

3/25/08



Planning Board Meeting
March 25, 2008

Those present at the March 25, 2008 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, J. Koval, E. Ophardt, J. Larkin,
J. Thorne,

Those absent were: S. Pace, T. Werner

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

Mr. Bulger, Chairman, called the meeting to order at 7:15 p.m.

Mr. Bulger announced that this will be Director of Planning Kate Maynard's last Planning Board meeting. She has accepted the position of the Town Planner for the Town of Wilton, her hometown. Mr. Bulger complimented her on her knowledge and understanding she has brought to the Planning Department, the Planning Board, various committees and related groups throughout the Town of Clifton Park. He thanked Kate and wished her all the best for her and her family.

Ms. Thorne thanked Ms. Maynard and stated she will be missed.

Mr. Pelagalli thanked Ms. Maynard and stated he has much respect for her knowledge.

Margaret Catalier, resident from the floor, thanked Ms. Maynard for her dedication and help with the various committees.

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Mr. Bulger announced if anyone has any questions or comments for the following projects please feel free to raise your held to be recognized.

Old Business:

[2008-013] **Hockey Hut** – Amendment to 8,500 SF hockey and ice skating training facility, 1537 Crescent Road – Site plan review and possible determination.

Mr. Tom Andress, consultant for the applicant, explained that the project was approved by the Board and currently under construction. The applicant is proposing to relocate the building and make pavement changes to make the site more efficient. He explained the foundation for the building is in place and is the same size as approved. He stated the building has been moved back 20 feet from the proposed access road. Mr. Andress reviewed the site plan of the original design as shown. Upon a meeting with Steve Myers, Building Department and Sheryl Reed, Fire Marshal, they requested a secondary access. The applicant added in a 12' wide emergency access, not to be used on a regular basis, showing a temporary easement, until such time in the future it becomes a town road. Future parking is proposed on the side. The applicant feels what is already proposed will be sufficient. Per CPWA comments, an 8" line will be installed. He explained infiltration will be used to keep water off the pavement for stormwater management and dry wells will be used for the roof. He requested the board to consider the modifications presented.

Ms. Maynard, Director of Planning, stated the applicant has reviewed Mr. Myers comments and will need to address the stormwater management concerns. The applicant explained silt fencing has been added. Ms. Maynard denoted the foundation for the building was permitted and built. She stated no further permits will be issued until either the current outstanding issues from the previous review are addressed or after new review of the building, lights and site configuration has been completed. She suggested conversations with Mr. Myers continue.

Mr. Grasso, provided comments prepared by Clough, Harbour, and Associates to the applicant prior to the meeting. Other minor comments that can be readjusted with resubmission will be addressed. Mr. Andress stated Clough, Harbour, and Associates comments have been included on the plan.

Mr. Quinn, ECC chairman, stated ECC reiterates the request for standard statement is added to the plot plan pertaining to hazardous materials stored on site. The ECC understands the applicant must be required to hook-up to public sewer as soon as it becomes available within 500' instead of 100' of the property.

Mr. Grasso explained through the Planning Board review the board requested tightening up the restriction and imposed a greater restriction on the applicant so that as soon as sewer becomes available within 100' of the site that the applicant will make the connections.

Ms. Maynard explained a Letter of Credit is being held to ensure the connection takes place as well.

Mr. Bulger questioned if 500' notices have been mailed.

Mr. Address responded yes.

Mr. Grasso stated Clough, Harbour, and Associates considers the proposed modifications an improvement to the previously approved plan.

Ms. Thorne questioned if painted directionals will be provided on the pavement.

Mr. Address explained "Do Not Enter" and "Emergency Access Only" signage will be provided.

Mr. Bulger explained the board was in agreement that the modifications are minor and improvements to the project are minor.

Mr. Larkin moved, seconded by Mr. Ophardt, to declare this an unlisted action, the Planning Board take Lead Agency for this application, conditioned upon a satisfaction of any outstanding comments offered by the Planning Board and staff and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Ms. Thorne moved, seconded by Mr. Koval, to grant preliminary and final site plan approval for this application conditioned upon a satisfaction of any outstanding comments offered by the Planning Board and staff. The motion was unanimously carried.

[2008-005] **Robinson, Wayne** – Proposed (9) lot subdivision, Glenridge Road – Revised Conceptual review.

Mr. Scott Lansing, consultant for the applicant, explained the applicant was last before this board on February 12, 2008. Mr. Lansing provided a summary of the proposal. He explained this application is approximately 21.78 acres of a 44.43 acre site on Glenridge Road. The project site is located in a CR (Conservation Residential) zone. Given the available utilities, there is a 30,000 SF minimum lot size with 80' of frontage, a 30' front yard, 10' foot side yard and 25' rear yard required. Considering the parcel constraints and considerations of the CR zone, 11 lots would be permitted. However, the applicant is only proposing (9) lots with public water and individual wastewater disposal systems. Lot sizes would range between 1.16 acres minimum and approximately 12.75 acres maximum. The applicant feels the proposal meets the CR zone requirements as far as open space and unconstrained land within the open space. During the last review the Board's primary comments were to try to cluster the plan from the original proposal. The Board requested to reduce the length of the cul-de-sac by approximately 150'. Mr. Lansing stated lots have been reconfigured within the project. Concerning the comment relating to the stormwater management, the applicant moved and expanded the stormwater management area. The applicant feels they have addressed the Planning Board's comments.

The applicant proceeded to address the concerns from comments received from Clough, Harbour, and Associates. Mr. Lansing addressed the comment about “trying to maintain a minimum lot size of five acres for lots #2 and #5 pushes the development of lots #3 and #4 to steeper parts of the site, thereby not taking advantage of considerably sized flatter portions of the site. Given the poor soils of the site which are not conducive to septic development and have greater risk of erosion impacts, we recommend the steeper parts of the site be avoided by proposed development. If the houses and septic systems on lots#3 and #4 cannot be moved to flatter portions of the site with grades less than 10% we recommend they be eliminated.” Mr. Lansing stated DOH requires septic systems be on slopes 15% or less. The applicant feels they meet DOH requirements. CR guidelines outline 20% slope or more as being constraint lands and lands not developable, are not included in the calculations. He explained a mobile slope, used on a regular basis, is a 1 on 3 slope which is a 33% slope. Clarification is requested for the recommendation of the less than 10% grades be eliminated. Mr. Lansing showed the Board the slopes on the site plan. Mr. Lansing explained no development is proposed at the site of the 33% slope. Mr. Lansing considered the Board’s comments on the proposed lots, house locations, and septic systems slope requirements. Mr. Lansing stated on the comments letter it was requested Clough, Harbour, & Associates be present during the percolation testing, the applicant would rather pay one engineer on site during that testing. Jurisdictional Determination has been performed on the site which will be added to the plans. He stated site distance verification at the proposed intersection of Glenridge Road was performed and will be added to the plans. He stated potential drainage easements within lots #5, #6 and #7 will be added to the plans. Documentation will be provided for adequate capacity of water service for the project. Mr. Lansing requested the Board’s comments and advance to preliminary review and conceptual approval.

Ms. Maynard explained this project was last considered by the Board on February 12, 2008 at which time board members noted the efficiency of the number of units with the longer linear footage of the proposed public roadway. Looking to the idea of public investment and tying in the nine units with public water makes sense financially as well as in the future. A cluster subdivision was supported to be offered as a comparison to the project. The high amount of wetlands on the site was noted as a concern. The special relation to the field systems will be required to serve units adequately. The Jurisdiction Determination was received by ACOE in terms of the wetlands on the site. The wetlands over the whole site are a concern to the number of units proposed.

Ms. Maynard offered Saratoga County Planning Board comments. After deliberation they determined the project had no significant countywide or inner community impact. Concerns noted are the limited site distance, large amount of wetlands and the proximity to the railroad tracks.

Ms. Maynard offered Mr. Myers, Building and Development, previous comments. The property is poorly drained. Either significant filling of the site to raise the houses above the water is required or constantly running sump pumps will be required. He does not support the preservation of land as “open space” simply because it has no other use.

Mr. Grasso, Clough, Harbour, and Associates, explained Mr. Lansing has outlined several comments and the greatest concerns regarding the site is the wetland constraints. The site has steeper slopes than other sites the board has seen being developed in the town, but that coupled with the poor soils are not conducive to onsite septic systems although they can get a lot of the sites developed with code compliance septic systems. The soils are slow percolating soils and groundwater is within 2' of the surface of most test pits performed throughout the site. Raised septic systems will be required. DOH's requirements are the maximum. The 10% is used as a general guideline. There are flatter areas on the site that could be considered. This may involve reducing the number of lots. When viewing the plan the applicant is trying to avoid DOH review which will be stringent given the onsite septic systems. This is forcing the two northern lots deeper into the site and onto steeper sloped areas. Ms. Grasso stated this is not a responsive plan given all the constraints on the site. The board would like to see the other two lots less than 5 acres and allow the other two northern lots pulled in closer or the two end lots eliminated. Mr. Grasso explained it is not common they go and witness perc and deep test pits. Tests were requested but no results have been seen yet. Given the constraints on the site and the level of density, it is recommended a representative of the town or DOH be present to witness the perc tests.

Mr. Quinn, Chairman of ECC, offered comments prepared by the Commission. The ECC reiterates the following standard statements of railroad and airport activity must be added to the plans. The ECC expressed concern with the revised conceptual where the stormwater basin is located against the Federal Wetlands. The Federal Wetlands should not be disturbed. If they need to be disturbed then the applicant must apply for a Federal Wetlands Permit and copy the town with related correspondence.

Mr. Larkin questioned the current length of the proposed road.

Mr. Lansing answered the current length of the proposed road is approximately 1,100'.

Mr. Larkin stated when the board was looking to pull the cluster in more it gave more room behind the houses to put the septic systems. Mr. Larkin stated he is concerned with the extent and nature of the Town Engineer's comments and would rely on CHA's judgment in terms of the potential development of the individual lots.

Mr. Lansing stated on many of the lots they have the opportunity to site the septic systems that are below the maximum slope of 15%. He stated they have moved the sites back and it is an appropriate development based on the slopes. The stated the two lots in the rear that do have 80' of frontage could be moved forward. The 10% on a grassy area is not a very steep area and consider roadway grades can be up to 10% and is not considered very steep for the roadways. A maintained area can be up to 33%.

Mr. Larkin agreed with Mr. Grasso's concerns and comments.

Mr. Lansing stated the site does have adequate soil conditions for the proposed system. It is appropriate and in accordance with DOH regulations.

Mr. Larkin questioned the preliminary and grading proposals.

Mr. Lansing explained the applicant is requesting to move to preliminary review then grading plans and septic can be conducted and demonstrated.

Mr. Larkin stated part of his concern is because of the extensive fill requirements for raised bed septic systems, by bringing the basement floors high enough in some of the locations wouldn't the grading plans for the conceptual stage be an appropriate step as well.

Mr. Lansing explained it would be addressed during preliminary review.

Mr. Koval stated if lot #4's property line can be pushed east it would create a flat area that would eliminate one of the septic systems from being on a slope.

Mr. Lansing stated they will take that into consideration.

Discussion on consideration of reducing the size of lot #5 was held.

Mr. Bulger questioned the water source.

Mr. VanGuilder, additional consultant for the application, explained the water is the Rexford water district which is CPWA.

Mr. Koval questioned the street across from the proposed roadway.

Mr. Grasso stated the concern of the private road across from the proposed roadway is that it didn't seem the properties in the existing area across the street have that much development potential. Given the low intensity use on the proposed parcel, the Planning Board wasn't that concerned with the offset intersection.

Mr. Bulger stated, based upon Planning Board and staff comments, even though the technical DOH requirements are met, this board will rely on the Town Engineer and if they feel there is a significant potential problem then this board will support that conclusion. If alternatives mentioned, particularly readjusting lot #5 and pulling those homes forward or rearranging them somehow to pull the septic systems off the slopes as far as possible, the board would like that approach. If that could be done the board would consider moving the proposal to the preliminary review.

Mr. Grasso explained if the site becomes subject to DOH review, then it would be considered a Type I action and would need to initiate coordinated review. If the applicant comes back in advance of the next meeting and lets them know they want the Board to initiate coordinate review, the paperwork can be completed.

[2007-035] **Dickinson, Michael** – 21 Lot subdivision, Main Street – Resolution to determine SEQR action for approval of project.

Mr. Bill Nikas, consultant for the applicant, referred to Mr. Pelegalli to address his concerns.

Mr. Pelagalli, Planning Board Counsel, explained Mr. Nikas has met with DOH and their comments are the application should have been a Type I action. The Planning Board listed the application as an unlisted action. DOH recommended a resolution changing the action from an unlisted to a Type I action and renewing the SEQR determination. He explained the project is not changing, so a negative declaration would still be appropriate. The records will note the Type I action. Mr. Pelagalli recommended the board to follow all applicable laws and regulations including those of the Department of Health.

Mr. Nikas stated none of the other agencies require a Type I classification. DOH does require it which is inconsistent with DEC and all the other agencies involved in this project. However, because of the Planning Board's comprehensive review and the fact that the applicant did submit to DOH everything that was submitted to the board for review; and that DEC and other agencies have approved in addition to the board and DOH has approved the plans, DOH is willing to accept a retroactive revision of the classification.

Mr. Pelagalli offered for the board to consider to vote on a resolution that the board determines that rather this being an unlisted action but is a Type I action based upon the comprehensive review that the board has already conducted and based upon the input from all involved interested agencies, the board determines under SEQRA that this is a project that has no significant environmental impact and issue a negative declaration and the board acknowledge that as the board has always endeavored to do and will follow all applicable laws and regulations including those of the Department of Health.

Mr. Bulger moved, seconded by Mr. Larkin, that since this is a Type I action, the Planning Board issues a negative declaration pursuant to SEQRA, based upon the previous comprehensive review by the Planning Board and all interested agencies and consultants that are reissuing their negative declaration. The motion was unanimously carried.

Mr. Bulger offered Resolution #7, seconded by Mr. Larkin, based upon the comprehensive review, the board has determined that rather this application being an unlisted action it is a Type I action and declare it to be a Type I action and the board acknowledge that as the board has always endeavored to do and will follow all applicable laws and regulations including those of the DOH. Ayes: Larkin, Koval, Thorne, Ophardt, Bulger. Noes: None.

New Business:

[2008-010] **Prestige Motor Car Co.** – Proposed construction of (2) 9,800 SF Buildings, 1928 Route 9 – Conceptual Site Plan Review.

Mr. David Bogardus, consultant for the applicant, presented this application for the Board's consideration for conceptual review. He stated on March 24, 2008 he received via fax review comments from Mr. Grasso and comments from the Town of Clifton Park ECC. Responses were prepared concerning the comments. The property is located at 1928 Route 9,

next to Park Pools and within sight distance of Clifton Park Lawn & Leisure Tractor Sales. The parcel is currently vacant and is located in the LI-2, Light Industrial zone. The rear of the property adjoins the Dwaaskill and is affected by the 100' buffer from the high bank of the stream for the Land Conservation area. Federal Wetlands are delineated on the property. He stated a similar project on this site received approval in 2000. Basically it was one building, the same square feet and since then the applicants didn't build the project for a number of reasons. Since then also the zoning was changed and excludes retail automotive sales. The applicant is presenting the board with a new site plan. The applicant will also come before the ZBA requesting a use variance on the property. The total lot area is 3.65 acres and due to the Land Conservation buffer, the required 130' setback from the centerline of Route 9, with side setbacks and wetlands. There is 1.59 acres of useable land. He explained the two 9,800 SF buildings are the appropriate size for the site. He explained the applicant has an additional facility south on Route 9. Their primary business is buying, selling and restoring vintage Corvettes, sports cars and high value automobiles. Building No. 1 is proposed to be a showroom, restoration area, bathrooms, offices, workshop and a service center for servicing their customer's cars. Building No. 2 is proposed to be an unheated storage building to store cars and other vehicles under roof. Municipal water is located approximately 1 mile away, thus an on-sitewell is proposed. For fire safety on the previous approval done in 2000, an underground storage tank was recommended. Stormwater management is being proposed with several wet ponds. In the front of the site an ornamental pond, to be used for stormwater management, with a liner designed to contain 25,000 gallons of water with a dry hydrant instead of using underground storage tanks that will be susceptible to freezing. The pond is proposed to contain a fountain, aerated and eye appealing. The site distance exceeds all requirements in both directions. A curb cut permit will be required from NYSDOT.

Ms. Maynard offered comments prepared by the Planning Department. It is requested for the next submission a site statistics table be added to the plans. Ms. Maynard questioned if the buildings will front the parking currently proposed. She recommended having Building No. 1's façade facing Route 9 be the visual front to the site. Mr. Bogardus referred to a handout with an example of proposed façade for Building No. 1 which will face Route 9. He explained Building No. 2 will have a peak roof with a cupola, country barn look. Ms. Maynard questioned if any vehicles will be stored on the pavement portion of the property. Mr. Bogardus stated it is a possibility that some of the vehicles will be stored in the rear. He explained on the previous application submission in 2000 the applicant had approvals for 3 concrete pedestals to display cars in the front of the site. Ms. Maynard questioned if the parking proposed will be sufficient. He owner indicated what is proposed will be fine. Ms. Maynard questioned if a one way circular is proposed. Mr. Bogardus explained the driveway will be two way leaving room for large trailers to be able to maneuver into the storage buildings. The speaker noted that the Board consider if the pedestal display areas are in keeping with Route 9 businesses along the corridor.

Mr. Myers, Building and Development, comments were presented by Ms. Maynard. Mr. Myers recommended stormwater management, a retention possibility and noting the landscaped areas in the center provide for water to infiltrate at that location. Mr. Bogardus commented that DOT does not like an island wider than 12'. Also noted is the dumpster location proposal at the rear of the site to be moved behind the building out of sight. Ms. Maynard noted that there is still a possibility for low bio-retention areas in both the islands currently proposed, to which the

applicant agreed to consider further. Mr. Myers requests the board to consider the display pads. Mr. Myers noted the 130' setback from the center of Route 9 is more restrictive. Mr. Bogardus stated the building's setback is currently 135 feet. Ms. Maynard continued with Mr. Myers comments. A variance will be required from the ZBA. Stormwater management will be reviewed when prepared with protection of the Dwaaskill, in the rear of the site, will be strictly enforced.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed this application. He stated wetland jurisdictional determinations from the ACOE and NYDEC should be provided. If the wetlands on-site are jurisdictional by NYSDEC, a 100' wetland adjacent area will apply. The 100' buffer along the Dwaaskill needs clarification. The LC zone restricts land grading and normally 20' is needed around a building for construction. A use variance will be required before the project moves forward with the Planning Board. The consolidation of the two parcels into one and the filing of a consolidation deed will be required. The zoning code requires a 15' minimum planted buffer along the rear and side property lines. Future plan submittals should depict the proposed buffer where required. On the southeast side of the property consideration will be needed by the board for buffering along that side. It should be verified that a car carrier can access and maneuver through the site. The applicant will need to provide more specifics in terms of anticipated car carrier specifications and turning radius needs with future submissions. The remaining concerns should be addressed as the applicant moves forward with preliminary review. Mr. Grasso stated car dealerships, in general, have cars parked all over the site so the board and staff we be considering customers needs to get through the site.

Mr. Jim Quinn, ECC chairman, stated ECC recommends an overall site plan map must be added to the plot plans. The proposed location of the water well should be shown on the plot plans. The exact location and type of existing wetlands should be identified on the plan. The standard hazardous materials statement be added to the plan. Applicant must submit a plan addressing handling and storage and spill response to the Town of Clifton Park before such materials are stored. Mr. Bogardus explained the refuse materials are recycled off site.

Mr. Bulger questioned if required letters from DEC & ACOE have been received.

Mr. Bogardus explained the application has a delineation from the 2000 submittance with a jurisdictional determination. A wetland delineation from October, 2007 letter will be acquired.

Mr. Grasso explained jurisdictional determination letters from ACOE last three years and five years for DEC, so new letters stating they agree with the delineation and whether they take jurisdiction over the wetlands are required.

Ms. Thorne requested an increased vegetation buffer along the Dwaaskill. She also requested moving the dumpster to the rear of the building out of sight. Ms. Thorne questioned if the storage of vehicles outside will be long term.

Mr. Bogardus explained the applicant wants to have the vehicles stored indoors.

Mr. Bulger questioned if the storage building will have water and heat. Mr. Bogardus answered not at this time. Mr. Bulger suggested language be included in the approval to prevent additional cars placed on the green space in any other area on the site with the exception of the three proposed concrete pads in the front of the site that are identified on the plan.

Mr. Grasso stated Mr. Bulger's last concern can be clarified with a note on the plans.

Mr. Ophardt questioned the 50' proposed between the island and the storage building. He requested the applicant try and tighten that area to decrease the amount of pavement proposed on site.

Mr. Bulger encouraged the ZBA application process begin and looks forward to the next submission before the board.

[2008-011] **Faith Baptist Church** – Proposed 6,506 SF addition to existing building, 11 Glenridge Road – Special Use Permit and Site Plan Review – Conceptual Review.

Mr. Frank Alessandrini, consultant, along with Dave Wooster, chairman of the church building committee and Gil VanGuilder, consultant, presented the application. Mr. Alessandrini explained the church is located west of Route 146 on the corner of Bradt and Glenridge Roads. The project is being developed for the church to improve their internal traffic flow, expanding classrooms, overall modernization and upgrade the handicap accessibilities. With the proposal the classroom congestion will be relieved. Mr. Alessandrini stated currently there is a small connector building in the center that connects the two major parts of the building. The applicant proposes to remove the connector building and replace it with a net increase of 8,400 SF for classrooms, aisles and entryway. He explained there is a very narrow hallway connecting the buildings. The proposal opens it up to 10' & 12' hallways, adds classroom space that is currently spread throughout the buildings. Mr. Alessandrini stated comments from Clough, Harbour, and Associates were received yesterday. Time will be needed to review them and they will be addressed by the next submission.

Ms. Maynard, Planning Director, questioned the current congregation size and if the current parking is adequate. Mr. Wooster explained the congregation has approximately 500 members. The church has two services so parking is not an issue. Ms. Maynard noted this is a third extension of a special use permit. Further landscaping was recommended to screen the existing parking areas overall.

Mr. Grasso, Clough, Harbour and Associates, explained most of the comments are minor and will look for more details on the final plans. Additional information regarding septic system will be required. Landscaping is recommended.

Mr. Quinn, ECC chairman, stated ECC had no comments for this application.

Mr. Ophardt questioned the area of parking in the state right-of-way. Will the applicant be getting a use occupancy permit from the state?

Mr. Wooster explained the parking in question has been in existence since 1964. Mr. Ophardt advised the applicant to apply for a use occupancy permit from NYSDOT.

Mr. Alessandrini presented the board with proposed elevation and roof line plans.

Mr. Bulger requested a color version of the rendering in a future submission.
No further comments from the Board.

[2008-012] **F.R. Foote Company** – Proposed 1,000 SF addition to existing building, 898 Route 146 – Conceptual Site Plan Review.

Mr. Joe Danible of EDP, consultant for the applicant, presented the application. The applicant is proposing an office expansion located at 898 Route 146. The applicant proposes to expand the wood framed office building with a 1,000SF single story addition to the north or front side of the existing building extending it toward Route 146. This proposal will accommodate two additional office spaces and a conversion of one of the existing offices to a larger conference room. The applicant proposed new façade and foundation plantings. The proposed plan will be applying to the ZBA for a variance. The proposed total square footage at completion will be 3,500SF requiring 12 parking spaces. The existing parking area has 15 spaces, ample spaces are provided within the proposal. The applicant on average has no more than 6 cars a day using the spaces. Mr. Daniels explained the applicant now proposes to connect to an existing stub from the CPWA. The building is on a shared well. Existing sanitary sewer systems will be adequate. Mr. Danible stated a comments letter was received by Clough, Harbour, and Associates. The plans now include a handicapped parking space with striping and appropriate signage in the area. The current parking plans are correct. The building was built approximately in the 1960s.

Ms. Maynard presented the Planning Department comments. She is in favor of the connection to public water which has been proposed since the submission to the Planning Department. With the availability of sewer also within 500', it is recommended to tie into the public sewer system. Mr. Danible stated he will investigate further the location of the forced main for sewer hookup and the cost to the applicant. Ms. Maynard stated in general, B-1 zoning does require an architectural guideline in keeping the transitional character and this proposal does seem in compliance. Mr. Myers noted he did receive a variance application. The existing building does not meet the setback requirements and the proposal would make the building even more non-compliant. Liability of the septic system especially with the added lot should be proven. The system which is beneath the parking area is prohibited. Several other setbacks are also non-compliant.

Mr. Grasso explained Clough, Harbour, & Associates most significant comments are the water and sewer. It will be recommended to make a connection to the sewer system if the applicant can't demonstrate the existing non-compliant septic system for a commercial use is adequate.

ECC had no comments.

Mr. Koval supported the sewer system connection.

Mr. Bulger explained since the sewer system is so close the board would look favorably to tying into it. He stated the architectural style proposed is in keeping with the existing styles in that area.

Riverview Orchards – **Conservation Easement Application.** 660 Riverview Road – Referral from Town Board.

Ms. Maynard explained the Town purchased the development rights for 87 acres of the 92 acre Riverview Orchards farm. A conservation easement is currently in place that the Town will be monitoring and enforcing over time to ensure the 87 acres are not developed outside the boundaries of the easement. The owners are requesting a term conservation easement for the property to lower their assessed value on the property. This request has been made to the Town Board, who has requested a recommendation from the Planning Board on the request. In question is with the easement in place how has it lowered the assessed value and reduced taxes. Ms. Maynard stated she met with Town Assessor Smead who suggested this term conservation easement as a potential means of tax relief to the owners. He assured this would be a separate easement. The current property is valued at a higher assessment level. Ms. Maynard requested Open Space Coordinator Jen Viggiani to review the procedure for the request and making sure the proposed request is coordinated with the current easement on the property. After review, Ms. Viggiani stated the permanent conservation easement does not actually reduce the property's assessed value. The fact that the town placed a conservation easement on the property is meant to ensure that the owners now and in the future do not develop but does not automatically create any reduction in the assessed value of the parcel. The proposed easement would complement the current easement and provide a reduction in the assessed value.

Mr. Bulger explained the Town Board is requesting an opinion or recommendation from the Planning Board.

Mr. Larkin questioned the amount the owners received from the Town by purchasing the development rights.

Mr. Maynard answered the total amount was just under one million dollars.

Mr. Larkin questioned by granting this easement on the property, what benefit it would be to the Town. He stated he is against granting the proposal after the Town just purchased the development rights.

Mr. Ophardt stated the property is already assessed as farmland which creates a lower assessed value. He agreed with Mr. Larkin on not granting the easement.

Mr. Bulger offered a different view. He stated the owners offered it to the Town for a significantly lower rate if they would have sold the property to developers. Given that the owners were willing to make that commitment to open space a 20% reduction in the assessed value is a reasonable request. The open space is a significant benefit to the Town.

Mr. Koval questioned why the Town Assessor keeps the property at the same assessment when its development capabilities are gone. He stated granting this easement would help with lowering the assessed value.

Mr. Larkin stated by being a member of the Planning Board he feels a fiduciary responsibility to the town residents. He does not like the fact the owners come in after the development rights have been paid for by the town to come back and ask for more relief.

Mr. Bulger stated the he feels one of the primary goals of the Town Board is the protection of open space. This conservation easement was a significant acquisition of protected open space which incurs a notable public benefit to the Town. Mr. Bulger stated the town would like to encourage this same type of attitude among other farm landowners in the Western part of town to do the same thing. If granting this term conservation easement encourages other farm landowners to sell their development rights and preserve the open space then it should be supported.

Mr. Larkin stated regardless of the outcome of this current request, any future applicant will be aware of this request and use it to their advantage.

Mr. Pelagalli explained this request is not something the Planning Board should even be involved with because it is a determination to be made by the Town Board. He stated being a member of the Planning Board does not give you a fiduciary responsibility that would be the Town Board. He stated this is an unusual referral. Conservation Easements have not been requested in addition to the purchase development rights. Purchasing of development rights is a new avenue the Town has taken to preserve open space. This is an ad ministerial review. Per the law the Town Board is to refer the Conservation Easement to the Planning Board. He feels this is a Town Board issue and not Planning Board. Mr. Pelagalli questions why when the rights have been purchased by the Town the owners don't get tax relief. The property doesn't have the same value now as when they could have sold it to developers.

Mr. Grasso stated it is a big decision for the town because it sets precedence on how the PDR's will be viewed in the future. This situation is relatively new. Mr. Grasso suggested a meeting with the Town Assessor to determine why the value is not being reduced when the development rights are removed. Tax laws are set up to tax based on development potential of a property and that's why agriculture lands are taxed more than a single family residential development. The Town's intent is to change that and by giving the reduction, you will be taxing them in consistent with that one singular use on the property regardless of the amount of acreage.

Mr. Larkin requested the Planning Board recommend to the Town Board that measures be taken through the PDR process that incorporates the conservation easement.

Mr. Koval moved, seconded by Ms. Thorne, that it is the Planning Board's recommendation that the Town Board should act consistent with encouraging landowners to permit the town to purchase development rights and in the future should consider not only

purchase on development rights but granting of a conservation easement contemporaneous with the purchase of the development rights. Motion unanimously carried.

Discussion Items:

Boel Property-VanVranken & Crescent Road-Bridlewood Ridge

Mr. Gerry Magoolaghan, consultant for Bridlewood Ridge subdivision, explained 77 acres were purchased from Gary Boel for a 31 lot subdivision. Mr. Boel's house, which is located on the south west side of VanVranken & Crescent, was not purchased. Mr. Boel is now insisting the purchasing of his house because of the site constraints imposed by the town including the sidewalk continuation in front of the property. Mr. Magoolaghan explained the intent was to keep the western area of town of rural character. With the proposed property the front portion will be kept open space. What the project leaves the town with is two parcels in the front of approximately 5 acres each. Now it will come off the tax revenue map and the town will have to maintain it once it is turned over to the town as open space. Several Farmettes, with horses, are near the proposed purchased property. After discussing this situation with Ms. Maynard in the definition of open space horses would be restricted. It is proposed that instead of deeding the two parcels to the town, the developers would keep the parcels as deeded open space and include them with the homestead parcel and turn it into a farmette. Fences are not allowed in protected open space.

Ms. Maynard explained Mr. Magoolaghan requested on behalf of Belmonte Builders, to look at this different interpretation. The Boel project was approved with the three lots as deeded to the town for town owned open space. The Planning Board looks, at on a case by case basis, ownership of open space. Sometimes it makes sense to have a deed restricted private ownership, public ownership, or Home Owners Association ownership depending on the specific value of open space and proposed use. Ms. Maynard mentioned to Mr. Magoolaghan that this would qualify as a substantial change to the overall approved plan. If the applicant comes back in for review, the Planning Board would be looking at an amendment process. The overall question of town owned open space versus private has provoked much discussion in terms of maintenance and monitoring to assure it's compliance with the CR code. Ms. Maynard requested Councilman Hughes and the Open Space Coordinator to bring this request to the Open Space Committee and continue the discussion. The Open Space Committee felt in this case that the overall proposed use that the applicant is mentioning was not negative in any aspect but they had concerns about the actual process in terms of the approved town open space the town would then enter into private lease agreements without going through a process open to all interested parties with a decision made with set criteria. They questioned if that is what the town really wants? The town would then be leasing open space to private entities. If this is a consideration of the town, it was suggested to have a more public input.

Ms. Maynard stated there were two alternatives. A site plan amendment where the Planning Board looks at everything, reopen the conversation or keep it as town open space and be able to look at it in that manner.

Mr. Pelagalli stated that would be a Town Board decision. He explained the Planning Board is more qualified to make these sorts of determinations. Appropriate contracts would need to be drafted.

Mr. Magoolahan stated if the decision stays with the Planning Board on whether the open space can be deeded to private ownership or if the applicant has to go back to the Town Board and if the applicant does, can the Planning Board make a recommendation to go along with it.

Discussion on open space continued.

Mr. Bulger recommended the applicant return to the Planning Board with an amended subdivision request.

Sixnet-Ushers Road

Mr. Bulger explained the applicant is looking for approval of the Planning Board concerning the middle entrance area. The building is 150' long with three separate entrances. They want to take a 30' section and have that identified by the proposed façade. Sixnet are moving from the bottom of the building to the top of the building and there is no way to identify the entrance to the business from the parking lot. They have toned down the red color strip and narrowed it down to a 30' section just to identify their area. They also will put additional plantings in the front of the entrance and if need be next to the road to for additional screening.

Mr. Larkin recommended keeping the pebble white façade on the top as well.

It was agreed by the board the amended façade rendering is acceptable.

Minutes Approval: February 12, 2008 and March 11, 2008

Mr. Bulger moved, seconded by Mr. Larkin, approval of the minutes of the February 12, 2008 Planning Board meeting as written. Ayes: Mr. Bulger, Mr. Larkin Mr. Koval, Ms. Thorne, Noes: none, Abstain: Mr. Ophardt The motion carried.

Mr. Larkin moved, seconded by Mr. Bulger, approval of the minutes of the March 11, 2008 Planning Board meeting with noted changes. Ayes: Mr. Bulger, Mr. Larkin, Mr. Koval, Mr. Ophardt, Noes: None, Abstain: Ms. Thorne

Mr. Bulger moved, seconded by Ms. Thorne, adjournment of the meeting at 9:45p.m. The motion was unanimously carried. The next meeting will be held as scheduled on April 8, 2008.

Respectfully submitted,

Teresa J. Brobston

Interim 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, Town Attorney Joel Peller, Lou Renzi, Paul Pelagalli and Tom McCarthy, Department of Parks and Recreation, ECC, Saratoga County Planning Board, Shenendehowa Central School, Clifton Park Water Authority, Fire Districts.

NOTICE OF DECISION

Resolution #7

AMENDMENT TO RESOLUTION #22 OF 2007 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 March 25, 2008 there were:

Present: S. Bulger, Chairman, J. Larkin, E. Ophardt, J. Thorne, J. Koval

Absent: S. Pace, T. Werner

Mr. Bulger offered Resolution #7, and Mr. Larkin seconded, and

Whereas, an application has been made to this Board by Michael Dickenson for approval of a subdivision plat entitled Subdivision of the Lands of Michael Dickinson consisting of (21) lots, and

Whereas, based upon the previous comprehensive review by the Planning Board and all interested agencies and consultants, this board determines that this application is a Type I action, and

Whereas, this project has no significant environmental impact, and

Whereas, that since this is a Type I action, the Planning Board issues a negative declaration pursuant to SEQRA, and

Whereas, this board acknowledges that as the board has always endeavored to do, will follow all applicable laws and regulations including those of the DOH;

Now, therefore, be it resolved that the subdivision entitled Subdivision of the Lands of Michael Dickinson consisting of (21) lots is hereby listed as a Type I action, and having issued a negative declaration under SEQRA, and based upon the Planning Board's comprehensive review of this subdivision, the subdivision application is hereby approved and Resolution #22 of 2007 Final Approval amended.

Resolution #7 passed 3/25/08

Ayes: Bulger, Larkin, Ophardt, Koval, Thorne

Noes: None

Steven J. Bulger,
Chairman