

Town of Clifton Park

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PLANNING BOARD

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MEMBERS

Michael Hale
Joel Koval
Eric Ophardt
Sandra Pace
Kim Paulsen
Tom Werner

(alternate) Emad Andarawis

Planning Board Minutes

March 23, 2010

Those present at the March 23, 2010 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, M. Hale, J. Koval, E. Ophardt,

Emad Andarawis – Alternate for T. Werner

Those absent were: S. Pace, K. Paulsen, T. Werner, M. Montague ECC

Those also present were: J. Scavo, Director of Planning;
J. Romano, CHA Companies;
P. Pelagalli, Counsel;
M. Springli, Secretary

Mr. Bulger, Chairman, called the meeting to order at 7:00 p.m. Mr. Bulger introduced those in attendance. All in attendance stood for recitation of the Pledge of Allegiance as led by Emad Andarawis. Chairman Bulger noted that Mr. Andarawis will be filling in for Mr. Werner this evening and Mr. Andarawis is fully knowledgeable about the applications under consideration this evening.

I. Public Hearings:

II.

None

II. Old Business:

- A. [2007-027] **DeMarco-Stone Funeral Home**– Proposed 3,300 SF funeral home, 533 MacElroy Road – Revised conceptual site plan review. SBL: 259.9-1-17 Last seen on 5/12/2009.

Mr. Scott Lansing, as a representative for the applicant, presented this application. Mr. Lansing showed the latest plans which were modified based on comments and feedback from prior meetings offered by both the Planning Board Members and the public. Mr. Mike DeMarco and Mr. Jim Schultz, legal counsel for the applicant were also present. Mr. Lansing presented an overview of the history of this project in regard to parking issues and layout. He then noted that area variances were obtained from the ZBA and a funeral home is a permitted use within the B-3 Zoning District. The speaker noted that this current revised concept plan represents a reduced building size. He then stated that current driveway access includes 2 curb cuts rather than 1. The reduce building size is 3,330 SF with 187 seats, the consultant stated that per code 62 spaces are required and this plan is offering 104 spaces, which is a 68% increase above the parking requirement per code. Mr. Lansing mentioned that the applicant also has a reciprocal parking agreement with the Jonesville Store. The speaker also stated that portable “No Parking” signs, parking attendants and valet parking would be made available during wake and funeral services. Mr. Lansing stated that in the opinion of the applicant, “highly notable” persons would be handled at other DeMarco facilities, not at the Jonesville facility. The consultant also stated that no embalming would be done on site to address prior concerns about potential soil and well contamination. He noted that an underground stormwater management and containment system located under parking lot is planned and detailed drawings will be submitted for the Planning Board’s consideration on the plans have been advanced for preliminary review consideration. Mr. Lansing concluded by noting that comments from both CHA Companies and the Town’s Environmental Conservation Commission (ECC) will be addressed during preliminary hearing. The applicant Mr. Lansing noted is seeking to see if the Planning Board is in agreement at this point that the project can be advanced to Preliminary Plan consideration.

Mr. Bulger, noted that the Planning Board will now hear comments offered by professional staff.

Mr. Scavo noted that Mark Kazmierczak , Chairman of the Historic Preservation Commission (HPC) offered on behalf of the HPC suggestions for a facade in keeping with character of area and provided a letter dated February 12, 2010 for the record and Planning Board’s consideration.

Mr. Romano reported that CHA Companies reviewed the revised concept sketch plan dated February 3, 2010 for the above referenced project as prepared by Lansing Engineering PC and offer the following comments:

1. The proposed building footprint has been reduced from 4,000 sf to 3,330 sf. Additionally, the previously banked valet parking spaces have been removed, which was one of our previous concerns. The plan depicts 104 total parking spaces. Based upon the Town Code, 62 parking spaces are required. The Planning Board and our office had supported the additional parking in order to accommodate largely attended services due to the lack of overflow parking along the roads and at off-site locations. The reduced building size will also allow the building to be more consistent with the scale of the

adjoining residences and businesses.

2. The project narrative indicates a fifteen foot parking setback variance along MacElroy Road and a thirteen foot parking setback variance along Hatlee Road was granted by the zoning board of appeals on August 7, 2007. The proposed parking appears to be in conformance with the approved variances. The variances should be referenced in the site statistics table.
3. The sidewalk extension to the corner of MacElroy Road and Hatlee Road is a commendable feature. We recommend the sidewalk connect to the existing sidewalk on the opposite side of the intersection. This can be addressed in the final plans but should include concrete sidewalk, handicapped ramps, crosswalks, relocation of stop bars, etc.
4. Future plan submittals should include a response to the technical comments in our April 13, 2009 review letter.

Mr. Myers provided the following written comments that were read by Mr. Scavo regarding this application:

1. Permitted uses in a B-3 Zone includes any permitted uses in a B-1 or B-2 zone (208-37A), which allows funeral homes.
2. Stormwater must be contained to the site. No provisions for stormwater control are shown. Stating the well drained site soils will allow a majority of the run off to infiltrate is not sufficient. No SWPPP has been submitted but is mentioned for a future submission. No stormwater management area is shown in the submission. A subsurface storage system is mentioned but without detail.
3. The onsite waste disposal system is believed to be an issue environmentally. It is believed a separate industrial waste discharge permit will be required from NYS.
4. Submission lacks building details required for a thorough review for accessibility etc.
5. Compatibility with the Hamlet of Jonesville should be part of the design. The parcel is a former historic site and as such any building constructed on the site should reflect the architecture of the area which would require the structure to be 2 stories. Approvals should be held until this is resolved.

Mr. Scavo noted that Ms. Sheryl Reed had no written comments.

Mr. Scavo read the following comments on behalf of the Environmental Conservation Commission, and reported that, after review of the project plan, the ECC made the following recommendations:

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

2. The Applicant should submit façade renderings for review by the Planning Board to ensure the building will be consistent with the surrounding area.
3. The ECC recommends that the applicant (modify the lighting plan to) incorporate lighting that is directional and limited.

Planning Board Comments

Mr. Bulger thanked professional staff for their comments and noted that Board comments will now be offered. He then commented that this is not a public hearing. First, Chairman Bulger stated that the Planning Board will ask some questions and offer comments this evening based on the revised concept plan submittal. Then, he noted that under the preliminary plan consideration stage, a public hearing and comment period will be offered. Chairman Bulger also noted that no final decision would be made since the project under consideration is currently at the concept site plan level of the process. Mr. Bulger then noted that some limited time will be available tonight for brief comments by the public so the Planning Board can acknowledge additional concerns that may not have been raised to date to be addressed.

Mr. Koval noted that large funerals with more traffic than current parking can handle is his biggest concern still with this project. He then asked Mr. Lansing for some clarification to prevent large wakes and funerals services from being held at the location.

Mr. Lansing reiterated that other larger DeMarco facilities would handle notable personages events.

Mr. Jim Schultz spoke regarding the DeMarco Funeral Home's experience and stated that they know when a large turnout will happen. The speaker noted that services are directed to facilities that can handle them stating that it is not good business to do otherwise and the owners would decline a service if they could not handle it.

Mr. Koval then asked if there was a fair degree of certainty that parking would not take place on the road.

Mr. Schultz said that Mr. DeMarco would discourage such parking with signage and parking attendants, but could not control whether people would try that. He then noted that the applicant has arranged with the Saratoga County Sheriff's Office to help with traffic control if needed. Mr. Schultz felt that not even more than one or two times a year that the facility would have the potential to create this issue, but at this point in time that they do not anticipate this. Mr. Schultz stated that there would generally be one viewing area but they have means to partition for two smaller simultaneous viewing areas. One being a small private family service and the other being a small turnout service were offered as examples by Mr. Schultz. Mr. Schultz concluded by noting that scheduling by

DeMarco personnel will control two viewings at the same time and it would be a rarity for the proposed facility.

Mr. Ophardt asked if the Town could install no parking signs along the public roadway.

Mr. Pelagalli stated that it could be required as part of the site plan.

Mr. Schultz stated that they would have portable signs put in the public right-of-way at each service and if the needed warranted it, in rare situations, the Saratoga County Sheriff's would be helping with traffic control but not parking issues.

Mr. Hale questioned the access driveway off MacElroy being directly opposite the house on Dyer Drive and wanted to know if it was flexible to relocate it to a spot between homes since residence have expressed concern with lights from vehicles shining into their dining room window.

Mr. Bulger as a follow-up to Mr. Hale's question asked if site distance to the intersection was a limiting factor but Mr. Lansing said that it could be moved and not be a problem.

Mr. Hale indicated that the landscaping would important along MacElroy Road and will need to be considered in the preliminary design phase.

Mr. Bulger asked the applicant about storage of chemicals.

Mr. DeMarco noted that chemicals must be stored in a metal locker and under lock and key and embalming would be off-site so none would be stored at the proposed location.

Mr. Andarawis asked about hours of operation for the funeral home.

Mr. Schultz said common hours are 4 p.m. to 8 p.m. or 9 p.m., 4 p.m. to 6 p.m., 6 p.m. to 9 p.m. For funeral services - typical hours are 8:30 a.m. to 9:30 a.m. for a small service at the funeral home, then on to the church.

Mr. Hale questioned whether it would interfere with school bus traffic.

Mr. Ophardt asked about sidewalks on site. Mr. Ophardt noted that a crosswalk across MacElroy Road along Main Street might be desirable and to realign the one sidewalk shown on the plan.

Mr. Bulger noted that since we are not at preliminary stage, no official determination on the project can be made and SEQR will also need to be finalized before any preliminary determination is considered. He stated that the project must be advanced beyond the concept stage before a vote can be held. The Board members that were present indicated that the concept seems to be acceptable in a concept layout to allow the applicant to prepare for a preliminary plan submittal with supporting documentation and possible SEQR determination. A polling of the individual Planning Board Members showed Mr. Ophardt, Mr. Koval, Mr. Hale, and Mr. Andarawis were in support of the concept layout, and Mr. Bulger voiced he was not in favor of the layout due to too many issues and site constraints that he feels the applicant can not address or mitigate. Mr. Bulger noted that a lot more design details will be required at the preliminary site plan phase to demonstrate if the project can work or not.

Mr. Bulger summarized that a public hearing will be scheduled in the future while in the preliminary plan phase consideration, before the Planning board. Mr. Bulger noted for the record, and for the public's information that legally it meets the Town's zoning code with the approved area variance, the parking spots delineated on the concept plan exceeds Town Code requirements; chemicals are off-site. Because of all this, the Chairman reminded the public that the Planning Board can't just decide that it doesn't like it, therefore the project is turned down. Mr. Bulger continued by saying that if it meets the law, meets the code, meets the regulations and doesn't pose a threat to the public, health, safety and welfare based on hard data, it must pass. Mr. Bulger then noted that public opposition in and of itself is not sufficient grounds for this Board to reject an application. The chairman stated that if a study can be produced which refutes some of the contentions made here in terms of parking, traffic, and is something that would hold up in a court of law prepared and certified by a qualified professional with empirical data, and our professionals agree, the Planning Board can then choose to disapprove a project. Mr. Bulger noted that the Planning Board must be fair to all parties involved, which include the community, applicant, and citizens. Mr. Bulger noted that the troublesome aspect of the project are found elsewhere in close proximity such as parking issues. He noted that Sunday church sessions at the Jonesville Church and big events at the Jonesville Firehouse often result in parking on Main Street. He went on to say that it is routine to observe overflow parking all over Main Street in close proximity to the funeral home location. Mr. Bulger then noted that is a precedent which actually helps the applicant. Mr. Bulger concluded his statement by stating that he is still not convinced, and there is still a process that must take place in order for this to advance to approvals.

Mr. Frank Berlin, 980 Main Street, Jonesville, a concerned resident, spoke in opposition of the project. Mr. Berlin asked for the following to be studied and verified by professionals before decisions are made: parking on street, chemicals, where body will be unloaded. Mr. Berlin expressed his passion for a project that he felt inappropriate for the neighborhood he lives in.

Mr. Bulger noted that the Planning Board is filled with volunteers who put in their time in best interest of town and take their jobs seriously. The Chairman also stated that citizens will once again have a chance to speak at the Public Hearing at consideration for preliminary site plan approval. Mr. Bulger stated that there have already been two public hearings and that the public has had opportunities to speak and will be granted additional opportunities to speak. He noted that tonight the Board is asking for questions that have not been brought up yet so the applicant can address them in the next stage.

Mr. Pelagalli stated that Planning Board is not a legislative body. The Planning Board can only act on subdivision or site plan applications, not zoning per se.

Kevin Griner, 11 Dyer Dr. voiced his appreciation for Mr. Berlin's passion and the work the Board does. The speaker asked about the status of historical trees on the property and if a NYSHPO Phase I archeological study was or would be done.

Mr. Bulger stated that type of study should only be conducted at the point of the applicant submitting for preliminary site plan consideration.

Mr. Griner also asked who does traffic study and who is responsible for it?

Mr. Bulger said professional staff can make decision whether a full study is warranted along with additional tests or studies needed at a site.

Then Mr. Griner asked if a decision could be delayed until other members of the Planning Board not in attendance return.

Mr. Bulger commented that volunteers can not be guaranteed to attend every meeting and that they will all study materials submitted to date for the record and be ready when needed and that as long as enough are present at a meeting for a quorum under Town Law a decision can be rendered.

Mr. Bulger said that previously mentioned issues including stormwater runoff are being reviewed by professional staff and if engineering plan meet the approval of town engineers and the stormwater management officer, then it will be considered mitigated. If applicant can not resolve or mitigate to satisfaction of the Town's Engineers and Planning Board, then the project will not move forward, but we have to get to that point in the review process in order to determine if the issue has been satisfactorily addressed.

Mr. Griner then once again voiced his appreciation .

Mr. Jeff Ogle, 2 Dyer Drive asked for clarification on Mr. Bulger's prior comments regarding grounds for denial.

Mr. Bulger noted that if a significant impact can not be mitigated it could be grounds to consider denial.

Mr. Ogle then asked if his emails and photos sent in the past were still part of record now that the applicant has brought in a new concept plan.

The Planning Director advised that they were.

Ms. Margaret Catellier, Royal Oak Drive, asked if the Town Board would have a hearing regarding this application.

Mr. Bulger said that no approval is needed from Town Board, so that would not take place. The chairman further added that if the Town Board chose to change zoning in an area, then that would be the issue they would address.

Ms. Catellier, replied that the Town has had public hearings before for controversial projects for development.

Mr. Bulger said that would be specific to Planned Development District Projects where the Town Board makes a decision on something that is an actual change in zoning and then pointed out that the DeMarco Project is in only for Site Plan approval.

Mr. Pelagalli noted that numerous cases from the court of the State of New York says Planning Boards must act in the best interest of health, safety and welfare of the community , and that traffic, stormwater, and SEQR are evidence needed to approve or deny a project. Mr. Pelagalli stated that lacking such evidence, the court says a project must be approved and that opposition and speculation on what ramifications could be inferred are not reason for denial (as ruled in Fitzner v. Clifton Park). Conversely, a Planning Board can not approve an application based on public support without meeting the zoning and building code, and approval by technical staff.

Mr. Bulger commented that empirical data and studies are necessary and must be reviewed by our engineering consultant and professional staff before any determination can be made for approval or denial. The chairman then noted that denial is going to be hard to reach without objective data and criteria.

Ms. Marjorie Perkins, Dyer Drive resident is concerned that it is hard to get to Main Street now from Dyer Drive.

Mr. Walter Cjaikowski, Macelory Road, asked who pays for the traffic study.

Mr. Bulger noted that if a traffic study is part of the required process, the applicant must pay for it and that would be revealed at the next stage. Mr. Bulger then commented on traffic flow within the parking lot, and that he appreciated the addition of the 2nd entrance on Hatlee but he commented that it should be reviewed for its impacts on Dyer Drive.

Mr. Dan Hartnett, of Southbury Ct. spoke to encourage sidewalk connections

A gentlemen who did not identify himself then spoke that Jonesville residents would like to establish a historic district within New York State. He then noted that he does not like the painting of traffic patterns and a parking lot that not would fit in and thought DeMarco could find a better locale in Clifton Park for their business without tarnishing Jonesville.

Wendy Gryner 11 Dyer Dr. asked for recommendations from the Planning Board regarding what the concerned citizens can do.

Mr. Bulger suggested that residents need to keep following the details that are to be submitted at preliminary review stage and any additional studies that would be required. Mr. Bulger noted that specific observations and analysis in an organized fashion would be most helpful.

Mrs. Beth Ogle asked how the public is notified of public hearings. Mr. Scavo stated that it is published in advance per Town Law in the Daily Gazette (the Town's official newspaper) and the agenda is posted on Town Hall bulletin boards before a public hearing and online.

Mr. Bulger stated that it will be up to the applicant when the next step will be resubmitted and that residents can continue to call the Planning Department for information.

Mr. Berlin asked if verification of applicant's study is done by the Board and that his own study seems to refute applicant's statements.

Mr. Bulger says he has been counting at wakes himself and that is why he still has some concerns that need to be satisfied and that any information presented needed to be as solid as can be.

Since there were no further comments the Chairman went on to the next item on the agenda.

[2010-005] PVC Addition – Proposed 24,000 SF addition to existing site plan, 107 Pierce Road, - Preliminary site plan review with possible determination. SBL: 259.9-1-17
Last seen on 2/9/10

Mr. Chad Pagan, as a representative for the applicant, presented this application. He noted that CHA's comments have been addressed and an additional plan has been submitted tonight with changes. Then consultant then described those changes and indicated them on the site plan in reference to parking and driveway access and parking spaces.

Mr. Scavo noted that all the Planning Department's prior comments have been addressed.

Mr. Romano reported that CHA Companies reviewed the site plan, the Stormwater Pollution Prevention Plan and the Stormwater Management Report last revised February 19, 2010 for the above referenced project as prepared by ABD Engineers and Surveyors and offer the following comments:

1. Additional design information should be provided for the proposed sanitary sewer connection. Invert elevations are not provided and it is not clear if adequate cover and separation from the storm sewer will be provided.
2. A note has been added to the plan indicating that following the site clearing the Town shall walk the site with the owner and engineer to determine if additional trees are needed between the building and Pierce Road. The note indicates a maximum of 10 trees although the size and species is not provided. Evergreens with a minimum 7'-8' height should be provided as needed for the additional buffer.
3. The invert elevation of the stone trench connection to the stormwater basin should be depicted on the plan. Erosion control measures should be provided at the outlet.
4. Question #10 of the Notice of Intent should be answered and the construction dates in question #11 should be completed. The final NOI should be signed by the SWPPP preparer and the owner.

Mr. Myers provided the following written comments that were read by Mr. Scavo regarding this application:

1. The stormwater areas still need to be added to the building and pavement areas per 208-65B to determine if the coverage is above the 60% maximum. Current building and pavement coverage without stormwater = 57.1%. There are currently three points of egress to the property and only one is

allowed without planning board approval (208-66A). Building size may require an access road around entire building.

2. Stormwater – Narrative says post developed drainage areas are ½ acres. I find just the newly impervious surfaces to be 0.73 acres alone without considering the areas already in place. As a result, I strongly question the use of the rational method for runoff calculations. This combined with the considerable amounts of steep slopes that will be constructed creates great concerns.
3. Runoff from the roof is routed to a drywell in one paragraph and a stone trench in another, needs clarification.
4. It is not believed stilling basins are acceptable water quality treatment practices.
5. Potential for ponding at the loading dock seems possible.
6. Maintenance agreement with the town will be required for the stormwater management areas. Reports of periodic inspections shall be submitted to the town.
7. SWPPP states NOI has been filed – not to my knowledge and it must be filed with Building and Development not NYSDEC.
8. Certified inspectors for maintenance of practices is required.
9. Certifications are not signed.

Mr. Scavo on behalf of the ECC read the following statement that, the ECC made the following recommendations:

1. The Applicant shall comply with the Town's Hazardous Materials Policy, which can be obtained from the Town Environmental Specialist.
2. 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.
3. The ECC notes that an aquifer recharge area is present within the project limits (the Colonie Channel aquifer). The Applicant must design a storm water management system that protects the aquifer resource. Existing vegetation should be preserved in areas where such growth enhances erosion control.

Mr. Bulger then asked Planning Board Members if they had any comments, questions, or concerns regarding the proposal.

Mr. Ophardt asked about banking parking spaces as talked about earlier with this project.

Mr. Pagan replied that the applicant would like to build them all at this time rather than in stages. Mr. Pagan also noted that driveways crossing property lines might need an agreement but that since this is an existing drive, conditions of easement might need to be addressed.

Mr. Koval suggested looking at the deed and if an existing easement is noted then a reference to it should be added as a note on the plan. Mr. Koval asked for clarification on future connection between the buildings.

Mr. Pagan stated that it has not been determined what that connection would be.

Mr. Koval then noted that it would bring parking below the required minimum per code and could be a big concern.

Mr. Scavo said that a note should be on the site plan plan that it would require Planning Board site plan approval of the connection.

Mr. Andarawis asked if connection might change the driveway access. It was agreed that it might.

Mr. Bulger summarized stormwater issues, and noted that it appears the applicant has satisfied most issues and comments. CHA will review other outstanding issues.

Mr. Koval moved, 2nd by Mr. Ophardt to grant preliminary and final approval and noted that a note should be added to the final plan for stamping that the future connection between buildings would require site plan review.

Votes: Ayes - Mr. Bulger, Mr. Andarawis, Mr. Hale, Mr. Koval, Mr. Ophardt

III. **New Business:**

- A. [2010-007] **Clifton Preserves**– Proposed (5) Lot Subdivision, 326 Moe Road – Conceptual subdivision review. *SBL: 277.-3-24*

Mr. Greg Myer, as a representative for the applicant, Anthony Baccarelli, presented this application. He indicated the property on a subdivision map, showing one existing

home and four additional proposed homes with 2 new driveways each sharing with one other lot. The speaker note that originally he planned the proposal based on R-1 setbacks and has now redrawn it based on keyhole lot requirements, but Lot #5 would have R-1 since it is not a keyhole based on existing frontage. The subdivision would have sanitary sewer and public water. The consultant noted that the applicant is reviewing the status an existing sidewalk.

Mr. Scavo noted that LC Zone should be clearly delineated for future property owners if and when homes are constructed by showing the installation of spit rail fencing along the boundaries with a marker showing LC Zone. The fence feature should be incorporated into each individual deed description for each property in addition to being depicted on the subdivision plan.

Mr. Romano reported that CHA Companies has reviewed the concept subdivision plan dated February 22, 2010 for the above referenced project as prepared by O.J. Meyer and Son and offer the following comments:

1. Pursuant to Section 208-86.A of the zoning regulations, “Keyhole lots may be permitted by the Planning Board only in Residential Districts R-1, R-2 and R-3 and only in rare instances when required due to unusual conditions of the area.” The Planning Board should determine if the application and layout of the proposed keyhole lots meets the intent of the zoning regulations, as the physical constraints of the site are not apparent on the survey provided. In addition, it appears development of the lots may involve work within the 100 foot regulated wetland adjacent area, which also coincides with the limit of the Town’s LC-Land Conservation zoning district. Although only a subdivision is proposed, if there is likely to be any disturbance in the protected area due to development of the lots, the plans should reflect the work and the necessary permits and approvals should be sought at this time. Pursuant to Section 208-86.B of the zoning regulations, keyhole lots require a fifty foot required setback from all property lines. Application of this setback will severely limit the development potential of the lots.
2. In accordance with Section 208-86.E of the zoning regulations, “To ensure privacy for adjacent lots, a landscaped buffer shall be planted on the keyhole lot wherever deemed necessary by the Planning Board. The buffer shall contain sufficient planting materials as needed to screen the keyhole lot from other existing uses.” It appears the lots are located within a farm field. Significant landscaping appears warranted to meet the intent of the regulations.

3. We are concerned with the development of multiple new driveways off Moe Road to serve the four new homes. We recommend that any proposed driveways be combined into one.
4. There is a significant row of trees around the existing home site. This should be preserved in any development of the subdivision.
5. The proposed house locations, driveways and required setbacks should be depicted on the plan.
6. Standard Subdivision note #7 discusses a common ingress/egress easement for lots 2, 3, 4 and 5. The easement should be depicted on the plan.
7. The location of the water valve for the service to the existing house appears to indicate the service is located on proposed lot #2. An easement should be provided for the existing water service.
8. The location of the proposed water and sanitary sewer services should be depicted on the plan. The proposed method of connection to the existing utilities and the proposed method of crossing Moe Road (if required) should be provided.
9. The Conservation Limit line should be labeled Land Conservation Zoning District.
10. The plan depicts an existing asphalt pathway within proposed lot #5. The limit of the existing right-of-way or the existence of an easement for the pathway should be verified. If it is determined that the pathway is not within the right-of-way or an easement, additional right-of-way or an easement should be provided. We believe the right-of-way for Moe Road may not be accurately reflected.
11. A 30' wide drainage easement should be provided over the existing 18" culvert and drainage channel on proposed Lot #5.
12. The limit of existing vegetation and the proposed clearing limits should be depicted on the plan.
13. The name of the existing property owner and bulk zoning requirements should be depicted on the plan.
14. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include the following:
 - Clifton Park Planning Board - Subdivision Approval

- Clifton Park Water Authority – Water Connection Permit
- Saratoga County Sewer District #1 – Sanitary Sewer Connection .

Mr. Myers provided the following written comments that were read by Mr. Scavo regarding this application:

1. Significant wetlands and LC zones will impede new home construction in this subdivision especially on lot #5.
2. Proposed home locations and driveways should be shown for determining the need for variances.
3. Lots #2 and #3 appear to require driveways built to the standards of the fire code (20' wide, 15' vertical clearances, able to support 75,000 lbs vehicle and turn around within 100' of home).
4. Application states all lots will have public sewer but septic systems are included in the plan notes-clarify.
5. Lots #2, #3 & #4 are required to meet the keyhole lot requirements (50' from all property lines).

Mr. Scavo noted that Ms. Sheryl Reed had no written comments.

Mr. Scavo, reported on behalf of the ECC that, after review of the project plan, the ECC had the following recommendations:

1. The plan only partially identifies the limits of the LC Zone and 100 foot buffer zone, the Applicant shall identify the boundaries, in their entirety, of the LC Zone and 100 foot buffer zone on the plot plan.
2. Given the extent of the LC Zone on the parcel, a new subdivision should be submitted eliminating Lot #5.

Board Comments

Mr. Bulger asked about unusual conditions of the area and what are they to justify the Planning Board permitting the keyhole lots.

The consultant spoke to the amount of wetlands and trying not to mitigate/disturb wetlands in order to reach the uplands in the back.

Mr. Hale stated that it appears 1/3 of site is limited and that a more creative development might be presented.

Mr. Ophardt wanted to know why not one single driveway with all homes on it making it a private drive if not a town standard road. He also noted that it will need to accommodate fire trucks anyway.

Mr. Ophardt noted that there are private drives not far from there at the Buttonwood Manor Subdivision.

Mr. Koval felt that the wetlands does justify keyhole lots but would like to see more attractive layout and thinks lot 5 is problematic and would prefer a 4-lot subdivision.

The Planning Board also requested grading limit lines be added to future submittals to conceptualize the project better. The Board also noted that the applicant should consider pulling the homes further away from the wetlands, particularly lot 5 and to realign the homes and drives.

The consultant asked if grading was needed and Mr. Scavo suggested that he would advise the applicant to provide that detail by preliminary site plan consideration.

Mr. Hale suggested front facing homes on Moe Road.

Mr. Ophardt suggested exploring a town road might allow more protection of wetlands and the applicant should consider seeking variances to get homes a little tighter and further away from the wetlands. Mr. Ophardt had a concurrence from other Planning Board Members that the 50' setback from all property lines as required by the code may not be the best layout for this site to provide maximum protection for the wetlands.

The Board thanked the applicant's representative and asked for some changes to be brought back to the Board as revised concept next time.

IV. Minutes Approval: March 9, 2010

IV. Discussion Items:

DCG, CPC Mall Hotel – façade rendering review per conditional approval 2/10/09.

Mr. MacElroy, representative for DCG, brought revised elevation on rear of hotel – view from Interstate 87, for approval from Planning Board as required by the conditional approval. The new plan shows some additional trim and molding on roof line of the plan. Mr. MacElroy noted that the hotel will be taller than the existing Boscov's building.

Mr. Hale said that it was a great improvement over what was last presented. Some general discussion then occurred about situations in the mall that took place over the years.

Mr. MacElroy described some of the banquets/conference spaces that will be available as a result of the hotel project.

Mr. Scavo showed on the aerial map where the hotel will be in order to refresh Planning Board Members memories and gave a brief history of approval and conditions which were issued in February of 2009.

Dan Hartnett asked about tree trimming and clearing along Clifton Country Road and that much of it is gone now.

Mr. MacElroy says they followed the original approved plan and some of the trees there now will be coming down. Mr. MacElroy stated that DCG hopes to start within a couple months with construction.

Mr. Bulger asked and Planning Board agreed that it found the plans acceptable as satisfaction of conditional approval. Mr. Bulger noted for the record that as a result the condition is now removed from the project.

Mr. Bulger made a motion to approve the minutes from the March 9, 2010 meeting of the Planning Board. Mr. Hale seconded the motion which passed unanimously.

Mr. Bulger made a motion to close the public meeting at 9:15 p.m. and Mr. Koval seconded the motion which passed unanimously.