



Planning Board Meeting
January 8, 2008

Those present at the January 8, 2008 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, J. Koval, A. Kramer, J. Larkin, S. Pace
J. Thorne, T. Werner

Those absent were: None

Those also present were: K. Maynard, Director of Planning;
J. Grasso, Clough, Harbour and Associates;
J. Quinn, Chairman, Environmental Conservation
Commission
P. Pelagalli, Counsel;
J. Dean, Secretary and Assistant Director of Planning

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Mr. Bulger moved, seconded by Mr. Kramer, to appoint Adam Kramer as Vice-Chairman, to establish the 2007 Planning Board schedule as published, with meetings generally held on the second and fourth Tuesdays of each month, to appoint Paul Pelagalli, Counsel, and Janis Dean, Secretary, for the 2008 calendar year. The motion was unanimously carried.

Mr. Bulger welcomed Joel Koval to the Board, noting that Joel has previously served with distinction on the Zoning Board of Appeals. He was appointed to this Board at the January 3, 2008 Town Board meeting.

Public Hearings

[2008-002] **Crowell, Ronald and Lisa** – Proposed land transfer, Dorchester Street – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:20p.m. The Secretary read the public notice as published in the Daily Gazette on December 29, 2007.

Ms. Lisa Crowell, applicant, presented her application for the Board's review, explaining that the requested approval of the reciprocal land transfer was necessary to resolve mutual encroachment issues. The plan shows that 240 SF of land fronting on Dorchester Street will be transferred from Lot #3 to Lot #1 Dorchester Street and that 240 SF of land to the rear will be transferred from Lot #1 to Lot #3 Dorchester Street.

Ms. Maynard noted that the application calls for an equitable transfer of land to resolve encroachment issues. The Planning Department finds the application acceptable and requests that samples of consolidated deeds be provided for review.

Mr. Grasso reported that Clough, Harbour, and Associates offered no comment on this application. The ECC found the land transfer acceptable.

There being no public comment, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 7:24p.m. The motion was unanimously carried.

Ms. Pace moved, seconded by Mr. 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.

Ms. Thorne offered Resolution #1, seconded by Mr. Kramer, to grant preliminary and final subdivision approval to this application. Ayes: Kramer, Larkin, Pace, Koval, Thorne, Werner, Bulger. Noes: None.

[2007-059] **Garnett, Richard & Janie** – Proposed accessory use of a residence in an R-1 zone, 195 Wood Dale Drive – Special Use Permit and site plan review - Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:25p.m. The Secretary read the public notice as published in the Daily Gazette on December 29, 2007.

Ms. Janie Garnett, applicant, presented her application for the Board's review, explaining that the property at 195 Wood Dale Drive is an approximately 37 year-old colonial that contains an existing 700 SF office that the former owner used for her pediatric practice. Ms. Garnett asks permission to refurbish the interior to provide a handicapped accessible waiting room, powder room, and two offices: the only change to the exterior of the building will be the addition of a ramp to the front veranda. Approval of the Special Use Permit will allow the applicants to live in the home and see their patients in the existing office space.

Ms. Maynard explained that the Planning Department found the application acceptable. She read a letter from Mr. Brian Burger, 182 Wood Dale Drive, adjoining

property owner, in which he expresses his “vehement” opposition to the Garnett’s proposed use of a portion of this residence as a medical office. He stated he was particularly concerned with the increased traffic the office would generate along the increasingly-busy Ushers Road corridor.

Mr. Grasso reported that, although Clough, Harbour, and Associates had not prepared formal comments regarding this application, it is his opinion that the proposed use of the property would not significantly impact traffic along the Ushers Road corridor.

The ECC offered no comment on this application.

Ms. Pam Marshall, who has resided in the Ashley Drive section of County Knolls since 1971, asked that the Board condition its approval on the requirement that all visitors to the property be required to pull forward to Wood Dale Drive when exiting the site. Ms. Garnett agreed to place signage on the property advising driver’s that this would be required. The applicants will provide a turn-around area.

In response to Mr. Werner’s question regarding the number of patients visiting the office during the week, Ms. Garnett reported that her husband sees 30-32 patients per week: she would work in the home only three days per week.

There being no further public comment, Mr. Bulger moved, seconded by Mr. Werner, to close the public hearing at 7:30p.m. The motion was unanimously carried.

Board members briefly discussed proposed identifying signage for the property, agreeing that the applicant’s must comply with Town code requirements. Mr. Larkin voiced his support for minimal signage and for the requirement that cars pull forward onto Wood Dale Drive from the driveway.

The Board first considered approval of the Special Use Permit application.

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

Mr. Bulger offered Resolution #2, seconded by Mr. Werner, to approve this Special Use Permit request to permit the accessory use of a residence in an R-1 zone. Ayes: Kramer, Larkin, Pace, Koval, Thorne, Werner, Bulger. Noes: None.

The Board then considered the site plan application.

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

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

[2007-060] **Mertik, Joseph** – Proposed two-family residence in R-1 zone, 227 Lapp Road – Special Use Permit and site plan review – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:30p.m. The Secretary read the public notice as published in the Daily Gazette on December 29, 2007.

Mr. Mertik, applicant, presented his request for the Board's consideration. The application remains as presented at the December 11, 2007 meeting.

Ms. Maynard stated that the Planning Department finds the application acceptable. Clough, Harbour, and Associates offered no comment on this proposal. The ECC provided no comment on this application.

There being no public comment, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 7:37p.m. The motion was unanimously carried.

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

Mr. Larkin offered Resolution #3, seconded by Mr. Koval, to approve this Special Use Permit request. Ayes: Kramer, Larkin, Pace, Koval, Thorne, Werner, Bulger. Noes: None.

The Board then considered the site plan application.

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

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

[2007-032] **Pickett, Frank J.** – Proposed (6) lot subdivision of the Lands of the Estate of Frank J. Pickett, 136 Vischer Ferry Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:39p.m. The Secretary read the public notice as published in the Daily Gazette on December 30, 2007.

Mr. Scott Lansing, consultant for the applicant, presented this application. The proposed project is located within the CR (Conservation Residential) zone on the west

side of Vischer Ferry Road approximately 1600 feet south of its intersection with Taylor Drive. The project site consists of 22.53 acres of land: a total of 1.97 acres of federally jurisdictional wetlands have been identified on the site. The wetland delineation has been verified by the ACOE. Given the current density allowance of one dwelling unit per three acres of unconstrained land, the maximum allowable number of lots is seven. The proposal is to create six lots with 11.13 acres of permanently restricted, unconstrained land. The proposed new residences will be served by individual wells and septic systems. One common driveway will provide access to all lots. Setbacks will comply with zoning requirements. The speaker reported that test pit information indicates that soils are conducive for the installation of individual systems.

Mr. Lansing addressed several of the items listed in Clough, Harbour, and Associates' comment letter. He stated that the project plan has been revised to show that the lots will be accessed by a public roadway. Topographic and grading information will be provided to ensure that proposed disturbance limits can indeed be maintained during construction. Mr. Lansing asked that Clough, Harbour, and Associates' request for a detailed site-specific design for each lot be waived by the Planning Board, noting that since information indicates the adequacy of soils in the area to accept septic systems, the applicant would prefer that septic design be delayed until each house location has been established.

Ms. Maynard offered comments provided by the Planning Department, stating that this project was last considered by the Board on July 7, 2007 at which time board members asked that the mature trees along Vischer Ferry Road be preserved to greatest extent possible and that plans be prepared in accordance with the private roadway design and construction standards contained in the code. Proposed clearing limits now provide significantly more screening along Vischer Ferry Road. The status of the existing wood frame house on Lot #3 should be clarified. The Town's standard notes for land conservation areas should be included on the plan. In addition a note listing permitted uses within the permanently protected open space, pursuant to Section 208.16 (D) 2 of the Town Code should be included on the plan. Saratoga County Department of Public Works' work permit must be secured for proposed work within the county right-of-way.

Mr. Myers, Director of Building and Development, provided the following comments. Some of the septic systems are too close to the wells and uphill from wetlands. He asked that the consultant provide proof that the cul-de-sac radius is sufficient for emergency vehicles and highway department vehicles to maneuver.

Mr. Grasso offered a number of comments that resulted from Clough, Harbour, and Associates' review of the revised subdivision plan. Access to the lots is proposed through use of a private road: each lot does not have frontage on a public road. In accordance with section 179-38 of the subdivision regulations, private roads are only permitted in Conservation Density subdivisions which require a minimum lot size of at least two times the minimum lot size required in the zoning district. The minimum lot size for lots with on-site water and septic within the CR (Conservation Residential) zone is 40,000 square feet; therefore, a minimum lot size of 80,000 square feet appears required. The remaining requirements of section 179-38 would also likely apply. The project site is located within the CR (Conservation Residential) zoning district which

limits development to one lot per three developable (unconstrained) acres. It appears there are 20.56 acres of unconstrained land; therefore, the proposed density of six lots is in conformance with the zoning. The plan should clarify if the site includes 20.56 acres of unconstrained land and that the 11.13 acres of unconstrained open space constitutes 54% (25% minimum required by Code) of the total unconstrained lands within the project site. Clough, Harbour, and Associates is concerned with the relationship of the proposed development, including septic systems to the isolated wetlands. A detailed grading plan with two foot contours should be provided. Details of the proposed private common drive should be provided. A slightly curvilinear alignment should be considered and the hammer-head turn-around should be able to be incorporated into the last driveway. An access agreement over the proposed private common drive should be provided for the proposed lots. The sight distance evaluation should document the appropriateness of a 45-mile per hour design speed, as the design speed is generally the lesser of ten miles over the speed limit or the 85th percentile running speed. The adequacy of sight distance for left turning vehicles into the site should also be provided. If the proposed method of open space preservation will be the use of deed restrictions, then Land Preservation Areas shall be established and the Town's standard notes regarding the restrictions of use should be shown on the plan. The engineering firm is concerned that the proposed disturbance limits depicted can not be maintained during construction and the actual limits of disturbance will be greater than 5 acres requiring a post construction storm water management plan. Although the percolation test results appear acceptable, the test pit results do not demonstrate adequate soils for conventional systems. A detailed site specific design for each lot is recommended.

Mr. Quinn provided the following comments that were prepared by the ECC. After reviewing data presented at its January 2, 2008 meeting, the ECC reiterated the following comments. The ECC requests that the applicant more clearly identify what is being considered as Jurisdictional and Non-Jurisdictional Wetlands. Currently, the plan shows hatching interchangeable to both. The ECC requests that the applicant indicate the proposed location of storm water retention facilities on the plan to more clearly represent what land will be impacted by this project. The applicant should clarify whether the existing wood frame house is to remain or be removed. Additionally, the ECC recommends the following. Lot #2 should be re-configured to allow for a minimum of 50 feet between proposed house location and the ACOE wetlands. Federal wetlands must be delineated on the individual plot plans. The following standard statement should be added to the plan:

This parcel (subdivision) is located in an area where agricultural activity occurs. Such activity may include, but is not limited to periodic noise, vibration, extended hours of operation, and other associated activities.

Mr. Lansing reported that the existing house is to be demolished.

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

Mr. Werner expressed his concerns regarding the construction of a public roadway to serve only six residences. Mr. Bulger stated that comment from Mr. Kukuk, Highway Superintendent, would be significant. Mr. Larkin stated his preference for a shared driveway to serve the lots since such access would have a lesser

impact on the character of the area. He recommended that the applicant consider applying to the Zoning Board of Appeals for a variance. Mr. Larkin supported Clough, Harbour, and Associates' request for site-specific septic designs. Board members discussed the various benefits and disadvantages of employing CR (Conservation Residential) standards as opposed to conservation density subdivision regulations for the site design. Mr. Grasso explained that the conservation density regulations would require lots to be twice the size of those required by underlying zoning – in this case 80,000 SF lots would be required. The Planning Board would have the ability to waive the roadway standards.

Mr. VanGuilder responded to the Board's concerns, stating that should the consultant design the project in conformance with conservation density standards, the applicant would likely lose two lots. He also noted that, as currently designed, the plan provides more than 50% more than the required amount of unconstrained land.

Mr. Bulger listed the issues of most concern as determining whether the subdivision should be served by a public road or private drive and whether Planning Board members would be amenable to granting a waiver for the private driveway. In response to Mr. Koval's request for clarification of the specific waiver request, Mr. Bulger explained that the waiver would permit reduced lot sizes on a private drive. Briefly stated, there are three alternatives available to the applicant: access by a private driveway, public roadway, or private driveway with keyhole lots. It is noted that keyhole lots are not permitted within the CR (Conservation Residential) district. Ms. Pace supported the recommendation that comment from Mr. Kukuk, Highway Superintendent be requested. Board members identified the major concerns as the determination of the type of access to be provided, ability of the applicant to install adequate septic systems for each proposed lot, verification of sight distance information, and adequate storm water management. Mr. Larkin, referencing the comment provided by the ECC, "re-emphasized" the importance of providing a 50' separation between the residences and delineated wetland areas. In response to his question concerning the doubling of lot sizes within conservation density subdivisions, Mr. Grasso explained that the conservation density portion of the code was created prior to the adoption of CR zoning. The intent of both is to provide for the preservation of the Town's rural character by requiring larger buildable parcels.

Old Business

[2006-022] **Parkland Development** – Proposed (24) lot subdivision to permit 33,200 SF of multi-family residential use in 14 buildings, NYS Route 146 –Preliminary review and possible determination.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that has been reviewed by the Planning Board on several occasions. He provided a brief history and description of the property and addressed the major issues of concern. The ACOE has verified the wetland delineations: a reduction in the amount of delineated wetland areas provides additional buildable area on the parcel and permits the

construction of larger residential units. Mr. Vuillaume explained that the applicant pursued the development a roadway/multi-use pathway through open space lands that would provide emergency access to the development. On January 3, 2008 the Fire Code Appeals Board approved this access. Mr. Kukuk, Highway Superintendent, has agreed to maintain the access if the roadway is constructed to required specifications, though he requests that a homeowners' association be established to maintain landscaping and green areas. Mr. Vuillaume commented that the 60' wide link to Sterling Heights Drive will provide space for the installation of substantial screening of the pathway: he envisions that the connection will have "a park-like look."

Ms. Maynard provided comments from the Planning Department, reporting that this application was last considered by the Board at its October 23, 2007 meeting. At that time the items of concern included the appropriateness of the proposed emergency access via a multi-use pathway connection to the Sterling Heights subdivision, signage, berming and appropriate landscaping to provide screening for existing residences, establishment of a 15' no cut buffer, verification of the ACOE wetland delineation, location of the gate restricting entrance to the multi-use pathway, and details of the locking mechanism for the gate. She noted that the plan now illustrates the installation of a 20' wide gate to limit vehicular access to the multi-use pathway, though she recommended that the Board consider alternative, less-obtrusive, barriers such as removable bollards. Other components of the plan appear acceptable. ACOE verification of wetland delineation is required. Grass pavers capable of supporting a 75,000 pound emergency vehicle were discussed as an alternative trail construction material to provide the aesthetically more pleasing look of grass. Maintenance of the emergency access/trail to Sterling Heights must be assured – either by an established homeowners' association or the Town. A variance was issued by the Fire Code Appeals Board on January 3, 2007 to permit an emergency access to the parcel via a multi-use pathway to the Sterling Heights subdivision. The following conditions were imposed on the approval: the pathway is to be 20' wide including 8 feet of pavement width with 6 feet on each side paved with grass blocks. The final design materials must be approved by the Fire Marshall and Chief. Appropriate signage will be required and the roadway radius at both ends must be 30 feet wide. The stub street road connection for property at west must be constructed as a town roadway when developed: an emergency access or bike path will not be permitted. Ms. Maynard reported that correspondence received from the ACOE confirms the wetland delineation and proposed density according to the HM (Hamlet Mixed-Use) zoning. Mr. Kukuk, Highway Superintendent, has agreed that the Town Highway Department will maintain the emergency access. The plans for development of the community center and restrictions for its use should be clarified.

Mr. Myers, Director of Building and Development, provided a number of comments on this application. A fourth hydrant is required on Road A. The NYS Fire Code requirements are more restrictive than town law and are, therefore, required. The access must be able to support a minimum of 75,000 lbs. over a width of 20 feet with an unobstructed height of 13 feet 6 inches. Due to the nature of this access/multi-use trail, the Fire Code Appeals Board determined that the entire 20-foot width need not be paved surface as long as the weight requirements are met and the trail can be maintained to the

required width year round. . The Storm Water Pollution Prevention Plan is incomplete since it does not include construction drawings, storm water control measures, construction phasing, practice details, pollution prevention measures, temporary and permanent structural measures, material specification and dimensions, and post construction maintenance and operations. A meeting with the Director of Building and Development is required prior to start of construction

Mr. Grasso reported that the following comments from Clough, Harbour, and Associates October 19, 2007 review letter remain to be addressed. Engineers' reports for the water and sanitary sewer supply should be provided. A street light oriented over the proposed roadway should be provided. It appears that a utility pole and guy wire will need to be relocated at the intersection of NYS Route 146 and Road A. The adequacy of the 12" culvert on the Lands of Stevens and Symonds to accommodate the additional storm water run-off should be verified. Although the storm water management system is designed to reduce peak flows at the design point, the pond discharge is upstream of this point. A fence should be added to the top of the retaining wall on Lot #15 and #16.

Mr. Grasso reported that Clough, Harbour, and Associates provided the following additional comments. The initial disturbance limits depicted on the Erosion and Sediment Control Plan should be verified. Based upon the fill required to meet the proposed grade it does not appear as though the disturbance limits can be maintained. A detail of the proposed retaining wall should be provided. The "VD" depicted on the planting plan is not identified on the planting schedule. Additional spot elevations should be provided at the intersection of "Road A" and Route 146. There is concern that a low spot will be created between the intersection and the proposed catch basins. The proposed method of crossing Sterling Heights Drive to install the proposed water main should be depicted on the plans. The maintenance of the proposed berms along the multiuse pathway should be discussed with the Planning Board. It is recommended that the homeowners' association be responsible for the maintenance as the Town does not typically maintain such features along the pathways. The note regarding the silt fence on the Erosion and Sediment Control Plan should be revised. The silt fence should be installed parallel to the contours beyond the proposed limit of disturbance. The signage for the multiuse pathway and the pedestrian crossing should be depicted on the plans. It should be verified that secondary means of access meets the NYS Fire Code requirements. It should be verified that the proposed community building has adequate handicap accessibility.

Clough, Harbour, and Associates also offered the following comments on the Storm Water Management Report dated November 2007. A Storm Water Pollution Prevention Plan should be submitted for review. This development discharges to the Dwaas Kill, a proposed 303(d) endangered stream and the site has some Class "D" or poorly draining soils present. There is no discussion of impacts to the Dwaas Kill other than a statement that "the project will not adversely affect adjacent or downstream properties." A specific mention of any affect to the Dwaas Kill should be included. Privately owned and maintained storm water management areas are required to be inspected by the town to ensure compliance. An agreement with the homeowners' associations will be required. Further details of the joint ownership of the storm water management areas as noted in Section 6 will be required: the town attorney must approve the agreement.

Mr. Grasso commented on the access control gate proposed for the emergency access, stating that Clough, Harbour, and Associates would recommend elimination of

the gate. Removable bollards restricting access would be preferable.

Mr. Quinn reported that the ECC reiterated its previous recommendation that the 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.

In response to a question from the audience, Mr. Vuillaume reported that there will be no lighting along the multi-use pathway connection. An unidentified resident of the Sterling Heights subdivision asked that the developer install a staggered double row of trees between the proposed development and Lots #71 and #73 Sterling Heights Drive. Mr. Vuillaume agreed to provide the additional landscaping. The speaker also expressed concern regarding additional drainage to Sterling Heights' properties. He was assured by Mr. Vuillaume that drainage would be directed to the proposed drainage basin.

Board members discussed the role of the proposed homeowners' association in maintaining common areas. Though Mr. Pelagalli voiced concerns regarding the long-term viability of the proposed association, he agreed that the association concept "made sense" in light of the proposed community center and tennis court. Board members agreed that the installation of bollards would be more desirable than the proposed gate to restrict use of the multi-use pathway. The consultant was directed to consult with Ms. Reed, Chief of the Bureau of Fire Prevention to determine if such a revision would be acceptable to the Fire Code Appeals Board. In response to Mr. Bulger's questions regarding the community center, Mr. Vuillaume explained that it is the developer's intent to renovate the existing single-family residence, making it ADA compliant. A tennis court will be constructed near the center. It was agreed that the professional planning staff and representatives of Clough, Harbour, and Associates would determine the acceptability of proposed landscaping. Mr. Werner observed that the sidewalks will terminate at the Route 146 curb cut.

Mr. Bulger moved, seconded by Mr. Kramer, to establish the Planning Board as Lead Agency for this application and to issue a negative declaration pursuant to SEQRA since the Board has received verification from the Army Corps of Engineers for the delineated wetlands, the Fire Code Appeals Board has issued a conditional approval of the proposed multi-use pathway/emergency access, substantial landscaping will be provided between the proposed development and existing residences on Sterling Heights Drive, and storm water will be managed in accordance with all local and state statutes. Ayes: Kramer, Larkin, Pace, Thorne, Werner, Bulger. Noes: None. Abstained: Koval.

Ms. Thorne offered Resolution #4, seconded by Mr. Larkin, to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of the comments offered by the Planning Department, professional staff, and Clough, Harbour, and Associates. Ayes: Kramer, Larkin, Pace, Thorne, Werner, Bulger. Noes: None. Abstained: Koval.

[2007-029] Hockey Hut – Proposed 8,500 SF hockey and ice skating training facility, 1537 Crescent Road – Final site plan review and possible determination.

Mr. Tom Andress, consultant for the applicant, focused on the proposed septic design since the site plan has been prepared by others. He explained that although Saratoga County Sewer District lines are located in close proximity to the site, approval to connect has been problematic because of ownership and easement issues. The applicant now proposes the installation of a septic system and all lines necessary for eventual connection to the county system.

Ms. Maynard, Director of Planning, explained that this application was last considered by the Planning Board at its October 23, 2007 meeting at which time discussion focused upon the need for additional landscaping, the viability of the proposed storm water management plan, and the Saratoga County Sewer District's failure to approve the proposed connection to its system. Though Mr. DiPasquale, Director of the Saratoga County Sewer District, has reported that his agency is working to acquire ownership of private laterals in the area, it appears that it will take a great deal of time to achieve this goal. In the mean time, Mr. DiPasquale supports installation of the proposed septic system accompanied by installation of future connection lines. Ms. Maynard supports this recommendation. Ms. Maynard recommends that the applicant supply an additional security deposit based upon projected connection costs approved by the Town Engineer to ensure that future connection to the municipal system actually occurs. Though the applicant's consultant has added a note to the plan that states that "the on-site septic system shall be removed and the site connected to municipal sewer service within 12 months of its availability within 100' of the project site," Ms. Maynard recommends that the note be amended to require connection if the service is available within 500' of the site.

Mr. Myers, Director of Building and Development, offered the following comments regarding this application. The distance of separation to watercourse or wetland measured from the toe of slope, not the end of absorption field, must be provided: the applicant must assure that minimum separation distances are met. Mr.

Myers also noted that the site is required to have sewer, not septic, since it lies within 500 feet of a public sewer line.

Mr. Grasso provided comments prepared by Clough, Harbour, and Associates. Due to the lack of municipal sewer service in the immediate vicinity of the project site use of an on-site septic system is now proposed. Although generally discouraged, this appears acceptable and Code compliant. It is recommended that a note be added to the plans indicating that the on-site septic system will be removed and a connection made to a municipal system within 12 months of it being available within 100 feet of the project site. Previous comments regarding the site plan and storm water management report appear to have been adequately addressed. The final site plans should be stamped and signed by a New York State Licensed Engineer. The New York State Department of Health requires 100' of horizontal separation between an on-site septic system and state regulated wetlands. The wetlands on the project site are federally regulated, and not state regulated due to their size. The proposed tile field is twenty feet from the federal wetlands. Although permissible by Code, it appears greater separation can be achieved by relocation of the proposed tile field. Due to the increased risk of effluent reaching saturated soils associated with the wetlands, it is recommended that the separation distance be increased to a minimum of forty feet, or fifty feet if surface water is ever present. A letter from the New York State Department of Health specific to this project indicating the 100' respective septic system setback does not apply to the wetlands should be provided. The boring and percolation test locations should be depicted on the septic system design plan. Additional justification of the design flows of 100 gallons per day should be provided. The plans should specify a ten foot minimum separation distance from the foundation to the septic tank and dosing chamber. The "Typical Absorption Trench Detail" should specify 24" minimum separation from the bottom of the trench to high groundwater, bedrock or impervious layer, and the "Wastewater Disposal System Piping" notes should be revised to reflect the use of a dosing chamber.

Mr. Quinn reported that, after review of project plan at its January 2, 2008 meeting, the ECC asked that the following statements must be added to the plot plan:

- 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).

Mr. Quinn reported that the ECC also provided the following recommendations. The ECC recommends that a condition be placed on the applicant requiring a hook-up to public sewer as soon as it becomes available within 500' of the property. The following standard statement must also be added to the plot plan:

If hazardous materials will be stored on site, the applicant must submit a plan addressing handling and storage and spill response to the Town of Clifton Park before such materials are stored.

Though Board members were concerned with the installation of an individual septic system to serve this facility, they viewed it as a “temporary” situation that would be resolved when connection to the municipal system was permitted. Addressing the issue of required separation of septic systems from designated wetlands, Mr. Larkin recommended that the Planning Board request that the Town Board codify such requirements in accordance with ACOE and NYSDEC standards. Mr. Werner reminded the applicant that substantial landscaping, including trees and understory plantings, be added to the plan.

Mr. Werner moved, seconded by Mr. Bulger, to establish the Planning Board as Lead Agency for this application and to issue a negative declaration pursuant to SEQRA. Ayes: Kramer, Larkin, Pace, Thorne, Werner, Bulger. Noes: None. Abstained: Koval.

Ms. Thorne moved, seconded by Mr. Larkin, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by the Planning Department and Clough, Harbour, and Associates. Ayes: Kramer, Larkin, Pace, Thorne, Werner, Bulger. Noes: None. Abstained: Koval.

[2006-046] **Cloverdale Meadows** – Proposed (17) lot subdivision, Hubbs Road – Possible determination from preliminary public hearing held on October 23, 2007.

Mr. Scott Lansing, consultant for the applicant, presented this application, explaining that the current submission represents a plan that has been revised to address the comments that were prepared by Clough, Harbour, and Associates and recommendations from the Planning Board that were received at the October 23, 2007 meeting. Mr. Lansing offered a brief history of the project, noting that the application called for the subdivision of a 66 acre parcel of land on the southerly side of Hubbs Road within the CR (Conservation Residential) zone. Pursuant to the zoning code, the applicant is entitled to develop up to seventeen (17) single-family residential lots on the property. Revisions to the previously-presented plan include a note on the plan that states that the existing barn will be preserved, that site drainage will be maintained adequately on site, and that additional buffering will be provided between the proposed new residences and existing residences along Heidi’s Path. The proposed keyhole lots have been reconfigured. Mr. Lansing labeled the repositioning of the cul-de-sac and relocation of the storm water management area to “a more distinct corridor” as the most significant changes to the plan. Lot #1 has been reduced to 5.05 acres, permitting the continuance of agricultural uses while allowing for the conveyance of approximately 41 acres of permanently protected open space to the Town of Clifton Park. Mr. Lansing stated that he and Town representatives had conducted a site investigation to determine the source of the drainage problems experienced by several homeowners residing along Heidi’s Path. This visit resulted in the determination that sediment build-up in existing catch basins appeared to be the main cause of the flooding. Plans are underway to

remove sediment and improve water flow. The consultant reported that the applicant will address all issues raised by Clough, Harbour, and Associates, though he asked that the Board provide guidance for ways to address the concerns regarding maintenance measures for the meadow areas that are to be conveyed to the Town and the type of fencing preferred to restrict disturbance of the delineated wetlands.

Ms. Maynard offered several comments regarding this application that was reviewed by the Planning Board on October 23, 2007. At that time the Board identified several issues of concern including drainage problems, water connection, assurance that there be a continuation of agricultural use on the parcel, preservation of the barn, location of pedestrian connections, establishment of a viable homestead lot, additional landscaping along the boundary line with existing residences on Heidi's Path, and maintenance of the Town-owned open space. The speaker noted that the revised application now illustrates a homestead lot of more than five (5) acres: this addresses the concern that agricultural uses will be permitted to continue on that parcel. It is recommended that a note be added to the plan that lists the permitted land uses within the CR zone pursuant to Section 208.16 D 2 of the Town Code: this is particularly applicable to the proposed Town-owned open space. Monitoring and maintenance standards for the open space area are recommended to ensure its preservation. The Board is asked to consider three possible trail locations: a trail along the western property boundary from Rolling Meadows to Hubbs Road; a trail from the proposed subdivision to the Rolling Meadows site across the proposed sewer connection; a trail along the Hubbs Road right-of-way. Connection with Heidi's Path is viewed as significant. The plan must reference inclusion in the Longkill I park district.

Mr. Myers, Director of Building and Development provided several comments regarding this application, reporting that it does not appear that his previous comments have been addressed. Commenting on Section 6.3, Mr. Myers states that "pocket ponds are not a desirable practice" and he notes that such ponds will be eliminated as acceptable by the town in the near future. The drainage area of 15 acres does not support the use of a pocket pond in at least one case since they have a maximum allowable area of 5 acres. A re-submission with revised practices will be required. Both basins are required to have safety benches since they are over 4 feet deep. Mr. Myers requests that the applicant clarify the issue of who will be responsible for maintenance of the drainage and erosion control systems. A meeting with the Director of Building and Development is required prior to start of construction.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the revised project plan for this application and offered the following comments. The following comments from the October 17, 2007 remain to be addressed. It is recommended that a multi-use pathway or other suitable pedestrian connection such as a combined gravel path/utility and storm water management access road be provided from Rolling Meadows to the proposed internal subdivision road. Legal mechanisms and potentially physical measures such as post and rail fencing to restrict disturbance of the federal wetlands within the lots should be provided. Maintenance measures to ensure that the fields remain open and not revert back to wooded conditions should be discussed with the Planning Board and Town's Open Space Coordinator. Deed restrictions should be established such that the principal building for Lot #1 is located on the new Town road

and west of Wetland #2. Only agricultural uses shall be permitted over the remainder of the lot. The owner of the lands to the west of Lot #21 Winkle Way should be identified since the water and sanitary sewer connections are proposed through this lot. Any public utility (sewer, water main, hydrant, etc.) shall be no closer than ten feet from a private property lot line unless an easement to the owner of the respective utility is being provided. The sanitary sewer extension should include an easement to the Saratoga County Sewer District within the proposed Town lands. The proposed hydrant spacing and location should be reviewed with the Bureau of Fire Prevention. Engineering reports for the proposed water main and sanitary sewer extensions should be provided for review. The homes with walkout basements should be indicated on the plan. A street light oriented over the proposed roadway should be provided.

Mr. Grasso reported that Clough, Harbour, and Associates offered the following additional comments. There is concern with the use of the "dry swale" and the creation of a low area immediately adjacent to the proposed house on Lot #12. The need for the swale and the proximity to the proposed home should be reviewed. The hatched disturbance limits of the wetlands should include acreage of disturbance. The proposed finished floor elevations should be depicted on the grading and drainage plan. The solid hatch over the proposed building footprint may be covering the text. The labels for the sanitary sewer service and the water service on the Layout and Material Plan are not in the correct location. The proposed split rail fence around the storm water management areas is typically not provided for basins to be owned and maintained by the Town. The need for the fencing should be discussed with Steve Myers, Storm Water Management Officer of the Town of Clifton Park. The separation between the 15" HDPE culvert and the closed storm sewer system at STA 10+25 should be verified. The outline of the proposed sediment basin and approximate dimensions should be shown on the Erosion and Sediment Control Plan. Additional detail of the proposed sanitary sewer force main connection to the existing sanitary sewer manhole should be provided.

Clough, Harbour, and Associates reviewed the Storm Water Pollution Prevention Plan dated December 2007 and offered the following comments:

- The construction sequencing described in the Storm Water Pollution Prevention Plan should correspond to the phasing depicted on the erosion and sediment control plans.
- Section 6.3 – Pocket ponds are not a desirable practice and will be eliminated as acceptable by the town in the near future. The drainage area of 15 acres does not support the use of a pocket pond in at least one case since they have a maximum allowable area of 5 acres. A re-submission with revised practices will be required.
- Both basins are required to have safety benches since they are over 4 feet deep. "Bulges" in silt fence signifying the need for sediment removal is very subjective and should be left to the 1/3 the height of the fence. Provide a construction phasing plan to ensure work is in compliance with the permit.

Mr. Quinn, Chairman of the Environmental Conservation Commission, reported that the ECC found that the revised project plan satisfactorily addressed their comments and recommendation.

Mr. Emad Andarawis, 67 Hubbs Road, spoke from the audience, commending the Board for preserving the natural character of the western portion of this 66 acre parcel along Hubbs Road. He thanked members of the Planning Board as well as the applicant and consultant for working to protect community resources and provide open space for Town residents. Mr. Bulger commented that astute, well-presented comments from interested Town residents had a significant impact on Cloverdale Meadows' final design plan – a design that balances development rights with preservation of the Town' natural resources.

Mr. Larkin offered several comments regarding the application. Referencing comments provided by Clough, Harbour, and Associates regarding drainage and ponding that occurs behind properties along Heidi's Path, he recommended that the applicant provide a 10' easement that would provide for maintenance of drainage corridors. Mr. Grasso agreed, though he recommended that such an easement be 25' wide. Mr. Larkin stated that he had previously supported a looped water system, though he would defer to the Clifton Park Water Authority's recommendation that such a connection not be required. He asked that the Clifton Park Water Authority's comment letter be provided to him. He also requested that substantial berming and landscaping be provided along Hubbs Road between Lots #1 and #2. Ms. Thorne commented that she would prefer a gravel surface for the proposed multi-use trail connections – particularly the one to be constructed over the sewer connection from the proposed subdivision to Rolling Meadows. She also supported the trail connection to Heidi's Path and suggestion regarding appropriate directional signing along trail links. Mr. Larkin supported the recommendation that a gravel surface be used for paving of the trail, though he commented that a number of mature trees and a drainage ditch may preclude development of a trail from the proposed subdivision to Heidi's Path. Ms. Maynard stated her support of such a trail connection: Mr. Lansing, however, confirmed Mr. Larkin's observations, reporting that there is a "ravine" area along Hubbs Road in this area. Mr. Kramer applauded the applicant for working with the Board to create a desirable subdivision. He also commended Mr. and Mrs. Andarawis for their diligent efforts to protect open space and ensure that the Town's rural character is preserved.

Mr. Bulger asked the Board to consider Clough, Harbour, and Associates' comment regarding maintenance measures to ensure that the existing open fields remain open and not revert back to wooded conditions. Mr. Grasso recommended that the Town assume such a responsibility. Ms. Maynard commented that the Town must be aware of the required maintenance, perhaps encouraging agricultural usage via lease with a local farmer or by cutting and mowing by Town employees. Mr. Grasso recommended that the Board require that the applicant cut the field one last time prior to its conveyance to the Town. Mr. Bulger requested clarification of Clough, Harbour, and Associates' comment regarding the "dry swale" and "the creation of a low area" immediately adjacent to Lot #12. Mr. Lansing explained that the swale and low area were provided to direct drainage to the management areas. Mr. Grasso asked that a note be added to the plan that states that the homeowner will be responsible for maintenance of these areas. Mr. Koval asked if the land preservation areas are included in the deeds for the subdivided parcels or if reference is made to the filed map in those documents. Mr. Pelagalli stated that he would

review proposed deed descriptions to ensure that they reflect the protections intended by the Board.

Mr. Kramer moved, seconded by Mr. Bulger, 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. Werner offered Resolution #5, seconded by Ms. Thorne, to waive the final hearing for this application, and to grant preliminary subdivision approval conditioned upon satisfaction of the comments offered by the Planning Board, the Planning Department, and Clough, Harbour, and Associates. Ayes: Kramer, Larkin, Pace, Thorne, Werner, Bulger. Noes: None. Abstained: Koval.

[2007-056] **Residence Inn by Marriott** – Proposed 78,785 SF hotel and restaurant, 1740 Route 9 – Revised conceptual review.

Mr. Brian Osterhout, consultant for the applicant, presented the revised project plan for the Board's review that was last considered by the Board at its November 14, 2007 meeting. Though the plan continues to call for the construction of a 96-unit hotel and restaurant on the parcel, the plan has been slightly revised. In response to comments issued during November's meeting, the plan now includes pedestrian access to the site, a future easement to provide for connection to the parcel to the north, and relocation of the hotel building to eliminate the need for a setback variance. The applicant has requested Zoning Board of Appeals' approval of a lot width variance to allow the parcel to be considered and developed as an "integrated site".

Ms. Maynard explained that this project was reviewed by the Planning Board at its November 14, 2007 meeting at which time there was discussion related to managing storm water adequately, reconfiguring the site to provide more of a connection between proposed buildings, providing a floating easement for connection to the north, increasing screening from the Northway, and providing connections for vehicles and pedestrians within the project site and to adjacent sites. Though the plan now shows a cross access easement to the northwest corner of site, it is recommended that the applicant consider relocating it to more central portion of site to promote its actual use should the site to north be developed in the future. Ms. Maynard emphasized the importance of providing meaningful integration of the two different proposes uses on the site. Pedestrian connections are now shown on plans; however, it is recommended that "walkable" connections to destinations in the area – such as Parkwood Plaza – be considered. The applicant was also asked to consider installation of a pedestrian connection to the adjoining Holiday Inn Express. The speaker noted that NYSDOT, as a general rule, encourages such connections along state-regulated routes. She recommended that the consultant request recommendations regarding pedestrian accommodations from NYSDOT.

Mr. Steve Myers, Director of Building and Development, provided two comments regarding this application. He noted that parking to the rear of the site now appears

compliant. He is awaiting application for the lot width variance that must be approved by the Zoning Board of Appeals and the Storm Water Pollution Prevention Plan for review.

Mr. Grasso reported that the following comments from Clough, Harbour and Associates' November 7, 2007 review letter remain to be addressed. A traffic impact study should be prepared and submitted for review. Coordinated review with NYSDOT should be initiated. It is expected that the hill along the Northway may substantially screen views into the site, though this expectation should be confirmed through photo-simulations or cross-sections.

Mr. Grasso provided the following additional comments provided by Clough, Harbour, and Associates. Given the anticipated elevation of groundwater across the project site (indicated by extent of on-site wetlands), the engineering firm has significant concern that the size, location and elevation of the proposed storm water management area will be sufficient to address the storm water impacts associated with the project. It is expected that approximately one acre along the west side of the site will be required for storm water management. Soil investigation results, including documentation of groundwater levels, should be provided. The proposed use of a retaining wall and assumed guide rail directly along the edges of travel lanes does not provide an appropriate design solution. There is concern with the location of the proposed 30' wide easement to the lands to the north. It is recommended that the easement be proposed as a "floating easement" allowing for the future connection to be more flexible with the adjacent property. The northern radius of the proposed curb cut appears to encroach on the northern property line. The location of the existing sidewalk along Route 9 should be depicted on the plan. The conceptual grading does not meet ADA requirements along the sidewalk adjacent to the entrance drive and from the handicap accessible parking spaces to the proposed restaurant. The proposed slopes in these areas should be revised when the grading is progressed. The location of handicap parking and no parking stalls should be carefully located to allow for the required signage to be installed. The plan should indicate to whom the existing utility easement across the site has been granted to. A commitment letter for service and an engineer's report for the proposed connection to the municipal sanitary sewer system should be provided.

Mr. Grasso offered some general comments as well, stating that it appears that the use of the site is "intense". The current site plan does not appear to reasonably or creatively integrate the proposed uses. Grading and storm water management plans should consider the site's proximity to the "upper reaches" of the Bear Brook.

Mr. Quinn explained that, after review of information presented concerning this application, the ECC reiterated the following comments. In keeping with the recommendations and goals of the Town Comprehensive Plan, the applicant is encouraged to retain existing vegetation and/or the use of landscaping and grading to provide visual and auditory buffering between the project and the Northway. The ECC recommends that a 50' buffer be maintained between the project site and the stream to the south. As proposed, the project has as little as a 7' buffer in some areas along the corridor. This water body is a tributary to the Dwaas Kill. Additionally, the ECC recommends the following. The ECC requests that the applicant more clearly identify what is being considered as jurisdictional and non-jurisdictional Wetlands. The areas used to calculate percentage of green space should be clearly shown.

Board members discussed a number of issues of concern. Mr. Bulger asked that the applicant consider ways to limit impacts to the existing stream corridor to the south. Mr. Larkin expressed his concern regarding impacts to this stream as well, observing that driving lanes were proposed within 50' of the stream, threatening silting and contamination from vehicular fluids and snow plowing. He recommended that the applicant consider "flipping" the building on the site to place the larger section of the hotel to the north. In response to Ms. Thorne's question regarding the height of the retaining walls, Mr. Osterhout explained that grading plans have not been finalized: it appears that the walls will be 4 feet high in some areas. Ms. Thorne also observed that the proposed dumpster location was in close proximity to the stream. Mr. Werner asked that the applicant provide a photo simulation of the proposed retaining wall as viewed from the Northway. He commented that the Environmental Assessment Form provided indicated that the applicant believes that thirty-nine (39) trips will be generated by the site. In his view this is a conservative estimate. Mr. Osterhout stated that a traffic report will be provided to more definitely determine traffic impacts. In summary, Mr. Bulger stated that it appeared that the Board had several concerns regarding the site plan design including, but not limited to, impacts to the adjoining stream corridor, reasonable pedestrian connections within the site and to adjoining and area destinations, adequate storm water management, mitigation of visual impacts to the Northway corridor, location of the dumpster, and establishment of a cross-easement with the property to the north.

[2007-054] **Morrissey, Geoff** – Proposed 14,000 SF industrial space in (2) buildings, 183 Ushers Road – Revised conceptual site plan review.

Mr. Koval recused himself from any discussion or vote on this application, stating that he worked with the applicant's wife.

Mr. Scott Lansing, consultant for the applicant, presented the revised project plan for the Board's consideration, explaining that the original project proposal that called for the construction of 14,000 SF of "industrial space" has been modified. The proposed 4,000 SF building proposed to the northwestern portion of the site has been eliminated. Construction of the 10,000 SF of space to be used for the retrofitting of emergency service vehicles is to be constructed. Storm water management areas have been relocated outside the wetland buffer area. Mr. Lansing explained that the applicant is pursuing site plan approval for the proposed two (2) new buildings from the Town of Halfmoon Planning Board. Mr. Lansing noted that, although the original proposal was disapproved by the Saratoga County Planning Board on October 18, 2007, the revised plan received approval from that Board at its December 20, 2007 meeting. In response to Clough, Harbour, and Associates' comment regarding the "temporary parking area," Mr. Lansing explained that the area will be identified as a "permanent parking area" in future submissions.

Ms. Maynard offered comments prepared by the Planning Department, stating that this application was reviewed by the Board at its October 23, 2007 meeting. The issues at that time generally focused upon the proximity of the proposed 4,000 SF storage building and storm water management areas to delineated wetlands and buffers and

coordination of review with the Town of Halfmoon. She noted that correspondence from the Saratoga County Planning Board indicates that the revised plan is acceptable. Ms. Maynard supports Mr. Myers' recommendation that site development be overseen by the Town of Halfmoon. She noted that the project plan has been substantially improved with removal of proposed storage garage in back portion of site. Impacts to the LC (Land Conservation) area, however, remain a still concern, though driveway and roadway crossings are permitted uses in these areas. The speaker recommended that the Board consider the proposed use [truck storage] within the upland area since there would be concern with contaminants draining to the wetland areas. It is recommended that Halfmoon assume responsibility for site inspection for both towns since most construction will occur within Town of Halfmoon boundaries. The Town of Halfmoon has verbally agreed to this: Mr. Myers will formalize the agreement. Rationale for the excessive number of proposed parking spaces should be provided or the number of spaces reduced.

Mr. Steve Myers, Director of Building and Development, recommends that because the buildings are entirely located in the Town of Halfmoon the entire project be inspected by Halfmoon: compliance with two municipalities is cumbersome. The wetland issues previously identified have not yet been addressed. Septic and storm water issues persist due to the presence of wetlands.

Mr. Grasso reported that Clough, Harbour, and Associates prepared comments based upon the revised plan submitted by the applicant. The previously proposed building located within the Town of Clifton Park that necessitated the impacts to the Land Conservation District has been removed from the current site plan. The currently proposed gravel parking areas, septic system, and storm water management area are located outside the Land Conservation District with the exception of the existing access drive. In general, Clough, Harbour, and Associates views the revised concept plan as a significant improvement over the original plan. The applicant's consultant should qualify the proposed "temporary parking area" and identify at what point it will not be needed or will be removed. The perpetual protection of the significantly constrained northwestern portions of the site and the prevention of long term incremental impacts in this area remains a concern. The following previous comments remain to be addressed. The sight distance at the proposed driveway location should be verified. A detailed parking analysis should be provided documenting the proposed square footage of each use. The number of employees should be provided to determine if adequate parking is proposed. Handicap accessible parking should be provided and a site lighting plan should be included in the preliminary plans

Mr. Quinn stated that, after review of data presented at its January 2, 2008 meeting, the ECC reiterated the following comment. Due to the conflicting codes, the ECC encourages the Planning Board to work with the Town of Halfmoon to protect the 100-foot LC Zone in the Town of Halfmoon. Additionally, the ECC made the following recommendations. The ECC requests that the applicant more clearly delineate the LC Zone boundaries for both the A and B Wetland Zone. As it appears, this project is within the 100-foot LC Zone bounds for both wetlands. The ECC requests that the applicant provide a site location map.

Mr. Larkin expressed concerns regarding the proposed parking area, stating that since the area lies in close proximity to wetlands, measures to contain and treat potential hazardous fluid spills should be incorporated into the plan. He recommended that the area be paved with concrete. Other Board members were concerned that the identified parking area would become a “junk yard” or storage area for abandoned vehicles. Consultation with Steve Myers was recommended to determine if notes on the plan regarding such vehicle storage would be required. Board members found the plan more acceptable than the one previously submitted.

[2005-018] **DCG Development Co.** – Proposed 25,600 SF mixed use commercial, Sitterly Road and Crossing Boulevard – Revised conceptual site plan review.

Mr. Joe Dannible, consultant for the applicant, explained that the application for site plan approval of a mixed use facility at the intersection of Sitterly Road and Crossing Boulevard originally proposed by DCG Development Company has been revised. He distributed a drawing of the proposed Sitterly Road-Crossing Boulevard intersection improvements. The amount of proposed commercial development on the site has been reduced: the plan now calls for the development of 25,600 SF of building area in two buildings: a 3,600 SF service station/convenience store with a drive thru and a 22,000 SF mixed-use retail building. A “product delivery” and service area are accessed via the northernmost curb cut on Crossing Boulevard. Though code requirements call for the installation of 122-128 parking spaces, the plan provides 150 spaces. The plan indicates that connection to the Halfmoon Water system will be made to an existing line at the intersection of Sitterly Road and Cindy Lane. Green space, including the storm water management areas totals more than 35% of the site area. More than 45% of the area would be considered green space if the strip of land along Sitterly Road to be conveyed to the Town was included in the calculations. Road improvements call for the construction of right turn lanes on both Sitterly Road and Crossing Boulevard.

Ms. Maynard reported that this application was last reviewed by the Planning Board at its October 11, 2006 meeting at which time there was discussion related to traffic safety and need for a traffic study, proximity the proposed gas station to the Colonie Channel primary aquifer, documentation related to prior disturbance of the ACOE wetlands, excessive parking spaces on site, and pedestrian connections to area residences and businesses. Site development has now been reduced from 31,400SF to 27,000SF. Intersection improvements at the Sitterly Road - Crossing Boulevard intersection have been proposed in separate application. It is recommended that the applicant consider the removal of eight (8) parking stalls near the entrance as well as ten (10) spaces located closest to Crossing Boulevard in an effort to improve traffic circulation through the site. Ms. Maynard asked that the applicant consider the elimination or banking of excess parking spaces or the use of grass pavers for the overflow area. Though the plan includes an existing sidewalk along Crossing Boulevard side of the site, it is recommended that this walk way be replaced or widened to meet the current 8-10’ wide multi-use standard. Ms. Maynard also recommended that a pedestrian connection be provided to the Twin Lakes Apartment complex. An updated traffic study

that incorporates proposed intersection improvements is requested. Clarification of the proposed water service connection is requested since the applicant is now pursuing approval for connection to the Town of Halfmoon water system. Any correspondence or information regarding prior disturbance of the wetlands delineated on the parcel should be submitted for review. It is noted that when commercial development is proposed within 100 feet of a residential zone, a 100-foot buffer shall be maintained and supplemented as deemed appropriate by the Planning Board. Sign-off by the Saratoga County Sewer District is required.

Though Mr. MacElroy, representative for the applicant has suggested that the applicant will work with the Town of Halfmoon to establish pedestrian connections between this site and the Twin Lakes apartment development, Mr. Larkin stated his dismay that DCG Development Company did not provide such a connection when it owned the complex.

Mr. Steve Myers, Director of Building and Development, provided the following comments regarding this application. The proposed sign must be 15 feet back from the property line and no larger than 20 square feet in size. The road for product delivery is within the 20' parking setback: a variance will be required. Since it appears that this road will serve as emergency access, it must be 20' wide and able to support a vehicle weighting 75,000 pounds. A full Storm Water Pollution Prevention Plan will be required. Underground storm water management is shown in a wetland disturbance area: this may not be viable. Permits for the work within the wetlands will be required from the appropriate agency prior to the start of construction.

Mr. Grasso explained that Clough, Harbour, and Associates' review of the project plan produced in the following comments. The speaker reported that Clough, Harbour, and Associates had previously reviewed a traffic study completed by Creighton Manning Engineering and forwarded comments regarding the study to the applicant's consultant under separate cover. He asked that the applicant's consultant contact his office to discuss the possible need for traffic control modifications along the Crossing Boulevard. A note on the revised site plan indicates that intersection improvements are being proposed under a separate application. The applicant should discuss the status of the application with the Planning Board. The intersection improvements should be constructed prior to the issuance of a certificate of occupancy for the proposed project. In general, the proposed site design appears well designed. Due to queues associated with the signal, the closest access drive to the signal is typically restricted to rights in/rights out and the further access drive is permitted as full access. The acceptability of the location of the full access drive will be based on projected queue lengths along Crossing Boulevard during peak hours or adjacent street traffic. This data should be provided. The service drive aisle along the northern property boundary is located within the 20' side yard parking setback. The Code Enforcement Officer should determine if the access drive is permitted within the setback. Pedestrian facilities within the project site should be provided. The facilities should include a concrete sidewalk across the project site's frontage extending to the residential properties to the east and across the Crossing Boulevard. The plan depicts an underground storm water management area within the limits of a previously disturbed wetland. The appropriateness of an underground facility in this area and possible groundwater impacts should be investigated. The plan depicts 22 spaces parking spaces more than the amount required by the code. Justification for the increase in parking should be provided. If spaces can be eliminated it is recommended

that the eight spaces north of the gas canopy be removed or used as green space until such time their construction is warranted by actual use. The proposed identification sign should be setback a minimum of 15' from the property line. The location of the underground fuel storage tanks should be shown on the plan. The applicant will need to obtain NYSDEC permits for the construction of underground fuel storage tanks. The design should incorporate the required spill prevention volume capacity. The proposed striping indicates the northern access drive will be rights-in and rights-out. A curbed median restricting left turns should be provided.

Mr. Grasso noted that preliminary plans should address the following issues. The appropriateness of the location of the "No Parking" signs should be reviewed. The site statistics table contains two different minimum building setback requirements. The appropriate setbacks for the zoning district should be provided. The location of the proposed hydrant should be reviewed by the Chief of Fire Prevention. The location of the proposed sanitary sewer service should be depicted on the plan. A detailed signage plan should be provided for review. Access to the proposed dumpsters between the service station and retail building should be reviewed.

Mr. Quinn reported that, after review of data presented at the January 2, 2008 meeting, the ECC made the following recommendations. The applicant should clearly identify the locations of any aquifers or recharge areas on the site map. The ECC recommends that the applicant clarify the location of the gasoline storage vessels.

Discussion regarding the application focused on traffic issues. Mr. Werner asked that a copy of the traffic report be made available to him. In response to his question regarding whether access from Sitterly Road had been considered, Mr. Grasso stated that Clough, Harbour, and Associates did not support access along Sitterly Road mainly because of wetland impacts. Clough, Harbour, and Associates did, however, request improvements to the exiting left turn lane from Sitterly Road to Crossing Boulevard. Mr. Werner recommended that the signals at the intersections of Sitterly Road and Clifton Park Center Road and at Sitterly Road and Crossing Boulevard be synchronized. Both Mr. Larkin and Mr. Koval expressed concerns with traffic flow in the area. Ms. Pace stated that she preferred the revised lay-out better than the original design plan. Mr. Bulger explained that the Town is overseeing the construction of road improvements because existing conditions are being improved. Funding for the upgrades will be provided by DCG Development Company.

[2007-045] **Steam Plant** – Proposed 13,335 SF addition to existing facility, 900 Commerce Drive – Revised preliminary site plan review and possible determination.

Mr. Dan Proper, consultant for the applicant, explained that, in response to comments and recommendations provided the December 11, 2007 meeting, the plan has been revised to include a 20' wide fire access drive to the east of the proposed addition and a walkway from the parking lot to Commerce Drive. A report by the National Heritage agency has been submitted that substantiates the fact that no endangered species are found on the site. The report does, however, recommend the planting of landscape materials that would encourage the reintroduction of Karner blue butterflies to the area.

Ms. Maynard provided Planning Department comment, explaining that this project was before the Planning Board at its December 11, 2007 meeting. Discussion at that time related to the slight reconfiguration of the parking area, storm water management, and follow up related to NYSDEC correspondence regarding the potential that endangered species could be found in the vicinity of the site. Board members agreed that sign-off would be required from the NYSDEC Endangered Species Unit prior to the issuance of a negative declaration pursuant to SEQRA for the project. Ms. Maynard reported that she had met with NYSDEC representative Kathy O'Brien at the site. During that visit and in correspondence following that visit, Ms. O'Brien confirmed that there was no longer evidence of the Karner blue butterfly or other endangered species present on the site. In fact, the highly wooded site is not likely to support either endangered species or habitat. Ms. O'Brien did recommend that a portion of the open space area be planted and maintained with native vegetation that could be potential habitat for the species: a proposed area relating to this is now shown on the plans. Ms. Maynard noted that the Planning Department was in receipt of correspondence from Saratoga P.L.A.N. and she summarized the content of the e-mail for those in attendance. A copy of the correspondence is attached to these minutes. A façade rendering has been submitted for review.

Mr. Grasso reported that Clough, Harbour, and Associates found the revised plan generally acceptable.

Mr. Quinn stated that ECC found that all concerns had been adequately addressed.

Board members agreed that the plan appeared acceptable. Mr. Bulger asked that Ms. Maynard and/or other representatives of the Town meet with officials from Saratoga P.L.A.N. to determine if a reasonable endangered species management plan can be developed and implemented.

Mr. Werner moved, seconded by Mr. Bulger, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. Ayes: Kramer, Larkin, Pace, Thorne, Werner, Bulger. Noes: None. Abstained: Koval.

Mr. Kramer moved, seconded by Ms. Thorne, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by the Planning Department and Clough, Harbour, and Associates. Ayes: Kramer, Larkin, Pace, Thorne, Werner, Bulger. Noes: None. Abstained: Koval.

New Business

[2008-003] **Komoroski, David** – Ashdown Road – Proposed (3) lot subdivision – Conceptual review.

Mr. Scott Lansing, consultant for the applicant, presented this application for the Board's consideration, explaining that the plan calls for the subdivision of 26.3 acres of

land on the east side of Ashdown Road south of its intersection with Wayto Lane into lots of 10.96 acres, 12.89 acres, and 2.52 acres, respectively. The smallest lot contains an existing residence. The parcel is located within the CR (Conservation Residential) zone and complies with all zoning requirements. The proposed residences will be served by individual wells and septic systems. The total constrained land on the site is 17.44 acres. The amount of deed restricted open space is 20.74 acres. 3.3 acres of the permanently protected open space is identified as unconstrained land: this amounts to 36.9% of total unconstrained lands within the project site.

Ms. Maynard explained that the proposed subdivision is generally acceptable. Verification of the adequacy of available sight distances must be provided. The applicant must confirm that open space will be held in private ownership and appropriate notes assuring protection of open space areas must be included on the plan. An additional note on the plan should list the approved uses for privately owned open space.

Mr. Steve Myers, Director of Building and Development, reported that the proposed subdivision appears to meet CR (Conservation Residential) requirements.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed this application. 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. The parcel is located within the limits of the Western Clifton Park GEIS Study Area. The subdivision appears to be in compliance with Section 208-16E(2)(b) which pertains to subdivisions within the CR (Conservation Residential) zoning district. The project will be required to comply with the GEIS statement of findings and mitigation fees will be applicable. Test pit and percolation test results noted on the plan appear to indicate that the parcel is acceptable for the installation of raised individual septic systems. The septic systems should be designed by a licensed New York State Professional Engineer and included with the final plans unless specifically waived. If a waiver is sought, it must be identified on the final plans and the Town's standard notes must be added. The locations of utilities on the property to the north must be provided. The driveways to Lots #2 and #3 are near the crest of a hill. The adequacy of sight distance from left turning vehicles from Ashdown Road into the driveways must be verified. The label for the proposed open space should be revised to read "limits of proposed deed restricted land conservation area" and the Town's standard notes for land conservation areas added to the plans. The description of the unconstrained permanent open space in the notes column should read "36.9% of total unconstrained lands within the project site", not "36.9% of permanent open space".

Mr. Quinn reported that the ECC recommended that the following standard statements be added to the plot plan:

- 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 construction ends and soils are stabilized.

- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.
- 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.

Board members found the subdivision proposal generally acceptable.

[2008-001] **Omnipoint Communications, Inc.** – Proposed co-location on CPWA water tower, 51 Castle Pines Road – Conceptual site plan review.

Mr. Jeff Davis, legal representative for the applicant, reported that this application represents the “second part of a four (4) site upgrade” of services within the Town of Clifton Park. He stated that he and Onnipoint Communications representatives have been working with Professor William Johnson, the Town’s consultant, to prepare a project plan that will be acceptable to the Board. Presenting a letter addressed to Board members and illustrative propagation maps indicating coverage areas, Mr. Davis described the application in detail. The site selected for the proposed co-location is described “as essential in the effort to minimize the number of neighboring sites require throughout the remaining un-served portions of Clifton Park.” Mr. Davis explained that a lease was established with the Clifton Park Water Authority in October, 2007. Mr. Davis, noting the “simplicity” of the proposed site addition, provided development details. The antenna will be painted to match the existing colors; equipment will be installed within the existing cabinet structure; a generator will be provided by another co-locator at a later date. Mr. Davis reported that the applicant is considering additional co-location sites throughout the Town.

Ms. Maynard explained that the application presented to the Board seeks approval for a co-location on the Clifton Park Water Authority’s Knolltop water tower for T-Mobile. Antennas for Sprint and Nextel (now merged) are currently located on the tower. The speaker read excerpts from Professor Johnson’s report. This report concluded that “at base level the applicant has demonstrated a need for the co-location with data provided.” It also recommended that “for SEQRA segmentation avoidance and to promote Board and staff understanding of the carrier’s wireless network, further information related to how this site fits within the carrier’s wireless network and discussion of any future proposed sites should be shared.” The consultant also recommended that a propagation plot illustrating actual as well as anticipated neighboring sites operating with (proposed) and without (existing) the Castle Pines site be prepared and submitted for review.

Ms. Maynard reported that Tom McCarthy and Paul Pelagalli, Town Attorneys and Steve Myers, Director of Building and Development, agreed that since the water tower has existing carriers that had indirectly received a variance permitting installation

within 500 feet of a residence, this application will not require Zoning Board review. The color of antennas should match the existing silver/grey antennas on the tower.

Mr. Steve Myers, Director of Building and Development, determined that a setback variance to permit installation of equipment within 500' of a residence from the Zoning Board of Appeals would not be required for this co-location application because previous court decisions determined that such co-locations were to be permitted. A Building Permit and structural evaluation to verify the ability of existing facility to support further equipment are required.

Neither Clough, Harbour, and Associates nor the ECC provided comment on this application.

Mr. Davis responded to Ms. Pace's question regarding the use of a generator on site by explaining that the applicant before the Board will not be permitted to install a generator on site. It is expected that a future applicant will provide this equipment. Ms. Thorne questioned the reference to a "whisper quiet" generator and supported the installation of such equipment since noise levels in the area of Kinns Road Park should be minimized. Mr. Bulger stated that since the location of telecommunications equipment in this area has generated controversy in the past, the Board should consider requiring a public hearing for this application. Board members found the plan generally acceptable, though they agreed that requiring a public hearing would be reasonable.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Larkin, approval of the minutes of December 11, 2007 as written. Ayes: Kramer, Larkin, Thorne, Werner, Bulger. Noes: None. Abstained: Pace, Koval.

Discussion Items:

Pal's Early Childhood Care and Learning Center – Playground Expansion

Ms. Maynard reported that the Pal's Early Childhood Care and Learning Center located on Crossing Boulevard has requested expansion of its playground. The area considered for the expansion contains an emergency access drive. Ms. Reed, Chief of the Bureau of Fire Prevention reported that she conditionally supported the request and that the Emergency Services Appeals Board found it acceptable. The Department of Children and Family Services also supports the proposal. The following conditions must be met: gates will be locked at all times; no playground equipment placed in access road; children will be supervised according to required ratios; the emergency evacuation plan will require that children not be evacuated to the playground area, but to a designated meeting area as indicated in an approved fire and safety plan. Fire District #1 has conditionally approved the proposal.

Board members agreed that since a number of agencies and departments had offered comment on this request, it would be prudent to place it on the agenda for formal site plan review.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 11:55p.m. The motion was unanimously carried. The meeting of the Planning Board scheduled for January 23, 2008 has been canceled. The next meeting will be held as scheduled on February 12, 2008.

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, Tom McCarthy, 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.

NOTICE OF DECISION

Resolution #1

Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on January 8, 2008 there were:

Present: S. Bulger, Chairman, J. Koval, A. Kramer, J. Larkin, S. Pace,
J. Thorne, T. Werner

Absent: None

Ms. Thorne offered Resolution #1, and Mr. Kramer seconded, and

Whereas, an application has been made to this Board by Ronald and Lisa Crowell for approval of a subdivision plat entitled Boundary Line Agreement: Lots 1 & 3 Dorchester Street, Park Lane Estates – Phase I consisting of the transfer of 240 SF of land from Lot #1 Dorchester Street to Lot #3 Dorchester Street and the reciprocal transfer of 240 SF of land from Lot #3 Dorchester Street to Lot #1 Dorchester Street;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on January 8, 2008;

Whereas, the Planning Board established itself as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on January 8, 2008;

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

Now, therefore, be it resolved that the final hearing is waived and the subdivision plat entitled Boundary Line Agreement: Lots 1 & 3 Dorchester Street, Park Lane Estates – Phase I consisting of the transfer of 240 SF of land from Lot #1 Dorchester Street to Lot #3 Dorchester Street and the reciprocal transfer of 240 SF of land from Lot #3 Dorchester Street to Lot #1 Dorchester Street is hereby granted preliminary and final subdivision approval.

Resolution #1 passed 1/8/08

Ayes: Koval, Kramer, Larkin, Pace, Thorne, Werner, Bulger

Noes: None

Steven J. Bulger,
Chairman

NOTICE OF DECISION**Resolution #2****APPROVAL****Special Use Permit**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on January 14, 2008 there were:

Present: S. Bulger, Chairman, J. Koval, A. Kramer, J. Larkin,
S. Pace, J. Thorne, T. Werner

Absent: None

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

Whereas, an application has been made to this Board by Richard and Janie Garnett for approval of Special Use Permit #80681 to permit accessory use of a building in an R-1 zone pursuant to Section 208-10B(9)(a)[2] of the Town Code; and

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on January 8, 2008 in the Town Office Building; 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; and

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

Now therefore, be it resolved that the application of Richard and Janie Garnett for approval of Special Use Permit #80681 to permit accessory use of a building in an R-1 zone pursuant to Section 208-10B(9)(a)[2] of the Town Code by is hereby approved.

Resolution #2 passed 1/8/08

Ayes: Kramer, Larkin, Pace, Koval, Thorne, Werner, Bulger

Noes: None

Steven Bulger,
Chairman

NOTICE OF DECISION**Resolution #3****APPROVAL****Special Use Permit**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on January 14, 2008 there were:

Present: S. Bulger, Chairman, J. Koval, A. Kramer, J. Larkin,
S. Pace, J. Thorne, T. Werner

Absent: None

Mr. Larkin offered Resolution #3, and Mr. Koval seconded:

Whereas, an application has been made to this Board by Joseph Mertik for approval of Special Use Permit #80685 to permit the construction of a two-family dwelling in an R-1 zone pursuant to Section 208-79 of the Town Code; and

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on January 8, 2008 in the Town Office Building; 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; and

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

Now therefore, be it resolved that the application of to permit by Joseph Mertik for approval of Special Use Permit #80685 to permit the construction of a two-family dwelling in an R-1 zone is hereby approved.

Resolution #3 passed 1/8/08

Ayes: Kramer, Larkin, Pace, Koval, Thorne, Werner, Bulger

Noes: None

Steven Bulger,
Chairman

NOTICE OF DECISION

Resolution #4

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 January 8, 2008 there were:

Present: S. Bulger, Chairman, J. Koval, A. Kramer, J. Larkin, S. Pace,
J. Thorne, T. Werner

Absent: None

Ms. Thorne offered Resolution #4, and Mr. Larkin seconded, and

Whereas, an application has been made to this Board by Parkland Development for approval of a subdivision plat entitled Subdivision of the Lands of Parkland Townhomes consisting of (24) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on January 8, 2008;

Whereas, the Planning Board established itself as Lead Agency for this application and a negative declaration was issued pursuant to SEQRA on January 8, 2008 since verification of the wetland delineation from the Army Corps of Engineers has been received, the Fire Code Appeals Board has issued a conditional approval of the proposed multi-use pathway/emergency access, substantial landscaping will be provided between the proposed development and existing residences on Sterling Heights Drive, and storm water will be managed in accordance with all local and state statutes;

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

Now, therefore, be it resolved that the final hearing is waived and the subdivision plat entitled Subdivision of the Lands of Parkland Townhomes consisting of (24) lots; is hereby granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department, professional staff, and Clough, Harbour, and Associates.

Resolution #4 passed 1/8/08

Ayes: Kramer, Larkin, Pace, Thorne, Werner, Bulger

Noes: None

Abstained: Koval

Steven J. Bulger,
Chairman

NOTICE OF DECISION**Resolution #5****Preliminary 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 January 8, 2008 there were:

Present: S. Bulger, Chairman, J. Koval, A. Kramer, J. Larkin, S. Pace,
J. Thorne, T. Werner

Absent: None

Mr. Werner offered Resolution #5, and Ms. Thorne seconded, and

Whereas, an application has been made to this Board by Kurt Kienast for approval of a subdivision plat entitled Cloverdale Meadows consisting of (17) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on January 8, 2008;

Whereas, the Planning Board established itself as Lead Agency for this application and a negative declaration was issued pursuant to SEQRA on January 8, 2008;

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

Now, therefore, be it resolved that the final hearing is waived and the subdivision plat entitled Cloverdale Meadows consisting of (17) lots is hereby granted preliminary subdivision approval conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, and Clough, Harbour, and Associates.

Resolution #5 passed 1/8/08

Ayes: Kramer, Larkin, Pace, Thorne, Werner, Bulger

Noes: None

Abstained: Koval

Steven J. Bulger,
Chairman