

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

PLANNING BOARD

ROCCO FERRARO
Chairman

PAUL PELAGALLI
Attorney

Meg Springli
Secretary



MEMBERS
Emad Andarawis
Joel Koval
Eric Ophardt
Kim Paulsen
Eric Prescott
Tom Werner
(alternate) Andy Neubauer

Planning Board Minutes
March 10, 2015

Those present at the March 10, 2015 Planning Board meeting were:

Planning Board: R. Ferraro – Chairman, J. Koval, E. Ophardt, K. Paulsen, E. Andarawis
A. Neubauer – Alternate Member

Those absent: T. Werner, E. Prescott

Those also present were: J. Scavo, Director of Planning
J. Bianchi, M J Engineering and Land Surveying, P.C.
P. Pelagalli, Counsel
T. McCarthy, Counsel
M. Springli, Secretary

Mr. Ferraro called the meeting to order at: 7:03 pm. All in attendance stood for the Pledge of Allegiance. Mr. Ferraro announced that Mr. Neubauer would vote in place of Mr. Werner for this meeting.

I. Minutes Approval - 3/10/2015

Mr. Koval moved, seconded by Mr. Ophardt to approve the planning board minutes of February 10, 2015 as written. Mrs. Paulsen abstained.

Ayes: Koval, Andarawis, Ophardt, Neubauer, Ferraro

Noes: none.

Motion carried.

II. Public Hearings - NONE

III. Old Business

2014-038 Fairchild II - North (Lots 2-5)

Proposed construction of (5) new warehouses with 215,000SF and amendment to subdivision of Lot C. (Items were submitted with packet for 2/24/2015), 55 Van Patten Dr., Zoned: L 1, Status: revised conceptual site plan review, SBL: 259.-2-84.1

Mr. Ferraro explained that the applicant appeared before the Zoning Board of Appeals for 14 variances on March 3, 2015. The applicant had submitted the project to the Planning Board pending that board's decision. The Zoning Board tabled any decision until the Planning Board reviewed the project further.

Mr. Address, of ABD Engineers, presented the application which was last seen in September 2014. Mr. Address stated that traffic analysis had been submitted for review. The consultant explained that there was some confusion with the zoning board. Mr. Address asked for the planning board to allow the applicant to work with a committee to help create a workable plan for this expansion of Fairchild Square. The consultant stated that the second expansion was proposed as warehousing with small offices which should reduce the number of additional parking spaces needed and that the new buildings would be accessed internally from Fairchild Square with a limited emergency access onto Maple Line Dr. The speaker stated that an option for development without the variances would include not subdividing but that would limit financing approvals and therefore the potential buyers would be limited as well. Mr. Address stated that all the variances are relative to the new subdivision lots that would be created and the internal setbacks within those new lot lines. The consultant stated that all the perimeter buffers were to remain without seeking variances.

Mr. Ferraro asked that no more than three planning board members and staff meet with the applicant as well as any other recommended parties to discuss the project before it is submitted. The chairman stated that he would like to serve on the subcommittee and Mr. Koval and Mrs. Paulsen also indicated that they would. Mr. Koval offered that he would step down if Mr. Werner with his traffic expertise was to be interested in joining them. Mr. Scavo explained that Mr. Werner would be out of town at this time.

Mr. Jim Ruhl asked if the subcommittee meetings would be observable by the public and the planning director indicated that they would be. Mr. Ferraro offered that Mr. Ruhl would be informed of the meeting time.

Mr. Jay Hopeck, 10 Maple Line Road resident, stated that he felt the project was too dense for the land and that 14 variances required for the project demonstrated that it wouldn't fit. The resident stated that he felt the topography and position of buildings would mean that the property would end up being clear-cut regardless of any notes on the plan. Mr. Hopeck also remarked that he would like to sit in on subcommittee meetings.

2013-024 Lapp Road (Lands of Zheng)

Proposed (4) lot subdivision with public water and sewer. , 246 Lapp Rd, Zoned: R-1, Status: PB - Revised conceptual subdivision review, special use permit. SBL: 278.-1-31

Duane Rabideau, Vanguilder and Associates, described the project which has changed since it was last seen in April of 2013. Mr. Rabideau explained that this proposal is a revised concept with one existing residence, one new single family residential lot and two semi-detached (duplex) lots creating a total of six residences (five new dwelling units). Only one new curb cut will be created for the new single family residence. The existing residence and the duplexes will expand and share the existing driveway. Mr. Rabideau stated that the new lots will be as large or larger than the existing properties nearby and would maintain the existing density and residential character of the area. Mr. Rabideau also pointed out town owned lands which abut the property.

Staff Comments

Mr. Scavo, Planning Director, reported that the following groups and/or staff have had the opportunity to review the plans as submitted and any of their written comments have been forwarded to Planning Board members for their consideration:

- Sheryl Reed, Bureau of Fire Prevention
- Steve Myers, Building and Development
- Environmental Conservation Commission
- Dan Hartnett, Trails Subcommittee of the Open Space, Trails, and Riverfront Committee
- Planning Staff
- Rick Kukuk, Highway
- Don Austin, Clifton Park Water Authority

ECC Recommendations from a letter dated 3/3/2015:

- Pursuant to Section 86-7 of the Town Code, natural drainage channels should be preserved to the greatest extent practicable. Proposed culverts shall be placed and sized to allow natural pre-existing drainage flows to the existing federal wetland bodies. When plans are prepared for preliminary review they shall show the existing and proposed topographical elevations.
- The ECC notes that the project may result in intrusion into Federal Jurisdictional Wetlands. The Applicant must avoid intrusion into ACOE Wetlands or apply for a Federal Wetlands Permit for disturbances of more than 1/10 acre in total for the project. The Town of Clifton Park should be provided with copies of all related correspondence.
- Federal jurisdictional wetlands have been identified on this site. Uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in Federal wetlands.

Planning staff issued a memo dated: 3/9/2015

- The Subdivision Plan should identify and state the subject **Tax Parcel# which is #278.-1-31.**
- The Draft Town of Clifton Park Trails Plan long-term vision calls for a **Multi-Use Path** along Lapp Road, from Crescent Rd to Grooms Rd. In light of this vision for a

north-south multi-use paved path along Lapp Road, **I recommend the Planning Board secure a trails/transportation easement of 15-feet along the applicant's parcel footage** from the applicant to afford the town the future ability to create said trail.

- FYI, below is a context map that shows “TOWN-OWNED PARKLAND” outlined in red, wrapping around the parcel. [map in file]

Steve Myers issued a comment letter dated 3/4/2015 with the following comment

- All variances approved with stipulation that the common driveway for lots A, B & C remain. Driveway will have to meet requirements of NYS Building & Fire Code.

John Scavo issued a comment letter dated 3/6/2015.

Those comments in **bold** were highlighted at the meeting.

- **The project will require both subdivision approval and the granting of a special use permit for the proposed duplex buildings.**
- **Add a note to the plan which states, “This parcel (Subdivision) is located in an area where aviation activity occurs.** Such activity may include, but is not limited to periodic noise, vibration, hours of operation, and other associated activities. A study describing this impact in detail is available for inspection in the offices of the Albany International Airport.”
- **The final subdivision map should display assigned 911 addresses** for each lot.
- Valid Jurisdictional Determination Letters should be submitted by the applicant for the project file. A note should be added to the plan noting the date of both the ACOE and NYS DEC jurisdictional determinations.
- **Provide for a cluster mailbox detail and design location on the plan** and provide verification that it is to the satisfaction of the Clifton Park Postmaster.
- **Prior to construction of the new dwelling units the property owner shall contact the Town Highway Superintendent to determine if a driveway culvert pipe and drainage ditch within the Town's Right-of-way will be required.** If required, the property owner shall coordinate such installation with the Town's Highway Department.
- It is understood that the project is in for revised concept at this time and other comments will be forthcoming based on review of any further subdivision plan submitted.

MJ Engineering and Land Surveying issued a revised letter on 3/6/2015 with the following comments. Those in **bold** were highlighted at the meeting.

General Comments

- The project proposes to service each new lot with public water from the Clifton Park Water Authority (CPWA). **The applicant shall provide the Town documentation indicating the CPWA's ability and willingness to provide potable water to the project.** Any approvals offered by the Planning Board should be conditioned on receipt of CPWA's review and approval.

- The project proposes to service each new lot with public sewers from the Saratoga County Sewer District No. 1 (SCSD). **The applicant shall provide the Town documentation indicating the SCSD’s ability and willingness to provide public sewers to the project.** Any approvals offered by the Planning Board should be conditioned on receipt of SCSD’s review and approval.
- There needs to be confirmation that the 0.9 acres of disturbances noted includes any proposed off-site utility extensions. **Should there be more than 1-acre of disturbance, then a full SWPPP will be required pursuant to Appendix 2, Table 2 of GP-0-15-002 since two of the lots propose duplexes (or multi-family) units.**

State Environmental Quality Review

- Based upon a review of the proposal, the project appears to be an Unlisted action. For Unlisted actions, a coordinated review is options. Should the Planning Board undertake a coordinated review, involved/interested agencies under SEQRA include, but is not necessary limited to:
 - o Clifton Park Water Authority – public water service and potentially plan approval for the extension of public water mains (see Comment 16).
 - o Saratoga County Sewer District No.1 – public sewer service and potentially plan approval for the extension of public sewers (see Comment 17).
 - o NYS Dept of Environmental Conservation – potential permit coverage under stormwater SPDES if more than 1-acre of land is planned for disturbance at full build-out, potentially taking of additional water and identification of threatened if determined to be subject to the NYSDEC Phase 2 Stormwater Regulations and endangered species (see Comment 3). and plan approval for the extension of public sewers (see Comment 17)
 - o NYS Dept of Health – potentially plan approval for the extension of public water mains (see Comment 16).
 - o **NYS Office of Parks, Recreation and Historic Preservation – potential identification of cultural or historic resources if determined to be subject to the NYSDEC Phase 2 Stormwater Regulations (see Comment 3).**
 - o Additional involved/interested agencies may be defined as the project proceeds through the Town’s regulatory review.

Short Environmental Assessment Form

- Under Section I.12.b, if it is determined that a SWPPP is required, a no effect letter will be required from the NYSOPRHP to demonstrate permit eligibility under Part I.F.8 of GP-0-15-002.

Subdivision Plan

- The project is located within the Town’s Residential I District (R-1). The proposal includes two lots planned for single family homes and two lots planned for duplexes. Single family homes are permitted principal uses within the R-1 District pursuant to Section 208-10(B)(2) of the Town’s Zoning. **Duplex units are permitted under a special use permit pursuant to Section 208-10(B)(9)(a)(7).** The proposed lot configurations require area variances that were granted by the Zoning Board of Appeals.

- Lot C has been designated as a keyhole lot by the Town's chief zoning officer.. As stated in Section 208-86(A) of the Town's Zoning, keyhole lots may be permitted only in rare instances when required due to unusual conditions of the area. **The Planning Board needs to review the proposed concept plan to see if the use of keyhole lots in this particular instance meets the stated zoning criteria.**
- Section 179-26(A) of the Town's Subdivision Regulations requires that the owner shall offer to the Town, Class A, B, money in lieu of land or a combination of the three. The plan submitted suggests no land will be offered as part of the project. The Town will need to review the proposal for what appears to be an offer of payment in lieu of for public land to ensure it is acceptable.
- Provide notation on the plat indicating the sections of the Town Zoning for which relief was granted.
- The project proposes one shared driveway for Lots A, B and C. If this arrangement is considered acceptable by the Planning Board, **draft maintenance agreements should be prepared and reviewed by the Board's legal counsel as to form and content to ensure long term maintenance obligations are defined.**
- There needs to be a determination of what the required verses provided site distance is for both proposed driveways pursuant to ASHTOO requirements based upon the posted speed limit of Lapp Road.
- The plan notes the existence of regulated wetlands within the project boundaries. **Future plans shall identify who delineated the wetlands and when they were delineated.**
- For any lot that includes regulated wetlands that are planned to remain, there should be notation on the plans indicating that any subsequent disturbances must be completed under appropriate permitting from the authorities having jurisdiction. Similar language should be included in deeds of sale.
- All lot grading shall be such that drainage is directed away from the homes and towards lot lines and ultimately to an approved drainage course as required by Section 86-7(A)(5) of the Town Code. In order to demonstrate conformance to the stated regulations, an overall project grading plan should be developed for review.
- Should any basement sump pumps be deemed required under the criteria stated in Section 86-7(A)(6) of the Town Code, their end discharge locations need to be noted on the plans.
- There needs to be indication on plans how public water is to be extended to the proposed lots. Should public water mains be extended to the project, plan approval from the CPWA and NYSDOH will be required.
- There needs to be indication on the plans how public sewers is to be extended to the proposed lots. Should public sewer mains be extended to the project, plan approval from the NYSDEC and SCSD will be required.
- Subsequent plan submissions shall include construction details that describe erosion and sediment control measures, water services, sewer services, and shared driveway construction.
- Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response numbers must be obtained for and assigned to each lot created and placed on the filed plat.

Public Comment

Dan Hartnett, a Clifton Park resident on the Trails subcommittee explained that the committee would like to ask for a 25 foot right of way. Mr. Hartnett explained that this was 10' more than they usually ask because they would prefer to minimize disturbance to the tree line along the road and to consider existing drainage issues. Mr. Hartnett stated that Mr. Zheng had agreed to it at the last meeting and asked that it now be shown on the plan. Mr. Rabideau questioned the right of way along Lapp Road on the opposite side of road. Mr. Hartnett explained that discussion had ensued in which the easement would be needed on both sides of the road in case the utilities needed to be aligned on one side of the road and the trail on the other. Mr. Scavo explained that the Planning Board had the ability to waive a portion or entire parkland fees which are currently \$1250 per new dwelling lots created.

Planning Board Discussion

Mr. Ophardt asked if the consultant had looked at the sight distance from the curb cuts. Mr. Rabideau stated that there was enough looking north from the new driveway and that there was no problem at all looking south. Mr. Ophardt also questioned the water table of the lots and whether the homes would have high basements. Mr. Rabideau explained that there are locations on the lots with sandy soil that would mean that the houses don't look as if they are "perched" in the yard in order to keep foundations dry. Mr. Rabideau explained that there is no surface water issue because it is heavily wooded and that drainage would be directed away from existing construction. The consultant also explained that disturbance would remain under an acre.

Mr. Ferraro added that he felt maintenance agreements for the culvert and shared driveway would need to be created. Mr. Ferraro also asked for split rail fence sections to be added to delineate the wetlands.

Mr. Koval asked why Lot C was considered a keyhole lot even though it met all the spatial requirements. Mr. Scavo read the definition of a keyhole lot as a home being built behind another and therefore the lot must meet the setbacks of a keyhole lot.

The planning board found the concept plan generally acceptable and noted that they found it preferable to previous layouts on this site. The planning board also stated that they felt that duplexes in this location would be acceptable. Discussion ensued about the layout and design of the potential duplex units.

2014-049 Wood Road Landscape Business

*Proposed construction of a 3,000sf landscape shop and office with parking, Wood Rd,
Zoned: L 2, Status: Final site plan review and determination, SBL: 259.-2-73.12*

To be reviewed by: MJE Consultant: Peak Env. Applicant: Hubbard

Terence Hubbard, Peak Environmental consultant, described the changes which had been made to the plan since it was last seen. Storage bins have been added south of the parking spaces and a

stormwater swale has been added for infiltration. A 15' easement has been added for a future trail.

Staff

Mr. Scavo, Planning Director, reported that the following groups and/or staff have had the opportunity to review the plans as submitted and any of their written comments have been forwarded to Planning Board members for their consideration:

- Sheryl Reed, Bureau of Fire Prevention
- Steve Myers, Building and Development
- Environmental Conservation Commission
- Dan Hartnett, Trails Subcommittee of the Open Space, Trails, and Riverfront Committee
- Rick Kukuk, Highway
- Don Austin, Clifton Park Water Authority

ECC Recommendations from a letter dated 3/3/2015:

- The plans shall also have the ECC Standard Notes.

Steve Myers issued a comment letter dated 3/4/2015 but Mr. Scavo explained that it had been retracted as it was deemed irrelevant since meeting with the town designated engineer.

John Scavo issued a comment letter dated 3/6/2015

- As previously noted at the January 27, 2015 Planning Board Meeting, a Phase I Cultural Resource Survey, Dated December 2014 prepared for Peak Environmental, Inc. by Andrew Black has been submitted for the project file.
- It was also previously noted that, prior documented evidence speaks no other uses that prior agricultural lands with secondary forest growth for the project site.
- A letter dated February 11, 2015 from the NYS Division of Historic Preservation has been submitted for the project file which notes, "it is the New York State Office of Parks, Recreation and Historic Preservation's opinion that your project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.
- ~~The GEIS trip generation is based on trips generated during the highest peak hour. As such the applicant has provided information the highest peak hour will produce 2 vehicle trips. Therefore the Wood Road GEIS transportation fee for this project is \$1,446.18 (2 trips x \$723.09).~~ **(The director stated that he had amended this line to state that the ITE trip manual comparison is not accurate and an adjustment is justified)**
- Since the project is proposed to be limited at this point in time to approximately 1 developable acre of disturbance the reimbursement of the GEIS Preparation costs will be set at \$74.28.
- In a letter dated February 12, 2015 from Peak Environmental to the Planning Department the applicant has addressed all my prior comments offered.

MJ Engineering and Land Surveying issued a revised letter on 2/24/2015 with the following comments.

Site Plans

1. No additional comments.

Stormwater Management Report

2. Confirm the report includes design information for the proposed basin on the north side of the building.

Public Comment

Mr. Hartnett asked to verify that the easement be labeled on final plans and that a bike rack be added to the plan near the front door of the building.

Planning Board Discussion

Mr. Ophardt asked if the driveway was to fire code. Mr. Bianchi stated that they meet and exceed the standard for commercial code.

Mr. Ferraro asked if the bins which were shown on the plan are the only location for outside storage and when the consultant responded that they were, asked that restriction to be noted on the plan.

Mr. Ophardt moved, seconded by Mrs. Paulsen, to grant final site plan approval to this application, a site plan for Wood Road Landscaping Business, conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listened in the final comment letter issued by the Planning Department. Ayes: all. Noes: none. The motion was unanimously carried.

IV. New Business

2015-010 Abele Rt 9 and Old Rt 146 Clearing

Proposed vegetation clearing of 1.5+/- acres of a vacant commercial property with .95 acre ground disturbance, 1714-1718 Rt 9, Zoned: B-4, Status: conceptual site plan review, SBL: 272.9-1-21.1

To be reviewed by: MJE Consultant: EDP Applicant: Abele

Mr. Gavin Vuillaume presented the application for clearing and tree planting on the site. Ed Abele of Firehouse Road Associates was also in attendance as one of the current owners of the property. It was explained that the owners have demolished and removed 4 of the 5 buildings on the parcel in anticipation of cleaning up the site to make it more appealing for potential tenants. Mr. Abele noted that box elder, poplar and locust trees are the majority of what will be removed. Mr. Abele also stated that trees at the rear of the parcel which would be possible to save, would be kept. The owner also noted that disturbance including stump removal is intended to be less than an acre and that some trees will be added in keeping with a future street-scape in mind of sidewalks and entrances. Mr. Vuillaume also addressed comments from the letter issued by the town designated engineer.

Staff

Mr. Scavo, Planning Director, reported that the following groups and/or staff have had the opportunity to review the plans as submitted and any of their written comments have been forwarded to Planning Board members for their consideration:

- Sheryl Reed, Bureau of Fire Prevention
- Steve Myers, Building and Development
- Environmental Conservation Commission
- Dan Hartnett, Trails Subcommittee of the Open Space, Trails, and Riverfront Committee
- Rick Kukuk, Highway
- Don Austin, Clifton Park Water Authority

ECC Recommendations from a letter dated 3/3/2015:

Given the previous clearing on this parcel prior to the proposed clearing, the total disturbance appears to disturb more than one acre. The applicant should submit a notice of intent to the NYSDEC to be covered by the SPDES General Permit.

Steve Myers issued a comment letter dated 3/4/2015 with the following comment:

- Small vegetation cleared previously. No reason to clear this property further without knowing what is to be built here. The existing clearing that was done was at the owner's request and they agreed, no further clearing was warranted at that time. Nothing has changed other than the developer is attempting to clear cut the lot, again.
- It is clear that they are also attempting to avoid any stormwater requirements by saying the work is less than 1 acre. This work is obviously part of a larger project and would require a full SWPPP if allowed.
- The EAF submitted states that they will physically disturb 1.5 acres.
- I believe several of the answers on the EAF are not accurate and not limited to the following:
 - EAF states archeological sensitive area which would require an investigation.
 - How can they know stormwater will not flow to adjacent properties or established conveyance systems if there is no SWPPP?
 - Asbestos was removed from buildings that were on this site yet #20 on the EAF says there was not any hazardous material removed?

John Scavo issued a comment letter dated 3/6/2015 and asked the following:

- Is the request limited to tree clearing or will ground disturbance regarding the site include moving and/or bringing in soils?

MJ Engineering and Land Surveying issued a revised letter on 3/6/2015 with the following comments. Those in **bold** were highlighted at the meeting. SWPPP should be done.

State Environmental Quality Review

- Given the proposal at this time is only for lot clearing, grading and landscaping, the action could be considered either an Unlisted or Type 2 action.. However, absent a defined use or uses, there is a potential of SEQRA segmentation, if there is no

indication of what the development plan is at this time. It is recommended that there be some level of conceptual planning of the parcel's end use such that the Town may review the proposal and take an action on SEQRA without being subject to segmentation. Prior to the action being classified under SEQRA or the SEQRA process being initiated, it is recommended that further discussions occur between the applicant and Town staff.

Short Environmental Assessment Form

- Part I.3.a notes the acreage of disturbance of 1.5 acres, and does not match the 0.95 acres noted on the site plans.
- Part I.10 and I.11 indicate the project will connect to existing public water and sewers, however the project proposes nothing that would require such connections. Please clarify.
- Part I.12.b notes the potential for archeological resources within or in proximity to the project site, Should the project require coverage under GP-0-15-002, a letter of no effect will be required.

General Comments

- The project is within the Town's B-4 Zoning District. The proposal is for only clearing, grading and landscaping, As such, there are no proposed activities that are subject to the applicable zoning district regulations including permitted uses and bulk lot requirements.
- The project proposes only to clear and grade the center portions of the property with a total land disturbance noted as 0.95 acres. It is understood that there may have been previous land disturbance activities associated with Project 2013-023. Pursuant to Part I.A.1 of GP-0-15-002, this would be considered part of a larger common plan. Therefore, when accounting for prior activities, the total disturbances may be more than 1-acre. If that is the case, a SWPPP will need to be developed, unless the applicant can furnish documentation indicating this application is not part of a larger common plan.
- Should the project proceed through the regulatory approval process as it exists, and a SWPPP is deemed necessary, it must include documentation relative to the existence and/or absence of historic features as well as threatened and endangered species.
- Plans should include the size and species of trees intended for planting along U.S. Route 9. The project is also located within the Town of Halfmoon and activities within Halfmoon may also require regulatory approval from the Town of Halfmoon.

Public Comment

Mr. Hartnett asked how far would the trees be placed from the street and Mr. Vuillaume stated that was about 20' back from the road. Mr. Ferraro suggested the applicant check with the Open Space Coordinator for the desired specifications.

Planning Board Discussion

Mr. Andarawis expressed some concern that the clearing is being done without a site plan. Mr. Vuillaume offered to show some potential layouts which would demonstrate that all of them would show removal of the same vegetation. Mr. Ed Abele, property owner, stated that the

demolition and vegetation removal, in his opinion, improved an area that was unattractive and detrimental from marketing the site. Mr. Neubauer stated that he felt the planning board could benefit from seeing some possible concepts and Mr. Abele stated that they might be willing to share that but with the knowledge that actual tenants might substantially change what is conceived in the sketch designs and not wanting to appear to influence the expectations of the planning board.

Mr. Ferraro asked if the Town Center plan would impact this parcel. Mr. Scavo stated that the parcel was part of the town center plan but due to budget constraints it was not included within the boundaries of the town center zoning form based code. Mr. Scavo encouraged the applicant to be sensitive to the town center designs knowing that there might be some modifications needed. Discussion ensued about the appearance of the site. Mr. Scavo stated that the cumulative impacts would be examined during any site plan when SEQR is reviewed at such a time as a project is proposed for construction at the site. The consultant suggested that meeting with DOT to discuss where they would approve any curb cuts and that could be used to determine the placement of the planted trees.

2015-009 Berndt, Craig - Certificate of Appropriateness

Proposed installation of solar panels on an historic building, 32 Vischer Ferry Rd, Zoned: CR, Status: preliminary planning board review and possible determination, SBL: 287.12-1-2
To be reviewed by: N/A Consultant: Monolith Applicant: Berndt

The applicant did not attend.

Staff

Mr. Scavo, Planning Director, reported that the following groups and/or staff have had the opportunity to review the plans as submitted and any of their written comments have been forwarded to Planning Board members for their consideration:

- Sheryl Reed, Bureau of Fire Prevention
- Steve Myers, Building and Development
- Environmental Conservation Commission
- Dan Hartnett, Trails Subcommittee of the Open Space, Trails, and Riverfront Committee
- Rick Kukuk, Highway
- Don Austin, Clifton Park Water Authority

ECC had no comment.

Steve Myers issued a comment letter dated 3/4/2015 with the following comment:

- Applicant has applied to install solar panels on roof of residence which currently has an historic easement. Planning board action required - Certificate of Appropriateness.

Planning Board Discussion

Planning board looked at images of the property and reviewed the recommendations from the Historic Preservation Commission which questioned the appropriateness of the design on this historic property. Mr. Andarawis explained that the panels along the original part of the house would be highly visible from the road and would not be considered appropriate. In a document

prepared by The Historic Preservation Commission, it was stated that they felt that panels on the back portion would be acceptable or on the garage, and that any other panels could be ground mounted arrays. Mr. Scavo explained that the applicant would have an option to remove the property from the local historic preservation tax benefit, term conservation easement. Then the director explained that if the planning board decided not to approve the certificate of appropriateness, then these would be considered two mutually exclusive benefits (the tax credit for solar panels v the historic preservation tax credit) and that the board could recommend that the applicant could have one or the other but not both credits.

The planning board tabled the motion until the applicant has one more opportunity to appear at the next meeting. It was discussed that if the applicant does not appear at that meeting, the planning board felt that they would be able to make a decision then.

V. Discussion Items- NONE

Mr. Ophardt offered a motion, seconded by Mr. Koval to close the meeting at 9:05pm. The motion was unanimously carried.

Respectfully submitted,

Meg Springli