

Planning Board Meeting

April 18, 2007

Those present at the April 18, 2007 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, T. Karam, J. Larkin, S. Pace
J. Russell
J. Larkin arrived at 7:25p.m. during the discussion regarding
Clifton Country Road Associates

Those absent were: A. Kramer

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.

Public Hearings

No public hearings were scheduled for this evening's meeting.

Old Business

Tullock, Richard B. and Kirsten J. - Proposed (2) lot subdivision, 105 Dubois Lane – Possible determination from public hearing held on March 27, 2007.

Mr. Tom Andress, consultant for the applicant, presented this application that remains as presented at the meetings of February 13, 2007 and March 27, 2007. The only issue remaining unresolved at the previous meeting concerned comments from Mr. Steve Myers, Director of Building and Development, which requested approval of a variance

from the Zoning Board of Appeals for a reduction in the required lot size. This issue has been resolved.

Ms. Maynard offered comments prepared by the Planning Department. This project was last reviewed by the Board at its March 27, 2007 meeting at which time there was a difference of interpretation of the lot size requirements listed in the CR (Conservation Residential) zone. Upon consideration of the interpretation put forth by Ms. Maynard and Mr. Grasso, Mr. Myers agreed that the subdivided lot could be less than three acres in size. A sign-off from the Clifton Park Water Authority will be required. Appropriate postal addresses must be added to the plan.

Mr. Grasso reported that Clough, Harbour, and Associates had reported that all comments have been satisfied.

Mr. O'Brien, Environmental Specialist, reported that, as requested, applicable ECC standard notes have been added to the plan.

Mr. Bulger announced that the public hearing had been closed at the March 27, 2007 meeting.

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. Karam offered Resolution #7, seconded by Mr. Russell, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department. Ayes: Pace, Karam, Russell, Bulger. Noes: None.

Clifton Country Road Associates – Proposed 32,256 SF retail/office building, Southside Drive – Preliminary site plan review and possible determination.

Mr. Tom Andress, consultant for the applicant, presented the proposed site plan as well as building elevations for the Board's consideration. Though Mr. Andress explained that his client was committed to "trying to design a workable combined access" with the anticipated site plan proposed by DCG Development Company on an adjoining parcel to the west, he noted that the 10' change in grade between the two sites made such a shared drive difficult. The speaker noted that pedestrian connections between the existing Ruby Tuesday's/Panera Bread site and the existing Shops at Village Plaza site, as recommended by the Town officials and the Board, have been incorporated into the design plan and provide a "continuity" between the two locations. The dumpster will be contained within the proposed building. The building has been designed with a possible "drive-thru" lane along its southernmost wall: the Zoning Board of Appeals previously approved a variance for a canopy above the proposed drive-thru service window. Mr. Andress reported that the Zoning Board of Appeals had also approved a variance to allow for increased building height.

Mr. Andress explained that although initial plans for development required the application of “land banked” green space within the Exit 9 corridor, re-calculation of the greenspace on the site has resulted in a determination that no such application will be required. The applicant would like to reserve the transfer for a later date.

Ms. Maynard explained that this application was presented to the Board at its January 23, 2007 meeting. At that time Mr. Myers, Director of Building and Development, identified a number of variances that would be required should the applicant continue to seek Planning Board approval of the plan as presented. The applicant submitted application to the Zoning Board of Appeals, receiving approval for the following variances: an area variance from §208-46B from the required 30’ front yard setback – proposed setback = 22.5 feet – variance requested 7.5 feet; a variance from the maximum building height of 35 feet – proposed height = 42 feet – variance requested = 7 feet; a variance from the required 15 feet landscaping buffer of trees and shrubs from the front property line to rear property line.

Another issue of concern at the January meeting involved the applicant’s request for “credit” of greenspace from the site near the existing Park 54 Restaurant – formerly the Conservatory Grill – in order to meet greenspace requirements for the current application. Members agreed that such a credit could be applied as long as the amount of credit applied was deducted from the two acres available for transfer and that the reduction in the amount of transferable green area be accurately recorded. A simple note on the plans may not be sufficient to ensure that future Town officials are aware of the partial application of the transfer rights; recommendations for tracking are requested from Mr. Pelagalli and Board members. In light of the information presented at this evening’s meeting, such a transfer will likely not be necessary.

On April 10, 2007, Ms. Maynard met with Mr. Grasso and representatives of DCG Development and Windsor Development to discuss possible ways to link sites within the NYS Route 146, Maxwell Drive, and Southside Drive area. Discussion focused on the possibility of creating a service drive to the rear of the proposed Southside Drive building that is the subject of this application and future development of a retail store on the adjoining property. Meeting participants were also asked to consider the possibility of creating a small “town center” or meeting area between the Shops at Village Plaza and the Ruby Tuesday’s/Panera Bread site. Though the meeting was amicable and both parties expressed their willingness to consider design access alternatives, no decisions were reached: each developer will meet with his consultant in an attempt to prepare plans that provide reasonable connections between the adjoining properties. Both developers agreed that pedestrian connection between the properties was achievable, though no plans have yet been provided.

Should the Board find this proposal acceptable, the applicant will be required to provide sign-offs from the Clifton Park Water Authority and the Saratoga County Sewer District. The Saratoga County Planning Board determined that there would be “no

significant county wide or inter community impact” at the time of review at its March 5, 2007 meeting upon referral by the Town of Clifton Park’s Zoning Board of Appeals.

Mr. Myers, Director of Building and Development, has reported that a meeting to discuss the stormwater management will be required with him prior to construction. He reported that all variances applicable to Planning Board review have been approved.

Ms. Maynard encouraged the applicant to continue working to design a site plan that would reflect “Town center” feeling, noting that pedestrian connections, shared parking, and other “cross-uses” of adjoining properties would be important elements of such development. She pointed out that pedestrian links between the existing Ruby Tuesday’s/Panera site and The Shops at Village Plaza as well as links to Maxwell Road would enhance a sense of neighborhood. Ms. Maynard recommended that the applicant consider limiting impervious surfaces and add significant plantings to the site. She also asked that the applicant reconsider the route of the drive-thru since it combines drive-thru traffic with service vehicles.

Mr. Don Austin, Director of the Clifton Park Water Authority, provided comments. The hydrant proposed on the on property is too close to the building. CPWA Standard Specifications call for 40 feet minimum separation between buildings and hydrants. An easement must be provided to the Clifton Park Water Authority over any water main and hydrants outside of the public right-of-way. At the location of the existing hydrant to be relocated, the valve should be removed as well, as it will be unnecessary.

Mr. Steve Myers, Director of Building and Development, provided a memo dated March 29, 2007 that reported that, with the exception of a “few proposed sign variances,” all required variances have been approved. A meeting to discuss the stormwater management will be required with the Director of Building Department prior to construction.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the site plan dated January, 2007 and the Stormwater Management Report last revised April 11, 2007 for the above project both prepared by ABD Engineers & Surveyors. It is recommended that a shared access drive to serve both this site and the DCG property to the west be created to eliminate the need for two drives in close proximity. Restricted turning movements don’t appear required. Circulation between the sites without having to use Southside Drive may reduce traffic conflicts. Cross access easements should be provided where appropriate. Pedestrian connections between adjacent commercial buildings are recommended. The utility plan should depict the proposed sanitary sewer service. Grease traps may be required for food establishments. A detail of the proposed dumpster enclosure should be provided. It is recommended that all deciduous trees be a minimum 3” caliper: evergreens should be at least 7’ in height. The proposed CDS Unit should be shown on the plans and a detail be provided. The following comments are related to review of the Stormwater Management Report last revised April 11, 2007:

- A statement should be made in the report indicating whether the basin is currently operating as designed and provides the storage

- volumes anticipated in the original report.
- The sizing calculations for the proposed CD unit should be provided. The required water quality volume should be converted to a flow rate per the NYSDEC Stormwater Design Manual to determine the unit size. Because a non-standard treatment practice is proposed a 60-day review is required by NYSDEC.
- A stormwater pollution prevention plan should be submitted in accordance with NYSDEC requirements.
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Mr. O'Brien, Environmental Specialist, stated that, after review of data presented, the ECC reiterated their comment requesting that the applicant at least conform to the 35% greenspace requirement in this area recommended for 45% by the Exit 9 GEIS. Additionally, the ECC recommended that the following standard statements be added to the plot plan:

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

Mr. Karam expressed concerns regarding the proposed traffic pattern that would be required to serve the drive-thru business, noting that the two uses – service vehicle access and business access may result in traffic conflicts. Mr. Sussman, representative of Windsor Development, explained that the proposed drive-thru would likely be needed by a business such as a bank, coffee shop, or mail center. Mr. Andress pointed out that a 60' wide shared access to the rear of the buildings would be of more concern than the proposed service/access drive that would be provided around the proposed building. Mr. Grasso noted that since it was unlikely that the proposed service road could be combined with one planned for the west, the Board should focus attention on determining how best to minimize the visual impact of the 10' separation between the two properties. Mr. Karam stated his preference for significant landscaping. Mr. Russell's concern centered on the stated goal of providing pedestrian access within and between business sites and the stated desire to accommodate and encourage pedestrian traffic. Though Board members discussed a possible service access from Maxwell Drive behind the Ruby Tuesday's/Panera site, Mr. Sussman explained that no integration is currently provided and his company is "not in a position to wait" for proposed site development on the adjoining DCG Development parcel. Mr. Miller, Windsor Development principal, stated that his company would willingly consider access options available, though proposed connections must work well for both tenants and customers. He also stated that experience has taught that most service vehicles visit sites early in the day and, therefore, rarely interfere with normal business traffic. The location of the pedestrian connection between the proposed building and the existing retail stores located at the Shops at

Village Plaza resulted in recommendations that appropriate striping and directional signage be included on the plan.

Board members seemed to agree that landscaping the 10' strip separating the Windsor site from the DCG Development site from Southside Drive to the southernmost walls of the building was reasonable. Windsor Development representatives stated their commitment to working with DCG Development representatives when plans for the adjoining site are prepared. Though Mr. Larkin asked that the greenspace formerly "land banked" by Windsor Development be transferred to this site to achieve the required 35%, Board members did not support this recommendation. Mr. Larkin also expressed concern for the crossing of the drive-thru lane with the proposed pedestrian crosswalk, asking that the developer provide "Yield to Pedestrian" signs at the location. The applicant reported that "STOP" signs would be provided at the location. Mr. Bulger stated that although the Board would like the adjoining sites to be developed with as many shared amenities as possible, he cited the applicant's stated commitment to work cooperatively with others to develop a desirable business area as reason to approve the project. It was noted that this application could not be approved at this evening's meeting because approval by the Saratoga Planning Board has not yet been received. Mr. Bulger agreed that the application would be reconsidered at the April 24, 2007 when a decision could be rendered.

XAR Development – Proposed (9) lot subdivision, Route 9 and Wood Road – Revised conceptual site plan review.

Mr. Rob Osterhout, consultant for the applicant, Mr. Dominick Arico, consultant for the applicant, Ms. Teresa Bakner, legal representative for the applicant, and Mr. Ron Backer, applicant, were all in attendance at the meeting. Ms. Backner provided a brief history of this application, explaining that the original application called for a nine (9) lot subdivision of a 213 acre parcel located between Wood Road and U.S. Route 9 in the L2 zoning district. The parcel under review is located within the Wood Road GEIS study area. Mr. Osterhout reported that both the NYS Department of Environmental Conservation and the Army Corps of Engineers have both approved the wetland delineation. The applicant has authorized the completion of a traffic analysis to determine if roadway improvements will be necessary. In an attempt to illustrate potential site development, the applicant has provided illustrative "site plans" for each of the proposed lots. The plan is designed to illustrate possible access locations, building footprints, parking, stormwater management facilities, and other design components.

Ms. Bakner continued her presentation, explaining that the applicant is aware that the Wood Road area has been identified as a breeding ground and habitat area for the endangered Karner blue butterfly. It was reported to Kathy O'Brien, U.S. Fish and Wildlife Service, that no Blue Lupine plants, habitat areas, or butterflies were discovered at the site. The applicant, however, will comply with the Statement of Findings issued for the Wood Road Corridor and establish some upland areas on the site to re-establish habitat areas for possible re-introduction of the butterfly to the area. Archaeological resources involve only a "small portion" of the site: appropriate studies will be completed

and sign-off as required will be requested of the State Office of Parks, Recreation, and Historic Preservation. It is anticipated that extensions of existing municipal water and sewer service lines will serve the site. Stormwater management design will be completed in compliance with current regulations. Ms. Bakner explained that the NYS DEC has approved the placement of micropool detention basins in areas adjacent to wetlands: this plan appears reasonable in light of site's topography and natural areas.

Mr. Rob Osterhout described the general project design. The 213-acre parcel located within the L2 and L-C zoning districts will be divided into (9) lots ranging in size from 3½ - 15 acres. Lot #1 will contain 110-113 acres of land: the remaining lots will be developed on a site-specific basis as tenants are presented. Although no NYSDEC wetlands are included within the proposed individual lots, the lots do encroach on wetland buffer areas. No development is proposed along the Northway corridor. The parcel consists of open fields, forested areas, and some marshy areas: wetland impacts will be minimized to the greatest extent practicable. Mr. Osterhout stressed that individual lot development will be dependent upon site-specific site plans.

Ms. Maynard offered a number of comments and recommendations regarding this application. The plan should include the boundary locations of the Town's L-C zone. The location of stormwater management areas is extremely important: it is recommended that such areas not be located within the NYSDEC wetland areas or within the Town's L-C zone. She advised the applicant that one goal of project design should be to limit impervious surfaces. In response to her comment regarding the 73 parking spaces in excess of code requirements, Mr. Osterhout stated that it was the intent of project developers to show that requirements could easily be met – and exceeded if necessary. Ms. Maynard noted that code requires 40% green space per site within the Light Industrial zone. She asked that green space calculations be provided in the plan's site statistics table. Minimal impact to delineated wetlands is of critical importance. The status of the billboards existing on the site should be clarified. Correspondence from appropriate agencies regarding sign-off for wetland delineation and Karner blue habitat must be provided to the Planning Department. Access to each parcel is limited, per code, to one curb cut. This requirement may be waived at the time of site-specific review.

Mr. Myers' memo of March 29, 2007 included the following comment regarding this application:

Several stormwater management areas are within or encroach upon NYSDEC wetland buffers. During conversations with Beth Hayes of NYSDEC – Warrensburg, I was informed that stormwater management areas are generally not allowed within the NYSDEC wetlands or buffers unless a permit is obtained from NYSDEC for the areas. She stated that a full description and plans for the discharge to the wetland would be required as well as documentation of the pre-treatment of the stormwater. This should be satisfied and the Stormwater Pollution and Prevention Plan approved prior to the issuance of any permits.

Mr. Grasso prefaced the comments provided by Clough, Harbour, and Associates with a statement that commended that applicant for employing a “consultant team” that has attempted to seriously address the issues of development on a parcel that contains the constraints identified on this 213-acre parcel. He stated his appreciation for the applicant’s willingness to provide possible site development plans since subdivision approval is difficult to conceptualize.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the subdivision plan for the above project offered the following comments. The initial review letter outlined the SEQR issues related to the project: some of the issues have been addressed during the first plan submission. The applicant’s consultant has indicated that the remaining issues will be addressed completely during preliminary plan review. This approach is acceptable, though the Board should withhold making a SEQR determination until all SEQR issues have been addressed and documented. The applicant should understand that future SEQR related issues may affect the layout and density of development or the extent of project specific mitigation. It is recommended that all storm water management areas be located outside of the limits of the LC-Land Conservation Zone/NYSDEC 100’ Regulated Adjacent Area. Any work within the LC-Land Conservation Zone will require a variance from the Zoning Board of Appeals. If it is determined that a variance is necessary, it is recommended that the Planning Board take on lead agency status and make a SEQR determination prior to any decision by the Zoning Board of Appeals. In accordance with Section 208-66, no more than one curb cut shall be provided for each lot unless it is determined by the Planning Board that the arrangement will improve traffic safety. Based on the location and layout of the development, more than one curb cut for any of the proposed lots is not recommended. In addition, the connection of the private drive continuously from Wood Road to Route 9 for Parcels B and C may trigger the need for off-site improvements along Route 9. This should be evaluated within the traffic study. Consideration should be given to extending this drive to Route 9 for emergency access only. The adequacy of sight distance should be verified for the proposed curb cuts for Parcels D, F and H. The plan should identify the limits of the LC (Land Conservation) zone and include it in the zoning district information. The amount of greenspace (not including storm water management areas) should be shown for the proposed lots. The plans fail to depict any conceptual design information on the proposed method of water supply or sanitary sewer service. The extension of municipal utilities to these sites will be required, are expected to be extensive and are expected to involve significant comment by the involved agencies.

Mr. Mike O’Brien, Environmental Specialist, reported that the ECC offered the following recommendations on the project plan. If approved, future site plan submittals must include a grading and filling plan as part of this proposal to ensure the proposed wetland impacts are limited. The ECC further recommends that the Town Engineer review the proposed stormwater management systems to make certain they can function in an area with a high water table. The following standard statement shall be noted on the plot plan:

The Land Conservation (LC) Zone shall be 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.

The Commission further recommended that provision be made for an off-road Wood Road trail connection of the Zim Smith Trail to the Ushers Road Trail. This vital connection links the Clifton Park system to the County Wide Trail System. Any plan for improvement of the parcels should include a plan for the removal and proper disposal of solid waste, including the numerous automobile tires that are currently found on the property. In recognition of the public and environmental benefits of wetlands, the ECC requests the balance of the wetlands be protected from further development by deed restrictions. It is noted that the future use of the parcels is provided for illustration purposes only. The ECC notes that the cumulative environmental impacts and accessibility of the future use of the subdivided parcels will be highly dependent upon actual future use proposals and will be reviewed when presented.

Mr. Bulger asked that the location of the Zim-Smith trail be determined. It is expected extension of the trail along the western side of Wood Road would be reasonable. In response to Mr. Larkin's question regarding intrusion into the L-C zone, Mr. Osterhout explained that the southernmost portion of the site was "written off" by the property owner due to the extensive wetland areas. The plan is to convey these lands to a recognized and responsible land trust agency. Mr. Karam questioned the proposed location of stormwater management areas within designated L-C zones. Ms. Bakner explained that NYSDEC acknowledged that the encroachment into wetland areas was not of great concern because of the significant amount of wetland resource protection. Though she described the project as "a sensitive design," the owner as well as all consultants involved in this project recognizes the need for both ACOE and NYSDEC permits. Mr. Karam addressed the issue of endangered species management. Ms. Backner explained that the applicant will provide suitable areas for re-habitation in accordance with the Statement of Findings for the Wood Road Corridor.

In response to Mr. Karam's question regarding the management of habitat for the Karner blue butterfly, Mr. Osterhout stated that the applicant was committed to establishing habitat areas in upland locations in accordance with the Wood Road Corridor GEIS Statement of Findings. Maintenance and monitoring of the areas would be included as a part of the long-term management plan. Mr. Bulger remarked that flow from the detention areas was as critical as the location of such areas. Ms. Bakner explained that the project design will maintain pre-development flows and natural drainage corridors.

Mr. William Engleman, 6 Partridge Plateau, asked if review of this subdivision application that includes sketch plans for specific site development would imply site plan approval for individual sites. Mr. Bulger stated that approval of the proposed subdivision would imply no site plan approvals. Mr. Engleman asked if impacts to the wetland areas were illustrated on the plan. Ms. Bakner stated that the plan did show areas of disturbance.

In answer to a question from the floor, Ms. Bakner stated that all available mapping was used to ensure that proper topography and wetland areas were shown accurately. Delineations were completed on site and NYSDEC has visited the site to verify their accuracy.

Mr. Bulger commended the applicant for the work completed by a “team of professionals” to address the Board’s concerns and stated his appreciation for their efforts in addressing the concerns of the several federal and state agencies involved in the approval process. The applicant was encouraged to continue to refine the subdivision plan.

M. J. Rekucki Construction, Inc. – Proposed amendment to site plan approved for 10,000 SF office building on September 13, 2006, 9 Old Plank Road – Preliminary site plan review and possible determination.

Mr. Tom Andress, consultant for the applicant, presented this application that has been amended since the original proposal was approved on September 13, 2006. The original plan called for the construction of a 10,000 SF professional office building and 36 parking spaces. The parcel has been sold to a medical office firm. The project plan now calls for the construction of a 7,200 SF medical office with 48 parking spaces. Additional parking spaces are required because the use has been changed from a general office use to a medical office use. Site design remains generally as approved.

Ms. Maynard stated that the current application represents an amendment to a site plan approved for the development parcel located at 9 Old Plank Road. The approval that was granted on September 13, 2006 called for the construction of a 10,000 SF professional office building; the current applicant requests approval of a 7,200 SF medical office building. The applicant sent 500’ notifications to adjoining neighbors on March 21, 2007. The Saratoga County Planning Board approved the larger office building without comment on June 15, 2006. Mr. Austin’s comments included in correspondence dated April 17, 2007 must be addressed by the applicant and a sign-off provided by the Clifton Park Water Authority will be required. Sign-off from the Saratoga Sewer District must be submitted. Mr. Pelagalli should review the agreement between M.J. Rekucki Construction and the United Methodist Church regarding grading to determine if the agreement will transfer to the new property owner. The owner/applicant must sign all application and owner authorization forms.

In response to Ms. Maynard’s request for an updated rendering, Mr. Andress produced an architectural plan recently prepared by Mr. Scott Townsend. Mr. Andress explained, however, that the applicant had not yet seen the rendering: it was likely that the building lines would be revised. Ms. Maynard recommended that the dumpster enclosure match the proposed building materials.

Mr. Myers, Director of Building and Development, provided the following comment regarding this application. Periodic maintenance of the drywells and details regarding the pre-treatment tank should be included in the Stormwater Pollution and Prevention Plan.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the site plan dated March, 2007 and the Stormwater Management Report dated March 16, 2007 both

prepared by ABD Engineers & Surveyors for this project. The project was previously reviewed as a 10,000 SF general office building. The current application is for a 7,200 S.F. medical office building. The firm offered the following comments. The plans should clarify the limits of proposed public water supply and wastewater disposal systems and approvals will be required by NYSDOH and NYSDEC, respectively. The water and sanitary sewer engineer's report should be submitted for review. Depth of cover for the water and force main should be measured vertically from existing or proposed grade to the top of each utility. Due to the uncertainty of the pavement section for Old Plank Road, minimum specifications should be provided based on the Town's typical road section requirements. The Erosion Control Plan notes conformance with the SWPPP. A SWPPP and completed NOI should be provided for review.

Clough, Harbour, and Associates offered the following comments on the Stormwater Management last revised August 22, 2006. The NYSDEC Stormwater Management Design Manual requires the pretreatment of runoff prior to infiltration. The volume of pretreatment is based upon the infiltration rate of the underlying soils and the required water quality volume. The report should document that the proposed pretreatment tank provides the required pretreatment.

Mr. O'Brien, Environmental Specialist, reported that after review of data presented, the ECC found the project plan acceptable.

Board members found the project plan acceptable, though they requested that proposed façade renderings be submitted. Mr. Pelagalli asked that the new owner/applicant provide an executed agreement with representatives of the church regarding the responsibilities for site grading. The applicant will be placed on next week's agenda.

New Business

Triller, Michael – Proposed (2) lot subdivision of the Lands of Ellen Z. Thayler, 483 Miller Road – Conceptual review.

Mr. David Flanders, consultant for the applicant, presented this application that proposes the subdivision of 2.5 acres of land on in an R-1 zone on the east side of Miller Road north of its intersection with Clifton Park Center Road. One lot of 41,000 SF will contain an existing residence: a single family residence is proposed for the 1.55 acre "keyhole" parcel. The speaker noted that keyhole lots require a 50' setback on all sides – this requirement has been met. The applicant proposes the installation of an individual well and septic system for the new lot.

Ms. Maynard presented the comments prepared by the Planning Department. The concept plan appears complete. The applicant is asked to show existing well and septic locations on the plan and to add sight distance information to the map. In accordance with Ms. Reed's recommendations, appropriate postal addresses must be added to the plan. Perc test information may be useful in determining the suitability of the site for the installation of conventional sanitary systems. This site is located south of NYS Route 146: the note regarding aviation activity should be added to the plan. Pursuant to the

Vischer Ferry Road Corridor Study's Statement of Findings, the applicant will be required to submit a \$5,669.00 contribution.

Mr. Myers, Director of Building and Development, offered the following comment on this application. The pre-existing pole barn to remain (wood frame barn to be removed) is within the 50' setback. Due to the lot configuration and since the pole barn is pre-existing, there appears to be no need for a variance.

Mr. Grasso reported that Clough, Harbour, and Associates issued the following comments regarding this application. The proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such coordinated review is optional. The only involved agency appears to be the Planning Board with subdivision approval being required. The project site lies within the Vischer Ferry Road Corridor GEIS study area and as such, payment of existing mitigation fees is required. The adequacy of sight distance should be verified and either shown on the plan or confirmed by our office as not being required. The proposed method of water supply and sewer service should be indicated on the plan and test pits should be performed to demonstrate that adequate soils exist to support an on-site system. The location of any existing wells within 100 feet of the new parcel should be confirmed to verify acceptable separation distances. If the existing dug well provides domestic water service for the existing house, it should be understood that this well does not meet current NYSDOH requirements and a new drilled well may be required. A note should be added to the plan if there are no regulated wetlands on or within 100 feet of the project site that may effect the siting of a wastewater disposal system. Miller Road is identified on the Town's Trails Master Plan as having a proposed on-road trail. The existing right-of-way for Miller Road is fifty feet which is less than the Town's minimum standard new road width of sixty feet and may impact the ability to accommodate a future trail. Consideration should be given to the conveyance of five additional feet of right-of-way to accommodate future roadway, drainage or pedestrian improvements.

Mr. O'Brien, Environmental Specialist, reported that the ECC requested that the applicant identify whether any Army Corps of Engineers (ACOE) wetlands exist on the property.

Board members found the plan generally acceptable.

Minutes Approval

Mr. Bulger moved, seconded by Ms. Pace, approval of the minutes of March 27, 2007 as written. Ayes: Pace, Karam, Russell, Bulger. Noes: None. Abstained: Larkin.

Discussion Items

Mr. Larkin moved, seconded by Mr. Bulger, adjournment of the meeting at 9:15p.m. The motion was unanimously carried. The next meeting of the Planning Board 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 #7

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 April 18, 2007 there were:

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

Absent: A. Kramer, J. Larkin

Mr. Karam offered Resolution #7, and Mr. Russell seconded, and

Whereas, an application has been made to this Board by Richard B. and Kirsten J. Tullock for approval of a subdivision plat entitled Subdivision of the Lands of Richard B. and Kirsten J. Tullock consisting of (2) lots, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on April 18, 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 April 18, 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 Richard B. and Kirsten J. Tullock consisting of (2) lots is granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered provided by the Planning Department.

Resolution #7 passed 4/18/07

Ayes: Pace, Karam, Russell, Bulger

Noes: None

Steven J. Bulger,
Chairman