larkin.

[2007-001] **Clifton Park – Halfmoon Library** – Proposed (2) lot subdivision, 465 Moe Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:35p.m. The Secretary read the public notice as published in the Daily Gazette on December 30, 2006.

Mr. Vuillaume, consultant for the applicant, presented this application that remains generally as proposed at the December 13, 2006 Board meeting. Pursuant to comments offered by Clough, Harbour, and Associates, the plan now includes an 80' wide drainage easement to the Town of Clifton Park to allow for emergency drainage work. The plan also shows an area of 751 SF or .017 acres along Moe Road that will be dedicated to the Town for future highway improvements. The proposed lot that includes the existing residence will meet all setback requirements. Laterals have been provided that will permit connection to the Clifton Park Water Authority system and the Saratoga County Sewer District.

Ms. Maynard reported that this application was last considered by the Board on December 12, 2006, explaining that this subdivision is proposed in order to subdivide the existing single family residence from the remaining lands of the PDD. §217-367A of the PDD describes “a pre-existing single family residential home with a private driveway and attached garage on Lot No. 2.” Pursuant to this section of the code, the use of the home must remain as a single family home: any proposed changes would require amendment of the PDD by the Town Board. The proposed subdivision appears to meet all zoning regulations. Prospective purchasers should be advised that Mr. Myers has noted that because most of the parcel is covered by a NYSDEC wetland and its associated buffer area, it appears that the existing residence is located in the L-C zone. As a result, any additions or rebuilding of the structure will most likely not be permitted. The applicant has provided a drainage easement to permit town access to the drainage corridor. A note should be added to the plan stating that the water and sewer services will be connected to the residence prior to occupancy.

Though Mr. Myers, Director of Building and Development, had recommended that the separated lot be removed from the PDD, he now finds the application acceptable.

Mr. Grasso reported that Clough, Harbour, and Associates found that all the issues identified previously have been addressed.

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

There being no public comment on this application, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:39p.m. The motion was unanimously carried.

In response to Mr. Larkin's question regarding connection of the residence to sewer and water services, Mr. Vuillaume agreed that to note to the plan requiring the connections prior to occupancy.

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

Mr. Bulger offered Resolution #2, 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 provided by the Planning Department and the addition of a note to the plan that states that the residence will be connected to water and sewer utilities prior to occupancy. Ayes: Kramer, Larkin, Pace, Russell, Hughes, Bulger. Noes: None.

### **Old Business**

[2006-043] **Kneeland Construction Co., Inc.** – Proposed 2,328 SF storage building, Trade Winds Farm, 394 Riverview Road – Preliminary site plan review and possible determination.

Mr. Gil VanGuilder, consultant for the applicant, reported that when the Planning Board last reviewed this application, members found it generally acceptable. The plan remains generally as presented previously. A colored façade rendering has been submitted and the plan now shows the location of four 1" diameter underground conduits for security equipment, electric service, and telephone services that will serve the new building. Mr. VanGuilder also reported that a Special Use Permit had been granted to this site in March, 2002 providing for construction of a commercial stable.

Ms. Maynard offered comments prepared by the Planning Department. This application was last considered by the Board at its November 28, 2006 meeting. At that time the Board asked that the applicant ensure that no impacts to wetlands would result from the proposed construction. To date, the applicant has neither provided identification of the wetland and adjacent areas on the map nor submitted correspondence from appropriate agencies. The proposal does appear to meet all zoning requirements. The

speaker noted that the proposed shed has not been moved back from the steep slope as agreed upon by the applicant's consultant at the last meeting. Mr. Grasso commented that the location would be acceptable as long as clearing and grading limits are clearly shown on the plans. A colored façade rendering was provided for the Board's consideration, though lighting fixtures are not illustrated on the rendering. Mr. VanGuilder agreed provide an updated façade rendering and cut sheet illustrating all proposed lighting.

Mr. VanGuilder addressed the Board's concern regarding wetlands on the site, explaining that wetlands are visibly delineated at bottom of the ravine. All wetlands will be illustrated on future plans and all correspondence from the NYSDEC and ACOE will be forwarded to the Planning Department.

Mr. Myers, Director of Building and Development, advised the applicant that, pursuant to the New York State Building Code, access to all sides of the storage building is required.

Mr. Grasso reported that, after reviewing the proposed plan, Clough, Harbour, and Associates offered the following comments. The site plan does not show a definable limit of the ACOE wetlands, NYSDEC wetlands and 100 foot wetland adjacent area, and corresponding limits of LC-Land Conservation zoning district. These areas should be shown on the map, together with correspondence from the NYSDEC and ACOE that confirms the limits shown on the plans. A limit of clearing and grading should be shown on the plan that ensures that the existing bank will not be disturbed during construction. Note #3 indicates that lights will be installed per the building elevations. Details regarding the exterior lighting fixtures should be provided for review.

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

- The Land Conservation (LC) zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC zone.
- 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 application will control fugitive dust and debris during the construction/demolition phase of the project.

Mr. Larkin expressed concern regarding Mr. Myers' request for access around the entire building because it appears that the building's proximity to the steep slope would preclude access to the rear of the building. Mr. VanGuilder stated that he would contact Mr. Myers to determine if the building would require relocation.

Mr. Bulger was concerned that wetland delineations were not included on the plan and that no jurisdictional letters from the ACOE or NYSDEC were provided to the Planning Department. Mr. VanGuilder stated that wetland documentation was available: it will be provided to the Department and Clough, Harbour, and Associates for review. He described the delineated ACOE wetlands on the site as being located in a "well defined corridor" at the base of the steep slope to the west and stated that there would be no impacts to these wetlands.

Mr. Hughes 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. Russell moved, seconded by Mr. Kramer, to grant preliminary and final site plan approval to this application, conditioned upon satisfaction of the comments provided by the Planning Department, Clough, Harbour, and Associates, and a sign-off from Mr. Myers regarding access to the building. The motion was unanimously carried.

[2006-026] **M.J. Properties of Clifton Park, Inc.** – Proposed 12,600 SF warehouse, U.S. Route 9 – Preliminary site plan review and possible determination.

Mr. Matt Brobston, consultant for the applicant, presented this application that was last reviewed by the Board at its July 11, 2006 meeting. The consultant has provided a number of documents for Board consideration. A traffic report prepared by Creighton Manning Engineering concludes that 19 vehicle trips will be generated during the morning peak hour: 13 vehicle trips will be generated during the evening peak hours. Mr. Brobston also explained that correspondence regarding designated wetlands has been provided by the New York State Department of Environmental Conservation. Information regarding the possible existence of endangered species habitat on the site received by the applicant from Michael Hale of Synthesis concludes that "the site would neither support its own population of Karner Blue butterflies nor provide a food source or travel corridor for those that may exist at other locations within the Wood Road area." A stormwater management report was submitted as part of the preliminary application submission. A copy of correspondence from Arch Tech states that "no significant archeological sites have been identified within or adjacent to the project limits." The building will be connected to an existing sewer line along that parallels the northern property boundary. 17 parking spaces have been provided in accordance with zoning regulations.

Mr. Brobston noted that on November 13, 2006, representatives of the Army Corps of Engineers visited the development site. He reported that the ACOE agreed with the delineation with the exception of a minor modification on a section of wetlands on the northerly portion of the site where no disturbance is to take place. Corps representatives have stated that they are prepared to issue a jurisdictional determination for this site. A letter from Robin Holevinski, Wildlife Biologist for the New York State Department of Environmental Conservation, states that although the parcel "contains a portion of Freshwater Wetland R-14, it is apparent that the wetland on the Brock property is separated from the main wetland by a substantial are of upland." The letter further states that "at this time, the NYSDEC will not take jurisdiction of the wetland on the Brock property." No freshwater wetlands permit will be required from that agency. A letter from Arch Tech, Archaeological Technical Experts, concludes that the proposed development "will not directly affect" the nearest archaeological site which is located over 1,500 feet to the northeast. No archaeological sites have been identified within or adjacent to the project limits.

The applicant has submitted a letter from ABD Engineers that addresses items in the Statement of Findings for the Wood Road Corridor that must be satisfied by applicants who submit applications for development proposals within that corridor.

Ms. Maynard provided comments and recommendations from the Planning Department. This project was last reviewed by the Planning Board on July 11, 2006 at which time the Board found the project generally acceptable. She reported that the following documents were submitted for review: a traffic report; documentation from private consultant regarding Blue Karner habitat; stormwater analysis; documentation of the completion of a Phase I Environmental audit. Ms. Maynard noted that the site contains a large expanse of wetland. She suggested that the applicant may wish to work in collaboration with adjacent XAR Corporation since that corporation is in process of preparing a proposal for development of the adjacent site. Delineation of wetlands should be clarified with adjacent property since it appears there may be a discrepancy in the mapping of wetland that crosses both properties.

Ms. Maynard observed that Route 9 features a "largely contiguous buffer" along the roadway and recommended that the applicant leave the buffer largely intact to preserve the "aesthetic continuity" along corridor. Mr. Brobston explained that with the exception of a portion of the site which contains the stormwater management basin, the buffer will be preserved. The consultant agreed to consider moving the basin away from the roadway and/or adding additional plantings within the management area to add screening.

Ms. Maynard noted that, per Town Code, "All projects proposed in the LI-1 area shall incorporate architectural standards which reflect the existing natural and developed aesthetics of the LI-1 and surrounding area." A colored rendering and sample building materials should be provided for consideration. The applicant reported that the necessary renderings and color samples had previously been provided to the Planning Department. Ms. Maynard noted that zoning requires that a 25' planter buffer be provided around side

and rear property boundaries: it appears that the asphalt surround for the dumpster area may encroach upon this buffer. The consultant agreed to relocate the dumpster area to meet this provision of the code. Zoning also requires that no “parking or maneuvering area shall be allowed in the front yard.” It appears that the first parking space will be installed closer than 50’ from the right-of-way. The consultant agreed to move this parking space beyond the required setback line. Ms. Maynard asked that the applicant clarify the use of the expansive pavement area. The ACOE jurisdictional determination, though verbally confirmed, must be submitted in writing once ACOE is again issuing determination letters. Any other related correspondence should continue to be sent to the Planning Department Mitigation fees as calculated by Clough, Harbour, and Associates pursuant to the Findings Statement for the Wood Road corridor will be applicable.

Mr. Myers’ memo of January 3, 2007 states that “erosion and sediment control and stormwater management of this site is critical due to significant wetlands. No SWPPP has been provided for review to date.” He advised that the SWPPP and a meeting with the Building Department to discuss stormwater issues will be required prior to the issuance of any permits.

Mr. Grasso reported that following review of the preliminary application, Clough, Harbour, and Associates offered the following comment. Per Finding No. 34 of the Wood Road Corridor GEIS, traffic mitigation fees are required to be paid to address the cumulative impacts of the proposed development. The fee is \$1,465.47 per trip generated during the highest peak hour, as defined by appropriate facility codes in the ITE Trip Generation Manual, 5<sup>th</sup> Edition. The applicant has submitted a Trip Generation Estimate stating that nineteen (19) trips will be generated during the AM peak hour. Accordingly traffic mitigation fees of \$27,843.93 will be required for this project, though it was suggested that Planning Department staff review the proposed mitigation fee to determine its accuracy.

Mr. O’Brien, Environmental Specialist, reported that the ECC offered a number of comments regarding this application. The Commission recommends that the Planning Board look at this project in conjunction with the proposed development of surrounding property on the XAR Development for secondary and cumulative effects. The potential exists for some NYSDEC wetlands and associated buffers to fall within this parcel: the applicant must delineate these areas on the plot plan. The ECC would recommend that the following standard statements be added to the plan:

- No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).
- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.

- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The application will control fugitive dust and debris during the construction/demolition phase of the project.
- Federal jurisdictional wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in federal wetlands.

Mr. Bulger addressed the issue wetlands that appear to cross this site as well as the contiguous XAR site, stating that since this applicant has receive necessary jurisdictional letters, the Board may not require him to coordinate wetland mapping with XAR. He further explained that XAR will be required to ensure that there are no impacts to this site. Mr. Grasso reported that Clough, Harbour, and Associates had considered a consolidated access with XAR but deemed such a proposal inappropriate.

Mr. Larkin supported the recommendation for increased landscaping along the property boundary and as screening around the stormwater management basin.

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

Mr. Kramer moved, seconded by Mr. Bulger, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, and the submission of a colored façade rendering. The motion was unanimously carried.

### **New Business**

[2006-001] **Niagara Mohawk Power Corporation** – Proposed 36' x 96' pole barn, 723 Pierce Road – Conceptual site plan review.

Mr. Bill Dow, Supervisor of Real Estate for the Power Corporation, presented this application that calls for the construction of a 36' x 96' pole barn described as a three-sided structure for car storage at the Niagara Mohawk Power Corporation facility located on the eastern side of Pierce Road in the L-I zone. The power company plans to locate the barn at the north eastern portion of the property. Topsoil will be removed and a stone pad will be installed for the building and surrounding area. Chain link fencing will enclose the new building. No utilities will be provided to the building which will have metal siding and roof. Mr. Dow stated that he would supply a colored rendering for the Board's review. A 60' buffer area to the north will be provided.

Ms. Maynard offered comments prepared by the Planning Department. She asked that the plans illustrate the existing tree line on property and show any proposed clearing

of the site. The zoning code requires that proposed for the LI-1 request that applicants incorporate architectural standards which reflect the existing natural and developed aesthetics of the LI-1 and surrounding area. The speaker asked that a colored rendering be provided with future submittals. Since the proposed location of the building is “highly visible,” Ms. Maynard asked that the applicant consider relocating it to back portion of site. She noted that the green space calculation be included in the site statistics table: 40 percent green area is required for site.

Mr. Myers, Director of Building and Development, commented in a memo dated January 3, 2007 that all setback requirements appear to be met. Though he calculated that 40% of the would be 7.67, he noted that the plan did not indicate whether or not the 40% greenspace requirement has been met.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed this plan and offered the following comments. The proposed project appears to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency is expected to be the Clifton Park Planning Board for site plan approval. The plan should have a table that includes relative zoning and site plan data. The final plans should clearly identify the proposed clearing and grading limits and method of drainage (i.e. catch basins, piping, swales, etc.). A note should be added to the plan stating that the proposed building will not include externally-mounted building light fixtures. The lights within the pole barn shall be shielded from direct view from the adjoining properties and public right-of-ways.

Mr. O’Brien explained that the ECC provided no comment regarding this project at this time.

Mr. Larkin asked if the garage would be used for the servicing of vehicles: Mr. Dow stated that it would not be used for this purpose. In response to his concerns regarding the “expanse of gravel” surrounding the building, Mr. Dow explained that this was necessary to provided for maneuvering of vehicles. Mr. Larkin asked if HAZMAT materials would be stored within the proposed building: Mr. Dow stated that no such storage was proposed. Mr. Dow stated, in response to a question posed by Mr. Kramer, that the proposed building would be 15’ – 20’ in height. Mr. Kramer asked that the applicant provide colored façade renderings for consideration. Mr. Bulger remarked that he was concerned with drainage from the site and stated that the Board would insist that the project not increase drainage from the site – particularly for properties located to the south.

Ms. Lisa Carey, adjoining property owner to the south, expressed concern that the proposed construction would result in additional water flow to her property. She explained that over the past several years, she has experienced an increasing amount of water within her basement and on her property. Board members encouraged the applicant to consider proper maintenance of existing drainage areas and asked that Clough, Harbour, and Associates investigate the problem. Mr. Larkin was particularly concerned with reports of tree removal on the properties owned by the applicant and Ms. Carey due to excessive water and supported the Town Engineer’s review of the situation.

Board members found the project generally acceptable, though asked that the issues of concern such as visual impacts, screening, and drainage be addressed by the applicant. Submission of a colored façade rendering was also requested.

### **Discussion Items**

**Mooradian's Furniture** – Proposed 30,000 SF furniture store, 1762 Route 9 (Parkwood Plaza).

Mr. Gavin Vuillaume, consultant for the applicant, presented this revised application on behalf of his client, explaining that the proposed new retail store will be located on a different lot within the Parkwood Plaza complex. The revised plan calls for the construction of a 30,000 SF building on existing Lots #5 and #6 within the plaza. Relocation of the building was necessary because the owner of the Wit's End Giftique has been encouraged to maintain that retail business. 96 parking spaces have been provided. Greenspace will total 35% of the site, though the applicant would be amenable the "land banking" of 20 - 30 of the spaces to provide additional greenspace. The building will be served by the Clifton Park Water Authority and the Saratoga County Sewer District. The stormwater management area will be located along the Northway corridor. The main entrance to the building will be provided along the northern wall: the service area and loading docks will be located along the southern elevation.

Ms. Maynard provided Planning Department comments regarding Mooradians' revised project proposal, explaining that the location has changed from past submission to an adjacent parcel within the Parkwood Plaza complex. She explained that the application has been included as a discussion item to provide Board members with an "update" of the project plan. She encouraged the applicant's use of "land banking" and asked for clarification regarding the location of the primary entranceway. Commenting on the proposed parking along the property line, she suggested that the Board may consider waiving the setback requirement. The applicant is advised that 35% of the site must be preserved as greenspace. Ms. Maynard noted that proposed enhancements to ingress and egress points and traffic circulation are still proposed as part of project.

Though Clough, Harbour, and Associates did not submit a formal letter regarding this revised application, Mr. Grasso stated that he believes that the applicant has gone "above and beyond" the required application process to attempt to address Board concerns. Mr. Grasso offered several comments. He first commended the applicant on his willingness to address the Board's concerns regarding site access and traffic circulation and states his support of the proposed cross-access easement that provides a "north-south connection" and the proposed road alignment. He recommended that the applicant provide detailed drainage plans since the project is located within the head waters of the Bear Brook. He also asked that the applicant consider relocation of the dumpster and that parking be eliminated within the cross-easement area. Although he supports the land banking of parking spaces, he recommended that the site plan clearly show that parking requirements can be met on site since use of the building's use may change in the future.

Mr. O'Brien, Environmental Specialist, reported that the ECC had no comment at this time.

Mr. Bulger noted that the applicant has been "extremely cooperative" and that the proposed improvements to traffic circulation within the site will benefit all tenants and increase safety. He encouraged that applicant to work with adjoining property owners to improve existing stormwater management issues. He informed that applicant that the Board would be particularly concerned with screening along the Northway corridor and lighting at the site. Ms. Pace asked that colored façade renderings be provided for the Board's review. Mr. Kramer reflected the consensus of the Board, stating that he found the traffic improvements significant and would support the project as presented.

**Verizon Wireless** – Proposed modification to existing telecommunications tower located on Sugar Hill Road.

Ms. Donna Love, consultant for the applicant, presented this application that calls for a "minor modification" to an existing telecommunications tower located on Sugar Hill Road. Verizon would like to replace six (6) 48" x 6.5" panel antennas with six (6) 94.5" x 5.5" which are of different make and model. There would be no increase required in the height of the tower, an electrical upgrade would not be required, and there would be no ground disturbance to the compound area. The speaker also explained that a structural analysis by a licensed PE in the State of New York indicates that the structural capacity of the tower is sufficient to accommodate the proposed changes.

Ms. Maynard offered Planning Department comments. §208-95 of the Town Code states that "a building permit must be obtained from the Department of Building and Development...for initial construction of the antenna support system. Future additions or replacements to the installation which do not affect its structural integrity do not require an additional permit." All other code requirements concern the proposed construction of new telecommunications towers or proposed co-location of additional equipment on existing towers. It does not appear that either formal site plan review of this application is required by the Planning Board or issuance of a Building Permit by the Department of Building and Development is required by Town Code.

Mr. Bulger requested that the applicant provide a copy of the structural analysis to the Planning Department. In response to Ms. Maynard's question regarding the color of the proposed antennas, Ms. Love stated that they would be the same color as the existing panels. Board members found the proposed modification of the tower acceptable. No further action by the Board will be required.

### **Minutes Approval**

Mr. Bulger moved, seconded by Mr. Hughes, approval of the minutes of December 12, 2006 as written. Ayes: Kramer, Larkin, Russell, Hughes, Bulger. Noes: None. Abstained: Pace.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 9:05p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on January 23, 2007.

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, Tom McCarthy, 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.

**NOTICE OF DECISION**

**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 9, 2007 there were:

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

Absent: T. Karam

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

Whereas, an application has been made to this Board by Darcy Harding for approval of a subdivision plat entitled Subdivision of the Lands of Lionaldo Diaz consisting of (3) lots, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on January 9, 2007;

Whereas, the Planning Board established itself as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on January 9, 2007;

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 Lionaldo Diaz consisting of (3) lots is granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered provided by the Planning Department and verification of the adequacy of sight distance along Kinns Road prior to the stamping of the subdivision plat.

**Resolution #1** passed 1/9/07

Ayes: Kramer, Pace, Russell, Hughes, Bulger

Noes: None

Abstained: Larkin

Steven J. Bulger,  
Chairman

**NOTICE OF DECISION**

**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 9, 2007 there were:

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

Absent: T. Karam

Mr. Bulger offered Resolution #2, and Mr. Kramer seconded, and

Whereas, an application has been made to this Board by the Clifton Park – Halfmoon Public Library for approval of a subdivision plat entitled Subdivision of the Lands of Clifton Park – Halfmoon Public Library District for consisting of (2) lots, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on January 9, 2007;

Whereas, the Planning Board established itself as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on January 9, 2007;

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 Clifton Park – Halfmoon Public Library District consisting of (2) lots is granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered provided by the Planning Department and a note on the plan that states that the residence will be connected to water and sewer services prior to occupancy.

**Resolution #2** passed 1/9/07

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

Noes: None

Steven J. Bulger,  
Chairman