

**Planning Board Meeting**  
**March 27, 2007**

Those present at the March 27, 2007 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, S. Hughes, T. Karam, S. Pace  
J. Russell  
Mr. Larkin arrived at 8:50p.m. during the discussion regarding  
Mooradian's Furniture site plan review

Those absent were: A. Kramer

Those also present were: K. Maynard, Director of Planning;  
J. Romano, 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.

**Public Hearings**

[2007-005] **Longkill Properties, LLC** – Proposed (4) lot subdivision, 93 Longkill Road – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:15p.m. The Secretary read the public notice as published in the Daily Gazette on March 22, 2007.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that remains generally as presented at the February 13, 2007 meeting. The design plan calls for one traditionally configured lot and three flag or "keyhole" lots. Though the applicant has expressed a desire to connect to municipal water and sewer service lines that will be extended north along Longkill Road to serve the adjoining Kain Development parcel, designs for individual septic systems have been provided. Delineated wetland areas,

including non-jurisdictional wetlands have been shown on the plan. Driveways have been relocated in an effort to minimize impacts to wetland areas. All R-1 setback requirements have been respected. Adequate sight distances have been verified.

Ms. Maynard reported that the Planning Department prepared a number of comments regarding this subdivision proposal. It is recommended that water and sewer services be extended from proposed adjacent Kain subdivision. The applicant and/or his consultant were advised to consult with representatives of Kain Development to determine the time frame for infrastructure installation. The locations of proposed wells and septic systems should be illustrated on the plans. Though an attempt has been made to minimize impacts to wetlands, it is noted that the ingress/egress for Lot #2 is not ideal. The building envelope for Lot #4 as well as the driveway location must be shown on the plan. In response to Ms. Maynard's comment regarding the impacts to the isolated wetland on Lot #2, Mr. VanGuilder stated that he will attempt will create more of a buffer by moving the house slightly to the north. He noted, however, that the power lines to north preclude moving the proposed residence 50-60 feet from the isolated wetland area.

Ms. Maynard reported that the Saratoga County Planning Board approved this application on March 15, 2007. Though it was determined that the project would have no significant county-wide impact, the Board commented that the applicant will need to contact Ted Sebalik at Saratoga County DPW to obtain a curb cut permit. The County Board also recommended that test pit data be provided at the location of each septic field to determine if suitable soil exists and adequate vertical separation from groundwater exists. The septic system design must be certified to the town building inspector by a NYS licensed professional engineer. With the previous subdivision that occurred on this parcel, the applicant should verify whether or not DOH approval is required. The locations of proposed septic systems and wells should be illustrated on the plans. Ms. Maynard commented that test pit data has been supplied with plans and that DOH approval will be required.

Mr. Myers, Director of Building and Development, provided the following comment. Lots #2 and #3 will need to meet keyhole requirements.

Mr. O'Brien, Environmental Specialist, reported that, after review of data presented, the ECC reiterated the following comments. Due to the scale of the project, a stormwater pollution prevention plan should be drafted and adhered to during the development of this site. The applicant should consider public sewer and water on this site in coordination with the Kain Development to the southwest. The ECC recommends that the applicant preserve existing trees to the maximum extent possible to maintain the sylvan character of the area. The ECC also issued the following recommendations. Due to the high water table on the parcel, the ECC recommends that the applicant place a comment to that effect on each individual plot plan. The applicant should explore relocating the access road for the house on Lot #2 to connect with the proposed access road for Lot #3, rather than Lot #1, in order to avoid disturbance of the designated Federal Wetland area. The ECC requests that the following standard statements be added to the plot plan:

- No salts, fertilizers, pesticides or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching or in any other manner which violates the New York State Environmental Conservation Law (ECL).
- 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.
- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

Mr. Romano reported that Clough, Harbour, and Associates prepared the following comments regarding this application. The applicable Town of Clifton Park Standard Notes for Subdivisions should be added to the plan, including those applicable to ingress/egress easements. Any subdivision that will involve the disturbance of greater than one acre but less than five acres requires coverage under NYSDEC's General Permit #GP-02-01 and preparation of a Basic SWPPP (including an erosion and sediment control plan). This should be submitted for review. Post construction controls may not be required. The applicant has performed percolation tests that indicate that the site is able to support on-site sanitary disposal systems. The applicant has included details for both Typical Absorption Trenches and Shallow Trench Absorption Fields. The plans do not include elevation information to indicate which system will be used. This information should be included on the plans. The common driveway to access Lots #1 and #2 has been relocated to better protect existing wetlands.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:27p.m. The motion was unanimously carried.

Following a brief discussion regarding the location of the proposed driveway for Lot #2 and the maintenance of the culvert required to cross the wetland, Board members agreed that the driveway location should be relocated to the northern property boundary. In compliance with ECC comments, Mr. VanGuilder agreed to place a comment on individual plot plans and deeds that states that the area may be impacted by seasonal high ground water. Mr. Pelagalli advised that such a note should be added to individual surveys. Though the Board discussed the preference for connection to municipal water and sewer service connections, it was noted that the timing of infrastructure installation for the adjoining development would determine if connection would be feasible for Longkill Properties. Should the services become available, the applicant is directed to

prepare design plans for such connections for review and approval by Clough, Harbour, and Associates.

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 #5, seconded by Mr. Bulger, to waive the final hearing for this application and to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of the comments offered by the Planning Department, that access for the proposed Lot # 2 be provided by a driveway shared with Lot #4, and that any and all infrastructure extension design plans be provided for Clough, Harbour, and Associates' review and approval. Ayes: Larkin, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

[2007-008] **Tullock, Richard B. and Kirsten J.** - Proposed (2) lot subdivision, 105 Dubois Lane – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:30p.m. The Secretary read the public notice as published in the Daily Gazette on March 22, 2007.

Mr. Tom Andress, consultant for the applicant, presented this application that was reviewed by the Board on February 13, 2007. The plan remains generally as presented at that meeting: the requested land conveyance along Blue Barns Road has been illustrated on the plans.

Ms. Maynard reported that the Planning Department found the plan generally acceptable. She requested that the sight distance must be verified. Mr. Andress stated that this distance will be verified and shown on the plans. The speaker also asked the consultant to clarify plans for the treed portion of the site, recommending that clearing and grading limits be shown on the plan and that substantial buffering be provided along Blue Barns and to rear of parcel containing the proposed new residence.

Mr. Myers, Director of Building and Development, provided the following comments regarding this application. The current parcel is 6.06 acres (6.35 per GIS) in the CR (Conservation Residential) zone. Per §208-16(E)(2)(a) “a parcel consisting of less than 10 acres may be developed at a maximum density of one dwelling unit per three acres of unconstrained land.” Making one lot 1.63 acres will require a zoning variance. If §208-16(E)(2)(c) is applied for a one time single subdivision, depending on who the new lot is for, the following variances may be required: (1) 10 acres required – not available; (2) subdivision for family members initially unknown; (3) new lot must be a minimum of two acres.

Mr. Romano reported that Clough, Harbour, and Associates found the subdivision plan acceptable: all revised plans and information provided by the applicant adequately address previous comments.

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

- 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 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.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:52p.m. The motion was unanimously carried.

Board members determined that no action could be taken at this meeting because the comments regarding necessary variances issued by Mr. Myers would need to be addressed. The applicant's consultant and Ms. Maynard agreed to consult with Mr. Myers.

### **Old Business**

[2004-055] **New York Development Company** – Proposed (21) lot subdivision (Oronacha Farms), Vischer Ferry Road – Possible preliminary determination from public hearing held on June 28, 2005 and reconvened on August 9, 2005.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that has been considered by the Board on several occasions. The plan design remains generally as reviewed at the August 9, 2005 Planning Board meeting. The issues of concern identified at that time were reconstruction of the dam and approval from the State Office of Parks, Recreation, and Historic Preservation. Mr. VanGuilder reported that the NYSDEC has reviewed proposed plans for the removal of the existing dam and reconstruction design and has issued a permit for the dam's reconstruction. He described the reconstruction process, stating that the redevelopment will include the installation of new culverts. A "sheet piling" construction method will be utilized for the construction project. He noted that the outlet control structure will be improved. Addressing archeological concerns, he explained that three areas of interest have been identified on the parcel. The area labeled Area #3 requires no excavation; Area #1 will require completion of a data recovery plan for one section while a second undisturbed area will not require excavation.

Mr. VanGuilder explained that a "phasing plan" has been developed for construction. Roadway construction, dam re-construction, and archeological excavations will be undertaken at the same time. Since utilities and multi-use pathway designs have

been necessarily incorporated in the design of the dam, they will also be installed as the project progresses. Water service laterals and stormwater management areas have been shown on the plan. The project will be served by a gravity sewer to a connection on Redfield Park.

Ms. Maynard offered the comments prepared by the Planning Department. She requested that a copy of the dam report be provided to the Planning Department, noting that NYSDEC oversight was a critical part of the reconstruction. The applicant's consultant explained that DEC has approved construction of the dam as currently proposed: written verification will be provided to department. Ms. Maynard asked that written correspondence from the State Office of Parks, Recreation, and Historic Preservation be supplied to the Planning Department regarding the applicant's implementation of specific agency recommendations. The applicant stated that written correspondence regarding sensitive areas has been received from SHPO and that a data recovery plan has been approved. An archeologist will be available on site during construction. Ms. Maynard noted that portions of site are identified as sensitive and do not allow further disturbance: one such site is located on a parcel north of the pond proposed for conveyance to the Town.

Ms. Maynard explained that Board members agreed that it would be desirable to preserve the existing house and barn: she requested that a note regarding their protection be added to the plan. She also requested that a note be placed on the plan that states that no further subdivision will be permitted. The access to the existing home must be shown on plans.

Ms. Maynard recommended Part II and III of SEQRA be completed for project for review by the Planning Board and staff. She recommended that a trail connection along Vischer Ferry Road be provided and that the current dirt path be illustrated on the plans. A note must be added to the plans stating that this subdivision will become part of the Wyncrest Park District. Lands owned by the Clifton Park Water Authority near the entrance of the Wyncrest subdivision should be considered a possible parking location for those who wish to use the trails near the ponds. A meeting with Water Authority representatives will be scheduled.

Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a March 19, 2007 memo. The Stormwater Management Area access road must be a minimum of 16' wide, able to support 50,000 lb. vehicle and have a turn around capability for maintenance vehicles. The plan should indicate the method proposed to secure the road from access by the public. Discharges to the wetland from stormwater areas require a permit from DEC outlining discharge structures and pre-treatment. A meeting with Director of Building and Development will be required prior to start of construction to review the Stormwater Pollution and Prevention Plan.

Mr. Romano presented the comments prepared by Clough, Harbour, and

Associates, explaining that representatives of his firm reviewed the preliminary subdivision plans for the above referenced project prepared by Lansing Engineering, PC, last revised March 1, 2007, Water Supply and Sewer Reports dated March 5, 2007, the Stormwater Pollution Prevention Plan revised September 25, 2006, and the Dam Design Report last revised January 18, 2007. He stated that a majority of previous engineering-related comments regarding the subdivision plans, the Stormwater Pollution Prevention Plan, and Water and Sewer Reports have been addressed. Due to the technical nature of the Dam Design Report engineers from Clough, Harbour, and Associates are currently reviewing hydraulic and geotechnical aspects of the report. Additional technical comments will be provided. The Board should be aware that if the Town should chose to take ownership over a classified dam, it would be the responsibility of the Town to meet the requirements of the Dam Safety Program. Mr. Romano described the duties involved with acceptance of such a responsibility. Inspection requirements of the program include monthly maintenance inspections performed by the owner and routine informal observations performed by maintenance staff during such times as routine mowing. Additional inspections are required at such times as before and after serve rain storms, wind storms, or snow melts. An Emergency Action Plan and dam safety inspections performed by an engineer are only required of Class B and Class C dams. The dam as currently proposed would be a Class A and as such not require an Emergency Action Plan.

Mr. Romano provided additional information regarding this application, noting that comments have been raised regarding possible rubbish disposal on the property. He requested that a copy of a recent Phase 1 Environmental Site Assessment be submitted for review.

Mr. O'Brien, Environmental Specialist, reported that, after review of data presented, the ECC had no additional comments on the application.

Board members discussed the proposed multi-use pathway. Mr. Bulger explained that the pathway provided from the proposed new roadway to Redfield Park would have a 16' wide gravel base and 8' wide paved path. A gravel driveway provided to access the stormwater management area may also be used as a path connection. Board members requested that a stone dust path be provided to access the picnic area near the ponds.

Mr. Mark Kazmierczak, Chairman of the Historic Preservation Commission, reported that the Commission appreciated the fact that that the developer was committed to the preservation of the 1888 residence that he remarked "had some historical value." He noted that the barn was of much more recent construction and of little historical value.

Discussion of the trail location along Vischer Ferry Road resulted in the Board agreeing that the owner should be required to convey a 10' strip along the property frontage to provide for future improvements as recommended in the Trails Master Plan. No paved trail connection would be provided along the ponds, although the natural footpath along the ponds would remain. Board members recommended that bollards be installed at the Redfield Park – multi-use pathway intersection. They also agreed that additional plantings should be provided along the stub street.

In response to concerns regarding water levels in the pond and the ability of existing culverts across Vischer Ferry Road to handle water flow, Mr. VanGuilder stated that in

response to concerns expressed by Saratoga County Department of Public Works officials, the water level in the ponds had been lowered approximately 18". Mr. Bulger stated that protection of the integrity of the culvert crossing Vischer Ferry Road was of utmost importance. Both Mr. Karam and Mr. Russell asked that clean-up of the site be completed as soon as possible. Mr. Russell asked that the status of the dwelling above the barn be clarified, asking if it was considered an accessory use to the primary residence.

In response to Mr. Russell's question regarding the conveyance of the dam to the Town, Mr. O'Brien explained that the Town would be responsible for proper maintenance and monitoring in accordance with NYSDEC guidelines. Mr. Karam stated that he believed that the benefit of the ponds to the Town outweighed the cost of the maintenance responsibilities.

Board members agreed that subdivision approval was reasonable if conditioned upon substantial screening of the properties along the stub street/multi-use pathway on Redfield Park, Clough, Harbour, and Associates review and approval of the dam reconstruction plan, a note on the plan that prevents further subdivision of the property, and a note stating that the existing house and barn are to remain.

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

Mr. Bulger offered Resolution #6, seconded by Mr. Karam, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, and the Planning Board. Ayes: Pace, Karam, Russell, Hughes, Bulger. Noes: None.

[2006-041] **Mooradian's Furniture** – Proposed 39,000 SF furniture store, 1758A Route 9 – Preliminary site plan review and possible determination.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that has been considered by the Planning Board on several different occasions. The speaker explained that the applicant obtained a variance from the Zoning Board of Appeals for a building that was larger than the 30,000 SF zoning limit. An additional 9,000 SF of space has been provided on a partial second floor level. The furniture store may be accessed from two locations – one along the southern property boundary, the other along the northern property line. Parking for 93 vehicles has been provided on site, though the applicant intends to "land bank" ten of those spaces. The facility will be served by the Clifton Park Water Authority and the Saratoga County Sewer District. Stormwater will be managed on site. Colored façade renderings and building elevations as well as a modified planting plan were presented for the Board's review.

Mr. Larkin arrived at 8:50p.m.

Ms. Maynard stated that the Planning Board last considered this application at its February 13, 2007 meeting. In response to her request for information regarding ingress

and egress improvements, the applicant's consultant explained that owners of the Hoffman property have signed off on landscaped islands for card store: discussions are on-going with the owner of the Italian restaurant. "Landbanking" a portion of the parking spaces was encouraged, though the applicant was asked to provide a site statistics table that included information regarding the number of required parking spaces and the number of proposed spaces. The addition of greenspace calculations within that table was also requested.

Mr. Steve Myers, Director of Building and Development provided several comments in a memo dated March 19, 2007. A variance for an increase in the size of the store was approved by the Zoning Board of Appeals on March 6, 2007. The stormwater management plan must include additional information regarding outlets and overflows. Hay bales for trapping sediment should not be allowed: silt fencing and stone check dams are acceptable. Mr. Myers noted that after a short period hay bales only divert water and sediment rather than trapping the sediment. A meeting with the Director of Building and Development will be required prior to construction. An assessment of the pipe under I-87 should be included to ensure it can handle the additional flow. A copy of the Stormwater Pollution and Prevention Plan should be included with the approved site plan.

Mr. Romano explained that Clough, Harbour, and Associates have reviewed the revised preliminary site plan for this project and offered the following comments. The previous site plan indicated that a 30,000 S.F. building was proposed. The proposed building has been increased to 39,000 square feet. The previous plan provided 92 new parking spaces. It was previously noted that given the nature of the business and the additional parking available in adjoining parking areas, the amount of parking for the use appears adequate. Although the new plan increases the building size by 9,000 square feet it does not include an increase in parking. By code, the 39,000 square foot building would require 195 parking spaces. The plan continues to propose 93 spaces (83 permanent and 10 land-banked). Although the applicant has not demonstrated that the parking levels required by the Code could be provided if the use of the building were a more intensive retail use, this could be covered by a note requiring additional site plan review for any change in tenant or owner. The driveway aisle being created immediately west of the north entrance to the new building appears to be approximately twenty feet wide: this aisle should be a minimum of twenty-four feet wide. The following comments pertain to the Stormwater Management Narrative: the existing and post development drainage area maps referenced in the report should be provided for review; a test pit and percolation test should be provided within the proposed basin location to verify percolation rates and ground water levels; prior to infiltration, the required pretreatment of the water quality volume is a function of the infiltration rate of the underlying soils. The report should discuss the anticipated infiltration rate and the percentage of pretreatment required.

Mr. O'Brien, Environmental Specialist, read the following comments that were prepared by the ECC. The applicant should provide appropriate screening form I-87 to enhance the existing landscape while providing functional visibility to prospective customers. The proposed greenspace must not include the proposed stormwater management area in the total greenspace calculation. The proposed parking configuration at the north side of the Parkwood Building requires patrons to back onto the

proposed boulevard. When combined with the proposed vegetation plan, the potential exists for some safety concerns. Therefore, the ECC recommends that the applicant work with adjacent property owners and the Town Engineer to identify a plan to mitigate this potential hazard while expediting safe traffic flow.

Board members responded favorably to the proposal. Ms. Pace found the architectural design that included several windows attractive. Others agreed that a reduction in the amount of paved parking spaces was reasonable considering the proposed use. All agreed that additional evergreen plantings along the I-87 corridor and the stormwater management area would be desirable. In response to Mr. Russell's comment regarding parking on Lot #2, Mr. Vuillaume agreed to consider widening the drive aisle. In response to Mr. Larkin's query regarding stormwater infiltration rates, Mr. Romano stated that the stormwater management plan appeared adequate. The Board made it clear that no signage approvals were implied as part of the site plan approval.

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

Mr. Larkin moved, seconded by Mr. Hughes, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by the Planning Department, the Director of Building and Development, Clough, Harbour, and Associates, and the submission of a colored rendering of the building with the final plan. The motion was unanimously carried.

[2005-011] **Abele Builders** – Proposed (22) lot subdivision, 1562 Crescent Road – Revised conceptual review.

Mr. Tom Andress, consultant for the applicant, presented this subdivision application that has been significantly revised to address Board concerns. The project plan has been redesigned in an effort to minimize wetland impacts and locate residences at appropriate distances from the wetlands. The number of lots has been reduced from (24) to (22). The proposed new Town roadway will provide access from Crescent Road to (14) of the proposed lots: a common driveway will provide access to the additional (8) parcels. Variances for the required 50' setbacks for keyhole lots may be necessary. Mr. Andress explained that the plan now shows the required 50' setback for rear yards from the designated wetlands: at least 40' of side yard area has been provided. All lots exceed the required 20,000 SF minimum lot size. Lots range in size from 21,165 SF to 2.53 acres. All lots will be served by the Clifton Park Water Authority and the Saratoga County Sewer District.

Ms. Maynard explained that this application was reviewed by the Planning Board at the November 14, 2006 meeting at which time members expressed concerns regarding the number of proposed lots and the minimal wetland buffers provided between proposed residences and wetland areas. Board members requested that the area between a proposed residence and identified wetland be a minimum of 50 feet. The proposed

number of lots has been reduced from 24 to current 22 lots and the design plan now adheres to recommended setbacks. Ms. Maynard addressed the issue of the combined drive, noting that the current configuration of eight lots for 8 off shared drive does not “reflect good planning.” Though she acknowledged that the applicant was attempting to work within the parameters established by the Board, the configuration results in “a piecemeal feel” rather than a “neighborhood feel.” Rear facing lots onto Crescent Road were viewed as undesirable. The speaker explained that the proposed multi-use pathway will be extended along south side of road: vehicular and pedestrian conflicts should be minimized where possible. The applicant was asked to quantify the amount of fill needed for the site in order for proper assessment of the impact upon the parcel’s natural hydrology. The location and height of proposed retention walls should be indicated on the plan. Clearing and grading should be limited to the greatest extent practicable. Though a stone dust trail previously existed between the existing homes along Southbury Road and the development site, maintenance of the trail was discontinued upon dissolution of the HOA. The applicant responded positively to Ms. Maynard’s request for the conveyance of additional right-of-way along Crescent Road.

Mr. Myers, Director of Building and Development, noted that the plan shows varying buffer distances to wetlands none of which appear to be the required 100 feet. He recommended that 16’-wide driveways be extended to all houses which utilize a common driveway (in addition to any driveways over 500’ long). A Stormwater Pollution and Prevention Plan will be required for review and approval prior to construction.

Mr. Romano provided the comments prepared by Clough, Harbour, and Associates. The plan appears to include the following changes from the last submission that was reviewed in December, 2006. The number of new lots proposed has been reduced from twenty-four to twenty-two. The separation distance between the proposed homes and the federal wetlands to remain have been increased to a minimum of forty feet for side yards and fifty feet for rear yards. Clough, Harbour, and Associates remains concerned over the orientation and relationship between homes for Lots #18 though #22. The proposed layout will result in minimal preservation of vegetation in this area and the rear of the homes on lots #20 though #22 will be “unbuffered” and extremely visible from Crescent Road. It is recommended that Lots #20 and #21 be eliminated and that the house on Lot #22 be reoriented. This would allow a significant buffer to be preserved along Crescent Road. The setbacks to the wetlands appear appropriate and should reduce the potential for incremental impacts. Legal mechanisms (easements, deed restrictions, public open space) and physical mechanisms (fencing, signage, grading, etc.) should be utilized to reduce the potential for disturbance in these areas. Notification to the future homeowners of the limitations caused by the wetlands and risk of problems associated with high groundwater conditions in the area should be guaranteed. The plan lacks provision of a multi-use pathway from the proposed town road to the intersection of Southbury/Crescent Road as previously requested. Additional right-of-way along Crescent Road should be established to provide a minimum of twenty feet of grassed area between the edge of pavement and right-of-way. The plan should clearly indicate from where the 100’ setback per Section 208-98 of the Town Code is being measured. It is recommended a public hearing be held as soon as possible to allow the local residents to bring forth concerns associated with the project and provide an opportunity for them to understand how the concerns are being addressed.

Mr. O'Brien, Environmental Specialist, reported that the ECC issued the following comments regarding this application. Due to the presence of numerous wetland features throughout the property, the applicant should consider the elimination of several lots to reduce the impacts to sensitive natural areas. The density seems excessive for the site. The applicant is also advised that the subdivision design must take into account the shallow water table on the parcel and the affect construction may have on the water table. The ECC notes that this design may promote fragmentation of wetlands and lead to failure of the wetland system and its benefits. Since there are numerous opportunities for creating wetland compensation areas, the ECC recommends the applicant explore utilizing an ACOE individual permit and trading off additional impacts against the compensation areas. Although the project appears to meet each numeric requirement for the protection of Federal Wetlands, the intensity of the development appears to raise concerns to the ECC that the subdivision will not meet the intent of the Town of Clifton Park Comprehensive Plan; e.g. maintenance, liability, environmental and esthetic issues.

In response to Ms. Maynard's comment regarding alteration of the natural topography of the site, Mr. Address stated that it is the applicant's intention to work with the natural contours as much as possible. Retaining walls will likely be 4' – 5' high and residences with walk-out basements will be designed where appropriate. Mr. Address reported that the applicant would be amenable to constructing a trail between the proposed site and the homes on Southbury Road, though he recommended that existing residents be involved in the discussion and/or design process. Addressing Ms. Maynard's comment regarding grading and clearing, Mr. Address explained that homeowners often want to clear vegetation to create more usable yards: he was opposed to the imposition of strict controls on clearing and grading. Mr. Russell stated his preference for residences that would be placed at a greater distance from Crescent Road. In response to Mr. Karam's observation regarding wetlands on the site, Ms. Barbara Beale, wetland expert, explained that the ACOE had identified no stream corridors on the property. She also stated that the minimal impacts to designated wetland areas were in compliance with the Nationwide permitting guidelines. Mr. Karam also expressed his concerns regarding the orientation of homes proposed along Crescent Road. Mr. Hughes also recommended a reduction in the number of proposed lots, noting that in his opinion the proposed subdivision was "too dense" for the area. Mr. Larkin also requested that the applicant consider reducing the number of lots and again asked that an access from Southbury be considered.

Mr. Abele, applicant, asked the Board to consider the density of the proposed project to the lots within the Crescent Estates South. He stated that a reduction in the number of lots would "reduce the viability of the project."

Board members discussed various project designs and concluded that recommendations for access to the proposed (8) residences situated on the combined drive should be discussed with Mr. Kukuk, Highway Superintendent. Mr. Hughes expressed concerns regarding the amount of fill required, but stated that he believes that there has been "positive progress" on the design plan. Mr. Bulger found the wetland setbacks that have been provided acceptable.

Mr. Bulger supported Clough, Harbour, and Associates' recommendation that a public hearing be scheduled to receive input from interested neighbors and adjoining property owners. The applicant was encouraged to consult with Rick Kukuk, Highway Superintendent, regarding the construction of an additional new Town road rather than the installation of a combined drive. Mr. Bulger labeled the site as "challenging," but stated his appreciation for the applicant's willingness to work with the Board.

### **New Business**

[2007-012] **Bufe, Art and Ellen** - Proposed (2) lot subdivision, 467 Ballston Lake Road – Conceptual review.

Mr. Steve Lamb, consultant for the applicant, explained that this application calls for the subdivision of 2.68 acres of land at the intersection of Ashdown Road and Schaubert Road in the CR (Conservation Residential) zoning district. The 1.68 acre lot will contain an existing residence: a single-family residence is proposed for the 1 acre parcel. The lots will be served by individual wells and septic systems. Mr. Lam reported that on February 6, 2007, the Zoning Board of Appeals granted variances from Section 208-16(E)(2). The variance reduced the required 10 acre parcel to the existing lot size and the minimum lot sizes to the proposed 1.6 acres and 1 acre, respectively.

Ms. Maynard provided comments from Planning Department. The sight distance at the driveway locations must be verified. In response the speaker's recommendation that the access proposed for new house be located on Ashdown Road, the applicant stated that a culvert had already been placed at the proposed driveway location on Ashdown Road. The labeled "gravel drive" currently provides access to the parcel. Since the parcel is located at a y-type intersection, Ms. Maynard also recommended that extensive screening be provided. Mr. Lamb noted that the current property owners have extensive plantings on their property. It is expected that the new property owners will also provide substantial and tasteful plantings to screen the proposed residence.

Mr. Myers, Director of Building and Development, reported that all necessary variances were approved.

Mr. Romano explained that Clough, Harbour, and Associates reviewed the subdivision plan for this project 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 with Subdivision approval. The parcel is located within the limits of the Western Clifton Park Study Area. The plan includes a note indicating that a variance has been granted relative to Section 208-16E(2)(c) of the Town Zoning Ordinance. Test pit and percolation test results noted on the plan appear to indicate that the parcel is acceptable for the installation of an individual septic system. Given the need for an "alternative septic design" it is recommended that a detailed, stamped septic system design be provided prior to final subdivision approval.

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

- 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 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.

Board members found the project plan generally acceptable.

[2007-014] **Czub, Vivien M.** – Proposed (2) lot subdivision, 527 Miller Road – Conceptual review.

Mr. Frank Palumbo, consultant for the applicant, presented this subdivision application that calls for the subdivision of a 3.61 acre parcel of land on the east side of Miller Road, approximately 550 feet from its intersection with NYS Route 146, into lots of 2.13 acres and 1.49 acres, respectively. The parcel to be subdivided is located in an R-1 zone and lies within the Vischer Ferry Road Corridor Study area. The proposed new lot will be served by extensions of the existing water and sewer lines along NYS Route 146. A 2" sanitary force main will be installed from the existing line at Route 146 to the proposed new residential lot.

Ms. Maynard read the following comments that were submitted prepared by Jim DiPasquale, Executive Director of the Saratoga County Sewer District. "The proposed 2 inch force main as proposed will connect to a pressure sewer system on the north side of NYS Route 146 owned by the Town of Clifton Park." He asked that the consultant clarify whether the force main will be considered a lateral or sized for additional connections on Miller Road. He explained that "for the line to serve other properties, it will need to be owned by the Town of Clifton Park Sewer District or a duly recognized Transportation Corporation," noting that the consultant will need to confirm that appropriate cleaning velocities are maintained for the present and future conditions."

Ms. Maynard also reported that the Planning Department was in receipt of a memo from Michael O'Brien, representative of the Town of Clifton Park Sewer District, that states that the "proposed sewer hook up would be outside the Corporate Commerce Sewer District and would be considered an outside user hook –up. A \$1,000 hook-up fee will be required prior to making the connection. In addition, the rate structure would reflect an outside user agreement typically 1 ½ times the current rate. I have forwarded the plans to our engineer for review to verify adequate capacity exists in the existing force main. Since SCSD #1 operates and maintains the Corporate Commerce Sewer District force main. The Town defers to there expertise regarding design standards and pump specs. If the line is going to serve more than

one home, ownership of the line would need to be clarified and the district may need to be considered for an extension. The Town of Clifton Park requests clarification of the future intent of this line.”

Ms. Maynard asked that the current driveway be illustrated on plans. Although the parcel created lies within the Vischer Ferry Road Corridor, pursuant to Resolution #308 of 1993, “no mitigation costs shall be assessed to those residents of the Vischer Ferry Road Corridor who have continuously resided in the boundaries of the corridor prior to the Town’s adoption of the Vischer Ferry Road Capital Improvement Plan, and who make any application for a subdivision of property to family members for purposes of building a single family residence for use as the family’s primary residence. This exemption of mitigation costs for these residents shall apply only to family members (mother, father, sister, brother, son, daughter) of owner(s) of said property. Only one exemption shall be permitted per family member.” The Board must verify that the parcel will indeed be transferred to a family member.

The project will require sign-off from CPWA, Saratoga County Sewer District, and the Town of Clifton Park Sewer District for extensions from the Corporate Commerce utility lines. An outside user agreement will be required.

Mr. Romano reported that Clough, Harbour, and Associates reviewed the subdivision plan for this project and offered the following comments. The proposed project lies within the Vischer Ferry Road GEIS Study Area. As such, the project shall demonstrate on an item by item basis how it complies with the each of the findings. In addition, the project will benefit from the capital improvement projects constructed or planned for the corridor. As such, this project should contribute to the mitigation fees established in the Vischer Ferry Road Corridor GEIS and Capital Improvement Plan. An estimate of the C.I.P. fees is as follows:

1. Transportation	1 trips	x	\$250/trip	= \$ 250
2. Sewer	1.0 EDU	x	\$3,314/EDU	= \$3,314
3. Water	1.0 EDU	x	\$1,728/EDU	= \$1,728
4. GEIS	1.0 EDU	x	\$310/EDU	= \$310
5. C.I.P.	1.0 EDU	x	\$49/EDU	= \$49
			Total	\$ 5,651

Given the proposed public main extension, consideration should be given to waiving the \$1,728 water mitigation fee. The plan shows a proposed easement extending along the east side of Miller Road from Route 146 to the proposed division line between the lots being created. This easement should be extended along the entire frontage of the existing parcel to allow for further extension of water and sewer service. Unless the design intent is to preserve the trees along Miller Road, it is recommended that municipal utilities be located within the public right-of-way. The watermain extension will require NYSDOH review and approval. An engineer’s report and final design plans should be submitted for review. The applicant should confirm that adequate sight distance is available along Miller Road at the proposed driveway location.

Mr. O’Brien, Environmental Specialist, reported that, after review of the application, the ECC recommended that the following standard statements be added to the plan:

- 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 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.

Board members found this application generally acceptable, though they asked that the applicant verify that the proposed residential lot was indeed intended to be transferred to a family member. The applicant's consultant was asked to consult with Town officials regarding the size of piping for the sewer extension: clarification of the number of homes to be serviced would be required.

[2007-013] **Farone, Thomas J. & Sons** – Proposed 7,500 SF office use in (2) buildings, Lapp and Crescent Roads – Conceptual site plan review.

Mr. Gavin Vuillaume, consultant for the applicant, presented this site plan that remains as originally approved by the Planning Board at its January 25, 2005 meeting. The speaker explained that because the site plan approval had expired, the applicant was seeking to have the Board re-affirm the previous endorsement.

Ms. Maynard offered a brief history of this project background explaining that the Planning Board granted final site plan approval on January 25, 2005. An extension granted in January, 2006 expired on January 25, 2007. The applicant now seeks re-approval of that site plan. The applicant must clarify that the proposed use remains as presented in the original application. The speaker explained that there are now plans for the installation of a multi-use pathway along Crescent Road from Okte Elementary school to Dunsbach Road in the Town of Halfmoon. The pathway's purpose is to provide a critical connection with existing and future residential areas and businesses. Funding for the construction of a crossing at the Crescent Road/Lapp Road intersection directly adjacent to this project site has been approved. She recommended that the applicant consider "pulling up" the proposed buildings to the 65' and 25' setback lines, thus framing the corner and providing access to the site for pedestrians and bicyclists to site. Ms. Maynard recommended that the sidewalk in front of site be extended to provide connection with approved trail construction: the applicant's consultant agreed to provide such a connection. Landscaping should be installed on the land banked island. The installation of street trees of at least 3" caliber was recommended along southern portion of property along Crescent Road and also along Lapp Road to frame the intersection.

Mr. Myers, Director of Building and Development, provided the following comments. Front setback variances from Lapp Road for both buildings and Crescent Road for southernmost building are required. The original variance granted in November, 2004 requires modification. Modification of the Special Use Permit may be needed due

to increased building size. A full stormwater management plan will be required. Mitigation of current run-off to neighboring properties will also be required.

Mr. Romano offered the following comments prepared by Clough, Harbour, and Associates, reporting that this project was granted conditional final approval by the Planning Board on January 25, 2005. All conditions of approval were satisfied and the plans were signed by the Planning Board Chairman on June 8, 2006. No work was progressed and the site plan approval expired under the terms of Section 208-120 of the Town Code. Based on a review of the current plans, it appears these plans are the same as the plans approve in January, 2005.

Mr. O'Brien, Environmental Specialist, stated that, after reviewing the project plans, the ECC offered the following comments. The ECC recommends that the applicant augment the proposed plantings in the northwest quadrant of both Lots #132 and #134. The Commission also notes that it appears on the map that existing vegetation on the northwest quadrant of Lots #134 will be disturbed or destroyed during construction and the vegetation replacement should be anticipated with the planting plan.

Though Board members recognized the importance of connecting this site with proposed pathways, they did not support redesign of the site. Board members requested that the stockade fencing to the rear of the site, the substantial evergreen plantings, and lighting plan as originally approved be incorporated in the site plan. Mr. Larkin commented that the previous approval required installation of a storm sewer from the proposed development site to Easton Drive. He asked that the developer ensure that residents along Easton Drive would be able to connect footing drains to the new storm water management system. Mr. Bulger requested that the applicant consider the addition of a pedestrian-friendly access to the site. The Board found the plan generally acceptable.

[2007-009] **International Center PUD** – Propose amendment to change “Southard House” use from retail to office, 1585/1587 Route 146 – Referral from the Town Board.

Ms. Bonnie Daggett, applicant, explained the proposed amendment for the International Center PUD calls for the existing “Southard House” to be changed from retail to office occupancy. Ms. Daggett explained that the original legislation for Article XLI of the Town Code that provided for the creation of a planned unit development to be known as the “International Center Planned Unit Development” called for the “Southard House” to house retail business uses. Though the space was used for a time for as a small café and gift store, the business was unsuccessful and the tenants no longer operate the store. The Center for Learning in Education is located in the larger office building located on the property. This business has expanded and requires additional office space. The applicant proposes to renovate the older residential-looking building to provide the needed office area. Since the house is in need of repair, Ms. Daggett believes that the proposed renovations will enhance both the aesthetics and usefulness of the property.

Ms. Maynard explained that the PUD amendment is related to the use change from retail to an office use for the 2,000 SF located within the Southard House. The retail use is expressly given within A217-346 B (2): "The planned unit development shall consist of six two-story office buildings with approximately 6,000SF per building, and a retail use in the existing structure, commonly known as the Southard House of approximately 2,000SF... Phase I of the development shall be the establishment of the retail use in the Southard House and construction of the associated improvements such as layout is approved by the Planning Board." The speaker explained that the Historic Preservation Commission sent a memo expressing positive support for the concept of the proposed change in light of Daggett Development and Company's efforts to preserve the property in an appropriate manner and their cooperation with the Historic Preservation Commission throughout the process. Correspondence received from the Historic Preservation Commission dated March 9, 2007, states that the Commission feels that the "occupancy change does not effect the historic nature of the building." The Commission comments that "the building will be improved with exterior and interior repairs that "are long overdue for the structure." Parking can be expected to be less in changing the use from retail to office. Though eight parking spaces are required per the Code, 10 spots are currently provided. Ms. Maynard concluded by stating that the use appears appropriate for this location since the parcel is surrounded by the HM (Hamlet Mixed Use) district.

Mr. Romano reported that Clough, Harbour, and Associates offered no comment on this proposed Planned Unit Development amendment.

Mr. O'Brien reported that the ECC found the application acceptable.

Mr. Bulger explained that at its meeting of March 12, 2007, the Town Board referred this proposed PUD amendment to the Planning Board for their review and recommendation. Board members found the proposal acceptable, particularly in light of the building's deterioration and the applicant's plans to preserve the window treatment, to prepare a record of wall finish below windows on the interior, and to reconstruct the building with materials similar to those used for its original construction, and to prevent further deterioration of the structure.

Mr. Bulger moved, seconded by Mr. Hughes, to authorize the Planning Board Chairman to recommend that the Town Board approve this proposed amendment to the International Center Planned Unit Development district that permits the change of use of the "Southard House" from retail use to office use. The motion was unanimously carried.

**Discussion Items:****One Hundred Acre Wood – Quarry Development**

Mr. Ken Legasse, son of David Iwanicki, resident of 25 Vischer Ferry Road, asked the Board to consider an application for approval of a subdivision of the 48-acre parcel. Mr Legasse explained that because of a son's disability, he and his family would like to move closer to other family members. He asked that the Board re-consider the note added to the Quarry Development subdivision plan that states that no further subdivision of 100 Acre Wood will be permitted.

Ms. Maynard explained that she described the code requirements for conservation density subdivision, noting that the §179-38 of the Town Code requires that "the lots in the private road subdivision shall be restricted by conservation easement so that they may never be subdivided beyond the lesser of eight lots and two times the zoning density at the time of subdivision approval, regardless of whether the private road remains a private road." Ms. Maynard also pointed out that the minutes from Planning Board meetings at which the Quarry Development subdivision was discussed contain no reference to the development restriction or the rationale for its imposition. Though Lot #25 contains substantial wetland areas, its 27.65 acre size would allow for the creation of an additional lot. The speaker explained that the request for approval to subdivide is made on the basis of a family's desire to help a handicapped child.

Mr. Larkin was opposed to approval of an additional lot within the approved conservation density subdivision, stating that he was reluctant to change a former decision issued by a previous Planning Board. He also questioned the precedent-setting implications of such a ruling. Mr. Bulger noted that the underlying zoning is now CR: larger lot sizes are now required throughout the zone. Board members asked that additional research be conducted to determine why further subdivision of 100 Acre Wood was restricted.

**[2006-013] Jolley Associates – Clifton Park Short Stop**

Mr. Jim Gillespie, consultant for the applicant, explained that the Planning Board recently granted site plan approval to permit Jolley Associates to construct a convenience store at the intersection of Clifton Country Road and NYS Route 146. The project plan also included renovation of the existing Mobil service station site, including replacement of fuel tanks and the installation of new fuel dispensers. Mr. Gillespie explained that site work necessary for removal of the tanks now requires the dismantling of approximately 20% of an existing canopy and replacement of the two southerly canopy columns and footings. The canopy footings, columns, and structure will be replaced in the same location as exists with no change to the canopy footprint. After reviewing a drawing of the site that indicated the location of the columns and footings to be replaced, Board members agreed that the changes were insignificant to the review process. No additional formal review would be required.

Mr. Gillespie also presented a revised lighting plan and cut sheets of the proposed fixtures. The pole fixture and building-mounted fixtures were described as “more decorative” in design. After reviewing a photograph of a store where the proposed fixtures were installed, the Board found them acceptable. No additional Board review would be required, although a sign-off from Clough, Harbour, and Associates regarding the lighting plan will be required.

All revisions to the project plan will be included on the final site plans submitted for stamping by the Planning Department prior to the issuance of the Building Permit.

[2006-010] **Provident Development Group**

Ms. Dean explained that the Planning Department was in receipt of a written request from Mr. Thomas Peterson, representative for the applicant, which requested that the Planning Board grant a one year extension for the site plan approval that was granted construction of a 6,200 SF office building at 39 Old Route 146 on April 11, 2006.

Pursuant to §208-120, the Planning Board may, in its sole discretion...grant the applicant an extension of time within which to comply with the site plan.” The law also states that “such an extension shall in no event exceed one year. No further extensions shall be permitted.”

Mr. Hughes moved, seconded by Mr. Russell, to grant this request for an extension to the site plan approval granted to Provident Development for construction of a 6,200 SF office building at 39 Old Route 146. The final expiry date of the approval will be April 11, 2008. The motion was unanimously carried.

**Carlson Farm**

Ms. Maynard explained that the developer of the Carlson Farm subdivision has requested permission to demolish the existing residence on the property. Since this home with some historical significance was to remain on the property, she requested guidance from the Board. Mr. Pelagalli advised that since the Board had made it a condition of subdivision approval that Abraham Moe residence remain, the Board could require that no demolition be permitted. Board members agreed that the historic significance of the existing home was important and they would not support demolition of the property.

**Minutes Approval:**

Mr. Bulger moved, seconded by Mr. Larkin, approval of the minutes of March 13, 2007 as written. The motion was unanimously carried.

Mr. Hughes moved, seconded by Mr. Bulger, adjournment of the meeting at 11:00p.m. The motion was unanimously carried. The next meeting of the Planning Board scheduled for April 10, 2007 has been postponed until Wednesday, April 18, 2007.

The meeting originally scheduled for Wednesday, April 25, 2007 will be held on Tuesday, April 24, 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 #5**

**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 March 27, 2007 there were:

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

Absent: A. Kramer, J. Larkin

Mr. Hughes offered Resolution #5, and Mr. Bulger seconded, and

Whereas, an application has been made to this Board by Longkill Properties, LLC for approval of a subdivision plat entitled Subdivision of the Lands of Longkill Properties, LLC consisting of (4) lots, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on March 27, 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 March 27, 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 Longkill Properties, LLC consisting of (4) lots is granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered provided by the Planning Department, that access for the proposed Lot #2 be provided by a driveway shared with Lot #4, and that any and all infrastructure extension design plans be provided for Clough, Harbour, and Associates' review and approval.

**Resolution #5** passed 3/27/07

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

Noes: None

Steven J. Bulger,  
Chairman

**NOTICE OF DECISION**

**Resolution #6**

**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 March 27, 2007 there were:

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

Absent: A. Kramer, J. Larkin

Mr. Bulger offered Resolution #6, and Mr. Karam seconded, and

Whereas, an application has been made to this Board by New York Development Company for approval of a subdivision plat entitled Oronacha Farms Residential Subdivision consisting of (21) lots, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on March 27, 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 March 27, 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 Oronacha Farms Residential Subdivision consisting of (21) lots is granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered provided by the Planning Department, Clough, Harbour, and Associates, the Planning Board.

**Resolution #6** passed 3/27/07

Ayes: Pace, Karam, Russell, Hughes, Bulger

Noes: None

Steven J. Bulger,  
Chairman