



**Planning Board Meeting**  
**August 12, 2008**

Those present at the August 12, 2008 Planning Board meeting were:

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

Those absent were: J. Thorne

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

Mr. Bulger, Chairman, called the meeting to order at 7:14p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Mr. Bulger explained that it had come to his attention that many residents living in the Ushers Road corridor had received a flyer stating that the Planning Board would hold a public hearing regarding the proposed Ushers Woods Planned Unit Development District. Mr. Bulger informed the audience that the Planning Board would not conduct a public hearing on this proposal. He explained that the matter had been referred to the Planning Board by the Town Board for review and comment. Referencing the length of the agenda, he advised that those in attendance who were interested in that particular agenda item would be permitted to speak at the public hearing held by the Town Board.

**Public Hearings:**

[2008-004] **Elliott, Terrence** – Proposed land transfer and (2) lot subdivision, 710 and 712 Tanner Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:16p.m. The Secretary read the public notice as published in the Daily Gazette on August 5, 2008.

Mr. Kevin Dailey, legal representative for the applicant, offered a brief summary of the project proposal and explained that the proposed application has been revised to address the concerns issued previously by the Planning Department, Clough, Harbour, and Associates, and the Planning Board. The speaker stated that the subdivision will provide a parcel for construction of a single-family residence for the applicant's sister-in-law. In response to concerns raised during the previous Planning Board meeting, Mr. Dailey explained that the proposed residence has been moved further to the south and that clearing limit lines have been revised to a minimum of 37½' from the northern property boundary. The septic location remains as originally proposed. Mr. Dailey reported that Mr. Myers, Director of Building and Development, had determined that the proposed new lot would not be considered a "keyhole" lot.

Mr. Scavo provided the following comment prepared by the Planning Department. In accordance with Clough, Harbour, and Associates previous comment letter, it is recommended that a standard note be added to the plan that states that any future subdivision of any lot shall not be permitted without consideration of the original subdivision and the overall density limitations of a maximum of four lots per 35.4 acres. Mr. Dailey read Note No. 10 that had been included on the plan for this evening's meeting: "No future subdivision of any lot shall occur without consideration of the original subdivision and overall density limitations per provisions of the CR (Conservation Residential) zoning law." Mr. Scavo believed that this note will satisfy his concerns.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered no additional comment on this application.

Mr. Bill Mackesey, representative of the Trails Subcommittee, requests that the Board require conveyance of a 15' strip of land along the Tanner Road right-of-way. Future trail improvements may include a connection from the northern part of town to the central and western part of the town and the new park slated for development in Rexford.

Mr. Grasso reported that Clough, Harbour, and Associates provided the following comments. As previously requested, a proposed clearing limit line has been added to the plan. However, the clearing limit line does not depict the clearing associated with the proposed septic system area. Additionally, clearing is proposed approximately 10' from the northern property line. It is recommended that a minimum 25 foot continuous buffer from the property line be maintained. The proposed septic area has been shifted to the west. As such, the well and septic system of Lot #4 to the north should be depicted to

verify that adequate separation can be achieved. Mr. Grasso stressed the importance of illustrating the proposed clearing limit lines along Lots #3 and #4 to the north.

Mr. Quinn, Chairman of the Environmental Conservation Commission, reported that the ECC found this application acceptable.

Mr. Jeff Cutter, 730 Tanner Road, stated his appreciation to the applicant and the Planning Board for attempting to address the concerns he expressed at the July 8, 2008 meeting. He identified the location of his septic system on the subdivision plat that was presented for review and asked that additional plantings be placed between the proposed residence and the pond located on his property.

There being no further public comment, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 7:28p.m. The motion was unanimously carried.

Mr. Larkin stated his approval of the proposed note regarding future subdivision of the property. In response to his question regarding access for future parcels on remaining upland areas, Mr. Dailey explained that the applicant reserves the right to combine remaining lands with adjoining properties for the purposes of future subdivision. It is estimated that the remaining lands could yield two (2) building lots. Mr. Bulger asked that the applicant provide three or four evergreen trees to add screening between the proposed residence and the Cutter's home. The applicant, in attendance at the meeting, agreed to this condition of approval. Mr. Bulger commended that applicant for his willingness to address Board concerns.

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.

Mr. Werner offered Resolution #15, seconded by Ms. Pace, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, and the Planning Board. Ayes: Ophardt, Larkin, Pace, Koval, Werner, Bulger. Noes: None.

[2007-057] **Lussier Drive Subdivision** – Proposed (18) lot subdivision, Boyack Road – Preliminary public hearing and possible determination.

Mr. John Belyea, consultant for the applicant, presented each Board member with a narrative of comments prepared by the Planning Department, Clough, Harbour, and Associates, and the Planning Board that included responses from the applicant. He then displayed a sketch plan that illustrated proposed traffic mitigation signals and signage along Boyack Road. The plan showed 3-way stops at Carriage Road and the Fenimore Drive as well as appropriate warning signals along Boyack Road.

Mr. Bulger explained that the proposed traffic mitigation measures resulted from a meeting with Town officials, Planning Board members, and the applicant. Though the

Board at one point requested that the applicant consider a connection to Archer Drive, it became evident that access to Boyack Road would provide the most reasonable access to the proposed development. During Planning Board review of the project it became increasingly clear that that traveling speeds along Boyack Road as well as existing road alignment created unsafe conditions. The plan presented for consideration reflects the agreement reached to mitigate traffic concerns. Mr. Bulger noted that although the Planning Board could condition subdivision approval on the installation of the traffic devices, it would be the Town Board's responsibility to eventually approve the installation of the traffic signals and signs along the town roadway. He believes that Town Board members would support the mitigation plan.

Mr. Scavo offered a number of comments prepared by the Planning Department. The parcel tax map identification number must be included on the coversheet of the plan set. Details of the posts with chain and sign noting private property on Infiltration Basin III entrance must be included on the plan. The plan should indicate that grading and seeding of the cul-de-sac will occur prior to conveyance to the Town. Drainage inlets and a double curbed line should be shown as required for the cul-de-sac. Storm water management areas should be deeded over to the Town. The applicant will be required to submit descriptions of these areas with the final plans submitted for stamping. Since the Town does not want to have easements across the lawns of homeowners, it is recommended that a Homeowners' Association be established to maintain storm water areas. Access to Basin II from Archer Drive should be considered and utilized if possible. The sanity easement along Basin III should be relocated since it appears to cross private property. Details of infiltration trenches labeled I and II should be provided. It is recommended that the applicant eliminate either Lot #2 or #3 to permit deeding of the storm water area to the Town. Ms. Reed, Chief of the Bureau of Fire Prevention, may request the installation of additional hydrants. Storm water certification forms must be completed. The direction and collection areas for water flows from roof drains and infiltration trenches should be indicated on the plans. The consultant is asked to verify setbacks of Basin I from roadway. Based on the information provided for this evening's meeting, it appears that many of these comments have been adequately addressed.

Mr. Myers, Director of Building and Development, provided the following comments in a memo dated August 6, 2008. The engineering report incorrectly references the old SPDES permit. The correct SPDES permit for the project will be GP-0-08-001. Review and certification by Clough, Harbour, and Associates and the town is required of the Storm Water Pollution Prevention Plan prior to application for a Notice of Intent. The traffic study indicates mitigation measures that must be done to make the new entrance to Boyack Road viable. The Storm Water Pollution Prevention Plan provided is just a reprint of the requirements of a plan: the applicant is advised to submit a site-specific plan for review. Plan sheets are still very preliminary. The slopes remain a great concern: all lots as currently designed may not be viable. As stated previously, common driveways are discouraged and privately-owned storm water management areas require an agreement with the town for maintenance. In addition to the possibility that all the lots may not be viable, the applicant must ensure that all lots meet the requirements of

Section R403.1.7 of the State Residential Code which requires setbacks from the toe of the slope.

Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, asked that the consultant place a hydrant in front of Lot #17. Postal verifications must be provided.

Mr. Scavo reported that Mr. Mackesey, representative of the Trails Subcommittee, reiterated previous comments, explaining that there is going to be a need for more trail connections to the Vischer Ferry Nature and Historic Preserve as “both the Town of Halfmoon and the Town of Clifton Park begin construction of the pieces of the trail network in the preserve.”

Mr. Grasso stated that after reviewing the revised plans submitted for consideration, Clough, Harbour, and Associates determined that, in general, the submitted materials lack sufficient detail for a preliminary subdivision review. The following comments are provided based upon the material submitted: additional technical comments may be warranted as more detailed information is provided. The following comments from previous review letters remain to be addressed. It is recommended that a multi-use path, possibly in conjunction with a storm water management access road, be provided from Archer Drive to the proposed cul-de-sac. A note should be added to the plan stating the date and preparer of the wetland delineation and the date of the ACOE jurisdictional determination. Letters of acceptable capacity and intent to provide service should be provided by the Clifton Park Water Authority and Crescent Estates Wastewater Treatment Works. The Town’s standard roadway section should be utilized. The issue of storm water management areas within private lots remains to be addressed if the intent is that these would be maintained by the Town.

Clough, Harbour, and Associates provided the following additional comments. A subdivision plan with the following information should be provided: proposed lot line bearings and distances; existing and proposed easements; proposed monumentation; horizontal roadway alignment; building setback lines; appropriate standard subdivision notes. The roadway profiles should include all existing and proposed utilities. It should be verified that adequate horizontal and vertical separation can be achieved between all utilities.

Clough, Harbour, and Associates continues to remain concerned with the proposed post construction storm water management facilities. The plans indicate the use of infiltration trenches in the rear yards of the houses on private property and a subsurface detention system beneath the proposed town road. Clough, Harbour, and Associates does not support the use of these practices: additional comments regarding the proposed storm water management facilities are included in our review of the design report. The proposed traffic improvements to Boyack Road are not depicted on the plans. Ingress/egress easements for all properties with shared driveways should be provided. A street light oriented over the proposed intersection of Boyack Road and the proposed town road must be shown on the plan. Engineers’ reports for the proposed water and sanitary sewer systems should be provided for review. The design engineer should review the proposed grading around the proposed homes. A number of the rear lots will consist of steep slopes draining directly to the proposed house location. It appears that more detailed lot grading plans are required. The proposed cul-de-sac north of Lussier Drive should be named. Construction details should be provided for review. The typical roadway cross section detail provided is not the Town’s standard. Additional detail

should be provided for the land conservation areas: the Town's standard notes for these areas should be provided and the future restrictions of these areas should be noted on the plan. The road profiles should continue along the centerline of the roadway around the cul-de-sacs. The minimum center line slope should be increased to maintain the 1.0% minimum slope along the outside edge of pavement. A catch basin should be provided within the center of the proposed cul-de-sacs. Additional detail of the grading associated with the proposed connection to Boyack Road should be provided. The existing steep grade of Boyack Road will create a significant cross slope along the proposed connection. The post development drainage area for "Basin II" is not correct. The proposed grading plan for the rear yards of Lots #1 and #2 depicts drainage directed to the adjacent property to the west. The impacts of the off-site drainage should be evaluated. The proposed foundation drain lateral locations and inverts should be depicted on the plans. The use of an asphalt path around the proposed infiltration basins is not recommended. A 12' wide gravel path should be sufficient for maintenance. A portion of the proposed closed storm sewer system is located outside of the proposed right-of-way and within Lot #8. It is recommended that all proposed public utilities be located within the proposed right-of-way. The proposed grading should be included on the Storm Water Plan Sheets. The outlet of the closed storm sewer system is located at the bottom of the proposed infiltration basins. The operation of the closed storm sewer when the water elevation of the infiltration basin is above the outlet should be evaluated. The proposed storm sewer pipe slopes should be provided on the plan. The Storm Water Plan appears to depict subsurface infiltration trenches within Lots #9, #10 and #11. As previously stated, Clough, Harbour, and Associates does not support these practices for municipally-maintained facilities. Additionally, placing facilities such as these within 20 feet of proposed foundations is not recommended. Additional design information for the existing sanitary sewer manhole within Archer drive should be provided. The plans do not depict the existing inverts, proposed inverts, or size and material of existing sanitary sewer. The proposed method of connection to the existing manhole should be depicted on the plan. Additionally, the proposed method of crossing Archer Drive to connect the proposed forcemain to the manhole should be provided. Design information for the proposed forcemain should be provided. A detail of the junction of the forcemains adjacent to Lot #8 should be provided. The proposed watermain alignment should be reviewed by the design engineer. The use of the allowable deflection between the pipe sections to accomplish the proposed alignment should be investigated. It is recommended that the consultant consider a reduction of the quantity of bends along the alignment. Portions of the existing alignment are too close to the outside edge of right-of-way. Maintenance of the watermain in this location would not be possible without impacting the adjacent private property. The Town's standard roadway section depicts the watermain 4' off the edge of pavement. The alignment of the proposed watermain along the northern cul-de-sac should be relocated outside of the proposed pavement limits. A hydrant is proposed within the limits of the driveway of Lot #6. The proposed connection to the existing watermain is unclear. The detail does not differentiate between the existing and proposed watermain. The proposed method of crossing Boyack Road to connect to the existing watermain should be depicted on the plan. The proposed material class of the watermain should be depicted on the plan. The proposed limit of clearing and grading should be depicted on the grading plan. Details of the proposed retaining walls should be provided. Additional top of wall and bottom of wall elevations should be provided on the grading plan. The proposed grading depicts approximately 3 feet of fill behind retaining wall on Lot #14: it should be verified this is the design intent.

Mr. Grasso stated that Clough, Harbour, and Associates offered the following comments on the Storm Water Pollution Prevention Plan/ Storm Water Management Plan dated July 23, 2008. The following modifications/additions should be made to the Storm

Water Pollution Prevention Plan sections 1, 2, and 3 to conform to the new requirements of GP-0-08-001:

- Include total disturbed area and total impervious area values in the Site Description section.
- Add a section discussing site soils. Soils should be identified and described by specific Name and Hydrologic Soil Group with a discussion or list of soil characteristics and limitations. The following parameters can be helpful: soil type, geographic locations found, slopes, groundwater depth, permeability, water capacity, shrink swell potential, and depth to bedrock.
- A soils map with site boundaries identified on it should also be included a figure in the SWPPP.
- According to GP-0-08-001, the SWPPP must include a section discussing historical sites with supportive documentation in an appendix showing that no storm water discharge or construction activities would have an effect on property listed or eligible for listing on the State or National Register of Historic Places.
- The SWPPP should include a section indicating the names/class/standards of bodies of waters receiving storm water overflow from the site (if any).
- In Section 4 – Inspections and System Operation and Maintenance According to the GP-0-08-001, Control measure inspections are required only every seven days. The requirement for inspections following a 0.5 inches or greater rainfall has been removed from the new GP-0-08-001 permit and this should be omitted.
- In Section 3 – Additional Erosion and Sediment Control Measures Additional control measures should also be listed:
  - Sediment control fencing.
  - Proposed grades with  $\geq 3:1$  slopes shall be stabilized with erosion control fabric.
  - Diversion swales.
  - Outlet riprap protection.
  - Sediment traps/basins (if needed).
- Detailed water quality volume computation sheets should be included in an appendix of the SWPPP.
- Detailed calculations of the hydrologic inputs, BMP volumes, and erosion control structure details should be included in the SWPPP.
- A notice of intent for GP-0-08-0001 should be completed and included in the SWPPP.
- A Pre-construction Meeting Form, Inspection Forms, Quarterly Summary, Applicable Post-Construction Maintenance Forms and Inspection Report Forms should be included in a SWPPP appendix.

The following modifications/additions should be made to the Section 3 of the Storm Water Management Plan to conform to the new requirements of GP-0-08-001:

- An attached site location map figure should be included in the Storm Water Management Report section.

- Soils should be identified and described by specific name and hydrologic soil group with a discussion or list of soil characteristics. An attached soils map with site boundaries identified on it should be included.
- An attached hydrologic Existing Conditions map figure and Post Development map figure should be included in the Storm Water Management Report.

The attached hydrologic maps should display delineated watershed areas with assigned labels listing hydrologic data such as: Time of Concentration paths, Design Outfall points, Drainage Area, Curve Numbers and storm water structures such as: Storm water basins, wells, pipes, culverts, catch basins and swales.

- Along with the hydrographs, detailed calculations of the hydrologic inputs, pond volumes, and storm water structure details should be included in Appendix B of the SMR.
- Attach details sheet that provides dimensions, details of the storm water management basins, outlet structures and spillways.
- Include a section discussing FEMA floodplain information that may apply to the site.
- It appears that the storm water report and model incorporates infiltration basin(s) into the design. According to NY State Storm Water Management Design Manual, 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 rates and elevation of groundwater. The test pits should be performed at the bottom of the proposed basin(s) spaced every 5,000 sq feet. Groundwater elevation data and infiltration rates must be obtained. The infiltration basin floors must be separated from the ordinary high groundwater or bedrock by three (3) feet.
- The purpose of the underground device under the proposed Lussier Drive is uncertain. If it is a pretreatment device, it must be sized to the full WQv volume based on high infiltration rates on this site. Furthermore, we do not recommend the placement of such a device whether be a pretreatment chamber or additional storage under a proposed road.
- Infiltration basin 3 and probably infiltration basins 1 and 2 have not been fitted with a pretreatment management area. Infiltration basins require pretreatment/ redundant methods to ensure the long-term integrity of the infiltration rate. According to NY State Storm Water Management Design Manual Chapter 6, the following techniques are pretreatment options for infiltration practices: forebays, grass strips, grass swales, grease/sand separators, and proprietary separators. Clough, Harbour, and Associates recommends the use of forebays for each basin.
- Infiltration basins 1, 2 and 3 do not have any overflow structure or spillways to convey overflow from the site. Infiltration basins often clog and there is a risk of flooding to the surrounding houses adjacent to these basins. Evaluate overflow during clogged conditions and provide a principal outlet and emergency spillway/outlet for the basins. Ensure that

- the lowest principal outlet is above the Water Quality volume level.
- Infiltration basins require pretreatment/redundant methods to ensure the long-term integrity of the infiltration rate.

A complete Erosion and Sediment Control Plan with Erosion and Sediment Control Plan sheets and details should be included in the construction plans. The Plan should include a combination of erosion control measures. Any supportive calculations should be included in the SWPPP appendix. All measures should be listed in Section 3 of the SWPPP. According to the NY State Storm Water Management Design Manual Chapter 6, infiltration basins are infiltration devices and cannot be used for sediment control during the construction phase.

Mr. Grasso explained that the applicant has been working to address the issues identified: he is confident that all concerns will be addressed, though he advised the Board to refrain from issuing a SEQRA determination at this time.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, offered the following comments regarding this application. After review of data presented at the August 5, 2008 meeting, ECC reiterated their recommendations as follows. The ECC notes that the storm water management areas, as proposed, are too close to proposed residences: the plan should be redesigned and be integrated into the natural environmental setting of the site. The following standard statements should be added to the plot plan:

- 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 at the Office of the Albany International Airport.
- Federal Jurisdictional Wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in these wetlands.
- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put in place and maintained at the initial site preparation.
- The applicant will control fugitive and dust and debris during the construction/demolition phase of the project.

The ECC also reiterates that the topography of the site indicates significant drainage and water retention problems. The applicant should reserve and display on the subdivision proposal sufficient rights-of-way to accommodate multi-use trails to interconnect the proposed subdivision with existing and contemplated trail networks, as defined in the Town Trails Master Plan. Mr. Quinn commented that, in the opinion of the ECC, the storm water management plan does not appear to “fit the site”.

Mr. Belyea addressed Mr. Quinn's comments, stating that the development had been designed using the site's topography: storm water basins have been located in the "low areas" of the site. The cluster development design requires that proposed residences be located close to the "ponds". Mr. Gifford, applicant/developer stated that he was confident that the lots could be developed as proposed. A geotechnical engineer will be employed to oversee and approve the design plan. All necessary details will be included on the final plat.

Mr. Dan Hartnett, 32 Southbury Road, described himself as jogger who often runs along Boyack Road. He asked that the Board consider requesting that the applicant provide signs warning drivers and others of the proposed new access road. Mr. Belyea stated that proposed grading will improve sight distances along Boyack Road and that warning signals are proposed. He also stated that a proposed sidewalk from the proposed new street to Archer Drive will provide a useful pedestrian connection. Mr. Gifford reported that the applicant is willing to provide an easement to the Town for future roadway improvements and possible trail connection. The applicant will consider whether or not an identification sign will be proposed. Mr. Scavo advised that such signage would require an easement for maintenance.

Mr. Larkin questioned whether or not the public hearing should be closed since Planning Board approval would be dependent upon the Town Board's determination regarding the proposed traffic signage. Mr. Pelagalli advised that the public would have the opportunity to comment on the proposal during Town Board review of the required resolution concerning proposed traffic improvements. Mr. Bulger explained that, should all required information and approvals not be received within the 62-day determination period, the applicant would be asked to agree to an extension of that time frame.

There being no additional public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 8:10p.m. The motion was unanimously carried.

Mr. Grasso responded to a number of questions regarding elements of the project plan, noting that "post mitigation" traffic studies as previously requested will not be necessary if traffic improvements are implemented as proposed, that the proposed trail to Archer Drive should be an 8' wide asphalt connection that is installed along the perimeter of the retention area, and that bollards will be placed at the beginning and end of the trail to prevent use by motorized vehicles.

### **Old Business:**

[2006-037] **DCG Development Co.** – Proposed 12,600 SF office space, 943 Route 146 – Request for extension of site plan approval.

Mr. Joe Dannible, consultant for the applicant, presented this application, explaining that, in addition to the applicant's request for a one year extension of site plan approval pursuant to §208-120 of the Town Code, the applicant proposes an amendment to the proposed storm water management plan for the site. Though the proposed amount

of square footage for the building area remains the same, the applicant proposes the consolidation of 939 Route 146 and 943 Route 146 to create an integrated office complex, a reduction in the number of parking spaces on Lot #943 from 117 to 106, relocation of the building proposed to the rear of the site to the east, and installation of the storm water management area along the north western property boundary. The original application called for the installation of an underground infiltration system. The total amount of parking on both sites would total 219 spaces, a ratio of one space per 184 SF of office space. Since the developer anticipates a mix of general office and medical office uses, the proposed number of spaces is expected to be sufficient.

Mr. Scavo provided comments prepared by the Planning Department. Typical parking and striping and dimensioning details should state that the mounting height of the signs will be between 5' and 7' from the bottom of the sign. The "No Parking Anytime" sign should be located over to access isle instead of at the handicap sign location on detail.

Mr. Myers, Director of Building and Development, provided a number of comments regarding this application. All variances for this project have been approved by the Zoning Board of Appeals. Privately owned storm water management systems are required to sign a maintenance agreement with the Town. No access for maintenance is noted on the plans. The developer should provide a fence around the storm water management area to prevent unauthorized access since the proposed retention areas are over 4' deep. Mr. Myers believes that the 4" pvc drain pipe is too close to the bottom of the retention area and will plug quickly with sediment. The infiltration inlet invert elevation and emergency spillway elevation as drawn do not accurately reflect the actual conditions.

Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, requests that the applicant include approved postal addresses on the plan.

Mr. Scavo reported that Mr. Mackesey, representative of the Trails Subcommittee, recommends that the Board request that the applicant provide sidewalk connections to Route 146 and to all buildings in the project.

Mr. Grasso reported that Clough, Harbour, and Associates, offered the following comments on this project proposal. The plan lacks photometrics of the existing and proposed lighting as previously requested and raised as a significant concern during the conceptual review. The plan does not propose an appropriate tie-in to the access drive on the adjacent property. Curbed and landscaped islands should be provided. The inverts of the proposed culvert to be extended should be provided to verify adequate cover can be obtained over the proposed western access drive.

Mr. Grasso stated that Clough, Harbour, and Associates offered the following comments on the Storm Water Management Narrative and Storm Water Pollution Prevention Plan dated July, 2008. The proposed storm water management area has been relocated from the previously proposed location. As such, the test pits that were conducted are not located within the proposed infiltration area. It is recommended that additional test pits and percolation tests be conducted within the limits of the proposed

infiltration area. The test pit should be conducted to a depth to adequately verify the bottom of the proposed infiltration basin will be separated by at least three feet vertically from seasonal high ground water. The bottom of test pit #1 is only 1 foot below the proposed bottom of the infiltration basin. The report should discuss the required pre-treatment prior to infiltration. Although the report indicates the required overall water quality volume is being met, based upon the infiltration rate of the underlying soils, all of the water quality volume should be provided in the form of pre-treatment. The Storm Water Pollution Prevention Plan should be updated to reflect the SPDES General Permit #GP-0-08-001. This includes the current Notice of Intent and revised inspection frequencies. The site description references the Wood Road Light Industrial Building; this should be corrected. The Erosion and Sediment Control Plan should depict a temporary stockpile area. There are concerns over the potential for clogging of the 4" drain pipe. Protective measures should be provided. A signed maintenance agreement for the storm water management area should be provided.

Mr. Quinn, Chairman of the Environmental Conservation Commission, stated that, after review of data presented at the August 5, 2008 meeting, the ECC offered the following comments. The ECC notes that the site plan revisions were made on July 22, 2008, though it is not clear what revisions were made. Project boundaries and percentage of green space could not be determined.

Mr. Dannible explained that since the number of parking spaces had been reduced, the amount of greenspace on the site was increased to 60%.

In response to Mr. Bulger's comment regarding site lighting and complaints of glare from the existing office complex, Mr. MacElroy, representative for the site developer, assured Board members that timers will be installed to ensure that lights are not on all night. Addressing Mr. Larkin's concern with the location of the water line that would serve the site, Mr. Dannible explained that the system would be "looped" between 939 Route 146 and 943 Route 146. Mr. Dannible also reported that the limits of proposed site clearing will not change. Mr. Werner observed that the area appears to have "a jumble of office parks" that are served by "single access points". Mr. MacElroy stated that it was DCG Development intends to use one address number for its adjoining office complexes at 939 and 943 Route 146.

Dr. Steven Dautel, adjoining property owner to the west, commented that he was aware that previous Board approvals provided a "floating" cross-access easement that would allow for a vehicular connection between this proposed development and his existing office site. He was concerned that the installation of such a connection would require a reduction in the number of parking spaces provided for his patrons, disturb the site improvements such as storm water management areas and landscaped areas that he has made, and disrupt the on-going dental practice that has been established. Dr. Rich Pauli, the dentist who conducts business at the site, reiterated Dr. Dautel's concerns. Mr. Bulger explained that the easement was required as part of prior approvals to help limit the number of curb cuts onto Route 146 and provide for vehicular access between the adjoining office sites. He recommended that a meeting with Town officials, Drs. Dautel and Pauli, and representatives of DCG be scheduled to work out a mutually agreeable

location for the easement. Mr. MacElroy informed Mr. Werner that the curb cut that currently serves the existing residence at 943 Route 146 will be removed.

Mr. Bulger moved, seconded by Mr. Koval, to grant the applicant a one-year extension of time in which to comply with the site plan approval that was issued by the Planning Board on August 14, 2007 pursuant to §208-120 of the Town Code. No further extensions shall be permitted. The motion was unanimously carried.

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

Mr. Joe Dannible, consultant for the applicant, explained that project plans have been revised to address comments and recommendations provided at previous Board meetings, though the overall site plan remains generally as presented at the June 10, 2008 meeting. Development will require connection to an existing Saratoga County Sewer District line and approval from the Town of Halfmoon water district to connect to that system. Mr. Dannible reported that the applicant is currently seeking clearing and grading permits to provide a “shovel ready” site. All of Clough, Harbour, and Associates’ comments will be addressed.

Mr. Scavo offered the following comments provided by the Planning Department. The Clifton Park Emergency Squad has requested that the developer provide additional plantings along the southern property boundary to screen an existing pavilion. The Planning Board should consider whether or not a right-out only should be required at the second access point if stacking from the light becomes an issue. The speaker recommended approval of a full access at second entrance and the posting of a “Delivery Vehicles Only” sign at the entrance drive behind the buildings. The Colorado Blue Spruce at second entrance should be eliminated if a full turn access is required as a condition of approval. If the site is to be constructed in phases, the applicant should indicate the phases on the plan and add note to plans that site disturbance will be appropriately limited and that undeveloped areas will remain undisturbed or be graded and seeded. The “No Parking Anytime” sign should be located over the access isle.

Mr. Myers, Director of Building and Development, provided a number of comments regarding this application. The minimum width of emergency access road is 20’. Pursuant to §208-49 of the Town Code, a variance is needed for group of establishments lot width along Sitterly Road. Privately owned storm water management areas require a signed agreement with the Town for maintenance. Pipe inverts must be shown on the plan. Fencing of storm water management areas will be required if benches are not installed. The town does not grant waivers to disturb more than five acres of land at a time. The Notice of Intent is incomplete until certified by Clough, Harbour, and Associates for planning and the Town of Clifton Park SMO is prepared and signed by the preparer. The proper Town of Clifton Park forms for Storm Water Pollution Prevention Plans will be required prior to approval including the Storm Water Pollution Prevention

Plan review form. The applicant and consultant should review the Storm Water Pollution Prevention Plan checklist for other required information.

Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, provided the following recommendations regarding this application. Approved postal addresses must be added to the plan. A minimum 25' wide fire access road must be provided pursuant to NYS Building Codes and required signage must be installed. The proposed fire hydrant must be relocated from the island in front of the service station to the main driveway.

Mr. Grasso explained that Clough, Harbour, and Associates prepared a number of comments and recommendations regarding this application after reviewing the project plans. The following comments from the June 3, 2008 review letter remain to be addressed. The location of the underground fuel storage tanks have been depicted on the plan. The applicant will need to obtain NYSDEC permits for the construction of underground fuel storage tanks. The design does not appear to incorporate the required spill prevention volume capacity. Should a spill occur while filling the underground tanks, the gas will sheet flow across the pavement directly into the storm water management area. The site plan indicates the northern access drive will be a rights-in and rights-out. If that is the intent, a curbed median and appropriate signage restricting left turns should be provided. It is unclear whether the 2" low pressure forcemain along the eastern property line exists or is proposed. If the line is proposed, additional mapping is required to depict the connection to the existing sanitary sewer. Additionally, a limit of clearing line should be established along the forcemain alignment. The current alignment appears to be in conflict with an existing row of spruce and white pine trees located on the adjacent property to the north. It appears that the intersection improvements will require the relocation of existing utility poles. The location of the relocated poles should be depicted on the plan. The size of the proposed water services should be depicted on the plan. The location of the proposed sanitary sewer service laterals should be depicted on the plan. Details and a design report for the duplex pump station should be provided. A limit of work should be established for the off-site watermain installation. Details should be provided for pavement restoration, tree protection, and maintenance and protection of traffic. A profile of the offsite watermain should be provided for review. It should be verified that an 8"x 8" wet tap of the existing watermain is appropriate. Typically, a wet tap can only be accomplished when connecting a smaller main to a larger size pipe. It is recommended that the existing asphalt sidewalk be repaved and detectable warnings be provided in accordance with current ADA requirements. A detail of the proposed dumpster enclosure should be provided.

The engineering firm offered the following additional comments on the Storm Water Pollution Prevention Plan dated May 2008.

- On page 7 of the GP-0-08-001, the "Sediment Basin" practice under the Temporary Structural heading needs be un-selected.
- This site does not have a sediment basin as a temporal BMP.
- On page 7 of the GP-0-08-001, the "Storm Drain Inlet Protection" practice under the Temporary Structural heading needs be selected.
- This site has storm drains with inlet protection as a temporal BMP.

The following comments on the Erosion and Sediment Control Plan dated July 07, 2008.

- Add silt fencing along the perimeter of the infiltration basins area where

sediment can potentially enter and clog the basin floor during construction grading activities outside of the basin.

- Add a silt fence along the eastern site boundary adjacent to Lake View Drive. There is proposed grading that is sloped outward to the Lake View Drive ROW area.
- Add erosion control matting on slopes of rear basin at SE corner of site (Rear Forebay 1P).
- Label the basins on the ESC plan sheet.

The following modifications should be made to the erosion and grading notes on the Erosion and Sediment Control Plan.

- Disturbed portions of the project area where construction activities permanently cease shall be stabilized with permanent seed no later than 14 days after the last construction activity.
- All note references to slope stabilization measures for slopes having a slope of (1V:2H) or greater should be changed to read slopes having a slope of (1V:3H) or greater per New York State Standards and Specifications for Erosion and Sediment Control.
- According to the GP-0-08-001, control measure inspections are required only every seven days. The requirement for inspections following a 0.5 inches or greater rainfall has been removed from the permit and this should be omitted from the construction notes on the ESC sheet.

Mr. Grasso stated that Clough, Harbour, and Associates offered the following comments on the Storm Water Management Narrative dated July 21, 2008. In the HydroCAD Modeling, it appears that runoff from rainfall directly over the forebay and infiltration basin areas were not accounted for. The basins themselves are also sub-catchments and must be included in the modeled basin routings. The time of concentration for the infiltration basin sub areas can be set at the minimum of 8 minutes since there is little or no travel distance. The CN value to be assigned should represent a pervious surface. There is concern with the presence of identified isolated wetlands at the storm water basin outlet discharge point. The plans show riprap protection at the outlet. The site discharge point may need to satisfy the criteria associated with point discharge to a sensitive area. Clough, Harbour, and Associates suggests evaluation of the outlet flow and velocity conditions and the addition of an outlet protective measure such as a stilling basin or level spreader just outside of the wetland boundary to ensure prevention of scour or erosion in the wetland area.

Mr. Quinn, Chairman of the Environmental Conservation Commission, reported that the ECC had the following comments on this application. The ECC questions the appropriateness of petroleum underground storage tanks at this location in light of information regarding the Colonie Channel Aquifer that was provided by the USGS; i.e., aquifer location, and site soil properties. The ECC recommends that the Town Engineer review the site for pedestrian access opportunities with particular reference to the Twin Lakes Apartment complex. Federal jurisdictional wetlands have been identified on this

site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities within these wetlands.

Mr. Larkin requested additional information regarding the location of the aquifer and expressed concern that Town Code requirements may prevent the installation of the fuel storage tanks as proposed. Mr. Pelagalli explained that the reference to fuel storage tanks is included only in the LI (Light Industrial) section of the zoning code. Mr. Bulger stated that the applicant will be required to comply with all NYSDEC regulations. In response to Mr. Koval's question regarding installation of a pedestrian connection to the Twin Lakes apartment complex, Mr. MacElroy explained that DCG will construct a pedestrian connection to the property line. He explained that although there is an existing gravel path that connects the two properties, the owner of Twin Lakes is not amenable to paving the portion of the path located on his property. Mr. Werner stated that he would support full access at the northernmost driveway location. Mr. Bulger reported that he has met with the applicant regarding traffic mitigation measures within the Sitterly Road – Crossing Boulevard – Woodin Road area and that the applicant has submitted a traffic improvement plan. The plan would be implemented concurrently with site development. All agreed that coordination of the signaling devices at the Sitterly Road – Clifton Country Road intersection and the Sitterly Road – Woodin Road intersection would be crucial to improving traffic problems in the area. Mr. Koval suggested that the northernmost site access include an additional lane that would permit drivers exiting the site to use either a northern or southern turn lane. Board members agreed that a full access at the northernmost access would be reasonable.

Mr. Koval moved, seconded by Mr. Bulger, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. Ayes: Ophardt, Pace, Koval, Werner, Bulger. Noes: Larkin.

Mr. Bulger moved, seconded by Mr. Werner, to grant preliminary site plan 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, Pace, Koval, Werner, Bulger. Noes: Larkin.

[2008-030] **Roots and Wings Montessori School** – Change of use of a 1,320 SF building, 940 Route 146 – Preliminary site plan review and possible determination.

Mr. Chuck Trimbach presented this application for the Board's consideration. The project plan remains generally as presented at the July 8, 2008 meeting. The two issues of concern identified at that time were installation of a vehicular cross-access with the adjoining property and construction of a pedestrian walkway from NYS Route 146 to the building's entranceway.

Mr. Scavo provided comments prepared by the Planning Department. The applicant must provide a detailed planting plan that includes the types of planting materials to be installed as well as the quantities, heights, and/or caliber sizes of the plants. It is recommended that the size and height of the materials be increased to ensure

viability. A note on the plan should state that 20% of the required security deposit for landscaping will be retained for one year beyond issuance of the Certificate of Compliance inspection to ensure the landscaping has survived for a full twelve months. Planting details for both deciduous and coniferous plantings must be provided. Issues can be reviewed by professional staff for compliance prior to stamping of final site plans. The Saratoga County Planning Board approved this application on July 17, 2008, noting that the project would have no significant county-wide or inter-community impacts.

Mr. Myers, Director of Building and Development, provided the following comments in a memo dated August 6, 2008. A demolition permit is currently under review by the Building Department. Building plans have not yet been submitted.

Mr. Scavo reported that Mr. Bill Mackesey, representative of the Trails Subcommittee, recommended that the present owner develop sidewalk connections "to Route 146 and along Route 146."

Mr. Grasso explained that Clough, Harbour, and Associates offered the following comments regarding this application. At the previous Planning Board meeting, the potential for a cross access within the existing easement with the proposed Mother Teresa Academy that was established as part of a previous Planning Board approval was discussed. The addition of this cross access and elimination of one of the curb cuts was supported by the Planning Board and staff. Neither the current plans for this project nor the plans for the Mother Teresa Academy depict the cross access. Signage should be provided for the handicap accessible parking space and accessible aisle.

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

Mr. Larkin supported the construction of the proposed cross-access easement, though he did not favor a pathway constructed of wood chips rather than installation of a more permanent sidewalk. Mr. Ophardt agreed that the use of wood chips was unacceptable and he asked that the sidewalk extend from Route 146 to the entrance of the facility. Mr. Bulger requested that the cross-easement be constructed. He did not believe that a sidewalk connection from Route 146 to the facility was important since the facility would serve 3-5 year olds who would be driven to the site. He explained that the property owner, rather than this lessee, would be responsible for construction of the vehicular cross-easement. Mr. Bulger also reported that the Transportation Department of the Shenendehowa School District agreed to serve the site when the cross-access connection was constructed. In response to Mr. Larkin's question regarding the time frame for construction of cross-access, Mr. Bulger explained that it would be a condition of approval for the site plan for Mother Teresa's Academy currently proposed for the adjoining site.

The applicant requested that the Board allow the sidewalk to be constructed after the water and sewer connections are completed. Board members found this request reasonable.

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.

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

[2008-018] **Baillargeon, Sandra** (formerly Cloverdale Meadows) – Proposed (4) lot subdivision, 96 Hubbs Road – Preliminary review and possible determination from public hearing held on June 10, 2008.

Mr. Duane Rabideau, consultant for the applicant, distributed copies of a letter prepared by the applicant to each Board member as well as copies of a revised project plan. Ms. Baillargeon's letter states that the Baillargeon family is very interested in assuring that the 60.15 acre parcel that will remain after the proposed subdivision will continue to be used for agricultural activities. The family supports the Town of Clifton Park's grant application to the Saratoga County Farmland/Open Space Preservation Program that seeks matching funding for the purchase of development rights. The project remains generally as presented at the June 10, 2008 Planning Board meeting. Three new residences are proposed on lands along the eastern property boundary. All are served by a common drive from Hubbs Road. The remaining land area will total 60.15 acres. More than 30 acres will be protected from development by a permanent conservation easement. A 50' utility easement has been provided to the Town for maintenance of a drainage corridor to the rear of the properties on Heidi's Path.

Mr. Scavo provided information regarding potential development of Lot #4 that was prepared by Ms. Jen Viggiani, Open Space Coordinator. She reports that although Lot #4 will contain a significant portion of the 50% "permanent open space," significant developable acreage will remain. There is the potential for future subdivision of the unconstrained property. Since the remaining development potential would be situated in the western, scenic portion of the property with significant agricultural resources, the Town Board is actively pursuing a purchase of development rights for a large portion of the developable area of Lot #4. Mr. Scavo reported that an application was submitted for grant funding to Saratoga County to purchase the development rights on the remaining land west of the existing barn on July 31, 2008. Since plans now indicate a 50' wide drainage easement along the eastern property boundary, Mr. Scavo believes that all outstanding comments from the Planning Department have been satisfied.

Mr. Myers, Director of Building and Development, provided the following comments regarding this application. Although one of the proposed subdivided parcels within the CR (Conservation Residential) zone are not 3 acres in size, Mr. Myers believes that the "intent of the code is met." The driveway must be a minimum of 20' wide and be capable of supporting a 75,000 pound vehicle. A turnaround will be required within 100' of the houses. Driveways shown are too narrow and no turnarounds are provided. It

appears that wetland disturbances are being avoided. A Storm Water Pollution Prevention Plan must be provided. All town- required Storm Water Pollution Prevention Plan certifications and checklists must be submitted before the plan is approved.

Ms. Reed, Chief of the Bureau of Fire Prevention, requested that the consultant add a note to the map regarding requirements for driveways over 500 feet in length. Approved postal addresses must be included on the plan.

Mr. Grasso provided comments prepared by Clough, Harbour, and Associates. The following comment from the June 6, 2008 review letter remains to be addressed. 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 final subdivision plans should include proposed postal addresses. The following additional comments were also provided. The potential for the proposed lots to connect the existing public sanitary sewer system was previously discussed by the Planning Board: the current submittal does not address the evaluation of this alternative. The plans presented at this evening's meeting do reflect the 50' drainage easement along the eastern property line that was requested to be established to the Town for future drainage improvements; however, there is no access provided. The applicant must ensure adequate access to the drainage corridor. In addition, the plan does not propose any possible drainage improvements discussed with the Planning Board or storm water management features that would address any increases in run-off towards the adjacent properties to the east. Additionally, the plan does not provide sufficient detail of the grading conditions along the eastern site boundary and within Dutch Meadows to evaluate the feasibility or lack thereof of drainage improvements. The Town's standard note regarding driveways greater than 500' in length should be added to the plan. Additionally, it should be verified that an adequate turnaround is provided within 100' of each house.

Mr. Quinn, Chairman of the Environmental Conservation Commission, explained that, after review of data presented at the August 5, 2008 meeting, the ECC again reiterated the following comments. The ECC is concerned that incremental subdivision of larger parcels in the CR zone may result in a cumulative environmental impact that is undesirable. It is recommended that, where possible, incremental subdivision should be assessed with an understanding of the ultimate development goal for the original parcel. The following standard statements should be added to the plot plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place and maintained at the initial phase of site preparation.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.
- Federal Jurisdictional Wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in Federal Wetlands.

- 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.

Mr. Larkin reiterated concerns he expressed during previous meetings regarding the flooding and drainage problems that impact existing properties along Heidi's Path: he believes that development of the subdivision as proposed will increase the problems already experienced. Mr. Larkin previously recommended that the applicant investigate the viability of connecting to the existing sewer system on Heidi's Path or "switching the location of proposed wells and septic systems" to place a greater separation between septic systems and the residences along Heidi's Path. He labeled remediation of existing drainage problems as "essential". Mr. Lansing explained that it was unlikely that additional connections to the Dutch Meadows system would be permitted due to existing problems and that "switching" well and septic locations would be impossible due to separation requirements. Mr. Larkin stated that his concerns about contamination of existing homes from leaching of pollutants from proposed septic systems. He proposed three means of mitigation that he would find acceptable: connection to the Dutch Meadows sewer system; the relocation of wells and septic systems on the proposed development parcels; clearing of the drainage corridor between the proposed development and existing residences within Dutch Meadows. Mr. Bulger explained that Mr. Rabideau's site investigations revealed that grass clippings and other debris deposited within the drainage corridor by Dutch Meadows' residents had contributed to the drainage problems they now experience. He recommended that the applicant provide access to the area to the Town so that clean-up can be undertaken. Since permits from NYSDEC would be necessary before work within the area can be authorized, he recommended that the Highway Superintendent begin the permitting process. In response to Mr. Bulger's questions regarding the status of the grant application for funding of the purchase of development rights submitted to Saratoga County, Mr. Scavo reported that the County would render a decision on the application in early fall. He noted that the Town has requested funding for 90% of the purchase price.

After reviewing the project design, Mr. Lansing stated unequivocally that the "switching" of locations for wells and septic systems for the proposed residences would not be possible. Mr. Larkin asked that the applicant provide assurance that the drainage channel is cleared before site development begins. Mr. Bulger described improvement of the drainage problem as the "overriding goal" for the Board and noted that the septic designs must meet NYSDOH standards. Mr. Pelagalli explained that the existing subdivision project must not negatively impact the existing situation. Mr. Grasso stated that Clough, Harbour, and Associates finds the proposed raised-bed septic systems acceptable and will conduct a site visit to determine if there are additional measures that can be employed during construction to mitigate potential impacts to existing residences.

At the close of the discussion, Mr. Larkin asked for assurances that the Town Board will take the necessary actions immediately to secure any permits for cleaning the

drainage ditch and that the Highway Superintendent would be notified of the same to allow for the earliest possible scheduling of the work. Mr. Bulger confirmed that he would take prompt action with the Town Board to effect the above. Mr. Larkin stated his support for the project based upon the good-faith efforts indicated by Mr. Bulger and forthcoming action of the Town Board and Highway Department.

Mr. Bulger noted that this project has “received more scrutiny” than any project reviewed by the Board and he thanked the applicant for working with the Planning Board. He also expressed appreciation to adjoining property owners and interested residents who provided thoughtful comments and recommendations during the Board’s deliberation of the application.

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

Mr. Ophardt offered Resolution #16, seconded by Mr. Werner, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, and the Planning Board. Ayes: Ophardt, Larkin, Pace, Koval, Werner, Bulger. Noes: None.

[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. Scott Lansing, consultant for the applicant, provided a brief overview of the proposed subdivision plan, noting that the plan has been revised to show that the lots will be accessed via a public roadway.

Mr. Scavo reported that the Planning Department would have “serious concerns with taking a Class A-low hazard dam.” A discussion of this issue resulted in the acknowledgement that the area labeled on the plans did not meet the NYSDEC threshold for a significant and regulated dam. Mr. Scavo stated that all other issues of concern have been addressed.

Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated August 6, 2008. The Town of Clifton Park does not allow disturbances of more than 5 acres at one time. Storm drainage facilities must accommodate run-off from a 100 year storm. The correct permit number is GP-0-08-001. Several variations exist throughout the Storm Water Pollution Prevention Plan. A soils map must be provided. The Town of Clifton Park has no desire to take ownership of another permanent impoundment (dam) which this Storm Water Pollution Prevention Plan calls for. The poor soils to this area appear to have required the ponds to be designed with an impermeable liner. The proposed access road does not provide access to all areas. No safety bench is included in the plan. Fencing will be

required. The well is located directly adjacent to storm water management area: contamination issues need to be addressed. The SWPPP calls for a pocket wetland (W-4) which relies on ground water for maintaining its permanent pool: the applicant should clarify how this can occur if the base of the pond has an impermeable liner.

Ms. Reed, Chief of the Bureau of Fire Prevention, requests that the approved postal addresses be added to the plat.

Mr. Bill Mackesey, representative of the Trails Subcommittee, has recommended that the applicant convey a 15' strip of land along the Vischer Ferry Road frontage to the Town for future road improvements. He notes that federal money has been appropriated to trail network development along Crescent Road. The Trails Committee views Vischer Ferry Road as a natural north-south corridor that may provide the opportunity for development of significant trail links.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the subdivision plan (dated 5/05/08, last revised 7/23/08) and Storm Water Pollution Prevention Report (dated July 24, 2008), and find that, with the exception of the following four items, the plans appear to adequately address the comments from previous reviews.

- A completed notice of intent for GP-0-08-0001 should be included in the SWPPP.
- A Pre-construction Meeting Form, Inspection Forms, Quarterly Summary, Applicable Post-Construction Maintenance Forms and Inspection Report Forms should be included in the SWPPP.
- A soils map with site boundaries identified on it should also be included in the SWPPP.
- The storm water pipes should be sized and outlet protection apron should be designed with supportive calculations.

Based on the review of the plans and reports, the engineering firm does not believe the storm water management area would qualify as a dam. This should be confirmed and clearly stated in the storm water management report.

Mr. Quinn, Chairman of the Environmental Conservation Commission, explained that the ECC reiterated the following comment. 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. Ophardt moved, seconded by Mr. Bulger, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Koval offered Resolution #17, seconded by Ms. Pace, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, and the Planning Board. Ayes: Ophardt, Larkin, Pace, Koval, Werner, Bulger. Noes: None.

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

Mr. Scott Lansing, consultant for the applicant, provided a brief overview of this application that remains generally as presented during the public hearing conducted on June 24, 2008 when the Board granted preliminary approval. In response to comments issued by Clough, Harbour, and Associates, the project now has been redesigned to show the installation of a box culvert at the driveway access capable of handling flows from a 100-year storm event. A 1.62 acre parcel that contains the storm water management area will be conveyed to the Town of Clifton Park. The remaining undeveloped lands have been labeled as permanent land conservation areas.

Mr. Scavo reported that the Planning Department finds that all issues of concern have been addressed.

Mr. Myers, Director of Building and Development, offered the following comments in a memo dated August 6, 2008. A concrete box culvert is required in place of the proposed corrugated metal pipe. All town-required certifications and checklists must be submitted before the Storm Water Pollution Prevention Plan is approved. No access to the storm water management area is provided. Trees shall not be planted in the embankments. The storm water plan as submitted is incomplete. Transferring land preservation areas to the town that consists of a strip of property behind a number of residences is useless: transferring unusable wetlands to the town is equally useless.

Mr. Bill Mackesey, representative of the Trails Subcommittee, recommends the Planning Board request that the applicant convey a 15' strip of land along Glenridge Road to provide for future roadway improvements and a possible trail connection to the west.

Mr. Grasso offered comments and recommendations provided by Clough, Harbour, and Associates. The engineering firm reviewed the subdivision plans last revised on July 21, 2008, the Water Supply Report last revised on June 24, 2008, the Water District Extension Report dated June 25, 2008, and the Storm Water Pollution Prevention Plan last revised on July 21, 2008 for the above referenced project. All reports were prepared by Lansing Engineering, PC. The following comments from our June 5, 2008 review letter remain to be addressed. 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. 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. Mr. Grasso explained that the applicant's engineer has indicated that a geotechnical engineer will provide a road section based upon the undying soil conditions. The Geotechnical Report should be provided for our review.

The following additional comments were also provided. The values provided for

the Overbank Flood Control and the Extreme Flood Control for Question #31 of the Notice of Intent should be revised: the values provided appear to be in the wrong units. The MS4 Storm Water Pollution Prevention Plan acceptance form should be completed and submitted to the Town Engineer for review. The subdivision plan should specify that the proposed drainage easements shall be granted to the Town of Clifton Park. The drainage easement for the cross culvert should extend to the limits of the project site and the Land Preservation Area should not overlap the easements. Additional detail should be provided for the proposed pavement tie-in to Glenridge Road that depicts an appropriate pavement key-in and overlap of pavement courses. The location of the street light appears to be too far from the proposed new street and should indicate the arm being extended over the new road. There is a concern with the concentrated discharge of storm water from the proposed 24" culvert on the north side of Robin Spring. Additional scour protection and use of a level spreader should be provided. The easement width should be expanded accordingly.

Mr. Quinn, Chairman of the Environmental Conservation Commission, explained that, after review of data presented at the August 5, 2008 meeting, the ECC reiterated the following comments. All individual plot plans should state that this parcel (subdivision) is located in an area where railroad activity occurs. Such activity may include, but is not limited to, periodic noise, vibration, extended hours of operation and other associated activities. The ECC noted that the project may result in intrusion into Federal Jurisdictional Wetlands. It is recommended that the applicant avoid intrusion into ACOE Wetlands or apply for a Federal Wetlands Permit for disturbance 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 local aviation activity which may impact this development is centered at the Schenectady County Airport. The aviation activity statement requested previously by the ECC and placed on the plans should be amended to delete the final sentence which refers to the Albany International Airport.

Mr. Koval reminded the Board of the concerns expressed by the adjoining property during the public hearing. The applicant was asked to provide a 40' no-cut buffer along the proposed entrance drive. Mr. Bulger stated that since Clough, Harbour, and Associates found the culvert design acceptable, he would support approval of the project plan.

Mr. Werner questioned the time frame for the project's construction in light of proposed NYSDOT improvements to Glenridge Road. The consultant stated that curb cut approval by NYSDOT is required. In response to a question from a member of the audience regarding multi-use pathway connections, the Board agreed that conveyance of a 15' strip of land along the property's frontage for possible future roadway improvements would be advisable.

Mr. Bulger explained that the Planning Board closed the public hearing, waived the final hearing, and granted preliminary subdivision approval to this application at its June 24, 2008 meeting.

Mr. Werner offered Resolution #18, seconded by Mr. Koval, to waive the final hearing for this application grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, and the Planning Board. Ayes: Ophardt, Larkin, Pace, Koval, Werner, Bulger. Noes: None

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

Mr. Tom Andress, consultant for the applicant, presented this project plan for the Board's consideration, providing a brief history of the project and explaining that the major modification to the approved plan calls for the addition of a 2,000 SF patio area. Mr. Andress reported that the required retaining wall has been installed and a filed easement allows for shared parking between the proposed restaurant and the exiting Holiday Inn Express hotel.

Mr. Scavo provided comments prepared by the Planning Department. He asked that the existing mature trees near the entranceway be preserved.

Mr. Myers, Director of Building and Development, provided the following comments regarding this application. The restaurant is an allowed use in the B4A zone. Construction of the detention basin as shown may be impractical due to its proximity to the wetland. Roadway improvements should include an increase in the width of the driveway. The adequacy of sight distance for traffic to and from Route 9 should be verified. A Storm Water Pollution Prevention Plan was not included with the submission. A 20' wide access is required around building; the timber rail in rear restricts road to less than 20'.

Mr. Bill Mackesey, representative of the Trails Subcommittee, requests that the applicant provide sidewalks along the perimeter of the property.

Mr. Grasso offered comments prepared by Clough, Harbour, and Associates on 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. If a pocket pond is allowed to be used, the grading as proposed is unacceptable. An adequate berm and level grading area is required around the perimeter of the pond. As shown, there is a steep drop off alongside the parking area and the berm width is less than five feet. Significant changes to the plan are anticipated. Clough, Harbour, and Associates does not support the use of one-way traffic circulation on the south side of the building: two way traffic flow around the building should be provided. The existing ingress/egress easement on the project site in favor of the adjoining lot should be shown including bearings and distances. Pedestrian accommodations should be provided across the project site frontage. The proposed locations of the light poles appear in conflict with other improvements in many areas throughout the site. Describing the proposed site

development as “uncharacteristic of other sites approved in the Town,” Mr. Grasso expressed fears that the Planning Board may be approving an “unbuildable site”.

Mr. Quinn, Chairman of the Environmental Conservation Commission, explained that after review of data presented at the August 5, 2008 meeting, the ECC reiterated the following comment. The Commission recommends that the proposed impervious areas be moved to at least fifty feet (50') from the adjacent federally jurisdictional wetlands to minimize potential future environmental impacts.

Mr. Bulger expressed his concerns regarding the density of the site, identifying circulation, site density, and the viability of the storm water basin as items to be addressed. In response to Mr. Larkin's question regarding the depth of the proposed patio area, Mr. Address stated that it is approximately 22' wide. Mr. Address answered Mr. Werner's question regarding the proposed location of pedestrian connections by stating that connections would be made to the hotel area. Though Board members discussed possible locations for sidewalk development along the Route 9 corridor, no agreement on a reasonable location was reached. Mr. Bulger recommended that the Board require that this applicant provide a monetary contribution for future pathway development.

[2008-031] **Mother Teresa Academy** – Change of use of a 5,400 SF building, 942A Route 146 – Revised conceptual site plan review.

Mr. Hank Maddalone, applicant, presented this project plan that was last considered by the Board at its July 8, 2008 meeting. The plan presented for review at this evening's meeting illustrated the location of the required cross-easement connection, though Mr. Maddalone stated that the owner of the property, Winfield Company, LLC would be responsible for its construction. Mr. Maddalone presented copies of correspondence prepared by Mr. Glen Brownell, his legal representative, to Board members. The letter stated that Mr. Brownell is attempting to resolve issues surrounding the establishment of the required cross easement with the property owner. Mr. Bulger reported that the required connection would be acceptable to the Shenendehowa Transportation Department. In an effort to allow for the opening of the school as anticipated on September 8, 2008, the applicant has stated that no buses will serve the site until the connection is constructed. Board members found this agreement acceptable.

Mr. Scavo provided comments from the Planning Department. The Saratoga County Planning Board approved this application on July 17, 2008, noting that the project would have no significant county-wide or inter-community impacts. Variances should be granted prior to final site plan approval. A copy of the updated site plan was sent to Mark Kennedy, NYSDOT representative. Mr. Scavo recommended that the cross access easement as previously discussed should be constructed to allow traffic safety issues to be addressed.

Mr. Myers, Director of Building and Development, provided comments in a memo dated August 6, 2008. He noted that the sign shown on the project sketch has been rejected: a variance from the Zoning Board of Appeals will be required. In addition, a variance will be required for playground since the required buffer area will be eliminated.

Since the playground proposed will be installed over the existing well, this issue must be addressed. No handicapped accessibility is shown from parking spaces at north and east sides of building.

Mr. Bill Mackesey, representative of the Trails Subcommittee, recommends that a sidewalk connection to Route 146 be constructed.

Mr. Grasso provided the following comments that were prepared by Clough, Harbour, and Associates. At the previous Planning Board meeting, the potential for a cross access within the existing easement with the proposed Roots and Wings Montessori School that was established as part of a previous Planning Board approval was discussed. The addition of this cross access and elimination of one of the curb cuts was supported by the Planning Board and staff. Neither the current plans for this project nor the plans for the Roots and Wings Montessori School depict the cross access. Signage should be provided for the handicap accessible parking space and accessible aisle. A note should be added to the plan providing the date and preparer of the basemap survey.

The ECC found this project plan acceptable.

Though Mr. Larkin questioned whether or not a new application would be required based upon the applicant's assurance that no buses would be permitted until the easement is constructed, Mr. Pelagalli explained that such a change would not require the submission of a new application. Mr. Werner was concerned that the proposed location of the cross access easement connection would result in the queuing of vehicles along Route 146 and he recommended "careful evaluation" of the proposal prior to the stamping of final plans. Board members agreed that the project could receive approval at this evening's meeting if the plan noted that no buses would serve the site until an approved cross-access to the adjoining site was constructed, that the required variances be removed from the site plan, and that the playground be presented for site plan review at a later date.

Mr. Koval moved, seconded by Mr. Bulger, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA based upon the applicant's withdrawal of any portion of the application such as construction of a playground area and signage that would require approval of a variance by the Zoning Board of Appeals and the applicant's agreement that no buses will provide transportation for students attending the school. 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 offered by the Planning Department, Clough, Harbour, and Associates, and the Planning Board. The motion was unanimously carried.

Mr. Bulger announced that because deliberation of this agenda item concluded at 11:58p.m., the Country Club Acres PUD would be last item discussed at this evening's meeting. All remaining items would be placed first on the September 10, 2008 Planning Board agenda. These "new business" items are identified as follows:

[2008-027] **Verizon Wireless** – Proposed co-location on Lindsey Farms Telecommunications Tower, 753 Grooms Road – Conceptual site plan review.

[2008-032] **Rexford Heights Medical, LLC** – Proposed PUD site amendment to International Center for Learning PUD, 1585-1587 Route 146 – Conceptual review.

[2008-034] **Zakia Indian Restaurant** – Proposed enclosure of existing 1,700 SF deck, 54 Clifton Country Road – Conceptual site plan review.

[2008-034] **Currier, Gerald** – Proposed (3) lot subdivision, 1117 Route 146A – Conceptual review.

### **New Business:**

[2007-015] **Country Club Acres PUD (Ushers Woods)** – Ushers Road – Referral from Town Board.

Mr. Kevin Dailey, legal representative for the multiple applicants, introduced this Planned Unit Development application that has been referred from the Town Board to the Planning Board for consideration. Though the project design is a cooperative effort for the following three property owners - Boni Enterprises, LLC, Belmonte Builders, and Country Club Acres, Inc. - Boni Enterprises, LLC is the applicant of record as representative of the other owners. Mr. Dailey explained that the proposed Ushers Woods project has been designed to meet the changing lifestyle needs of an aging Clifton Park population. Studies determined that a number of “older folks” wished to remain in the town but did not wish to maintain the larger homes they had owned for many years. The project proposal will require an amendment to an existing PUD to permit both commercial and residential development on seven adjoining parcels located on the northern side of Ushers Road in the immediate vicinity of Northway Exit 10. The project site specifically consists of 96.1 acres of forested lands located between the Northway (I-87), Ushers Road, and Wooddale Drive. Mr. Dailey described the proposed development of the 194 “zero lot line” single-family residential lots. Homes to be built will be detached with two stories with master bedrooms, for the most part, located on the first floor. Homes will generally be in the 1,500 SF range to 2,500 SF. The homes will be narrower at the building line than what has previously been built in Clifton Park, with a width in the range of 46 to 55 feet. Many of the homes will be as deep as they are wide. A typical lot configuration will be in the range of 65’ x 85’. 19.4 acres of the site will be designated for the development of nine commercial lots. A private homeowner’s association will be established to oversee maintenance of all infrastructure (excepting utilities) as well as maintenance of the exterior of the homes, including the plowing of driveways, shoveling of walkways, lawn mowing, and care of landscaping. The speaker reported that studies of housing needs, traffic, endangered species, wetlands, and archaeology have either been prepared or are being completed.

Mr. Dailey introduced Mr. Dominick Raneri, who described himself as and “architect” and “land planner”. A colored sketch plan of the proposed development was presented for Board review. Mr. Raneri explained that the goal of this project development was to utilize “new urbanism” concepts to design neighborhoods that would reflect the “human experience”. The plan, therefore, illustrates the developers’ desire to preserve mature and majestic trees, protect steep slopes, utilize topographic features as part of the plan, design narrower streets, and reduce setbacks. A planned unit development established in 1970 provided for “businesses of a commercial, research, and/or professional nature, wherein may be conducted the business affairs of the lessees thereof, including servicing incidental to the operation of the businesses. The 19.4 acre property where the nine commercial lots are situated is all located within the boundaries of this PUD. 78,800 SF of hamlet mixed use development is proposed. Three of the lots have been developed to date. Three access points to the site have been provided. Two primary access roads from Ushers Road will be located at the eastern and western ends of the development. A third access will provide an emergency access from Wooddale Drive. This access will be designated for emergency vehicles only and will be gated: use by the public will be prohibited. A boulevard-type entranceway to the east of the site will immediately access the commercial area and meander around a type of “town square”. The conceptual rendering illustrates the proposed roads as well as “alleys” that will allow for the construction of rear-entrance garages. All residences would have porches that the designer views as “outdoor living rooms”. Site amenities would include a gazebo within the common area and preservation of tree clusters to provided separation between residences and create unique neighborhoods. The project plan calls for the development of several types of homes: 13 lots or 26 units of twin homes; 89 units of parkside homes; 58 units of ridge homes; 42 units of woodland homes. A total of 215 residential units are proposed. 34% of the project site is reserved and set aside for green space. A 100’ buffer zone has been established from the western boundary of the proposed PUD extension to the property boundary line. The closest point of any proposed building to the rear of residences along Wooddale Drive is 200 feet. A berm and fence for privacy and noise reduction will be placed along the Northway corridor, though most properties will be located more than 250 feet from the pavement.

Mr. Dailey noted that ownership of the units will be restricted to homeowners where at least one resident owner living at the residence is at least 55 years of age. The speaker offered some information regarding population impacts, explaining that although the plan shows greater density of units per acre than an R1 type development, the impacts that result will be less than or the same on municipal services and the environment as compared to a typical single family detached development of comparable size. While property owners will pay school taxes, it is not envisioned that any significant number of children will be in residence here or attending Shenendehowa Schools. Empty nester families will use less water and sewer services than families with children; however, a greater density of units will likely result in demands similar to a conventional R-1 type development. Many of the residents will be retired and will not contribute to traffic flows during peak hours. Since the project is located immediately west of Exit 10, the development is unlikely to contribute traffic through the Town of Clifton Park. Mr. Dailey concluded by stating that the number of people within the Town desiring the type

of housing proposed is increasing: project designs must change to meet changing community needs.

Mr. Scavo explained that comments offered by the Planning Department focused upon the need to establish Lead Agency. He reported that although the project falls under the Criteria of a Type I Action, the Planning Board cannot classify the action until Lead Agency has been established. The speaker provided each Board member with a sample resolution for the Town Board to establish the Planning Board as the Lead Agency for this application pursuant to SEQRA.

Mr. Grasso reported that Clough, Harbour, and Associates had no prepared comments for this evening's meeting. He did state, however, that careful review of the project is mandated "not by its scale but by the type of project presented." He noted that due to the amount of public infrastructure required to serve the development, supporting studies and the SEQRA process – possibly the preparation of an EIS – would be important for adequate review. Mr. Grasso stated that he believes that the project will address a significant community need.

Mr. Quinn, Chairman of the Environmental Conservation Commission, reported that after review of data presented at the August 5, 2008 meeting, the ECC made the following recommendations. The ECC recommends that a "lead agency" be promptly designated so that the proper SEQR process can be initiated. The ECC recommends that any impervious areas be moved to at least fifty feet (50') from the adjacent federally jurisdictional wetlands to minimize potential future environmental impacts. The LC zones should be shown on the plans. A detailed Storm Water Pollution Prevention Plan shall be completed to show how the storm water runoff will be handled. The ECC recommends that a green infra-structure design be considered. The project, as presented, promises to preserve mature vegetation to the extent possible and should be incorporated into the project plan. The ECC requests a copy of the preservation plan or similar work product as soon as it is available.

Mr. Pelagalli addressed the SEQRA issue, explaining that although the Planning Board will be acting as Lead Agency, the Town Board is ultimately responsible for approving the zoning change that would permit the development as proposed. Mr. Bulger agreed that the Town Board is most interested in approval of this project and recommended that a public hearing be scheduled as soon as possible. Mr. Pelagalli advised that substantial information would be required prior to the issuance of either a positive or negative SEQRA determination.

Mr. Bulger moved, seconded by Mr. Larkin to approve Resolution #19 establishing the Town of Clifton Park Planning Board as Lead Agency for the proposed Ushers Woods PUD application as amended. The resolution reads as follows:

TO ESTABLISH THE TOWN OF CLIFTON PARK PLANNING BOARD AS THE SEQRA LEAD AGENCY FOR THE PROPOSED USHER WOODS PDD APPLICATION.

WHEREAS, the Town of Clifton Park Town Board adopted Resolution No. 155 of 2008, a resolution to forward the Ushers Woods PDD application to the Planning Board for conceptual review only; and  
WHEREAS, the applicant Mr. Larry Boni of Boni Builders, LLC, herein after referred to as the applicant, has submitted to the Town of Clifton Park Planning Board, a Traffic Impact Study titled Ushers Woods, dated February 15, 2008 and prepared by Creighton Manning Engineering; and  
WHEREAS, the applicant has submitted to the Town of Clifton Park Planning Board, a Phase 1A Literature Search/Sensitivity Assessment and Phase IB Archaeological Survey titled Ushers Woods, dated February of 2008 and prepared by Curtin Archaeological Consulting, Inc.; and  
WHEREAS, the applicant has submitted to the Town of Clifton Park Planning Board, information from North Country Ecological Services, Inc. dated June 25, 2008 to Robyn Niver of the U.S. Fish and Wildlife Service addressing ecological habitat concerns within the project site; and

WHEREAS, the applicant has submitted to the Town of Clifton Park Planning Board, a copy of a jurisdictional determination letter, dated March 3, 2008, as issued by the U. S. Army Corps of Engineers (ACOE) for the Ushers Woods Project. According to the JD letter, all of the wetlands identified on the property fall under the regulatory jurisdiction of the ACOE, pursuant to Section 404 of the Clean Water Act. The jurisdictional determination will remain valid for a period of five years for the date of issuance and will therefore expire on March 3, 2013; and  
WHEREAS, the applicant has submitted to the Town of Clifton Park Planning Board, a copy of a report titled "Report to the 2005 White House Conference on Aging Planning Committee", prepared by the Town of Clifton Park. The report has been provided to be considered as part of the SEQRA submission, as a part of the cultural resources that the Town would examine in considering the merits of the Ushers Woods application; and

WHEREAS, the applicant had submitted to the Town Board a completed Part I, Full Environmental Assessment Form received October 24, 2007; and

WHEREAS, the current concept proposes to a total of 215 residential units and approximately seven commercial structures.

NOW THEREFORE BE IT RESOLVED THAT, the Town of Clifton Park Planning Board designates itself as the SEQRA Lead Agency for the Applicant's proposed Usher Woods Project; and

BE IT FUTHER RESOLVED, that the applicant shall complete an updated Part I, Full Environmental Assessment Form for the Planning Board's consideration to replace the previously submitted Environmental Assessment Form dated October 24, 2007; and

BE IT FUTHER RESOLVED, that the Town Planning Board shall prepare and distribute a lead agency coordination letter to be distributed to involved and interested agencies

The motion was unanimously carried.

[2008-027] Verizon Wireless – Proposed co-location on Lindsey Farms Telecommunications Tower, 753 Grooms Road – Conceptual site plan review.

Though this application was not formally discussed at this evening's meeting, all members of the Board agreed that a preliminary public hearing could be scheduled for the September 10, 2008 Planning Board meeting.

**Minutes Approval:**

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

**Discussion Items:**

**Windover Farms**

Mr. Scavo explained that on August 4, 2008, the Town Board adopted a resolution that referred an application for a density increase pursuant to Open Space Incentive Zoning at Windover Farms to the Planning Board for an advisory opinion pursuant to Section 208-43.16 of the Town Code. In order for this application to be considered by the Town Board in a timely fashion, it will be necessary for the Planning Board to hold the required public workshop before the Town Board meeting scheduled September 8, 2008. Board members agreed that the workshop session could be held on September 3, 2008 at 6:00p.m.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 1:00a.m. The motion was unanimously carried. The next meeting will be held as scheduled on Wednesday, September 10, 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 #15**

**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 August 12, 2008 there were:

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

Absent: J. Thorne

Mr. Werner offered Resolution #15, and Ms. Pace seconded, and

Whereas, an application has been made to this Board by Terrence Elliott for approval of a subdivision plat entitled Subdivision of the Lands of Terrence Elliott consisting of (2) lots and the reciprocal transfer of .67 acres of land between lots 710 and 712 Tanner Road;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on August 12, 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 August 12, 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 Terrence Elliott consisting of (2) lots and the reciprocal transfer of .67 acres of land between lots 710 and 712 Tanner Road is hereby granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, and the Planning Board.

**Resolution #15** passed 8/12/08

Ayes: Ophardt, Larkin, Pace, Koval, Werner, Bulger

Noes: None

Steven J. Bulger,  
Chairman

**NOTICE OF DECISION**

**Resolution #16**

**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 August 12, 2008 there were:

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

Absent: J. Thorne

Mr. Ophardt offered Resolution #16, and Mr. Werner seconded, and

Whereas, an application has been made to this Board by Sandra Baillargeon for approval of a subdivision plat entitled Subdivision of the Lands of Baillargeon consisting of (4) lots and the transfer of 27,132 SF of land to the adjoining property owned by Baillargeon;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 10, 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 August 12, 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 the Lands of Baillargeon consisting of (4) lots and the transfer of 27,132 SF of land to the adjoining property owned by Baillargeon is hereby granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department and Clough, Harbour, and Associates.

**Resolution #16** passed 8/12/08

Ayes: Ophardt, Larkin, Pace, Koval, Werner, Bulger

Noes: None

Steven J. Bulger,  
Chairman

**NOTICE OF DECISION**

**Resolution #17**

**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 August 12, 2008 there were:

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

Absent: J. Thorne

Mr. Koval offered Resolution #17, and Ms. Pace seconded, and

Whereas, an application has been made to this Board by Lois Gajdys, Executrix for the Estate of Frank Pickett, for approval of a subdivision plat entitled the Subdivision of the Lands of Frank J. Pickett consisting of (6) lots;

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

Whereas, the Planning Board established itself as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on August 12, 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 Frank J. Pickett consisting of (6) lots is hereby granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, and the Planning Board.

**Resolution #17** passed 8/12/08

Ayes: Ophardt, Larkin, Pace, Koval, Werner, Bulger

Noes: None

Steven J. Bulger,  
Chairman

**NOTICE OF DECISION****Resolution #18****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 August 12, 2008 there were:

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

Absent: J. Thorne

Mr. Werner offered Resolution #18, and Mr. Koval seconded, and

Whereas, an application has been made to this Board by Wayne Robinson for approval of a subdivision plat entitled the 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, the Planning Board granted preliminary subdivision approval 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 (6) lots is hereby granted final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, and the Planning Board.

**Resolution #18** passed 8/12/08

Ayes: Ophardt, Larkin, Pace, Koval, Werner, Bulger

Noes: None

Steven J. Bulger,  
Chairman

