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PLANNING BOARD

ROCCO FERRARO
Chairman

PAUL PELAGALLI
Attorney

JANIS DEAN
Secretary



MEMBERS

Emad Andarawis
Michael Hale
Joel Koval
Eric Ophardt
Kim Paulsen
Tom Werner

(alternate) Eric Prescott

Planning Board
August 12, 2014

Those present at the August 12, 2014 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, M. Hale, J. Koval, E. Ophardt,
T. Werner

Those absent were: K. Paulsen
E. Prescott – Alternate Member

Those also present were: J. Scavo, Director of Planning
J. Bianchi, M J Engineering and Land Surveying, P.C.
P. Pelagalli, Counsel
J. Dean, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Mr. Ferraro announced that the annual conference sponsored by the New York Planning Federation will be held at the Sagamore in Bolton Landing, New York on April 12-14, 2015. Presentations on a wide variety of relevant planning topics including ethics, conservation easements, and local codes and enforcement, are scheduled.

Minutes Approval:

Mr. Koval moved, seconded by Mr. Andarawis, approval of the minutes of the July 8, 2014 Planning Board meeting as written. Ayes: Ophardt, Hale, Andarawis, Koval, Werner, Ferraro. Noes: None.

Public Hearings:

[2014-028] **Barnaby Timber Harvest** – Proposed timber harvest of non-merchantable lumber, Route 146A – Special Use Permit #80986 – Preliminary public hearing and possible determination. SBL: 265.-3-7.11

Mr. Ferraro explained the review process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. He explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the Special Use Permit. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Ophardt moved, seconded by Mr. Hale, 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. Ferraro, Chairman, called the public hearing to order at 7:06p.m. The Secretary read the public notices as published in the Daily Gazette on August 5, 2014.

Mr. Dan Izzo, professional forester and consultant for the applicant, explained that the application remains unchanged from the presentation that was made at the Planning Board’s June 24, 2014 meeting. He provided a larger, clearer sketch of area to be harvested for the Board’s consideration and reported that the 500’ notifications to neighbors were sent as required. Reiterating comments expressed at the June 24, 2014 meeting, Mr. Izzo explained that selective harvesting entails the removal of dead and/or diseased trees as well as vegetation that inhibits the growth of marketable trees. The goal is to encourage “healthy forest growth.” Harvesters will utilize existing skid trails to minimize land disturbance within the forest: the trails will be left free of debris and reseeded as necessary. One landing site will be created with access to a single curb cut onto Route 146A. This access has been approved by the town and NYSDOT: no permits are required.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, offered no comment on this application.

Mr. Scavo reported that the ECC recommends that the applicant follow the recommendations from the NYSDEC for utilizing the existing wetland/stream crossings.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated July 31, 2014. There are significant wetlands and streams on the parcel. Appropriate permits for wetland disturbances and stream crossings should be obtained prior to approval. The permits will be required prior to the issuance of a Building/Timbering Permit.

Mr. Izzo stated that there will be no disturbance of the wetland area located on the westerly side of the site. A single stream crossing will be installed in accordance with NYSDEC guidelines. No NYSDEC permits are required.

Mr. Scavo reported that he was in receipt of e-mail correspondence from Mr. Chad Corbett, Assistant Resident Engineer, for NYSDOT regarding the forester's plan to access the Barnaby property from Route 146A. The letter states that since there is an existing "field entrance" to the property from Route 146A there is no need for a highway work permit "to access this entrance for logging." The letter states that if the Town of Clifton Park approves the selective harvesting application, a crushed stone driveway must be installed to keep equipment from tracking mud unto the highway and bike path. Any damage to the bike path or highway as a result of the proposed activity would be the forester's responsibility to repair. Mr. Corbett recommended that the Town secure a bond from Whately Wood Products to ensure that, if need be, damage to the path and highway will be repaired.

Mr. Scavo offered comments prepared by the Planning Department. Based upon review of the documents submitted by the applicant, it appears that the project complies with Section 184 of the Town Code. The basal area remaining after the harvesting has been completed is above the required minimum of 30SF per acre. The applicant is advised that all Standards for Harvesting as prescribed by Section 184-5 of the Town Code must be met.

There being no public comment on this application, Mr. Ferraro moved, seconded by Mr. Werner, to close the public hearing at 7:15p.m. The motion was unanimously carried.

Mr. Werner asked if Mr. Izzo planned to install signage that would alert drivers traveling along Route 146A of the harvesting activity. Mr. Izzo stated that CAUTION signs indicating that large trucks would be entering the highway would be placed both north and south of the access drive. In response to Mr. Koval's question regarding the removal of locust trees that may threaten the existing multi-use pathway, Mr. Izzo reported that he had not received comment from the Highway Superintendent or any other town official regarding his offer to remove potentially hazardous trees from the site. Mr. Scavo offered to schedule consultations between Mr. Izzo and Mr. Kukuk regarding this issue. Referencing the ECC's recommendation for the work to be completed during the winter months, Mr. Izzo explained that the existing skid roads and dry summer conditions made harvesting at this time possible. In response to Mr. Ophardt's question regarding wetland disturbance, Mr. Izzo said that there would be no disturbance of identified wetlands and that there are no classified streams located on the property.

Mr. Werner offered Resolution #14 of 2014, seconded by Mr. Ophardt, to approve Special Use Permit #80986 to permit the harvesting of non-merchantable lumber on lands located on Route 146A within a CR (Conservation Residential) zoning district conditioned upon satisfaction of all items listed in the final comment letter prepared by the Planning Department. Ayes: Ophardt, Hale, Andarawis, Werner, Koval, Ferraro. Noes: None.

Mr. Andarawis moved, seconded by Mr. Hale, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of all items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

[2014-010] **Stewart's Shops Corp. and the Lands of Ellis Hospital** – Proposed (2) lot subdivision, 412-418 Clifton Park Center Road – Preliminary public hearing and possible determination. SBL: 272.-1-49

Mr. Ferraro explained the review process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. He explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Ophardt moved, seconded by Mr. Hale, 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. Ferraro, Chairman, called the public hearing to order at 7:30p.m. The Secretary read the public notices as published in the Daily Gazette on August 5, 2014.

Mr. Marcus Andrews, representative for Stewart's Shops Corporation, presented this application that calls for the subdivision of 6.315 acres of land located on the easterly side of Clifton Park Center Road just north of its intersection with Sitterly Road into lots of 1.74 acres and 4.5 acres, respectively. The parcel lies within the B4 (Highway Business) zoning district. The smaller lot was subject of a site plan application that called for the construction of a 3,484SF Stewart's Shop and associated improvements which was conditionally approved by the Planning Board at its May 27, 2014 meeting. The approval condition required appropriate subdivision of the parcel owned by Ellis Hospital. Connections will be made to the Clifton Park Water Authority and Saratoga County Sewer District #1. Easements for ingress/egress to the site and stormwater management have been provided by Ellis Hospital, the owner of Lot #2.

Mr. Scavo explained that comments provided by the ECC, Ms. Reed, Chief of the Bureau of Fire Prevention, Mr. Myers, Director of Building and Development, and the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee have been forwarded to Planning Board members.

Mr. Scavo explained that the ECC prepared the following comments after reviewing the application. The applicant must confirm that they have met the minimum amount of green space for each subdivided parcel. The ECC is concerned that the potential reconfiguration of the Sitterly Road - Clifton Park Center Road intersection to improve traffic flow could potentially impact the amount of green space on Lot #1 as presently proposed. The applicant should reserve and display on the site plan sufficient rights-of-way to accommodate multi-use trails that would connect the proposed property with existing and contemplated trail networks.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, offered no comment on this application.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments in a memo issued on July 31, 2014. Per NYSDEC law, stormwater management is required on site. An off-site easement for this purpose may not meet this requirement. Mr. Scavo explained that this issue will be resolved “internally.”

Mr. Scavo offered comments prepared by the Planning Department. Per Section 208-46(F) of the Town Code, the site statistics table must show the remaining green space for each proposed lot: remaining green space shall not be less than 35% for each. This subdivision shall be bound by all terms, conditions, and covenants of the prior site plan approval issued to Planning Board project number 2014-011 on May 27, 2014 that granted permission to construct a 3,484SF Stewart’s Shop at 418 Clifton Park Center Road.

Mr. Bianchi reported that, after review of the application materials submitted, M J Engineering and Land Surveying, P.C. offered the following comments. Based upon review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved/interested agencies to be engaged may include, but are not necessarily limited to, the following: Saratoga County Planning Board – 239m referral due to the project’s proximity to Interstate 87. The following comments were related to the subdivision plan. The project is located within the Town’s Highway Business (B4) zoning district. The uses have not been reviewed for conformance to the Town’s zoning as Lot #1 has already undergone site plan review. The consultant is asked to update the bulk lot table to include the actual lot coverage for Lot #1 since it is known. It is recommended that the applicant furnish copies of easement descriptions to the Planning Board attorney for review along with proof of filing provided to the Town at the county’s real property office. Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response numbers must be obtained for and assigned to each lot created and placed on the filed plat. The final subdivision plat must be stamped by a licensed surveyor.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the applicant provide a 5’-10’ wide right-of-way across the entire frontage of both lots and indicate that it is to be designated for future sidewalk installations along Clifton Park Center Road. He explained that the Town Center Plan calls for the multi-use

pathway to be located on the westerly side of Clifton Park Center Road and a sidewalk to be installed on the easterly side of the road to ensure that the bicycle and pedestrian connections are easily accessible to the public. Mr. Ferraro observed that the note regarding the applicability of all terms, conditions, and covenants of the prior site plan approval issued to Planning Board project number 2014-011 on May 27, 2014 as requested by Mr. Scavo would ensure that the easements and connections are provided as required.

Ms. Pam Marshall, 5 Fairlawn Court, expressed her concerns regarding the amount of greenspace to be retained on each lot. Mr. Andrews stated that greenspace for Lot #1 which will contain the Stewart's Shop totals 39% of the site and, that although there is no estimate for the greenspace allotment for Lot #2, the plan will note the 35% requirement in the site statistics table.

There being no further public comment on this application, Mr. Ferraro moved, seconded by Mr. Koval, to close the public hearing at 7:35p.m. The motion was unanimously carried.

Mr. Ferraro commented that he supported the future sidewalk extension through Lot #2 since he viewed it as a significant connection in the area's overall bicycle-pedestrian network.

Mr. Hale offered Resolution #15 of 2014, seconded by Mr. Ophardt, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of all items listed in the final comment letter issued by the Planning Department. Ayes: Ophardt, Hale, Andarawis, Werner, Koval, Ferraro. Noes: None.

[2014-033] **Dwaas Kill Fens** – Proposed (3) lot subdivision of medical office complex site plan, 715 Pierce Road – Preliminary public hearing and possible determination. SBL: 265.-1-12.1

Mr. Ferraro explained the review process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. He explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a "formality" which neither granted nor implied approval of this subdivision application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Werner moved, seconded by Mr. Andarawis, 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. Ferraro, Chairman, called the public hearing to order at 7:40. The Secretary read the public notices as published in the Daily Gazette on August 5, 2014.

Mr. Gavin Vuillaume, consultant for the applicant, explained that this application remains generally as presented at the July 8, 2014 Planning Board meeting. He reported that comments

and recommendations issued at that time have been addressed, noting that the applicant recognizes that since land uses for Lots #1 and 3 have not been identified, it will be necessary to review proposed bulk and density requirements during site plan review prior to any future construction on these lots. He stated that Mr. Myers, Director of Building and Development, has determined that both Lots #2 and 3 meet the minimum 150' lot width requirement as measured at the front building line, that all appropriate access and utility easements have been added to the subdivision plan, that formally assigned 911 addresses have been shown on the plan, and that "a majority" of the stormwater management areas utilized for each lot will be located on each individual parcel, though the 60' wide ingress/egress easement will be used by each lot to maintain road drainage including the stone infiltration trenches as well as private utilities. A reciprocal easement agreement that provides for "the free flow of vehicular and pedestrian traffic from Pierce Road to the parking areas constructed and to be constructed on the lots" has been submitted for review.

Mr. Scavo explained that the ECC notes that the stream boundary of the Dwaas Kill is different on the subdivision plan from the December 21, 2011 approved site plan and recommends that the applicant confirm that the stream is correctly positioned on the subdivision plan to allow the ECC to assess any encroachment issues between the existing building and the Dwaas Kill. To properly address any environmental impact due to the subdivision, the applicant is asked to indicate the location of the stormwater management areas on the subdivision map.

In response to Mr. Ferraro's concern regarding the inaccuracy of the stream location, Mr. Scavo explained that the mapping for the site plan was correct. Base mapping first used for the subdivision application was older and did not reflect recent changes to the stream corridor. The mapping provided at this evening's meeting represents existing site conditions.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, asked that the appropriate postal verifications previously provided for the lots be indicated on the subdivision plat: Lot #1 – 711 Pierce Road; Lot #2 – 713 Pierce Road; Lot #3 – 715-717 Pierce Road.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application. He notes that the "planning letter" is titled "Sitterly Crossing Medical Office Building," yet the body of the letter appears to reference the Dwaas Kill Fens application. The parking discrepancy noted at the July 8, 2014 Planning Board meeting has not been addressed.

Mr. Scavo read comments prepared by the Planning Department. The previously identified issue of concern regarding the establishment of a reciprocal easement agreement has been addressed: a copy of the proposed agreement has been provided to Board members for their review and comment and will be reviewed by Counsel prior to the stamping of the final plat. The discrepancy in the stream delineation between the approved site plan and the proposed subdivision has been resolved.

Mr. Bianchi reported that, after review of the information provided by the applicant, M J Engineering and Land Surveying, P.C. offered the following technical comments regarding this

application. The applicant is asked to update the bulk lot table to include the actual lot coverage for Lot #2 since improvements to that lot have been completed. It was suggested that the applicant furnish copies of the easement descriptions to the Planning Board attorney for review. Proof of filing at the county should be provided to the town.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that all bicycle and pedestrian infrastructure requirements approved with the site plan be included on future subdivision plans and that the 15' right-of-way along the entire Pierce Road frontage be shown on the final plans. Mr. Vuillaume agreed to add a 15' easement along Pierce Road. Mr. Scavo explained that the note regarding the applicability of all terms, conditions, and covenants included in the site plan approval must be added to the plan to ensure the construction of all bicycle and pedestrian accommodations as previously approved.

There being no further public comment on this application, Mr. Ferraro moved, seconded by Mr. Werner, to close the public hearing at 7:50p.m. The motion was unanimously carried.

Mr. Pelagalli reported that he reviewed the reciprocal easement agreement provided by the applicant and found that it addressed all of the Board's concerns regarding use and maintenance of the roadway, parking areas, utilities, and other site improvements by the future tenants or owners of Lots #1 and 3.

Mr. Ophardt offered Resolution #16 of 2014, seconded by Mr. Hale, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of all items listed in the final comment letter issued by the Planning Department. Ayes: Ophardt, Hale, Andarawis, Werner, Koval, Ferraro. Noes: None.

[2014-029] **VanPatten Golf Course Planned Unit Development District** – Proposed (2) lot subdivision, 924 Main Street - Preliminary public hearing and possible determination. SBL: SBL: 264.-3-94

Mr. Ferraro explained the review process to those present, explaining that the Planning Board would not render a decision pursuant to SEQRA since environmental review was conducted by the Town Board which assumed Lead Agency status and issued a negative declaration as part of its review of the application to amend the existing VanPatten Golf Course PUD.

Mr. Ferraro, Chairman, called the public hearing to order at 7:55p.m. The Secretary read the public notices as published in the Daily Gazette on August 5, 2014.

Mr. Joe Dannible, consultant for this application, explained that the proposal remains generally as presented at the June 24, 2014 Planning Board meeting at which time the Planning Board expressed its support for the application and recommended that the Town Board adopt changes to the existing PDD that would allow for its approval. He explained that the Town Board reviewed the proposed changes and conducted a public hearing at its July 21, 2014

meeting. That public hearing was closed at the August 4, 2014 meeting and the Town Board adopted the revisions that would permit the review of this application. Mr. Dannible stated that the changes to the PDD will permit the following: use of the Emergency Access Road in the northeast corner of the Planned Unit Development District for a residential driveway that will service one single-family detached residence; increase the area of the previously subdivision building Lot #5 from nine (9) acres to 12.9 acres; decrease the area of the overall size of the previously subdivided Lot #1 (golf course) from 323 acres to 319 acres. The speaker noted that the adjustment to the area of Lot #1 will have no impact on the golf course and clubhouse operations or facilities. Mr. Dannible explained that, on the advice of their attorney, Mr. and Mrs. VanPatten now request that the residence be accessed via a driveway from Main Street rather than from the private roadway that accesses the VanPatten Golf Course and Clubhouse. Though the driveway will also serve as the emergency road access, a gate will be located beyond the residence. Water will be provided to the proposed residence by extension of an existing line along the golf course access road: an individual septic system will be designed by a professional engineer.

Mr. Scavo stated that the ECC found the application acceptable and offered no comment.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, asked that the comments issued for the June 24, 2014 Planning Board meeting be addressed. She also asked that the comments issued by the Emergency Services Advisory Board authored by Mr. Allan Atwell and dated June 24, 2014 be addressed by the applicant. Mr. Scavo read that letter which is available for review in the project file maintained by the Planning Department.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comment in a memo dated July 31, 2014. Mr. Myers states that the applicant has been made aware - and has agreed - that improvements must be made to the existing emergency access roadway.

Mr. Scavo read comments prepared by the Planning Department. A parkland fee will be collected at the time of the stamping of the final subdivision plan. The applicant is asked to add a note to the plan that states that the subdivision and subsequent construction of a single family home shall be in conformance with Local Law No. 6 of 2014, a local law amending Local Law No. 5 of 2002, The VanPatten Golf Course Planned Unit Development District. A final sign-off from Ms. Reed, Chief of the Bureau of Fire Prevention, will be required prior to the stamping of the final subdivision plan.

Mr. Bianchi read the comments prepared by M J Engineering and Land Surveying, P.C. regarding this application. The Town of Clifton Park Town Board completed a SEQRA review as part of the PUD amendment recently approved. If this is the case, the Town of Clifton Park Planning Board, as an interested agency, is bound by the findings of the lead agency. It is the opinion of M J Engineering and Land Surveying, P.C. that no SEQRA action is required by the Planning Board. The project is located within an existing PUD: the uses have not been reviewed for conformance to the applicable PUD zoning criteria. It appears that the emergency access road shown on Lot #2 is intended to benefit Lot #1. If this is the case, an easement should be provided

to Lot #1 through Lot #2. If an easement is deemed required, it is suggested that the applicant furnish copies of easement description to the Planning Board attorney for review and that proof of filing is provided to the Town. Should the development of Lot #2 include a single family home, additional reviews may be necessary to address sanitary waste disposal, potable water, access, and compliance with the Fire Code of New York State. If the future development includes anything other than a single family home, the items noted would be reviewed as part of a site plan application. Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response numbers must be obtained for and assigned to each lot created and placed on the filed plat.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the applicant provide a 5' right-of-way along the frontage of the new lot and entire PUD along Main Street. Mr. Dannible agreed to provide an easement along the property's frontage.

There being no further public comment on this application, Mr. Ferraro moved, seconded by Mr. Hale, to close the public hearing at 8:02p.m. The motion was unanimously carried.

In response to Mr. Hale's question regarding the paving of the proposed driveway and emergency access drive, Mr. Dannible stated that the applicant would pave the roadway's entire length from Main Street to its terminus on the golf course access drive. He noted that the paving would make maintenance much easier. Mr. Ferraro asked if the Emergency Services Advisory Board had been made aware of the revisions to the emergency access. Mr. Scavo explained that although Ms. Reed, Chief of the Bureau of Fire Prevention, usually forwards all applications to that Board, he was uncertain if they had received and reviewed the revised application. He did note that the subdivision plat would not be stamped until a final sign-off is received from Ms. Reed. Mr. Scavo recommended that the Planning Board waive the required parkland fee to provide the applicant with an incentive to provide the 5' easement along Main Street frontage at the newly created lot as well as the PUD lands. Though Mr. Andarawis expressed some concerns regarding use of the emergency service roadway as an additional parking or storage area, Mr. Dannible explained that the proposed residence includes a four bay garage and sufficient parking and storage areas.

Mr. Werner offered Resolution #17 of 2014, seconded by Mr. Ophardt, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of all items listed in the final comment letter issued by the Planning Department. The applicable parkland fee is waived to allow the applicant the ability to execute the legal documents necessary to provide a 5' easement for lands fronting 924 Main Street as well as the lands of the existing PUD. Ayes: Ophardt, Hale, Andarawis, Werner, Koval, Ferraro. Noes: None.

[2014-026] New Cingular Wireless (AT&T) at CPWA Water Tower – Proposed location of a telecommunications antenna and equipment on an existing water tower, 36 Boyack Road - Special Use Permit - Preliminary public hearing, site plan review, and possible determination. SBL: 288.8-1-56

Mr. Ferraro explained the review process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. He explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the Special Use Permit application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

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

Mr. Ferraro, Chairman, called the public hearing to order at 8:12p.m. The Secretary read the public notices as published in the Daily Gazette on August 5, 2014.

Mr. Donald Ross, consultant for the applicant, introduced Mr. Hal Hinkley, property acquisition specialist, and presented this application that remains as described by Mr. Scavo at the June 10, 2014 Planning Board meeting. Mr. Ross explained that although AT&T considered the installation of a new tower at other locations, it was decided that co-location of equipment on the existing 54’ high water tower (“tall structure”) would provide the desired “optimal and consistent” signal at the “least intrusive” site. Describing the project, Mr. Ross explained that the applicant proposes the installation of three sets of three (9 total) antennas on the water tower and the construction of an 8½’ x 12’ equipment shelter which will contain a back-up generator and 220 gallons of diesel fuel within a multi-walled and alarmed storage vessel. Noting that the site was located approximately 286’ from the nearest residence, the speaker stated that the antennas would likely have little impact on adjoining properties.

Mr. Scavo explained that the ECC found this project generally acceptable and offered no comment on the application.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, offered no comment on this application.

Mr. Scavo explained that the comments issued by Mr. Myers, Director of Building and Development, were addressed in an advisory memo authored by Tom McCarthy, Town Attorney, that outlined the reasons for the Planning Board to “review the application for a Special Use Permit in the context of its proximity to residential property without the necessity of a separate variance issued by the Zoning Board of Appeals.”

Mr. Scavo reported that Mr. William Johnson, RF Engineering Consultant for the Town of Clifton Park, issued a report regarding this application on July 3, 2014. The engineering report states that “the applicant has provided a series of RF propagation plots that show existing RF coverage and how the proposed site fills the coverage need relative to provision of wireless service to their subscribers.” The report notes that the significance of the visual impact to nearby

residents and visitors from the tower and antennas is an appropriate matter for the Board to consider, though it points out that the analysis of alternative sites must balance the impact of the new facility with the benefits derived from that availability of wireless services. The report recommends that the sound levels from the HVAC equipment be discussed with the applicant to assure it will be mitigated and not substantially interfere with surrounding property owners. Mr. Scavo explained that, pursuant to Town Code requirements, a new telecommunications tower cannot be located closer than 500' from an existing residential property boundary. Since this application calls for approval of a Special Use Permit to permit the installation of co-located telecommunications equipment on an existing tall structure, the 500' setback is not applicable because no new tower will be erected. The applicant has complied with Section 208-95(D)(3)(a) of the Town Code which gives the highest prioritization to locating telecommunications equipment on "existing communications sites or tall structures." Mr. Scavo noted that Mr. William Johnson, the town's consulting engineer, listed ten specific items in the Summary of Findings contained within his RF report and he recommended that the Planning Board reference the Summary of Findings when rendering its decision regarding this application. Mr. Scavo called particular attention to item numbers 5 and 6 which state the following:

The proposed site is tower-mounted with antennas more than 10m above the ground. Therefore, the site is categorically excluded under FCC regulations from mandatory human exposure analysis.

Although the proposed site is categorically excluded from mandatory human exposure analysis, the applicant has provided an analysis that concludes that the site is operating with general population exposure limits.

Mr. Jake Bortscheller, 10 Dorsman Drive, requested clarification of the "future hex antennae" which could accommodate up to four frequencies that was referenced in the application, asked that the applicant ensure that the antennas be placed at no less angle than a 0 vertical, and questioned whether or not the tall trees surrounding the tower would impact transmission quality. Mr. Ross explained that the "hex antennae" referenced were those slated for installation: no additional equipment was proposed at this time and that the antennas would be installed "0 vertically." He commented that there was no plan to remove or trim any trees in the vicinity of the tower.

Mr. Josh Briggs, 7 Dorsman Drive, expressed his concern with the emissions from the antennas, stating that he believes that these may result in long-term health problems for those residing near them. He is especially concerned of the potential health impacts to his children and asked the Board to consider the topography of the water tower in relation to surrounding residences.

Mr. Pelagalli pointed out that the application proposes the installation of equipment that falls "well within the acceptable guidelines" established by the federal government and stated that federal statutes preempt those of local government.

There being no further public comment on this application, Mr. Ferraro moved, seconded by Mr. Koval, to close the public hearing at 8:37p.m. The motion was unanimously carried.

Though Mr. Andarawis commented that it may be prudent to consider the height of the antennas in relation to adjoining properties, he concluded that the location of the equipment would likely meet the criteria for “categorical exclusion from mandatory human exposure analysis.” Mr. Pelagalli advised that the 10 items listed in the Summary of Findings in the report prepared by William Johnson, RF Engineering Consultant on July 3, 2014, be read into meeting record to make clear that Planning Board members clearly understood “the engineering issues related to the proposed project.” He read the 10 items listed in the Summary of Findings from Mr. Johnson’s report:

1. The RF coverage levels upon which the proposed site is designed are reasonable values, but are taken at face value since no RF link budget information to support those levels is included in the application materials.
2. Assuming the validity of the RF coverage thresholds for in-building and in-vehicle coverage, applicant has demonstrated need for RF coverage from a base station facility in the general area of the proposed project site.
3. The project proposes colocation of nine antennas on an existing water tank. Colocation of transmission facilities is arguably covered by the Middle Class Tax Relief and Jobs Creation Act of 2012 (PL 112-96, February 22, 2012, 126 Stat 156) included Sec. 6409: Wireless facilities deployment. The board must decide whether this project is an “eligible facilities request” under section 6409 to determine the proper standard under which to review the project. Guidance from the board’s legal counsel is required.
4. The proposed height appears reasonable and is probably at or close to the minimum height for the proposed with based upon coverage objectives and predicted RF propagation results.
5. The proposed site is tower-mounted with antennas more than 10 m above ground. Therefore, the site is categorically excluded under FCC regulations from mandatory human exposure analysis.
6. Although the proposed site is categorically excluded from mandatory human exposure analysis, Applicant has provided an analysis that concludes the site is operating within general population exposure limits.
7. The ground equipment shelter will require 24/7 HVAC cooling when inside temperatures exceed equipment operational limits. HVAC equipment can be noisy. It is recommended that Applicant discuss the HVAC noise levels in the context of a residential area.
8. If the proposed site is ultimately approved, like the existing neighbor sites currently in operation, will serve as a fixed area of coverage to which future neighbor sites must connect.
9. Wireless networks consist of individual cells that function as a whole. Approval of any one particular site should consider the future need for additional neighbor sites and the locations of those

sites. A new tower in a more controversial area may be required to address the remaining coverage gaps, extend the coverage area, and properly connect the proposed site to the larger network.

10. The proposed RF coverage shows that several coverage gap areas will remain in the area. Those gaps that remain after a proposed site is active imply the possibility that Applicant may decide to address those areas as part of their overall wireless network. At this time, the board should understand the potential need to serve remaining gap areas and how approval of the proposed site will influence the placement and height of future sites.

In response to Mr. Bortscheller's question concerning the noise produced by the equipment housed in the shelter, Mr. Ross explained that the sound would be similar to sounds produced by a "household air conditioner."

In response to Mr. Andarawis' question concerning lighting on the tower, Mr. Ross stated that there were no lights on the tower.

Mr. Pelagalli read from Appendix B of the Johnson report which states that "Congress and the FCC decided in the 1990's to exclude cellular/PCS and other base stations from mandatory NIER analysis when those sites meet certain emission and height requirements."

Mr. Hale offered Resolution #18 of 2014, seconded by Mr. Ophardt, to approve a Special Use Permit to permit the collocation of a telecommunications antennae on the existing water tower located at 36 Boyack Road conditioned upon satisfaction of all items listed in the final comment letter prepared by the Planning Department. Ayes: Ophardt, Hale, Andarawis, Werner, Koval, Ferraro. Noes: None

Mr. Koval moved, seconded by Mr. Hale, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of all items listed in the final comment letter prepared by the Planning Department. The motion was unanimously carried.

Old Business:

[2014-006] **Oak Brook Commons** - Proposed new location of 2,000SF office for existing apartment complex, US Route 9 - Preliminary site plan review and possible determination. SBL(s): 265.-1-22.22

Mr. John Gay, consultant for the applicant, introduced Mr. Chuck Hoffman, applicant, who was in attendance at this meeting. The consultant explained that the application remains generally as presented at the January 28, 2014 Planning Board meeting and he presented a brief overview of the proposed site improvements. The plan calls for the construction of a 2,000SF office within the existing Oak Brook Commons apartment complex. The 43 acre parcel is located on the easterly side of Route 9 south of its intersection with Farm to Market Road and is bisected by the town boundary: the proposed office will be located entirely within the Town of

Clifton Park while the associated parking lot will be located within the Town of Halfmoon. Oak Brook Commons was established by Town Board adoption of a Planned Development District in 2002. The new administrative office will be served by extension of the Town of Halfmoon Water district and the Saratoga County Sewer District. Mr. Gay explained that since coordinated review pursuant to SEQRA was conducted by the Town of Halfmoon which assumed Lead Agency status and issued a negative declaration for an application proposing multiple site improvements, the Planning Board will not be required to render a decision under the SEQRA law. He reported that a letter from Mr. Daniel Loucks, P.E. was submitted this afternoon in response to comments issued by Mr. Myers, Director of Building and Development. He reported that Mr. Myers determined that all of his comments have been adequately addressed.

Mr. Scavo reported that the ECC reviewed this application and offered the following comments and recommendations. Given the importance of the steep slopes and potential for erosion, the ECC recommends that the water collection system (gutters, down spouts) be manufactured so as to reduce the potential for clogging or failure, with a plan for long-term maintenance. The ECC is concerned with the erosion potential associated with the construction of the building foundation with its proximity to the steep slopes. The ECC would like to reinstate the recommendation on the stream classification and distance from the proposed structure it issued for the January 21, 2014 meeting.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, offered no comment on this application.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated July 31, 2014. The slope issues identified at the January 13, 2014 meeting have not been addressed. The removal of the proposed retaining walls from the plan makes the slope issues more of a concern. There are no explanations for the symbols SF and LOD which appear on the plan. With the exception of drywells for roof drainage, no stormwater management details are provided. Mr. Scavo noted that the letter provided by Daniel Loucks, P.E. earlier in the day apparently addresses these concerns to Mr. Myers' satisfaction.

Mr. Scavo provided comments prepared by the Planning Department. The Saratoga County Planning Board issued a letter dated February 24, 2014 to the Clifton Park Planning Board which stated that the proposed project would have "no significant county-wide or inter-community impact." The Saratoga County Planning Board issued another letter dated June 23, 2014 to the Town of Halfmoon that recommended Town of Halfmoon Planning Board approval of a proposal from Oak Brook Commons to permit construction of two (2) new 4-unit apartment buildings of 3,150SF each as well as garages, demolition of the existing office, reconstruction of a new office, and creation of a new parking lot within Oak Brook Commons. A letter dated July 2, 2014 from Mr. Frank Tironi, Town of Halfmoon Director of Water, to Mr. Hoffman states that the Town of Halfmoon Water Department will supply water to the new office building and apartments. A Revised Slope Stability Report for Oak Brook Commons Office prepared by Mr. Daniel Loucks, PE for Oak Brook Commons, LLC dated June 6, 2014 has been provided to the Planning Board by the applicant for consideration: the previous Geotechnical Report which was submitted for the project file by the applicant was dated April 23, 2014. Mr. Scavo stated that

Mr. Myers, Director of Building and Development, reported that the comments regarding slope stabilization that were generated this afternoon by Mr. Loucks adequately addressed his concerns.

Mr. Bianchi reported that, after review of the information provided by the applicant, M J Engineering and Land Surveying, P.C. offered the following technical comments regarding this application. The applicant has indicated that the Town of Halfmoon Planning Board has taken lead agency status under SEQRA and issued a negative declaration. If this is the case, the Town of Clifton Park Planning Board, as an interested agency, is bound by the findings of the lead agency. It is the opinion of M J Engineering and Land Surveying, P.C. that no SEQRA action is required by the Planning Board.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the applicant provide a bicycle rack near the entranceway to the new building, noting that this would be consistent with requests made for other site plan applications within the corridor. He asked that the plan include information regarding the location for the bike rack as well as its specifications. Mr. Hoffman agreed to install bicycle racks as requested.

Board members expressed concerns regarding the stability of the slope, with Mr. Ferraro deferring to the expertise of the engineers who designed and reviewed the project to ensure its solidity. Mr. Hale commented that the wooded slopes would provide a bit more stability than cleared areas, though he encouraged the applicant and consultant to beware of “concentrated, unexpected flows” and to be certain that there is a professional engineer on site to oversee compaction of soils and other engineering aspects of the development throughout the construction phase.

Mr. Ferraro again explained that no SEQRA determination was required by this Board.

Mr. Ophardt moved, seconded by Mr. Werner, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of all the items listed in the final comment letter prepared by the Planning Department. The motion was unanimously carried.

[2014-012] **Independent Towers at the B.P.O.E.** – Proposed monopole with the B.P.O.E. PUD, 695 MacElroy Road – Preliminary Special Use Permit and site plan review and possible determination. SBL: 258.-2-84.1

Mr. Ferraro explained the review process to those present, stating that the Board rendered a negative declaration pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting and closing a public hearing on this application at its May 27, 2014 meeting. At this evening’s meeting the Board would be considering approval of the Special Use Permit to allow for the construction of the proposed 170’ monopole on a leased portion of the B.P.O.E. PUD property located at 695 MacElroy Road.

Ms. Jacqueline Phillips Murray, legal representative for the applicant, presented a brief overview of the project plan which remains as presented at the May 27, 2014 meeting. She explained that the Town Board conducted a public hearing at its July 7, 2014 meeting and approved the required revisions to the PUD legislation at its July 21, 2014 meeting through adoption of Local Law No. 4 of 2014 that amended Local Law No. 5 of 1993, Planned Development District No. 36, Lodge No. 2466, Benevolent and Protective Order of the Elks.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, offered no comment on this application.

Mr. Scavo reported that since no new documents were submitted for this application, Mr. Myers, Director of Building and Development, offered no comment on it at this time.

Mr. Scavo offered comments prepared by the Planning Department. The Town Board has adopted the modification of the PUD by local law to allow for telecommunications towers and equipment to be a permitted use within the PUD boundaries. The Town Board adopted its own SEQRA finding for the local law and treated the action as an unlisted action pursuant to SEQRA. Coordinated review was not done and is optional for unlisted actions. The Planning Board must issue its own final SEQRA determination.

Mr. Ferraro explained that after reading Mr. Johnson's report regarding this telecommunications tower, he identified two issues of concern that needed clarification. The first issue involved the proposed 170' height of the tower. Ms. Phillips Murray explained that the height was necessary to achieve the greatest amount of coverage. His second issue concerned the location of the tower, stating that a site location to the north may have alleviated the need for such a high tower. Ms. Phillips Murray assured him that this would not be the case since the signal would be degraded because of the low power used by the carrier.

Mr. Ophardt offered Resolution #19 of 2014, seconded by Mr. Hale, to approve a Special Use Permit to permit the construction of a 170' monopole on lands currently occupied by Clifton Park Lodge No. 2466, Benevolent and Protective Order of Elks located at 695 MacElroy Road conditioned upon satisfaction of all items listed in the final comment letter prepared by the Planning Department. Ayes: Ophardt, Andarawis, Hale, Werner, Koval, Ferraro. Noes: None

Mr. Koval moved, seconded by Mr. Andarawis, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of all items listed in the final comment letter prepared by the Planning Department. The motion was unanimously carried.

[2014-032] **Verizon at Ushers Road Cell Tower** – Proposed co-location of antennae on an existing telecommunications tower, 287 Ushers Road – Preliminary site plan review and possible determination. SBL: 259.-1-37.1

Mr. Dave Brennan, legal consultant for the applicant, introduced Mr. John McCabe, acquisition specialist for the telecommunications provider, who was in attendance at the meeting.

Mr. Brennan then explained that the application remained generally as presented at the July 8, 2014 Planning Board meeting. He reported, however, that the applicant proposes “moving the shelter a bit” to the south or east to help settle a dispute regarding leased boundaries with the property owner. Two sketches showing possible changes were provided for the Board’s consideration. Mr. Brennan addressed the concerns of the ECC regarding the type, quantity and location of the fuel storage associated with the backup generator, reporting that the generator will be powered – when necessary - by 210 gallons of diesel fuel stored below the generator in double-walled, alarmed containers.

Mr. Scavo reported that neither Ms. Reed, Chief of the Bureau of Fire Prevention, nor Mr. Myers, Director of Building and Development, offered comment on this application.

Mr. Scavo reported that the Planning Department finds this application acceptable and “straightforward” since it simply involves the request for co-location of telecommunications equipment on an existing pole where a previous service provided was located.

Though Mr. Ferraro expressed some concern regarding the visual impact created by the relocation of the equipment shelter, Mr. Brennan assured him that there was a significant buffer between the shelter and the roadway.

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

Mr. Andarawis moved, seconded by Mr. Ophardt, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of all the items listed in the final comment letter prepared by the Planning Department. The motion was unanimously carried.

New Business:

[2014-034] **Riverview Construction Associates** – Proposed (2) lot subdivision, 302 Vischer Ferry Road – Conceptual review. SBL: 271.4-3-72.2

Mr. Nick Costa, consultant for the applicant, presented this application that calls for the subdivision of a 6.06 acre parcel of land located on the northwesterly quadrant of the Vischer Ferry Road – Grooms Road intersection into lots of 4.75 acres and 1.31 acres, respectively. The parcel lies within a B3 (Neighborhood Business) zoning district. The smaller lot contains an existing single family residence, wood frame garage, and wood-frame sheds: there is no proposed change to this use. The applicant will ensure that proposed uses for the larger lot conform to those permitted in the B3 zone. The subdivision has been designed to comply with all required setbacks. Connections will be made to the Clifton Park Water Authority and municipal sewer service lines. The NYSDEC identified N-11 wetland was delineated and boundaries validated by that agency on January 27, 2014. In addition to the NYSDEC wetlands, a perennial stream bisects the site from east to west. Wetland limits and the 100’ adjacent area have been illustrated on the plan.

Mr. Scavo reported that the ECC offered no comment on this application.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, offered no comment on this application.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, reported that he had no comment on this application at this time in a memo dated July 31, 2014.

Mr. Scavo offered the following Planning Department comments. The Grooms Road notation should be revised: County Route 90 should be changed to County Route 91.

Mr. Bianchi provided the following comments from M J Engineering and Land Surveying, P.C. Based upon review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved/ interested agencies to be engaged may include, but are not necessarily limited to, the following: Saratoga County Planning Board – 239m referral due to the project's proximity to Interstate 87. The project is located within the Town's Highway Business (B3) Zoning District. A review of the plan provided indicates that the required bulk lot dimensions for proposed Lot #2 are adequate; however, proposed Lot #1 does not meet the required front yard setback as outlined in the Town's Zoning Code. Since this is a preexisting condition, there may be no need to seek relief from zoning. M J Engineering and Land Surveying, P.C would defer to the Town's chief zoning officer on this matter. Further, without any proposed uses shown on Lot #2, there are certain bulk lot requirements that cannot be reviewed to determine whether or not they are being satisfied. Should the development of Lot #2 include a single family home, additional reviews may be necessary to address sanitary waste disposal, potable water, access, and compliance with the Fire Code of New York State. If the future development includes anything other than a single family home, the items noted would be reviewed as part of a site plan application. Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response numbers must be obtained for and assigned to each lot created and placed on the filed plat.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the applicant provide a 15' right-of-way along the property's entire frontage on both Grooms and Vischer Ferry Road with a notation that it is to be used for the installation of a future trail and/or utility connections.

Mr. Ferraro noted that both the Saratoga Count Sewer District No. 1 and the Clifton Park Water Authority have existing easements along the property's frontage on both Vischer Ferry and Grooms Roads and he questioned whether or not these entities would permit trail installation above their respective utility lines. Mr. Scavo offered to contact representatives of the utilities to determine if trail development was feasible. Mr. Ferraro also observed that the delineated wetlands and associated 100' buffer posed significant development restraints for future development. Board members appeared to find the subdivision proposal generally acceptable.

[2014-035] **Clifton Corporate Park** – Proposed redevelopment of 100,000SF of existing office space to multi-family residential use and construction of multi-family residential units, a 60,000SF commercial building or combination of both on an adjacent parcel, 872 Route 146 – Conceptual PUD review and possible recommendation to the Town Board. SBL: 271.-3-27; 271.-3-31; 271.-3-73

Mr. Dannible, consultant for the applicant, introduced Mr. Don Greene and Mr. Donald MacElroy, representatives on DCG Development Co. who were in attendance at the meeting. He explained that his clients seek approval of a Planned Unit Development entitled Clifton Corporate Park on lands currently occupied by 100,000SF of office space and located on the southerly side of Route 146 just west of its intersection with Maxwell Drive. Mr. Dannible outlined the project proposal for the Board’s consideration, reporting that the applicant plans to redevelop the existing office complex by creating approximately 100 multi-family residential units. Additions will be added to existing buildings to accommodate tenant amenities such as a swimming pool, great room, and fitness center. Future development of an adjacent vacant parcel will include the construction of up to 100 multi-family residential units, a 60,000SF multi-story commercial building, or a combination of both uses. 120 detached garages for residential use will be provided. Interconnection of the two parcels for vehicular and pedestrian accessibility is proposed. Additional shrubbery and street trees will be added to “rejuvenate and upgrade” the landscape. Upgrades to site lighting with energy efficient LED fixtures is part of the project design as is the installation of solar panels on the rooftops. Mr. Dannible explained that the proposed changes to the site are vital since less than 75% of the general office space has been occupied for the past several years though it has been marketed at “bottom dollar lease rates” for the last eighteen months.

Describing current site conditions, Mr. Dannible reported that the total acreage of the combined parcels is 14.3 acres. The developed portion of the property consists of 7.5 acres located within a B2 (Business Non-Retail) zoning district. It currently contains four (4) buildings with a total floor space of 100,000SF and parking for four hundred (400) vehicles. Ingress and egress to the site is provided at two points: a boulevard entrance centrally located on the site’s frontage and a conventional curb cut on the easterly side of the site. The site is serviced by public sewer and water services. The undeveloped parcel, approximately 6.8 acres in size, is zoned B1 (Business Non-Retail) and is currently occupied by a 2,000SF commercial/residential building with a single curb cut onto NYS Route 146. Mr. Dannible explained that this parcel “contains plant species consistent with a mixed northern forest.” The project area is bordered by Collins Park, lands of the Shenendehowa School District to be sold for development, and other commercial properties.

Mr. Dannible explained that the redevelopment and new construction as proposed would require a zoning amendment that would permit implementation of the proposed site improvements through establishment of a Planned Unit Development district approved by the Town Board. He noted that the application presented for consideration has been prepared in accordance with Planned Unit Development District requirements pursuant to Article 11 of the Town of Clifton Park Zoning Ordinance and further explained that the plan will require review and approval of the Saratoga County Planning Board. The Town Board considered the

application at its July 21, 2014 meeting and referred it to the Planning Board for its recommendations.

Mr. MacElroy distributed a letter dated August 12, 2014 from Mr. Greene to the Planning Board which outlines the rationale for the request for approval to renovate, repurpose, and develop parcels along the Route 146 corridor. He highlighted some of the information contained within the correspondence, noting that “demand has increased for multi-family housing, a product Clifton Park lags behind in producing” and explaining that the proposed PDD “would clearly complement the spirit” of the Town Center concept.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, offered no comment on this application.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comment regarding this application in a memo dated July 31, 2014. He noted that tax map parcels 271.-3-27 and 271.-3-31 are zoned B1: tax map parcel 271.-3-73 is zoned B2. He observed that the application includes both developed and undeveloped lands and that combined residential dwellings and offices are allowed uses within the zoning districts. A more complete evaluation of the application will be necessary when more design details are provided or the Town Board approves PUD legislation.

Mr. Scavo read prepared comments provided by the Planning Department. He explained that the Town Board referral of this application requires the Planning Board to critically evaluate the project proposal as it relates to the stated goals and objectives of the Town of Clifton Park Comprehensive Plan, projected Town Center legislation, and sound planning principles and identify any impacts it may have not only on adjoining properties but the community at large.

Mr. Koval remarked that the type of development proposed is “exactly what the town is looking for,” though he does not believe that the amount of parking provided is sufficient for the number of multi-family units proposed. He encouraged the applicant to consider a mixed-use concept that would incorporate restaurants, bars, and personal service establishments in the design. Mr. Hale asked that the applicant consider identifying “destinations” within a $\frac{1}{4}$ to $\frac{1}{2}$ mile radius of the project to illustrate how the project could become a vital part of the “downtown community core.” Mr. Werner recommended that the applicant seek access along the southern side of the site. Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that any recommendation sent from the Planning Board to the Town Board include the requirement that sidewalks be provided on both sides of all entrances from the existing sidewalks on NYS Route 146 to the site’s internal bicycle and pedestrian facilities to ensure safe bicycle and pedestrian circulation through the site. He recommended that bicycle racks be installed at each building and that crosswalks be provided between each building. He recommended that connectivity to the town center be considered in the development plan. Mr. Ophardt commented that he liked the architectural features and the plan’s “basic design.” Mr. Ferraro noted that the “young professionals” identified as the target marketing group seek amenities such as pools, fitness rooms, and open rooftops for leisure time activities. Although he “likes the plan conceptually,” he declared that it lacked “specificity” in

the form of detailed site plans, SEQRA documentation, and community connections. Mr. Hale commented that he would prefer “some vagueness” in the PUD legislation to allow for creativity some flexibility of design. Mr. Ferraro noted that the applicant and town boards must balance “integration - a more town-center feel – with the need to provide privacy and security” for those who choose to live in a multi-family complex. Board members encouraged the applicant to maintain the concepts of the town center plan and to revise and refine the plan to reflect ideas expressed at this meeting, providing a more comprehensive, yet flexible, project plan. Mr. MacElroy agreed to do just that.

Mr. Werner moved, seconded by Mr. Koval, adjournment of the meeting at 10:40p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held on WEDNESDAY, September 10, 2014 since primary elections will be conducted on September 9, 2014.

Respectfully submitted,

Janis Dean,
Secretary

Notice of Decision

Resolution #14 of 2014

Approval
Special Use Permit # 80986

At a meeting of the Planning Board held at the Town Hall of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on August 12, 2014, there were:

Present: R. Ferraro, Chairman, E. Andarawis, M. Hale, J. Koval, E. Ophardt, T. Werner

Absent: K. Paulsen
E. Prescott – Alternate Member

Mr. Werner offered Resolution #14 of 2014, and Mr. Ophardt seconded, and

Whereas, an application was made to this Board by Daniel R. Izzo for approval of Special Use Permit #80986 to permit the harvesting of non-merchantable lumber within a CR (Conservation Residential) zoning district;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on August 12, 2014, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on August 12, 2014;

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that Resolution #14 of 2014 Special Use Permit #80986 to permit the harvesting of non-merchantable lumber on lands located on Route 146A within a CR (Conservation Residential) zoning district conditioned upon satisfaction of all items listed in the final comment letter prepared by the Planning Department.

Resolution #14 of 2014 passed 8/12/2014

Ayes: Ophardt, Andarawis, Hale, Werner, Koval, Ferraro

Noes: None

R. Ferraro, Chairman

NOTICE OF DECISION

Resolution #15 of 2014

Preliminary and Final Subdivision 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, 2014, there were:

Present: R. Ferraro, E. Andarawis, M. Hale, J. Koval, E. Ophardt, T. Werner

Absent: K. Paulsen,
E. Prescott – Alternate Member

Mr.Hale offered Resolution #15 of 2014, and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by Stewart’s Shops Corp. for approval of a subdivision entitled Stewart’s consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on August 12, 2014;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on August 12, 2014;

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 for this application is waived and that the subdivision plat entitled Stewart’s consisting of (2) lots is granted preliminary and final approval conditioned upon satisfaction of all comments listed in the final comment letter prepared by the Planning Department.

Resolution #15 of 2014 passed 8/12/2014

Ayes: Ophardt, Andarawis, Hale, Werner, Koval, Ferraro

Noes: None

Rocco Ferraro, Chairman

NOTICE OF DECISION

Resolution #16 of 2014

Preliminary and Final Subdivision 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, 2014, there were:

Present: R. Ferraro, E. Andarawis, M. Hale, J. Koval, E. Ophardt, T. Werner

Absent: K. Paulsen
E. Prescott – Alternate Member

Mr. Ophardt offered Resolution #16 of 2014, and Mr. Hale seconded, and

Whereas, an application has been made to this Board by Dwaas Kill Fens, LLC for approval of a subdivision entitled Subdivision of the Lands of Dwaas Kill Fens, LLC consisting of (3) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on August 12, 2014;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on August 12, 2014;

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 for this application is waived and that the subdivision plat entitled Subdivision of the Lands of Dwaas Kill Fens, LLC consisting of (3) lots is granted preliminary and final approval conditioned upon satisfaction of all comments listed in the final comment letter prepared by the Planning Department.

Resolution #16 of 2014 passed 8/12/2014

Ayes: Ophardt, Andarawis, Hale, Werner, Koval, Ferraro

Noes: None

Rocco Ferraro, Chairman

NOTICE OF DECISION**Resolution #17 of 2014****Preliminary and Final Subdivision 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, 2014, there were:

Present: R. Ferraro, E. Andarawis, M. Hale, J. Koval, E. Ophardt, T. Werner

Absent: K. Paulsen
E. Prescott – Alternate Member

Mr. Werner offered Resolution #17 of 2014, and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by Country Club Golf, LLC for approval of a subdivision entitled Subdivision of Country Club Golf, LLC consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on August 12, 2014;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on August 12, 2014;

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 for this application is waived and that the subdivision plat entitled Country Club Golf, LLC consisting of (2) lots is granted preliminary and final approval conditioned upon satisfaction of all comments listed in the final comment letter prepared by the Planning Department. The applicable parkland fee is waived to allow the applicant the ability to execute the legal documents necessary to provide a 5' easement for lands fronting 924 Main Street as well as the lands of the existing PUD.

Resolution #17 of 2014 passed 8/12/2014

Ayes: Ophardt, Andarawis, Hale, Werner, Koval, Ferraro

Noes: None

Rocco Ferraro, Chairman

Notice of Decision

Resolution #18 of 2014

Approval
Special Use Permit

At a meeting of the Planning Board held at the Town Hall of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on August 12, 2014, there were:

Present: R. Ferraro, Chairman, E. Andarawis, M. Hale, J. Koval, E. Ophardt, T. Werner

Absent: K. Paulsen
E. Prescott – Alternate Member

Mr. Hale offered Resolution #18 of 2014, and Mr. Ophardt seconded, and

Whereas, an application was made to this Board by New Cingular Wireless, LLC for approval of a Special Use Permit to allow the co-location of a telecommunications antennae on the existing water tower located at 36 Boyack Road;

Whereas, the Planning Board was established as Lead Agency for this application and a negative declaration was issued pursuant to SEQRA on August 12, 2014, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on August 12, 2014;

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the Planning Board grants approval to a Special Use Permit to allow the colocation of a telecommunications antennae on the existing water tower located at 36 Boyack Road conditioned upon satisfaction of all items listed in the final comment letter prepared by the Planning Department.

Resolution #18 of 2014 passed 8/12/2014

Ayes: Ophardt, Andarawis, Hale, Werner, Koval, Ferraro

Noes: None

R. Ferraro, Chairman

Notice of Decision

Resolution #19 of 2014

Approval
Special Use Permit

At a meeting of the Planning Board held at the Town Hall of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on August 12, 2014, there were:

Present: R. Ferraro, Chairman, E. Andarawis, M. Hale, J. Koval, E. Ophardt, T. Werner

Absent: K. Paulsen
E. Prescott – Alternate Member

Mr. Ophardt offered Resolution #19 of 2014, and Mr. Hale seconded, and

Whereas, an application was made to this Board by Independent Towers Holdings, LLC for approval of a Special Use Permit to allow the construction of a 170' monopole on lands currently occupied by Clifton Park Lodge No. 2466, Benevolent and Protective Order of Elks located at 695 MacElroy Road;

Whereas, the Planning Board was established as Lead Agency for this application and a negative declaration was issued pursuant to SEQRA on August 12, 2014, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 27, 2014;

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the Planning Board grants approval to a Special Use Permit to allow the construction of a 170' monopole on lands currently occupied by Clifton Park Lodge No. 2466, Benevolent and Protective Order of Elks located at 695 MacElroy Road conditioned upon satisfaction of all items listed in the final comment letter prepared by the Planning Department.

Resolution #19 of 2014 passed 8/12/2014

Ayes: Ophardt, Andarawis, Hale, Werner, Koval, Ferraro

Noes: None

R. Ferraro, Chairman