

## **Clifton Park Planning Board Meeting Minutes**

**August 12, 2003**

Those present at the August 12, 2003 meeting were:

Planning Board: S. Bulger, Chairman, B. Czub, R. d'Amico, T. Karam, J. Larkin, J. Marzola, J. Russell

Those also present were: J. Kemper, Director of Planning, J. Grasso, Clough, Harbour, and Associates, Joel Peller, Town Attorney

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m.

Public Hearings:

[2003-040] Berg, Paul C. – Proposed reciprocal transfer of land between Lot # 6 and Lot #8 Barry Spur – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:10p.m. The Secretary read the public hearing notice as published in the Daily Gazette on August 4, 2003.

Mr. Gordon Nicholson, consultant for the applicant, presented this application that remains generally as presented for conceptual review on June 24, 2003. In addition to the transfer of 1,949 SF of land from the Lands of Castelli to the Lands of Lockett and the transfer of 1,936 SF of land from the Lands of Lockett to the Lands of Castelli, the preliminary plan that includes a lot grading plan. Removal of the gabion basket retaining wall will be accomplished only after approval of the site grading plan by the Town Engineer and the Clifton Park Highway Department.

Mr. Kemper explained that this project last appeared before the Board on June 24, 2003 at which time the only issue was whether removal of the retaining wall and re-grading of the property would be acceptable to the Highway Superintendent. On August 6, 2003 Lou Gerard, Highway Superintendent, provided a memo that stated that removal of the gabion wall would be acceptable. Descriptions for the proposed lots will have to be submitted for review. On June 19, 2003 the Saratoga County Planning Board approved the application, determining that there would be “no significant county wide or inter community impact.” Mr. Kemper reported that the ECC had no comment on this application.

Mr. Grasso stated that all engineering concerns had been satisfied.

There being no public comment, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 7:16p.m. The motion was unanimously carried.

Mr. Marzola moved, seconded by Ms. Czub, 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. Larkin offered Resolution #23, seconded by Mr. Marzola, to grant preliminary and final subdivision approval to this application, waiving the final hearing, conditioned upon satisfaction of Mr. Kemper's comments. Ayes: Larkin, Czub, d'Amico, Karam, Marzola, Russell, Bulger. Noes: None.

[2003-050] Carpino, Gary and Linda Krause – Proposed Land Transfer, Greenlea Drive – Conceptual review

Mr. Bulger called the public hearing to order at 7:17p.m. The Secretary read the public hearing notice as published in the Daily Gazette on August 4, 2003.

Mr. Carpino, applicant, explained that this application represents a revision to an existing land transfer that was approved by the Planning Board on November 25, 1997. The plan is proposed to reduce the land area transferred to Krause from 539 SF to 388 SF and also include an additional 19 SF of land from Krause to Carpino. The total – 170 SF – from Krause to Carpino will allow the existing tree line to be controlled by the Carpinos. Mr. Kemper explained that the Board approved a land transfer between these two properties on November 25, 1997. The lot line adjustment to be considered at this meeting is for 170 SF. Descriptions for the land affected by the land transfer must be submitted for review. Mr. Kemper reported that the ECC had no comment on this application. Mr. Grasso stated that Clough, Harbour, and Associates had no comment on this application. There being no public comment, Ms. Czub moved, seconded by Mr. Karam to close the public hearing at 7:20p.m. The motion was unanimously carried. Mr. Bulger moved, seconded by Ms. Larkin, 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. Karam offered Resolution #24, seconded by Ms. Czub, to grant preliminary and final subdivision approval to this application, waiving the final hearing, conditioned upon satisfaction of Mr. Kemper's comments. Ayes: Larkin, Czub, d'Amico, Karam, Marzola, Russell, Bulger. Noes: None. [2003-048] DCG Development, Co. – Proposed (4) lot subdivision, NYS Route 146 and Wall Street – Preliminary public hearing and possible determination. Mr. Bulger called the public hearing to order at 7:23p.m. The Secretary read the public hearing notice as published in the Daily Gazette on August 4, 2003. Mr. Nicholson, consultant for the applicant, presented this application that was first considered by the Board on July 8, 2003. The proposal calls for a (4) lot subdivision of 16.065 acres of land lying south of Route 146 across from Maxwell Drive into lots of 1.26 acres, 2.3 acres, 1.5 acres, and 11 acres, respectively. The site lies within the B-4 (Highway Business) zone and the PIR (Public, Institutional, and Recreational) zone. The applicant proposes to convey 1.26 acres of land to the Town of Clifton Park. This subdivision will allow for the construction of a Town road that will serve the existing public safety building and the additional lots owned by DCG Development Co. Mr. Nicholson noted that the proposed new road may eventually serve development of lands owned by the Shenendehowa School District. The area is served by the Clifton Park Water Authority and the Saratoga Country Sewer District. Mr. Kemper reported that this project was reviewed by the Board on July 8, 2003 at which time it was found to be

acceptable. The Saratoga County Planning Board approved the project on July 17, 2003 without comment. Descriptions for the land to be conveyed to and by the Town of Clifton Park and for all easements should be submitted for review. Mr. Kemper read the comments issued by the ECC. The ECC recommends that the existing sewer easement be utilized for a pedestrian trail from Route 146 to Southside Drive. The following standard statement should be added to the plot plan:

- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federal jurisdictional wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone and/or Federal Wetlands.

The ECC also notes that the parcel falls within the Exit 9 GEIS. The applicant should maintain a minimum of 45% greenspace in accordance with the standard calculated for the entire parcel prior to subdivision.

Mr. Grasso reiterated the comments issued for the July 8th meeting, noting that this subdivision will accommodate a continuous right-of-way to Wall Street in the future: he emphasized the need for revised setback variances. He also asked that the applicant confirm that the proposed division line between Lots #1 and #2 is sufficient to accommodate construction of a sidewalk in the roadway right-of-way. Mr. Nicholson stated that it appeared that there would be sufficient room for the installation of a sidewalk: the applicant would not convey any additional land to the Town.

Mr. Bulger stressed the importance of the realignment of the roadway and asked that the area be “as pedestrian friendly” as possible.

There being no public comment, Mr. d’Amico moved, seconded by Mr. Marzola, to close the public hearing at 7:26p.m. The motion was unanimously carried.

Mr. Bulger moved, seconded by Mr. Marzola, 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.

Ms. Czub offered Resolution #25, to grant preliminary and final subdivision approval to this application, waiving the final hearing, conditioned upon the satisfaction of the comments of Mr. Kemper and Mr. Grasso. Ayes: Larkin, Czub, d’Amico, Karam, Russell, Marzola, Bulger. Noes: None. [2002-061] Southwick Meadows (Lands of the Estate of Howard D. Hoffman, Sr.) – Proposed (115) lot subdivision, Crescent Road and VanVranken Road – Preliminary public hearing and possible determination.

Mr. Marzola recused himself from any discussion or vote on this application.

Mr. Bulger called the public hearing to order at 7:28p.m. The Secretary read the public hearing notice as published in the Daily Gazette on August 4, 2003. Mr. Lynn Sipperly, the applicant’s consultant, introduced Mr. Weis, who was also in attendance, and presented this application that calls for the subdivision of 99.6 acres at the intersection of Crescent and VanVranken Roads. Mr. Sipperly described the three contiguous parcels as open fields with some wooded areas that will be preserved to the greatest extent

practicable. Although the plan now calls for the development of 115 lots – a reduction of three lots – from the concept plan submission, it remains as a cluster subdivision as recommended by the Board. Preliminary design plans include the metes and bounds of the proposed lots as well as the horizontal and vertical alignment of the five new streets. Details have also been provided for the proposed municipal water and sanitary systems and the stormwater management area. A disconnected parcel of 10.17 acres that lies southwest of the main parcel will be conveyed to the Town of Clifton Park as Class B open space. Mr. Sipperly explained that a traffic impact study has been prepared to establish the volume of traffic generated at full build-out of the subdivision and to analyze traffic impacts on the existing local transportation network. The study included a review of the intersections at Crescent and VanVranken Roads as well as the Crescent and Lapp Road intersection. The study, that considered the impact of the Countrymen Estates subdivision, concluded that there will be no degradation of service at these intersections. No intersection improvements are warranted by the proposed Southwick Meadows subdivision. Crescent Road and VanVranken Road were deemed to have “abundant” capacity to handle the projected additional 125 vehicles during the peak hours. The engineering consultant also presented the wetland delineation that was prepared by Copeland Environmental Consulting Services in May, 2002. This plan maps the 10.63 acres of federally jurisdictional wetlands on Parcel 1 and the 2.79 acres on Parcel 2. The four stream courses that traverse the property are also shown on this plan. A total of 2,627 linear feet of stream corridors have been identified.

Mr. Sipperly explained that the project proposes the construction of three different types of housing products to address various market needs. The 10,000-11,000 SF lots will contain maintenance-free patio homes; the 12,000-14,000 SF lots are designed for traditional homes; larger traditional homes are proposed for the 12,000-15,000 SF lots. The project proposal calls for the establishment of a homeowners’ association that would maintain the open space areas within the Southwick Meadows’ boundary. An initial archeological study identified two areas of historical significance. One was an old foundation and one was the remains of an old mill. No disturbance of either area will be permitted.

Mr. Kemper offered several comments regarding this project proposal, noting that this project last appeared before the Board on November 13, 2002 at which time the Board asked that the SEQRA review process be initiated. At that time the Board agreed with the cluster subdivision layout. The actual setbacks of the cluster subdivision will need to be adopted. The actual location of the proposed path has to be determined. The letters were sent out for Lead Agency designation on November 20, 2002 and all involved agencies concur with the Town of Clifton Park Planning Board acting as Lead Agency for the application. A memo from Eric Hamilton, Chairman of the Trails Advisory Committee provided suggestions for the locations of for multi-use path connections. These options should be explored and depicted on future submissions. The project will require sign-offs from the Saratoga County Sewer District and the CPWA. The non-jurisdictional ACOE wetlands should be removed from the subdivision plan. Prior to final approval, descriptions for all easements, roadways, town roads, and town land should be submitted for review. A grading plan must be prepared for the subdivision. The details for the berm, including all plantings, should be depicted on future submissions. All ACOE and

wetlands and Town of Clifton Park L-C Zone should be labeled as such. Future plan submissions should illustrate proposed house locations. Due to the potential for wetland disturbance, a shared access driveway should be explored for Lots #110 and 111. The wetlands and/or L-C Zone shown on Lots #24-27, 30, 31, 32, 79, 80, 81, 84, 99, 105-110 will require deed restrictions to protect these areas against further disturbances. The land transfer that occurred that occurred between David Everitt and the Hoffmans that was approved on January 12, 2002 should be depicted on the plot plan. Construction details for the water lines, sewer lines, streets and all other improvements must be included in future plans. A stormwater management plan must be submitted. The applicant must submit copies of correspondence from SHPO that indicates that the agency has signed-off on the project plan. Erosion control measures must be depicted on future plan submissions. A stormwater basin must be provided in the center of each cul-de-sac and each cul-de-sac must be graded into that catch basin. All wetland disturbance areas must be depicted on the plot plan and a sign-off must be received from ACOE. A memo from Sheryl Reed dated August 12, 2003 states that street names must be provided in order for postal addresses to be verified.

Mr. Kemper reported that the ECC provided several comments. The applicant should clarify the purpose of a drainpipe that appears to drain from a wetland onto Crescent Road. The applicant must delineate and label all existing L-C Zone areas associated with the three branches of the classified stream. The ECC requests that the applicant consider mapping the entire subdivision noting the L-C Zone in relation to proposed lots. A stormwater management plan should be submitted for review by the Town Engineer and the ECC. The following standard statements should be added to the plot plan:

- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federal jurisdictional wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone and /or Federal Wetlands.
- No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).
- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

Mr. Kemper reported that he was in receipt of a letter from Ms. Carol Jeffries, Property Manger for the Forest Pointe Community Association. Ms. Jeffries requested clarification of the proposed clearing limit lines because the residents of Forest Pointe would like the Land Conservation zone that borders Forest Pointe to be maintained. Residents were also concerned with the impact of the development on the school district, traffic on Crescent

Road, water supply, and other utilities.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the preliminary plans for this project and prepared the following comments. The plans submitted show preliminary lot and roadway layouts for the proposed project and the “cluster” type arrangement that is consistent with prior approvals. The proposed 115 residential lots total less than the maximum allowable density of 118 lots that was established during conceptual review. The lot and road layout and the profiles for the proposed roadways appear acceptable.

The engineering firm also reviewed the Traffic Impact Study prepared for the project by Creighton Manning Engineering, LLP dated December 18, 2002. The conclusion offered in the study states that the subdivision will not have a significant impact on traffic operations on the adjacent roadway network. It appears that this conclusion is correct. Stop signs should be placed on site access road approaches at each intersection.

Mr. Grasso noted that the November 1, 2002 letter recommended that recreational multi-use pathways through the open space areas would be desirable. Although some have been provided, it is recommended that they be included in the open space areas along Crescent and Van Vranken Roads to allow an alternative use on these roads.

The engineering firm further recommends that Land Preservation Areas be established over the environmentally sensitive areas of the residential lots, such as federal wetland areas. Easements should be provided over the drainage courses that bisect the residential lots. The plans should clarify that the open space areas and all of parcel 2 will be conveyed to the Town. The area including the storm sewer bisecting Lots #102 and 103 should be in a strip that will be conveyed to the Town of Clifton Park in order to facilitate future maintenance.

Individual foundation drain laterals that cross adjacent lots such as that proposed for Lots #81 and 82 should be eliminated. Additional catch basins should be located within the road, allowing a direct connection for each lot. A previously recommendation called for review of project impacts by the New York State Office of Parks, Recreation and Historic Preservation: copies of their determination should be sent both to the Town and to Clough, Harbour, and Associates.

In general, the submission lacks adequate information necessary for a SEQR determination and preliminary subdivision plan determination. Future plan submissions should include, at a minimum, the following information:

- A Title Sheet that includes Site Statistics for the proposed project;
- An overall map at either 1”=100’ or 1”=200’ that shows roads, lots, open space areas, and easements;
- Acreages should be provided for the various “open space” areas shown on the plans;
- A completed storm drainage design including a Stormwater Management Report and a Stormwater Pollution Prevention Plan with erosion and sediment control methods and details;

- A completed design of the proposed water distribution system including an Engineer's Water Supply Report;
- A completed design of the sanitary sewer system including an Engineer's Sanitary Sewer report;
- A proposed grading plan.

Mr. Stephen Prescott, 78 VanVranken Road, asked for clarification concerning the location of the park land within the project. Mr. Sipperly explained that the active park area would be located in the central portions of the site. Mr. Prescott also asked about the availability of utilities for existing residents. Mr. Peller explained that the property to be developed lies within the existing service area: service to properties beyond the service area would require an extension of the service area. Town Board approval of such an action would be required. In response to Mr. Prescott request that the project density be reduced to minimize impacts to existing residents, Mr. Sipperly explained that all indications were that the project would have minimal impact to the Crescent Road corridor.

Mr. Gary Eichenbaum, 66 VanVranken Road, stated that he was totally "against the project" because it was out of character with the surrounding neighborhood, noting that residences on the west side of VanVranken Road are located on much larger lots than those proposed by Mr. Weis. Describing the open meadow area as a "jewel" to be preserved, Mr. Eichenbaum asked the Board to encourage the Town to purchase the land for use as a recreational area. He accused the Board and Clough, Harbour, and Associates of pandering to developers and urged members to "think long and hard" before taking action on the proposal. Mr. Bulger stated that neither the Board nor the engineering firm serves developers: he explained that it was the Planning Board's responsibility to ensure that all laws were followed. He believes that the Board acts "very fairly" in administering the zoning laws and established policies.

Mr. Arnold Elman, 4100 Forest Pointe Drive South, President of the Forest Point Homeowners' Association, encouraged the Board to ensure preservation of the L-C area that lies between the Forest Pointe development and the proposed homes with Southwick Meadows. He also stated that since the roads within Forest Pointe South are private drives, the homeowners will not permit the multi-use path to exit into the neighborhood. Mr. Kemper explained that the planning was in progress for the multi-use pathway locations. Mr. Bulger pointed out that impacts to the Forest Pointe community would be minimal since there would be no disturbance of the existing L-C zone that borders it to the west.

A resident of 1665 Crescent Road complained that the increased traffic would be a problem for area residents. He described his major concern as the threat to wildlife in the area, since pesticides and pollutants would have an impact on the bald eagle as well as other animals that inhabit the land around the Stoney Creek Reservoir. Mr. Sipperly pointed out that, in addition to the "natural divide" provided by Crescent Road, drainage from this project is generally to the south of the property. Plans call for stormwater to be discharged into the natural streams on site.

Ms. Nancy Jerome, 722 Crescent Road, read a prepared statement that encouraged the Board to reject this application and preserve the rural character of the area. She told the Board that she and her family have resided in Clifton Park for many years and she described the comfort she finds in the natural beauty of the area. She asked the Board to recognize that undeveloped property is important for one's well being. Identifying increased traffic, over-crowding at the elementary school, and the negative impacts on wildlife as issues to be considered, she asked the Board to maintain the area's rural character.

Mr. Tom Krawczyk, 1673 Crescent Road, encouraged the applicant to consider the impact of the proposed development on existing homes in the area. He was concerned that drainage from the proposed development would flow across Crescent Road to properties on the north side of the road and the Stoney Creek Reservoir. Contamination of his well was also of concern. Mr. Sipperly addressed the concerns, noting that drainage on the site flows to the south, that a culvert proposed for installation between Lots #8 and 9 Kensington Way will help to direct water flow to the south, and that the berm planned to buffer Crescent Road from the proposed homes will also act to direct water away from Crescent Road.

A resident of 5215 Forest Pointe Drive stated she was aware that properties adjoining a new subdivision recently experienced flooding problems and she attributed the problem to the development that had occurred. She asked that the Board consider the impacts of the Southwick Meadows development on adjoining properties. Mr. Bulger explained that the Town requires developers to design drainage and stormwater management areas for 100-year storm events. He noted that recent storms were unusual and that the standard requirements generally handle water flows sufficiently. Mr. Kemper noted that culverts in the area of the flooding problems were failing. Highway department personnel were working to repair damaged or deteriorating culverts throughout the Town.

Mr. Everitt, VanVranken Road, asked that the sewer installation planned for VanVranken Road be limited to the existing right-of-way since he wanted to protect the existing old trees. Mr. Everitt further asked that no multi-use pathway be located in front of his house since his house is an historic house that is located quite close to the road. Mr. Kemper responded to his concerns noting that utilities would be installed within the existing right-of-way and that discussions are continuing regarding the location of the multi-use pathway.

Mr. Jerome, Crescent Road resident, described the topography of the property and asked that the Board review the proposed grading plans. Mr. Bulger assured the speaker that the Town Engineer will review all grading plans and that the drainage in the northwest corner would be improved by the proposed drainage improvements.

Mr. Bulger addressed several of the issues raised by those who commented on the project, explaining that the Planning Board was charged with ensuring that the applicant adheres to all Town laws and policies. He stated that since the density is consistent with

the zoning regulations, the Board is compelled to approve the project plans. Should the Board choose to deny the application on an “arbitrary and capricious” basis, the Town faces significant expense in unsuccessfully defending such actions. Mr. Bulger also pointed out that the Town’s Open Space Committee did not recommend acquisition of the Hoffman parcels for recreational uses.

Mr. d’Amico requested that berms be placed along the northern and western property border to improve the site aesthetics and provide a buffer along the roadways.

One member of the audience stated that she believed that laws were established for the “good of the people” and she asked the Board members to consider the benefits to existing residents – such as the good that would come from “accidents that didn’t happen.” She urged the Board to consider the “good of the whole.” In response, Mr. Bulger cited the Board’s fiduciary responsibility to Town taxpayers. He noted that there was no significant evidence to indicate that approval of Southwick Meadows would be detrimental to the community.

Mr. Krawczyk asked if the Board could authorize a reduction of the speed limit along Crescent Road because travelers tend to speed along this road. Mr. Grasso noted that although Crescent is a county road, the Board would ask the County Public Works Department to review the speed limit.

There being no further public comment, Ms. Czub moved, seconded by Mr. Larkin, to close the public hearing at 8:55p.m. The motion was unanimously carried.  
[2001-015] Boni, Larry (formerly the Lands of Giles) – Proposed (8) lot subdivision, Moe Road - Preliminary public hearing and possible determination. Mr. Bulger called the public hearing to order at 9:05p.m. The Secretary read the public hearing notice as published in the Daily Gazette on August 4, 2003.

Mr. Kevin Dailey, legal representative for the applicant, presented this application that calls for the subdivision of 10 acres of land on the west side of Moe Road into (8) lots. He provided a brief history of the project, stating that litigation following the denial of the requested variance from the Zoning Board of Appeals eventually resulted in the compromise that is represented by the preliminary plan presented at this meeting. He explained that the project now proposes (8) lots ranging in size from 26,000 SF to 60,000 SF on a combined private drive. A 10-foot strip along Moe Road will be dedicated to the Town for future road improvements. All lots will be served by the Clifton Park Water Authority and connection will be made to the Saratoga County Sewer District. Variances will be required for the keyhole lots since required setbacks cannot be met.

Mr. Kemper explained that the only reason for the applicant’s request for subdivision approval prior to the granting of the required variance is that Zoning Board of Appeals’ attorney must know if litigation relating to the application will continue. The project was last considered by the Board on June 24, 2003. Mr. Kemper also reported that SEQRA Lead Agency Designation was completed and all involved agencies concur with the Town of Clifton Park acting as Lead Agency for this application. A use variance was granted for the use within the L-C Zone by the Supreme Court on December 13, 2002. A

revised NYSDEC wetland permit must be submitted. Land Preservation Areas must be provided over the wetland portions of the project. The project will require a sign-off from Emergency Services Advisory Board. A sign-off will also be required from Paul Pelagalli on the easement agreement for the shared driveway. Clearing limit lines must be clearly depicted on the plot plan. There are new standard notes in regards to the location, ownership, and maintenance of grinder pumps: these notes must be added to the plans. Construction details for the proposed private drive must be provided on the plot plans. A note should be added to the plans stating that Woodmere Lane was approved as a private drive and will not/cannot be deeded to the Town of Clifton Park. Descriptions for the ingress/egress easements must be submitted for review. A note should be added to the plans stating that a multi-use pathway may be constructed immediately to the west of this property. The description must also be submitted for the additional land to be deeded to the Town of Clifton Park. Mr. Kemper stated that he was in receipt of a memo from Sheryl Reed dated August 12, 2003 which stated that the words private road must be removed from the plan and that the plat must specify that the access will be only a driveway. A turn around for emergency services must be provided within 100 feet of each structure.

Mr. Kemper read the recommendations that were provided by the ECC. The following standard statements should be added to the plot plan:

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

The ECC also asks that the applicant to verify that all DEC and ACOE permits are valid since there have been several delays during the project development.

Mr. Grasso reported that although most engineering issues have been addressed, the proposed project will result in greater than one acre of land disturbance. As such, compliance with NYSDEC's new stormwater requirements will be required. A stormwater management and pollution prevention plan in compliance with these requirements should be submitted for review and a copy of the certified Notice of Intent should be submitted to the Town prior to any work on the site. Mr. Grasso also identified several minor technical comments that must be addressed prior to release of the plans. A detail of the private road showing the subgrade, foundation, and top course should be provided. A street sign indicating a private roadway should be shown on the plans. A

stabilized construction entrance detail should be provided at the intersection of the private road and Moe Road. A profile for the 2" force main on site and for the 8" water main showing any utility conflicts and minimum cover requirements should be provided. Pursuant to zoning regulations, all keyhole lots are subject to minimum setback from all lot lines of fifty feet. To allow the most flexibility in siting the homes in areas that would reduce wetland impacts, the Town Engineer recommends approval of variances to allow the setbacks shown on the plan. If the variances are approved, they should be appropriately referenced on the subdivision plan.

Mr. Peller, Town Attorney, explained that in order to prevent setting a precedent for approving plans prior to approval from the Zoning Board of Appeals for relevant variances, the approval now considered by the Board must be clearly dependent upon the withdrawal of the existing declaratory judgment by Giles. The Town will then withdraw its appeal. Mr. Peller further recommended that the Board condition its approval on the Zoning Board of Appeals' approval of the variance application. The Planning Board approval would be deemed null and void if the variances are denied by the Zoning Board.

There being no public comment, Mr. Larkin moved, seconded by Mr. Karam, to close the public hearing at 9:15p.m. The motion was unanimously carried.

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

Mr. Karam offered Resolution #26, seconded by Mr. Larkin, to grant preliminary and final subdivision approval to this application, waiving the final hearing, conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso, Zoning Board of Appeals' approval of the variances required, and the withdrawal of the existing declaratory judgment action by Giles. Should the Zoning Board of Appeals deny the variance applications, this Resolution will be declared null and void. Ayes: Larkin, Czub, d'Amico, Karam, Marzola, Russell, Bulger. Noes: None.

[2003-041] Schell, Edith – Proposed (4) lot subdivision and land transfer, 655 Waite Road – Preliminary public hearing and possible determination. Mr. Bulger called the public hearing to order at 9:25p.m. The Secretary read the public hearing notice as published in the Daily Gazette on August 4, 2003. A representative of Gilbert VanGuilder Land Surveyor, PLLC presented this application on behalf of applicant Edith Schell. The plan remains generally as presented at the June 24, 2003 meeting, though additional details have been added. Approved postal addresses, well locations, proposed septic locations, and house location for the remaining lands have been added to the preliminary plan. Applicable standard notes, ECC notes, and sight distance information have also been included on the plat. The lots will all be served by individual wells and septic systems.

Mr. Kemper explained that this project last appeared before the Board on June 24, 2003 at which time the main issues were identified as the sight distance along Waite Road, wetland delineations, and access for Lots #3 and 4. The parcels that are gaining land will have to be surveyed and descriptions prepared for review prior to the stamping of the

plans. The test pit data must be reviewed and approved by Clough, Harbour, and Associates. The ingress/egress easement should be depicted on the plans. A signoff will have to be provided from Clough, Harbour, and Associates on the sight distance. A letter from Charles Fitch dated August 11, 2003 listed his two major concerns as the increase in surface water flow across the East Side of Waite Road, and concerns for proper septic percolation in consideration of the high surface water table. Sheryl Reed's memo of August 12, 2003 asks the applicant to supply a revised postal verification form.

Mr. Kemper stated that the ECC requested that the L-C Zone be clearly and continuously delineated on the plot plan and that the wetlands be more clearly indicated on the plot plan.

Mr. Grasso reported that although several previous engineering comments had been addressed by the applicant, there were still issues that remained outstanding. At the last meeting, Clough, Harbour, and Associates recommended that the adequacy of sight distance should be confirmed at any proposed driveway locations and shown on the plan. Mr. Grasso explained that although the applicant's consultant submitted additional sight distance information, the data does not indicate which driveway location was analyzed. Both driveway locations should be analyzed and appropriately referenced on the plan. If the clearing that was proposed on the initial plan has already taken place, the information on the plan should be updated. In addition, the need for intersection warning signs should be provided by the applicant's consultant based on site conditions.

Waite Road is identified in the Town's Trails Master Plan as being planned for an on-road bike route. Given the limited right-of-way, additional right-of-way is expected to be required. In order to mitigate this project's impact on the need for increased pedestrian facilities, the conveyance of an additional ten feet of right-of-way should be considered. The driveway to Lot #699 exceeds 500 feet in length. As such, provisions for a turnaround within 100 feet of the house shall be provided. It is recommended that the plan be revised to show a circular turnaround in front of the house. The plan should contain a note stating that the final design should be submitted for review at the time of application for a building permit. Driveway culverts should be provided where required. There are no test pits within 700 feet of the septic system location proposed for Lot #699. As such, there is no way to determine the likelihood that acceptable soil conditions exist to support use of an on-site system. Additional investigations are recommended.

Mr. Dave Filbert, 639 Waite Road, expressed concerns about the proposed access drives, and asked that no additional drainage be allowed to flow from the proposed driveways to the adjoining properties. He was also concerned about impacts from the additional residences and wells on his water supply. He noted that any residences in the area would require the installation of raised bed septic systems due to the existing soil conditions.

Mr. Milton Cutter, who plans to purchase the largest lot, stated that he has received information from the engineer that indicates that there will be sufficient water to supply his proposed home.

Mr. Ron Hitchko, 641 Waite Road, was concerned with the drainage that would likely impact his driveway and the impact of the proposed septic system on his well. He asked the Board to consider “drainage, water, and wetlands.”

Mr. Grasso recommended that no further subdivision be permitted for the Lands of Schell. Mr. Rabideau believed that the applicant would be amenable to that stipulation.

There being no further public comment, Mr. Bulger moved, seconded by Ms. Czub, to close the public hearing at 9:45p.m. The motion was unanimously carried.

Board members agreed that since the sight distance issues had not been adequately resolved no action would be taken at this meeting.

[2002-013] Jarose, George and Eva – Proposed (17) lot subdivision, Grooms Road – Amendment to subdivision approval granted on November 13, 2002 –Preliminary public hearing and possible determination. Mr. Bulger called the public hearing to order at 9:47p.m. The Secretary read the public hearing notice as published in the Daily Gazette on August 4, 2003.

Mr. Tom Andress, consultant for the applicant, explained that both the Sunset Woods subdivision plan and the Parkside Church site plan were resubmitted for amended approvals because the project was affected by the ruling of the DEC that a portion of the federal wetlands was also a designated DEC wetland. The plans now show the DEC wetland and the accompanying L-C zone on the plan. The future homes have been repositioned on the lots to allow approximately 40’ behind the homes before the L-C zone to permit back yard development without impacts to the L-C zone. The number of lots has been reduced from 19 to 17. Mr. Andress reported that the revised plan utilizes the same entrance point and roadway design until the road passes the proposed church property. The road alignment changes slightly at that point to avoid the L-C zone. Engineering for the project is essentially the same with the exception of the stormwater management area that now reflects the new Phase II requirements.

Mr. Andress noted that there was no change to the site plan with the exception of the increased lot size which provided additional green space on the site. The southernmost entrance radius changed slightly to accommodate the road alignment shift.

Mr. Kemper explained that this application received final subdivision approval on November 13, 2002. At that time the project plan called for the development of (20) lots. When the applicant submitted plans to NYSDEC for the required water and sewer signoff, it was determined that a NYSDEC jurisdictional wetland was located in the center of the project. The applicant was advised by DEC in a letter dated October 21, 2002 of this possible NYSDEC Wetland. Final signoffs must be received from Saratoga County Sewer District and the Clifton Park Water Authority. All restrictions that were included in the original approval on must be included on the plot plan. The standard note for aviation activity must be added to the plans. A note should be placed on the individual plot plans for Lots #17 and 19 indicating that they border a future town road. The clearing limit lines are depicted on the subdivision plans: these areas must be flagged prior to clearing and grubbing and the applicant is advised that these limits will be

inspected and enforced. A note stating this should be added to the plans. The area for the future town road should remain wooded if possible. Erosion control measures must be depicted on the plot plan. It appears that with the grades as proposed, there could be ponding in the rear yards along the eastern side of Jarose Place. The grading should be revised accordingly or catch basins placed appropriately behind the residences. If an entrance sign is proposed for this development, it should be depicted on the plot plans. Plantings should be provided along the rear of Lots #22 and 24 along the stormwater management basin.

Mr. Kemper offered a number of comments regarding the stormwater management area. He asked that the plans clarify whether or not the basin will be designed to retain water. He noted that the plan states under the Storm Sewer Notes on Sheet 5 of 5 that “sump pumps and/or footing drains shall be connected to proposed catch basins;” however, on Sheet 2 of 5 it states that certain lots will gravity drain into the rear yards. The note on Sheet 5 should be corrected to indicate which lots will gravity drain to the rear yards and which ones will drain into the catch basins. Details on the “no cut conservation easement to be deeded to the Town of Clifton Park” should be submitted. The house locations for Lots #25 and 26 Jarose Place should be moved forward to eliminate future incremental disturbances to the Town of Clifton Park Land Conservation Zone. Deed restrictions should be put in place to protect these areas and evidence that such restrictions have been filed must be presented to the Planning Department.

Mr. Kemper reported that a letter was sent to Mr. Address on July 29, 2003 that outlined the requirements of the Clifton Park Water Authority. A memo from Eric Hamilton, Trails Committee Chairman dated August 1, 2003 stated the following: “After reviewing the above proposed 17 lot subdivision located on Grooms Road, the trails committee makes the following comments: A connection from the subdivision south to a “hub” of connections to adjacent, as yet undeveloped land, this project location, and the Stoney Creek Park District lands would be desirable.”

Mr. Kemper read the ECC comment that stated that the stormwater basin is a non conforming use within the LC Zone and is, therefore, unacceptable.

Mr. Grasso offered several comments from Clough, Harbour, and Associates. The long term protection afforded to the wetlands and buffer area behind the houses proposed for Lot #25 and #26 because there is eight feet of elevation difference between the finished floor elevation and the ground elevation only forty feet away which constitutes the edge of the L-C (Land Conservation) zone. The subdivision plan indicates a No-cut Conservation Easement that covers a portion of the DEC wetland buffer that lies outside of the drainage easement. It is recommended that this area be labeled a Land Preservation Area and the Town’s standard notes for Land Preservation Areas be added to the plan. These restrictions will then be part of the deed covenants on the respective lots and will appropriately cross-reference to the approved subdivision plan. In addition, the restrictions associated with the land preservation area will then be clearly called out on the subdivision plan. Due to the difficulties associated with construction tolerances and low velocities for small storm events Clough, Harbour, and Associates will no longer

recommend approval of storm drainage systems with storm sewer slopes less than 0.5%. This recommendation will be incorporated into future proposed changes to the Town's Design and Construction standards. It is recommended that the design for this subdivision be revised accordingly. It is also recommended that the 1.84" orifice for the 24 hour release rate be part of a restrictor plate located within the outlet control structure. The drainage easement over the storm sewer across Lot #22 should be labeled as being conveyed to the Town of Clifton Park. The 3,510 feet of federal wetland disturbance should be clearly indicated on the plans.

There being no public comment, Mr. Larkin moved, seconded by Ms. Czub, to close the public hearing at 10:07p.m. The motion was unanimously carried.

Mr. Andress stated that his firm would revise plans according to most of Mr. Grasso's recommendations, though he was confident that the slope of the storm sewer piping would work efficiently. Significant discussion concerning this issue ensued. Though Board members appeared to support Mr. Grasso's recommendations, Mr. Bulger asked that Mr. Andress and Mr. Grasso discuss alternative designs and resolve the issue.

Old Business: [2002-013] Parkside Community Church – Proposed 12,000 S.F. Building, Grooms Road – Amendment to site plan approved on November 13, 2002 – Preliminary site plan review and possible determination. Referring to the previous application, Mr. Andress explained that the delineation of the NYSDEC wetlands on the site necessitated the revisions to the plan. He asked that action on this application be deferred until issues regarding the subdivision approval have been resolved.

[2003-030] Stormy View Stables – Proposed 11,592 SF riding and boarding arena, 421 Schaubert Road – Special Use Permit – Final determination. Mr. John Hill, applicant, explained that his application has been considered by the Board on July 8, 2003 at which time the Board approved the Special Use Permit and granted preliminary site plan approval.

Mr. Kemper explained that this project appeared before the Board on July 8, 2003 at which time the Board approved Special Use Permit and granted preliminary site plan approval. The only outstanding issue was the variance that was required from the State. The conditions that were placed on the variance from the Town of Clifton Park Zoning Board of Appeals and the State should be depicted on the plot plans. A signoff must be provided from the Town Engineer. A copy of the variance given by the state must be submitted for review. Mr. Kemper stated that all ECC comments had been satisfied.

Mr. Grasso stated that all engineering concerns have been addressed.

Mr. Karam moved, seconded by Mr. Russell, to grant final site plan approval to this application conditioned upon satisfaction of Mr. Kemper's comments. The motion was unanimously carried.

[2003-016] Mildred Peck Trust – Proposed (41) lot subdivision, Clifton Park Center Road – Determination from public hearing held on July 8, 2003.

Mr. Nicholson, consultant for the applicant, explained that this application had been considered by the Planning Board on several occasions. Plans now show only one lot with frontage on Miller Road and the location of homes on the west side of Miller Road

in response to the comments from Clough, Harbour, and Associates. Mr. Nicholson noted that because of the placement of existing homes, there will be minimum impact from headlights on those properties.

Mr. Kemper reported that this project last appeared before the Planning Board on July 8, 2003. At that time, the Board identified several concerns. The impact of headlights on neighboring properties along Miller Road, the design of the stormwater management area, and the lands to be deeded to Frederick were all of issues to be resolved. Mr. Kemper noted that although the public hearing was closed on July 8, 2003, no action was taken on the application. Coordinated review was conducted and all involved agencies concurred with the Town of Clifton Park Planning Board acting as Lead Agency for this application. He offered several additional comments on the application. The proposed setbacks for this proposed cluster subdivision must be formally adopted by the Planning Board. The applicant is proposing 35-foot front yard setbacks (or as otherwise noted), 25-foot rear yard setbacks, and 10-foot side yard setbacks. Mr. Kemper stated that these setbacks appear to be consistent with those established for other open space subdivisions and he recommended that the Board approve the setbacks as depicted on the plans. The lot numbers must be included in the ingress/egress standard note. Since it does not appear that the access to Lot #41 can be constructed without disturbance to the ACOE wetland area, this area should be included in the disturbance area. A sign-off must be received from ACOE. The multi-use pathway between the proposed subdivision and Meadow Estates can be reduced to an eight-foot width. The erosion control measures on the plot plan need to be significantly expanded. Filter fabric is now required on all Town roadways. Underdrains will be required if they are determined to be necessary by the Town Engineer. The detail for the road design should be revised accordingly. A letter from DEC stating that there are no DEC wetlands on the property must be submitted.

Mr. Kemper read the comments prepared by the ECC. The applicant should add the Town of Clifton Park aviation note to the plot plan as follows:

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 ECC also asked that the applicant more clearly indicate the total Federal wetland disturbance in site statistics.

Mr. Grasso stated that Clough, Harbour, and Associates had a number of comments on this proposal. It appears a drainage inlet is required on the south side of the new road to handle drainage on the east side of Miller Road. The adequacy of the two 4" pipes to handle upstream runoff should be analyzed. The crossing of the 8" water main along Michelle Drive with the new sewer should be perpendicular and should minimize work within the pavement. Removable bollards like those recently installed within the Oaks subdivision should be used at the ends of the multi-use pathway instead of permanent bollards. Measures to reduce the potential for groundwater collected in the sewer trench to reach Michelle Drive should be provided.

Mr. Grasso also stated that the stormwater review response letter to Jason Kemper prepared by Environmental Design Partnership, LLP, dated July 23, 2003 was reviewed. The following comments are related to this correspondence. In order to verify existing soil conditions such as soil type, impermeable layers, high groundwater and percolation rates, test pits and percolation tests should be performed within the limits of the proposed stormwater management area(s) to a depth of two feet below the bottom of the basin(s). Positive identification of the existing soils, the percolation rates, and properties is vitally important to the proper operation of the stormwater management areas. A Storm Sewer Sizing Drainage Pattern Map should be provided showing the time of concentration travel paths to each drainage structure. Sump pump laterals should be provided for each proposed lot.

Mr. Grasso also recommended that deed restrictions for conservation easements be established over the wetland areas of the project site not to be conveyed to the Town. A complete Stormwater Pollution Prevention Plan with erosion and sediment control methods and details should be provided. The location and construction details for the stabilized construction entrance(s) should be provided on the plans. Since the project will involve the disturbance of greater than 1 acre of land, the applicant is required to submit a Notice of Intent (NOI) pursuant to the State Pollution Discharge Elimination System (SPDES). Inspection reports, maintenance schedule, and a copy of the NOI should be included in the Stormwater Pollution Prevention Plan (SWPPP). Copies of the SWPPP should be available on the project site at all times during construction. The contractor should be advised of his responsibilities for inspection, maintenance and certification as specified in the SWPPP at the pre-construction meeting. The stormwater management areas do not appear to be designed in accordance with the new NYSDEC Stormwater Design Manual. Consideration should be given to utilizing the Pond or Wetland SMP Groups with a forebay, low marsh zone, a micropool and a landscaping plan for additional biological uptake of pollutants and wildlife habitat.

Mr. Grasso observed that Lots #34 and #35 will require extensive excavation to reach the proposed grades. It does not appear to provide adequate positive drainage away from the homes and towards common lot lines. The applicant should consider flattening the cut slope as much as possible and replacing the ridge being created between the two lots with a swale to better drain the lots. Mr. Grasso noted that the plans have been revised in response to this comment by raising the grade proposed for the two houses by six feet and moving the houses approximately ten feet closer to the cul-de-sac. While these modifications resulted in reduced excavation behind the houses they resulted in excessive driveway grades of 18% at Lot #34 and 20% at Lot #35. Special construction practices and erosion controls may be required for development of these lots. Because of the uncertainty of the house location and orientation, it is recommended that a note be added to the plans stating that detailed site plans for these lots shall be submitted for review and approval at the time of application for a building permit for these lots. Future submissions should include Engineer's Reports for Water Supply and Sanitary Sewer. The stormwater management basin on Lot #1 should be included in the Town road right-of-way for ownership and maintenance purposes. Cross culverts across the multi-use pathway should be shown wherever required, such as behind Lots #12 and #13.

Ms. Marcia Able, resident of Meadow Estates, asked if the stormwater management basin proposed for this development would be sufficient to handle stormwater run-off from the project. She is very concerned about drainage from the site since her sump pump runs continuously. Mr. Nicholson explained that the stormwater management area had been designed to handle the projected run-off without impacting adjacent properties. Mr. Grasso concurred with this statement.

Mr. Bulger expressed his appreciation to the applicant for working to resolve problems and work cooperatively with the Board to achieve that best possible project design. In response to Ms. Czub's question, Mr. Nicholson stated that the existing tree line along the southern boundary of the project site would remain undisturbed. Mr. Bulger moved, seconded by Ms. Czub, 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. Karam offered Resolution #27, seconded by Mr. Russell, to grant preliminary and final approval to this application, waiving the final hearing, including the setbacks as illustrated on the final plat and conditioned upon satisfaction of comments offered by Mr. Kemper, Mr. Grasso, and the payment of all applicable mitigation fees. Ayes: Larkin, Czub, d'Amico, Karam, Marzola, Russell, Bulger. Noes: None.

[2002-072] New York Development Group, Inc. – Proposed (9) lot subdivision, 417 Moe Road – Determination from public hearing held on July 8, 2003.

Mr. Scott Lansing, consultant for the applicant, presented the revised plan for this project that has been before the Planning Board on several previous occasions. The plan remains generally as presented at the July 8, 2003 public hearing. Mr. Lansing explained that most of the comments from that public hearing have been addressed. A note has been added to the plan that states that trees existing on the site will be relocated to the eastern boundary of the property to provide a buffer to existing homes. Additional test pits were dug and reports have been forwarded to Clough, Harbour, and Associates for review.

Mr. Kemper explained that the project was considered during the public hearing held on July 8, 2003 at which time the public hearing was closed. Board concerns focused on the following issues: high groundwater table, finished floor elevations, and the additional test pits. Coordinated review was completed and all agencies concur with the Town of Clifton Park Planning Board acting as Lead Agency for this application. The standard note for work hours should be revised to indicate no work on Sundays. The Red Maple and Weeping Willow plantings proposed for the stormwater management basin should be increased to a minimum of 3" caliper. A drainage ditch and culvert must be placed along the western edge of the subdivision to allow drainage from the north of the subdivision to drain.

Mr. Kemper reported that he had met on the site with Gil VanGuilder on July 14, 2003 to discuss the type and number of additional plantings that would be required. At that time it was agreed that several mature evergreen trees would be relocated to the rear of the lots

to provide additional screening. These trees must be identified on the plot plan. The park amenities to be added in the vicinity of the stormwater management basin should be depicted on the plans. The planting detail refers to the Town of Halfmoon: this should be corrected. Descriptions for all town roadways, easements, and town land shall be submitted for review. Test pit information shows that groundwater was encountered at approximately 40”.

Mr. Kemper reported that he had received correspondence from Gerald Hennigan, 20 Royal Oak Drive, via e-mail on August 7, 2003. In summary, his concerns dealt with the drainage way on the south side of the proposed subdivision, and the excessively high ground water table in the area. He is also concerned about the finished floor elevations of the proposed homes.

Mr. Kemper has received a signoff from the Latham Water District. A memo from Pat Haffner on August 1, 2003 recommends the establishment of a trail connection to Clifton Gardens’ shared roadway trail, possibly designed through or around the drainage easement. This would connect the neighborhoods and provide the new residents access to the Clifton Gardens Park. Ms. Haffner also recommended that this development be put in the Clifton Gardens’ Park District. A memo from Sheryl Reed dated August 12, 2003 required the applicant to provide a street name in order for postal addresses to be assigned.

Mr. Kemper reported that all ECC comments have been satisfied.

Mr. Grasso stated that most of the technical revisions have been made by the applicant. He recommended that the No-Cut buffer be labeled as a Land Conservation Area so that it is covered by the notes already on the plan. The lands to be conveyed to the Town of Clifton Park for stormwater management and open space lack any amenities previously requested by the Planning Board. He recommended that such details should be discussed with the Planning Board during this review. Since the project will involve the disturbance of greater than 1 acre of land, the applicant is required to submit a Notice of Intent (NOI) pursuant to the State Pollution Discharge Elimination System (SPDES). A copy of the NOI should be included in the Stormwater Pollution Prevention Plan (SWPPP). A signed and certified copy of the SWPPP must be filed with the NYSDEC and the Town prior to construction and a copy of the SWPPP should be available on the project site at all times during construction. The contractor should be advised of his responsibilities for inspection, maintenance, and certification as specified in the SWPPP at the pre-construction meeting. The final stormwater report should have the seal and signature of licensed New York State Professional Engineer.

Mr. Bulger thanked the applicants for their cooperation throughout the project review process. In response to his question concerning the number of trees to be relocated, Mr. Kemper stated that approximately 20 trees will be relocated.

Ms. Czub moved, seconded by Mr. d’Amico, 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. Marzola offered Resolution #28, seconded by Mr. Karam, to grant preliminary and final subdivision approval, waiving the final hearing, for this application conditioned upon the comments offered by Mr. Kemper and Mr. Grasso. Ayes: Larkin, Czub, d'Amico, Karam, Marzola, Russell, Bulger. Noes: None.

[2003-045] Belmonte Builders – Proposed 7,300 SF office building, 1743 Route 9 – Revised conceptual review. Mr. Gordon Nicholson, consultant for the applicant, presented this project plan that has been substantially revised since its initial review on July 8, 2003 when the Planning Board found that the proposed project was too dense for the site. Mr. Nicholson explained that the project now calls for the addition of a 6,000 SF general office building to the existing 2,300 SF rental office and the 1,300 SF medical office building. The number of variances required has been reduced. The plan would now require a 10' existing side yard setback to the north side of the site and an 11' side yard setback to the south of the site. A total of 44 parking spaces are proposed.

Mr. Kemper reported that this project was presented to the Board on July 8, 2003 at which time the Board advised the applicant to reconfigure the layout in order to eliminate the need for a front yard setback variance. The CPWA sent their requirements and comments to Mr. Nicholson on June 30, 2003. The property will be located within the Fire Road Water District. The plan should clarify whether the existing building in the front of the parcel will be removed. If the additional parking is not needed at this time, a future parking area can be shown on the plans.

Mr. Kemper noted that the Saratoga County Planning Board reviewed the project on July 17, 2003; however, the County Board would like to review the revised design before completing the GML 239 Review. Based on the sketch plan dated June 17, 2003, some initial comments are that the applicant will need approval for connection to S.C.S.D. #1, that storm water management methods should be indicated on the site plan, and that NYSDOT review of drive onto Route 9 should be completed due to the increase intensity of use at the site.”

Mr. Kemper read the ECC comments that required the applicant to provide a Stormwater Management Plan for review by the Town Engineer and the ECC. The applicant must also indicate the total greenspace for the project on the site plan.

Mr. Grasso offered several comments on behalf of Clough, Harbour, and Associates. The revised concept site plan indicates that the applicant has reduced the size of the proposed new general office building from 7800 S.F. to 6000 S.F. This reduction would result in only 37 spaces being required per code, whereas 44 spaces continue to be proposed. Aside from the reduction in the size of the proposed building, the revised plan does little to address the comments raised by previous staff reviews and the Planning Board.

The following comments raised during the initial site plan review do not appear to have been adequately addressed. It appears that the following variances may be required: building and parking side yard setbacks and a variance from the 40,000 square foot

minimum land area per establishment requirement. It appears that the proposed development of this site is greater than that which can be accommodated under current zoning regulations. In order to provide effective access management along the Route 9 corridor, the possibility of sharing curb cuts along Route 9 or allowing a future connection to the driveway should be investigated. It is recommended that the layout be revised to eliminate the dead end parking area to facilitate better traffic circulation and provide adequate maneuvering space for emergency vehicles. The application states that a connection will be made to existing mains of Saratoga County Sewer District #1: this proposed connection should be shown on the plan and the applicant should provide written confirmation from the Sewer District confirming that it is willing to accept the additional flows.

The Board found this revised plan much more desirable than the one presented at the July 8, 2003 meeting.

[2002-051] Country Club Acres, Inc. – Proposed (105) lot subdivision, NYS Route 146A and MacElroy Road – Preliminary site plan review.

Mr. Nicholson, consultant for the applicant, asked that a public hearing for this application be scheduled for September 9, 2003. He noted that revisions to the plan include a number of keyhole lots with combined drives to encourage the development of “estate homes.” He also stated that the wetland delineations have been completed and submitted to the ACOE for review. Details of the proposed water and sewer connections have been provided.

Mr. Kemper reported that this project last appeared before the Board for conceptual review on August 13, 2002, though the applicant’s consultant presented revised conceptual project plans at the February 25, 2003 and April 22, 2003 meetings as discussion items. An August 1, 2003 memo from Pat Haffner states that the Trails Committee has long talked about a trail between Jonesville and the Park on Elks Club Road. Since this development has an access to MacElroy Road, it could be a start of that connection. She noted that during the Trails Master Plan discussions, Dave Stitt, a resident on the south side of MacElroy Road, strongly advocated a connection. He supported the trail connection even though it was located in the right-of-way in front of his house. The Trails Committee, therefore, encourages the Board to take this opportunity to provide a north/south connecting trail “mid block” between Rt. 146 A and MacElroy Road.

Mr. Kemper explained that signoffs must be received from the Saratoga County Sewer District and the ESAB. The standard note for limits on hours of construction should be revised to indicate no work on Sundays. The standard note for aviation activity should be added to the plans. The ACOE and DEC wetlands should be depicted as such on the plans. There are numerous lots that will have disturbance to the ACOE wetlands that are not depicted: these disturbance areas will have to be included on future plan submissions. Street names and postal numbers need to be established.

Mr. Kemper called the Board’s attention to an August 12, 2003 memo from Sheryl Reed which pointed out that Lots 39-58 are over the allowed 18 living units on a single

entrance. She recommended that the applicant either reconfigure the subdivision layout in that area or obtain a variance from the Fire Code Appeals Board. The emergency services' agency that services this area has concerns with the boulevard-type entrance off Route 146A and recommend its removal. There are also concerns with Lot #68 and Lots #78-89 regarding the ingress/egress and maneuvering clearance.

Mr. Kemper read the comments prepared by the ECC. The Commission recommends that following standard statements be added to the plot plan:

- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federal jurisdictional wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone and /or Federal Wetlands.
- No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).
- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

Mr. Grasso offered a number of comments on this project plan. The plan shows "remaining lands of Country Club Acres, Inc" generally around the perimeter of the subdivision. The purpose of this retention should be indicated on the plans. The plan should indicate the wetland impacts that will occur as a result of the development. Given the extent of wetland areas within the residential lots, incremental wetland impacts that could occur with development of the lots could be excessive. A number of the lots appear to be unbuildable based on the setback lines shown on the plan. The plan should also clarify how the setback lines shown were derived.

The results of the traffic study indicate that the additional traffic generated by the proposed development will not have a significant impact on the operation of the adjacent roadway network and that acceptable levels of service will be provided at the new intersections. These findings appear acceptable. However, the study indicates that the sight distance looking right from the proposed Town road intersection with MacElroy Road is 617 feet, whereas the recommended minimum sight distance per NYSDOT standards is 875 feet. No mitigation for the deficiency is proposed. Although Clough, Harbour, and Associates agrees with the applicant's consultant that the sight distance is not critically limited and that adequate stopping sight distance is provided, the Town Engineer does not support development of new Town road intersections with less than the minimum recommended intersection sight distances being provided. An alternative access point or modifications to the geometry of MacElroy Road should be considered.

Lots #1 and #93 do not meet the required 100 foot setback from the centerline of Route 146A. A note should be added to the plan stating that access to these two lots will be provided from the proposed roadway and not NYS Route 146A. Pursuant to section 208-86.D of the Zoning Regulations “A driveway over 500 feet in length must be accessible and able to hold a fifty-thousand-pound, thirty-foot-long vehicle, as determined by a licensed engineer, with facilities for turning around to be available within 100 feet of any structure.” It appears as though the 100 foot turn around distance is not satisfied for a number of the lots located along the common access drives. The consultant should contact Sheryl Reed to verify the adequacy of the hydrants proposed. There are a number of the keyhole lots that appear to be greater than 500 feet from the nearest proposed public hydrant.

Mr. Grasso offered several additional comments. The Land Conservation zoning district boundary should be shown on the plans. In order to reduce the road’s impact on the adjoining properties, the road entering from MacElroy Road should be constructed approximately within the center of the existing strip of land and the entire strip shall be established as public right of way. Any residential structures or driveways on the opposite side of MacElroy Road should be shown. The project will have an impact on the need for pedestrian facilities in the area. In order to mitigate potential impacts, the applicant should contribute property or construct trails that will help the Town achieve a trail system in accordance with the Town of Clifton Park Trails Master Plan. Streetlights should be provided at the intersection of the proposed roads, Route 146A, and MacElroy Road. Footing drain laterals should be provided for each lot to a catch basin or junction box. The proposed contours should be shown on the plans and should include the preliminary lot grading for each of the proposed lots. A limit of clearing and grading line should be established over the entire parcel. The slope of the proposed roadway should be shown on the profiles.

The Town Engineer noted that a number of the proposed storm sewers are proposed at a slope less than 0.5%. Due to low velocities during periods of low flow and limited tolerances during construction it is not recommended that slopes of less than 0.5% are utilized. The plans should be revised accordingly. Erosion and sediment controls should be shown on the plan including a stabilized construction entrance and silt fence along the down slope limits of grading and clearing. These limits should also be clearly delineated on the plans. Review and approval of the sanitary sewer system is required by the Saratoga County Sewer District (SCSD). An Engineer’s Water Supply Report including a DOH Form 348 should be provided. The plans and report should also be submitted to NYSDOH for review and approval of the proposed public water supply improvement. In addition, an Engineer’s Sanitary Sewer Report should also be provided.

Clough, Harbour, and Associates does not recommend use of divided boulevard roads due to maintenance requirements and confusion by drivers. Written approval for their use should be provided by the Highway Superintendent. If allowed, the transitions must be appropriately designed and appropriate signage in accordance with M.U.T.C.D. should be provided. All common drives should be located in ingress/egress easements and the

subdivision plan should indicate to which lots the easements are to be granted. The Town's standard note for lots with ingress/egress easements should be added to the plans. The pump station should be located in a fee parcel to be conveyed to the Saratoga County Sewer District. Easements over the force main through private property must be provided. The pump station should be adequately screened from view and a paved driveway should be provided to the pump station yard. The final plan submission should identify the locations of proposed right-of-way and easement monumentation and benchmarks.

Mr. Grasso reported that Clough, Harbour, and Associates' review of the Stormwater Management Report prepared by Environmental Design Partnership dated July 2003 resulted in the following comments:

- In order to verify existing soil conditions such as soil type, impermeable layers, high groundwater and percolation rates, test pits and percolation tests should be performed within the limits of the proposed stormwater management area to a depth of two feet below the bottom of basin.
- The consultant should reference the SMP Selection Matrices in order to determine the appropriateness of the proposed method of stormwater treatment. Consideration should be given to utilizing the pond or wetland SMP groups with a forebay, low marsh zone, a micropool and a landscaping plan for additional biological uptake of pollutants and wildlife habitat.
- The report should identify ownership and maintenance responsibilities for the proposed stormwater management areas.
- Dividing the post development drainage areas into several smaller areas is not recommended as this tends to result in artificially lower peak discharge rates. It is recommended that the entire overall drainage area be modeled as one subcatchment area in the computer program with weighted curve number and representative time of concentration travel path.
- The time of concentration should be calculated using conventional SCS methodology instead of the curve number lag method. The maximum sheet flow length according to the NYS Soil and Water Conservation Committee is 150 feet. The time of concentration travel paths should be shown on the pre and post developed drainage pattern maps.
- According to table two in the report, several of the post development discharge rates are above the pre-development discharge rates.
- Calculations should be provided documenting the adequacy of the size of the proposed closed drainage system and culverts. The closed drainage system should be sized based on a 10 year storm using the Rational Method and Manning's Equation and culverts should be sized based on a 25 year storm using inlet and outlet control analysis. A storm sewer drainage pattern map should be provided showing drainage area boundaries and time of concentration travel paths.
- A minimum 10 foot wide gravel access drive (max 10% slope) should be constructed from the proposed roadways to each of the stormwater management areas to allow for future maintenance by the Town.
- Stormwater management calculations for a 2 year storm should be provided.
- A complete printout of the stormwater management calculations should be provided.
- Stormwater management basin numbers should be labeled on the grading plans.

- Details of the outlet structures for each stormwater management basin should be provided.
- Where stormwater basin spillways are located in fill, a rip rapped outfall from the emergency spillway all the way down to existing grade should be provided and depicted on the plans.
- Elevation, areas and volumes at one foot increments for each stormwater management basin should be provided. In addition WQV elevation and the 2, 10 & 100 year peak storm elevations should be provided.
- Calculations for outlet protection at each storm sewer outfall should be provided.
- Calculations showing that outfall velocities from ponds do not exceed 4 fps during a 2 year storm should be provided.
- A Stormwater Pollution Prevention Plan with erosion and sediment control methods and details should be provided.
- A 100 year hydraulic grade line analysis on the storm sewer system to verify safe conveyance of a 100 year storm event should be provided.
- Since the project will involve the disturbance of greater than 1 acre of land, the applicant is required to submit a Notice of Intent (NOI) pursuant to the State Pollution Discharge Elimination System (SPDES).
- The final stormwater report should have the seal and signature of a licensed New York State Professional Engineer.

Board members found the plan generally acceptable. Both Mr. Karam and Mr. d'Amico expressed concerns regarding the maintenance of shared driveways. Mr. Larkin observed that the applicant did not respond to his previous request to reconfigure the main roadway through the development. Explaining that he fears that this roadway will provide a convenient "short cut" between NYS Route 146A and MacElroy Road, he reiterated his request for a realignment of the road.

[2002-073] Curnyn Meadows (Eleven and Company, LLC) – Proposed (20) lot subdivision, Grooms Road – Determination from Preliminary Public Hearing held on May 27, 2003.

Mr. Scott Lansing, consultant for the applicant, provided a "status update" for this application that calls for the subdivision of 130 acres of land into (20) large estate single-family residential lots. Though the plan remains generally as presented for conceptual review, Mr. Lansing informed the Board that the archeological review is underway, that the water extension details are being prepared, and that possible trail locations are being evaluated.

Mr. Kemper told the Board that this project was considered by the Board on May 27, 2003 when a preliminary public hearing was conducted. At that time, though no action was taken, the public hearing was closed. Coordinated review was conducted under SEQRA: all agencies except the NYS Office of Parks, Recreation, and Historic Preservation concur with the Town of Clifton Park Planning Board acting as lead agency for this application. On August 11, 2003 Mr. Kemper spoke with a representative from OPRHP who advised him that the Planning Board not issue a SEQRA determination or any approval until a signoff from OPRHP is received. Mr. Kemper also spoke with a

representative from Landmark Archaeology, Inc. That individual stated that the Phase 1 archeology study had been completed and that no artifacts have been found on the site. The firm expects to have their report completed by August 22, 2003. The state has up to 30 days to review it.

Mr. Kemper received a memo from Pat Haffner on August 1, 2003 which stated the following; "A connection to the Settlers Hill trails is desirable, using in part, Miller Road. We recognize that there is a large segment of regulated wetlands in the middle of this parcel, however, it may be possible to build a boardwalk (across a narrower section of wetland) in the future if a connection could be made to Grooms Road."

Mr. Kemper reported that the Town has held the public hearing for the Miller Road water district and will be moving forward on the establishment of this water district for the southern end of Miller Road. The applicant should proceed with designing a water connection via Grooms Road to Miller Road. The Saratoga County Planning Board reviewed the project on June 19, 2003 and submitted the following comments: "The Saratoga County Planning Board deems this application incomplete until the information requested in the December 30, 2003 letter is submitted. This includes approval from the SCSD #1 to connect to the system as per sewer district regulations now in place. A profile for the proposed Carroll Way must be submitted and approved by County D.P.W. to insure adequate sight distance at the proposed intersection."

Mr. Kemper offered several additional comments. The project is located within 2 different fire districts: the boundaries will need to be amended accordingly. The trail connection to Miller Road should be depicted on the plot plans. Construction detail #10 should be corrected to illustrate the right road. The construction detail does not appear to be relevant to this subdivision. Details need to be provided in the plans for the ownership and maintenance of the grinder pumps. A memo from Sheryl Reed dated August 12, 2003 stated that fire district boundaries must be adjusted to reflect the proposed subdivision. The Boards of Commissioners of the Vischer Ferry and Rexford Fire Districts will move forward on the agreement.

Mr. Kemper read the comments submitted by the ECC. The ECC recommends that the following standard statement should be added to the plot plan:

Federal jurisdictional wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in Federal wetlands.

The ECC also asked the applicant to add the Town of Clifton Park's aviation note to the plot plan as follows:

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 ECC also asks that stone or other outfall erosion controls be shown on the plan.

Mr. Grasso reported that several comments from the Clough, Harbour, and Associates'

letter of May 22, 2003 have not been adequately addressed and that several other technical problems have been identified. The plan proposes a 26 foot wide road which is consistent with the standard of cluster subdivisions. Given the amount of open space proposed to be given to the Town and the rural nature of the subdivision, it appears that the subdivision is consistent with the open space subdivision regulation and, therefore, is eligible for classification as a "cluster" subdivision. This will clearly allow use of the reduced roadway width. It is recommended that the plans clearly note this designation. In order to provide increased flexibility for the siting of the homes, consideration should be given to using the typical cluster subdivision setbacks of thirty foot front yard and ten foot side yard. In addition, the cluster subdivision setbacks may supercede the fifty foot setbacks required for keyhole lots. The Typical Roadway Section on Dwg. DT-1 has been noted as being for use in a Cluster Subdivision. No cluster designation is included on the Title Sheet and the plan retains the fifty foot setbacks.

Mr. Grasso added that although the plan appears to indicate federal wetland impacts less than 0.1 acres, the amount of impacts should be listed as future lot development may exceed the threshold and require authorization by the Army Corps of Engineers. Anticipated wetland impacts must be tabulated on the plans. Access to lot #20 should be clarified, as it appears the existing drive is located on the adjoining parcel. The subdivision plan should also clarify to and from whom the ingress/egress easement is being conveyed. The Town's standard note for ingress/egress easements should be added. Erosion controls should be specified along the force main route that will be by open cut method within the Settler's Hill development. Due to difficulty in construction at such slight tolerances, the design of the storm sewers at less than 0.5% slope is not recommended. Any deviation in the pipe slope specified will not provide adequate self cleansing velocity.

Mr. Grasso stated that there were additional comments concerning the preliminary plans. It is recommended that a multi-use pathway connection be provided between the proposed development and the Settlers Hill Subdivision and that this connection be made by a combination of an on-grade path and elevated bridge along the corridor proposed for the water connection and sanitary sewer force main. This is consistent with what has recently been successfully constructed between the Falcon Ridge and Emerson subdivisions and what is being proposed by Belmonte Builders for the West Sky Drive subdivision. The plans indicate that municipal water and sewer service will be provided to all lots in the subdivisions. The plans do not show how these services will be provided to Lot #20. A setback line at a 100 foot offset from the centerline of Grooms Road has been added to the Subdivision Plan, Dwg. SV-3. What appears to be a setback line at a scaled offset of 60 feet continues to appear on Dwg. LG-1. Stubs for water and sewer should be provided at the stub street. Clough, Harbour, and Associates recommends that before a SEQR determination is made, a revised Full EAF based on the current plans should be provided for review, together with any correspondence from the involved agencies.

Though Mr. d'Amico asked that a future connection be provided to the northwestern portion of the site, Mr. Lansing explained that this would not be feasible because of the

Niagara-Mohawk transmission lines.

Mr. Bulger explained that State Office of Parks and Historic Preservation must be satisfied that all potential archeological sites have been investigated. A sign-off from the agency must be received before the Board renders a decision on the subdivision application. All comments provided by the Town Engineer must also be satisfied.

[2003-027] Abraham, Akiva D. – Proposed 9,600 SF medical building, 956 Route 9 – Preliminary site plan review.

Mr. Tom Andress, consultant for the applicant, described this project that remains generally as presented on April 22, 2003. Project plans have been revised to address many of the comments provided by the Town Engineer, Mr. Kemper, and Board members. Utility connections will be provided from the adjoining property owned by Abraham and access easements will be provided. Mr. Andress reported that the applicant will contribute to the traffic study and/or road improvements that may be warranted by the impact of cumulative development along the Route 146 corridor. Colored façade renderings will be provided though Mr. Andress stated that the proposed buildings will be a “mirror image” of those constructed on the neighboring parcel.

Mr. Kemper explained that this project was considered by the Board on April 22, 2003 at which time the increase in traffic along the Route 146 corridor was of concern. The Saratoga County Planning Board approved the project on April 17, 2003; however, it was recommended that the applicant contact NYSDOT regarding the addition of traffic onto the existing drive and access to Route 146. At the April 22, 2003 Planning Board meeting, Mr. D’Amico and other Board members requested substantial buffering along Route 146. The planting plan should reflect this recommendation. Colored façade renderings must be submitted. The brick façade should be on the north and east sides of #956 and the north, south, and east sides of #954.

Mr. Kemper noted that the Planning Board granted preliminary and final approval to two buildings proposed by Akiva Abraham on September 24, 2002. Plans presented to the Board at that time indicated that the buildings would be constructed of brick. The buildings were not constructed according to the plan. Mr. Kemper asked that these buildings be retrofitted to incorporate a brick façade. Dr. Abraham was advised of this issue on August 6, 2003. The landscaping plan shows a mix of 14 evergreens along the rear property line, however, some are shown to be located on the slopes of the stormwater management basin. This should be corrected. The evergreen plantings should be increased to a minimum 6’ height. Cross access easements should be illustrated on the plot plan in case the properties are not owned by a single owner in the future. A signoff will be required from Clifton Park Water Authority and the Saratoga County Sewer District. The applicant should contribute to future traffic improvements and studies along the Route 146 corridor. A memo from Sheryl Reed dated August 12, 2003 states that the postal addresses must be revised: the front building should be #954 and the rear building should be #956. She also asked that the applicant install a wider turning radius on the site to provide an adequate maneuvering area for emergency services’ vehicles.

Mr. Kemper said that all ECC comments had been satisfied.

Mr. Grasso provided engineering comments. The applicant should indicate how it will address this project's impact on the local roadway network. An ingress/egress easement should be provided over the existing driveway that will service the project site. The need to re-stripe the median to indicate a dedicated left turn lane on Route 146 should be evaluated.

Mr. Grasso stated that Clough, Harbour, and Associates prepared a number of comments regarding the Stormwater Management Report.

- Pre-developed and post-developed drainage pattern maps should be provided showing the contributing drainage area, time of concentration, travel paths and land cover.
- A summary table comparing pre-developed and post-developed peak discharge rates for the 1, 10 and 100-year design storms at each design point should be provided.
- The water quality volume (WQv) and method of treatment should be specified.
- In order to verify existing soil conditions such as soil type, impermeable layers, high groundwater and percolation rates, test pits and percolation tests should be performed within the limits of the proposed stormwater management pond and drywell area to a depth of two feet below the bottom of the basin and well. Design percolation rates should be conservatively slower than observed percolation rates to account for periods of saturated soil or frozen ground conditions.
- The report should identify the ownership and maintenance responsibilities for the proposed stormwater management area(s).
- The location and details of the 6 inch diameter overflow pipe to the State drainage system along Route 146 specified in the Stormwater Management Plan should be provided on the plans.
- An error appears to be made in the computation of the pre-developed runoff volume for the 100-year storm event. Our calculations indicate the runoff volume should be 5,562 cubic feet as opposed to the 8,343 cubic feet computed. As a result the required storage volume increases.
- Documentation should be provided for the percolation rate and storage volume provided in the drywell of 3,205 cubic feet. In addition, locating the drywell so close to the property line or the proposed building is not recommended.
- The elevation versus storage provided summary appears to be approximately 10 percent greater than the volumes that have been checked. The consultant should verify the storage provided.
- Details and location of the 2.1 inch diameter restrictor plate outlet should be provided.
- A drainage easement will be needed for the discharge pipe from the stormwater management pond to its outfall on the adjacent property.
- A Stormwater Pollution Prevention Plan with erosion and sediment control methods and details should be provided.
- The location and construction details for the stabilized construction entrance(s) should be provided on the plans.
- Since the project will involve the disturbance of greater than 1 acre of land, the applicant is required to submit a Notice of Intent (NOI) pursuant to the State Pollution Discharge Elimination System (SPDES). Inspection reports, maintenance schedule and a

copy of the NOI should be included in the Stormwater Pollution Prevention Plan (SWPPP). Copies of the SWPPP should be available on the project site at all times during construction. The contractor should be advised of his responsibilities for inspection, maintenance and certification as specified in the SWPPP at the pre-construction meeting.

- The final stormwater report should have the seal and signature of licensed New York State Professional Engineer.

Mr. Grasso offered several additional comments. The general layout of the site has not been revised in response to comments raised by the Planning Board during the conceptual review regarding the desire for cross access connections to the adjoining properties, including the possibility of a service road. Given the existing access drive being lined up with Green Mountain Drive, it will be beneficial to promote new corridor development to use this project's entrance drive. Due to the uncertainty of where the most feasible connection points to the adjoining properties will be and given the lack of a service road, it is recommended that a note be added to the plan stating that future cross access connections shall be allowed to the parking areas and access drives, and establishment of ingress/egress easements shall be permitted, at no cost to future site plan applicants and upon approval by the Planning Board. This requirement should apply to both sites including 950 and 954/956 Route 146. Due to the clearing that was done for the previous Abraham office buildings and coupled with the proposed layout, there will continue to be views through the site to the Shenendehowa maintenance facilities. To break up these views it is recommended that approximately five additional evergreens between the northeast corner of building #956 and the entrance drive. Utility easements should be provided over the portions of the water and sewer mains that are public or shared.

Mr. Bulger asked the applicant to add brick to the existing buildings that were recently constructed by Dr. Abraham. Mr. Andress said that the applicant would consider the requested change, perhaps adding brick to the bottom portion of the building.

New Business: [2003-056] DCG Development, Co. – Proposed 25,600 SF Commercial Space, N.Y.S. Rt. 146 – Conceptual site plan review.

Mr. Gordon Nicholson, consultant for the applicant, presented this application that he described as a continuation of the subdivision proposal that received final approval earlier in the evening. The project proposal calls for the construction of two buildings of 11,600 SF and 14,000 SF, respectively on a 3.8 acre parcel. The proposed buildings will be connected to both public water and sewer. 243 parking spaces will be provided and appropriate landscaping, site lighting, and stormwater management will be provided. The buildings will be accessed by the proposed new road. Setback and parking variances will be required.

Mr. Kemper reported receipt of a memo from Jim DiPasquale, Director of the Saratoga County Sewer District on August 11, 2003 which stated that approval of the project should be contingent on downstream system capacity as well as consideration of the sewer system layout in consideration of surrounding properties and ownership of the properties. The project must be submitted to the Saratoga County Sewer District for review, capacity reservation, and construction in compliance with the District's rules and regulations. The application was sent to the Saratoga County Planning Board on July 24, 2003. Sidewalks should be illustrated on the proposed plans. In addition, this project

should provide pedestrian access to the Town building, the Windsor properties, parcels on the north side of Route 146, and school-owned property. The greenspace should be depicted on the plot plan. Due to the lack of landscaping, substantial plantings must be provided on the project site. Colored façade renderings will have to be submitted with future submissions. Details for the proposed service road should be illustrated on the plans. Mr. Kemper was concerned that when Maxwell Drive Extension is constructed, Southside Drive will become a heavily traveled road. The rear of 5 buildings will be visible from Southside Drive looking north toward the proposed access drive. The site statistics table should be revised to indicate that this project is not within the limits of the proposed PUD and that the number of parking spaces does not coincide with the site plan. The proposed stormwater management area should be shown on the plan. Dumpster enclosures should be illustrated on the plans. The applicant should indicate if the approval is for the whole project or simply a phase of the project. Sheryl Reed's memo of August 12, 2003 states that the future Town Road must be constructed for emergency services before building construction begins.

Mr. Kemper stated that the ECC had no comment on the application.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the plans submitted by the applicant and offered the following comments. The proposed project appears to be an unlisted action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include: Clifton Park Planning Board -Site Plan Approval; Clifton Park Zoning Board of Appeals – Area Variances for Building and Parking; Saratoga County Sewer District – Sewer Connection Point; Clifton Park Water Authority – Water Connection Point; Saratoga County Planning Board – Section 239 referral.

Mr. Grasso noted that the proposed project lies within the limits of the Exit 9 GEIS study area. In order to make a determination regarding conformance with the Statement of Findings, the following items should be addressed as part of the application: site specific erosion control measures and a stormwater management plan; site specific state and federal wetland delineation and surveys for threatened and endangered species; a tree survey to identify trees with 12" diameter and larger. Visual resources such as architectural style, buffers, shared access, and building height should be determined. A Phase 1B archeological field investigation shall be prepared and concurrence received from NYS OPRHP. Based on the plan submitted, the respective GEIS mitigation fee would appear to be \$4,608 (25,600 SF x 0.18/SF). The applicant should provide the greenspace of 45%. The Town Engineer recommended the elimination of the proposed dead-end parking areas since these are not conducive in retail areas with a high turn-over of vehicles. A copy of the PUD legislation, when available, should be submitted to our office so the plan may be reviewed for conformance. The plan should clearly identify the property lines and setback lines. The plan indicates proposed access roads to the Public Safety Building and the bank and shows an expanded parking lot for the bank. If these improvements are part of this project it should be clearly stated and site statistics for the bank parcel after the improvements should be provided. The site statistics indicate 158 proposed parking spaces, while the plan indicates 243 spaces. The table should be revised to accurately depict proposed development. The plan lacks any proposed stormwater management. A stormwater management and pollution prevention plan must be

submitted at preliminary review.

Mr. Bob Miller, Jr. expressed his concern about the proposed development, noting that each site plan should be considered individually. He stated that it appeared that the buildings could not be developed without utilizing a portion of the lands of Windsor Development Group, Inc. He questioned whether or not service vehicles would have to use Windsor's parking lots and driveways for the loading and unloading of goods.

Mr. d'Amico found the location of the buildings acceptable, though he asked that substantial landscaping be installed along Route 146. In response to Mr. Bulger's request for sidewalks in the area, Mr. Nicholson stated that although the applicant was unwilling to convey any additional land to the Town, the right-of-way should provide enough width for the construction of sidewalks.

[2003-052] Simpkins, Lasher, Martin & Curly – Proposed (2) Lot Subdivision, Walsh Lane – Conceptual review. Mr. Dave Flanders, consultant for the applicant, presented this application that calls for the subdivision of 6.8 acres that fronts on Bruno Road. The 5.23 acre building lot to be created lies to the west of the existing residence and will be accessed by a drive from Walsh Lane within the Woodland Hills subdivision. The property will be served by the Clifton Park Water Authority and the Saratoga County Sewer District. Mr. Flanders explained that the Zoning Board of Appeals granted a variance of 10 feet on June 3, 2003 that would permit the lot to be developed with 30 feet of frontage on Walsh Lane. Mr. Kemper asked that the clearing limit lines be depicted on the plot plan and that the plan include the number of the variance that was granted by the Zoning Board of Appeals. He reported that the ECC had no comments on the application.

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 be the Clifton Park Planning Board with subdivision approval being required. He noted that an area variance was granted of 10 feet on June 3, 2003 allowing a lot with 30 feet of frontage on Walsh Lane. A limit of clearing and grading line should be shown on the plans to minimize potential impacts during the construction of the house. Development within the LC-Land Conservation zone within Lot B is already protected by the Town's L-C zoning legislation: it is recommended that a deed restriction be established over the remaining environmentally sensitive areas of proposed Lot A.

The Board found this application acceptable.

[2003-053] Mama Vee's, Inc. – Proposed 303 SF Addition, N.Y.S. Rt. 146 – Conceptual site plan review. Mr. Duane Rabideau, consultant for the applicant, explained that MaMa's Italian Restaurant has been operating on Route 146 for many years. New fire code requirements for commercial kitchens necessitate changes to the cooking area of the building. As part of the updating process, the applicant/owner would like to enlarge the kitchen area by 303 SF, making the kitchen area more efficient. No new customer seating will be added. Mr. Rabideau noted that MaMa's has a long-standing agreement with the owners of Starburst that allows the restaurant to use the parking spaces closest to the restaurant. No other changes are proposed for the business.

Mr. Kemper reported that he has received a memo from Jim DiPasquale, Director of the

Saratoga County Sewer District dated August 11, 2003 that stated the following: “The above referenced property is currently connected to the County Sewer District. Confirmation should be presented that the proposed changes will not adversely impact the treatment of grease discharges.” There appears to be a number of variances that will be required prior to Planning Board approval. The applicant should consult with Don Clemens, Director of Building and Development, to determine what variances will be required. The ECC had no comment on this application.

Mr. Grasso explained that the proposed project appears to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include: Clifton Park Planning Board -Site Plan Approval; Clifton Park Zoning Board of Appeals – Area Variances; Saratoga County Planning Board – Section 239 Referral; NYSDOT – Review of Curb Cut Permit.

Mr. Grasso offered several additional comments. He noted that Mama Vee’s restaurant business likely existed at the time the Town zoning ordinances took effect, and as such, the business is entitled to continue in operation as a pre-existing non-conforming use. In its current state, the site does not meet the Town’s zoning requirements with respect to lot size, lot width, front and side yard setback, front and side yard parking setback, green space, landscaping, and number of entrances/exits. Operation of a non-conforming use is governed by Section 208-97 of the Town’s zoning regulations which states that “Except as provided herein, no nonconforming use may be enlarged, extended, reconstructed, substituted or structurally altered.” Although there is a provision that a nonconforming lot or structure may be the site of a minor exterior structural addition or alteration (defined as an unenclosed porch, deck, stairway or other similar facility), it does not appear that the proposed addition meets this restriction. It is recommended that the Town Building Inspector provide recommendations for compliance with the intent of the zoning regulations.

In order to provide improved access along Route 146 and eliminate the existing encroachment, Clough, Harbour, and Associates recommends elimination of both existing curb cuts onto Route 146 and development of a new access from the entrance to the adjoining retail plaza. This will require obtaining an ingress/egress easement from the adjacent owner. The existing handicapped parking spaces do not meet ADA requirements. Modifications to bring them into compliance should be made part of the site plan application. During the course of a visit to the site, two dumpsters were observed along the south edge of the existing parking area behind the existing building. An enclosure should be provided for the dumpsters. Additionally, discarded equipment related to the restaurant business was seen in the overgrown area at the rear of the lot. The Planning Board may consider recommending that such items be disposed of properly.

Board members identified several problems that exist on the site including the poor maintenance of the area surrounding the dumpster and the problem associated with parking and traffic flow on the site. Mr. Bulger believes that this application provides an opportunity to improve the appearance of the property.

[2003-051] Giammattei, Jill – Proposed Land Transfer of 1603 S.F., 32 Old Nott Farm Rd. – Conceptual review. Mr. James Giammattei explained that this application results from the inadvertent placement of a portion his pool on the adjoining lands of the Olde Nott Farm Homeowners' Association property. In order to correct this situation, the Olde Nott Farm Homeowners' Association has agreed to convey 1603 SF of land to the Giammatteis. The property line will be drawn 1 foot from the existing fence. In return, the Giammatteis will convey a 1603 SF strip along their southeastern property line to the Olde Nott Farm Homeowners' Association. Mr. Kemper agreed that because the pool was installed on property owned by the Old Nott Farms Homeowners' Association, a land transfer was necessary to ensure that the pool would be contained within the lands owned by the Giammatteis. A letter of explanation prepared by the Giammatteis implies that the Town of Clifton Park was at fault for this encroachment: this is not the case. The ECC offered no comments on this application.

Mr. Grasso had no comment on this application.

The Board agreed that approval of the proposed land transfer was necessary to correct the encroachment that had occurred.

[2003-054] Hoffman, Peter – Proposed (2) lot subdivision, Clifton Park Village Road – Conceptual review. [2003-055] Hoffman, Peter – Proposed 33,816 S.F. 3 Story Hotel, and 5,217 SF Diner – Clifton Park Village Road – Conceptual site plan review. Mr. Joe Bianchine, representative for the applicant, presented this application for a proposed hotel and diner in conjunction with the subdivision plan. This plan calls for the subdivision of 5.52 acres of land in a B-3 (Neighborhood Business) zone into lots of 3.23 acres and 2.29 acres. Since the applicant anticipates that this parcel will be rezoned to B-4 (Highway Business), the plan includes setback requirements for development in both B-3 and B-4 zoning categories. With the exception of the side yard setback for the building, the setback requirements are the same for both zones. B-3 zoning requires the building to be set back 20 feet from the side property boundaries; B-4 zoning requires the building to be placed 30 feet from the side property boundaries. Mr. Bianchine described the proposed development for each parcel. The 3.23 acre lot would contain the 11,272 SF 3-story hotel and 85 parking spaces. 55% greenspace would be provided on the site. Connection will be made to the Saratoga County Sewer District and the Clifton Park Water Authority. The smaller lot will contain a 5,217 SF diner with 88 parking spaces. This site will also have 55% greenspace. The consultant explained that though the site contains substantial federally jurisdictional wetlands, the total wetland disturbance is shown to be 3,915 SF. This is less than the .1 acre of disturbance that would require an Army Corps of Engineers' permit. Both the hotel and the diner will be accessed by a single curb cut on Clifton Park Village Road.

Mr. Kemper reported that he was in receipt of a memo from Jim DiPasquale, Director of the Saratoga County Sewer District dated August 11, 2003 which stated that approval for both the subdivision application and the site plan application should be contingent upon an evaluation of the impacts and/or capacity restrictions, which the project may place on receiving sewer systems. The project must be submitted to the Sewer District for review, capacity reservation, and construction in compliance with the District's Rules and

Regulations. The ECC had no comments

With respect to the site plan application, Mr. Kemper stated the area is currently zoned as B-3 which does not permit the development of hotels. The Board can not formally consider this application until the zoning is changed or a use variance is granted. Don Clemens, Director of Building and Development, reports that this parcel was used as a dump site for construction debris, concrete, asphalt, etc. for several years.

Mr. Kemper also recommended that a traffic study should be completed for this project because of the increased traffic in the area on the NYS Route 9 and Clifton Park Village Road. He pointed out that the proximity of the access to the NYS Route 9 and Clifton Park Village Road intersection may be problematic. The ACOE wetlands to be disturbed should be depicted as such on the plot plans. In addition, the total wetland disturbance amount appears to be inaccurate. Dumpster locations should be depicted on the plans. Sheryl Reed's memo of August 12, 2003 requests the applicant to provide adequate access for emergency services around structures.

Mr. Grasso stated that Clough, Harbour, and Associates had a number of comments on the application. The proposed project appears to be an unlisted action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include: Clifton Park Planning Board -Site Plan and Subdivision Approval; Clifton Park Town Board – Zone Change (if applicable); Clifton Park Zoning Board of Appeals – Use Variance (if applicable); Saratoga County Sewer District – Sewer Connection Permit; Clifton Park Water Authority – Water Connection Permit; Saratoga County Planning Board – Section 239 Referral; NYSDOT – Utility Work Permit.

Mr. Grasso explained that because this project involves wetland impacts, traffic impacts, and a use variance or zoning change, it is recommended that a Full Environmental Assessment Form be prepared. This will provide the additional information needed to adequately analyze the environmental impacts associated with the project. The site is located in an area zoned B-3 (Neighborhood Business). Motel and hotels are not an allowable use in this zone. A use variance or zoning change will be required.

Mr. Grasso noted that Clifton Park Village Road is a popular short-cut used by a significant amount of traffic to reach Route 146 without having to deal with the traffic light on Route 9 and at the Route 9/Route 146 intersection. A traffic study should be completed that evaluates the project's impact on the local transportation network and the need for improvements at the intersection with Route 9. The new driveway shown on the plan is located only about 100 feet from the Route 9/Clifton Park Village Road intersection. The proximity of the proposed driveway could cause conflicts with cars exiting the motel and waiting at the intersection to enter Route 9 (particularly if they are destined northbound). In order to reduce the driveway's impact on the operation of the signal, the intersection should be relocated a minimum of two hundred feet from the intersection with Route 9.

The plans state that total wetland disturbance will be approximately 3,915 square feet.

The plans show that a retaining wall approximately 450 feet long will be required along the boundary of, and within the limits of, the federal wetlands. Assuming that it will be necessary to disturb an area fifteen feet wide in front of the proposed wall to build the wall, the disturbance associated with this phase of the project along would be approximately 6,750 square feet. This figure does not include the disturbance of the wetland area that is shown passing through the proposed diner. This area appears to encompass approximately 3,000 square feet. Coupled with the limit of disturbance being over the top of the bank, it appears that the intensity of site development exceeds the standard development potential of a site with these constraints. Clough, Harbour, and Associates recommends that the intensity of development be reduced accordingly.

Due to the proximity of the two uses and the fact that both uses together may reduce the overall number of parking spaces required, it is recommended that only a portion of the required number of spaces be constructed initially and additional parking be constructed when actual need is demonstrated. The plan should indicate the location of municipal water and sewer connections and should provide letters from the Saratoga County Sewer District and Clifton Park Water Authority indicating the adequacy of their systems to serve the project. This should be provided prior to a SEQR determination for the project. Ingress/egress and utility easements should be provided over those portions of the improvements that are shared by both parcels. In addition, drainage easements over the drainage courses that bisect the site should be conveyed to the Town. The title box states that the scale of the plan is 1"=30'. The graphic bar scale indicates 1"=40'. This inconsistency should be corrected.

Mr. Larkin expressed concerns regarding the intersection at Route 9 and Clifton Park Village Road. He asked that Clifton Park Village Road be limited to one-way traffic either for its entire length or for the portion closest to Route 9. Mr. Bulger stated that the Board will be unable to act on this application until the Town Board changes zoning or the applicant receives a variance from the Zoning Board of Appeals.

Minutes Approval: Mr. d'Amico moved, seconded by Mr. Larkin, approval of the minutes of the meeting of July 8, 2003 as amended. Ayes: Larkin, d'Amico, Karam, Russell, Bulger. Noes: None. Abstained: Czub, Marzola. Discussion Items: Carotta Sign Request

Mr. Carotta requests approval of a variance that would permit the installation of a sign on the canopy above the gasoline dispensers at the Citgo station on Route 146. Board members agreed that if the sign was consistent with others in the area, it would be acceptable.

#### GEIS for Western Part of Town

Following a brief discussion about the benefits of a GEIS that would evaluate the impacts of growth on traffic, utility infrastructure, natural resource preservation, scenic vistas, and other issues within a designated area generally bounded by the Town line to the west, Vischer Ferry Road to the east, the Town line to the north, and the Mohawk River to the south, Board member agreed that they would support the preparation of such a study and

the establishment of a building moratorium.

Mr. d'Amico moved, seconded by Mr. Marzola, to recommend that the Town Board authorize the preparation of a GEIS and establish a moratorium for the western portion of the Town pursuant to the following resolution:

Whereas, development in the town of Clifton Park has approached and involved the environmentally sensitive western portion of the Town; and whereas, the Town's Comprehensive Plan and Open Space Plan have identified the western portion of the Town as an area of concern regarding future development and preservation of open space; and whereas, development pressures require review of current zoning and land use regulations in the western portion of Town; and whereas, the review of individual development applications does not afford the Town the ability to assess the cumulative impact of development on the environment; now, therefore, it is hereby resolved that the Town of Clifton Park Planning Board recommends that the Town Board declare a moratorium on development in the western portion of Town within an area to be designated by said moratorium; and it is further resolved that the Planning Board recommends the Town Board initiate the preparation of a Generic Environmental Impact Study for the designated area within the western portion of the Town pursuant to the State Environmental Review Act. Ayes: Larkin, Czub, d'Amico, Karam, Marzola, Russell, Bulger. Noes: None.

Mr. Larkin moved, seconded by Ms. Czub, adjournment of the meeting at 2:05a.m. The motion was unanimously carried. The next meeting of the Planning Board is scheduled for September 9, 2003.

Respectfully submitted, Janis L. Dean, Secretary cc: Planning Board Members, Planning Department, Clough, Harbour, and Associates, Supervisor, Town Administrator, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Joel Peller, Town Attorney, Lou Renzi, Town Attorney, Jim Trainor, Town Attorney, Paul Pelagalli, Town Attorney, Department of Parks and Recreation, ECC, Saratoga County Planning Board, Shenendehowa Central School, Clifton Park Water Authority, Fire Districts.

Resolution #23

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 August 12, 2003

Present: S. Bulger, Chairman, B. Czub, R. d'Amico, T. Karam, J. Larkin, J. Marzola, J. Russell

Absent: None

Mr. Larkin offered Resolution #23, and Mr. Marzola seconded, and

Whereas, an application has been made to this Board by Paul C. Berg for approval of a

subdivision plat entitled the Lot Reorganization Map Between the Lands of Roy A. and Barbara J. Castelli and the Lands of Paul S. Lockett consisting of the transfer of 1,949 SF of land from the Lands of Castelli to the Lands of Lockett and the transfer of 1,936 SF of land from the Lands of Lockett to the Lands of Castelli;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on and August 12, 2003;

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 August 12, 2003, and

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 the final plat entitled the Lot Reorganization Map Between the Lands of Roy A. and Barbara J. Castelli and the Lands of Paul S. Lockett consisting of the transfer of 1,949 SF of land from the Lands of Castelli to the Lands of Lockett and the transfer of 1,936 SF of land from the Lands of Lockett to the Lands of Castelli, is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper

Resolution #23 passed 8/12/03

Ayes: Larkin, Czub, d'Amico, Marzola, Karam, Russell, Bulger

Noes: None

Steven Bulger,  
Chairman

Resolution #24

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 August 12, 2003

Present: S. Bulger, Chairman, B. Czub, R. d'Amico, T. Karam, J. Larkin,  
J. Marzola, J. Russell

Absent: None

Ms. Czub offered Resolution #24, and Mr. d'Amico seconded, and

Whereas, an application has been made to this Board by Gary Carpino and Linda Krause for approval of a subdivision plat entitled Resubdivision of the Lands of Gary J. and Jacqueline M. Carpino consisting of the transfer of 170 SF of land from the Lands of Krause to the Lands of Carpino;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on and August 12, 2003;

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 August 12, 2003, and

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 the final plat entitled Resubdivision of the Lands of Gary J. and Jacqueline M. Carpino consisting of the transfer of 170 SF of land from the Lands of Krause to the Lands of Carpino is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper.

Resolution #24 passed 8/12/03

Ayes: Larkin, Czub, d'Amico, Marzola, Karam, Russell, Bulger  
Noes: None

Steven Bulger,  
Chairman

Resolution #25  
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 August 12, 2003

Present: S. Bulger, Chairman, B. Czub, R. d'Amico, T. Karam, J. Larkin,  
J. Marzola, J. Russell

Absent: None

Mr. Larkin offered Resolution #25, and Mr. Marzola seconded, and

Whereas, an application has been made to this Board by DCG Development Co. for approval of a subdivision plat entitled Subdivision of the Lands of DCG Development Company consisting of (4) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on and August 12, 2003;

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 August 12, 2003, and

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 the final plat entitled the Subdivision of the Lands of DCG Development Company consisting of (4) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso.

Resolution #25 passed 8/12/03

Ayes: Larkin, Czub, d'Amico, Marzola, Karam, Russell, Bulger

Noes: None

Steven Bulger,  
Chairman

Resolution #26  
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 August 12, 2003

Present: S. Bulger, Chairman, B. Czub, R. d'Amico, T. Karam, J. Larkin,  
J. Marzola, J. Russell

Absent: None

Mr. Karam offered Resolution #26, and Mr. Larkin seconded, and

Whereas, an application has been made to this Board by Larry Boni for approval of a subdivision plat entitled Subdivision of the Lands of Larry Boni – Buttonwood Manor - consisting of (8) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on and August 12, 2003;

Whereas, the Planning Board was established as Lead Agency for this application, a Type I action, and a negative declaration was issued pursuant to SEQRA on August 12, 2003, and

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 the final plat entitled the Subdivision of the Lands of Lands of Larry Boni – Buttonwood Manor consisting of (8) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso, Zoning Board of Appeals' approval of the variances required, and the withdrawal of the existing declaratory judgment action by Giles. Should the Zoning Board of Appeals deny the variance applications, this Resolution will be declared null and void.

Resolution #26 passed 8/12/03

Ayes: Larkin, Czub, d'Amico, Marzola, Karam, Russell, Bulger

Noes: None

Steven Bulger,  
Chairman

Resolution #27  
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 August 12, 2003

Present: S. Bulger, Chairman, B. Czub, R. d'Amico, T. Karam, J. Larkin,  
J. Marzola, J. Russell

Absent: None

Mr. Karam offered Resolution #27, and Mr. Russell seconded, and

Whereas, an application has been made to this Board by Thomas J. Farone & Son, Inc. for approval of a subdivision plat entitled Cluster Subdivision of the Lands of Mildred F. Peck Trust consisting of (41) lots

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on and August 12, 2003;

Whereas, the Planning Board was established as Lead Agency for this application, a Type I action, and a negative declaration was issued pursuant to SEQRA on August 12, 2003, and

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 the final plat entitled the Cluster Subdivision of the Lands of Mildred F. Peck Trust consisting of (41) lots, including the setbacks as illustrated on the final plat, is hereby

granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso and the payment of all applicable mitigation fees.

Resolution #27 passed 8/12/03

Ayes: Larkin, Czub, d' Amico, Marzola, Karam, Russell, Bulger  
Noes: None

Steven Bulger,  
Chairman

Resolution #28  
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 August 12, 2003

Present: S. Bulger, Chairman, B. Czub, R. d' Amico, T. Karam, J. Larkin,  
J. Marzola, J. Russell

Absent: None

Mr. Marzola offered Resolution #27, and Mr. Karam seconded, and

Whereas, an application has been made to this Board by New York Development Group, Inc. for approval of a subdivision plat entitled the Subdivision of the Lands of Doty, Moe Road consisting of (9) lots

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on and August 12, 2003;

Whereas, the Planning Board was established as Lead Agency for this application, a Type I action, and a negative declaration was issued pursuant to SEQRA on August 12, 2003, and

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 the final plat entitled the Subdivision of the Lands of Doty, Moe Road is hereby granted preliminary and final approval conditioned upon satisfaction the comments offered by Mr. Kemper and Mr. Grasso.

Resolution #28 passed 8/12/03

Ayes: Larkin, Czub, d' Amico, Marzola, Karam, Russell, Bulger

Noes: None

Steven Bulger,  
Chairman