



Planning Board Meeting
April 22, 2008

Those present at the April 22, 2008 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, J. Koval, T. Werner, S. Pace, J. Larkin,
E. Ophardt

Those Absent were: J. Thorne

Those also present were: J. Scavo, 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 7:10 p.m.

All in attendance stood for recitation of the Pledge of Allegiance.

Public Hearings:

[2007-057] **Lussier Drive Subdivision** - Proposed (18) lot subdivision, Boyack Road –
Revised Conceptual review.

Mr. Bulger, Chairman, called the public hearing to order at 7:20 p.m. The secretary read the public notice as published in the Daily Gazette on April 14, 2008.

John Belyea, consultant for the applicant, explained the revisions made to the site since last seen by the Planning Board. When last seen by the Board there concerns were with the sight distance issue entering Boyack Road, stormwater management and grading. The number of lots has been reduced to (17) lot subdivision. Originally one

Infiltration basin was proposed and 10 retaining walls for the property. An aerial of the property was presented for review. He stated the original general layout has remained the same. A cluster development will continue to be presented. The road will be moved to allow for additional retention ponds to be created on the site. The consultant presented the proposed new layout. Additional stormwater retention ponds are required by DEC for stormwater management. He explained they are proposing only 2 retaining walls now in the area of lots #14 and #13. Low areas have been identified on the sight. Infiltration basins will be used to recharge the wetlands. An existing culvert will remain to assist with the water flow into the basins. Through grading and swales stormwater will be routed around the development to flow toward the wetland areas. A meeting was held with Clough, Harbour & Associates to discuss the sight distance issues. A traffic engineer, Creighton Manning, was consulted. Wendy Ciminio, Creighton Manning explained a sight distance analysis was conducted for the proposed site. Speed data and sight distance was collected. They found looking left out of the proposed site onto Boyack Road; sight distance is limited due to trees along the frontage of the road. It is recommended to remove some of the trees and grade an embankment around the curve. She explained with those improvements it will increase the sight distance but will still be short by the standard comparisons used. A sign will be warranted. Looking to the right going onto Boyack Road, sight distance is short due to the vertical curve and grade in the road but within standard comparisons charts. The signing and clearing will adequately mitigate the concerns.

Mr. Scavo noted that the Planning Department will have more detailed comments once a grading plan is submitted. The slopes are of great concern for some of the proposed lots but cannot be fully evaluated until a grading. Most of the sheets are still too preliminary for detailed comments at this point in the concept phase of the review process.

Mr. Scavo asked if the infiltration basins are to be privately owned or deeded over to the Town. Mr. Scavo added that it is the Planning Department's preference and recommendation to the Planning Board to have the Infiltration Basins deeded over to the Town rather than having easements to access them for maintenance over private property.

Mr. Scavo also asked the applicant's engineer if there was an increased likelihood of contamination to the wetlands if runoff was allowed to recharge the wetland areas. Specifically, there is a concern of the effects of lawn chemicals seeping into the wetland areas.

Mr. Belyea stated the concern can be addressed with deed restrictions

Mr. Scavo also asked if there is really enough room for a house on Lot 6 with the proximity of the Sewer Line, Infiltration Basin III, and the asphalt path around Basing III. Mr. Scavo requested the applicant re-evaluate lots 6 & 7 as currently proposed.

Mr. Scavo, read Mr. Steve Myers, Director of Building and Development, comments. Slopes are of great concern. Grading plans for each lot are required. Common driveways are discouraged through the maintenance of snow removal issues. Infiltration basins appear to be privately owned.

Mr. Grasso reported Clough, Harbour, and Associates provided the following comments. Drainage system design and sight distance are concerns. A detailed sight distance study was provided and is currently under review. Meeting will continue to address the drainage system. He requested the consultant to explain during this public hearing why a cluster design is proposed, setbacks and lot sizes, possible trail connection to Archer and where that fits within the project. He also requested to explain the buffers within the project.

Mr. Jim Quinn, Chairman of ECC reported the committee comments. The Applicant should reserve and display on the subdivision proposal sufficient Rights of Way to accommodate multi-use trails to interconnect the proposed subdivision with existing and contemplated trail networks, as defined in the Town Trails Master Plan. The following standard statements be added to the plot plan:

- a. This parcel (subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, extended hours of operation and other associated activities. A study describing this impact in detail is available for inspection of the offices of the Albany International Airport.
- b. Federal Jurisdictional Wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in Federal Wetlands.
- c. 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.
- d. 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.
- e. The Applicant will control fugitive dust and debris during the construction/demolition phase of the project.

The ECC also recommends that the topography of the site indicates significant seasonal drainage and water retention problems and that the SWPPP should be complete and thorough enough to address these problems.

John Allison, resident, questioned an existing utility line going over several properties in the area.

Mr. Belyea stated utilities have not been address at this stage of review. He explained typically the utility companies tell the developers where the transformer will be placed and their size. If that line will not be used it will be removed.

Mr. Grasso explained the town requires all utilities to be installed underground.

Michelle Szakmary, 10 Archer, questioned the amount of exiting trees to remain.

Mr. Belyea explained some trees will be removed in the area behind her property to install a retention basin. He suggested fencing or additional planting to create a buffer.

Ms. Szakmary questioned the depth of the retention basin and expressed safety concerns for small children around the basin.

Mr. Belyea explained there is an existing retention basin at that location that is 287' in depth that is over grown and need of maintenance. He stated the proposed basin depth will be 286'. Fencing will be considered.

Mr. Grasso explained the town now requires a split rail fence with a welded wire mesh will be installed around the basin.

Andrew Neubour, 77 Carriage Rd., questioned if geotechnical studies have been performed on the site.

Mr. Belyea answered not at this phase in the review. When the proposal goes into preliminary phase soil testing will be performed.

Mr. Neubour questioned if the existing basin near Archer Dr. has standing water in it.

Mr. Belyea stated he has checked the basin several times and found no standing water. If there is water then that means maintenance is needed.

Mr. Neubour asked if underground filtration systems were explored.

Mr. Belyea answered the retention basins were recommended by DEC because of ease of maintenance. He explained the proposed stormwater system for the property.

Mr. Neubour questioned if there will be access to Archer Drive?

Mr. Belyea explained only a small access easement will be provided for stormwater maintenance.

Mr. Grasso stated that if the access location changes with regard to Archer Drive that would be a significant change and would require a continued Public Hearing or a new Public Hearing for resident comments.

Ms. Christina Hill, 76 Carriage Rd., expressed concerns with increased traffic on Boyack Road and additional development in the area will create a negative impact.

Michael Curthoys, 18 Archer Dr., explained his property backs up to wetlands and they have concerns with additional water going into the wetlands backing up onto his property. He questioned the traffic flow getting to the Northway. He is concerned they will be going through his neighborhood.

Mr. Ken Gifford, additional consultant for the applicant, explained there will be no connection going into Archer Drive neighborhood. Boyack Road will serve the proposed development to access the Northway.

Mr. Bulger stated it is the Boards goal that any drainage into an adjacent property from a development does not exceed what exists. The Board will rely on professional staff for traffic concerns.

Mr. Neubour questioned the sizes of houses on the lots.

Mr. Gifford answered between 1,800 – 3,000 SF. At this phase of the review the sizes are not confirmed.

Mr. Mustaffa Kahya, 14 Archer Dr., questioned hours on construction.

Mr. Grasso stated the town has restrictions on construction hours.

Ms. Szakmary questioned the size, location and material used for the Archer Dr. connection.

Mr. Grasso explained the access will not be for vehicles. It will be a small paved, 6-8' wide, trail connection to other developments.

There being no other public comment, Mr. Bulger adjourned the public hearing for this meeting and recommended the public hearing remain open for future comments and concerns.

Mr. Ophardt questioned the utility easement for Lot #1, trails and wetlands.

Mr. Belyea explained currently the utility easement stops at the property line. Waste management is currently under review by Crescent Waste and Saratoga County Sewer. Trails and wetlands will be available for the next phase in the review.

Mr. Bulger requested the applicant to review the distance of the house with the proposed infiltration basin on lot #6.

The Board unanimously agreed with the concept by the applicant, and to move the project forward to the preliminary review stage.

Old Business:

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

Mr. Scott Lansing, consultant for the applicant, presented the revised project plan for the Board's consideration, explaining that the property currently has a light industrial building on it. The revised application consists of a 6,000 SF building proposed in the front of the property. This will be the only building. Parking area will be in the rear of the site and the end of the existing

gravel driveway. Comments from staff have been reviewed. He requested consideration of preliminary final approval of the site plan.

Mr. Scavo noted that the applicants have moved the majority of the site improvements into the Town of Halfmoon. As such, the Planning Department will coordinate with the Town of Halfmoon to review and offer suggestions to Halfmoon as their review process moves forward.

Mr. Scavo read Steve Myers comments based on a letter of March 19, 2008 from Lansing Engineering on the Project. Mr. Scavo noted that Mr. Myers felt the setbacks from town lines should be addressed to avoid confusion at a later date. Mr. Myers disagrees with the statement that stormwater collected south of the building requires no treatment. All stormwater from the site requires treatment. We swales are not a recommended practice. Since the road is a non-conforming use in an LC zone and it is to be disturbed during construction for installation of the force main, it is believed permission from NYSDEC will be required to continue use of the road and install the force main. Utility work is allowed in an LC zone per Town code but NYSDEC acknowledgement should be obtained. Verification from NYSDEC will be required confirming the septic location is acceptable. A meeting with the Town SMO will be required prior to the start of construction.

Mr. Grasso stated all Clough, Harbour, and Associates comments have been addressed.

Mr. Quinn provided the ECC comments as follows. The ECC requests that the Applicant 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. Additionally, the ECC recommends adherence to the wetlands constraints, as it is vital to any credible proposed design. Intrusion of the additional property lot and building into the LC Buffer zones should be re-examined and if not mitigated, disapproved.

Mr. Bulger requested Mr. Scavo to relay to the Halfmoon Planning Board comments from this Planning Board, Planning staff, Clough, Harbour, & Associates and ECC for their review.

Mr. Lansing stated the Halfmoon Planning Board has approved a 10,000 SF building, but the applicant will be returning to propose a 6,000 SF instead.

Mr. Bulger reiterated the Boards concern that the site does not become a junkyard.

Mr. Koval explained recently local law was changed to address the concerns of a junkyard.

Mr. Werner moved, seconded by Mr. Koval, 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. Larkin moved, seconded by Mr. Ophardt, 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.

[2005-011] **Abele Builders** – Proposed (24) lot subdivision, 1562 Crescent Road – Possible determination from preliminary public hearing held on April 24, 2007.

Mr. Tom Andress, consultant for the applicant, reviewed the revised plan. He explained this application was seen by the Planning Board last on March 11, 2008. A concern of the Board at that time was drainage issues. Mr. Andress stated the applicant has met with Steve Myers, Building & Development Director, Highway Superintendent and Clough, Harbour, & Associates to address their concerns. At this time all their concerns have been met. The applicant is requesting preliminary approval.

Mr. Scavo reported the Planning Department comments. Proclamation from the Highway Superintendent stating that the dry swales are adequate from a maintenance view.

Mr. Scavo presented Mr. Steve Myers, Building & Development Directors comments. It appears a special agreement will be needed for the applicant to be responsible for long term maintenance for stormwater practices since many are within the town right-of-ways. Some are on private lands as well. It appears a generic swift has been submitted, revisions are needed since it discussed practices not present on the plans. Erosion and sediment controls must be established on each lot prior to the start of any work due to the significant amount of silvein being proposed. Proof of acceptable compaction tests will also be required prior to lot construction per NYS requirement.

Mr. Grasso reported that in general our previous preliminary subdivision plan comments have been adequately addressed. Additional technical review comments will be provided during final subdivision plan review. Concerned continue to remain with the proposed permanent stormwater management facilities. He stated any changes that remain regarding the drainage system or engineering details will not change the overall density or the layout of the project. Moving the project to Preliminary review is recommended.

Mr. Quinn, ECC Chairman, have no comments for this application.

Mr. Bulger stated the biggest concern of the Board was the stormwater management. After listening to staff comments it is clear that concern has been reviewed. Dry swales are an issue for the Town. As the town becomes more responsible for public infrastructure there will be additional burdens on the town for maintenance and create a long term plan in terms of drainage. Mr. Bulger requested the applicant and Planning Director to meet with Rick Kukuk, Highway Superintendent, to discuss the concerns and plans of the Highway Department pertaining to maintenance and drainage responsibilities and report back to the Planning Board with their determination.

ACOE setback regulations were discussed and Mr. Address stated the applicant will be following the regulations. Orange fencing and signage will be including around the wetland area during construction.

Mr. Bulger requested to review the proposed signage to be included around the wetland areas.

Mr. Bulger suggested the applicant consult with the Trails Committee about the proposed and existing trails and report back to the Planning Board with recommendations.

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

Mr. Larkin offered Resolution #9, seconded by Mr. Bulger, to grant preliminary approval to this application conditioned upon satisfaction of the comments offered by the Planning staff. Ayes: Larkin, Bulger, Pace, Werner, Koval, Ophardt. Noes: None

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

Mr. Frank Alessandrini, consultant for the applicant, presented the application. He presented the board and staff with a letter with response to the comments noted in Clough Harbour's correspondence as referenced. A decision to have fire sprinkler systems installed has been made which will slightly modify the elevation. Lighting and landscaping are two concerns addressed.

Mr. Scavo, Planning Director, noted his comments for the project were limited. Mr. Scavo went on to say that he spoke with the applicant who will provide the Planning Department with the lighting specifications for their review to ensure the request for down lighting is met.

Mr. Scavo also noted that a recommendation was received from Saratoga County Planning Board who determined, "This project is not required to be reviewed by the SCPB under GML Section 239.

Mr. Alessandrini explained the proposed down lighting will include the two entrances and proposed sidewalk.

Mr. Grasso, Clough, Harbour, & Associates, explained they have reviewed the site plan for the above referenced project dated December 16, 1997 and revised April 1, 2008, prepared by Gilbert Van Guilder Land Surveyor, PLLC. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, however review and comment is required by the Saratoga County Planning Board since the project is located on a county road. It generally appears the comments raised in our March 19, 2008 letter have been addressed. Additional information should be provided for the proposed lighting to be installed to insure there will be no glare off site. The plan should clarify if the striping in front of the main walkway is existing, as it does not appear on the 2004 aerial mapping. The Code Enforcement Officer should be consulted to determine if

the rear exit door will require a paved walkway for egress purposes. Based on the elevation, it would appear that shrubs are being proposed in front of a door to the right of the main entry. The Japanese Yews will dwarf the PJM rhododendron shown in the corners and the Hicks yews would better enhance the site if located along the foundation instead of along the walk due to their future size. Revisions appear warranted. We recommend adding additional honey locust trees at the southwest corner of the existing building and providing additional foundation plantings that will enhance the building's architecture. Given the size of the structure, we recommend the size of the deciduous trees be increased to a minimum caliper of 4".

The ECC had no comments for this application.

Mr. Ophardt requested the applicant to receive a use occupancy permit from DOT for the parking spaces extending in the one corner at the end of the driveway.

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

Mr. Ophardt moved, seconded by Mr. Larkin, to grant preliminary and final approval for the Special Use Permit conditioned upon satisfaction of the comments offered by the Planning Department and Clough, Harbour, and Associates. The motion unanimously carried.

Mr. Warner moved, seconded by Mr. Bulger, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue negative declaration pursuant to SEQRA for Site Plan Approval.

Mr. Ophardt moved, seconded by Ms. Pace, to grant preliminary and final approval for the Site Plan Approval, conditioned upon satisfaction of the comments offered by the Planning Department and Clough, Harbour, and Associates. The motion unanimously carried.

[2008-001] **Omnipoint Communications, Inc.** – Proposed co-location on CPWA water tower, 51 Castle Pines Road – Preliminary Review and possible determination.

Mr. Jeff Davis, consultant for the applicant, explained a public hearing was conducted on March 11, 2008. The applicant requested Preliminary approval. He stated Omnipoint Communications, Inc. is representing the cell carrier T-Mobile on this application. The applicant is requesting co-location on the Clifton Park Water Authority's Knolltop water tower. The co-location is intended to fill in a coverage gap with the area. He stated the current site also houses Nextel and IWO. T-Mobiles proposal will be 131' with equipment inside the base of the tank. Antennas will be painted to match the existing. The proposal is for 6 antennas at the same height of the existing carriers' antennas located on the water tower.

Mr. Scavo, Planning Director, stated the Planning Department does like the application as is and it represents a good example of co-location on an existing facility.

Mr. Grasso, Clough, Harbour, & Associates and Mr. Quinn, ECC, had no additional comments for the applicant.

Ms. Pace moved, seconded by Mr. Koval, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue negative declaration pursuant to SEQRA for this site plan application. The motion was unanimously carried.

Mr. Pelagalli, Counsel for the Planning Board, explained this is a co-location of a cell tower. The application was under review by the Clifton Park Water Authority. Two other tenants are located on this tank. The Planning Board has had recommendations from expert, Bill Johnson and other outside consultants on this application. There is no issue with the FCC standards for radio frequency emissions. The applicant has proven the need for this location to meet their requirements. It is clear aesthetics are not an issue with the application. No other SEQRA issues have been presented. The Planning Board has given this application a thorough review. The Clifton Park Town Code encourages co-locations of cell towers.

Mr. Koval moved, seconded by Mr. Ophardt, to grant preliminary and final site plan approval conditioned upon satisfaction of the comments offered by the Planning Board or professional staff. The motion was unanimously carried.

[2008-004] **Elliott, Terrence** – Proposed land transfer and (2) lot subdivision, 710 and 712 Tanner Road – Revised Conceptual review.

Mr. Kevin Dailey, legal consultant for the applicant, presented the revised application for the Board's consideration. At the last review on February 12, 2008 the question if the applicant is creating a keyhole lot. Mr. Dailey met with Mr. Meyers, Building Director, for his interpretation. Mr. Meyers stated it looked like a keyhole lot. Mr. Dailey stated the definition of keyhole lots from the Town Code. Keyhole lots are permitted with permission from the Planning Board in R1, R2 & R3 Districts. In these districts a 40' frontage is required with the remaining area narrowed back. He explained recently the Town has created CR Zoning with no reference if keyhole lots are permitted. One house is located in front of another house on the proposed subdivision lots which meets the criteria of a keyhole lot definition. In the CR Zoning the minimum lot width is 80'. In the CR Zoning keyhole lots are not permitted. The proposed application has 125' frontage at the road. He questioned if the lot is as wide at the road as at the building line, is it really a keyhole lot? The applicant has taken into consideration with the subdivision the keyhole lot standards.

Mr. Scavo, Planning Director, noted that he will request a written determination from Mr. Myers, the Town's Zoning Officer as to his interpretation of the code of if keyhole lots are permitted in the C-R Zone. Mr. Scavo asked the applicant's representative what the plans or future potential for future subdivisions are for the site. The Town Board intent for keyhole lots are to allow for as much open space as possible to the rear of the properties.

Mr. Scavo read the recommendations for Building Department that the applicant ensure separation distance between well and septic fields. The Driveway must be a minimum of 20 ft. wide with a clearance height of 14 ft. and able to support 75,000 lbs. Per NYSFC. Keyhole lots appear to meet setback and frontage requirements.

Mr. Koval stated the main provision about a keyhole lot is the side setbacks being significantly different. This application is much less of a concern given the size of the property. The consultant makes a good argument with the size of the frontage of 125' proposed and the building line is the same it would be difficult to call it a keyhole lot.

Mr. Dailey explained in the CR Zoning the side setbacks need to be a minimum of 10' but for a keyhole lot side setbacks requirement is 50'. The proposed application can meet that 50' side setback requirement. So it could be designed as a keyhole lot but requests the Planning Board not title it as a keyhole lot.

Mr. Grasso, Clough, Harbour, & Associates, explained the subdivision plan for the above referenced project as prepared by Gilbert Van Guilder Land Surveyor, PLLC last revised March 27, 2008. The plan indicates the wetlands were flagged by NYSDEC in October, 1994. We recommend a current determination be made to determine the current limits of the wetlands and associated wetland adjacent area. The area labeled Land Conservation Area should be labeled LC-Land Conservation Zoning District unless it is referring to legally established land use restrictions. If so, their limits and restrictions should be clarified on the plans. In general, land conservation areas or easements should be established in perpetuity and we do not support revisions to these boundaries or the allowable land uses within them at any point in the future. Keyhole lots are not permitted in the CR-Conservation Residential Zone. It appears a new keyhole lot is being created. Test pits and percolation tests should be performed should be performed within the limits of the proposed septic system. There is a line depicted on the plan with bearings and distances that is located to the north and west of the existing house on Lot 712 that is not labeled. The intended purpose of this line is unclear. The proposed culvert should be sized to accommodate the upstream drainage area during a 25 year storm event. Details of the proposed driveway meeting the specifications for driveways over 500' in length should be provided. It does not appear as though the driveways provide for a turn around within 100' of the structures.

Mr. Quinn, ECC Chairman presented the comments of the ECC. The ECC requests information on the existence of any DEC or ACOE wetlands on adjacent Lot #4 of the Tanner Road subdivision and the location of any ACOE wetlands on Lot 712A.

Mr. Koval stated he felt a keyhole issue was a frontage issue more than other concerns. If the applications frontage exists then it would not be called a keyhole lot.

Mr. Bulger explained the Zoning Officer makes determinations. If Mr. Meyers determines that this lot conforms to the Town Code then it is allowed. The Planning Board does not have the ability to overturn Mr. Meyer's decision.

Mr. Larkin suggested Mr. Meyers respond to the Planning Board with comments on the Boards discussion issues revealed at this meeting.

Mr. Bulger suggested that the Planning Board proceed with the proposed application as an allowable conforming lot, per the Chief Zoning Officer. The application should move toward site plan review.

Mr. Larkin questioned if the applicant will be seeking a Conservation Easement? He does not see a benefit to the town.

Mr. Dailey answered the applicant is considering the Conservation Easement.

New Business:

[2008-015] **Bridlewood Subdivision** (Formerly Boel Subdivision) – Amendment to 33 lot subdivision, 1686 Crescent Road.

Mr. Mike McNamara, consultant for the applicant, presented the application for the Planning Boards review. He explained the project was given final approval in September, 2006. Since that time necessary approvals and permits have been secured. The builders would like to amend the open space along Crescent Road for use as grazing and exercise fields for horses. 9 1/2 acres of open space, formally proposed to be given to the town is now proposed as private ownership and would be attached to the lot with the existing home. A fence would be erecting around the proposed open space lots. A barn and shelter sheds are also proposed on the open space property. Lots 1, 9 & 14 will be moved 50' north to provide more of a buffer between the homes and horse areas. Comments from Clough, Harbour, & Associates have been addressed.

Mr. Scavo, Planning Director, noted that Jen Viggiani offered detailed comments on the open space considerations for the project and he would circulate copies to the Planning Board. Mr. Scavo, stated Ms. Viggiani had concerns as to whether the Town should accept ownership of the lands to be transferred behind lots 36 and 39. The land to be transferred would offer limited access for the public and limited opportunity for the Town to maintain.

Mr. Scavo read the County's recommendation into record which stated, "The determination of uses allowed on open space and the mechanism of the ownership of that open space is a local land use decision. However, the conversion of this land to private ownership eliminates the ability for the public to use these fields in the future for recreation purposes. At a minimum, if the Planning Board agrees with the uses proposed, there should be deed restrictions placed on the property that mandate that this land be maintained in a character similar in a manner in which it is currently maintained. This will provide for a continuation of the visual perception of public open space under which the Town's initial approval was granted.

Mr. Scavo read comments provided by Steve Myers which stated that he believed some influence and/or requirement for the subdivision approval was due to the amount of open space being conveyed to the Town. This should be re-visited to ensure the division of land meets all requirements.

Mr. Grasso, Clough, Harbour, & Associate, offered the following comments In general we support the establishment of agricultural uses on both public and private open space, including

equestrian uses, as long as strict land use controls are in place that will protect the environmentally sensitive resources and the open space qualities of each site including but not limited to aged farm buildings, open vistas, meadows and wooded areas. All of these features typically help promote rural character. The plans must include the land use restrictions associated within the different types of private open space parcels. The Town has standard language for private open space designated as "Land Preservation Area" that should be applicable to the open space within the new residential lots. New language will need to be created for the open space on lot #33. The plans include a note that selective clearing is permitted in the private open space within the new residential lots. Due to the ambiguity this language creates, all clearing should be restricted. The project data should indicate the total amount of proposed public open space, as well as the percentage of the total project area. The Town's subdivision regulations continue to require a minimum of 5% Class "A" (active) or 10% Class "B" (passive) open space. It appears open space parcels "C" and "F" will qualify as passive open space as no recreational facilities are proposed on them. Since initial review of this project Southwick Meadows has continued to be developed. The final subdivision plans should clarify that the proposed multi-use pathway will connect to the existing multi-use pathway within Southwick Meadows across Van Vranken Road. In addition, we have reviewed Erosion and Sediment Control Plans dated June 22, 2006 and a response letter dated March 27, 2008 for the above referenced project. In general, it appears our previous technical comments have been adequately addressed. We offer the following comments: Final plans stamped and signed by a licensed professional should be provided. A revision date should be provided for the erosion and sediment control plans as the plans have been modified since the original submission. A revised SWPPP should be prepared that incorporates the revisions discussed in the response letter.

Mr. Jim Quinn, ECC Chairman presented the ECC comments. The loss of public benefits to both the subdivision and Town-wide residents is not in keeping with the purpose of the original conservation intent and original conditions of approval.

Mr. Larkin questioned if this amendment requires a new public hearing?

Mr. Bulger answered yes. A public hearing would be needed to move the review forward.

Mr. Larkin suggested no use restrictions or tax benefits be associated with the proposed application.

Mr. Bulger questioned if the Town had plans in that area where open space could be used? The Town would need to maintain the space.

Mr. Gerry Magoollaghan, additional consultant for the applicant, explained originally the Town wanted the land to belong to a Home Owners Association. He explained it is very expensive to create and get approvals for a HOA for 33 homes. The applicant declined to create the HOA. If the Town owned the property it would need maintained. He stated with the current amendment to have the property privately owned this would create a balance. The plan now reflects the goal of CR Zoning.

Mr. Koval stated the Planning Board suggested a HOA so all the residents can have the use of the land. As it is proposed, the people who own that land could at any time say the other residents can't use it anymore.

Discussion of the subdivision becoming a part of a park district was pursued.

Mr. Bulger encouraged the applicant to continue to prepare for the review.

[2008-016] **Grace Chapel** – Proposed 8,544 SF addition to existing building, 996 Main Street – Conceptual Review.

Mr. Tom Andress, consultant for the applicant, presented the application for the Planning Boards review. The applicant is proposing to increase the size of the sanctuary. The project will consist of the construction of two additions to accommodate an expanded worship area and additional Sunday school classrooms. A new canopy and reception area are also proposed. A picnic pavilion will also be constructed. Additional parking to accommodate the expansion is also proposed. The proposed expansion will increase the special use permit to a 24,000 square foot facility.

Mr. Scavo, Planning Director, noted that the plan when advanced to the preliminary phase of review will answer a lot of the Planning Department's questions. For example, Mr. Scavo would like to see an evaluation of the existing storm water management system and would also like verification that the current septic system can handle the building expansion.

Mr. Grasso, Clough, Harbour, & Associates, provided comments for the applicant. They have reviewed the concept site plan dated April 2008 prepared by ABD Engineers and Surveyors for the above referenced project. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency appears to be the Clifton Park Planning Board with Site Plan Approval and potentially a Special Use Permit modification. The plans indicate that a special use permit was granted April 13, 1999. The conditions of the permit should be reviewed to verify the proposed additions comply with the conditions of the permit. The setbacks of the proposed pavilion to the southern property line should be depicted on the plans. An evaluation of the existing stormwater management system should be provided. The design and supporting calculations for the septic system expansion should be provided. The existing and proposed dumpster location should be depicted on the plan. The adequacy of the existing water service to serve the proposed addition should be verified. Future plans submittals should include the following should include the proposed landscaping, lighting and grading.

Mr. Andress explained an expansion of a Special Use permit has been obtained.

Mr. Grasso reminded the applicant there is a maximum allowable increase under a Special Use permit.

ECC had no comments for this application.

The Planning Board members found the proposed application generally acceptable.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Werner, approval of the minutes of April 8, 2008 as written. Ayes: Bulger, Koval, Pace, Werner. Noes: None. Abstained: Larkin

Discussion Items:

**Windhover Farms (Formerly Curnyn Meadows) – Proposed
45 lot subdivision, Grooms Road.**

Mr. Kevin Dailey, counsel for the applicant, presented the application for the Planning Boards review. When the Curnyn Meadows application was proposed the wetlands were delineated, Environmental review was completed, archeological impacts were reviewed, and survey completed. The applicant would like to incorporate the CR Zoning and the Incentive Zoning to try and do something creative and different. The applicant is proposing a total of 45 lots with 1 additional parcel which is 8.3 acres that will remain unchanged. Saratoga County Sewer is present. Water is located on the property. The Obremsky Farm on Appleton Road was purchased by the Springel family. The applicant proposes to sell 15 acres to the Springel family which abuts their property and the applicant will put a permanent conservation easement on his property. The applicant proposed to add the unconstrained property for the future Town nature preserve. The nature preserve is identified in the Western Clifton Park GEIS. The remaining lots will be turned into a working horse farm. The applicant as Windover Farms has joined the farm bureau. Barns, riding areas and paddock areas will be proposed so that wherever you live on the property you will have access to the facilities. Several sizes of lots are being proposed. Horse and public trails will be provided throughout the property. The horse farm will be owned by a HOA.

Mr. Scavo noted that the applicant should show a plan of the Springel properties which are proposed to be used in calculating the density requested. Further, the applicant should indicate their approach to providing the permanent easement protection of the property. The applicant should provide the required conservation analysis as part of the decision-making on the Open Space Incentive Zoning request utilizing a professional landscape architect to assist in such analysis. The applicant should review and apply the principals of the Western Clifton Park Rural Design Guidelines to this project utilizing a design professional such as a landscape architect to assist in this analysis.

Mr. Scavo noted that the Building Department offered the that it is a unique proposal that will require variances and significant review. The CR zoning requires 3-acre lots. Per commentary, water and sewer to be brought in. Only 18 lots would be allowed per current code. The property has significant wetlands and only one small stormwater management area for 131 acres.

Mr. Bulger explained the reason this application is on as a discussion item is it was originally going to be on as a conceptual review, however it was determined that because of the nature of incentive zoning that this requires, it first must go to the Town Board and the referred to the Planning Board for recommendations. Then if the Town Board approves the application then it comes back to the Planning Board for regular reviews.

Staples – Signage Issue (Zoning Board of Appeals Referral)

Mr. Scavo noted that the project has come to the Planning Board for a recommendation to the Zoning Board of Appeals on the proposed sign variance. He went on to add that the Planning Board should evaluate the project on how it will affect if at all the Town's vision established within the Comprehensive Plan. Mr. Scavo went on to add that it was his opinion the proposed

sign would not negatively effect the characteristics of the surrounding neighbors for where the sign is to be located and it was consistent with commercial signage in that area.

Mr. Pelagalli stated the Planning Board recommends the Zoning Board should approval the application if the proposed signage is consistent and compatible with existing similar signage found within the proposed project area. .

Mr. Larkin moved, seconded by Mr. Bulger, adjournment of the meeting at 11:25 p.m. The motion was unanimously carried. The next meeting will be held as scheduled on May 13, 2008.

Respectfully submitted,

Teresa J. Brobston
Interim Secretary

NOTICE OF DECISION

Resolution #9

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 April 22, 2008 there were:

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

Mr. Larkin offered Resolution #9, and Mr. Bulger seconded, and

Whereas, an application has been made to this Board by Abele Builders for approval of a subdivision plat entitled 21 Lot Subdivision, 1562 Crescent Road, Lands N/F of Abele consisting of (21) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on April 24, 2007;

Whereas, the Planning Board established itself as Lead Agency for this application and a negative declaration was issued pursuant to SEQRA on April 22, 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 21 Lot Subdivision, 1562 Crescent Road, Lands N/F of Abele consisting of (21) lots is hereby granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department and Clough, Harbour, and Associates.

Resolution #9 passed 1/8/08

Ayes: Larkin, Pace, Koval

Werner, Bulger

Noes: Thorne

Steven J. Bulger,
Chairman

