

Town of Clifton Park  
One Town Hall Plaza  
Clifton Park, New York 12065  
(518) 371-6054 FAX (518)371-1136

PLANNING BOARD  
STEVEN BULGER  
Chairman

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**  
**June 8, 2010**

Those present at the June 8, 2010 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, J. Koval, E. Ophardt, T. Werner  
E. Andarawis – Alternate Member

Those absent were: M. Hale, S. Pace, K. Paulsen

Those also present were: J. Scavo, Director of Planning  
J. Romano, CHA Companies  
M. Montague, Environmental Specialist  
P. Pelagalli, Counsel  
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. Mr. Bulger announced that because three members of the Board were absent, Mr. Andarawis would assume one of their positions as a full voting member of the Board.

**Public Hearings:**

[2010-006] **Lattan, Paul** - Proposed Special Use Permit #80759 to permit a two-family dwelling in an R-1 zone, Main Street – Preliminary public hearing and site plan review and possible determination. SBL: 264.-3-17.1

Mr. Bulger, Chairman, called the public hearing to order at 7:00p.m. The Secretary read the public notice as published in the Daily Gazette on June 1, 2010.

Mr. Paul Lattan, 876 Main Street, applicant, presented this application stating that he is planning to add a 26' x 34' garage to his existing residence to provide for vehicle storage and an in-law apartment.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated May 28, 2010. A setback variance will be required for the proposed addition since the code requires a 100' setback. Approval of the septic design will be required prior to the issuance of a Building Permit.

Mr. Scavo reported that the Planning Department finds that all previous comments have been adequately addressed.

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

There being no public comment, Mr. Bulger moved, seconded by Mr. Koval, to close the public hearing at 7:05p.m. The motion was unanimously carried.

In response to Mr. Ophardt's concerns regarding buffering to along the southwestern property line, Mr. Lattan explained that there is an existing row of cedar trees that defines property lines and provides a visual screen between the properties. Mr. Bulger noted that there have been no concerns expressed by Mr. Lattan's neighbor.

Mr. Bulger explained that the Board must first consider the Special Use Permit.

Mr. Bulger 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. Bulger offered Resolution #2, seconded by Mr. Werner, to approve the Special Use Permit #80759 that would permit the construction of a two (2) family dwelling within the R-1 zone conditioned upon approval of the required setback variance by the Zoning Board of Appeals. Ayes: Ophardt, Andarawis, Werner, Koval, Bulger. Noes: None.

The Board must act to approve the site plan.

Mr. Koval moved, seconded by Mr. Ophardt, 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. Koval, to grant preliminary and final site plan approval to this application conditioned upon approval of the required setback variance by the Zoning Board of Appeals. The motion was unanimously carried.

[2010-007] Clifton Preserves – Proposed (5) lot subdivision, 326 Moe Road – Preliminary public hearing and possible determination. SBL: 259.-2-52

Mr. Bulger, Chairman, called the public hearing to order at 7:12p.m. The Secretary read the public notice as published in the Daily Gazette on June 1, 2010.

Since there was no owner, applicant, or consultant in attendance at the meeting, Mr. Bulger explained that the Board would not formally review this application. He did, however, permit those in the audience who had come to speak on the application to address the Board.

Mr. Abraham Blum, 13 Parkland Court, stated that he resides in the adjoining Grooms Pointe subdivision. He was concerned that the applicant would propose development of the existing woodlands on the western portion of the parcel. Mr. Scavo explained that it is unlikely that development would extend to the woodland area because that area is part of a significant designated NYSDEC wetland. He explained that the current proposal includes no plan to disturb the forested area and that any future proposals for development would require additional Planning Board review. Should the applicant propose timbering on the property, a Special Use Permit would be required for the clearing of more than twelve (12) trees per acre. If such an application was submitted, notification to adjoining property owners within 500' of the property boundaries would be required. In response to Mr. Blum's question regarding water and sewer services, Mr. Scavo stated that the existing residence is served by public systems: new residences would be connected to existing utility lines located within the Moe Road right-of-way.

Mr. Fred Bass, 17 Grooms Pointe Drive, identified himself as President of the Grooms Pointe Homeowners' Association, though he stated that he was speaking as an interested citizen and not on behalf of the association. He requested assurance that if any submission was made for development of the forested area that adjoining residents would be notified: Mr. Bulger provided the assurance as requested. Mr. Bass also asked for clarification of the five (5) lot proposal. Mr. Scavo explained that the proposal includes the existing house on the largest parcel that "surrounds" the proposed four (4) new lots. The speaker asked if the owner/applicant or future developer would be able to "trade" wetlands in order to develop the property. Mr. Scavo stated that although wetlands are sometimes "traded" for larger developments involving ACOE wetlands, it is rare that trades are made for smaller projects that involve the disturbance of NYSDEC designated wetlands.

There being no additional public comment, Mr. Bulger moved, seconded by Mr. Werner, to close the public hearing at 7:25p.m. The motion was unanimously carried. The public hearing will be reconvened at a later date.

[2010-016] **Scanlon, William M. and Barbara**, Proposed (4) lot subdivision, Miller Road – Preliminary public hearing and possible determination. SBL: 276.-1-16

Mr. Bulger, Chairman, called the public hearing to order at 7:26p.m. The Secretary read the public notice as published in the Daily Gazette on June 1, 2010.

Mr. Duane Rabideau, consultant for the applicant, explained that he represented Boni Enterprises, applicant and he presented this application that was last reviewed by the Board on May 26, 2010. Though the project remains generally as presented at that meeting, Mr. Rabideau noted that approval to accept additional flows has been obtained from the Saratoga County Sewer District #1. NYSDEC and ACOE wetlands have been delineated on site. It is anticipated that the required permit for disturbance of the NYSDEC wetland to provide for the installation of a driveway and utilities will be issued by the end of this week. The consultant has submitted information to the ACOE and anticipates the receipt of jurisdictional approval since the disturbance to wetlands is less

than .01 of an acre. The speaker explained that “zones of occupancy” have been defined by split-rail fencing and that permanent open space areas will be protected.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, and Ms. Reed, Chief of the Bureau of Fire Prevention, found the plan acceptable.

Mr. Scavo stated the Planning Department was in receipt of a sign-off letter from the Saratoga County Sewer District #1, though he asked that the applicant include the following note on the final plat:

The Saratoga County Sewer District will not own and maintain the four low pressure force main line. The four grinder pump systems will be privately owned and maintained by each individual homeowner.

Mr. Scavo read correspondence from Ms. Linda and Mr. Brian Lee, 18 Aster Drive, which was written to “protest” approval of the subdivision. The letter cited disturbance of the “natural beauty of the wetlands and woods which would increase the amount of noise pollution and decrease their enjoyment of nature” as the main reason for requesting that the Board deny the application. Mr. Scavo asked that the applicant remove the “land preservation area” label from the plan and depict protected lands as “Permanent Open Space”. He also requested that the areas of permanent open space be graphically depicted as a hatched area to make its preservation clear to future land owners. A note should be added to the plan that states that “No further subdivision of the parcel will be permitted.”

Mr. Romano recommended that the location of the existing manhole on Aster Drive be clearly illustrated on the plan and that details regarding connection to the sewer system be included on the plan.

Mr. Montague, Environmental Specialist, reported that all concerns identified by the ECC have been adequately addressed.

Ms. Becky Galick, 355 Miller Road, observed that the proposed new residences were able to connect to both water and sewer services. She asked that the seven homes along the east side of Miller Road be permitted to connect to the public services which they desperately need and asked that the Board explain why main utility lines were not extended to provide them service. Mr. Bulger explained that property developers must receive approval for extension of the district from the Saratoga County Sewer District and bear the cost of infrastructure extensions. He recommended that Ms. Galick encourage her neighbors to work with the sewer district to determine if sewer extensions are feasible. Ms. Galick also reported that development along Miller Road has resulted in drainage problems for them and an increase in designated wetlands on property owned by her relatives. Mr. Galick and another member of the audience voiced concerns regarding the lack of public sewer services available to serve their properties.

Ms. Lauren Paige, 32 Aster Drive, and Ms. Karen Whalen, 34 Aster Drive, stated that because they were told when they purchased their homes in the Settlers Hill subdivision that the land behind their homes would be “forever wild,” they were concerned that the proposed development would diminish their privacy and impact the natural beauty that surrounds them. They asked that the applicant provide a “no cut” buffer along the northwestern property boundary. Mr. Rabideau explained that the only clearing proposed would be for the sewer connections to the existing manhole near the Paige’s property line and he agreed that a substantial buffer could be provided to lessen visual impacts to existing properties on Aster Drive.

There being no additional public comment, Mr. Bulger moved, seconded by Mr. Koval, to close the public hearing at 7:50p.m. The motion was unanimously carried.

In response to Mr. Koval's question regarding easements, Mr. Rabideau explained that the driveway and utility lines would be located within the easement area. Construction of the driveway will likely require the installation of three (3) culverts. Mr. Bulger asked the consultant to clarify whether or not any permits in addition to the NYSDEC wetland crossing permit would be required: Mr. Rabideau explained that since there is no significant "intrusion" into delineated wetland areas, no other permits will be required.

Mr. Koval 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 offered Resolution #3, seconded by Mr. Andarawis, to waive the final hearing for this application and to grant preliminary and final approval conditioned upon satisfaction of the comments issued by the Planning Board, Planning Department, and the issuance of the appropriate permit by the NYSDEC. Ayes: Ophardt, Andarawis, Werner, Koval, Bulger. Noes: None.

### **Old Business:**

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

Mr. Brian Sleasman, consultant for the applicant, explained that this application remains as presented at the May 26, 2010 meeting. As requested by the Board at that time, the site statistics table has been revised and comments from the Saratoga County Planning Board have become available.

Mr. Scavo, Director of Planning, Mr. Myers, Director of Building and Development, Ms. Reed, Chief of the Bureau of Fire Prevention, Mr. Romano, CHA Companies, and the ECC all reported that issues of concern have been adequately addressed.

In response to Mr. Ophardt's concern regarding the turning radius to the rear of the site, Mr. Romano stated that the 22' provided would be sufficient for vehicles using the site and Mr. Scavo reported that Ms. Reed had determined that the space provided was adequate for use by emergency vehicles.

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

Mr. Ophardt moved, seconded by Mr. Bulger, to grant preliminary and final site plan approval to this application. The motion was unanimously carried.

### **New Business:**

[2010-017] **Fairchild Square** – Proposed (3) lot subdivision, VanPatten Drive – Conceptual review. SBL: 259.-2-58

[2010-020] **Fairchild Square** – Proposed 117,480 SF office/warehouse space, VanPatten Drive – Conceptual site plan review. SBL: 259.-2-58

Since the two above-referenced projects involved the same parcel of land, they were reviewed concurrently by the Planning Board.

Mr. Brian Sleasman, consultant for the applicant, presented both a subdivision application and a site plan application for the Board's consideration. The subdivision plan calls for the subdivision of fifteen (15) acres of land located on the southerly side of Ushers Road just west of its intersection with VanPatten Drive and lying within the LI (Light Industrial) zone. The proposal calls for the creation of lots of 9.97 acres, 2.76 acres, and 2.26 acres, respectively. The speaker explained that common access easements will allow all access from VanPatten Drive. A frontage variance will be required for the lot on VanPatten Drive.

Mr. Sleasman explained that the subdivision plan will permit construction of a 38,000 SF building on the 9.97 acre lot that contains an existing 61,384 SF manufacturing and office building. A 50,000 SF warehouse/office building is proposed for the 2.76 acre lot, and a 29,480 SF office/warehouse building is proposed for the 2.26 acre lot. The new buildings will be served by the Clifton Park Water Authority and Saratoga County Sewer District #1. Access to the buildings will be via a common roadway from VanPatten Drive. Shared parking areas will be utilized: a total of 380 parking spaces have been shown on the plan. The site plan notes that variances from the Zoning Board of Appeals for parking within side and rear property setbacks and for rear 15' planting buffers along interior lot lines will be required. An asphalt walkway will link the proposed building on Lot D with VanPatten Drive and another walkway has been provided between the existing building on Lot C and the proposed building. A full EAF has been prepared and submitted to the Planning Department. The speaker stated that this site development plan represents the "total build-out" of the site. Addressing issues identified in comment letters, Mr. Sleasman stated that a traffic report had been completed during the Board's review of a prior application: at that time the report concluded that there would be no impact to area traffic patterns. Applicable signage to direct truck traffic will be located appropriately through-out the site. Application will be made to the Zoning Board of Appeals for all necessary variances. Though the 40% green space requirement has not been met for each subdivided parcel, Mr. Sleasman stated that Mr. Myers has advised the applicant that the 40% requirement may be considered for the entire site. A storm water management plan will be prepared.

Mr. Scavo reported that Mr. Myers, Director of Building and Development offered the following comments regarding the Fairchild Square proposal. He stated that since the applicant proposes a substantial change to property that will create significant impervious surfaces, a full Storm Water Pollution Prevention Plan that includes construction phases must be prepared and submitted for review. Several variances will also be required.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requests that the applicant provide additional fire hydrants for fire protection.

Mr. Scavo offered a number of comments and recommendations regarding this application. The proposed encroachment on the required 150' setback from Van Patten Drive is of concern since

it may create an undesirable visual change in the characteristics of the area. The setback requirement is intended to provide a buffer between industrial uses and operations from the public right-of-way. The forty percent green space requirement is not met for two of the three lots. The “common parking for Lots C & D” should be clearly show the exact location of Lot C spaces and of Lot D parcels. These should not be treated as shared parking spaces but rather dedicated to each respective building. Mr. Scavo asked that the applicant describe the rationale for the proposed “banked parking” area. Future plan submittals should delineate the exact parking space locations for each building even if off site. All traffic control signage for the site shall have a minimum high intensity grade sheeting requirement. Significant buffering should be established in the vicinity of the Van Patten Drive entrance. In accordance with Section 208-66 9(C) of the Town Code, the building designs should conform to the following:

The architectural design shall consider building facade, including color, and other significant design features, such as exterior materials and treatments, roof structure, exposed mechanical equipment and service and storage areas. Architectural block or similar facade along the road frontage shall be required.

Mr. Scavo provided several additional comments. Separate set of plans for both the subdivision application and the site plan application should show existing conditions and the proposed subdivision plan and proposed site plan development for Lots # D and E, respectively. Internal easements for parking, circulation, and access and other shared activities among and between Lots A, B, C, D, and E must be illustrated on the plans. Cross-access easements must be illustrated on the plan and noted on both the subdivision and the site plans. It is recommended that the applicant consider a cross connection to the parcel to the south identified as the “Lands n/f Country Club Acres” to secure possible links for the potential future development of adjacent Light Industrial parcels. The applicant should consider the on-site circulation of cars, pedestrians, bicyclists, and truck traffic. Plans should clearly depict existing roadways and sidewalks on the site. New plans should show proposed roadway connections and sidewalk connections: every building should be connected to its applicable parking lot area.

Mr. Romano reported that CHA Companies provided the following comments and recommendations 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 and Site Plan Review; Clifton Park Zoning Board of Appeals – Area Variances; Saratoga County Sewer District #1 – Sanitary Sewer Connection; Clifton Park Water Authority – Water Connection Permit. The proposed project along with the two previously approved buildings will increase traffic within the Ushers Road and Van Patten Drive corridors. A traffic study evaluating the need for a signal and/or turning lanes at the Ushers Road/Van Patten Drive intersection and turning lanes at the driveway location on Van Patten Drive should be provided. Internal traffic controls should be developed to minimize or restrict use of the Ushers Road curb cut for the new development. The LI (Light Industrial) zone requires 40% minimum greenspace: proposed Lots D and E do not meet this requirement. It appears an existing storm water management area will be impacted by the proposed development. The new storm water management areas should be designed to accommodate for the removal of the existing basin. The previously approved site plan preserved a portion of the existing buffer along Ushers Road. The proposed grading should preserve a similar buffer within the proposed development area. It appears a limited vegetative buffer will remain between Lot D and the parcel to the east. The visual impacts from Van Patten Drive should be evaluated. At a minimum it would appear that landscaping is warranted as mitigation. Truck turning movements should be evaluated along the proposed internal roadway and within the loading dock areas to verify that vehicles can adequately maneuver through

the site. The proposed 5' asphalt walk adjacent to the access drive should provide a connection to the existing pathway along Van Patten Drive. The plan does not depict proposed dumpster enclosure locations. The proposed building heights should be depicted on the plan and future plan submittals should depict the proposed utility connections.

Mr. Montague, Environmental Specialist, reported that the ECC offered the following comments and recommendations regarding this application. Per the Water Resources Investigations Report (01-4104), prepared in cooperation with the Clifton Park Water Authority, this project is located within the Colonie Channel aquifer/recharge area. No underground storage tanks shall be constructed on this property; during construction, any temporary above-ground storage tanks shall have secondary containment of no less than 110% of the tank volume to prevent releases to the aquifer/recharge area; during construction and contractors shall have a spill contingency plan which addresses prevention and cleanup of releases of petroleum and/or hazardous materials. Since an aquifer recharge area is present within the project limits, the applicant must design a storm water management system that protects the aquifer resource. The applicant shall comply with the Town's Hazardous Materials Policy, which can be obtained from the Town Environmental Specialist. This project has the potential to change the visual character of the project area from Ushers Road. The ECC, therefore, recommends that the applicant be required to conduct and submit a visual impact assessment for Planning Board and ECC review. The applicant should retain existing vegetation to the maximum extent practical, and use landscaping and grading to provide visual and auditory buffering between the project and adjacent roadway and subdivision.

Mr. Werner observed that substantial vegetation has been removed from Lots A and B as construction has begun for the approved office and office/warehouse buildings. He recommended that a significant amount of vegetative buffering be provided along the northern and eastern property boundaries. In response to his question regarding the types of uses proposed, Mr. Rekucki, owner/applicant, reported that he plans to construct buildings for office/warehouse uses: no retail business is proposed. The business on-site will operate during normal business hours from 7:00a.m. to 5:00p.m. Mr. Werner asked that truck traffic be considered in a comprehensive traffic study of the area. Mr. Ophardt commented that the sidewalks were beneficial, though there appeared to be no "connectivity" between the existing and proposed buildings. Mr. Rekucki stated that there are existing crosswalks: additional ones will be located as needed throughout the site. Mr. Koval asked that the applicant preserve as much vegetation as possible in the southwestern corner of the site since this area adjoins a residential neighborhood. Mr. Sleasman explained that the applicant plans to install a berm in that area and to "land bank" excess parking spaces. A substantial buffer will be provided along the southwestern property boundary. Mr. Bulger identified an issue of concern as the fact that a majority of the parking that would serve the proposed buildings is not situated on the same lot. He noted that not only would the arrangement require "long walks" for those utilizing the buildings but would also pose potential problems when the properties are sold, transferred, or redeveloped. Though Mr. Rekucki "envisions" only L1 uses and will control the sales of the properties for only such uses, Mr. Bulger explained that Board members must consider a 15-20 year time frame for development and redevelopment of the site. The applicant was encouraged to consider reconfiguration of the lay-out. It appeared that there were a substantial number of issues to be resolved before the project could be re-submitted for the Board's consideration.

[2010-018] **Muralidhar Office/Warehouse** – Proposed 28,380 SF office/warehouse space, U. S. Route 9 – Conceptual site plan review. SBL: 259.-2-81

Mr. Sleasman, consultant for the applicant, explained that Mr. Kevin Dailey, legal representative for the applicant, was unexpectedly called out of town and was unable to attend this meeting. He reported that the applicant requests that the Board consider preliminary review of this site plan that was originally approved on September 15, 2005.

Mr. Scavo reported that Mr. Myers, Director of Building and development provided the following comments regarding this application. The storm water report was not reviewed beyond the use of the Rational Method for analysis since this method is not acceptable. The wetland delineation must be updated since it is 12 years old. The variance granted in 2001 is a substantial document, containing letters from many agencies including the Saratoga County Planning Board which recommended denial of the variance. CHA Companies' review of the The NYSDEC permit which expired October 1, 2002 noted some "significant difficulties with the wetlands". The site plan in the variance has the buildings located quite differently than the plan included in the NYSDEC permit. The NYSDEC permit extended to 2004 has now expired as well. Mr. Myers recommends that the Planning Board review the variance documents prior to rendering any approval on the application to ensure that current requirements are met. Mr. Myers stated that he "did not believe the use variance would be approved today."

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, asked that "No Parking Fire Lane" signs be posted at both sides of the main entrance as well as both sides of the driveway to the 7,800 SF building.

Mr. Scavo provided the following comments. The applicant still must provide information on how the project complies with the Wood Road GEIS Statement of Findings. A review of the prior approved project that subsequently expired, indicate that the applicant failed to pay any of the required site plan review fees. No further review or consideration by the Planning Board should be provided until the applicant pays the required concept review fees.

Mr. Romano reported that, after review of the project plans, CHA Companies issued the following comments. The project was previously approved; however, the approval time has expired. The project is located within the Wood Road GEIS Study Area and it is the understanding of CHA Companies that the previous approval discussed the project's conformance with the Findings Statement. The previous review and findings should be discussed with the Planning Board. A Storm Water Pollution Prevention Plan and Notice of Intent should be provided for review as this project will require coverage under NYSDEC SPDES Permit GP 0-10-002. It appears the applicant's engineer is attempting to make the case that since there will not be post development run-off, coverage under the SPDES permit is not required. Since the project will disturb more than one acre of land and there is predevelopment run-off from the site and likely run-off during construction, it is the firm's opinion that coverage under the permit is required.

CHA Companies offered the following comments on the Storm Water Management Report dated May 7, 2008. The post development storm water management practice to be utilized is a stone trench with perforated pipe. Conformance with the NYSDEC Storm Water Design Manual should be verified. A standard infiltration trench requires a plunge pool and grass channel prior to infiltration. It is not clear how water quality treatment and pretreatment prior to infiltration is provided. The required pretreatment volume is a function of the infiltration rate of the underlying soils. Test pits and percolation tests should be performed within each proposed infiltration area to determine ground water elevation and the infiltration rate of the underlying soils. It should be verified that the dimension of stone trench detail corresponds to infiltration storage calculations provided in the

report. It appears the calculations are based on a section with greater area than what is depicted on the plans. It is not clear how run-off during construction will be directed to the temporary sediment basins. Additional detail include temporary drainage swales should be provided. The pipes within the proposed stone trench appear to extend beyond the limit of the trench to a discharge point: additional detail and clarification should be provided. Additionally, a number of these pipes cross the proposed gabion wall. The invert of the pipe and the bottom of the wall should be depicted at these locations to verify they will not be in conflict. The erosion and sediment control plan should include a topsoil stockpile area. The site plan should include an insert that depicts the property boundaries of the project site.

Mr. Montague, Environmental Specialist, reported that the ECC provided the following comments regarding this application. Given the sensitive environmental characteristics of the site, the applicant shall provide an updated delineation of the location of the NYSDEC and ACOE wetlands and the LC buffer zone for the entire parcel. The location of the stream, its NYSDEC classification, and associated buffer zone, should be identified on the entire parcel. Per the Water Resources Investigations Report (01-4104), prepared in cooperation with the Clifton Park Water Authority, this project is located within the Colonie Channel aquifer/recharge area. No underground storage tanks shall be constructed on this property; during construction, any temporary above-ground storage tanks shall have secondary containment of no less than 110% of the tank volume to prevent releases to the aquifer/recharge area. During construction, contractors shall have a spill contingency plan which addresses prevention and cleanup of releases of petroleum and/or hazardous materials.

Mr. Bulger advised the applicant to address all storm water management concerns and ensure that all current regulations are met before re-submitting the project for Board consideration. All outstanding fees must also be paid prior to that submittal.

[2010-019] **Wagner Lumber Company** – Proposed timber harvesting, 164 Sugar Hill Road – Special Use Permit and conceptual site plan review. SBL: 282.-1-29

Mr. Scavo explained that Wagner Lumber Company has submitted an application for a Special Use Permit to conduct timbering operations on the Lands of Hicks. The application requires approval of a Special Use Permit since it involves the removal of trees within 50' of a property boundary. In general, the plan calls for the removal of 8-9 trees per acre within a 70-acre area on the northeasterly side of Riverview Road. Mr. Scavo stated that Ms. Viggiani, Open Space Coordinator, has recommended that the Town Engineer review the plan to determine if sight distance at the proposed access driveway is adequate for logging traffic.

Board members were amenable to Mr. Scavo's request for the scheduling of a public hearing at the July, 2010 Planning Board meeting.

### **Discussion Items:**

### **Minutes Approval:**

Mr. Bulger moved, seconded by Mr. Koval, approval of the minutes of May 26, 2010 as written. The motion was unanimously carried.

Mr. Bulger moved, seconded by Mr. Ophardt, adjournment of the meeting at 8:50p.m. The motion was unanimously carried. The next meeting of the Planning Board scheduled for June 22, 2010 has been canceled. The next meeting of the Planning Board will be held on July ----, 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 #2**

**APPROVAL**  
**Special Use Permit**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on June 8, 2010 there were:

Present: S. Bulger, Chairman, J. Koval, E. Ophardt, T. Werner  
E. Andarawis, Alternate Member

Absent: M. Hale, S. Pace, K. Paulsen

Mr. Bulger offered Resolution #2 and Mr. Werner seconded, and

Whereas, an application has been made to this Board by Paul Lattan for approval of Special Use Permit #80759 to permit the construction of a two-family dwelling in an R1 zone pursuant to Section 208-79 of the Town Code;

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on June 8, 2010 in the Town Office Building,

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA, and

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now therefore, be it resolved that approval is hereby granted for the application by Paul Lattan for Special Use Permit #80759 to permit the construction of a two-family dwelling in an R1 zone conditioned upon approval of the required setback variance by the Zoning Board of Appeals.

Resolution #2 passed 6/8/2010

Ayes: Ophardt, Andarawis, Werner, Koval, Bulger

Noes: None

Steven Bulger,

Chairman

## NOTICE OF DECISION

### Resolution #3

### Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on June 8, 2010, there were:

Present: S. Bulger, Chairman, J. Koval, E. Ophardt, T. Werner  
E. Andarawis, Alternate Member

Absent: M. Hale, S. Pace, K. Paulsen

Mr. Ophardt offered Resolution #3, and Mr. Andarawis seconded, and

Whereas, an application has been made to this Board by Boni Enterpriss, LLC for approval of a subdivision entitled Subdivision of the Lands of William M. and Barbara Scanlon consisting of (4) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 8, 2010;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on June 8, 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 for this application is waived and that the subdivision plat entitled Subdivision of the Lands of William M. and Barbara Scanlon consisting of (4) lots is granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered provided by the Planning Board, Planning Department, and the issuance of the appropriate permit by NYSDEC.

Resolution #3 passed 9/13/06

Ayes: Ophardt, Andarawis, Werner, Koval, Bulger

Noes: None

Steven J. Bulger,

Chairman

