



**Planning Board Meeting**  
**June 24, 2008**

Those present at the June 24, 2008 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, J. Koval, J. Larkin, E. Ophardt,  
J. Thorne  
T. Werner arrived at 8:05p.m. during the discussion of the Verizon  
Wireless Co-location application

Those absent were: S. Pace

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

Mr. Bulger, Chairman, called the meeting to order at 7:15p.m. All in attendance stood for recitation of the Pledge of Allegiance.

**Public Hearings:**

[2008-005] **Robinson, Wayne** – Proposed (8) lot subdivision, Glenridge Road –  
Public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:15pm. The Secretary read the public notice as published in the Daily Gazette on June 16, 2008.

Mr. Scott Lansing, consultant for the applicant, presented this application for the Board's review. Pursuant to CR (Conservation Residential) zoning requirements, he

provided the density calculations for the 44.43 acre parcel. Since there are 10.4 acres of constrained land on the site, the allowable density would total eleven (11) residential units: eight (8) single-family units are proposed. The percentage of the proposed open space composed of unconstrained lands exceeds the code requirement. Lot sizes will all be in excess of the required 40,000 SF and all setback requirements will be respected. The lots will be accessed by a new town roadway and will be served by extension of the municipal water system and individual septic systems. Mr. Lansing was confident that all comments issued Clough, Harbour, and Associates could be adequately addressed.

Mr. Scavo provided comments from the Planning Department. Since the tax map for the Town of Clifton Park shows that the applicant owns an adjoining property that appears under the same tax map number, the applicant must determine how the properties will be separated. It is recommended that the proposed fencing be changed to split-rail with welded wire. Mr. Scavo recommends the addition of a note on the plan that states that no further subdivision of the property will be permitted.

Mr. Scavo reported that Mr. Mackesey, representative of the Trails Subcommittee, provided comment on the application. Mr. Mackesey requested that the applicant address previous recommendations since Glenridge Road is scheduled to be rebuilt and widened. He recommended that Town officials negotiate with those from the Town of Glenville to create a trail network to Route 50 and a connection to the proposed Rexford Park on Route 146.

Mr. Steve Myers, Director of Building and Development, noted that the comments issued on May 25, 2008 remain to be addressed.

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

Mr. Grasso offered comments prepared by Clough, Harbour, and Associates. The details of the proposed lot grading should be further evaluated by the design engineer. There is a concern that the drainage from the rear yards of Lots #7 and Lot #8 will be directed toward the proposed houses. Well defined swales should be provided to direct the drainage around the proposed houses. Additionally, the finished floor elevation of Lot #1 is approximately 2.5 feet below the proposed roadway elevation. A detailed grading plan of this area detailing how the runoff will be conveyed around the house should be provided. A drainage easement to the Town of Clifton Park should be provided for the proposed culvert crossing Robin Spring Road at STA 9+00. The grading plan should identify the lots with proposed walk out basements and the basement elevations should be provided on the plan. A street light orientated over the proposed intersection should be provided. The foundation drain locations and invert elevations should be provided on the plan. The invert of the inlet of the storm water management plan should be indicated on the grading plan. The profile appears to indicate that this pipe will have an 8.71% slope. The velocity at the outlet of this pipe should be evaluated to verify adequate erosion controls measures are proposed. A detail of the proposed guide rail should be provided. Given the significant expense and maintenance responsibility associated with the box culvert, it is recommended that it be designed for a 100-year storm event and be constructed of concrete. Corrugated metal pipe typically has a life span of less than forty years. Reinforced concrete box culverts can have life spans

greater than eighty years. Foundation drain laterals shall be provided for each lot with respective inverts for future connections. The proposed work at the intersection with Glenridge Road shall be coordinated with NYSDOT as this road is slated for reconstruction. Because Glenridge Road is controlled by NYSDOT, the intersection geometry shall comply with NYSDOT requirements. A pavement transition detail should be provided. The project site includes 34.03 acres of unconstrained land. Pursuant to Section 208-16.E.3.A the proposed private open space shall include a minimum of 25% (8.5 acres) of the unconstrained land. The amount of unconstrained land within the private open space should be indicated. The limits of the proposed erosion control matting shall be clearly shown. Given the evidence of high groundwater throughout the site the road section should be revised to include the requirement for underdrains and stabilization fabric and a minimum 6" layer of #2 crushed stone beneath the subbase section. Stabilization fabric may be installed beneath the #2 stone drainage layer and filter fabric may be installed between the drainage layer and subbase. A "Dead End" sign should be provided along the right hand side of the proposed roadway at its beginning. The Erosion and Sediment Control Plan should include a stabilized construction entrance. Based upon the information provided in the Water Supply report, adequate capacity and pressure are present within the existing system to serve to proposed development. The response letter indicates additional pressure and flow data will be provided when available. A clarification as to what additional information is anticipated should be provided. The following comments on the Storm Water Pollution Prevention Plan dated May 2008:

- A phasing plan should be prepared depicting how the site will be developed limiting the disturbance to less than 5 acres at one time. The time of concentration travel path depicted on the post development drainage area map does not appear to accurately represent the proposed final grading. The drainage from the eastern portion of the site will be conveyed via a proposed swale Lot #5 and Lot #6 before entering a culvert under the proposed roadway. It should be verified that an appropriate post construction time of concentration was utilized.
- A Notice of Intent should be completed and included in the SWPPP.
- The use of chain link fence around the proposed storm water management area is not recommended.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that the ECC reiterated the comments prepared for the June 10, 2008 meeting. In addition, the ECC requested that the applicant place a note on the plan regarding the site's proximity to the railroad tracks that border the site.

Mr. Phillip LaForest, 41 Glenridge Road, expressed his concerns regarding development of the subdivision. He stated that he was concerned that noise, dust, and debris associated with construction and heavy vehicles may negatively impact his property. He asked that the Board consider impacts to existing wildlife, particularly the deer and birds that currently inhabit the property. Traffic safety at the proposed intersection of the new roadway and Glenridge Road was also an issue of concern.

Mr. Joe Battiste, 16 Deerfield Court, requested information regarding the permitted uses permitted in the area of the subdivision to be preserved as permanent open space. Mr. Grasso explained that disturbance of land in the form of clearing and grading within that designated area would not be permitted. In response to Mr. Battiste's

question regarding the price range for the proposed homes, Mr. Lansing stated that that information is not available.

Mr. Richard Brancato, 10 Bradt Road, requested that the applicant provide information regarding the extent of proposed clearing. Mr. Lansing explained that clearing limit lines have been provided on the plan.

Ms. LaForest, 41 Glenridge Road, explained that her family's home lies in close proximity to the proposed access roadway. She was concerned that the clearing required for construction of the roadway would significantly diminish the privacy they now enjoy.

In response to Mr. Larkin's question regarding the proposed finished floor elevations in relation to the septic systems, Mr. Lansing explained that effluent pumps will be installed to ensure that the systems work properly. Mr. Larkin believes that subdivision of the entire parcel owned by the applicant must be a condition of subdivision approval. Referencing the aerial view of the parcel, Mr. Bulger observed that the LaForest residence was located near their eastern property boundary. Mr. Lansing explained that the project's design plan calls for a 60' wide right-of-way and installation of the roadway approximately 30' from the LaForest's property line. A box culvert will be installed within the existing right-of-way. Board members agreed that the applicant should be required to provide as much buffering as possible between the proposed roadway and the Lands of LaForest. Buffering must also be provided along the LaForest's rear property line where a septic system is to be installed. Mr. Lansing reported that the roadway will be positioned to avoid as much wetland disturbance as possible and that drainage from the roadway will be directed to the storm water management area. Board members found the plan to be generally acceptable.

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

Ms. Thorne offered Resolution #13, seconded by Mr. Bulger, to grant preliminary subdivision approval to this application conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, and the Planning Board. Ayes: Ophardt, Larkin, Koval, Thorne, Werner, Bulger. Noes: None.

[2008-027] Verizon Wireless – Proposed co-location on Knoll Top Water Tank, 51 Castle Pines Road – Preliminary public hearing & possible determination.

Mr. Michael Cusack, consultant for the applicant, offered a "recap" of this project that calls for the co-location of wireless antennae on the Clifton Park Water Authority's tower located with the Knolltop subdivision. Mr. Cusack reported that, as directed by the Board, he contacted representatives of Sprint to determine whether or not that firm would be interested in sharing an interest in the proposed generator. Mr. Cusack explained that the response received from Sprint indicated that due to financial constraints, that company was unable to commit funds to the proposed project. Mr. Cusack explained that

the installation of the equipment at the Knolltop site was necessary to provide uninterrupted service to subscribers. He also presented, as requested by the Board, a simulation of the site as it would look with the proposed fencing and landscaping. Information required by Professor Johnson has been provided. Mr. Scavo stated that the promulgation studies appear accurate.

Mr. Scavo reported that the Planning Department finds that the applicant has complied with all Board directives. Mr. Myers, Director of Building and Development, finds the project plan acceptable. Clough, Harbour, and Associates has found the plan acceptable.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that, after review of data presented at the June 17, 2008 meeting, the ECC recommends that the following standard statement be added to the plot plan:

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

There being no public comment, Mr. Bulger moved, seconded by Larkin, to close the public hearing at 8:05p.m. The motion was unanimously carried.

In response to Mr. Ophardt's question regarding the amount of diesel fuel needed for operation of the generator, Mr. Cusack explained that the generator requires that 200 gallons of fuel be provided: a "second bladder" built into the fuel storage equipment provides for containment of 250 gallons of fuel. Mr. Quinn noted that the ECC will require the applicant to provide the Commission with documentation regarding fuel storage at the site. Mr. Bulger asked about the project time frame for installation of the wireless equipment. Mr. Cusack stated that the equipment will likely be installed by late fall. Mr. Larkin requested that the applicant provide copies of correspondence with Sprint representatives that support Mr. Cusack's contention that that firm is not interested in sharing responsibility for the generator at this time. Mr. Cusack submitted an e-mail to the Board that substantiated his statement.

Mr. Larkin 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.

Mr. Bulger moved, seconded by Mr. Koval, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of all the comments offered by the Planning Department. The motion was unanimously carried.

**Old Business:**

[2007-032] **Pickett, Frank J.** – Proposed (6) lot subdivision of the Lands of the Estate of Frank J. Pickett, 136 Vischer Ferry Road – Preliminary review and possible determination from preliminary public hearing held on January 8, 2008.

Mr. Lansing, consultant for the applicant, presented this application for consideration by the Board. He offered information regarding the density calculations for the project: the applicant would be able to create seven (7) buildable lots on the 22.53 acre property. 13.9 acres of the parcel would be designated as permanent open space. More than eleven acres of unconstrained land would be included within the open space area. Individual wells and septic systems would serve all proposed lots. Mr. Lansing explained that, in conformance with a recent zoning interpretation provided by Mr. Myers, Director of Building and Development, the design plan presented for consideration at this meeting proposes the development of “keyhole” or “flag” lots rather than construction of a town roadway.

Mr. Scavo provided comments offered by the Planning Department. Mr. Scavo stated that he viewed keyhole lots as “bad planning”. He read §208-86 of the Town Code:

Keyhole lots may be permitted by the Planning Board only in Residential Districts R-1 and R-3 and only in rare instances when required due to unusual conditions of the area. Keyhole lots shall not be created for any use other than a single-family dwelling.

Mr. Scavo explained that it is sometimes difficult for emergency vehicles to locate residences, that the keyhole lot design provides a “clever tool for developers to create frontage where it would not otherwise exist,” and that those residing on keyhole lots often tire of the maintenance expense and seek relief from the Town. He does not believe that this parcel exhibits any “unusual conditions” that would demand the use of keyhole lots. The open space reference on the plan should be amended to Permanent Open Space. The standard note stating that no further subdivision of the parcel shall be permitted must be added to the plan.

Mr. Scavo reported that Mr. Mackesey, representative of the Trails Subcommittee, recommended that the Planning Board request the conveyance of a 15’ strip of and along Vischer Ferry Road because the Trails Subcommittee is seeking another southern route to the Vischer Ferry Preserve and the historic hamlet of Vischer Ferry.

Mr. Scavo read comments prepared by Mr. Myers, Director of Building and Development, in a memo dated June 3, 2008. Mr. Myers notes that the proposed wells are to be located “down hill” from the septic systems: wells and septic systems must be 200 feet apart. The storm water management plan remains incomplete. Ms. Reed, Chief of the Bureau of Fire Prevention, requested that approved postal addresses be added to the plan and that adequate turn-around areas for emergency vehicles be provided.

Mr. Grasso offered the following comments provided by Clough, Harbour, and

Associates. Adequate separation between the proposed septic systems and wells should be provided. The septic fields along the south side of the proposed private drive are located up gradient from the proposed wells. As such, 200 feet of separation should be maintained between the well and septic field. The plan should indicate and quantify the proposed limit of disturbance area. Disturbance greater than five acres, requires the need for a Full Storm Water Pollution Prevention Plan and water quantity and water quality measures. As such, and because the road's drainage system discharges directly to a wetland which is upstream from the Stoney Creek Reservoir, a public water supply, the firm recommends that a Full SWPPP be provided. The Town's standard note regarding driveways over 500' in length should be added to the plans. A detail of the proposed driveway section should be provided.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that, after review of data presented at the June 17, 2008 meeting, the ECC reiterated the following recommendations. If the storm water plan previously submitted to the Town remains the same, the ECC is still concerned with the uncontrolled storm water discharge directly into the adjacent wetlands. The following standard statement should be placed on each individual plot plan:

1. 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 in the office of the Albany International Airport.

Additionally, the ECC recommends that the deed restriction language, which the ECC has not seen, should relate to the CR Zone in order to prevent further land subdivision of the original parcel.

Mr. Bulger explained to the Board that the "implications of this application extend beyond the Board's consideration of this specific project plan" since the issue of the approval of keyhole lots within the CR (Conservation Residential) zone is one that must be carefully considered. He reference §208-86 of the Town Code that was read previously by Mr. Scavo and, speaking generally, noted that "unusual conditions" of an area may provide the rationale for approval of a keyhole lot design. For example, avoidance of disturbance to wetlands may provide a reason for such approval. Mr. Lansing noted that, in this instance, the Town's concern for creating a cul-de-sac for such a limited number of lots may be reason to recommend the keyhole configuration rather than a paved Town roadway. He also cited the excessive cost of infrastructure as a reason to approve the keyhole-lot design plan. Mr. Bulger described the discussion as "fall-out" from the approved CR (Conservation Residential) zoning that required decisions based upon the Planning Board's consideration of private drives and public roadways. Mr. Pelagalli offered comment, stating that Mr. Myers' decision carries more import than does the opinion of Planning Board Counsel. He pointed out that Mr. Myers agreed that discretion in this instance lies with the Planning Board. He explained that current zoning code does not negate decisions rendered under former Town Code: previous approvals of keyhole lots will not be affected. Mr. Larkin commented that there is no HR (Hamlet Mixed-Use) zone in the area that would support the recommendation that strip lots be approved. He referenced his previous positive experience with a shared driveway arrangement as he voiced his support for a keyhole lot configuration that would

reduce municipal highway maintenance costs. He also pointed out that the proposed plan is designed to provide adequate separation between well and septic locations. Mr. Koval supported Mr. Larkin's comments, agreeing that the design as presented would be acceptable. He did note, however, that he would encourage the establishment of an HOA (Homeowners' Association) to oversee management and assure adequate maintenance of a combined drive. Ms. Thorne described the proposed design as "not terrible," though she asked that the Board be committed to reviewing each application on a site-specific basis. She preferred that a town road serve this development. Mr. Grasso agreed with this recommendation, supporting the concept that the Board consider all alternatives for each application it considers. Mr. Werner asked that Board members consider the maximum number of lots to be served by a common drive. His question focused on the number of lots that would require a Planning Board mandate that a public roadway be constructed. In Mr. Ophardt's opinion, the applicant for this project has not satisfactorily demonstrated that there are "unusual circumstances" that would lead members to approve the keyhole design. Mr. Lansing, however, argued that the plan provided for the required separation of wells and septic systems while maintaining the rural character of the area. Substantial discussion regarding the benefits and disadvantages of the proposed keyhole lot design ensued. Mr. Larkin stated that, in his view, the absence of municipal water and sewer service provided the "unusual circumstances" that would provide a reason for approval of the application as presented. In response to Mr. Ophardt question regarding whether or not such an approval would establish a precedent for future Board action, Mr. Bulger explained that such precedent would not be established if the Board considered each project as presented. Mr. Bulger polled individual members of the Board to determine if members preferred that the applicant design the development with keyhole lots served by a common drive or with a public roadway. Though Mr. Koval and Mr. Larkin stated that they found the keyhole lot design more reasonable, all other members present stated their preference for construction of a public roadway. Mr. Lansing was directed to develop plans consistent with this determination.

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[2007-047] **Latham Construction** – Proposed (2) lot subdivision, Biette Road – Preliminary review and possible determination from public hearing on May 27, 2008.

[2007-048] **Latham Construction** – Proposed 14,200 SF Construction, Maintenance, Equipment Repair, and Storage Facility, Biette Road – Preliminary site plan review.

The above-referenced agenda items were considered concurrently.

Mr. Brien Ragone, consultant for the applicant, explained that the project plan remains as presented during the previous Planning Board review. He introduced Mr. Michael Hoffman, applicant, and Mr. John Tabnor, the applicant's legal representative, who were in attendance at the meeting. Mr. Ragone reported that, as requested by the Board, notes regarding the use of outdoor storage areas, site lighting, and tractor trailer access to the site have been added to the plan. He did note that the applicant would prefer the installation of an on-site septic system to handle the minimal flows from the

proposed facility rather than connection to the existing sewer system that would require extensive construction and substantial expense.

Mr. Scavo provided comments from the Planning Department, noting that the applicant adequately addressed previous concerns. The applicant had now requested, however, approval for installation of an on-site septic rather than connection to the existing municipal sewer system. Mr. Scavo recommends that the required connection be required since both the Town of Clifton Park Building Department and the Sewer Department agree that a sewer connection is required due to the proximity of the public line to the property. In September, 2007, the Saratoga County Planning Board requested additional information regarding this application: they have not yet issues approval.

Mr. Myers, Director of Building and Development, provided the following comments and recommendations in a memo dated June 3, 2008. Pursuant to NYS Code, he notes that septic systems are not allowed if public service is available within 500' of the development parcel.

Ms. Reed, Chief of the Bureau of Fire Prevention, asked that approved postal addresses be added to the plan and that an additional hydrant be provided on the development site.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the following documents for the above referenced project as prepared by Environmental Design Partnership:

- Plan set entitled "Proposed Maintenance Storage and Equipment Repair Facility for Latham Construction, Inc.", dated May 7, 2008.
- Report entitled "Storm Water Pollution Prevention Plan for Construction Activities at Proposed Maintenance Storage and Equipment Repair Facility for Latham Construction, Inc", dated May 2008.
- Report entitled "Storm Water Management Report Latham Construction", dated April 2008 revised June 2008.

The following comments were offered on the documents provided. The applicant is proposing to provide water service to this site through a connection to the Town of Halfmoon water system in the adjoining Turf Mobile Home Park. This connection will require the approval of the Town Boards in both Clifton Park and Halfmoon as well as the Town of Halfmoon Water Department. Though the applicant has indicated that an application has been made to the Town of Halfmoon, no documentation of approval has been submitted to the Town of Clifton Park.

Mr. Grasso reported that Clough, Harbour, and Associates offered the following comments on the proposed septic system design:

- A percolation test was not performed in the area of the proposed absorption field. A note under the septic system design calculations indicates that additional percolation tests will be performed in the proposed location. Based on the requirement of 2 tests per 1000 sf, 4 tests shall be required for the 1560 sf absorption field.

- Any private wells on adjacent property (Lands N/F of Carol Yates) should be identified on the plans. The proposed absorption field is located 60' from property line and 100' minimum separation is required between absorption field and a private well.
- Absorption trench detail on plans calls for 24" minimum separation from groundwater, bedrock or impervious layer. Design standards require 4' minimum separation from bedrock/impervious layer to bottom of absorption trench and 2' minimum separation from groundwater.
- Ratio of effective length to width of septic tank is less than 2:1 and it should be between 2:1 and 4:1.
- Provide dimension "D" (baffle location) on septic tank detail if baffle is to be used.
- The septic tank material to be used should be indicated in detail.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that, after review of data presented at the June 17, 2008 meeting, the ECC reiterated the following comments. The ECC is concerned with the possibility of impacts to the environment from releases to the gravel surface by the outside construction equipment storage pad. The ECC is also concerned with the visual impacts to the surrounding residential neighborhood which would result from the storage of large construction equipment on the equipment storage pad. The ECC requests that the applicant clarify design standards and construction expectations for storage and spills of on-site petroleum products. Mr. Quinn asked that the Board consider requiring the applicant to add a note to the plan that would require connection to the sewer lines when it became available within 500' of the property boundary.

Board members discussed the applicant's request for approval of the septic system as opposed to connection to the sewer system. Board members agreed that, due to the limited usage of the facility and distance of the subdivided site from public infrastructure, installation of a private septic system would be acceptable. Members, did, however, qualify this decision with instruction to the consultant to add a note to the plan regarding required future connection to the sewer system as recommended by Mr. Quinn. In response to Mr. Werner's question regarding tractor-trailer access to the site via Cemetery Road and the adjoining mobile home complex, Mr. Grasso stated that the roadway was sufficiently constructed for such traffic.

The Board first considered the subdivision application.

Mr. Werner 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. Ophardt offered Resolution #14, seconded by Mr. Bulger, to grant preliminary and final approval to this application conditioned upon satisfaction of the comments offered by the Planning Department. Ayes: Ophardt, Larkin, Koval, Thorne, Werner, Bulger. Noes: None.

The Board then considered action on the site plan.

Mr. Koval 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. Bulger, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, a note being added to the plan that states that connection will be made to the municipal sanitary service line within two years of its availability at the property line and a note on the plan that states that in the eventuality of a proposed change in use or intensity of the site that site plan review must be conducted by the Planning Board. The motion was unanimously carried.

[2008-026] **Route 9 Farmstand/Retail** – Proposed temporary structure, Route 9 – Preliminary review and possible determination.

Mr. Sam Paquin, property owner and applicant, presented his application that remains as presented at the June 10, 2008 Planning Board meeting. The applicant submitted a sign-off letter from NYSDOT approving the project as designed.

Mr. Scavo provided comment from the Planning Department. He explained that Mr. Paquin has provided a letter from NYSDOT stating that the applicant does not have to provide additional information to that agency or apply for a permit. The applicant has satisfied the Board's request recommending the installation of split-rail fencing along Route 9. Additional parking has also been provided. No Parking signs will be installed along Clifton Park Village Road. Required setback variances must be approved by the Zoning Board of Appeals.

Mr. Grasso requested that appropriate signage for the handicapped parking areas be included on the plans.

Mr. Quinn reported that the ECC provided no comment on the application.

Though Mr. Larkin expressed concern that the fencing shown on the plan would limit access to the telephone company easement on the property, the information provided by the applicant assured him that the proposed property use would not restrict access. In response to Mr. Ophardt's concerns that the fencing proposed would not permit access for maintenance of NYSDOT drainage corridors, Mr. Paquin agreed to widen fencing partitions sufficiently to accommodate access for maintenance vehicles. Mr. Werner recommended that No Parking signs be posted on the Route 9 side of the site to discourage patrons from parking along the major highway. Board members agreed that this recommendation was reasonable.

Mr. Bulger 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. Ophardt moved, seconded by Mr. Larkin, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, the Planning Board, and approval of the required variances by the Zoning Board of Appeals. The motion was unanimously approved.

[2008-025] **Firehouse Road Associates II, LLC** – Amendment to approved 6,800 SF mixed use retail space in two buildings, 5 Northside Drive – Preliminary and Final site plan review.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that remains generally as presented at the May 27, 2008 meeting. The applicant, at that time, requested the Board's approval of elimination of the approved access to Route 9 since the Town of Halfmoon denied the application. The second request at that time was for the installation of additional parking spaces to accommodate the change in tenancy of the a portion of the proposed site use from retail to restaurant to allow for the leasing of commercial space for a pizza shop. In response to Board comments, the parking on a portion of the site has been "angled" to provide for easier entrance and exit of parking spaces.

Mr. Abele, owner/applicant, presented a "new concept" for the Board's consideration and introduced Mr. Ed Revetto, business owner, who proposes expansion of his "pizza restaurant" business to the Firehouse Road site. The two are currently considering a change to the proposed bank building with a drive-thru as approved to a pizza restaurant. Mr. Revetto explained that as an owner-operator of a design firm and a "worker in pizza restaurants," he seeks to combine his skills by designing a "European farmhouse" style pizza restaurant. He presented conceptual design plans for the Board's review.

Mr. Scavo provided comments prepared by the Planning Department, explaining that, as requested by the Board, the applicant is now showing diagonal striping for the parking spaces along the western property boundary.

Mr. Bulger explained that the Board's responsibility at this meeting is to consider the proposed changes to the approved site plan. The changes include the elimination of any access to Route 9: the emergency service provision will remain as is. The additional parking spaces will also be considered. Ms. Thorne stated her approval of the revised plan.

Mr. Werner 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. Ophardt moved, seconded by Mr. Bulger, to grant preliminary and final approval of the proposed site plan amendment as presented. Ayes: Ophardt, Koval, Thorne, Werner, Bulger. Noes: Larkin.

**New Business:**

[2008-028] **Restaurant, 16 Clifton Park Village Road** - Proposed 7,198 SF restaurant. – Conceptual site plan review.

Mr. Joe Bianchine, consultant for the applicant, presented this application that is similar to the one approved by the one approved by the Board during review of the Holiday Inn Express and Pasqualle's Restaurant. The speaker explained that the plan calls for the construction of a 5,348 SF restaurant. 66 parking spaces are provided, though a total of 101 spaces would be available for restaurant use due to a cross-easement provided by the adjoining hotel. Access will be provided by a combined entranceway with the hotel. Storm water management will be provided in the northeastern portion of the site.

Mr. Bob Boucher, architect for the project, presented a façade rendering for the Board's consideration, explaining that the proposed plan illustrated the use of "natural, neutral materials" that appeal to today's sophisticated, more-educated consumers.

Mr. Scavo provided comment from the Planning Department. He asked that the applicant provide documentation of the cross-easements with the hotel since the parking spaces provided are less than the number required by Town Code. The applicant must meet with Mr. Myers, Director of Building and Development, to discuss the Storm Water Pollution Prevention Plan. The plan should include all site statistics, including the amount of designated green space. The Board should discuss the preferred type of fencing to be installed around the storm water detention area.

Mr. Myers, Director of Building and Development, provided the following comments in a memo dated June 3, 2008. The proposed restaurant is a permitted use within the B4A zone. The detention basin construction as shown may be impractical adjacent to the wetland. Roadway improvements to width should be considered in area of driveway. Sight distance for traffic to and from Route 9 should be considered by the Board. A more complete review will be conducted when more detailed plans are submitted. The Storm Water Pollution Prevention Plan is incomplete.

Mr. Scavo reported that Ms. Viggiani, Open Space Coordinator, provided a number of comments regarding this application. She asked that the applicant provide information regarding the proposed number of parking spaces on site. The applicant was advised to avoid any disturbance of the ACOE wetlands that have been designated on the site. Ms. Viggiani asked that the Board consider the type of fencing to be installed around the storm water management area. Pedestrian connections both on site and along Clifton Park Village Road should be considered.

Mr. Grasso provided comments prepared by Clough, Harbour, and Associates.

The proposed project appears to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include: Clifton Park Planning Board – Site Plan Approval. The proposed application was originally part of the site plan approval granted in 2004 for the adjacent hotel and a 5,200 SF diner. The application now consists of a 5,350 SF restaurant and 1,850 SF outdoor dining area. In general the currently proposed site plan is in general conformance with the plan approved in 2004. The following comments related to the Storm Water Management dated May 30, 2008. The sizing calculations for the proposed water quality unit should be provided. The required water quality volume should be converted to flow rate to determine if the proposed unit will adequately treat the runoff. The Town of Clifton Park Storm Water Regulations do not allow for the use of pocket ponds. An alternate treatment method should be proposed or the applicant should discuss the use of the pocket pond with the Storm Water Compliance Officer. A Storm Water Pollution Prevention Plan should be provided for review.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that, after review of data presented at the June 17, 2008 meeting, the ECC After review of data presented at the June 17, 2008 meeting, the ECC made the following recommendations. The ECC recommends that the proposed impervious areas be moved to at least 50 feet (50’) from the adjacent Federal Wetlands to minimize potential future environmental impacts. The ECC recommends pedestrian crossings between the hotel and restaurant sidewalks should be delineated.

Mr. Koval commented that the sidewalk location, connecting the Holiday Inn Express with the proposed restaurant should be shown on the plans. Mr. Larkin stated that the parking lay-out appears reasonable due to the proximity of the hotel. Mr. Werner asked that the applicant consider the “sidewalk connectivity” to the north since there is an application pending before the Board for a Residence Inn on an adjoining parcel.

A member of the audience asked if the Board would consider the “historic character” of the area, noting that the existing Methodist Church has been a part of the area for many years.

#### **Minutes Approval:**

Mr. Bulger moved, seconded by Mr. Larkin, to approve the minutes of June 10, 2008 as amended. Ayes: Ophardt, Larkin, Koval, Werner, Bulger. Noes: None. Abstained: Thorne.

#### **Discussion Items:**

6/24/08

#### **Carlson Farm**

Mr. Scavo reported that the owner of the Carlson Farm subdivision has asked for approval to subdivide one of the approved “estate” lots within the subdivision into three (3) additional lots. This request is made to offset the expense of preserving the existing farmhouse – a condition of the original subdivision approval.

Mr. Bulger moved, seconded by Mr. Larkin, to deny this request since the Board is “adamantly opposed” to further subdivision of the Carlson Farm subdivision. The motion was unanimously carried.

### **LEED**

Mr. Bulger read a prepared statement that outlined the Board’s position regarding LEED standards for development. A copy of the policy statement is attached to these minutes. The document encourages all applicants to consider the new standards when submitting project proposals for the Board’s review and approval. Though such standards will not be mandated, applicants are encouraged to employ them whenever and wherever possible.

In response to Mr. Werner’s question concerning the estimated “up front” costs to applicants, Mr. Grasso stated that it is estimated that there is a 15-20% initial expense, though a cost savings is realized over the life of the building. Mr. Werner also questioned the impact the requirement for such standards would have on affordable housing. Mr. Larkin stated that he had spoken with a builder of solar panels who reported that the pay-back period for the more expensive construction is generally five to seven years. He viewed the statement of support as reasonable, though he observed that it would not result in significant impacts and was not enforceable. He recommended that the Town provide applicants and residents with a link to web sites that describe “costs and consequences” of utilizing LEED guidelines for development projects. Mr. Grasso emphasized the fact that the “education component” of adoption of the standards for Board members would be important to making it successful. He explained that there are several recommendations the Board can make to encourage participation in the LEED movement. For example, the Board could encourage site plan applicants to allocate 5% of the parking spaces closest to buildings for more fuel-efficient vehicles. Though Mr. Koval stated that he would like to know more about LEED guidelines and recommendations, he supported the Board’s adoption of the policy statement.

Mr. Bulger moved, seconded by both Mr. Larkin and Ms. Thorne, to adopt the Statement on Leadership in Energy and Environmental Design – LEED policy statement as presented. The motion was unanimously carried

Mr. Ophardt moved, seconded by Mr. Koval, adjournment of the meeting at 10:15p.m. The motion was unanimously carried. The next meeting will be held as scheduled on July 8, 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 #13****Preliminary Approval**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on June 24, 2008 there were:

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

Absent: J. Larkin, S. Pace

Ms. Thorne offered Resolution #13, and Mr. Bulger seconded, and

Whereas, an application has been made to this Board by Wayne Robinson for approval of a subdivision plat entitled Robinson Subdivision consisting of (8) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 24, 2008;

Whereas, the Planning Board established itself as Lead Agency for this application and a negative declaration was issued pursuant to SEQRA on June 24, 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 that the subdivision plat entitled Robinson Subdivision consisting of (8) lots is hereby granted preliminary subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, and the Planning Board.

**Resolution #13** passed 6/24/08

Ayes: Ophardt, Koval, Thorne, Werner, Bulger

Noes: None

Steven J. Bulger,  
Chairman

**NOTICE OF DECISION**

**Resolution #14**

**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 June 24, 2008 there were:

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

Absent: J. Larkin, S. Pace

Ms. Thorne offered Resolution #14, and Mr. Bulger seconded, and

Whereas, an application has been made to this Board by Latham Construction for approval of a subdivision plat entitled Subdivision of the Lands of Latham Construction consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 24, 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 June 24, 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 that the subdivision plat entitled Subdivision of the Lands of Latham Construction consisting of (2) lots is hereby granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department.

**Resolution #14** passed 6/24/08

Ayes: Ophardt, Koval, Thorne, Werner, Bulger

Noes: None

Steven J. Bulger,  
Chairman