

Clifton Park Planning Board Meeting Minutes

November 12, 2003

Planning Board Meeting
November 12, 2003

Those present at the November 12, 2003 meeting were:

Planning Board: S. Bulger, Chairman, B. Czub, T. Karam, J. Marzola, J. Russell

Those absent were: R. d'Amico, J. Larkin

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

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

Public Hearings:

[2003-068] Herbold, Richard – Proposed modification of an existing Special Use Permit, 140 Lapp Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on November 4, 3003.

Dr. Richard Herbold, applicant, presented his application for the Board's consideration. He is requesting a modification of an existing Special Use Permit that was approved on June 12, 1989. Dr. Herbold explained that as his practice grew, it was necessary to relocate to a larger facility. He would now like to rent the existing office space at 140 Lapp Road. Since a condition of the 1989 permit stipulated that the property be owner-occupied, approval of the requested modification is required. The applicant emphasized that no renovations or changes are proposed for the property.

Mr. Kemper summarized this application, stating that the original Special Use Permit was granted in 1989 required owner occupancy the residence and office. Mr. Herbold is requesting that the restriction be lifted to allow him to rent both the office and the residential portions of the property.

Mr. Kemper read a letter from Mr. Richard Shakerley, 4 Easton Drive, adjoining property owner, that pointed out that the rural quality of the area has been eroded during the past few decades. He noted that when he plans to sell his home, he will request a Special Use Permit that would allow a portion of his residence to be used as an office.

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

Mr. Grasso stated that Clough, Harbour, and Associates had no comment on this application.

Though Board members were concerned that the office area may be expanded in the future, Mr. Kemper explained that any expansion greater than 25% of the approved Special Use Permit would require Planning Board review and approval. He also noted that site restraints including lot size, required green space, and mandated parking requirements would preclude any significant addition to the office space. In light of this information, Board members found the modification acceptable.

There being no public comment, Mr. Bulger moved, seconded by Ms. Czub, to close the public hearing at 7:15p.m. The motion was unanimously carried.

Mr. Bulger moved, seconded by Mr. Russell, 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 #39, seconded by Ms. Czub, to grant approval to this modification of an existing Special Use Permit to allow the applicant to rent office space at 140 Lapp Road. Ayes: Czub, Karam, Marzola, Russell, Bulger. Noes: None.

[2003-065] Krawiecki, Edward and Eleanor – Proposed (2) lot subdivision, Grooms Road – Preliminary public hearing and possible determination.

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

Mr. Gil VanGuilder, consultant for the applicant, presented this subdivision plan for the Board's consideration. He stated that this proposal calls for the separation of 24.28 acres of land on the southerly side of Grooms Road from the 91.74-acre family farm. The applicant has no plans for development of the parcel at this time. Mr. VanGuilder did note that there is a NYSDEC wetland that traverses the property: a revised map includes the L-C zone boundary. Mr. VanGuilder also pointed out that, at the request of Edward Krawiecki, a permanent drainage easement will be provided to assure positive drainage from the remaining farm lands.

Mr. Kemper asked that the location of the NYSDEC wetlands be depicted on the subdivision map. He also asked that the purpose of the proposed subdivision be made clear. All applicable standard statements must be added to the plans.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the concept subdivision plan for the above referenced project and offered the following comments. The proposed project appears to be an "unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. Involved agencies are expected to include the following:

Town of Clifton Park Planning Board – Subdivision Approval; Saratoga County Planning Board - § 239 referral. The project site is located within the limits of the Western Clifton Park Generic Environmental Impact Study (GEIS) Area however, since less than four lots are proposed, it is not subject to the subdivision moratorium. Since there is a pond on the site there are likely to be federally jurisdictional wetlands. These should be shown so that any impacts or restrictions caused by separation distances can be analyzed. The standard subdivision notes for address identification and fire apparatus in §208-86 of the Town code should be added to the plans.

Mr. Kemper read the comments provided by the ECC. The parcel to be subdivided from the farm appears to contain NYSDEC wetlands and potentially contains federal wetlands. The applicant should be aware of the restrictions these features carry and what limitations the property will have. 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. Uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone.
- Due to the potential for Federal wetlands on this parcel, the applicant will determine the location and extent of disturbance of federal wetlands before a building permit is issued.

Board members found the project plan generally acceptable, though Mr. Bulger asked that the easement be clearly defined and a deed description be provided. Mr. Pelagalli agreed that a defined easement area would ensure protection of the drainage corridor in perpetuity.

There being no public comment, Ms. Czub moved, seconded by Mr. Karam, to close the public hearing at 7:27p.m. The motion was unanimously carried.

Ms. Czub 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.

Mr. Bulger offered Resolution #40, seconded by Mr. Russell, to grant preliminary and final subdivision approval to this application, waiving the final hearing, conditioned upon satisfaction of the comments offered by Mr. Kemper, Mr. Grasso, and Mr. Pelagalli. Ayes: Czub, Karam, Marzola, Russell, Bulger. Noes: None.

II. Old Business:

[2003-061] Reckner, Donald – Proposed 5,000 SF addition to existing autobody repair facility, 1143 Route 146A – Preliminary site plan review and possible determination.

Mr. Gil VanGuilder represented the applicant for this project proposal that was presented to the Board on September 23, 2003. At that time, the applicant proposed a 7,600 SF addition to the existing repair facility. The expansion was reduced to 5,000 SF because of the limitations imposed by the GEIS. Mr. VanGuilder explained that the applicant has

purchased an adjoining 1-acre parcel to the south that will allow for the relocation of an existing drive and offer easier “cycling” of vehicles through the facility.

Mr. VanGuilder addressed several comments that were provided by Clough, Harbour, and Associates. He explained that since the septic system was installed in the early 1990’s with more than adequate capacity for the minimal water usage, he believes that the system will be able to accommodate the minimal increase in use. Mr. Lansing, project engineer, will review the system’s design to determine if there is sufficient capacity. Commenting on the drainage concerns, Mr. VanGuilder explained that although there are no problems at the site, minor grading is proposed during the proposed construction to direct water flow to an existing culvert under NYS Route 146A. Hay bale barriers will be installed to prevent erosion and/or siltation of adjoining lands.

Mr. VanGuilder reported that he has received verbal approval for the proposed relocation of the access to the southern portion of the site. The plan proposes to relocate the existing drive that serves the Reckner residence to the south. The first 25 feet of this driveway will be paved, though the remainder of the driveway will be gravel.

According to Mr. VanGuilder, the 45 parking spaces provided should be sufficient for the weekly repair schedule. He presented a simple colored architectural rendering of the building that will be 18 feet high. Though the addition will be slightly higher than the existing building, there will be no visible change from the highway. The applicant does plan to return for approval of a second phase once the GEIS is complete and the moratorium is lifted.

Mr. Kemper reported that this project last appeared before the Board on September 23, 2003 at which time the Board identified the following issued of concern: a signoff from NYSDOT, architectural renderings, and the capacity of the existing septic system. This project is located within the Western Clifton Park GEIS and as such is subject to the moratorium. The project was reduced from 7,600 SF to 5,000 SF and, therefore, will not be subject to the moratorium. The applicant should clarify whether or not an additional expansion will be proposed in the future. A NYSDOT curb cut permit must be provided prior to the stamping of the plans. Erosion control measures should be depicted on the plans. Architectural renderings must be provided. The capacity of the septic system must be analyzed to determine if the system is capable of handling additional flows. The Saratoga County Planning Board approved the project with the following comments:

- As an existing non-conforming use with a prior Special Use Permit it is recommended that site plan approval be conditioned upon the renewal of the Special Use Permit by the Planning Board.

- The site plan approximates the location of the existing septic tank and piping system that appears to be used by both the businesses and the existing residence. Because the application represents a 74% increase in building size without reference to bathrooms/washrooms it is recommended that the existing septic size, design, and functional ability be certified by a P.E. to the town building inspector.

- A permit for a new curb cut to the state highway will be required. The applicant should contact the Saratoga County Residency at 584-3790 regarding the permit process.

Additionally, the existing residential driveway should be abandoned and seeded as lawn area.

- It is recommended that the current perimeter fencing and vegetative buffer be maintained and extended for the applicant's proposed expansion.

Mr. Kemper explained that the ECC asked that the comments provided for the September 23, 2003 meeting be addressed.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the concept site plan for this project and offered several comments. The project site is within the limits of the proposed Western Clifton Park GEIS study area. Projects that disturb less than 5,000 square feet are exempt from the moratorium. Based on the proposed site expansion area being only 5,000 square feet and in an area already developed with gravel storage and maneuvering areas, the project is not subject to the moratorium and can continue through a normal review and approval process. It does not appear that the proposed project will have a significant impact on the environment. As such, and because the proposed project is considered an "unlisted" action pursuant to SEQR, a negative declaration may be considered by the Planning Board. The involved agencies are expected to include the following: Clifton Park Planning Board -Site Plan Approval; NYSDOT – Review of Curb Cut Permit; Saratoga County Planning Board.

Mr. Grasso asks that a written response be provided to address the comments raised in the September 17, 2003 comment letter regarding consolidation of the two lots into one, the adequacy of the existing septic system to handle additional flows and a determination on the number of handicapped spaces to be provided. A vegetative buffer should be retained along the property lines to buffer the site from the adjacent residential properties. Additional information regarding the proposed method of stormwater management and erosion and sedimentation control should be provided. The new driveway detail indicates that an asphalt driveway will be installed while the site plan shows a gravel driveway. It is recommended that the applicant provide paving of at least an apron approximately twenty-five feet from the road. Pursuant to §208-115-E, an architectural plan should be submitted to ensure the building height does not exceed 35'. In response to Mr. Grasso's question concerning car washing on site, Mr. Reckner explained that the few washes that are necessary are completed on the gravel driveway rather than within the repair facility.

In response to Mr. Bulger's question regarding the adequacy of sight distance at the proposed driveway relocation, Mr. VanGuilder reported that the required sight distance at the location exceeded the required standards. Mr. Bulger commented that the colored elevation presented at the meeting should be supplemented with detailed drawings that include all elevations. Mr. Bulger also noted that the Planning Board assumed Lead Agency status and issued a negative declaration pursuant to SEQRA at the September 23, 2003 meeting.

Mr. Karam moved, seconded by Ms. Czub, to grant preliminary and final subdivision approval for this application conditioned upon satisfaction of the comments issued by the Planning Board, Mr. Kemper, and Mr. Grasso. The motion was unanimously carried.

III. New Business:

[2003-069] Clifton Country Road Associates – Proposed 295 SF cooler addition, Village Plaza – Preliminary site plan review and possible determination.

Mr. Bob Miller, Jr., representative of Windsor Development, presented this application that calls for the installation of a 295 SF cooler addition to the rear of Village Plaza. Mr. Miller explained that the new tenant, Bellini's restaurant, requires the cooler for operation of its restaurant business. The cooler will be placed on existing asphalt to the rear of the plaza and will not result in any reduction of allotted green space.

Mr. Kemper asked that the dimensions for the cooler addition be placed on the plans. Neither Mr. Grasso nor the ECC offered any comment on this application.

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

[2003-066] Eells Family Irrevocable Trust – Proposed (2) lot subdivision, 831 Grooms Road – Conceptual review.

Mr. Gil VanGuilder, the applicant's consultant, presented this subdivision proposal that calls for the subdivision of 2.3 acres from an existing 44.5 acre parcel on the northerly side of Grooms Road adjacent to the proposed Curnyn Meadows subdivision. Though an additional one acre area has been reserved to provide the required frontage on Grooms Road, access to the proposed residence will be via an existing farm road that will be upgraded to meet all the required standards for a driveway longer than 500 feet. All appropriate notes for a keyhole lot will be added to the final plat. The proposed locations for the house, well, and septic have been shown on the plan. Though there is a designated NYSDEC wetland area in the southwestern portion of the farm parcel, it will not be impacted by the proposed development. All improvements have been located beyond the L-C zone boundaries.

Mr. Kemper stated that the descriptions for the ingress/egress easement must be submitted for review and added to the final plat. The applicable standard statements must be added to the plans. The application was forwarded to the Saratoga County Planning Board on October 22, 2003. The applicant should verify that there are no NYSDEC or federally jurisdictional wetlands located on the parcel.

Mr. Kemper explained that the ECC supplied the following comments. 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. Uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone.

- 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).
- Due to the potential for Federal wetlands on this parcel, the applicant will determine the location and extent of disturbance of federal wetlands before a building permit is issued.
- 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.
- 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 further recommended that a note be placed on the plot plan indicating the presence of existing farming activities on adjacent properties, with inherent odors and noise.

Mr. Bulger found the plan acceptable, though he asked that, due to the proximity to a potential archeologically sensitive area, that a site investigation be completed prior to approval by the Planning Board.

Mr. Karam requested clarification regarding the location of the 40 feet of frontage that was attached to the lot and the proposed access easement location. Board members asked that the driveway easement be included in the deed for the proposed new residence.

[2003-067] Exxon Mobil Oil Corp. – Proposed 3,900 SF convenience store, 1,152 SF carwash, and 8 gasoline dispensers, Ushers Road at VanPatten Drive – Conceptual site plan review.

Mr. Rob Spiak, Bohler Engineering, presented this application on behalf of his client, Exxon Mobil Oil Corp. The project proposes the construction of a 3,900 SF “Mobil-on-the-Run” convenience store, a 1,152 SF carwash facility, and (8) gasoline dispensers. The site, located on Ushers Road at VanPatten Drive, will be served by curb cuts on both roads to permit greater maneuverability for tanker trucks servicing the station. Mr. Spiak expressed his confidence that all comments issued by Clough, Harbour, and Associates could be adequately addressed. He presented architectural plans that illustrated a split-faced block building with canopies above the dispensers that represent Mobil’s new corporate design.

Mr. Kemper noted that the applicant is proposing a car wash as part of this application. He explained that the applicant contacted him on May 22, 2003 via e-mail to determine whether or not the use would be allowed. He reviewed the code with Don Clemens, Director of Building and Development and informed the applicant that it appeared that the use was allowed in the LI light industrial (unshaded) district.

Mr. Kemper explained that he had received a memo from Don Clemens dated November 12, 2003 that stated the following:

“I have received several calls regarding my interpretation of the zoning law regarding my interpretation of the zoning law regarding this proposed use. The parcel is zoned Light Industrial (unshaded). Section 208-64A (1)(d) lists automotive repair shops and garages and auto body shops as permitted uses in the zone. If you examine the definition of automotive repair shops and garages in section 208-7 you will see that it states, that all components of the automotive industry including car washes are included under this heading. This is the reason for my interpretation that a car wash is an allowable use in this zone. I wish to remind you that my opinion is challengeable and may be overturned by appeal to the ZBA as prescribed in section 208-109 C (1). Although this may be an allowable use by law it is my opinion that in this case, the approval of such a use would mark a dramatic change in the character of this neighborhood. I am confident that you and the Board are keenly aware of this and will proceed accordingly.”

emper also asked that architectural renderings be provided for the Board’s review. He also noted that the Saratoga County Sewer District provided the following comments: “A permit from SCSD will be required prior construction. The permit application process needs to comply with the Districts Rules and Regulations. The following information will need to be provided: information on the average and peak flow rates; correspondence from CK Sanitary accepting project flows and stating that adequate capacity is available; design of adequate pretreatment for car wash and food handling.

Mr. Kemper also read correspondence from Glenn Valle, President of the Country Knolls Civic Association and Thomas Paolucci, Town Councilman. Mr. Valle asked that the Board schedule a public hearing for this application, providing community residents with an opportunity to “provide meaningful input” into the decision-making process. He asked that the Board consider the aesthetic quality of Ushers Road when considering this project proposal. Mr. Paolucci asked that the carwash not be permitted since such a use is not provided in §208.7 of the Town Code. He also asked that the project be designed to complement the character of the community. Both letters are attached to these minutes.

Mr. Kemper read the comments that were prepared by the ECC. It was recommended that the applicant determine the existence of Karner Blue butterfly habitat on the parcel. A stormwater management plan must be submitted demonstrating Best Management Practices (BMP’s) for the containment of surface runoff associated with gasoline stations. The installation of underground storage tanks should be evaluated in light of a shallow depth to ground water in this area. The applicant will also need to address intended methods for water disposal of the carwash. Consideration should also be given to also address the following impacts:

- increased traffic congestion caused by this commercial activity.
- impingement on trail right-of-ways.
- impacts of petroleum spills to surface and ground waters.
- impacts to the view shed by this project as viewed proceeding east on Ushers Road; specifically the decline of the deliberate sylvan character of the Ushers Road view shed.

Mr. Pelagalli explained that his review and consideration of applicable sections of the Town Code relating to the location of car wash facilities is not complete. He will continue his review of the code and render an opinion concerning the legality of the proposed facility within this LI (unshaded) zone.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the concept site plan for the above referenced project offered the following comments. The proposed project appears to be an unlisted action pursuant to SEQR, and as such, coordinated review is optional. Involved agencies are expected to include the following: Town of Clifton Park Planning Board - site plan approval and special use permit; Saratoga County Planning Board - Section 239 referral; Saratoga County Sewer District - Sewer Connection; Saratoga County Department of Public Works - Curb Cut Permit. Due to the site's proximity to the Exit 10 interchange, it is recommended that all application materials be forwarded to NYSDOT for review and comment.

Mr. Grasso explained that the proposed plan includes a car wash which is not listed in the zoning regulations as a permitted use or a special use and is not mentioned in the Code's definition of automobile service station. Clarification from the zoning officer should be provided. If a car wash is allowed within the zone, plans for disposing wastewater from this facility should be provided and the applicant should provide confirmation from the Saratoga County Sewer District regarding their willingness to accept the wastewater from this facility. Potential noise impacts caused by the drying operation should be analyzed for conformance with Section 208-64.F.1 regarding noise standards.

Mr. Grasso provided several additional comments. The parking requirements should be based on the 3,900 SF convenience store. Twenty spaces are required plus one at each pump. Nine spaces should be eliminated. The draft concept plan proposes access to the site from Ushers Road and Van Patten Drive. Section 208-66-A of the Town Code states that no more than one curb cut shall be permitted unless the Planning Board finds that traffic safety will be improved with the addition of another curb cut. It is recommended that the proposed drive to Ushers Road be eliminated. Full access should be from Van Patten Drive and should be located as far from Ushers Road as possible. A rights in/rights out only drive on to Ushers Road may be considered. Section 208-65.E.1 of the Town Code states that there shall be no parking or maneuvering in the front yard. The plan should be amended to remove the maneuvering areas from the front yard on both Ushers Road and Van Patten Drive. The site is well vegetated with oak and white pine. Section 208-66-B of the Town Code states that consideration shall be given to preserving natural and existing vegetation. There is a berm with oaks at the corner of Ushers Road and Van Patten Drive located primarily in the existing right-of-way. It is recommended that this berm be preserved on the site and supplemented with new plantings. A 25' wide buffer

area is also required in the side and rear yards in the LI zone. The applicant should consider using existing vegetation for this area. A site landscaping plan shall be submitted that includes plantings between the building and the sidewalk. Based on the above comments, the Town Engineer recommends moving the proposed components south to the 25' setback per the attached sketch (attached to these minutes). This would move the curb cut on Van Patten Drive farther south, preserve the berm on the corner, eliminate any maneuvering areas in the front yard setback and increase the green space along the site's frontages, thereby reducing the impacts of the development on the suburban character of the area. A lighting plan shall be submitted showing building, canopy and site lighting fixtures and the foot-candle levels on the site to insure no glare is emitted beyond the property line. The plans should show the multi-use pathway recently constructed along Van Patten Drive. As part of this project, a sidewalk or multi-use pathway should be continued in front of the site along Ushers Road to a termination at Pierce Road.

Mr. Grasso noted that Section 208-66.C of the zoning regulations for the LI – Light Industrial District states “The architectural design shall consider building façade, including color, and other significant design features, such as exterior materials and treatments, roof structure, exposed mechanical equipment and service and storage areas.” Since the proposed commercial/retail use is located in a suburban residential setting, the architectural scale and treatment of the building should be consistent with the character of the area. It is recommended that a Full Environmental Assessment Form be completed for the project.

Mr. Bulger explained that no action would be taken by the Board at this meeting and that, since it was apparent that this application was of significant interest to property owners along the Ushers Road corridor, a public hearing would be scheduled. He also stated that he found the proposed access on Ushers Road unacceptable: a single access on VanPatten Drive would be preferable. He encouraged the applicant to present a building design that would maintain the character of the area, provide substantial landscaping, and provide minimal lighting. If it is determined that the carwash is an acceptable use, this facility should be placed to the rear of the site and be well-screened from roadways. While he recognized the applicant's need for constructing a facility that incorporated the elements of the recognized brand, he urged the applicant to take heed of Councilman Paolucci's comments regarding construction that would “fit” with the existing neighborhood character. Mr. Bulger concluded his comments by advising the applicant that subdivision approval would be required prior to any site plan approval.

In response to Ms. Czub's question regarding the hours of operation, Mr. Spiak explained that the applicant proposes to be open on a 24-hour basis. Mr. Karam asked if the project could provide access on Pierce Road to avoid disturbance of the recently-completed multi-use pathway along VanPatten Drive. Explaining that this project had no access along Pierce Road, Mr. Grasso noted that appropriate signage and striping would be required to ensure the safety of those using the pathway.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Karam, approval of the minutes of October 28, 2003 as written. Ayes: Karam, Marzola, Russell, Bulger. Noes: None. Abstained: Czub.

Discussion Items:

Belmonte Subdivision – West Sky Drive

Several residents from the West Sky area of Berkshire Estates were in attendance at the meeting. They asked to address the Board on the Belmonte Subdivision entitled Tanglewood that is to be built on an adjoining parcel. The complaint focused on the Board approval for the amended clearing limit lines that occurred at the October 28, 2003 meeting. They were particularly concerned that increased clearing would reduce the buffer area between their existing homes and the proposed new residences. Mr. Bulger explained that the Board appreciates comments from citizens and always considers ways to improve the planning process. He did note, however, that the clearing limit revisions requested by Belmonte Builders did not involve changes to established buffer areas. The changes were considered insignificant since they involved field changes to allow for construction of larger homes than originally proposed.

Mr. Hanson, 17 West Sky Drive, explained that he had purchased his home in Berkshire Estates last summer at which time he believed the western property boundary to be located along an existing tree line that separates his property from the new Belmonte development. It has come to his attention that the proposed multi-use pathway will be placed on town land that lies very close to his home. He asked the Board to work with Mr. Belmonte to locate the pathway at a greater distance from his house.

Ms. Czub moved, seconded by Mr. Karam, adjournment of the meeting at 9:00p.m. The motion was unanimously carried. The next meeting of the Planning Board is scheduled for Tuesday, November 25, 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 #39

APPROVAL

Modification of Existing Special Use Permit

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on November 12, 2003, at

7:10 P.M. there were:

Present: S. Bulger, Chairman, B. Czub, T. Karam, J. Marzola, J. Russell

Absent: R. d'Amico, J. Larkin

Mr. Marzola offered Resolution #39 and Ms. Czub seconded, and

Whereas, an application has been made to this Board by Richard Herbold for approval of modification of Special Use Permit #80300 to allow the owner to rent a residence and office space in an R-1 zone;

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on November 12, 2003 in the Town Office Building,

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

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

Now therefore, be it resolved that the application of Richard Herbold for a modification of Special Use Permit #80300 to allow the owner to rent a residence and office space in an R-1 zone is hereby approved.

Resolution #39 passed 11/12/03

Ayes: Czub, Karam, Russell Marzola, Bulger

Noes: None

Steven Bulger,
Chairman

Resolution #40

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 November 12, 2003, there were:

Present: S. Bulger, Chairman, B. Czub, T. Karam, J. Marzola, J. Russell

Absent: R. d'Amico, J. Larkin,

Mr. Bulger offered Resolution #40, and Mr. Russell seconded, and

Whereas, an application has been made to this Board by Marge Bongermino for approval of a subdivision entitled Subdivision of the Lands of Edward Krawiecki consisting of (2) lots;

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

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 November 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 subdivision plat entitled Subdivision of the Lands of Edward Krawiecki consisting of (2) lots is hereby granted preliminary and final approval conditioned upon satisfaction the comments offered by Mr. Kemper, Mr. Grasso, and Mr. Pelagalli.

Resolution #40 passed 11/12/03

Ayes: Czub, Karam, Marzola, Russell, Bulger

Noes: None

Steven Bulger,
Chairman