

Town of Clifton Park
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PLANNING BOARD
STEVEN BULGER
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PAUL PELAGALLI
Attorney

JANIS DEAN
Secretary



MEMBERS
Michael Hale
Joel Koval
Eric Ophardt
Sandra Pace
Kim Paulsen
Tom Werner
(alternate) Emad Andarawis

Planning Board Meeting
May 26, 2010

Those present at the May 26, 2010 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, M. Hale, J. Koval, E. Ophardt, S. Pace, K. Paulsen,
T. Werner
E. Andarawis – Alternate Member

Those absent were: None

Those also present were: J. Scavo, Director of Planning
J. Grasso, CHA Companies
M. Montague, Environmental Specialist
P. Pelagalli, Counsel
T. McCarthy, Town Attorney
J. Dean, Secretary

Mr. Bulger, Chairman, called the meeting to order at 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Public Hearings:

[2010-010] **Bartlett, Evalyon M.** - Proposed (3) lot subdivision, 537 Clifton Park Center Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:00p.m. The Secretary read the public notice as published in the Daily Gazette on May 19, 2010.

Mr. VanGuilder, consultant for the applicant, presented this application for the Board's review, explaining that the application remains generally as presented at the April 28, 2010 meeting. Summarizing the application, he explained that the proposal calls for the subdivision of 2.93 acres of land lying within the R-1 residential zone along the northerly side of Clifton Park Center Road approximately .8 miles from its intersection with Moe Road into three lots ranging in size from 40,002 SF to 47,568 SF. All of the lots will be served by individual wells and septic systems. In response to concerns raised by Board members at the April 28, 2010 meeting, the revised plan now shows the addition of a 25' no-cut buffer area along the southern, eastern, and northern boundaries of the two new lots. The consultant assured the Board that Mr. Semenza, owner-developer, is committed to preserving as many trees as practicable. Mr. VanGuilder stated that the proposed driveway to access the new residences will be combined with the existing driveway to provide for a single curb cut on Clifton Park Center Road. The plan now shows that a 15.38' strip of land along Clifton Park Center Road will be conveyed to the town for future trail or roadway improvements. The property is described as level with very well-drained soils.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, has determined that Section 179-26C of the Subdivision Regulations of the Town Code that requires that the "minimum lot size be met without including the driveway access strip." Since this requirement is not included in the Section 208 – the Zoning Code – it is not appealable through the Zoning Board of Appeals. After conferring with Mr. Peller, Zoning Board Counsel, Mr. Scavo believes that the Planning Board may determine that a "waiver" from the requirement is appropriate.

Mr. Scavo reported that Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention requests that that the Postal Verification Form be completed and that the appropriate addresses be shown on the final stamped plans.

Mr. Scavo stated that a legal description of the lands to be conveyed to the Town of Clifton Park must be provided by the applicant to the town prior to the stamping of the final plans. In addition, a completed TP584 form, E& A form, and filing fees must be submitted to Joel Peller, Town Attorney, for review.

Mr. Grasso reported that after review of the subdivision plan last revised May 3, 2010 for this application, CHA Companies determined that several comments from the April 27, 2010 review letter remain to be addressed: additional comments have also been provided. Justification for the use of flag lots is required since it appears flag lots are only being used to increase the development potential of the parcel. It does not appear that the minimum lot size would be met if the flag portion of the lot was not included. Section 179-26C of the Subdivision Regulations requires the minimum lot size to be met without including the driveway access strip: it appears a variance will be required. The location of well and septic systems on the adjoining properties should be depicted on the plan to verify that adequate separation distances from the proposed facilities can be achieved. Additional topographical information is required to determine if a 200 foot separation distance will apply. The site statics table should reference the 50' minimum setback for all yards of keyhole lots.

Mr. Montague, Environmental Specialist, reported that the ECC offered the following comment on this application. The ECC recommends that this project be carried out in keeping with the goals of tree preservation as stated in the Town Comprehensive Plan to the greatest extent practicable.

Dr. Kirk Gleason and Ms. Dale Gleason, owners of the adjoining property at 539 Clifton Park Center Road, expressed concerns regarding the potential for increased flooding of their driveway when the proposed new driveway is installed. Ms. Gleason read a prepared letter that explained that their driveway was installed in 1983. They experienced no flooding problems until the property to the west at 541 Clifton Park Center Road was developed approximately five years ago. Since they fear that additional flooding of their driveway will result after the installation of the proposed driveway, they asked that the Board require that the driveway be moved as far to the east as possible and that a no cut buffer be established along the western property boundary. Mr. Gleason commented that the residences to the west, developed by Mr. Brooks Teele several years ago, are all protected by a covenant that states that no further subdivision of the lots will be permitted. He noted that the lots are considerably larger in size than those proposed by the applicant.

Mr. VanGuilder addressed the issue of the smaller lot sizes by explaining that the applicant views the property as a “transition area” from what will likely be smaller lots developed on a currently vacant parcel to the east and the larger lots occupied by the Gleasons and others to the west.

Mr. Gleason requested clarification of §179-26C of the Town Code. Mr. Pelagalli read the section of the code and explained that because it was not included within the zoning code, it would not be appropriate for review by the Zoning Board of Appeals. He advised Board members to provide detailed rationale for whatever decision they make since it would establish a precedent for decisions rendered for future applications.

There being no further public comment, Mr. Bulger moved, seconded by Mr. Hale, to close the public hearing at 7:22p.m. The motion was unanimously carried.

Mr. Bulger summarized the proceedings, explaining that the main issue of concern centered on whether or not the Board was willing to consider waiving the requirement that the minimum lot size must include the driveway access strip. Board members, Mr. Semenza, owner-applicant, Mr. VanGuilder, consultant, and members of the town’s professional staff discussed the issue at length. Mr. Pelagalli addressed Ms. Gleason’s request that the applicant provide a no-cut buffer along the property line and that language protecting the buffer be included in individual property deeds, explaining that the only enforcement of such a no-cut buffer area would be from the purchasers who “took form the common grantor”: those purchasing the existing home and new residences would be the only ones who could legally require compliance with the approval condition. Mr. Werner observed that there is an approximately 7,000 SF difference between the proposed lots. Mr. Hale stated that “unless there is a compelling reason” to approve the plan, he does not believe that the two-lot subdivision should be approved: the area should not be considered “unique” simply because it is [as described the consultant] flat and well-drained. Ms. Paulsen commented that Mr. Semenza had mentioned at the last meeting that

it would be economically unfeasible for him to build a single residence on the property. Mr. Semenza spoke to that issue, stating that he paid a substantial price for the property because of the determination rendered by Mr. Myers, Director of Building and Development, regarding the driveway access strip: he stated that because Mr. Myers told him that the bulk requirements did not include the access strip he authorized the preparation of a two lot subdivision plan. Mr. Bulger noted that although guidance was offered by the Chief Zoning Officer, the Planning Board was charged with determining whether or not Section 179-26(C) would be applicable to this application. He again emphasized the fact that the Board must justify its decision. Though Mr. Werner recommended that the Board request clarification of the zoning officer's decision, Mr. Pelagalli advised the Board to consider the application from a "planning perspective" and to limit its focus to this specific circumstance. Ms. Paulsen noted that "these are significant economic times" and that Mr. Semenza seems to be responding to the need for more moderately-priced housing. Mr. Bulger cautioned against basing decisions on the "economics of this market rather than other markets" and encouraged members to consider what decision would be best from a planning perspective. Mr. Ophardt called upon his experience as a Zoning Board of Appeals member, stating that quite often variances were considered in terms of their "severity": in his opinion this application would involve approval of a significant waiver. Mr. Bulger called the question and conducted an informal poll of the members. Ms. Pace stated that she would like to obtain more information from Mr. Myers; Ms. Paulsen stated that she thought the applicant had designed a desirable subdivision and that she supported a waiver; Mr. Hale said that he did not have enough information regarding Mr. Myers' determination and the purchase price/marketable value information to make a reasonable decision; Mr. Koval believed that not all the information necessary to make a decision was available to the Board. With the exception of Ms. Paulsen who stated that she "believes that these lots are necessary now," Board members agreed that there was not sufficient information to either grant a waiver which would allow for a two lot subdivision or to deny the application. Mr. Bulger called for an adjournment of the proceedings.

[2009-025] **VanPatten, Ronald Wayne** – Proposed (12) lot subdivision, 621 Englemore Road – Preliminary public hearing and possible determination. SBL: 277.-1-54; 277.-1-81.2; 277.-1-82.

Mr. Bulger called the public hearing to order at 7:50p.m. The Secretary read the public notice as published in the Daily Gazette on May 19, 2010.

Mr. Gil VanGuilder, consultant for the applicant, presented this application for the Board's consideration, noting that the subdivision plan was last reviewed by the Board on November 10, 2009 when the Board encouraged the applicant to seek all necessary variances from the Zoning Board of Appeals. The speaker explained that all variances were granted by that Board on February 2, 2010 by permit #80758. The variances included, but were not limited to, lot size, front yard setback, lot width at the building line, number of lots on a private road, and width of the right-of-way. Mr. VanGuilder summarized the application, stating that a number of buildings have been constructed over a span of many years: there are a total of nine (9) building on the property. The residential structures are occupied by Mr. VanPatten's family and persons that lease living units from the owner. All of the units are connected to a private water supply located on the premises. Waste water disposal is accomplished with the use of multiple on-site

septic systems. The proposal is to subdivide the property into twelve (12) lots. Each residential building will be on a separate lot, with the exception of Lot #1 where a small building is close to Mr. VanPatten's residence. Public water will be extended to all of the residential buildings and proposed lots. Public sewer will also be extended from Grooms Road to all of the residential buildings and proposed lots. Extension of the Clifton Park Water Authority system will be accomplished by connecting the ends of the mains on Emmons Drive in the Bristol Gate Subdivision and the line through Stoney Heights Subdivision and routing the water main through the Lands of VanPatten to the private road in the proposed subdivision. All proposed lots will be served by the public water system. Public sewer will be provided by installing a low pressure force main from the Saratoga County Sewer District line on Grooms Road to the subdivision lots. Individual grinder pumps will be installed for each building. Access to the lots will be via a private roadway system that will utilize existing driveways. The private road will be improved to a minimum width of 20 feet, have a vertical clearance of at least 15 feet, and be able to support a 75,000 pound vehicle. The roadway will initially be maintained by Mr. VanPatten. When any of the portion of the lot or lots is conveyed to a new owner, a homeowners' association will be formed to accept responsibility for maintenance of the road. Mr. VanGuilder explained that an additional two (2) new building lots will be created to help off-set the extension of existing water and sewer lines. Mr. VanGuilder noted that the area to the east of Sunny Lane has been determined to be unbuildable: a note will be added to the plan that states that no additional buildings may be constructed in the designated area. He reported that he is in receipt of the comment letter prepared by CHA Companies. All technical comments will be addressed by Lansing Engineering.

Mr. Scavo read the following comments provided by Mr. Myers, Director of Building and Development. He reported that all required variances were approved by the Zoning Board of Appeals. A Full Storm Water Pollution Prevention Plan will be required. The applicant must ensure that roads are maintained for emergency access even if a homeowners' association dissolves. Penalties for not maintaining the roads should be stipulated. Removal of existing water system should be required once public water is established. The 50' right-of-way would infer that the roads may be turned over the town. If there is any thought of this, they should be built to town standards. If not, there should be specific language to prohibit their transfer. Approved 911 addresses must be verified and shown on the plan. Ms. Reed, Chief of the Bureau of Fire Prevention, requests that the Board require that the applicant provide specific provisions for maintaining emergency access roads even if the homeowners' association is dissolved.

Mr. Scavo provided the following comments prepared by the Planning Department. *Subdivision approval* shall be defined at the time of final subdivision approval if and when granted by resolution from the Town Planning Board. Any timelines for a sunset provision associated with subdivision approval shall commence from the date of final subdivision resolution approval by the Planning Board. As per Section 179-5, Final Review of the Town Code, "The applicant shall submit an estimate of construction cost for the purpose of establishing a letter of credit or performance bond at the time of final submission to cover the full cost of all required improvements. Required improvements are those public utilities and roads necessary for occupation of the subdivision. The actual letter of credit or performance bond must be in place prior to the issuance of any building permit in said subdivision. The amount of the letter of credit

or performance bond shall be determined by a construction cost estimate prepared by the owner and approved by the town or its authorized representative. The town's authorized representative shall be the Director of Planning.” Once received by the Director of Planning a copy of the estimate will be forwarded to the Town Engineer for a recommendation on the proposed dollar amount based on the scope of construction for required improvements.

Mr. Grasso explained that CHA Companies reviewed the subdivision plan dated April 28, 2010, Storm Water Pollution Prevention Plan dated April 28, 2010, and Water Supply Report dated April 27, 2010 for the above referenced project as prepared by Lansing Engineering, PC and offered the following comments and recommendations. The layout and material plan should clearly identify the limit of the proposed road. Areas of the existing road to remain should also be clearly labeled on the plan. A typical section of the proposed road should be provided. The detail should provide methods to determine the adequacy of the existing road to meet the required specifications. The proposed private drive will be maintained by R. Wayne Van Patten until a lot is sold at which time a homeowners’ association will be created for the purpose of maintaining the road. Until such an association is created, CHA Companies continues to recommend that a bond be established for the purpose of the road construction and maintenance for the access of emergency vehicles, the Clifton Park Water Authority, and the Saratoga County Sewer District. The plan depicts the conveyance of lands along the eastern portion of the property across the proposed right-of-way: it is recommended that the land east of the proposed road be dedicated to the town as open space and that the Town be granted an access easement over the easterly private drive. There are existing improvements such as fences that are located within the proposed roadway and right-of-way. The existing improvements to be removed should be clearly identified on the plans. The proposed hydrant spacing and location should be confirmed with the Clifton Park Water Authority and the Chief of Fire Prevention. Typically, it is recommended that hydrants be spaced no more than 500’ apart. CHA Companies recommends that the existing access drive across the lands of Belanger be improved to meet the specifications of the proposed private drive. The length of the proposed private drive and the number of lots it serves warrants a second means of access for emergency vehicles. A right-of-way should be provided across proposed Lot #12 connecting the right-of-way of Stoney Heights Court and Emmons Drive. Ingress/egress easements should be provided for Mira Drive. The subdivision is proposing the acquisition of lands from the adjacent properties of Lobos and Tryon: a written acknowledgement regarding the proposed subdivision should be provided from the adjacent property owners. Additional details of the proposed grinder pumps should be provided. It should be verified that the pumps will have the ability to overcome the hydraulic grade line of existing 10” forcemain. The plan depicts an existing water service from pump house to the adjacent apartments: the existing service should be connected to the proposed watermain. An easement should be provided for the portion of the service located within the Land of VanPatten. Improvements and associated land disturbance would appear to be required for the proposed roadway. This work should be included as part of the Erosion and Sediment Control Plan. The overall disturbance should be quantified and depicted on the plan.

Mr. Grasso offered the following comments on the Storm Water Pollution Prevention Plan dated April 28, 2010:

- Section 2.3 should reference the Stoney Creek Reservoir, not the Town of Clifton Park Reservoir.
- A stabilized construction entrance should be added to the Erosion and Sediment Control Plan.
- The Construction Sequence Scheduling Section should be revised to be specific to this project and the construction activities involved.
- The location of the use of the rolled erosion control practice should

be more clearly defined and discussed in the plan.

Mr. Montague reported that the ECC provided the following comments regarding this application. The limits of the LC zone and 100-foot buffer zone, DEC wetlands, and federal jurisdictional wetlands shall be identified on the plot plan. Lots 1B, 9A, 10A, 11 appear to be within the wetlands and/or buffer zone. Upon delineation of the LC zone in accordance with Section 208-69 of the Clifton Park Town Code, uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone. The ECC notes that the project may include extensive paving adjacent to, or in the vicinity of the LC zone, state or federal wetlands. The ECC recommends that the Planning Board require the applicant to incorporate sediment traps and oil water separators with appropriate capacity to limit the migration of vehicular contaminants into these sensitive environments, if paving were to occur.

Mr. Robert Belanger, adjoining property owner, submitted a copy of a deed representing the transfer of lands from Ronald Wayne VanPatten to Robert Belanger dated July 24, 1995 that establishes a “permanent conveyable 30’ wide easement for ingress and egress between Englemore Road and the land to the north of the parcel.” The speaker stated that Mr. VanPatten currently uses the easement as the main access to his parcel. Since the easement provides Mr. VanPatten with access only to “the land to the north” of Mr. Belanger’s property, he considers its use “illegal” and because driveway is only a few feet from the entrance to one of the multi-family units that he owns, he described the use of the easement as “unsafe”. He encouraged the Board to require Mr. VanPatten to use a strip of land that he owns from Grooms Road as the secondary access and questioned why a second means of access was required by the Chief of the Bureau of Fire Prevention.

In response to Mr. Tom McCarthy’s question regarding current use of the easement and the length of time Mr. VanPatten has, in fact, been utilizing the access route, Mr. Belanger stated that Mr. VanPatten has been using the driveway for personal access and access for delivery vehicles for nearly seventeen years, though he emphasized the fact that the original agreement called for Mr. VanPatten’s access to be limited to the parcel directly to the north. Mr. Belanger asked the Board to grant him time to research the easement history and, if necessary, to retain legal counsel.

Though Mr. Bulger asked the Board to consider the issue regarding the secondary access during its deliberations, Mr. VanGuilder noted that less than eighteen families reside on the VanPatten parcel: eighteen is the number of units permitted on a cul-de-sac pursuant to fire safety regulations. Mr. McCarthy suggested that the secondary access, if considered an emergency access, be gated to prevent its regular use as a driveway. Mr. Belanger agreed that this would improve his situation.

Mr. Bulger explained that although changes to the existing easement itself were not within the Board’s purview, the second means of access to the VanPatten property could be

discussed. In answer to Mr. Koval's question concerning the recent request for the secondary access, Mr. Bulger stated that it was requested by Ms. Reed, Chief of the Bureau of Fire Prevention. Board members discussed issues surrounding the required establishment of a homeowner's association to ensure continued maintenance of roadways within the subdivision. Mr. Bulger stated that it was incumbent upon the Board to make its decision "airtight" and "enforceable". Mr. McCarthy asked if the proposed subdivision application provides for possible additional building construction. Mr. VanGuilder explained that although no new building is currently planned, the owner could build on property to the north in the future, though he assured the Board that no additional access would be permitted on Englemore Road. Mr. McCarthy asked for clarification regarding access to utilities by adjoining property owners. Mr. VanGuilder stated that utility lines could be made available along property boundaries. Mr. Belanger was enthusiastic about the possibility of a water connection to his multi-unit residential buildings and stated that if water became available to his buildings, he would be more amenable to use of the easement as an access to the VanPatten property. Board members agreed that a second means of ingress/egress to the VanPatten property was desirable. The applicant must adequately address all of the issues of concern identified by town officials, CHA Companies, and the Planning Board prior to final review. The Board took no action on this application.

Old Business:

[2006-010] **Provident Development Group** – 6,200 SF office building, 39 Old Route 146 – Amendment to approved site plan and possible determination. SBL: 266.-3-2.10

Mr. Victor Caponera, legal representative for the applicant, explained that he has been working with Mr. McCarthy, Town Attorney, and Mr. Pelagalli, Planning Board Counsel, to reach a settlement regarding the demolition of the historically-significant Rosecrans house on property that his client developed at 39 Old Route 146. He explained that such a settlement has been achieved and that his client will pay a "mitigation fee" of \$40,000.00 to the Town of Clifton Park for failing to comply with an approved site plan by razing the historic building. Mr. McCarthy read Section 208-123B(4) of the Town Code that provided the basis for the legal agreement. He explained that the Planning Board would be responsible for approving an amendment to the approved site plan. Mr. Bulger read the following statement:

The motion and notice of decision shall reflect the fact that the this evening's action is to amend the existing site plan approved by the Planning Board on April 11, 2006 and granted an extension on March 27, 2007. The amendment is to eliminate any reference(s) to the preservation and restoration of the Greek Revival Building also known as having an address of 37 Old Plank Road. The amended site plan will provide for a graded area with the establishment of grass in lieu of the preservation of the locally valued historic structure which has been demolished in its entirety. Any other approved conditions, notes, and site plan details associated with the prior approved site plan dated April 11, 2006 shall remain in full effect and a copy of this approved amendment and minutes of these proceedings shall be included with the original approved, stamped site plan.

Mr. Myers, Director of Building and Development, Mr. Scavo, and CHA Companies offered no additional comments regarding this proposed amendment. Mr. Montague, Environmental Specialist, reported that the ECC recommends that the footprint of the demolished building should remain as open space.

Mr. McCarthy provided a brief history of the site plan violation and court action. He explained that code enforcement officials cited the applicant/developer for failure to comply with an approved site plan. The matter was heard in the local Justice Court during multiple court appearances. It was decided that the imposition of the “mitigation concept” would result in the most reasonable settlement. It was determined that payment of \$40,000.00 would be sufficient payment for the violation. The site plan will not be released until the assessed fee is paid to the town. The money will be used to fund historic preservation projects or provide educational programs related to historic preservation. Mr. McCarthy concluded his statement by noting that the final action related to the settlement was the Planning Board action to approve the amendment to the approved site plan.

Mr. Koval commented that there has been a lesson learned from this experience and that the Town Board will consider adding “teeth” to the historic preservation portion of the code to ensure that others will be more willing to comply with conditions of approval. Mr. McCarthy agreed, stating that the Town Board is indeed considering assessing civil penalties for failure to comply with code requirements.

Mr. Bulger summarized the discussion, noting that “good things” have resulted from an “unfortunate situation”. He thanked members of the Historic Preservation Commission, Ms. Pace, the Board’s liaison with that commission, Mr. McCarthy, Mr. Pelagalli, and Mr. Caponera for their work in helping to resolve the issues surrounding demolition of the historic home.

Mr. Bulger moved, seconded by Mr. Koval, to grant approval to an amendment of the existing site plan that was approved by the Planning Board on April 11, 2006 and granted an extension on March 27, 2007. The amendment is to eliminate any references to the preservation and restoration of the Greek Revival Building also known as having an address of 37 Old Plank Road. The amended site plan will provide for a graded area with the establishment of grass in lieu of the preservation of the locally valued historic structure which has been demolished in its entirety. Any other approved conditions, notes, and site plan details associated with the prior approved site plan dated April 11, 2006 shall remain in full effect and a copy of this approved amendment and minutes of these proceedings shall be included with the original approved, stamped site plan. The motion was unanimously carried.

[2009-023] **Currier, Gerald** – Proposed (3) lot subdivision, 1117 Route 146A – Final subdivision review and possible determination. SBL: 257.-2-9

Mr. VanGuilder, consultant for the applicant, presented this application that remains generally as presented at the April 28, 2010 Planning Board meeting. In response to concerns raised by Board members at that meeting, Mr. VanGuilder explained that a note has been added to the plan that states the following: Pursuant to Section 208-43.3B of the Town Code each lot shown hereon is subject to the base density calculations according to use. This will prevent a

single buyer from using up all available development credits. In addition, a note has been added regarding the quantity and potability of water supplied by proposed on-site wells. A septic system note that states the following has been added to the plat:

Prior to the issuance of a building permit, a plot plan for each individual lot shall be submitted to the town. The plot plan shall include percolation tests certified by a professional engineer and a sanitary sewer design approved by a professional engineer. The building inspector is required to be present at the conducting of all percolation tests.

Mr. Scavo stated that Mr. Myers, Director of Building and Development, has stated that the comments issued for the April 28, 2010 meeting remain applicable. The subdivision appears to meet the zoning requirements for the HM (Hamlet-Mixed Use) district. He has noted that viable wells and septic designs will be required prior to the issuance of any building permits for new buildings or tenancy of the existing building.

Mr. Scavo explained that the final plan must include the addresses assigned to each lot as identified on the Postal Verification Form. Pursuant to Section 208-43.6, Site Plan Review, of the Town Code, the following note must be included on the plat:

All buildings and zoning permit applications in the HM District shall be subject to site plan approval. Applications will be considered by the Planning Board in accordance with Article XVI, Site Plan Review and Approval, and the Western Clifton Park Design Guidelines.

Mr. Grasso reported that several of the previous comments from the April 7, 2010 review letter remain to be addressed. Additional comments have also been provided. The proposed project has been modified from a residential subdivision to show three new commercial lots in the commercial zone. Any site disturbance on the two new commercial lots should be subject to site plan review prior to issuance of a building permit. It would appear that development of the proposed lots will disturb more than one acre of land and as such the project will require coverage under the NYSDEC SPDES General Permit for Construction Activities. If permit coverage is required, a Storm Water Pollution Prevention Plan and Storm Water Management Report should be provided as part of the site plan review. If there is no ditch along Route 146A between 24" and 36" deep, additional detail for the proposed culvert and drainage along the highway should be shown. Grading required to provide adequate drainage may involve grading across multiple lots and as such should be addressed now. The area lacks public water supply facilities and will require the establishment for individual water supply facilities: the ability of each lot to support development of its own system should be demonstrated prior to subdivision approval.

The following comments regarding the Engineer's Report – Sewer System Design dated March 2010 were provided. The report indicates the system will be constructed in conformance with the engineering drawings. The septic design plan will be required by the Building Department prior to issuance of a building permit or change in tenancy and should be provided for engineering review.

Mr. Montague explained that the ECC offered the following comments on this application. The applicant is encouraged to consider configurations that place the buildings closer to NYS Route 146A, with the parking lots, service areas, and waste receptacles in the rear of the buildings and out of view from NYS Route 146A. This is consistent with the HM (Hamlet

Mixed Use) objectives outlined in the Zoning Code of the Town of Clifton Park. The ECC recommends that the applicant modify the lighting plan to incorporate lighting that is directional and limited. Lot #3 does not identify the location of the on-site well. The well should be located a minimum of 100 feet from the proposed septic system and expansion area.

In response to Mr. Werner's question regarding the adequacy of sight distance at the curb cut, Mr. VanGuilder explained that the acceptable distances were exceeded at the proposed entrance location. Board members found the plan acceptable.

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

Mr. Ophardt offered Resolution #1, seconded by Mr. Koval, to waive the final hearing for this application and to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of the comments offered by the Planning Department, CHA Companies, and the Planning Board. Ayes: Ophardt, Paulsen, Pace, Hale, Werner, Koval, Bulger. Noes: None.

[2009-016] **Parkway Music** – Proposed 13,144 SF, two-story retail building, Route 9 and Biette Road – Preliminary site plan review and possible determination. SBL: 266.-3-2.10.

Mr. Tom Andress, consultant for the applicant, presented this project plan that remains generally as presented at the April 28, 2010 meeting. In response to Board recommendations, he explained that more details have been added to the plan. He explained that there is an existing 1½' grade change between the project site and the Rusty Nail, an existing business to the north. The owners of the restaurant are not currently interested in a connection between the two sites since it would mean removal of two or more existing parking spaces. Appliance Giant, an operating retail business to the south, is not interested in a connection at this time. The applicant proposes to include language on the plan that would provide options for cross-connections when warranted. Mr. Andress stated that all necessary information would be added to the Storm Water Pollution Prevention Plan as requested and that all comments issued by CHA Companies would be addressed.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided a number of comments regarding this application. Number 16 of the Notice of Intent has not been answered and the document has not been signed. The report should state if test pits confirm soil survey. Rooftop run off is only acceptable use of drywells. Separation of bottom of infiltration practice to high groundwater level is a minimum of 3' (per report groundwater at 89-90 - base of drywells). Though the design manual shows drywell overflow to subsurface gravel filled chamber, this is not reflected in design. Geotechnical testing for the proposed practices required per the design manual is 1 per 5,000 SF which would be 9 tests for this site: only 4 were done. No pretreatment measures are shown for infiltration practices. The proximity of one of the temporary sediment basins to the new building does not seem reasonable. Construction entrances are only shown from Biette Road. Since this is a fairly "light duty" town road, conditions should be included requiring repair of any damage to this road by the construction. A

survey of the road condition by the Highway Department before and after construction should be conducted.

Mr. Scavo offered the following comments. The final plan prior to stamping should reflect the addresses assigned to each lot as identified on the Postal Verification Form. The proposed stop sign detail should note that a minimum reflectively sheeting of High Intensity Prismatic or better is required.

Mr. Grasso offered the following comments and recommendations regarding this application based upon CHA Companies' review of the site plans last revised May 4, 2010, the Storm Water Management Report dated April 12, 2010 and the Storm Water Pollution Prevention Plan dated April 12, 2010. Additional detail of the potential cross-connections to the parcels to the north and south should be provided. The connection to the Rusty Nail is 1.5 feet higher than the existing parking lot grade and the connection to Appliance Giant will impact the proposed storm water management area. The impacts of the connections on the proposed site should be evaluated. Significant clearing and grading is proposed within the NYSDOT right-of-way along Route 9. Due to the extensive removal of the existing vegetation and berm, a more extensive landscaping plan particularly along the Route 9 frontage should be provided. The plan does not depict the size and material of the existing water main on the north side of Route 9. The consultant should verify that the existing water main is a public utility and the work will be located within a Clifton Park Water Authority easement. The test pit data only depicts a depth of 12" for test pit #2. Additional information regarding the underlying soil conditions at this location should be provided. Additional grading detail downstream of the 18" driveway culvert should be provided. It appears the grading directs the runoff to a low area within the adjacent property. A detail of the proposed dumpster enclosure should be provided. The water service connection detail should be revised to be specific to the proposed project. The pipe material should match the material depicted on the plan and the note regarding additional buildings should be removed.

The following comments were prepared based upon review of the Stormwater Management Report dated April 12, 2010: The stone trench grading on the south side of the site only provides 0.3' feet of freeboard before over topping to the adjacent property to the south and the stone trench along Route 9 only provides 0.5' feet of freeboard. Consideration should be given to re-grading the trenches to provide adequate storage depth/surface volume to prevent overtopping during the 100-year event assuming winter freeze conditions. A conservative approach to the extreme storm (Q_f) check would be to provide the 100-year volume by not taking into account the infiltration storage and the storage in the media voids. According to Section 6.5.3 in the New York State Storm Water Management Design Manual, pretreatment of runoff sheet flow from the parking lots should be provided for the stone trenches and connected dry wells. Pretreatment may be provided with pea gravel diaphragms along the pavement edges adjacent to the stone trenches.

Mr. Grasso also reported that review of the Storm Water Pollution Prevention Plan dated April 12, 2010 resulted in the following comments. In the 1.0 Site Description section of the Storm Water Prevention Pollution Plan, the applicant must include a Historic Places section and backup documentation in an Appendix in accordance with part III.A.8 (Historic Places) in the GP-0-10-001 permit. In the 1.4 Description subsection of the Storm Water Pollution Prevention Plan, it is necessary to discuss and list the values of the total proposed impervious area increase and the total disturbed areas. Section 1.6 Sequence of the Major Activities subsection of the Plan should be revised to ensure that the construction of the temporary sediment basin(s) are part of the site preparation step and that basins are in place before the major earthmoving activities

begin. In the 7.0 Long Term post-Construction Inspection and Maintenance section, under the Winter Maintenance section of the SWPPP, include the winter shut down stabilization measures and timings to be implemented. According to the GP-0-10-001 Section IV.C.2, inspections are no longer necessary for 0.5 inch or more rainfall events. On page 4 - 2.2 Structural Practices and on page 11 - 5.1 E&SC Inspection and Maintenance Practices, remove the “within 24-hours following 0.5 inches or more rainfall” clause. According to the GP-0-10-001 Section III.B, provide a description of the minimum erosion and sediment control practices to be installed or implemented for each construction activity that will result in soil disturbance. Include a schedule that identifies the timing of initial placement or implementation of each erosion and sediment control practice and the minimum time frames that each practice should remain in place or be implemented. The temporary sediment basins do not have outlets or spillways to discharge points. According to the New York State Standards and Specifications for Erosion and Sediment Control, Sediment basins are for sediment containment and must dewater within 10 hours through a designed outlet and have a designed overflow spillway. Discharge should be conveyed in an erosion free manner to an existing stable channel: relocation of the basins may be required. The southern sediment basin is located in the proposed swale location which is an infiltration device. The sediment basin should be relocated outside the limits of the infiltration practice. The plan must include the sediment basin/outlet details and sizing calculations supportive of the values shown on the Erosion Control Plan.

Mr. Montague explained that the ECC had no comment on this application at this time.

Though Mr. Grasso recommended that a note be added to the plan that states that the applicant would provide grading to allow for cross-connections to adjoining businesses in the future, Mr. Koval stated that he did not believe that the applicant should be responsible for future connections. Mr. Andress stated that the applicant was amenable to providing easements for future connections but would like to reserve the right to rescind the easements should they not be in his best interest. Mr. Scavo asked that a note be added to the plan that would require that any re-grading of the property to allow for cross-connections be reviewed by the Planning Department. Mr. Bulger recommended that members of the professional staff determine if additional landscaping will be required. He also asked that if revisions to the storm water management plan are significant, the applicant return to the Board for review and approval.

Ms. Paulsen 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. The motion was unanimously carried.

Mr. Ophardt moved, seconded by Mr. Hale, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by Mr. Scavo, CHA Companies, this Board, and the requirement that if revisions to the storm water management plan are significant, the applicant return to the Board for review and approval. The motion was unanimously carried.

[2008-028] **Peddler’s Restaurant** – Proposed amendment to parking lot, 16 Clifton Park Village Road. SBL: 272.9-1-1.2

Mr. Andress, consultant for the applicant, explained that, in an effort to address the parking situation at the new Peddler’s Pub restaurant, the owner-applicant proposes to improve the existing town-owned storm water drainage area and provide an additional seventeen (17)

parking spaces for restaurant patrons. The drainage improvements consist of piping of the existing drainage ditch along Clifton Park Village Road. Parking spaces will be partially installed on town-owned right-of-way and will require an easement from the town – a Town Board action. Variances will also be required for parking to the property line. The property is located with a B-4 zoning district on the west side of Clifton Park Village Road at its intersection with Route 9.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments and recommendations regarding this application. Modifications to existing Storm Water Pollution Prevention Plan must be submitted. Parking could be further extended south to property limits by filling in town drainage Easement and further extending pipe. Clifton Park Village Road is on the verge of being posted as “No Parking Fire Lane” at the requests of the Fire Chief and Highway Superintendent. Modifying the detention basin so the parking can be moved off of town-owned property may be a better option. The requirement that the owners of Peddlers maintain shrubs on town property does not seem to be a good option. Shrubs that close to the pavement will not last through the first winter. The entire area, not just the ditch line, should be considered again. Should the Planning Board find the project desirable, variances and easements from the town would be required.

Mr. Scavo explained that should the Board find the project plan acceptable, variances and easements from the Town would be required prior to any Board decision. He also reported that the Chief of the Bureau of Fire Prevention has requested that “No Parking Anytime” signs be placed along Clifton Park Village Road: the Town Highway Staff will be installing these signs in the immediate future. Mr. Scavo cited Section 73-15 of the Town Code which applies to the situation at Peddlers’ Pub:

Fire lanes, as referred to in Part 1161 of the Uniform Code, will be established wherever the parking of motor vehicles or other obstructions may interfere with the ingress and egress of Fire Department or other emergency vehicles for the protection of persons and property, such as at shopping centers, bowling lanes, theaters, hospitals, apartments, churches and other private properties devoted to public use. The locations, widths, and routes of fire lanes shall be designated by the Chiefs of the local Fire Departments in conjunction with the Chief of the Fire Prevention Bureau and subject to the approval of the Director. Parking of motor vehicles in or otherwise obstructing fire lanes shall be prohibited at all times.

Additional comments issued by the Planning Department involve recommendations regarding the Pub’s location within the Exit 9 Land Use and Transportation Corridor study area. Since it is “the vision” to support and enhance “walkability” and “bikability” in the vicinity of this project, the Board may wish to consider requiring site improvements that would encourage and provide for safe pedestrian circulation for this and other destinations within the corridor.

Mr. Grasso reported that CHA Companies provided the following comments regarding this application. The proposed project appears to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. Involved agencies are expected to include the following: Clifton Park Planning Board – Site Plan Review; Clifton Park Zoning Board – Area Variance. The project is proposing additional parking and drainage improvements to the town-owned storm sewer system. A portion of the proposed parking is within the right-of-way of Clifton Park Village Road. An easement will be required from the Town Board. Based upon the Town benefit of the improved closed drainage system, CHA Companies believes that consideration of parking within the right-of-way is warranted. The proposed landscaping within

the right-of-way to be maintained by Peddlers will help to discourage parking along Clifton Park Village Road along the project's frontage. The landscaping should extend around the end parking spaces. The plan depicts a proposed 24" HDPE storm sewer connecting to an existing 12" CMP. The Town may wish to investigate the potential of replacing the 12" CMP with a 24" HDPE culvert. If the Town decides to leave the existing pipe in place, a manhole should be provided at the existing outlet. "One-way" and "Do Not Enter" signage should be provided for the proposed drive aisle. An analysis documenting the adequacy of the proposed storm water management system to accommodate the additional run-off should be provided. The guiderail must be designed to NYSDOT standards and provide complete protection from the parking spaces for an errant vehicle on Clifton Park Village Road. Appropriate details or specification cross references must be provided. Future plan submittals should include proposed lighting. Proposed light poles should be located outside of the right-of-way. It appears an existing light pole will require relocation.

Mr. Montague, Environmental Specialist, reports that the ECC is opposed to piping the stream due to the concerns about the loss of vegetation that currently provides visual green space buffering between the property and adjacent roadway.

Mr. Tony Audi, owner of the Holiday Inn Express that adjoins this restaurant, spoke of the problems that have been created since the restaurant has opened. He is particularly concerned with the noise generated by the musical groups who perform at the restaurant on a regular basis since it disturbs the hotel guests and about the parking problems that have arisen at the site. Though there is a cross-easement parking agreement that provides for use of a portion of the hotel's parking lot by patrons of the restaurant, the number of vehicles visiting the restaurant far exceeds available spaces. Mr. Audi expressed concerns for the safety of his employees as well as the comfort of the hotel guests. The speaker also noted that as a condition of the hotel approval, he was required to contribute to the pedestrian amenities in the corridor: he asks that the restaurant owner do likewise.

Mr. Bulger explained that the Board recognizes that there are significant parking issues at the site and members appreciate the concerns voiced by Mr. Audi. He recommended that Mr. Audi file a formal complaint with the town so that enforcement proceedings may begin. Mr. Ophardt was concerned with the placement of the guardrail and commented that there would be little room for the installation of a sidewalk along the right-of-way. Though Mr. Ophardt recommended that parking be moved to the west, Mr. Andress noted that such relocation would not be possible since that is the location of the retention basin. Board members asked that the applicant consider other alternatives that would improve the parking situation. No action was taken on this application.

New Business:

[2010-015] **Northstar Chevrolet** – Proposed 1,148 SF addition, 400 Clifton Park Center Road – Conceptual site plan review. SBL: 272.-1-11; 272.-1-12

Mr. Tom Andress, consultant for the applicant, explained that the applicant would like to construct an 1,148 SF addition to the existing body shop. The addition is necessitated by new state regulations that require separate areas within the shop for certain tasks. The expansion will cover an existing asphalt-paved area. Northstar Chevrolet is an existing automobile dealership

located within the B-4 zoning district on the easterly side of Clifton Park Center Road north of its intersection with Sitterly Road. Proposed building elevations were provided to the Board members. The building is connected to a private water service that serves Clifton Park Center Mall. There is an existing connection to the Saratoga County Sewer District. There will be no need to expand these services.

Mr. Scavo reported that neither Mr. Myers, Director of Building and Development, nor Ms. Reed, Chief of the Bureau of Fire Prevention, offered comment on this application.

Mr. Scavo requested that the applicant provide a parking statistics table that includes code requirements as well as site data calculations. The proposal is overall a minor addition to the existing facility. In accordance with Section 239 of the NYS General Municipal Law, copies of the proposal have been forwarded to the Saratoga County Planning Board and NYS DOT for their review and comment.

Mr. Grasso stated that the following comments were prepared by CHA Companies. The proposed project appears to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. The involved only involved agency is expected to be the Clifton Park Planning Board with site plan review. Any proposed exterior building mounted lighting should be depicted on the plan. If new exterior lighting is not proposed, a note should be added to the plan. The addition appears to eliminate four (4) existing parking spaces: a parking analysis should be provided documenting the proposed parking following the addition. The addition reduces the drive aisle between the building and the parking for autobody/service to 22’. It should be verified that the reduced aisle can accommodate the turning movements of service and emergency vehicles. The site data table should include the proposed greenspace and setbacks.

Mr. Montague reported that the ECC offered no comment on this application.

Board members found the project plan generally acceptable.

[2010-014] **Genstar FZE** – Special Use Permit to allow for accessory use of a building for non-agricultural uses within the CR (Conservation Residential) zone, 6 Hilltop Court – SUP and conceptual site plan review. SBL: 276.-1-2.4

Ms. Melissa Lescault, Esq., legal representative for the applicant, explained that the owners of Lot #6 Hilltop Court, located on the westerly side of Appleton Road, request approval to use the basement of an existing residence as an office. Pursuant to Section 208-16(D)(3)[14], the Planning Board is charged with considering approval of a Special Use Permit that would permit “accessory use of a building for non-agricultural uses”. The owners of the property propose the operation of a computer-based business that involves planning for shipment of power equipment throughout the world. Mr. Don Student, applicant, explained that the firm employs six employees who are involved in the “global logistics” of booking vessels for the transport of power equipment through-out the world. No customers or clients would be visiting the office which would operate between 8:00a.m. and 6:00p.m. In addition to a three-car garage, five parking spaces are available on site. Ms. Lescault explained that there would be no noise, odor, vibrations, or other negative impacts to adjoining property owners. There would be no disruption in use or decrease in value of adjoining properties. All renovations of the nearly 6,200

SF residence have been completed: less than 25 percent of the space would be dedicated to the office use.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, and Ms. Reed, Chief of the Bureau of Fire Prevention, found the project proposal acceptable at this time.

Mr. Scavo stated that vehicle traffic seems to be the biggest issue raised by adjoining property owners. He asked that the applicant clarify the anticipated number of vehicle trips the business would generate on a daily basis and asked that the applicant agree to approval of the Special Use Permit for a 24-month term to allow time for the business to be relocated to a zoning district where commercial/professional office uses are permitted.

Mr. Grasso reported that 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 include the Clifton Park Planning Board with a Special Use Permit. He provided additional comments prepared by CHA Companies. The plan shows an addition within the fifty foot minimum property line setback for keyhole lots: the applicant should clarify whether or not this was the subject of a previous variance. The narrative indicates a maximum of six individuals will work on-site and that customers/clients will not frequent the office. It also indicates that there will be an average of four individuals working at the site, two of which are residents. There are five parking spaces in addition to garaged spaces. Based upon the plan, it appears cars would likely park near the front of the parcel and in close proximity to the adjoining lot. It is recommended that parking for employees be restricted from this area, and any proposed business parking be specified on the plan. The narrative indicates the well and septic systems have the capacity to accommodate the additional use. A brief engineering report supporting this claim should be provided. The site plan depicts retaining walls, sheds and clearing within the NYSDEC 100’ wetland adjacent area and the Town’s Land Conservation District. These structures are not permitted within the land Conservation District and it is not clear if a NYSDEC permit was obtained prior to proceeding with the work.

Mr. Montague, Environmental Specialist, reported that the ECC offered no comment on this application.

At Mr. Bulger’s request, Mr. Pelagalli explained that a Special Use Permit provides for the Board’s review of a permitted use within a zoning district. The Board is charged with determining whether any of the impacts produced by the proposed use would impact adjoining property owner negatively and require adjustments to the plan or special conditions to mitigate impacts. Mr. Koval noted that the residence was located at the end of a private drive that contained very large residential lots. Mr. Hale stated that since the business involved global industries, the hours of operation should be established. Board members found the project plan acceptable, though it was determined that, should a additional landscaping be needed to provide a buffer between the subject property and the adjoining property to the east, it would be installed by the applicant. It appeared that Board members found the concept of establishing an expiration date for the approval reasonable.

[2010-016] **Scanlon, William M. and Barbara**, Proposed (4) lot subdivision, Miller Road – Conceptual review. SBL: 276.-1-16.

Mr. Kevin Dailey, legal representative for Boni Builders, presented this application that calls for the subdivision of 17.25 acres of land located within the CR (Conservation Residential) zone into lots of 7.63 acres, 7.06 acres, 1.67 acres, and 38,572 SF, respectively. The parcel to be subdivided is located on the westerly side of Miller Road approximately 450' south of its intersection with Aster Drive. All lots will be serviced by public water and sewer. To minimize wetland impacts and curb cuts, Lots #1 and 2 will have a common ingress/egress and utility easement. NYSDEC and ACOE designated wetlands total 4.09 acres: ACOE designated wetlands total 1.34 acres. In addition to these mapped wetlands, several areas of non-jurisdictional wetlands have been indicated on the subdivision plan. The speaker also noted that the applicable NYSDEC 100' adjacent area has been shown. Mr. Dailey explained that a "proposed zone of occupancy" has been labeled on the plan for Lots #3 and 4 due to their proximity to the wetland adjacent area. The applicant proposes the installation of a split-rail fence to clearly define the area. The homes on these lots will be situated approximately 40' from the fence line.

Mr. Scavo stated the Mr. Myers, Director of Building and Development, offered the following comments regarding this application. Wetland crossing permits will be required from NYSDEC. A Storm Water Pollution Prevention Plan is required. The subdivision is located in CR (Conservation Residential) zone. Pursuant to Section 208-16E.(2)(b) and based upon the calculations provided, 11.82 acres of unconstrained land allows the construction of 3.9 units; 4 are proposed. Fifty percent of site must be designated as permanent open space. Ms. Reed, Chief of the Bureau of Fire Prevention, requests that the assigned postal addresses and the appropriate driveway note be added to the plan.

Mr. Scavo reported that the Planning Department provided a number of comments regarding this application. The concept plan is missing the following required information: calculation and depiction of constrained land; calculation and depiction of unconstrained land; calculation for maximum density of the site under CR (Conservation Residential) zoning; location of the 50% of the sites' "Permanent Open Space" that would include 25% unconstrained land for the 50% of the total site's open space. A sign-off from the Saratoga County Sewer District #1 will be required prior to final approval of the subdivision. Mr. Scavo commended the applicant for making provisions to install intermittent split rail fence on Lots #3 & 4 to clearly delineate the boundaries of the LC zone. The applicant is advised that Western GEIS Fees are applicable.

Mr. Grasso explained that CHA Companies provided the following comments regarding this application. The proposed project appears to be an unlisted action pursuant to SEQRA and as such coordinated review is optional. Involved agencies are anticipated to include the following: Clifton Park Planning Board - Subdivision Plan Approval; Saratoga County Sewer District #1 - Sanitary Sewer Connection; Clifton Park Water Authority - Water Connection Permit; Army Corp of Engineers - Wetland Disturbance Permit; NYSDEC - Wetland Disturbance Permit. The parcel is located within the limits of the Western Clifton Park GEIS Study Area and the CR (Conservation Residential) zoning district. Since the project is proposed at a density greater than one unit per 10 acres, the dedication of permanent open space will be required pursuant to the zoning regulations. An evaluation of the extent of constrained and unconstrained lands must be completed to confirm that the proposed density is in conformance with the zoning district. The project will be required to comply with the GEIS statement of

findings and mitigation fees will be applicable. The plan depicts a sanitary sewer connection to the Settlers Hill Subdivision. The entire limits of the off-site sanitary sewer should be depicted on the plans. It is not clear if the utility easement within Settlers Hill exists or is proposed. The impacts to all off-site properties should be defined. The connection of more than one lot to a water or sanitary sewer service will require a public extension. Future plan submittals should provide additional detail regarding the utility connections. A delineation and a jurisdictional determination of the wetlands should be provided. The limit of existing and proposed woods should be depicted on the plan. A turn around for emergency vehicles should be provided for the combined driveway of Lots #1 and 2. The sight distance at the proposed curb cuts should be depicted on the plan. The existing driveway and house locations on the east side of Miller Road should be depicted on the plans. The minimum front yard setback should be verified. It appears the minimum front yard setback should be 75 feet. The names of all adjacent land owners should be depicted on the plans. The property lines of the parcels in the Settlers Hill Subdivision should be verified.

Mr. Montague, Environmental Specialist, stated that, after review of the conceptual subdivision plan, the ECC offered the following comments. The deeds should note that portions of the parcels are located within the LC zone as delineated on the site plan; therefore, uses in this area are restricted per section 208-69 of the Town of Clifton Park Town Code. The Building Department shall be notified prior to any land disturbance activities in the LC zone. The Zone of Occupancy should conform to the LC buffer zone for Lots #3 and 4. The ECC recommends that this project be carried out in keeping with the goals of tree preservation as stated in the Town Comprehensive Plan and the requirements as stated in Chapter 184 of the Town Code dealing with selective cutting of timber.

Mr. Koval observed that there is a very long run for the installation of water and sewer utility lines. Mr. Scavo noted that the proposed open space areas adjoin existing open space parcels within the Settlers Hill subdivision and connect with wildlife corridors and buffer areas. Board members found the project plan to be generally acceptable and in compliance with the zoning code.

Discussion Items:

Concord Pools and Mooradian's Furniture

Mr. Ed Vopelak, consultant for both applicants, explained that both Concord Pools and Mooradian's Furniture, established businesses in the Town, have requested approval to install photovoltaic modules on the roofs of existing retail outlets. Concord Pools, located at 2037 Route 9, proposes the addition of 165 photovoltaic modules to the roof. Also included is a DC disconnect and three ground-mounted 10kW inverters on a concrete pad at the northeast corner of the building with a connection to the building's electric meter. The photovoltaic units are about 13.2' high and the three inverter cabinets are 17" w x 10" d x 19h each. The project for Mooradian's Furniture is similar in design, though the specific project plan calls for the installation of 375 photovoltaic modules, miscellaneous electrical work, a DC current disconnect, and a ground mounted 75kW inverter on a concrete pad at the southeast corner of the building with a connection to the building's electric meter. The photovoltaic units are about 13.2' high

and the three inverter cabinets are 60”w x 26”d x 80”h. Mr. Vopelak presented sketches of the proposed modules and explained that although all towns require the issuance of a Building Permit to place the modules, only some require additional Planning Board approval. It was his understanding that Mr. Myers, Director of Building and Development, did not believe that the proposals should require additional formal site plan review.

Ms. Pace stated that she did not believe that the proposed changes resulted in a significant change to the approved site plan and, therefore, did not require further Board consideration. Mr. Koval agreed, though he stated that such modules may be more visible on buildings with pitched roofs. The Board agreed that such additions to existing site plans should be presented as discussion items. Board members unanimously agreed that the proposed changes to Mooradian’s Furniture Store and Concord Pools were reasonable: no formal site plan review would be required.

Minutes Approval:

Mr. Bulger moved, seconded by Ms. Pace, approval of the minutes of May 11, 2010 as written. The motion was unanimously carried.

Mr. Bulger moved, seconded by Mr. Koval, adjournment of the meeting at 11:15p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on June 8, 2010.

Respectfully submitted,

Janis L. Dean

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, Lou Renzi, Town Attorney, Tom McCarthy, Town Attorney, Paul Pelagalli, Town Attorney, ECC, Clifton Park Water Authority

Notice of Decision

Resolution #1

Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on May 26, 2010 there were:

Present: S. Bulger, Chairman, M. Hale, J. Koval, E. Ophardt, S. Pace, K. Paulsen,
T. Werner
E. Andarawis, Alternate Member

Absent: None

Mr. Ophardt offered **Resolution #1**, and Mr. Koval seconded, and

Whereas, an application has been made to this Board by Gerald Currier for approval of a subdivision plat entitled Subdivision of the Hamlet Zone of the Lands of Gerald Currier, consisting of (3) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on April 28, 2010;

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 May 26, 2010;

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 is waived and that the subdivision plat entitled Subdivision of the Subdivision of the Hamlet Zone of the Lands of Currier consisting of (3) lots is hereby granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, CHA Companies.

Resolution #1 passed 5/26/2010

Ayes: Ophardt, Paulsen, Pace, Hale, Werner, Koval, Bulger

Noes: None

Steven J. Bulger,
Chairman