



Planning Board Meeting
June 12, 2007

Those present at the June 12, 2007 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, T. Karam, J. Larkin, S. Pace
J. Thorne, T. Werner
A. Kramer arrived at 6:15p.m. during discussion of the Clifton
Park Water Authority subdivision application

Those absent were: None

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 6:05p.m. All in attendance stood for recitation of the Pledge of Allegiance. Mr. Bulger explained that the meeting was re-scheduled to 6:00p.m. to accommodate the meeting that was canceled on May 22, 2007 due to the lack of a quorum. Mr. Bulger welcomed Tom Werner who has been appointed by the Town Board to fill the position previously held by Scott Hughes. He noted that Mr. Werner's experience as Regional Director for the New York State Department of Transportation will provide a new perspective that will serve the Board well. Mr. Bulger also extended a welcome to Jennifer Thorne who was appointed by the Town Board to fill the vacancy created by Jay Russell's resignation. He reported that Ms. Thorne holds a graduate degree in regional and urban planning from the State University at Albany and has served as a Planning Board member for the Town of Knox. Her professional experience in dealing with environmental issues will be of great benefit to the Board and Town residents.

Mr. Bulger explained that in consideration of all those in attendance at this meeting – and future Planning Board meetings – the Planning Board will complete its

deliberation of the project under review at midnight. The meeting will then be adjourned. All remaining items will be placed first on the next agenda.

Public Hearings

[2007-019] **Clifton Park Water Authority** – Proposed (2) lot subdivision, Route 146 – Preliminary public hearing and possible determination

Mr. Bulger called the public hearing to order at 6:10p.m. The Secretary read the public notice as published in the Daily Gazette on June 3, 2007.

Mr. Ed Vopelak, consultant to the Clifton Park Water Authority, presented this application that remains as presented at the April 24, 2007 meeting. The plan calls for the subdivision of a .083 acre parcel of land owned by the Town of Clifton Park and its subsequent transfer to the Town of Clifton Park Water Authority. The parcel contains an existing pump station that was constructed as part of the CPWA's recent service area expansion to the west. The plan also indicates the location of 30' wide permanent easement totaling 1.23 acres that will be provided to the Clifton Park Water Authority to assure access to the facility. A 60' wide easement totaling .004 acres has also been provided to the east of the facility. The property to be subdivided is located in a CR (Conservation Residential) zone on the northern side of NYS Route 146, east of its intersection with Nott Road.

Ms. Maynard provided comments prepared by the Planning Department stating that this project was last before the Planning Board at the April 24, 2007 meeting at which time the Planning Department found the proposed plan generally acceptable. The subdivision plat must be prepared in accordance with all requirements for preliminary and final application procedures listed in the Town of Clifton Park Town code and plans must also conform to Saratoga County Real Property filing requirements. The Saratoga County Planning Board reviewed this application at its April 19, 2007 meeting. The notice of approval sent to the Town notes that a quorum of that Board was not present at the meeting. The members present, however, and planning staff reviewed the proposal and approved the proposed subdivision. Though the applicant was advised to contact Jay Janczak of NYS DOT to receive a curb cut application, it was determined that this would not be necessary since there is an existing curb cut. Future access to the site will be integrated with plans for park development.

Mr. Grasso stated that Clough, Harbour, and Associates reviewed the proposed subdivision plan and offered the following comments. In the previous review letter Clough, Harbour, and Associates requested that the stone driveway along the north side of Route 146 be shown to verify that it is within the proposed easement: this has not been done. Additionally, physical improvements now exist on the parcel to be conveyed to the Clifton Park Water Authority. These physical improvements should be shown of the plan to confirm they are situated within the limits of the parcel being conveyed.

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

There being no public comment, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 6:15p.m. The motion was unanimously carried.

Mr. Karam moved, seconded by Mr. Larkin, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. Ayes: Kramer, Larkin, Pace, Karam, Werner, Bulger. Noes: None. Abstained: Thorne.

Mr. Karam offered Resolution #10, seconded by Ms. Pace, to waive the final hearing for this application and to grant preliminary and final subdivision approval to the application conditioned upon satisfaction of the comments offered by the Planning Department and Clough, Harbour, and Associates. Ayes: Kramer, Larkin, Pace, Karam, Werner, Bulger. Noes: None. Abstained: Thorne.

[2007-021] **KAR Vermont, LLC** – Proposed subdivision of existing duplex, 737 Grooms Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 6:19p.m. The Secretary read the public notice as published in the Daily Gazette on June 3, 2007.

Mr. VanGuilder, consultant for the applicant, reported that this project remains as presented at the May 8, 2007 Planning Board meeting. He explained that in 2004 the applicant was granted a Special Use Permit that allowed the construction of a duplex on Lot #737 Grooms Road that was originally part of the Wishing Well subdivision. The speaker reported that the applicant received an area variance for a 0' side yard along the party wall from the Zoning Board of Appeals on April 17, 2007. Mr. VanGuilder also explained that the duplex is served by public water and sewer services from the rear property boundary. A new "Y" connection will be installed to ensure that each unit is served by a separate line. Mr. VanGuilder told the Board that it was the applicant's intention to install the required connection when work is undertaken for the new firehouse proposed for the Land of Rotundi. This will eliminate the need to disturb sensitive environmental areas more than once.

Ms. Maynard offered comments prepared by the Planning Department. The Saratoga County Planning Board reviewed and approved this application at its May 17, 2007 meeting. A note should be added to the plans that states that no further fill should be placed on the parcel and no further grading undertaken. A note on the plan should state that no further subdivision of the property will be permitted: no additional Special Use Permits will be approved. The Saratoga County Sewer District has commented that the properties will require two separate laterals until the point at which they connect to the county's sewer system. Mr. DiPasquale has recommended the installation of a "Y" at the existing manhole stub: the applicant apparently intends to connect the lines in accordance with this recommendation. Mr. DiPasquale noted that an easement must be granted to the west lot over the east lot to provide for maintenance of water and sewer connections.

Clough, Harbour, and Associates has reviewed this subdivision plan and offers the

following comment. It appears the existing sanitary sewer services combine prior to the sanitary sewer manhole. From the point where two services are combined into one, the sanitary sewer is required to be a public system. It should be verified that the existing manhole is currently a public facility. If the manhole is currently public, the applicant may choose to investigate splitting the services and making two separate connections to the manhole.

There being no public comment, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 6:25p.m. The motion was unanimously carried.

Mr. Larkin agreed that the sanitary connections should be installed at the time of connection of the new firehouse and he noted that the firehouse proposes a low pressure force main connection to the sewer line: the existing duplex utilizes a gravity feed system. Mr. VanGuilder acknowledged the accuracy of Mr. Larkin's observation.

Mr. Karam moved, seconded by Ms. Pace, to establish the Planning Board as Lead Agency for this application and to issue a negative declaration pursuant to SEQRA. Ayes: Kramer, Larkin, Pace, Karam, Werner, Bulger. Noes: None. Abstained: Thorne.

Mr. Kramer offered Resolution #11, seconded by Mr. Bulger, to waive the final hearing for this application and to grant preliminary and final subdivision approval to the application. Ayes: Kramer, Larkin, Pace, Karam, Werner, Bulger. Noes: None. Abstained: Thorne.

[2007-006] **Hanan, James** – Proposed (2) lot subdivision, 766 Carlton Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 6:30p.m. The Secretary read the public notice as published in the Daily Gazette on June 3, 2007.

Mr. VanGuilder, consultant for the applicant, explained that the original application for the subdivision of 1.66 acres of land on the west side of Carlton Road south of its intersection with Torrey Pines has been significantly revised. The original proposal called for a two lot subdivision: the current proposal requests approval of a subdivision that creates lots of 16,318 SF, 20,216 SF, and 35,830 SF, respectively. The smallest lot contains an existing residence – formerly considered the “principal residence” on a parcel that included the smaller wood frame house as well. The house, once, considered an “accessory use” to the principal structure, will now be contained on the largest lot. The proposed new single-family dwelling will be built on the 20,216 SF parcel. The revised lot configuration required Zoning Board of Appeals approval for multiple area variances. These were granted on May 1, 2007 by Permit #80644. Mr. VanGuilder explained that the Clifton Park Water Authority will provide a new curb stop to serve the proposed home and that the sewer extension from Torrey Pines will be sized to service additional properties in the area.

Ms. Maynard reported that this application was last reviewed by the Planning board at its March 13, 2007 meeting at which time the Board discussed the revised plan

which called for a third lot to accommodate the accessory use. The revised plan was presented as an attempt to resolve an existing non-conforming use of the property. Although requiring several variances from the ZBA, Board members encouraged the applicant to seek the necessary approvals. The following required variances were received from ZBA at its May 1, 2007 meeting:

Lot #1 - area variance from 20,000 SF required for 16,318 SF, 10' required side setback, 9.1' actual, 10' required rear setback, 0' actual

Lot #2 -100' width at building line, 86' actual

Lot #3 - variance from required 40' lot width at road for keyhole lot and 50' required setback for keyhole lot, 35' actual.

Ms. Maynard asked that the variances be included on plan. Extension sewer mains should be considered in lieu of extending three separate laterals for sewer service. An ingress/egress agreement for shared driveway for Lots #2 and #3 must be provided. Screening must be provided between Lots #1 and #3. Sign-offs must be provided by the Clifton Park Water Authority, Saratoga County Sewer District, and the Town Sewer district.

Mr. Grasso explained that the current plan differs greatly from the plan that was originally reviewed and commented on in the letter of February 12, 2007. The original plan created two conforming lots. One lot, however, appeared to have two houses situated on it and as such may have required a special use exemption. The revised plan provides for three lots which include several violations of size and setback ordinances. A note on the plan indicates that the Zoning Board of Appeals has granted four (4) area variances to the violations. The plan indicates that Permit No. 80644 was granted on May 1, 2007. Lot No.3 on the current plan is a keyhole lot. Paragraph 179-29.C of the Town of Clifton Park Subdivision Ordinance provides that no subdivided lot shall have less than forty (40) feet of frontage on a public street. The current plan appears to be providing 23.52 feet, and none of the variances listed appear to be providing relief from this requirement.

Mr. O'Brien, Environmental Specialist, reported that the ECC requests 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.
- This parcel (subdivision) is located in an area where railroad activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation and other associated activities.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 6:36p.m. The motion was unanimously carried.

Mr. Bulger described this project plan as “unusual” because of the two residences that had been constructed prior to the establishment of zoning regulations on a single parcel. He complimented the applicant and Mr. VanGuilder for pursuing the necessary variances required to reconfigure the lots reasonably.

Mr. Karam moved, seconded by Ms. Pace to establish the Planning Board as Lead Agency for this application and to issue a negative declaration pursuant to SEQRA. Ayes: Kramer, Larkin, Pace, Karam, Bulger. Noes: None. Abstained: Thorne, Werner.

Mr. Kramer offered Resolution #12, seconded by Mr. Karam, to waive the final hearing for this application and to grant preliminary and final subdivision approval to the application. Ayes: Kramer, Larkin, Pace, Karam, Bulger. Noes: None. Abstained: Thorne, Werner.

[2007-003] **Lawrence, Howard and Patricia H.** – Proposed (2) lot subdivision, Sugar Hill Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 6:40p.m. The Secretary read the public notice as published in the Daily Gazette on June 3, 2007.

Mr. VanGuilder, consultant for the applicant, presented the application for the Board’s consideration. The subdivision plan remains as submitted at the January 23, 2007 meeting. The applicant proposes to subdivide an approximately 18.80 acre parcel into a parcel of 1.5 acres that contains an existing “tenant” home and the remaining lands that contain the applicant’s residence. The application also provides for the transfer of a 15’ x 60.25’ strip, or .06 acres of land, from the Lawrence property to the adjoining lands of Shafer. Planning Board approval of the application was dependent upon approval of the Zoning Board of Appeals for a variance from Section 208-16(E)(2)(C) that allows owners of parcels within the Conservation Residential (CR) zone to create new lots that are initially owned by family members. A variance from the minimum lot size required by the same section of the law was also needed. This would mean approval of a request to reduce the subdivided lot from the required two (2) acre minimum to 1.5 acres. The applicant received approval of these variances at the ZBA meeting of May 2, 2007. Mr. VanGuilder reported that most of the Lawrence parcel was accepted into the Town’s Conservation Easement program in 1997. The speaker stated that correspondence from both Mr. Walter Smead, Town Assessor, and Jennifer Viggiani, Open Space Coordinator, confirm that the subdivision would not “materially change” the existing conservation easement. The area currently included in the easement program totals approximately 17.3 acres.

Ms. Maynard stated that this project was last seen by the Planning Board at its January 23, 2007 meeting at which time the Board expressed a desire to discuss the potential of a permanent conservation easement for site for which currently there is 17.35 acres under term conservation easement on site. Board members discussed imposing this condition, though it was eventually decided that the term easement that is scheduled to expire in 2012 would be sufficient. Though it was recommended that a note be added to

the plan that stated that further subdivision of the property would not be permitted, Board members agreed that a note stating that the 1.5 acre parcel would be included in density calculations for future subdivision proposals would be more reasonable.

Mr. Grasso stated that “a note has been added to the current plan indicating that on May 1, 2007 the Town of Clifton Park Zoning Board of Appeals granted a variance, Permit No. 80645, to allow for a reduced lot size of 1.5 acres for Lot No.2. This action appears to adequately address the comment included in our previous review letter.” Clough, Harbour, and Associates finds the proposed subdivision acceptable. Mr. Grasso did note that if the applicant proposes future subdivision of the remaining lands, the 1.5 acre parcel should be considered in the density calculations for number of lots requested. Board members agreed that this would be reasonable.

Mr. O’Brien, Environmental Specialist, stated that the ECC found the application acceptable.

Ms. Lynn Dean, 239 Sugar Hill Road, requested clarification of the 15’ strip that was to be annexed to the Lands of Shafer since she was in possession of paperwork that indicated the conveyance of a 10’ strip of land to the Lawrences in 1953. Ms. Lawrence, applicant, explained that although she and her husband originally purchased a 10’ strip that surrounded the historic school house, they subsequently acquired an additional 5’ strip of land. Mr. VanGuilder added that the Lawrences had acquired property through the conveyance of six (6) separate deeds. Ms. Dean questioned the proposed configuration of the new lot that was to contain an existing “tenant” residence. Mr. VanGuilder explained that the design protected the existing Christmas tree farm lands. Ms. Dean asked if the larger parcel could possibly be subdivided in the future. She observed that the “tenant” house was quite small and asked if it could be demolished and a larger home re-built on the property. Mr. Bulger stated that it was possible that the applicant would apply for future subdivision of the larger parcel: this would be permitted under current zoning law. Re-construction of the “tenant” house would also be permitted in accordance with existing code requirements.

There being no further public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 6:55p.m. The motion was unanimously carried.

Mr. Karam moved, seconded by Mr. Kramer, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. Ayes: Kramer, Larkin, Pace, Karam, Werner, Bulger. Noes: None. Abstained: Thorne.

Mr. Karam offered Resolution #13, seconded by Mr. Bulger to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments provided by the Planning Department and Clough, Harbour, and Associates. Ayes: Kramer, Larkin, Pace, Karam, Werner, Bulger. Noes: None. Abstained: Thorne.

Old Business

[2007-009] **International Center PUD** – Proposed amendment to change “Southard House” use from retail to office, 1585/1587 Route 146 – Preliminary site plan review and possible determination.

Since no representative of the applicant was present to present this application, Ms. Maynard explained that a request for modification to the existing Planned Unit Development on Route 146 was approved by the Town Board on May 14, 2007. The modification simply involves a change to the wording of the Planned Unit Development legislation that permits the “Southard House” located to the front of the site to be changed from retail use to office and retail use. The Planning Board is now charged with approving the site plan that has been submitted to permit renovation of the existing historic building to provide for office use. Ms. Maynard commented that parking is adequate for the building’s size and proposed use. The proposed office use appears appropriate since nearby properties were zoned HM (Hamlet Mixed Use). She also stated that the Historic Preservation Commission had provided comment in support of the proposed renovation of the building.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the sketch plan for the above referenced project and offered the following comments. He stated that the firm has no significant concerns for the conversion of the retail use to a general office use. The proposed project appears to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency is expected to be the Clifton Park Planning Board for site plan review. It is recommended that the former approved site plan or PUD general development plan be modified to represent the proposed change in use. The submitted sketch plan appears to be a septic system as-built drawing. It should be verified that adequate handicap parking and signage currently exist on the site.

Mr. O’Brien, Environmental Specialist, reported that the ECC found the project plan satisfactory.

Mr. Kramer spoke in support of the application, noting that he is pleased that the historic building will remain a “vital part of the community”.

Mr. Kramer 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. Ayes: Kramer, Larkin, Pace, Karam, Werner, Bulger. Noes: None. Abstained: Thorne.

Mr. Karam moved, seconded by Mr. Bulger, to grant preliminary and final site plan approval conditioned upon satisfaction of the comments offered by Clough, Harbour, and Associates. Ayes: Kramer, Larkin, Pace, Karam, Werner, Bulger. Noes: None. Abstained: Thorne.

[2004-047] **Kain Development** – Proposed (16) lot subdivision, Longkill Road – Final review and possible determination.

Mr. Ed Vopelak, consultant for the applicant, presented this subdivision plan for the Board's review, noting that this sixteen (16) lot subdivision proposal had been reviewed by the Board at several previous meetings. He explained that he has attempted to address many of the issues raised by Clough, Harbour, and Associates. Catch basins will be added to the plans. The applicant is committed to retaining as much vegetation as possible on site and he presented a plan that illustrated the areas to remain largely undisturbed and areas to be graded. Addressing the issue of inventorying trees larger than 8" in diameter at breast height, he stated that the applicant would conduct such a survey, although the timetable for its completion must be established. Mr. Vopelak explained that the fill provided behind Lot #4 was located to protect disturbance of the existing buffer that separates Parcel #1 from the development site. The applicant has agreed to install the multi-use pathway along Longkill Road in accordance with Town standards. A note will be added to the plan stating that individual homeowners will be responsible for maintenance of the stormtech units located on each lot. The applicant will provide a post construction maintenance manual for the storm water management facilities to the Town.

Ms. Maynard presented the comments prepared by the Planning Department. This application was last considered by the Planning Board on June 13, 2006 at which time the Board waived the final hearing for the application, established itself as Lead Agency and issued a negative declaration pursuant to SEQRA, and granted preliminary subdivision approval. No further submissions were made due to the filing of an Article 78 by the members of the FOLK organization and subsequent litigation. A tree survey must be completed to determine which trees will be preserved and which ones will be removed. Trees of 8" or greater in diameter are to be identified on site. Clearing limit lines must be flagged prior to clearing and grading and approved by Planning Director and Town Engineer. The new driveway location for Parcel #1 – the Lands of Wassenaar - must be shown on plans. The applicant is required to prepare a plan that provides a schedule for the transfer and re-connection of utilities: the plan must ensure that there will be no disruption of service. The applicant will provide water and sewer stubs for future extensions at Longkill Road. Approval for the sewer district extension must be provided by the Town of Clifton Park Sewer District.

Mr. Steve Myers, Director of Building and Development offered several comments regarding the application. He requested that the applicant and/or his consultant schedule a meeting with Building Department representatives as soon as possible to discuss the SWPPP. He recommended that the grading plan be modified to ensure that runoff is contained within the subdivision, noting that it appears that the current plan will permit runoff from several lots is directed to neighboring properties. The Land Preservation Easement line should be shown on all the parcels. Access to the stormwater management areas along Kain Terrace shall be via two access roads: both roads shall be a minimum of 18' wide and able to support a 50,000 lb. vehicle. Filter fabric placed over an inlet during construction per detail 5/ESC2 will not be allowed. Sheet ESC2 - note 3 under mulching does not reference the correct material. Sheet ESC2 should be revised to indicate the placement of fencing along the contours rather than the downslope. The erosion and sediment control plans and details do not appear to meet

New York State standards. Mr. Myers believes that a full review by DEC (60 days) will be required prior to the start of work. He observed that the SWPPP preparer certification has not been signed. The document must be updated to reflect current timetable.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the subdivision plan prepared by C.T. Male Associates, dated May 2, 2007 for the above referenced project. The following comments prepared for the April 7, 2006 review letter remain to be addressed. Catch basins should be located at a low point at the center of the proposed cul-de-sacs. The proposed grading will result in the complete loss of all vegetation within the lots, except for those areas protected by land preservation areas. Measures should be taken and appropriately detailed on the plans to retain as much existing vegetation as practicable. An existing low area is being filled behind Lot #4 and the proposed drainage is directed to Parcel 1. An additional catch basin behind Lot #4 should be provided to divert drainage from Parcel 1.

Mr. Grasso offered the following additional comments. Additional details of the proposed multi-use pathway should be provided that include a section and signage and striping of the crossing of Longkill Road. Clough, Harbour, and Associates is concerned with the long term maintenance of the proposed use of stormtech units to be located on the individual lots. It is unclear how access to the units is provided for maintenance. The plans should clearly indicate that maintenance of these units will be the responsibility of the individual lot owners. The following comment was issued regarding the Storm Water Pollution Prevention Plan last revised June 1, 2006: a post construction operation and maintenance manual for the storm water management facilities should be provided to the Town.

Mr. Grasso expanded on the recommendations regarding completion of a tree survey on the property, noting that such a survey was not necessary in areas where the roadway would be located or in the designated land preservation areas. The timing for the inventory and area to be included in the investigation would be determined by the Board. Though Mr. Vopelak argued that potential homeowners would “determine how parcels were developed,” Mr. Grasso recommended that significant trees be identified for protection earlier in the site development process.

Mr. O'Brien, Environmental Specialist, reported that, after review of data presented the ECC reiterated their previous recommendations. The following standard statements should be added to the plot plan:

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

- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

Mr. O'Brien reported that the ECC strongly requests that the applicant perform a mature tree inventory. Based on those results, the Planning Board may consider increasing the number of trees required to be replaced to offset losses due to cutting and extensive backfilling that is proposed. Additionally, the ECC notes that "land conservation" and "land preservation" are used synonymously and interchangeably by the applicant, especially noted on Sheet SP. Project documentation should be modified so that correct terminology is used consistently throughout.

Mr. Larkin asked to view the land preservation and grading plan that was presented by the consultant at this evening's meeting. Mr. Bulger asked that the 25' land preservation area shown on the southeastern portion of the site be increased to 50' and that the 40' buffer between the Wassenaar's property and the subdivision be shown on the plan. In response to Mr. Bulger's comment regarding the fencing of designated wetland areas, Mr. Vopelak explained that such fencing has been provided around jurisdictional wetland areas. Mr. Karam asked for assurance that a 50' setback between the proposed residence on Lot #10 and the wetland be maintained.

Mr. Larkin requested clarification of the proposed protection for non-jurisdictional wetlands, expressing his support for fencing around such areas. He also asked that the wetlands in close proximity to proposed homes be clearly delineated on the plan. Mr. Karam encouraged the applicant to show the "whole 50'" buffer around the wetlands. Mr. Bulger supported the clear delineation of both jurisdictional and non-jurisdictional wetlands to discourage encroachment by residents. Ms. Pace recommended that preservation areas be staked. Mr. Kramer recommended that Planning Department staff and representatives of the Building Department be charged with enforcement, based upon limits established by the Planning Board. Mr. Grasso pointed out that although the developer will provide measures to protect disturbance of wetland areas, it will be difficult to control the activities of individual property owners. Mr. Bulger recommended, and Board members agreed, that the protected areas should be clearly staked prior to any development activity.

Mr. Larkin commented that due to the number of trees that were removed in the process of obtaining test pit information, it was his recommendation that the tree inventory be conducted "sooner rather than later." Mr. Bulger recommended that no clearing and grading be initiated until the survey is finished: he supported Mr. Grasso's suggestion that no tree identification was necessary within the bounds of the established right-of-way area, storm water management area, or the land preservation areas. He stated that it was his preference for Planning Department professional staff and consultants to determine which trees should be preserved. Mr. Vopelak estimated the cost of such an inventory to be between \$5,000 and \$6,000. Mr. Larkin expressed his

concern for the fill to be placed on the southern portion of the site. He asked that a grading and tree removal plan be provided for each individual lot. Board members agreed that a note on the plan to this effect would be required. Mr. Larkin also asked that if staff members were not in agreement about grading and clearing that the plan be resubmitted for Board consideration. Mr. Bulger expressed concerns regarding preservation of delineated wetland areas. Mr. Karam recommended that Lot #10 “wrap around” the land preservation area. Mr. Bulger identified significant issues of concern as delineation of non-jurisdictional wetlands, the completion of a tree survey, and increased buffers along the southern and eastern property boundaries.

Mr. Vopelak stated that the applicant’s attorney was attempting to resolve issues of concern with the adjoining property owners. Issues resolved included driveway relocation and maintenance, increased buffer area, protection of utility service, wetland buffering, and an inventory of existing trees on the site. Mr. Vopelak reported that a revised storm water management had been prepared: Mr. Grasso will review this document.

Mr. Jeff Baker, attorney for FOLK (Friends of Longkill) addressed several of the issues raised by the Board. He explained that although the courts rejected the Article 78 filed against the Town, a Notice of Appeal has been filed. He asked the Board to require that the 50’ buffer as approved be illustrated along the southern property boundary and that such restrictions be required around all wetlands. He recommended that the Board require the preparation of a grading plan, protective fencing if necessary, and deed restrictions to ensure protection of wetland areas. He encouraged the completion of a tree survey prior to approval of the final plat, explaining that such a survey may result in changes to driveway locations, stormwater management plans, and site grading. He admonished the Board to “follow the strict conditions of your approval.”

Mr. Bill Lorenson, 14 Hearthside Drive, stated that he was concerned with enforcement of the “no cut” restriction. In response, to his question regarding the timeframe for informing potential homeowners of the restrictions, it was explained that this information would be not only be included on the filed subdivision map but also within individual property deeds. The speaker asked if a jurisdictional letter had been provided by the ACOE. Mr. Bulger stated that though no letter has been provided by that agency, he has received verbal approval from local ACOE representatives. Mr. Lorenson asked if a Phase I archaeological study had been completed. Such a study has been prepared.

Mr. Steve Dochat, 22 Hearthside Drive, asked the Board to clarify the land preservation restrictions. Mr. Bulger explained that deed restrictions will protect designated “no-cut” buffers or land preservation areas along the property boundaries. For areas adjoining existing properties containing existing residences this area would be 50’ wide. A 50’ setback from non-jurisdictional wetlands proposed homes will be required. Such a setback provides a reasonably-sized back yard area.

At this point a discussion between Board members and several members of the audience focused upon the Board’s Comment #9 of a document prepared by the Planning

Board entitled *Comments from Kain Development Public Hearing: February 14, 2006* that was included as part of the negative declaration issued pursuant to SEQRA review. Mr. Bulger emphatically re-stated the Board's policy that requires a 50' setback – not a 50' non-disturbance area – from wetland boundaries to residences, acknowledging that there may be an “error in the text”. All pertinent documentation will be reviewed.

Mr. Dochat asked that all areas be surveyed and staked prior to any clearing and grading of the site. He also asked that all subdivision, grading, and stormwater management plans be made available to the public.

Mr. Dave Gibson, 107 Longkill Road, stated his appreciation for the Board's attempt to provide protection for the wetlands. He stated condition #9 of the *Comments from Kain Development Public Hearing: February 14, 2006* provided by the Board prior to its SEQRA determination and the granting of preliminary approval required a 50' no-cut buffer around all wetlands as well as along property boundaries. Mr. Gibson stated that it was his understanding that as of June 6, 2006, the applicant was still required to submit additional information to the ACOE. Mr. Bulger explained that he has spoken with John Connell, ACOE district representative, and that the ACOE finds the delineation completed on this parcel acceptable. Mr. Vopelak assured the Board and those present that the wetlands were accurately depicted on the plan presented for review.

The Board made no decision regarding this subdivision application. Mr. Vopelak agreed to address the issues of concern and prepare an accurate plan.

[2005-060] **Belmonte Builders** – Proposed (33) lots (Waite Meadows Subdivision), 626 Waite Road – Revised conceptual review.

Mr. Dominick Arico, consultant for the applicant, and Mr. Jerry McGoolaghan, representative for Belmonte Builders, were in attendance at the meeting. Mr. Arico presented a “revised concept” plan, noting that a connection to the sewer main along Route 146 was not feasible: the applicant has developed septic system designs based on proposed site grading. The most desirable location for leach fields have been shown on the plan and some lots have been modified to provide the best conditions for septic installation. The buildable areas of the proposed “farmette” lots have been outlined on the plan.

Ms. Maynard offered a number of comments prepared by the Planning Department, the Director of Building and Development, and the Chief of the Bureau of Fire Prevention. This subdivision application was last considered by the Planning Board at its September 13, 2006 meeting at which time the Board found the project design generally acceptable. As directed by this Board, the applicant appeared before the Emergency Services Appeals Board on September 21, 2006 to present a revised variance request. The ESAB found the reconfiguration acceptable “as long as the previous variances conditions are adhered to.” The Conservation Residential (CR) subdivision computations provided on the plan indicated that the application exceeds minimum open space requirements. The parcel is identified as a significant “agricultural and open space

resource” in the Statement of Findings issued for the Western Clifton Park Land Conservation Plan and Generic Environmental Impact Statement. She recommended that the applicant provide more contiguous open space on the parcel. She recommended the use of a land conservation easement as a means of assuring the Town’s ability to monitor and maintain open space areas. Though it was recommended that the Board consider requiring a future connection to north, such a connection would not be feasible because of the significant wetland areas.

Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, requests that the applicant address all conditions outlined in the Fire Code Appeals Board variance for 33 lots on a single access point. She asked that the applicant clarify the reason that the 34’ wide roadway with 12’ travel lanes does not extend to third cul-de-sac as the variance granted by the ESAB requires. Per variance conditions, a road profile must be provided and hydrant locations indicated on the plan. Street names must be provided for postal verification.

Mr. Steve Myers, Director of Building and Development, provided several comments regarding this application. Wetlands and associated buffers need to be clearly shown. Septic areas appear close to wetlands. The variance from the Fire Prevention Appeals Board needs to be reviewed to determine if still valid for this configuration.

Mr. Grasso stated that a review of the project plan submitted shows that the revised concept plan appears to be a similar layout to the plan previously submitted, although it currently depicts public sanitary sewer and individual lot waste water treatment systems. Clarification is required as to the purpose of this submission and the modifications to the plan. If on-site wastewater disposal systems are contemplated, extensive on-site soil testing will be required prior to advancing into preliminary design. Measures to address the protection of the federal wetlands within the lots should be included in future plans. This comment has been made in several review letters and has not been addressed. The adequacy of the sight distance at the proposed access to Waite Road should be verified and reflected on the plans. This comment has been made in several review letters and has not been addressed. The applicant should contact the Highway Superintendent and Emergency Services Appeals Board regarding the use of a boulevard entrance. Although Clough, Harbour, and Associates does not object to more than eighteen lots on single means of access, this does not conform to current Town standards. It should be determined if the boulevard entrance is still appropriate mitigation for the development of more than eighteen lots from a single point of access. Future plan submittals should include a revision date.

Mr. O’Brien, Environmental Specialist, explained that the ECC made the following recommendations regarding this application. The ECC recommended that the deed restricted open space be changed to “dedicated open space.” It was also recommended that the applicant extend the trail to the main roadway while running parallel to the boulevard access road rather than terminating the trail on the roadway by the stormwater management area. The ECC requests that the plans clearly depict all wetland boundaries.

Mr. Werner asked if the applicant had considered the use of other types of paving materials within the roadway median as alternatives to the proposed striping. He

suggested that the applicant consider the use of textured pavement. Mr. McGoolaghan stated that the applicant would be willing to consider alternative paving materials, though the ones previously considered were not suitable for winter plowing and were not easily maintained. Mr. Bulger explained that this project was an example of how re-zoning “greatly reduced the density” of the project site and he commended the applicant for the working conscientiously with the Board to achieve a desirable project.

[2006-037] **DCG Development Co.** – Proposed 12,600 SF office space, 943 Route 146 – Preliminary site plan review and possible determination.

Mr. Gavin Vuillaume, consultant for the applicant, offered a brief history of this application, explaining that DCG Development Company would like to expand the existing office complex that lines in a B-1 zoning district long the north side of Route 146 west of its intersection with Bruno Road. The plan remains generally as presented at the October 11, 2006 Planning Board meeting. Though the applicant now proposes a “connector drive” to lands to the west, the adjoining property owner is not amenable to such a connection. Mr. Donald MacElroy, DCG representative, reported that although code requires a parking ratio of 1/200 SF of space, the plan has now been designed with a ratio of 1/174 SF: 117 parking spaces will be provided within the development site. The speaker stated his expectation that this number of spaces would sufficiently serve the site. The greenspace totals 57%. The office park will be served by municipal water and sewer services. The existing driveway to the house will be removed and a new access drive provided to the east. Mr. Vuillaume listed the following variances that were granted by the Zoning Board of Appeals at its April 17, 2007 meeting:

- 130 feet to 81 feet – 49’ front yard setback area variance from the centerline of NYS Route 146
- 70 feet to 37 feet – 33’ front yard setback area variance
- 25 feet to 6 feet – 19’ side yard setback area variance
- 25 feet to 0 feet – 25’ side yard parking setback area variance along the eastern property line
- variance from the required 10’ planted buffer along the rear property line
- 4,800 SF to 6,300 SF – 1,500 SF maximum building size area variance.

Information regarding the variances has been included on the plan.

Ms. Maynard offered the following comments regarding this application. This application was reviewed by the Planning Board at its October 11, 2006 meeting. The Board identified a number of issues of concern including traffic impacts to the Route 146 corridor, the number of access points on Route 146 to serve the DCG office complex, the size of one of the proposed office buildings, the lack of detail regarding renovation of the existing residence, lack of details regarding parking and access near the existing house, clarification as to whether or not the proposed 57% green space on the site includes the storm water management areas, and the lack of façade renderings. At that meeting, the Board expressed its support for the proposed increase in size of the proposed office building. The applicant has since received a number of variances from the Zoning Board of Appeals. The Saratoga County Planning Board reviewed this application on October 19, 2006 and determined that there would be no significant “county-wide” or

“community” impact. The comment provided, however, states that the Board’s recommendation is that “the existing house be removed from the site, allowing for future cross-access arrangements between adjoining parcels along Route 146. The applicant should contact Jay Janczak at the Saratoga Springs Residency of the NYSDOT to apply for a curb cut permit for the new commercial access to the state highway.” The plan continues to indicate that the complex will be accessed by two curb cuts onto Route 146: the Board should determine if this is acceptable. The access, parking areas, and landscaping proposed for the existing residence must be shown on the plans. Additional landscaping should be shown between the proposed new parking lot along the eastern boundary of Lot #943 and the existing office site at 939 Route 146. The usual sign-offs will be required by the Department. The applicant is advised that a contribution of \$1,500 per 1,000 SF of proposed floor area to fund future highway or pedestrian improvements or long range traffic planning studies will be required. To improve access management and provide appropriate access and connection to adjacent parcels, it is recommended that a cross-access easement with adjacent parcel to the west be established.

Ms. Maynard told the Board that the Planning Department was in receipt of correspondence from the property owner of 7 Green Meadow Drive who expressed concerns with potential loss of existing mature trees that presently provide significant screening of the site. Proposed lighting was also of concern. The writer states that lighting from 939 Route 146 is already intrusive: he asks that proposed lighting be less glaring. He recommended that the Board request that the applicant use lighting fixtures similar to those installed at 945/947 Route 146 that are 12 feet in height, use minimum wattage bulbs, and are properly shielded. A copy of Mr. Campbell’s letter has been provided to all Board members. Colored façade renderings must be provided with future submissions.

Mr. Myers, Director of Building and Development Director, reported that all necessary variances have been obtained. The full SWPPP shall be reviewed when provided and a pre-construction meeting with Building will be required.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the preliminary site plan as well as the storm water management narrative and Stormwater Pollution Prevention Plan. The following comments were provided. Notes on the plan set state that variances were granted by the Zoning Board of Appeals relative to front yard setback from Route 146, front yard setback, side yard setback, side yard parking setback, the need for a planted buffer along the rear and side property lines and maximum building size. The plan is proposing a second curb cut along the north side of Route 146. While the approval of this curb cut will be subject to review by the NYS Department of Transportation, in order to provide effective access management along an arterial highway Clough, Harbour, and Associates does not support the additional curb cut. An emergency access only curb cut should be considered. The site statistics table indicates that the additional office space will bring the total development to 40,200 square feet and the additional 117 parking spaces will result in a total of 230 spaces. The Town Code requires parking spaces at a ratio of 1/300 SF of gross floor area for general office space,

and 1/150 SF of gross floor area for medical or dental offices. The existing proposal results in a ratio of 1 space/174 SF of gross floor area. As such, the extent of proposed parking appears reasonable. Building occupancies should be monitored to avoid exceeding the applicable parking ratio. The applicant is proposing a sub-surface storm water management system that relies entirely of infiltration to remove runoff. The preliminary design of the system has been progressed using historical infiltration rates performed on neighboring parcels. The final plans must verify on-site soil percolation results prior to plan stamping. A water valve should be provided after the last hydrant. Lighting details and photometrics should be provided.

Mr. O'Brien, Environmental Specialist, offered comments provided by the ECC. After review of data presented, the ECC reiterates their comments made October 3, 2006. Additionally, the ECC recommends that the following standard statement be placed on the plot plan:

- The ECC notes that sensitive environments exist on properties adjacent to the project site; thus, there is a potential for environmental impacts to these areas in the event that the capacity of the stormwater management system is inadequate. As such, the applicant's drainage, stormwater and erosion control plans should be protective of these environments during construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer.

In response to Mr. Karam's expressed concern regarding site clearing and site lighting, Mr. MacElroy agreed to investigate the possibility of adding shields to the existing light fixtures at 939 Route 146 and to consider additional landscaping to the northwester portion of 943 Route 146.

Mr. John Campbell, 7 Green Meadow Drive, was in attendance at the meeting and voiced his written concerns to the Board. Members responded by requiring that a detailed lighting plan and cut sheets of proposed fixtures be submitted by the applicant for review by Clough, Harbour, and Associates as well as Town staff.

Mr. Werner questioned whether the proposed second curb cut proposed for the complex will require the sequencing of addresses. The parcels will receive separate postal addresses. Mr. Bulger advised the applicant that all issues concerning the sub-surface stormwater management design must be resolved and approved by Clough, Harbour, and Associates. He stated his support of the second access to serve the office complex, assuming that the access was approved by the NYS Department of Transportation. Board members agreed that the establishment of cross connections were important for site development. It is apparent from the response of the owner of the adjoining parcel that "floating easements" may be difficult to enforce. Planning Department staff members will research the type of easement provided as a condition of approval for 949 Route 146.

Board members found the project plan generally acceptable, though it was recommended that addition information be provided prior to the granting of Board approvals.

[2006-035] **Dickinson, Michael** - Proposed (20) lot subdivision, Main Street – Revised conceptual review.

Mr. Scott Reese, consultant, and Mr. Bill Nikas, legal representative for the applicant presented this application that has been revised since last reviewed by the Board. Mr. Reese explained that the project plan calls for the subdivision of 22.96 acres of land on the east side of Main Street, Elnora, within a B-3 zone, into twenty (20) lots ranging in size from 22,200 SF to 108,350 SF. The following setbacks will apply: 50' front yard setback; 25' rear yard setback; 10' side yard setback. Water will be supplied by extension of an existing Clifton Park Water Authority line along Main Street. Connection will be made to the Saratoga County Sewer District. The plan shows that all proposed residences will be situated at least 50' from delineated ACOE wetlands. No NYSDEC wetlands have been identified on the site. Storm water management plans will be designed in accordance with all current regulations.

Mr. Reese addressed some of the concerns identified by Clough, Harbour, and Associates. He noted that a jurisdictional letter was submitted by NYSDEC: a copy of this letter will be forwarded to the Planning Department. The Phase I archaeological study as required has been prepared. The requested stub street to the north of the project is not feasible. Access to the existing home will be provided from the proposed roadway. Lot #19 will be divided into two (2) parcels. Storm water management issues are viewed as minor concerns: calculations will be provided with future submissions. A 50' buffer will be maintained around delineated wetlands.

Ms. Maynard explained that this project was last reviewed by the Planning Board on October 11, 2006. Discussion at that time was centered on concern for number of lots on the site, the establishment of a 50' distances from proposed homes to wetland areas, concern for railroad activity and its noise impact on the proposed neighborhood, and information regarding preservation of the Smith House. The Board requested that John Scherer, Town Historian, attend a meeting to discuss the historical significance of the Smith home and its accessory buildings. The Fire Code Appeals Board must determine if a variance is required for having 18 or more living units served by a single access.

In response to Ms. Maynard's recommendation that the residence proposed for construction on Lot #19 front on Main Street in order to maintain the area's hamlet character, the applicant's consultant and attorney stated that Lot #19 was purposefully left vacant. The applicant is seeking input from Board on the following 3 potential development options for that 85,900 SF parcel: a commercial use for site as allowed under B-3 zoning; the construction of two (2) residential homes fronting on and with driveways accessing Main Street; the construction of two (2) residences fronting on Main Street with driveways on the proposed new road.

Ms. Maynard recommended that the plan be "clustered" to allow residential construction to be moved away from the railroad tracks and create an open space buffer to rear of site. Though the Mr. Nikas stated that he believes that potential homeowners

will be able to see the proximity of the train tracks, Planning Board members agreed that the applicant should consider modifications to the plan. The storm water management area is currently proposed at southern portion of site across several private lots. Access to areas must be provided and the area must be graded to prevent drainage from flowing into back yards.

The applicant was asked to clarify the status of existing Smith house on site. It was reported that the structure will remain. The applicant is willing to discuss protecting the house by deed restriction, inclusion in the historic registry, or conservation easement. Though Ms. Maynard noted that access to Carlton Road through adjacent properties to the north was discussed, there appears no reasonable area or purpose for such a connection. It was recommended that the applicant consider a cluster application with 20,000 SF minimum lot sizes since both water and sewer are available. Such lot sizes would be consistent with the existing hamlet area. Ms. Maynard stated that the Trails Subcommittee has recommended the dedication of a 15' right-of-way for development of a trail connection. The applicant will consider such a conveyance. The subdivision should be incorporated into the Longkill 2 Park district. The Saratoga County Planning Board approved this application on October 12, 2006, though members of that Board expressed concerns with proposed density of the project and recommended that the subdivision be reconfigured to provide protection for the designated wetlands. A cluster subdivision should be pursued that utilizes the existing tree lines and provides viable open space. Copies of the ACOE sign-off issued in response to the wetland report completed by Bagden Engineering must be submitted to the Planning Department and Clough, Harbour, and Associates for reference and review.

Mr. Myers, Director of Building and Development, stated that a variance from the Fire Prevention Appeals Board for over 18 lots on a cul-de-sac may be required. The applicant is advised that storm water issues must be addressed in future submissions.

Mr. Grasso reported that Clough, Harbour, and Associates recommends that verification of the jurisdictional determinations from the NYSDEC and Corps of Engineers be provided for the wetlands. A Phase 1 archeological investigation for the project site was also recommended. The appropriateness for stub streets to the adjacent properties should be evaluated. The existing driveway connection for Lot #20 to Main Street should be abandoned and a new driveway connection established to the proposed subdivision road. In addition, a note should be added to the plan indicating the access for Lot #19 shall access the new subdivision street. The location of the proposed storm water management areas are unacceptable and do not allow sufficient access from the new subdivision street. In order to comply with the Phase 2 storm water requirements we expect that during the final design of the basins that the area they occupy will significantly increase. The elimination of lots is anticipated. Test pits should be performed in the locations of the areas to verify the appropriate BMP is being utilized. Measures to protect the existing wetlands to remain should be made part of the proposal.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project, the ECC reiterated the following comments. The applicant should explore noise control structures along the railroad such as berms or noise walls. The ECC has concerns regarding the water table in the area and asks that the applicant take appropriate

precautions to prevent wet basements. Additionally, the ECC adds the following comments. The following standard statements shall 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).
- 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.
- 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 proposed stormwater management areas should be subdivided out and given to the Town to be left to grow and create additional buffering from the railroad. Access will need to be carved into the proposed subdivision to allow for the maintenance of the proposed stormwater management area. The ECC recommends possible mitigation along the railroad tracks for safety, noise control, and visual screening. It is suggested that a combination of berms, walls, or other types of barriers be placed between backyards and the railroad tracks.

Mr. John Scherer, Town Historian, described the hamlet of Elnora as a “treasure” with a streetscape reminiscent of the 1890’s and reflective of the “railroad era” of the Town of Clifton Park. Elements of the era include its historic homes, the railroad’s proximity to the hamlet, Smith’s Feed and Grain store, and the former Post Office building and general store. Mr. Scherer encouraged maintaining the “main street character” of the hamlet by creating lots that front on Main Street and working with the Town’s Historic Preservation Commission to find designs compatible with the area’s character. Mr. Scherer spoke of the Smith House, recognizing that the owners had provided a life tenancy for its current occupant. He encouraged preservation of the home in perpetuity, noting that the home may be eligible for inclusion in the historic registry. He expressed his appreciation for the preservation of the barn on the property, stating that it was integral to the character of the community. Addressing comments from Clough, Harbour, and Associates regarding the Phase IA archaeological study, Mr. Scherer stated that he will look further at site to determine if additional investigation is required.

Mr. Pelagalli commented that the Board may wish to preserve the Smith House by requiring a deed restriction that requires its preservation. The consultant mentioned that deed covenants may be used as a means of ensuring appropriate architectural styles for the houses proposed to front Main Street. Mr. Scherer suggested relocation of the proposed road to the northern property boundary to provide even more continuity to homes fronting on Main Street.

Mr. Larkin supported Mr. Scherer's proposal that Lot # 19 to be divided into two (2) parcels, stating that traffic is slowing for the curve near the old Feed and Grain store. He supported the proposed two access points on Main Street. Mr. Larkin also recommended that the applicant consider a reduction in the number of lots proposed for the parcel, stating that such a reduction would result in improved storm water management. Mr. Kramer supported the concept of two lots fronting on Main Street and was not opposed to the installation of two separate driveways. He did question the ability of the recommended buffer to minimize railroad noise and suggested that other options be considered. Mr. O'Brien, Environmental Specialist, commented that perhaps a berm or buffering may deter children from playing on the tracks. He did not, however, believe that such screening would eliminate the "audible" impact of passing trains. Mr. Bulger observed that the stub street did not appear reasonable. He asked that the applicant provide some "reasonable scenarios" for the re-location of or adequate access to the stormwater management area. He encouraged the applicant to work with potential homeowners to develop an architectural style for homes that would fit the area's historic character. Mr. Larkin concluded the discussion by stating that the "hamlet zoning" requires approval of an area design. Though he recognizes that this project is located within a B-3 zone, he encouraged the applicant to consider such a concept. The applicant will address the Board's concerns and submit a revised concept plan for review. Board members agreed that storm water areas should be on publicly owned land accessible from road: preliminary plan submissions should reflect this recommended revision to the site design. All Board members appeared to support preservation and protection of existing Smith House and architectural styles for the homes fronting on Main Street that are compatible with others along the street.

[2006-046] **Cloverdale Meadows** – Proposed (17) lot subdivision, Hubbs Road – Revised conceptual review.

Mr. Scott Lansing, consultant for the applicant, presented this revised application for the Board's consideration. He provided a brief history of this application that calls for the subdivision of a 65.73 acre parcel. Previous submissions - as this one - have included a description of the area, a resource analysis, and topographical information. Mr. Lansing described two different development proposals. The plan presented previously called for development of the western portion of the site and preservation of the homestead property to the east. The current plan calls for the development of seventeen (17) single-family parcels on the eastern portion of the site adjacent to the Dutch Meadows subdivision. The lots will be served by a new town roadway, public water, and public sewer. Zoning requires that 50% of the site will remain open space: the plan proposes 51% open space. 43% of the open space will be unconstrained land. Mr. Lansing stated that he viewed the comments prepared by Clough, Harbour, and Associates as minor and stated that all issues would be adequately addressed.

Ms. Maynard reported that this project was last seen by the Planning Board at its April 24, 2007 meeting at which time there was discussion related to preservation of the open space and protecting the scenic view from Hubbs Road. Additional information

regarding historic value of the house and barn on the site was requested. The applicant was asked to obtain a written opinion from SHPO and the Town's Historic Preservation Commission. The Town's Open Space Committee does not wish to pursue the Purchase of Development Rights for this parcel. The speaker noted that 50% of the site must be designated as permanently protected open space. The applicant must clarify whether or not an easement will be placed on homestead lot restricting its use to agricultural and open space. The plan states that 51% of the site is designated as permanent open space: the plan should clarify the boundaries of this space. Ms. Maynard recommended that if there is any change with homestead lot the size remain above 5 acres to allow for any agricultural use, commercial greenhouse, and/or the keeping livestock.

Ms. Maynard addressed the issue of trail connections, strongly recommending that a trail connection extend directly from Hubbs Road to Rolling Meadows, public open space, and Veteran's Park. She noted that access from within development off of new cul-de-sac did not seem reasonable. Any trail connection should be located on the town-owned open space portion rather than easement from homestead lot. Both the applicant's consultant and Board members will consider trail connections as the project progresses. A 15' right-of-way should be established for a future trail connection along Hubbs Road should be provided.

Ms. Maynard read comments prepared by the Historic Preservation Commission. The Phase IA Cultural Resources survey and site assessment study should be followed, especially during demolition and excavation near existing farmhouse and outbuildings that were reputed to have been built in 1785. It is recommended that the applicant consider a lot configuration that promotes re-use of barn. The Commission approves of homestead lot as potential means to rehabilitate or replace the existing building with an historically accurate new farmhouse style home while retaining barn. The Historic Preservation Commission recommends that all correspondence from the New York State Office of Parks, Recreation, and Historic Preservation be reviewed and included as part of the subdivision approval process.

Mr. Steve Myers, Director of Building and Development, stated that cluster subdivision approval will be required for current proposal. He recommended that the proposed roadway width be approved by the Highway Superintendent. According to EAS 80 percent of the site has moderately or poorly draining soil: this should be taken into account when designing foundation drains for homes. He will review the storm water management report when it is submitted.

Mr. Grasso provided comments prepared by Clough, Harbour, and Associates. The layout has been revised to propose sixteen single-family residential lots and a 16.1 acre homestead lot which will include a new house. The layout has been substantially revised to shift all proposed development to the northeast corner of the site as previously recommended by the Planning Board and staff. Mr. Grasso commended the applicant's consultant on the very detailed and clear presentation of revised material and being responsive to the concerns of the Board and public. An extension of the proposed public water main to Heidi's Path will be required to provide a looped system. It is recommended that a multi-use pathway or other suitable pedestrian connection such as a combined gravel path/utility and storm water management access road be provided from

Rolling Meadows to the proposed internal subdivision road. Development of the eastern portion of the site should include particular attention to the drainage along the eastern property line. Legal mechanisms and potentially physical measures such as post and rail fencing to restrict disturbance to the federal wetlands within the lots should be provided. Maintenance measures to ensure that the fields remain open and not revert back to wooded conditions should be discussed with the Planning Board and Town's Open Space Coordinator. If possible, the proposed public open space parcel should have its access strip that connects to Hubbs Road unconstrained by wetlands. The limit of the homestead lot may wish to more closely follow the existing follow existing wood lines to include as much of the front agricultural fields as possible.

Mr. O'Brien, Environmental Specialist, stated that the ECC reiterated the following comments. The following standard statements should be added to the plot plan:

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

The applicant is also advised that the subdivision design must take into account the potential for a high water table on the parcel. Residences should be designed and situated to reduce the potential for water problems in the basements. The ECC further recommends that the proposed sewer and water easements accommodate surface use such as a multi-use trail.

Mr. Kramer stated his belief that the plan "looked terrific" and whole-heartedly supported trail connections that would link this development with others in the area and with town-owned properties and parks. Mr. Bulger commented that the proposed site design was another example of "CR (Conservation Residential) zoning at work" and he congratulated the applicant on his willingness to work with Planning Board recommendations. Mr. Kienast, applicant, asked if the homestead lot would be restricted to existing buildings or if additional accessory structures would be permitted. The Board asked that Planning Department staff and the Open Space Coordinator consider this question.

[2007-020] **Clearwire US, LLC** Proposed co-location of wireless internet antenna on existing telecommunications tower, 14 Crossing Boulevard – Preliminary site plan review and possible determination.

Ms. Meredith Smith, consultant for Pyramid Network Services, LLC, stated that this proposed co-location application remained as presented at the May 8, 2007 meeting. The information regarding the specifications for the battery to be used on site has been provided to the Planning Department as requested.

Ms. Maynard confirmed that information regarding specifications for the battery to be used on site was provided to the Planning Department and forwarded to Board members for their review. The applicant is reminded that a Building Permit will be required. The Saratoga County Planning Board reviewed and approved this application at its May 17, 2007 meeting.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the application packet and plans included with the Clearwire US, LLC application for co-location of antennas and equipment at an existing Crown Atlantic Company telecommunications facility at the KC Canary facility. The materials received include application forms, project narrative, tower owner authorization letter, Short Environmental Assessment Form with Visual EAF Addendum, Clearwire license information, structural analysis, photo simulations, and site plans. The structural analysis prepared by Semaan Engineering indicates that no structural modifications to the monopole or foundation will be required. All comments have been adequately addressed.

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

In response to Ms. Thorne's question regarding noise generated by the proposed co-location installation, Ms. Smith reported that it was minimal.

Mr. Kramer moved, seconded by Mr. Werner, to establish the Planning Board as Lead Agency for this application, an unlisted action and to issue a negative declaration pursuant to SEQRA. Ayes: Kramer, Larkin, Pace, Karam, Werner, Bulger. Noes: None. Abstained: Thorne.

Mr. Karam moved, seconded by Ms. Pace, to grant preliminary and final site plan approval to this application. Ayes: Kramer, Larkin, Pace, Karam, Werner, Bulger. Noes: None. Abstained: Thorne.

[2007-022] **Little Falls Lumber Company** – Proposed 30' x 150' bulk storage sheds, 824 Main Street, Elnora – Preliminary site plan review and possible determination.

Mr. Gavin Vuillaume, consultant for the applicant, explained that this project plan remains as presented at the May 8, 2007 meeting. Environmental Design Partnership, consulting firm for the applicant, has prepared a planting plan for the site: this was presented for the Board's consideration.

Ms. Maynard read the comments prepared by the Planning Department, stating that this project was reviewed by the Planning Board at its May 8, 2007 meeting at which

time the project was found to be generally acceptable. Board members did, however, recommend that the applicant increase the amount of landscaping on the site, improve screening of the building, and improve the parking area. The Board may wish to require removal of additional pavement and increase landscaping in front of the building. The speaker noted that striping of the parking and handicapped spaces is now shown on the plan. Ms. Maynard noted that per zoning code requirements, plantings along side property margins from the front property line to the rear must be plated with trees and shrubs for a width of not less than 10 feet. The Saratoga County Planning Board approved this project on May 17, 2007, commenting that any proposed work within the Main Street's right-of-way will require a Saratoga County Department of Public Work Permit.

In response to Ms. Maynard's comments regarding additional planting, the applicant noted that the site is bordered by the golf course on the west. Additional screening would be more appropriate to the east. More landscaping will be added to the front of the building.

Ms. Maynard also reported that Mr. Myers, Director of Building and Development, provided a memo that states that a review of building plans and issuance of a Building Permit by the Building Department will be required.

Mr. Grasso provided the following comments prepared by Clough, Harbour, and Associates following review of the project plan. It should be verified that handicap accessible route from the handicap parking spaces meets ADA guidelines. The "No Parking" sign should be labeled on the plan.

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

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

Board members agreed that the proposed site improvements were acceptable, though Mr. Karam asked that the applicant incorporate split-rail fencing to the front of the site to create a cohesive look.

Mr. Larkin moved, seconded by Mr. Bulger to establish the Planning Board as Lead Agency for this application, an unlisted action and to issue a negative declaration

pursuant to SEQRA. Ayes: Kramer, Larkin, Pace, Karam, Werner, Bulger. Noes: None. Abstained: Thorne.

Mr. Karam moved, seconded by Ms. Pace, to grant preliminary and final site plan approval to this application. Ayes: Kramer, Larkin, Pace, Karam, Werner, Bulger. Noes: None. Abstained: Thorne.

New Business

[2007-023] **Maxwell Drive PUD** – Proposed (40) unit condominium development, Maxwell Drive and Plank Road – Referral from Town Board.

Mr. Peter Murray, applicant, introduced himself, his company, and the project proposal to the Board. He explained that his “parents-in-law” were long-standing residents of Clifton Park and had successfully designed and developed several office building complexes throughout the Town. The proposal presented to the Board this evening represents an attempt to create a village-type condominium community that would be particularly attractive to those Town residents wishing to downsize. 50% of the development area will be offered as open space: trail connections will be provided as deemed desirable.

Mr. Bulger explained that this application has been referred from the Town Board to the Planning Board for review and recommendation. The charge to the Planning Board is to determine if the project appears appropriate for the proposed location. It is the Town Board that will endorse and approve the supporting legislation.

Mr. Vuillaume, consultant for the applicant, presented the project plan. The proposal calls for the construction of forty (40) condominium units on a parcel that has frontage on Plank Road, Maxwell Drive, and Mooney Way. The site is located in both R-1 and B-1 zoning districts. It is bordered by the well-established Renaissance Subdivision, Schuyler Ridge, Shoppers’ World, and Northcrest Village. The Bear Brook, a regulated trout stream, traverses the property and the site contains ACOE designated wetlands. The project will respect all required setbacks from the stream and protect its integrity. The project design calls for the development of eight buildings (26 units) north of the stream with access from Plank Road. Access to the units will be from the rear allowing the “fronts” to be visible from Maxwell Drive. Four buildings (14 units) will be located to the south of the stream. The described benefit of the project will be that the smaller scale of the condominium units will permit the applicant to work with the topography, allowing for the preservation and protection of natural resources. Proposed units will be served by extensions of existing sewer and water services. The development company is committed to creating pedestrian facilities as required by the Planning Board.

Ms. Maynard explained that this application reviewed by the Town Board at its May 21, 2007 meeting and referred to the Planning Board for review and recommendation. This project proposes 40 multi-family owner occupied units on parcels currently located within the R-1, B-1, and LC (Land Conservation) zones. The proposed

project area lies within Exit 9 Study Area near commercial businesses, a multiple dwelling development, and single-family neighborhoods. Pedestrian connections that link residential areas to commercial site are viewed as critical. It is recommended that sidewalks and lighting be provided throughout the site. It is also recommended that the plan include community amenities such as a trail along Bear Brook Creek. Due to steep slopes on site, a detailed grading plan must be submitted. A detailed landscaping plan that provides significant screening must be provided. The development poses potential impacts to environmentally sensitive area. The Bear Brook Creek is a tributary of the Dwaas Kill, one of few remaining trout streams and has been labeled as an "impaired" waterway. The applicant should illustrate appropriate measures that will adequately protect this town resource. Ms. Maynard advised that applicant that the Town Board is currently considering a change to the Code that would increase the buffer to 200'.

Mr. Steve Myers, Director of Building and Development, provided the following comments. Storm water management areas within NYSDEC 100' buffer will require approval from DEC since such areas are not normally allowed. A 200' buffer around Dwaaskill and tributaries is about to be enacted as part of the new storm water laws required by DEC and would have a considerable impact on this development. It appears that 62% of soils are moderately or poorly draining; this fact must be addressed in SWPPP.

It was noted that the curb cut onto Plank Road may be problematic since it would be located very close to existing Maxwell Drive /Plank Road intersection. The applicant asked if an emergency access only would be suitable. Mr. Grasso did not believe such an access should be provided at this location.

Mr. Grasso outlined the comments prepared by Clough, Harbour, and Associates. The project lies within the limits of the Exit 9 Commercial Area GEIS and is subject to the Findings Statement. The proposed project appears to be a Type 1 action pursuant to SEQRA, and as such, coordinated review is required. The involved agencies are expected to include: Clifton Park Planning Board – PUD Referral from Town Board, Site Plan Review; Clifton Park Town Board – PUD Approval; Saratoga County Sewer District – Sewer Connection Permit; Clifton Park Water Authority – Water Connection Permit; Saratoga County Planning Board – Section 239 Referral; NYSDEC – General Permit for Stormwater Discharges Associated with Construction Activity. A more significant buffer should be proposed along Plank Road and the northern portion of Maxwell Drive. The engineering firm is concerned with the privacy of homes that have rear yards facing Maxwell Drive. Elimination or relocation of these buildings is recommended. The proximity of the proposed access onto Plank Road to the intersection of Maxwell Drive is of concern. It would appear that significant grading adjacent to the slopes of Bear brook Creek would be required for construction of the proposed concept. It is recommended that a conceptual grading plan be prepared that depicts the proposed limit of clearing and grading to determine the potential impacts of the project. A very limited vegetative buffer is proposed between the proposed condominium and the adjacent residential lots. It is recommended that documentation regarding the visibility of the building during all seasonal conditions be provided. The analysis should include photo simulations of both buildings during "worst case" scenario settings. The simulations should include both winter and nighttime scenarios when the proposed buildings will be the most visible from the adjacent residential development. The

Planning Board should evaluate the need for sidewalks and street tree planting along the site's frontage. Future plan submittals should include the proposed utility locations.

Mr. Karam commented that the project presented for review "was much less intense" than a previous application submitted for consideration. Mr. Kramer stated his disapproval of the access from Plank Road and asked if a negative recommendation to the Emergency Services Appeals Board (ESAB). It is this Board that will consider whether or not more than eighteen (18) dwelling units on a cul-de-sac is acceptable. Mr. Karam stated his approval of the proposed overall lay-out and appreciates the applicant's concern with protection of the stream corridor. He believes that the proposed development concept and design is appropriate for the area, viewing it as a transition from commercial to residential areas. In response to Ms. Pace's question regarding ownership of property and facility maintenance, Mr. Vuillaume stated that the individual units would be privately owned: responsibility for maintenance of the entire complex would be assumed by an established homeowners' association. Mr. Werner recommended that the applicant consider impacts of the development on traffic at the Plank Road-Maxwell Drive intersection. Mr. Larkin stated that he viewed the proposal as a significant improvement over previous submittals, compatible with the Tallow Wood development. He did, however, recognize that the proposal may produce "angst" for those residing in the Renaissance development. The speaker also asked that the applicant consider relocation of the storm water management areas. He also addressed the issue of the Bear Brook as an "impaired" water way. Mr. Grasso explained that such a designation of the stream allows for a more in-depth review of impacts that may result from development in close proximity. Such items as thermal discharges and chemical levels are items that may be considered. Mr. Kramer described the development parcel a "tough site," but he sees it as a site that will provide a transition between higher density uses and single-family residential neighborhoods.

Mr. Al Zerpac described himself as a resident of Via da Vinci who was interested in development in this area. He believes that development of this site will negatively impact the stream: he encouraged the Board to require a 200' setback from the stream's high-water levels. He commented that the development will increase traffic congestion at the Plank Road – Maxwell Drive intersection and he encouraged Board members to carefully scrutinize all aspects of the proposal. He asked that members consider the benefit of the proposed development for Town residents, explaining that, in his view, the project will "ruin the quality of Plank Road." He believes that approval of such a project would be a disservice to future occupants of the proposed townhomes, emphasizing the fact that this proposal is located within an R-1 zone. He requested that the Board require additional information regarding traffic safety, impacts to the stream corridor, and change to the neighborhood character as deliberations continue.

Mr. Owen Shevlin, 68 Via da Vinci, noted that the project was located in an R-1 zone – a zone that did not permit construction of multi-unit dwellings. He expressed serious concerns regarding traffic safety. Mr. Bulger noted his concerns, agreeing that the Board agreed that this would be one of the main issues to be addressed by the applicant.

[2007-024] **PVC Industries** - Proposed 25,000 SF addition to existing building, 107 Pierce Road – Conceptual site plan review.

Mr. Francis Bossolini, consultant for the applicant, presented this project plan that calls for the construction of a 25,000 SF addition to the existing PVC Industries building located at 107 Pierce Road. The parcel lies on a 6.26 acre parcel on the western side of Pierce Road within the Town's LI (Light Industrial) zone. Since the existing facility is 55,625 SF in size, the total building area at completion of the expansion will be 80,553 SF. 106 parking spaces will be provided on site. The number of spaces is based on the following calculations. Warehouse uses require one space per every 2,000 SF of space plus one for each employee. PVC Industries reports that it employs five people for this use. The total number of parking spaces required for this portion of the site is 25. Parking requirements for the light industrial use (40,625 SF) are one space per 500 SF for a total of 81 spaces. Two handicapped accessible spaces are provided within the total number. The speaker stated that it is anticipated that the amount of parking will exceed the amount necessary to serve the facility. Green space on site is reported to be 2.52 acres – or slightly more than the required 40%. Storm water will be managed on site through the installation of an infiltration system under the parking areas.

Ms. Maynard offered comments prepared by several Town departments. Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention has provided a memo that states that during an annual fire inspection in January 2006, two (2) additions were observed being constructed without the required site plan approvals and building permits. A stop work order and (3) appearance tickets were issued to Todd Norman of PVC. The court received a guilty plea and the company was fined \$1,000.00 and ordered to obtain planning and building approvals for the additions. To date, no building permits have been obtained and no inspections done. Ms. Reed is not aware of any site plan approvals for the (2) existing additions. She described the outstanding violations as life safety issues which must be addressed in order to protect the welfare of the occupants of the building. She would recommend that these violations be addressed prior to the granting of any approvals for a new building. Ms. Reed asked that the applicant clarify whether or not the proposed addition would be attached to the new building and what the new space will be used for.

Ms. Maynard asked that the applicant clarify the use of the northern most access. The applicant stated that the separate access off Pierce Road is used to primarily for tractor trailer vehicles using the loading dock. The applicant will be required to remove asphalt paving from the areas indicated on the plan as "parking to be removed." The applicant is requested to provide 10' strip of land along Pierce Road for future road improvements, including a possible trail connection. It is recommended that parking islands be incorporated in the proposed parking area.

Mr. Grasso stated that Clough, Harbour, and Associates reviewed the concept site 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 for site plan review. Documentation should be provided and shown on the plan that an

ingress/egress easement exists for the existing roadway into the Northway 10 Industrial Park. Mr. Grasso reported that he had “significant concerns” regarding the proposed grading of the site, explaining that the plan fails to adequately protect vegetation within the site that provides important vegetative screening of the site’s use. Vegetation within the building setback areas should be preserved to the greatest extent possible and supplemented where necessary. More accurate limits of vegetation to remain and the adequacy of the vegetation to provide screening should be evaluated. It is recommended that the building addition be shifted to the south to allow a minimum of fifteen feet of greenspace between the driveway and the building, except within loading areas. The applicant has calculated parking requirements for the Light Industrial portion of the business based on square footage. The town Zoning Law prescribes an alternate calculation based on the number of employees anticipated to be in buildings on the maximum working shift, with direction that parking shall be provided for the larger number. The plans should include the employee based calculation to confirm that sufficient parking is being proposed.

Mr. O’Brien, Environmental Specialist, reported that, after reviewing the application, the ECC recommended that the applicant be advised that the Storm water Management areas cannot be included in the green space calculations

Mr. Bulger advised the applicant that the Planning Board would not consider approvals for this application before the issues identified by Sheryl Reed are settled to the satisfaction of both Ms. Reed and the Department of Building and Development. Mr. Bulger also stated that the concerns regarding site clearing and grading as discussed by Clough, Harbour, and Associates must be addressed. The applicant has agreed to consider ways to minimize impacts to the existing buffer area. Minimizing the amount of parking on site will also be considered.

[2007-030] Clearwire US, LLC Proposed co-location on existing telecommunications tower, 287 Ushers Road – Conceptual review.

Ms. Meredith Smith, representative of Pyramid Network Services, LLC, explained to the Board that the applicant – Clearwire US, LLC – is a wireless broadband internet provider that seeks approval to co-locate transmission equipment on an existing telecommunications tower located at 287 Ushers Road. The equipment will be placed at the 122’ level in a location previously occupied by AT&T.

Ms. Maynard explained that the application calls for co-location of equipment on an existing tower: the Town of Clifton Park encourages such use. Upon satisfaction of all Planning Board comments and conditions, a stamped site plan will be provided. This will allow the issuance of a Building Permit and subsequent inspections of all electrical installations and site improvements by Town officials. Issuance of a Building Permit by the Building Department is required to cover cabinet installation and electrical inspection. In response to Ms. Maynard’s question regarding the color of all equipment, Ms. Smith reported that it would be steel grey.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the application packet and plans included with the Clearwire US, LLC application for co-

location of antennas and equipment. The materials received include application forms, project narrative, tower owner authorization letter, Short Environmental Assessment Form with Visual EAF Addendum, Clearwire license information, structural analysis, photo simulations and site plans. The structural analysis prepared by Paul J. Ford indicates that structural reinforcement of the monopole base plate and anchoring system will be required and the design plans have been provided. In general, the information appears complete. It is recommended that a note be added to the plans prepared by C&S Engineers to indicate that structural modifications designed by others must be completed before any new equipment is installed on the monopole.

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

The Board found the project plan acceptable.

[2007-026] **Country Club Acres, Inc. (Boni)** – Proposed re-subdivision of Lots #34,35,36,37 Blue Barns and NYS Route 146 – Conceptual review.

Mr. Kevin Dailey, legal representative for the applicant, presented this application that proposes the re-subdivision of lots that were originally approved as part of Country Club Acres original subdivision: 7 of the original lots remain vacant. The applicant proposes to re-subdivide the existing four (4) lots at the intersection of NYS Route 146 and Blue Barns Road to create three lots with more frontage and square-footage. Access will be restricted to Country Club Lane. Required variances were granted by the Zoning Board of Appeals on June 5, 2007. Clearing and grading limits will be established to minimize impacts to adjoining properties.

Ms. Maynard provided several Planning Department comments. An ingress/egress easement agreement must be provided. Screening along Route 146 is recommended. Sight distance information must be provided on the plan. The speaker observed that these lots are located in an established neighborhood: the site contains a plaque commemorating what is believed to be first residential development in Clifton Park. This development should minimize any impact on existing properties: clearing and grading limits should be established to retain natural screening and not impact existing residences

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the concept 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. Involved agencies would be expected to include the Clifton Park Planning Board for subdivision approval and the Saratoga County Planning Board. Test pits and percolation tests should be performed in the areas of the proposed on-site septic systems to verify the adequacy of soils. The design and location of the common drive should be shown and notes added to restrict the construction of individual driveways from Blue Barns Road and NYS Route 146. The setbacks from Blue Barns Road and NYS Route 146 should be identified. A zoning data table should be added. Two concrete pads along the north side of Route 146 appear to encroach upon the subject property. This encroachment should be addressed as part of the proposed action. The subject property is situated within Western Clifton Park GEIS Study Area. The applicant

should verify that all findings statements have been complied with.

Board members found the proposed re-subdivision plan acceptable.

[2007-028] **Devoe, David and Deborah L.** – Proposed land transfer, Waite Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that calls for a transfer of lands within the CR (Conservation Residential) zone on the east side of Waite Road south of its intersection with the Delaware and Hudson railway. Mr. VanGuilder explained that the applicants currently own two adjoining parcels on Waite Road. The northernmost parcel is 14.75 acres in size; the parcel to the south is 13.05 acres. The applicant proposes the reconfiguration of the northerly lot to create a 22.22 acre residential building lot and the existing homestead lot of 5.58 acres. No new building lots will be created. The speaker explained that the applicants would like to build a home to the rear of the existing house on a small upland area; however, the lot contains a substantial area of NYSDEC wetlands and development is restricted by the Town's LC (Land Conservation) zone. Mr. VanGuilder noted that the applicants have selected a house design that will fit well with the topography and minimize clearing. An architectural drawing of the proposed residence was provided for the Board's consideration. Mr. VanGuilder stated that "no area of substantial vegetation clearing will be required."

Ms. Maynard provided comments prepared by the Planning Department. Since the parcel is more than 10 acres, fifty percent of project site needs to be permanently protected under the CR portion of Code 208.16E 2. The applicant was asked to consider preserving a portion Lot #2 with a land protection agreement. The LC (Land Conservation) zone must be labeled on the plans.

Mr. Grasso provided comments prepared by Clough, Harbour, and Associates. 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 being required. The limit of the LC (Land Conservation) zone should be identified. The house is shown approximately ten feet from the limit of the LC-Land Conservation zone. The firm does not believe construction can occur without disturbance in this area, and this may trigger the need for a variance. The amount of land available for lot development is of concern. The parcel is located within the limits of the Western Clifton Park Study Area. The proposed action appears to be consistent with the goals and standards developed for this area. The existing driveway located on the north side of the property that appears to lead to what will become the rear property appears to encroach on the front parcel. Care should be taken to confirm that the proposed driveway is located as shown on the plan and the existing driveway is abandoned. The need for driveway culverts should be identified on the plans. The existing driveway on Lands N/F of Perry south of the subject property appears to encroach on the subject property. The applicant should consider taking action to remedy this situation. The adequacy of sight distance should be verified at the new driveway location. Test pits and percolation tests should be performed to verify adequate soils exist to support an on-site septic system. In addition, the plan should identify a minimum well setback of fifteen feet from a property line.

Mr. O'Brien, Environmental Specialist, explained that the ECC does not usually review land transfer applications. After the presentation by the consultant for the applicant, however, Mr. O'Brien reported that the ECC will review this application. The concern with the proposed house location to the L-C zone is of concern.

Board members also expressed concern that the required site development, including grading, will result in disturbance to the L-C zone – the NYSDEC 100' buffer area. Mr. Bulger asked that the applicant and consultant review the proposed plan to determine if the residence may be moved to the north, increasing the distance between the home and the designated wetland area.

The two items remaining on the agenda will be considered at the June 26, 2007 meeting.

Minutes Approval

Mr. Bulger moved, seconded by Mr. Larkin, approval of the minutes of May 8, 2007 as amended. Ayes: Kramer, Larkin, Pace, Karam, Bulger. Noes: None. Abstained: Thorne, Werner.

Discussion Items

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 12:20a.m. The motion was unanimously carried. The next meeting of the Board will be held as scheduled on June 26, 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 #10

Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on June 12, 2007 there were:

Present: S. Bulger, Chairman, T. Karam, A. Kramer, J. Larkin, S. Pace, J. Thorne, T. Werner

Absent: None

Mr. Karam offered Resolution #10, and Ms. Pace seconded, and

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

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 12, 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 June 12, 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 the Town of Clifton Park consisting of (2) lots is granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered provided by the Planning Department, Clough, Harbour, and Associates.

Resolution #10 passed 6/12/07

Ayes: Kramer, Pace, Karam, Larkin, Werner, Bulger

Noes: None

Abstained: Thorne

Steven J. Bulger,
Chairman

NOTICE OF DECISION

Resolution #11

Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on June 12, 2007 there were:

Present: S. Bulger, Chairman, T. Karam, A. Kramer, J. Larkin, S. Pace, J. Thorne, T. Werner

Absent: None

Mr. Kramer offered Resolution #11, and Mr. Bulger seconded, and

Whereas, an application has been made to this Board by KAR Vermont, LLC for approval of a subdivision plat entitled Subdivision of the Lands of KAR Vermont, LLC consisting of (2) lots, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 12, 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 June 12, 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 KAR Vermont, LLC consisting of (2) lots is granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered provided by the Planning Department, Clough, Harbour, and Associates.

Resolution #11 passed 6/12/07

Ayes: Kramer, Pace, Karam, Larkin, Werner, Bulger

Noes: None

Abstained: Thorne

Steven J. Bulger,
Chairman

NOTICE OF DECISION

Resolution #12

Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on June 12, 2007 there were:

Present: S. Bulger, Chairman, T. Karam, A. Kramer, J. Larkin, S. Pace,
J. Thorne, T. Werner

Absent: None

Mr. Kramer offered Resolution #12, and Mr. Karam seconded, and

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

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 12, 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 June 12, 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 James Hanan consisting of (3) lots is granted preliminary and final subdivision approval.

Resolution #12 passed 6/12/07

Ayes: Kramer, Pace, Karam, Larkin, Bulger

Noes: None

Abstained: Thorne, Werner

Steven J. Bulger,
Chairman

NOTICE OF DECISION

Resolution #13

Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on June 12, 2007 there were:

Present: S. Bulger, Chairman, T. Karam, A. Kramer, J. Larkin, S. Pace,
J. Thorne, T. Werner

Absent: None

Mr. Karam offered Resolution #13, and Mr. Bulger seconded, and

Whereas, an application has been made to this Board by Patricia Lawrence for approval of a subdivision plat entitled Subdivision of the Lands of Howard and Patricia H. Lawrence consisting of (2) lots, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 12, 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 June 12, 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 Howard and Patricia H. Lawrence consisting of (2) lots is granted preliminary and final subdivision approval.

Resolution #13 passed 6/12/07

Ayes: Kramer, Pace, Karam, Larkin, Bulger

Noes: None

Abstained: Thorne, Werner

Steven J. Bulger,
Chairman