



Planning Board Meeting
May 13, 2008

Those present at the May 13, 2008 Planning Board meeting were:

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

Those absent were: None

Those also present were: J. Scavo, Director of Planning;
J. Grasso, Clough, Harbour and Associates;
J. Quinn, Chairman, Environmental Conservation
Commission;
J. Peller, Town Attorney, served as Counsel until Mr.
Pelagalli arrived at the meeting;
P. Pelagalli, Counsel, arrived following the discussion of
the Crown Jewels Daycare Center;
J. Dean, Secretary

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m. He expressed his thanks to Ms. Teresa Brobston for acting as Interim Secretary for two months and stated his appreciation for a job well done.

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

Public Hearings:

[2008-015] **Bridlewood Subdivision** (formerly Boel Subdivision) – Amendment to (33) lot subdivision, 1686 Crescent Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on May 5, 2008.

Mr. Joe Dannible, consultant, explained that the applicant requests an amendment to the subdivision approval granted by the Planning Board at its September 13, 2006 meeting, noting that that subdivision, formerly known as Bridlewood Estates is now entitled Bridlewood Ridge. The proposed amendment calls for the change of proposed ownership of the open space parcels from conveyance to the Town to private ownership and revision of boundary lines for several parcels located along Crescent Road. There will be no change to the proposed ownership of open space to the rear of the development site. Mr. Dannible explained that the project proposes to subdivide a 76.65 acre parcel into thirty-two (32) single-family residential building lots and a single estate lot for the existing farmhouse.

Belmonte Builders, doing business as Regatta View, LLC, would like to “creatively use” the open space areas along Crescent Road as grazing and exercise fields for several horses. Corral fencing will be constructed around the perimeter of a 9.4 acre parcel and a 4.54 acre parcel comprising a single, privately owned, lot. This lot would include the original Boel home and will have a small barn and two “run-in” horse shelters. Gates and road signage will be provided on Bridlewood Loop to allow riders to cross between the two separate parcels. The developer believes that this proposal will enhance the quality of the project and will preserve the rural characteristics common in the area. The following revisions have been made to the approved plans. Open space areas “A” and “B”, previously marked for conveyance to the Town will become part of the original Boel home lot. The northern property lines of Lots #1, #9, and #14 have been moved 50 feet to the north in order to increase the separation between the proposed corral areas and those residential homes. Approximately 9.49 acres of open space that was to be dedicated to the Town (areas “A” and “B”) has been converted to privately-owned open space. The large estate lot has had 8.51 acres of privately owned open space added and open space areas “K” and “L” have increased by 0.30 and 0.68 acres, respectively. There has been no net change in total area of open space provided as a result of the proposed amendment. The deed-restricted private open space will not result in any additional clearing or increase in building envelopes as originally approved.

Mr. Scavo offered comments prepared by the Planning Department. Plans must include language for the open space restrictions to Lot #33. Deed restriction language should include the requirement that lands should be maintained in a manner consistent with equestrian uses, if that is the applicant’s intent. Mr. Scavo recommended that Board members assure that adequate maintenance of the open space will be provided even if a specific use should fail. The applicant must submit the proposed language for Planning Board’s consideration and Mr. Pelagalli’s acceptance. The speaker recommended that the Board consider requiring a clause that would permit the Town to maintain the parcel should it be abandoned. A permanent Conservation Easement should be used as the tool for the Town to ensure the land is used and maintained in an appropriate fashion. Storm Water Certification Forms must be completed and submitted to the Department. Mr. Steve Myers, Director of Building and Development, should be provided a copy of the revised Storm Water Pollution and Prevention Plan for comments prior to stamping of the final subdivision plat.

Mr. Mackesey, representative of the trails subcommittee of the Open Space Committee, provided written comments regarding this application. In his opinion, all open space should be open to town residents. There should be a right-of-way on Crescent Road and paving of the trail proposed along Crescent Road. He recommended that the trail within the development be paved prior to the building of the homes. The trail should have a loop at the southern end of the development with a "tail" to connect with future development.

Mr. Grasso offered a number of comments prepared by Clough, Harbour, and Associates. In general Clough, Harbour, and Associates supports 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 should 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 VanVranken Road. In addition, Clough, Harbour, and Associates has 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 that previous technical comments have been adequately addressed. The following comments were provided. 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. Quinn reported that the ECC provided the following recommendation. As a condition of approval, a permanent conservation easement should be required on all of the proposed open space parcels to prevent any future development.

Mr. Steve Rice, 1712 Crescent Road, stated that he owns the parcel adjoining the proposed subdivision to the south. In response to his question regarding ownership of the parcel that abuts his, Mr. Dannible stated that that parcel will be conveyed to the Town.

There being no further public comment, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 7:23p.m. The motion was unanimously carried.

Mr. Werner stated his support of the proposed amendment, noting that the change in ownership "unburdens the taxpayer" while maintaining the area's rural character.

Mr. Ophardt requested information regarding the area's inclusion in an adjoining park district. Mr. Larkin commented that since the project has been before the Board for several years without comment from the neighboring park district, he did not believe that the project approval should be delayed. Discussion focused on the possible failure of the proposed "farmette". Mr. Peller advised that the Board should require that a "reverter clause" be included in the deed to ensure conveyance of the parcel to the Town should such a failure occur. Mr. Magoolaghan, Director of Marketing and Real Estate Acquisitions for Belmonte Builders, applicant, agreed to provide sample language for such a clause. Board members asked that the proposed clause be reviewed and accepted by the Planning Department and Mr. Pelagalli. Both Ms. Thorne and Mr. Ophardt stated their support of the proposed amendment.

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

Mr. Werner offered Resolution #10, seconded by Ms. Thorne, to waive the final hearing for this application and grant preliminary and final approval conditioned upon satisfaction of the comments offered by the Planning Department, the Director of Building and Development, Clough, Harbour, and Associates, and the Planning Board. Ayes: Ophardt, Larkin, Pace, Koval, Thorne, Werner, Bulger. Noes: None.

[2007-056] **Residence Inn by Marriott** – Proposed 78,785 SF hotel and restaurant, 1740 Route 9 – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:40p.m. The Secretary read the public notice as published in the Daily Gazette on May 5, 2008.

Mr. Troy Wojciekopsky, consultant, provided a brief summary of the project plan, explaining that his client proposes the construction of a 96 room, four-story hotel and 5,200 SF restaurant on a 5.2 acre parcel on the west side of US Route 9 just north of its intersection with Clifton Park Village Road. The development parcel is located in a B-4A zone. A total of 191 parking spaces will be installed. Both water and sewer utility lines are available along Route 9 to serve the site: pump stations will be installed to serve each building. The speaker stated that although there will be less than one-half acre of wetland disturbance, the applicant will provide off-site mitigation. Storm water will be directed to a containment area to be installed under the parking area that adjoins the Northway boundary. Mr. Wojciekopsky believes the site design which incorporates a number of landscaped areas will provide a "park-like" setting. A sidewalk shown along the entrance roadway will link the hotel, restaurant, and Route 9 corridor. The site will be illuminated by low-level lighting: low-level lighting fixtures will be installed on 18' high poles. Existing vegetation will be preserved to the greatest extent practicable. Mr. Wojciekopsky distributed visuals to Board members that depicted the "Profile View of Property Grades with relation to the I-87 Road Surface." The profile provided photographs of the existing hotel site as well as existing buildings along the Northway

corridor, a depiction of the grade changes for the Northway road surface, and illustrations of existing vegetation as well as proposed buffering.

Mr. Scavo offered comments prepared by the Planning Department. It is recommended that the consultant identify green space areas provided in calculations on plans. Storm Water Certification Forms must be completed. The speaker read the following comments provided by Ms. Jen Viggiani, Open Space Coordinator. The applicant has been responsive to Planning Board comments: the project plan now shows sidewalks along Route 9. It is recommended that onsite pedestrian circulation patterns be designed not only for safety but also to provide the most direct pedestrian routes between buildings. The applicant should consider creating a direct sidewalk link from the restaurant to the entrance of the Residence Inn in the most direct, linear route possible. Crosswalks across paved areas and parking area interruptions may be required to make such a direct link possible. Proposed lighting fixtures may need to be relocated to follow the sidewalk's path. A sidewalk connection directly from restaurant entrance to the Route 9 sidewalk should be required.

Mr. Steve Myers, Director of Building and Development, provided the following comments. The consultant was asked to relocate the hydrant at the northeastern corner of the restaurant to the island at the northwestern corner of that facility. Mr. Myers notes that the new storm water permit for discharges from construction activities has been public for less than 14 days. He notes that it will be a minimum of 60 days before a review of the Storm Water Pollution and Prevention Plan will be completed: new requirements relating to approval of the plan will be reviewed during the same period.

Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, asks that the applicant provide adequate access for emergency services around the hotel as requested in the memo prepared for the February 23, 2008 meeting. The plan should include No Parking - Fire Lane signs at both access lanes to the rear of the hotel and at the main entrance from Route 9.

Mr. Scavo read comments that were prepared by Bill Mackesey, representative of the trails subcommittee. He recommended that a 15-foot right-of-way and a paved trail be provided in the front of the hotel and that a sidewalk connection to the entrance of the hotel be installed.

Mr. Scavo emphasized the need for the project plan to reflect the planned phasing of the project, noting that plans must include drawings that indicate site improvements, including landscaping, to be installed during construction of the hotel but prior to the construction of the restaurant.

Mr. Grasso read the comment letter prepared by Clough, Harbour, and Associates, noting that there were a number of technical issues to be addressed by the applicant. The preliminary site plan application, dated April 23, 2008 for this project prepared by Fuss and O'Neill included the following: Preliminary Site Plan and supporting engineering and Landscape plans; Storm Water Management Plan and Report; Traffic Impact Study, by MJ Engineering and Land Surveying, P.C. The following comments were based on

review of these documents. The traffic study appears acceptable. The inclusion of cross access easements and future connections between adjacent properties will adequately address the traffic impacts associated with the project. Significantly more detailed design information is required on the utilities plan. Detailed cut sheets for the lighting fixtures shall be provided. A large note shall be added to the plans stating that no building mounted lights or other exterior lighting is permitted except that which is shown on the lighting plan. If there is the possibility that the two buildings will be separated into two separate parcels the proposed water main will need to be a public main. This requires preparation of an Engineer's report, NYSDOH approval, and independent inspection during construction. The pump station for the restaurant shall be relocated outside of the existing water main easement. The site plan shall show all planimetric features, including easements. The site plan shall show the proposed access easements to the adjoining properties as previously discussed. Separate easement maps and descriptions should be provided for review. The Board should determine if the amount and type vegetation along the Northway is sufficient or if additional buffering material is necessary. It is recommended that additional native vegetation should be planted to better screen the parking lot and lower portions of the proposed hotel. The location of the proposed sidewalk along Route 9 needs to be designed. The current location appears to conflict with both drainage structures as well as existing guide rail. This design will require input and coordination with NYSDOT. The applicant should consider the drop off area in front of the hotel being one way only. This would reduce driver confusion and streamline vehicle movements in this area of the site. The location of the refuse area for the restaurant, as well as appropriate screening, should be provided. "No Parking" signs are required in front of all handicapped parking access aisles in accordance with NYS Building Code. Additional spot elevations will be required on the final plans to verify grading in accordance with ADA standards. Additional ramp details should be provided. Currently there are approximately 3 different types of accessible ramps being proposed, though only one detail has been provided. A pedestrian crossing should be provided at the intersection of Route 9 as well as one directly before the first southern entrance into the parking lot. It is recommended that the applicant provide a sidewalk on the southern portion of the hotel between the front and rear parking lot as was originally proposed. Details of the guide rail and geo-grid interface should be provided. Additionally, it appears that a footing drain to daylight behind the wall may be necessary. Typically tree protection is to the drip line of the tree. The current detail shows protection only 5' from the trunk. While this detail may be appropriate for smaller trees, it is not acceptable for larger trees, especially the evergreens that are shown on site to remain. This detail should be revised. Gate details and bollard locations should be shown on the dumpster enclosure detail. An eight foot high enclosure should be provided due to its proximity and visibility to the Northway. Concrete grade rings should be used for grade adjustment rather than brick. The type of pipe to basin joint material should be provided. The Board should consider whether or not additional plantings are necessary along the foundation of the proposed buildings. It appears that no landscaping outside of grass is being proposed for a majority of the site. Given the relatively small size of many of the seeded areas sod should be considered to improve soil loss and increase the rate of re-vegetation. The *Betula sp.* (birch) proposed for some of the islands are not a suitable species for a parking lot situation. It is suggested that a larger, heat tolerant species to provide shade within the parking lot. A commitment letter for service and an engineer's report for the proposed connection to the municipal sanitary sewer system should be provided.

The following comments relate specifically to the Storm Water Management Plan and Report:

- A Notice of Intent for GP-0-08-001 should be completed and included in the SWPPP.

- The following modifications should be made to the SWPPP to conform with the new requirements of GP-0-08-001:
 - The SWPPP should include documentation supporting the determination of permit eligibility with regard to Historic Places.
 - Temporary stabilization is required no later than 7 days from the last construction in an area.
 - Permanent stabilization is required no later than 7 days after the last construction activity.
 - SWPPP inspections are required every seven days. The requirement for inspections following a ½" or greater rainfall has been removed from the permit.
- The report should provide a discussion on the water quality volume provided. The sizing of a hydrodynamic separator requires the conversion of the water quality volume to an equivalent flow rate. Additionally, the treatment provided by the hydrodynamic separator should be determined based upon NJDEP certifications rather than the manufacturer's materials.
- The report should discuss the proposed method of treatment as it relates to the Storm Water Design Manual and the selection matrices. It should be verified that the proposed method of treatment is the most appropriate based upon the site conditions and constraints.
- It appears the storm water model incorporates infiltration in the design. As such, test pits and percolation tests should be performed at the location of the storm water management areas to determine the appropriateness of the design infiltration rate and the elevation of groundwater. The percolation tests should be performed at the bottom of the proposed basin.
- A table should be provided documenting the 24 hour extended detention of the 1-year 24 hour storm event. It is unclear from the calculations provided how this requirement is met.
- It is unclear based upon the materials provided how the detention basins have been incorporated into the storm water model.
- A detailed construction phasing and sequencing plan should be provided in the SWPPP that is consistent with the site plans.

A commitment letter for service and an engineer's report for the proposed connection to the municipal sanitary sewer system should be provided

Mr. Quinn provided comments prepared by the Environmental Conservation Commission. After review of data presented at the May 6, 2008 meeting, the ECC made the following recommendations. In preparation for the proposed hotel, the ECC requests that the area used to calculate percentage of green space should be clearly shown graphically on the site plan. This information was not provided which limits the ECC'S to adequately review this plan. The following standard statement should be added to the plot plan:

- The ECC notes that the project may result in intrusion into federal jurisdictional wetlands. The applicant must avoid intrusion into ACOE wetlands or apply for a Federal Wetlands Permit for disturbances of more than one-tenth (1/10) acre in

total for the project. The Town of Clifton Park should be provided with copies of all related correspondence.

The ECC notes that the project plan fails to provide the minimum 50' separation from the high water mark of the stream.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing. The motion was unanimously carried.

Mr. Ophardt thanked Mr. Grasso for Clough, Harbour, and Associates' comprehensive comments, noting that many of the issues he had identified as concerns had been included in the letter prepared by the town engineer. He did note that the proposed sidewalk should be widened to 5', extended to the northern property line and south to the Holiday Inn Express driveway, and be designed with appropriate handicapped ramps. Mr. Tony Audi, applicant, agreed to assess the viability of the requested sidewalks. Mr. Werner commented that he found the connection to Route 9 acceptable and asked that a sign-off letter from NYSDOT be provided to the Planning Department. The consultant stated that a meeting with NYSDOT officials has been scheduled. In response to Mr. Werner's concerns regarding signage, Mr. Wojciekopsky presented façade renderings and noted that signage appears to be minimal. Mr. Audi stated that he will comply with all existing sign laws. Mr. Bulger commented that although visibility from the north-bound lanes of the Northway was limited, visibility from the south-bound lanes may be of concern. Mr. Koval stated that he finds the site plan acceptable since the plan provides more buffering than most of the sites along the corridor. Mr. Larkin agreed, explaining that he saw less need for buffering in this location than some others given the particular usage along this corridor and its distance from residential development. Board members directed Clough, Harbour, and Associates to review the renderings presented to determine if signage would be acceptable. When questioned about the proposed "off-site" wetland mitigation, Mr. Audi explained that he was considering the purchase of two properties that would provide protection of an area "five times" greater than the area of disturbance on the project site. Mr. Grasso explained that since this mitigation plan involved federal permitting, no SEQRA review would be required by this Board.

Ms. Pace moved, seconded by Mr. Ophardt, 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 moved, seconded by Mr. Koval, to grant preliminary site plan approval to this application conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, Associates, and the Board. The motion was unanimously carried.

Old Business:

[2007-013] **Farone, Thomas J. & Sons** – Proposed 7,500 SF office use in (2) buildings, Lapp and Crescent Roads – Expiration resubmission.

Mr. Bulger explained that this project was to be reviewed pursuant to Section 208-120(B) of the Town Code and he read that section to the Board:

The Planning Board may, at its sole discretion, at the applicant's written timely request and, in any event, at least 30 days prior to the expiration of the initial one-year approval, grant the applicant an extension of time within which to comply with the site plan, provided that the applicant has made reasonable, good faith efforts to comply with the site plan, provided that the applicant has made reasonable, good faith efforts to complete construction and implement the site plan as provided within the aforesaid one-year period, and further provided that such extension shall in no event exceed one year. No further extensions shall be permitted.

After learning that the project plan had been approved in June, 2006 and had previously received a one-year extension, Mr. Peller and Board members agreed that the project would require submission of a new application and formal site plan review.

Mr. Joe Dannible, however, consultant for the applicant, presented highlights of the project plan for the Board's consideration. He explained that sign-offs from all agencies have been received and that the sidewalk, as required at the April 24, 2007 Planning Board meeting has been illustrated on the project plan.

Mr. Scavo provided comments from the Planning Department. It was recommended that the applicant provide a 15' easement along Crescent Road to allow for future roadway improvements. The Board may wish to consider requiring clear delineation of the trees to remain along the western property boundary. Such identification would allow the Board to determine if additional plantings would be necessary to provide adequate screening of the site. Completed Storm Water Certification Forms pursuant to new Storm Water Pollution and Prevention regulations must be submitted. The storm water management plans should be reviewed with Mr. Myers, Director of Building and Development, to ensure compliance.

Mr. Bill Mackesey provided written comment on behalf of the trails subcommittee. This property should be evaluated for its impact on the federally-funded Crescent Road Trail and the crossing at Lapp Road. Since there is a trail planned for Lapp Road, conveyance of a 15 foot right-of-way along Lapp Road should be requested. Mr. Mackesey also recommended that the buildings be connected by a sidewalk to each other and to the trail network.

Mr. Grasso read the following comment letter prepared by Clough, Harbour, and Associates. Since the plans were approved in 2005, the Abele Subdivision on Crescent Road has been proposed and is currently under review by the Planning Board. The Abele

Subdivision is proposing a multi-use pathway along the south side of Crescent Road to the intersection of Southbury Road. As such, the Planning Board may wish to request the applicant evaluate the potential of extending a sidewalk or multi-use pathway across Crescent Road and along the project's Lapp Road frontage.

Mr. Quinn reported that, after review of data presented at the May 6, 2008 meeting, the ECC recommended that the applicant minimize the number of trees cut and the existing vegetation that is disturbed during construction.

Board members discussed the location of the proposed sidewalk along Lapp Road. Although Mr. Bulger stated that it would be reasonable for the sidewalk to be located along the east side of Lapp Road to connect with the proposed Hoffman development, Mr. Ophardt supported the site plan as presented, noting that curb cuts to existing businesses would make sidewalk development difficult on the eastern side of Lapp Road. Mr. Larkin stated his support of the sidewalk as proposed and assurance that a 15' wide easement along Crescent Road be provided. Mr. Werner observed that the curb cut width at the access was excessively wide. Mr. Dannible noted that the width was necessary to accommodate emergency vehicles. Board members also asked that the applicant consider preservation of vegetation along the western property line. Mr. Larkin asked that the applicant identify trees to be removed in order for Board members to determine if additional plantings would be required. In response to Mr. Ophardt's concerns regarding site drainage, Mr. Grasso was asked to review project plans. Mr. Bulger asked that the applicant comply with all code requirements and return with a comprehensive preliminary plan.

[2008-012] **F. R. Foote Company** – Proposed 400 SF addition to existing building, 898 Route 146 – Preliminary site plan review and possible determination.

Mr. Joe Dannible, consultant for the applicant, presented this application that was considered by the Planning Board at its March 25, 2008 meeting. Though the original proposal called for a 1,000 SF addition to the existing professional office, the plan has been revised: approval of a 400 SF addition to the front of the building is now requested. The building area upon completion of the addition will be 2,900 SF. The .64 acre site is located in a B-1 (Business Non-Retail) zoning district on the northern side of NYS Route 146. The parcel is served by the Clifton Park Water Authority and an on-site septic system. The green space on the site will be reduced from 69.7% to 66.7%. The fifteen parking spaces provided on site exceeds the number of required spaces. The plan presented for review now includes the handicapped parking space with appropriate signage and striping. The following variances were granted by the Zoning Board of Appeals at its April 15, 2008 meeting: 130 ft. to 105 ft. = 25 ft. front yard building setback area variance from the centerline of NYS Route 146; 40,000 SF to 27,733 SF = 12,267 minimum lot area variance; 180 ft. to 172 ft. = 8 ft. minimum lot frontage area variance; 25 ft. to 13 ft. = 12 ft. side yard parking setback area variance from the western property boundary; 25 ft. to 23 ft. = 2 ft. side yard parking setback area variance from eastern property boundary; 25 ft. to 23 ft. = 14 ft. rear yard parking setback area variance. Colored façade renderings were submitted for the Board's review and approval.

Mr. Scavo offered comment prepared by the Planning Department, explaining that, although Board members had recommended that the applicant connect to an existing sewer line, the cost of such a connection was prohibitive. Since the building has been in existence since the 1960's and because the addition is only 400 SF, it appears reasonable to allow continued use of the existing septic system. The applicant was directed to provide as much information as possible regarding the age, condition, and adequacy of that system to handle increased flows.

Mr. Scavo read the comment prepared by Bill Mackesey, trails subcommittee member, that recommends that a sidewalk connection be provided from the building site to the existing sidewalk along Route 146.

Mr. Myers, Director of Building and Development, reported that all required variances were granted by the Zoning Board of Appeals at its April 15, 2008 meeting. He has also asked that the consultant discuss storm water management details with him prior to the start of any site development.

Mr. Grasso reported that Clough, Harbour, and Associates prepared the following comments. The applicant's consultant should confirm the conformance of the parking with the required number of spaces per the zoning regulation and parking calculations should be provided on the plan. The adequacy of the existing septic system should be verified.

Mr. Jim Quinn, Chairman, Environmental Conservation Commission, reported that the ECC offered no comment on the application.

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

Mr. Werner moved, seconded by Mr. Ophardt, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments provided by the Planning Department and Clough, Harbour, and Associates. The motion was unanimously carried.

New Business:

[2008-017] **Crown Jewels Daycare Center** – Accessory use of a building and proposed parking lot expansion, 1612 Crescent Road – Special Use Permit #49854 and conceptual site plan review.

Dr. Suzanne Currier-Aproian, applicant and owner of the proposed daycare center, presented this application for the Board's consideration. The speaker explained that she and her husband have requested approval of an expansion of an existing Special Use Permit that would allow for the continued – and expanded use – of property located in an R-1 zone on the southerly side of Crescent Road. Though previous owners of the

property had operated a nursery school at the location for several years, the current owners request permission to use the existing school building to care for 36 children: the accessory building would be used to provide after-school care for 20 children. Dr. Aproian explained that the existing Special Use Permit which was granted in 1988 limited the number of children in the nursery school to 30. The applicant stated that a “second portion” of the request includes a request to back fill the south western portion of the lot in order to provide a more level play area and to add shale to the front of the site to provide additional parking area.

Mr. Scavo offered several comments regarding this application. It is recommended that the applicant delineate trees to be removed from the site. A narrative that clearly outlines the precise hours of operation and the number of children enrolled in each school program must be submitted. Anticipated changes in operation anticipated during the calendar year should also be included in this narrative. Clarification of the status of the existing “accessory building” will be required because plans call for the building to be used for an after school program for an additional 20 children from 7a.m. – 6 p.m. The applicant should also clarify whether or not school buses will be entering and exiting the site. Conceptual plans are incomplete and do not provide the level of detail to accurately prepare comments. Specifically, the plans do not show any clear level detail for the proposed site work. A grading and erosion plan should be submitted to allow for a substantive review. Mr. Scavo pointed out the Board may wish to consider adequate buffering to adjoining properties.

Mr. Myers, Director of Building and Development, provided the following comment, noting that he had discussed this application at “some length” with Mr. Scavo. Mr. Myers recommends that Board members consider several issues including the increased number of children to be served by the facility, the removal of trees and landscaping that currently serve as a buffer to adjoining properties, increased traffic, and the impact of proposed grading on site drainage. Mr. Myers also stated that new structures, signs, and proposed site work will all require town review.

Mr. Grasso reported that Clough, Harbour, and Associates has not initiated formal project review since the information provided with the concept submission was minimal.

Mr. Quinn reported that, following review of data presented at the May 6, 2008 meeting, the ECC made the following recommendations. The applicant should minimize the amount of trees to be removed from the property. The ECC recommends that any fill not negatively impact the drainage pattern or impact to neighboring properties.

Mr. Bulger explained that approval of a Special Use Permit requires that the Board conduct a public hearing. To date, he believes that not enough information has been submitted to consider the application complete. He recommended that the applicant work with a consulting firm that can prepare an adequate site plan for the Board’s review since “health, safety, and welfare” issues must be considered.

Dr. Apronian’s husband explained that an arborist has determined that there are

many diseased trees on the parcel: some may pose a danger to children playing on the site. Though he has proposed removing the hazardous trees, Building Department representatives have advised him that none may be removed prior to Planning Board approvals. Planning Board members agreed that hazardous trees should be removed from the site, but they acknowledged that the Director of Building and Development must approve the proposed tree cutting.

Mr. Peller advised the applicant to submit a complete application. This recommendation was supported by Mr. Bulger who directed the applicant to meet with Mr. Scavo to determine the requirements for Special Use Permit and site plan approvals.

Mr. Scavo reported that the Planning Department was in receipt of a letter of support for the proposed Crown Jewels Daycare Center, though he did not read the letter into the record.

[2008-018] **Barillargeon, Sandra** (formerly Cloverdale Meadows) – Proposed (4) lot subdivision, 96 Hubbs Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this subdivision proposal for the Board's consideration, explaining that the project proposal calls for the subdivision of 66.49 acres of land in the CR (Conservation Residential) zoning district on the south side of Hubbs Road approximately .7 miles east of the intersection of Hubbs and Schaubert Road. The plan proposes four (4) residential building lots and the transfer of 27,132 SF of land to an existing family lot. The smallest lot would be 3.23 acres in size. A common ingress/egress and utility easement for Lots #1, #2, and #3 are planned to minimize curb cuts and to avoid disturbance of delineated wetlands. Each proposed lot will be served by an individual well and septic system designed by a NYS professional engineer. The applicant will comply with all NYSDOH regulations. A permanent conservation easement will protect 33.52 acres: 32.81 acres remain for future development. Though the applicant intends to market the remaining land for equestrian or agricultural use, the applicant would like to preserve the ability to develop of the 32.81 acre parcel in accordance with zoning regulations. The plan indicates that a 15 foot strip of land along Hubbs Road will be conveyed to the Town of Clifton Park for future roadway improvements and/or trail development. Mr. VanGuilder noted that a seventeen (17) lot subdivision of this parcel entitled Cloverdale Meadows was previously reviewed by the Board.

Mr. Scavo provided Planning Department comments. Clarification of the setbacks should be provided. The applicant was advised that all buildings must be located 50' from all property lines or receive a variance from the Zoning Board of Appeals. Board members should consider whether avoidance of driveway access over wetlands creates a unique situation that should allow for keyhole lots in the CR zone.

Ms. Jennifer Viggiani, Open Space Coordinator, provided a number of comments regarding this application, noting that the parcel would be optimal for significant conservation of resources, as it includes open space, agricultural, scenic and natural

resources: the parcel was specifically identified in the Western Clifton Park Land Conservation Plan as an “Agricultural & Open Space Resource.” She noted that the conceptual subdivision plan is confusing in that it proposes two different development scenarios being combined and selected from the CR code. The first option employs the density option of a rate at one lot per 10 acres which requires no additional conservation measures. The second proposal illustrates one unit per 0.33 acres if 50% permanent open space is created. The project narrative should clarify which option the Board should consider. The application should clarify whether or not the subdivision proposal reflects full build-out of the parcel.

If the applicant selects development option one - proposed density at 1 lot per 10 acres, provided there is at least one acre of unconstrained land available to accommodate a residential use, including any required well and septic - the maximum capacity of the entire 66.33 acres site would appear to be 6 units. Four lots are currently proposed. A note should be added to the plan indicating that Lot #4 will be limited to two (2) additional lots. There is no requirement for the establishments of permanent conservation easements pursuant to CR zoning.

If, however, the purpose of the subdivision plan is to provide the “Area of Permanent Conservation Easement” in accordance with the alternative development scenario of “0.33 units per acre of unconstrained land, provided 50% of the area of the development site is designated as permanent open space,” then the entire parcel should be subjected to the CR Conservation Design Layout (§208-16-E-13) requirements. Such a design would require the applicant to submit a natural resource inventory of the parcel, providing the Planning Director and the Planning Board with sufficient information to determine which areas of the parcel should be conserved and which should be developed. This analysis would also help confirm the maximum build-out capacity (density) of the site. The calculations and rationale for the maximum development capacity of the total 66 acre parcel should be discussed as part of the subdivision review process and final approval conditions should be included on the final subdivision plans.

Ms. Viggiani’s memo explained that, if the applicant is requesting review of the application under the one-unit per every three developable acres scenario, this application is incomplete because it does not include an “Existing Conditions/Existing Resources and Site Analysis Plan” as called for in the conservation design layout process. Further, the proposed flag lots do not meet the intent of zoning code requirements. Most significantly, however, the proposed area to be conserved does not include any significant area of farmland to be conserved which was the priority resource identified in the former Cloverdale Meadows subdivision project.

Ms. Viggiani addressed the issue of permanent conservation easements, noting that the layout of proposed lands for permanent conservation easement is not acceptable as currently configured. Her report states that permanent conservation easements “are not just about wetlands and ‘leftover’ lands.” Such easements are created with a clear, defined, justifiable purpose to protect specific, publicly valued conservation resources. The project proposal should clarify what conservation values that the applicant is

protecting in the area labeled “Area of Permanent Conservation Easement.” The future use of such lands should also be included on the subdivision plan or within the project narrative. Ownership of the conservation easement area should also be considered.

Ms. Viggiani recommends that the existing barn be labeled as “Existing Barn to Remain on Site.” Since the barn was identified as a building worth saving during review of the Cloverdale Meadows subdivision. The means of protecting the barn should be addressed in the current application.

Ms. Viggiani explained that on March 16, 2006, a family member, Paul Baillargeon had made initial contact with the Open Space Coordinator to explore conservation options. The speaker reported visiting the development site to view its natural resources. At that time, Paul and his wife Sandra lived at 102 Hubbs Road, an adjoining parcel. Though it was recommended that an appraisal of the property be undertaken by the Town and the Land Acquisition Executive Subcommittee identified the parcel as land of conservation interest and worthy of protection, the family pursued development options instead. When the former owner (Sandra’s mother) passed away, a thirty-four (34) lot subdivision entitled Cloverdale Meadows was submitted to the Planning Board for consideration. After lengthy review and a reduction in the proposed number of lots to seventeen (17), Mr. Curt Kienast, applicant, has now apparently withdrawn that application.

Ms. Viggiani outlined the resources that have been identified on the Baillargeon parcel as follows. The parcel offers open space, agricultural, and natural resources identified as desirable in the 2003 Open Space Plan. It was been identified as an agricultural and open space resource in the Western Clifton Park Land Conservation Plan. The parcel lies on the south side of Hubbs Road, a road identified as a scenic road in the Western Clifton Park Land Conservation Plan and identified for a trail connection in the town Trails Master Plan. The nearest existing trail connection is located at the entrance to Dutch Meadows further east along Hubbs Road. The parcel is immediately adjacent to the Rolling Meadows subdivision with its provision for 50% plus open space land. Veterans Park is located immediately south of Rolling Meadows. The parcel offers important rural countryside scenic values along Hubbs Road: the view from Hubbs is extremely critical in trying to minimize or mitigate impacts to scenic qualities and rural character.

Ms. Viggiani reported that the parcel contains significant agricultural resources and has a significant agricultural heritage. Though it is unclear if farming continued on the parcel in 2007, the property was previously known also as the Heckman Farm and was actively farmed until 2006. The significant resources were listed as follows:

- Agricultural Soils: It contains soils of statewide importance and prime soils per USDA.
- Current farming uses: In 2006, Paul Baillargeon told me that a farmer from the Town of Ballston, Joe Roscak, had been farming the land, about 15 to 20 acres of the parcel for field corn.
- Historic farming uses: The farm previously had been used for dairy and also for raising chickens. Some of the former fields had grown up into woods.

- Farmhouse and farm buildings complex: The property includes a farmhouse and a complex of barns, including a corn crib and a former chicken barn. The freshly painted barn was moved to its current location from a farm in Malta.
- Agricultural Assessment: The parcel receives an agricultural exemption/agricultural assessment.

Ms. Viggiani's memo included a list of natural resources found on the property. These resources included stream corridors, NYSDEC and federally jurisdictional wetlands, and a significant woodland area. The site is adjacent to significant open space to the south (Rolling Meadows public open space and to the Veterans Memorial Park). A strong connection should be made to this adjacent, contiguous open space to the south to provide for the habitat corridors as well as trail connections.

Ms. Viggiani included recommendations regarding development of this property that had been forwarded to the Planning Director in 2006 and 2007.

This property includes scenic, rural countryside, and agricultural heritage values that have been identified in public planning processes to date for this site. It is strongly recommended that the consultant prepare and present a thorough conservation analysis map step in the process as is outlined in the CR zoning that calls for the consultant to identify rural, scenic character, agricultural features and heritage features, connections to adjacent open space and agricultural resources, etc., and overall a thorough analysis of the resource context intensively of the site itself, as well as reaching beyond the immediate parcel borders in order to give a sense of how this parcel fits into the larger rural landscape. See also the Western Clifton Park Rural Design Guidelines as part of the conservation analysis process as a key step prior to getting too far with reviewing any conceptual site layout. This is a key step that would be helpful to everyone involved in the process – as a starting point for understanding the various types of resources. Without this separate map of conservation analysis – it is hard to decide about and discuss the priorities as far as what resources are most important to conserve on this specific parcel.

The following was provided as “one example of a focused analysis of resource value.” If overall the farm/agricultural heritage is the overriding resource value, then the subdivision design should exhibit a high valuation for conserving the farm character. Under such a scenario, perhaps the house and barns could be retained as another residential lot, or as part of a larger farm parcel so that a “small farm” could be retained, as just one potential approach among many.

Mr. Bill Mackesey, representative of the trails subcommittee of the Open Space Committee, recommended that there be access to the lands of the Town of Clifton Park (Veterans Memorial Park) and that the applicant provide a 15 foot right-of-way conveyance along Hubbs Road to connect the parcel to the Town Trails system which would include the Longkill and Ushers Road Trails as well as Main Street, Jonesville. This would also provide a connection to the town park for those residing in the northeastern portion of the town.

Mr. Myers, Director of Building and Development, provided two comments regarding this application. The lots are all greater in size than the 3-acre required minimum within the C-R zone. The lots are considered to be “keyhole lots” and will be required to comply with the code section that requires that main structures must be 50’ from all property lines.

Mr. Grasso provided the following comments that were prepared by Clough, Harbour, and Associates after review of the proposed subdivision plan. The project site recently received preliminary approval for development of the Cloverdale Meadows subdivision, which included 17 lots clustered on the east side of the site and 51% open space. 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 required. The project site is located within the CR (Conservation Residential) zoning district. Assuming open space is not proposed as part of the subdivision, zoning limits development to one lot per ten acres, provided there is at least one acre of unconstrained land available to accommodate a residential use. Under this scenario, the presence of “constrained” lands does not get factored into the density calculation. The parcel includes 66.33 acres; therefore, the maximum allowable density is six lots. As such, the proposed density of four lots is in conformance with the zoning requirements. It should be noted that conservation easements are proposed on 33 acres, or 50% of the site. Assuming 25% of the unconstrained lands of the total project site are included, the maximum development potential of the overall parent parcel can be increased to one lot per three unconstrained acres, or 17 lots. To allow future reference, these density limitations should be stipulated on the subdivision plan and tracked by the Town. The project site was identified as an “Agricultural or Open Space Resource” parcel. As such, this parcel, either in its entirety or special resources within it, are worthy of special protection.

Clough, Harbour, and Associates’ previous review letters for the Cloverdale Meadows Subdivision recommend that the development be concentrated within the eastern portion of the project site. The currently proposed project appears to meet this request. The proposed uses of Lot #4 and the possibility of future subdivision proposals should be discussed with the Planning Board. In order to prevent segmentation and loss of land conservation efforts associated with the planning of the parcel, consideration should be given to limiting future subdivision potential. The proposed restrictions associated with the proposed “permanent conservation easement” should be identified on the plans. It is recommended that these be consistent with the Town’s standard language for Land Conservation Areas/Easements. Clough, Harbour, and Associates remain concerned with cumulative and unrestricted impacts to any federal wetland areas not protected by land conservation areas or within proposed public open space. In accordance with NYSDEC Phase 2 storm water regulations, provisions of storm water management (water quantity and water quality) are only required if more than five acres will be disturbed. Given concerns raised about drainage problems along the eastern side of the project site, if it is expected that development of Lots #1 through #3 will impact greater than one acre, it is recommended that a Storm Water Pollution and Prevention Plan and a detailed grading plan for each lot be developed at that time of an application for a building permit and these materials are reviewed by the engineering firm. Test pits and percolation tests should be performed within the limits of the proposed septic areas to determine the adequacy of the underlying soils to accommodate the proposed septic systems. Pursuant to Section 208-16-E.8 of the zoning code the front yard setback should be 75’.

Mr. Quinn reported that the ECC recommends that the applicant minimize the impact to the delineated federal wetlands during construction.

[2008-019] **Earl, Scott** – Amendment to approved (4) lot subdivision, 43 Ray Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application for the Board's review. The project proposal calls for the subdivision of Lot #43 Ray Road into lots of 3.55 acres and 53.91 acres, respectively. The parcel to be subdivided lies within the CR (Conservation Residential) zone on the north side of Ray Road approximately 1,800 feet west of the intersection of Ray and Vischer Ferry Roads. Lot #43A will have a common driveway to minimize curb cuts along Ray Road. An individual well and septic system designed by a licensed professional engineer will serve the residence. Approximately 23.93 acres of delineated NYSDEC and federally jurisdictional wetlands have been delineated on the site. The amount of unconstrained land totals 33.48 acres. At this time, there are no plans to develop Lot #43, though Mr. VanGuilder reported that there is there is a potential purchaser who has expressed interest in farming the tract.

Mr. Scavo recommended that the applicant prepare a Full Environmental Assessment Form. Mr. Scavo also read the comment prepared by Mr. Bill Mackesey, trails subcommittee member, that recommended that the Board request a 15 foot right-of-way and paved pathway along Ray Road.

Ms. Viggiani, Open Space Coordinator, provided a memo outlining her concerns and recommendations. An analysis of this parcel's existing conditions and setting included the following observations. The parcel was identified in the Western Clifton Park Land Conservation Plan a significant "Agricultural and Open Space Resource." The site contains extensive wetlands. It shares a portion of its western boundary with the Lawrence Farm, an active Christmas tree farm located off of Sugar Hill Road. The 64.34 acre parcel had once been a working farm, though its original farmhouse and barns have been removed. The applicant should provide a plan for ultimate build-out plan of the property. Notably, Lots #45, #47 and #49 Ray Road were previously subdivided from the parent parcel. An amenity zoning application was submitted for the remaining lands; however, after significant review, the plan was withdrawn from consideration. A maximum capacity of potential units should be established for the parcel. The proposed permanent conservation easement is unacceptable for the Town in its current format. The applicant must establish the purpose of the easement and identify the resources that are to be protected. For this parcel, not only the wetlands but also uplands, scenic values, and farmlands may warrant a permanent conservation easement. One scenario the applicant may wish to explore is creation of a single residential lot on the 53-acre lot and permanent protection of the remaining acreage. Such an action would extinguish the development rights on the rest of the 53 acres. The applicant may want to consider donating a permanent conservation easement to the Town of Clifton Park on that parcel. The land would remain in private ownership though the Town would hold an easement.

This option would require additional consultation with the Open Space Coordinator and Town Attorney.

Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, provided a memo that requested that the consultant add a note to the plans regarding the accessibility to the premises per §73-19 of the Town Code.

Mr. Myers, Director of Building and Development, reported that this application appears to meet C-R requirements.

Mr. Grasso provided the following comments prepared by Clough, Harbour, and Associates following review of the project plan. The proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such, coordinated review is optional. The only involved agency is expected to be the Clifton Park Planning Board with Subdivision Plan approval being required. The project site lies within the Western Clifton Park GEIS study area. The site is located within the CR (Conservation Residential) zoning district and subject to the Findings Statement. It should be noted that this project site was previously before the Board with a 13 lot conservation subdivision. The project proposes to subdivide a 3.55+/- acre parcel from the overall 57.46 acre parcel. The applicant should clarify if the conservation easement was previously filed or if this easement is part of this application. It appears that the project had adequate frontage, but will use a shared driveway arrangement. It should be noted that while the lot meets the frontage requirements, the configuration of the lot is a keyhole arrangement which runs counter to the intent of the zoning. The following comments relate to the shared driveway. Ingress and egress easements over the existing parcels will be necessary and run in favor of the applicant. This will require the filing of easements over the existing properties. Cross access maintenance agreements should be provided for review and contained within the deeds for this proposed lots as well as the existing three lots. Final copies of all deed covenants and restrictions should be provided for review prior to filing. The location of the proposed well and septic bed should be shown on the plans. Soil investigations, including deep test pits and percolation tests, should be conducted in the area of the proposed wastewater disposal systems to verify the adequacy of the soils to accept an on-site wastewater disposal system. Any raised septic system designs require design by a licensed professional engineer and review and approval prior to subdivision approval. Well yield and quality test should be provided during the building permit review process.

Mr. Quinn reported that the ECC made the following recommendations regarding this application. The applicant should minimize the impact to the existing federal wetlands during construction. The ECC recommends that it should be clarified if this proposal is a "new" or an "amended" proposal. If this subdivision proposal is for an amendment to the previously approved four (4) lot subdivision, as described in the Draft Planning Board Agenda received by the ECC, the ECC questions whether this project is really a five (5) lot subdivision. Alternatively, if this is simply a new two (2) lot subdivision proposal, as it appears from the application, and not an amendment to the previously approved four (4) lot subdivision, it should be investigated whether there are any restrictions on, or prohibitions to, the subdivision of one (1) of the lots previously (and recently) subdivided during the previous subdivision process.

Mr. Grasso requested that the applicant clarify the timing of the subdivision approvals for the original four (4) lots as related to this application, provide density calculations for development, and provide information regarding site drainage.

Ms. Pace stated that she would prefer that the larger parcel remain as agricultural land. Board members generally found the plan acceptable. Mr. Bulger explained that this will be considered a two (2) lot subdivision for review purposes.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Koval, approval of the minutes of April 22, 2008 as amended. Ayes: Ophardt, Larkin, Pace, Koval, Werner, Bulger; Noes: None; Abstained: Thorne.

Discussion Items:

DCG Senior Housing

Mr. Scavo explained that the developer of the DCG Senior Housing project located on Wall Street has requested approval of a revision to the site plan. The project will now connect to the sewer along Clifton Park Center Road and the pump station at the intersection of Clifton Park Center and Moe Roads.

A condominium association has now been established to serve this facility – all units will be owner-occupied. This is a change from the proposed apartment complex. Mr. Scavo will discuss this change with Mr. McCarthy, Town Attorney, to determine if a change to the language in the PDD legislation is required.

Little Falls Lumber Company

The owner of Little Falls Lumber Company requested that the Planning Board consider a revision to the approved site plan to allow the use of a green mesh fabric material to cover the chain link fencing that has been installed at the site. The mesh would replace the required green vinyl slats. The change is requested due to vandalism at the Main Street site. Board members agreed that the change was acceptable.

Mr. Bulger moved, seconded by Mr. Larkin, adjournment of the meeting at 10:25p.m. The motion was unanimously carried. The next meeting will be held as scheduled on May 27, 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 #10

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 May 13, 2008 there were:

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

Absent: None

Ms. Werner offered Resolution #10, and Ms. Thorne seconded, and

Whereas, an application has been made to this Board by Regatta View, LLC for approval of an amendment to an approved subdivision plat entitled Bridlewood Ridge that permits open space areas "A" and "B" to become part of the original Boel home lot and be converted from land to be conveyed to the Town of Clifton Park to privately owned open space and requires that the property boundaries of Lots #1, #9, and #14 be moved 50' to the north;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 13, 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 May 13, 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 proposed amendment to the subdivision plat entitled Bridlewood Ridge that permits open space areas "A" and "B" to become part of the original Boel home lot and be converted from land to be conveyed to the Town of Clifton Park to privately owned open space and requires that the property boundaries of Lots #1, #9, and #14 be moved 50' to the north is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by the Planning Department, the Director of Building and Development, Clough, Harbour, and Associates, and the Planning Board.

Resolution #10 passed 5/13/08

Ayes: Ophardt, Larkin, Pace, Koval

Thorne, Werner, Bulger

Noes: None

Steven J. Bulger,
Chairman