

**One Town Hall Plaza
Clifton Park, New York 12065
(518) 371-6054 FAX (518)371-1136**

PLANNING BOARD

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Michael Hale
Joel Koval
Eric Ophardt
Kim Paulsen
Tom Werner

(alternate) Eric Prescott

Planning Board
October 15, 2014

Those present at the October 15, 2014 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, M. Hale, J. Koval, E. Ophardt,
K. Paulsen, T. Werner
E. Prescott – Alternate Member

Those absent were: None

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 New York State Planning Federation will co-sponsor an event on November 6, 2014 in Albany that focuses on updates to case law related to planning issues based upon land use cases decided by New York's courts in 2013. Robert H. Feller, Esq. will be the featured speaker. All Board members are invited to attend.

Minutes Approval:

Mr. Werner moved, seconded by Mr. Andarawis, approval of the minutes of the September 23, 2014 Planning Board meeting as written. Ayes: Ophardt, Paulsen, Hale, Andarawis, Werner, Ferraro. Noes: None. Abstained: Koval.

Public Hearings:

[2014-037] **Bernard Subdivision** – Proposed (2) lot subdivision, 696 Clifton Park Center Road – Preliminary public hearing and possible determination. SBL: 270.-2-45.1

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 which neither granted nor implied approval of this application. Should it be determined that additional environmental review is required based on input received at the public hearing, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Ophardt moved, seconded by Ms. Paulsen, 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 notice as published in the Daily Gazette on October 6, 2014.

Mr. Duane Rabideau, consultant for the applicant, presented this application that remains generally as presented at the September 10, 2014 meeting. The speaker reported that concerns and issues raised by the Director of Planning, Planning Board, and Town Engineer at the September meeting have been addressed. A note has been added to the plan stating that all existing utility connections to the existing home will be abandoned and/or removed in accordance with the utility provider's requirements: if an on-site septic system and/or well exists, both shall be abandoned in accordance with NYSDOH regulations. Additional notes include the following. Each lot shall be graded such that drainage is directed away from the homes and toward lot lines. No utilities will be installed under proposed driveways. Should any basement sump pumps or gravity discharges be deemed required for the future homes on Lot #A and/or B, they must meet the criteria stated in Section 86-7 of the Town Code. Proposed limits of the disturbance area have been indicated on the plan: the amount of disturbance totals .73 acres. The consultant is in receipt of the comment letters prepared by the Director of Planning and Town Engineer: all comments will be addressed prior to the submission of final plans for stamping. Mr. Rabideau explained that the plan proposes the installation of a row of hemlocks to serve as a vegetative buffer along the boundary of delineated wetlands to discourage "incremental disturbance" of identified wetlands to the rear of the property. He noted that the insignificant increase in impervious surface area for the parcels will have little impact on an existing drainage corridor that lies south of the project site, explaining that the most significant drainage impacting that corridor flows from the Addison Estates development located to the west and upgradient from this parcel.

Mr. Scavo reported that all comments submitted by Ms. Reed, Chief of the Bureau of Fire Prevention, Mr. Myers, Director of Building and Development, the ECC, and Mr. Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, have been forwarded to Planning Board members for their consideration.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requires the applicant to submit a postal verification form to her office for review and approval and that assigned numbers be shown on the final plat.

Mr. Scavo stated that Mr. Myers, Director of Building and Development, offered the following comments on this application in a memo dated October 1, 2014. It is recommended that the availability of public sewer be confirmed. He noted that the original subdivision contained a note which stated that “no further subdivision” would be permitted. Mr. Myers reported that the Historic Preservation Commission must conduct a site visit for evaluation of the existing house prior to its demolition. He noted that it was possible that asbestos and lead paint removal may be required. The subdivision plan as presented appears to meet all R1 zoning requirements.

Mr. Scavo reported that the ECC reviewed this project plan at its September 2, 2014 meeting and offered no comment on the application.

Mr. Scavo offered comments prepared by the Planning Department. Prior to the stamping of the final plat, assigned 911 addresses for each lot must be shown on the plan. The standard notes regarding aviation activity, harmful/hazardous materials and health issues, marking of non-disturbance areas, and erosion and water quality control must be added to the plan. In addition, the following note must be included on the plan:

The identified Freshwater Wetland is protected and regulated under federal law (Section 404 of the Clean Waters Act) by the U.S. Army Corps of Engineers. Prior to undertaking any project that may be within or adjacent to the wetland, contact both the DEC Region 4 Office at (518) 357-2069, and the US Army Corps of Engineers at (518) 266-6350, to obtain required permits.

Another note must be added to the plan which states the following:

The 14 - 4' high Hemlock Trees shown on the subdivision plan are a requirement of subdivision approval to provide a visual cue for the Federally Regulated Wetlands. As such these plantings are to remain and if any tree is removed due to death, disease, or damage the property owner is required to replace the planting with a minimum 4' high Hemlock Tree.

Section 86-10 of the Town Code requires the planting of two (2) new trees “per living unit” on the street side of new construction sites: the applicant is asked to illustrate the placement of such required trees on the final plat. Trees are to be installed in accordance with the specifications set forth in the Town Code. Mr. Scavo noted that the subdivision is situated within the Vischer Ferry GEIS; therefore, applicable fees established by the Capital Improvement Plan must be paid prior to the release of the stamped plans. The speaker recommended that the Planning Board waive the \$850.00 parkland fees since the applicant has willingly provided a 15' easement along the property's frontage to the town for future roadway improvements and/or trail installation. Before construction on the property begins, the property owner must contact the Town Highway Superintendent to determine if a driveway culvert pipe and drainage ditch must be located within the town's right-of-way. If required, the property owner must coordinate the installation with the Highway Department.

Mr. Bianchi explained that M J Engineering and Land Surveying, P. C. reviewed the documentation and subdivision plan submitted and determined that the technical comments outlined in the comment letter issued on September 8, 2014 had been adequately addressed.

There being no public comment, Mr. Ferraro moved, seconded by Mr. Hale, to close the public hearing at 7:17p.m. The motion was unanimously carried.

Mr. Hale approved of the applicant's use of a row of hemlocks to define the wetland, non-disturbance boundary, stating that the species selected was appropriate for the location and use. Mr. Koval commented that his only concern involved the restriction regarding future subdivision of the parcel. Since no one spoke at the public hearing in opposition to the application, he would support its approval. Mr. Ferraro expressed his appreciation to the applicant for his willingness to work cooperatively with the Board.

Mr. Koval offered Resolution #21 of 2014, seconded by Mr. Hale, to waive the final hearing for this application, to waive the applicable park land fee in lieu of the granting of a 15' easement along the property's Clifton Park Center Road frontage to allow for future road improvements and/or the installation of a multi-use pathway segment 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, Paulsen, Andarawis, Hale, Werner, Koval, Ferraro. Noes: None.

Old Business:

[2014-038] **Fairchild II – North (Lots 2-5)** – Proposed construction of (5) warehouses totaling 215,000 SF and amendment to subdivision of Lot C, Ushers Road Rear – Revised conceptual subdivision and site plan review. SBL: 259.-2-84.1

Mr. Tom Andress, consultant for the applicant, presented this proposal that remains generally as presented at the September 10, 2014 meeting. He listed the minor modifications that have been made to the project plan in response to comments issued at that meeting. The proximity of the buffer to the buildings has been increased as the buildings have been shifted to the north away from Maple Line Road. Existing tree lines will be maintained where possible and supplemented with berms and additional plantings in areas where there is sparse vegetation or where grading and tree removal is necessary. The separation between the Helping Hands School and proposed building to the north has been increased and an additional row of evergreens, offset from the existing row, will be provided to provide additional screening. Pursuant to comments issued by the Trails Subcommittee, a sidewalk will be installed to Fairchild I with a crosswalk at Maple Line Road. He explained that since this proposal calls for more of an industrial park type development rather than office space, it is "not conducive" to sidewalk connections between the buildings.

Mr. Scavo explained that Ms. Reed, Chief of the Office of Fire Prevention, provided the following comments regarding this application in a memo dated October 14, 2014. Postal verifications for each building will be required and assigned numbers must be indicated on the final plat. Adequate access for emergency service vehicles must be provided. Building

separation distances must comply with the Building Code of New York State. Details regarding a gate – should one be required – for the emergency access road must be provided. Those responsible for maintenance of the emergency access road must be identified.

Mr. Scavo read the comments prepared by Mr. Myers, Director of Building and Development. Mr. Myers described the project plan as a “very dense proposal” with “many variances,” including zero lot line setbacks, which appears to propose too much development on available land. He speculated that it would be “doubtful” that stormwater could be adequately handled on site as required by NYSDEC: it appears from the proposed site plan that it will be transported off site. Sight distances at the access should be evaluated and verification of adequate distances provided. Stormwater changes on Fairchild I were never fully addressed after improvements were made to the site. Depending upon building classifications and uses, larger separations between buildings may be required. He reported that the variance application submitted to the Zoning Board of Appeals has been held in abeyance until the Planning Board finds the conceptual plan acceptable: it is necessary to know where buildings will be located before variances are considered. Some of the proposed buildings do not appear to have frontage on a public road. Property lines must be clearly shown on the plan. The playground recently installed at 2 Fairchild may encroach on the 100’ buffer.

Mr. Scavo reported that the ECC issued the following comments after review of the application. The ECC would like to have clarification of the property lines regarding the note “Lot to be combined with 6 Fairchild Square.” The ECC notes that the proposed development of Lots #2, 3, 4, 5 and Site 1 are not independent entities because they are dependent upon one another for vehicle access, shared common parking areas, and, potentially, stormwater management. The design density, coupled with the shared infrastructure, will have adverse effects in terms of traffic congestion, noise and light pollution, and stormwater management. In addition, there will be a need to ensure cooperation between property owners and tenants in order to maintain the shared infrastructure facilities. These considerations make the proposed design problematic. Although the applicant has technically met the zoning requirements for each individual parcel, when evaluated in totality, the design density does not comport with the environmental constraints of the site.

Mr. Scavo offered comments prepared by the Planning Department. Traffic issues were the main focus of concern. Existing traffic counts should be gathered with pneumatic tube counters (one week of data during a five-day school week). The control points for the counters should be selected by the Planning Board. It is recommended that the traffic levels at the Pierce Road and Ushers Road intersections be evaluated since it is likely that they, too, will also be effected by the additional trip generation from the entire complex at complete build-out, as vehicles utilize I-87. It is recommended that the consultant provide accident data for the Van Patten Drive - Ushers Road and Pierce Road - Ushers Road intersections. The applicant is instructed to contact CDTC for regression analysis information on background growth for the corridor. Background growth should be at minimum projected with anticipated project impacts for ETC (estimated time of completion) +5 years. Land Use Code (LUC) 710 for general office in addition to codes 140 and 150 for Manufacturing and Warehousing uses, respectively, should be considered in the report. Mr. Scavo recommended that the applicant include pedestrian and bicyclist use within the traffic study area during peak hours since the existing and proposed

multi-use pathways may further increase the delay at intersections where crosswalks are present. Evaluation of the increased truck trip on stacking at the Van Patten – Ushers Road intersection and increased delays beyond a normal commuter car should be provided. He called for the applicant to submit an “overall plan of the complex using as-built plans as a base.” He noted that the Office of Parks, Recreation, and Historic Preservation requested that the applicant complete a Phase I Environmental Assessment of the development site.

Mr. Bianchi reported that M J Engineering and Land Surveying, P. C. reviewed the documentation and subdivision plan submitted and offered the following comments and recommendations on the application. The speaker’s first comments related to the Full Environmental Assessment Form. As previously noted in Comment 5 of the September 9, 2014 review letter, Part D.2.1.ii of the submitted EAF indicates possible 24-hour operations. The applicant is asked to describe what types of activities this may include. As previously noted in Comment 7 of the September 9, 2014 review, Part E.3.e of the submitted EAH required appropriate documentation from the New York State Office of Parks, Recreation and Historic Preservation to support the responses provided. It is understood that SHPO has indicated by way of correspondence that a Phase 1 Cultural Survey is recommended: this item must be resolved with SHPO in order for the project to be eligible for permitting under GP-0-10-001. Several comments related to the site plans presented for approval. The plans submitted attempt to address a majority of the technical comments offered in the September 9, 2014 review, but remain conceptual in nature, still requiring additional input and feedback from the Planning Board with respect to overall layout. As such, M J Engineering and Land Surveying, P.C. will reserve further comments until more detailed plans and reports are submitted. Several comments related to the Traffic Impact Study. Additional field data is required to verify existing trip generations to ensure that all existing uses within Fairchild are being accurately accounted for. This should be done utilizing Automatic Traffic Recorders (ATR’s) for a duration of one week during a non-holiday period with time and locations approved by the town prior to the study’s start. In the response letter dated June 11, 2014, the MUTCD was cited as follows; “Engineering judgment should be used to determine what, if any, portion of the right-turn traffic is subtracted from the minor-street traffic count when evaluating the count against the signal warrants.” The applicant is asked to provide the data obtained that supports removing the entire volume of right-turn traffic. The response also stated that none the volume warrants were satisfied. It appears that the peak hour warrant at a minimum is satisfied when comparing the major street volumes versus the minor street volumes for a road with an 85th percentile speed of greater than 40 mph. It is typical for roadways that have posted speed limits of 40 mph to have an 85th percentile speed greater than the posted speed limit. The applicant is asked to clarify whether or not a speed study was conducted. If not, one shall be completed in accordance with Chapter 5 of the NYSDOT Highway Design Manual to verify the 85th percentile speed prior to determining whether or not any signal warrants have been satisfied. The data obtained utilizing the ATR’s will allow a determination on whether the 8-hour or 4-hour warrants have or have not been satisfied. Although the descriptions in the ITE Trip Generation Manual for Land Use Codes (LUC) 140, Manufacturing, and 150, Warehousing, state that these LUC’s may include office space, the percent of office space provided at the proposed sites will generate more trips than accounted for in the above LUC’s. LUC 710, General Office Building use, should be included for the square footage utilized in the proposed site plans. A 2.5% background growth factor was utilized to project future traffic volumes. It is recommended that the applicant confirm that this

background growth is consistent with Capital District Transportation Council (CDTC) recommendations. Mr. Bianchi questioned the accuracy of the consultant's estimate that full build-out of Fairchild will occur by 2017, stating that such a completion date would require a very aggressive construction schedule. Furthermore, the Level of Service analysis shall include analysis of a design year equal to the estimated time of completion (ETC) of full build out plus 5 years. Accident data should be requested and an accident analysis should be conducted in accordance with Chapter 5 of the NYSDOT Highway Design Manual. The traffic study should indicate if pedestrian and/or bicycle traffic was counted since these volumes shall be considered when evaluating all signal warrants as well as intersection functionality and safety. If they were not taken, they shall be and included in the traffic impact study to determine what impact, if any, pedestrians and bicycles that travel along this corridor have on the functionality, safety, or warrants for these intersections. The intersection of Pierce Road with Ushers Road shall be evaluated with respect to Level of Service and Accident analyses to determine the effect of the additional trips associated with the full build out of Fairchild on the functionality and safety of that intersection.

Mr. Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, reported that the Trails Subcommittee appreciated the fact that the applicant provided a site layout with a proposed pedestrian circulation/infrastructure plan, though he explained that the Committee still had "significant concerns" with the plans as proposed. The applicant is asked to show a connection between Lot #4 and the surrounding parcels, including the adjacent Lot #6 as well as connections to the crosswalks at Maple Line Road and VanPatten Drive and Fairchild II, Lot #1. The plan shows no pedestrian accommodations to the fronts of any of the buildings, only to the emergency access points in the rear of the buildings: the design plan for Fairchild I should be continued throughout Fairchild II.

Mr. James Ruhl, 168 Wooddale Drive, asked for clarification regarding the timing of a public hearing on this application since the application involved both subdivision and site plan approvals. Mr. Scavo explained that since this application is a Type I action pursuant to SEQRA, the impact of both the site plan and subdivision proposals must be weighed when the Planning Board conducts a public hearing on the subdivision application. He explained that the Planning Board must deem the application complete and issue a SEQRA decision prior to the commencement of the public hearing. Mr. Ferraro commented that he welcomes public comment on applications throughout the review process.

Mr. Werner called upon the applicant to provide traffic information based upon an automated traffic count that would distinguish truck traffic from other vehicles, that accident reports for the Ushers Road – VanPatten intersection be provided for the last three years, and that left turns from VanPatten Drive onto Ushers Road be evaluated to determine the adequacy of stacking areas and the length of time necessary for drivers to make unobstructed right turns. Mr. Hale found the relocation of the building from the buffer to be a positive change, but he recommended that the proposed stormwater management plan be "carefully evaluated." He supported the request for submission of a comprehensive and professionally-prepared traffic study and an as-built drawing of the complex. Mr. Ferraro contended that the plan presented for consideration did not accurately depict the site plan approved in November, 2013. Mr. Address explained that this application included proposed modifications to Lot C, including removal of

several parking spaces and realignment of curbing, to compensate for the proposed new “through access” that would serve the new buildings. Mr. Ferraro expressed his concerns regarding potential traffic impacts to existing levels of service and traffic patterns and the adequacy of existing and proposed stormwater management facilities to handle anticipated discharges from the site. A discussion of the stormwater management system ensued. Mr. Bianchi and Mr. Scavo explained that the single ownership of the entire Fairchild complex allows for the use of the common stormwater management area. Mr. Andress explained that a legal document has been filed with the County Clerk that outlines the maintenance agreement that has been established between the private property owner and the town, noting that although the town has relinquished ownership of the management area to the private property owner, the town is permitted to discharge flows from Maple Line Road to the management area.

Mr. Ferraro observed that the proposed plan of development requires topographic changes to the site and advised the applicant to be certain that grading and land disturbance limits be depicted accurately on the plan. Mr. Andress stated that every attempt was being made to maintain the existing 50’ treed buffer line to the south of the site. Mr. Andress agreed to Mr. Werner’s request for a computer simulation that would show what sections of Maple Line Road would look like after development has occurred. Mr. Ferraro reiterated comments made at previous meetings, stating that, in his opinion, the amount of development proposed appeared to be much too dense for the site. He supported Mr. Werner’s recommendation that the applicant supply computer simulated projections of post-development visuals. He expressed concerns regarding traffic impacts and environmental impacts as well as the adequacy of the proposed stormwater management plan. Mr. Andress stated that he was confident that green infrastructure techniques would be able to handle stormwater effectively. Internal pedestrian connectivity between buildings on the site and access to existing multi-use pathways external to the site should be considered: it was recommended that the applicant consult with Ms. Viggiani, Open Space Coordinator, to develop a comprehensive sidewalk and/or trail network that includes connections to existing trails. In response to Mr. Ophardt’s question regarding the installation of a gate at the emergency access, Mr. Andress stated that he would work with emergency service representatives to provide an acceptable design. Mr. Ferraro again assured the applicant that “he was not ready to approve the plan as presented” and he called upon the applicant and consultant to address the numerous issues identified by Board members by authorizing preparation of a professionally prepared traffic study that took into consideration all of the proposed uses, producing a comprehensive site plan that includes “as built” conditions as well as proposed development, submitting computer generated simulations of pre- and post-development grading and building construction for the area along Maple Line Road, developing a complete sidewalk and/or multi-use pathway plan that would illustrate both internal and external connections and circulation patterns, and providing an in-depth discussion and evaluation of the stormwater management plan.

New Business:

[2014-042] **Bonanno Professional Offices** – Proposed demolition of existing building and construction of two (2) professional office buildings built in two (2) phases with shared parking, 999 Route 146 – Conceptual site plan review. SBL: 271.6-1-77.1

Mr. Koval recused himself from any comment or vote on this application.

Mr. Tom Andress, consultant for the applicant, introduced Mr. Bonanno, applicant who was in attendance at the meeting. He then presented this application that calls for the construction of two (2) professional office buildings in two (2) phases on a 1.66 acre parcel located on the northerly side of NYS Route 146 approximately 300 feet east of its intersection with Arnold Drive. The property is situated within a B1 (Business Non-Retail) zoning district. Mr. Andress explained that although the Zoning Board of Appeals granted a use variance for the existing residence as part of a previous subdivision, the applicant has opted to demolish the structure and build a new office building. The applicant first plans to construct a 3,120 SF building for professional office use with twelve (12) parking spaces to be served by an existing municipal water connection and connection to the public sewer system. Phase II will consist of the construction of a 4,800 SF building, removal of ten (10) parking associated with Lot #1, and installation of a shared parking lot containing twenty-nine (29) spaces. A single access in the general location of the existing driveway will provide ingress and egress to the site. Mr. Andress explained that since the site is comprised of mostly sandy soils, green infrastructure techniques will be employed to manage stormwater.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, asked that properly assigned postal addresses by added to the final site plan.

Mr. Scavo stated that Mr. Myers, Director of Building and Development, offered the following comments regarding this application in a memo dated October 1, 2014. The parcel lies within the B1 zoning district. 8,700 SF of building space is permitted: no building may be larger than 4,800 SF. 7,950 SF of building space is proposed. All applicable zoning requirements appear to be met.

Mr. Scavo stated that the Planning Department offered the following comments on this application. It is recommended that the applicant consider the feasibility of locating the buildings with shared parking between both to allow the front façade of one building to be visible from NYS Route 146 rather than the building sides. In absence of a reconfiguration, it appears the project meets the Town's zoning standards. If the Planning Board prefers that the side elevations of the buildings will face NYS Route 146, a substantial planting and landscaping plan will be required to mitigate negative visual impacts. A copy of the plan will be sent to NYS DOT for their input and feedback. It is recommended that the overall site development with both buildings be shown for future build-out purposes; however, any approval at this point in time should be limited to the first building. Future site plan approval for the second building will be required. Mr. Scavo noted that §208-33 (B1 Regulations) of the Town Code which covers the rehabilitation of existing buildings or the construction of new buildings in the B-1 zoning district will be applicable to the project as preliminary plans are considered:

A. The rehabilitation or remodeling of a preexisting building in the B-1 District into an allowable use shall be allowed by the Planning Board, provided that the original building is determined to be structurally safe and able to meet the Code requirements of the Town and New York State as determined by the Building Inspector.

B. No preexisting building(s) shall be rehabilitated or remodeled or new building(s) constructed on a vacant lot to a size greater than 12% of the lot size, with no single building to have a maximum square footage exceeding 4,800 square feet. Multiple buildings on a lot are allowed as long as the overall density limitations of this article are not exceeded.

C. Landscaping. Landscaping shall be in accordance with that similarly associated with residential dwellings, i.e., lawn area and trees and shrubs and other plantings to maintain a residential character.

D. Architecture. The architectural design of a rehabilitated or newly constructed building shall be consistent with the designs compatible for residential dwellings. The design shall take into consideration the existing neighborhood, the exterior facade in regard to building materials and color and other appurtenances, such as rooflines, dormers, windows, chimneys and other items that create a residential appearance. All exposed mechanical equipment and service and storage areas shall be screened from public view. The architectural design should give the appearance of compatibility with the surrounding neighborhood and shall try, to the maximum extent possible, to avoid the creation of a monolithic mass by implementing architectural relief within the building design. Long, unbroken lengths of walls and the appearance of huge massive structures within an area of residentially sized buildings should be discouraged.

E. Hours of operation. All businesses in the B-1 District shall be limited to hours of operation, for the public, between 7:00 a.m. and 10:00 p.m. In addition, if the proposed use abuts an existing residence, no outside commercial activities, e.g., garbage pickup, etc., shall take place between the hours of 10:00 p.m. and 6:30 a.m.

Mr. Scavo asked the applicant to provide an estimated time line for total build-out of the site.

Mr. Scavo reported that the ECC offered the following comments regarding this application. In keeping with the rural nature of the project area and the recommendations of the Town Comprehensive Plan, the applicant *should* retain existing vegetation to the maximum extent practical, and use landscaping and grading to provide visual and auditory buffering between the project and adjacent subdivisions and properties (roadway, subdivision, school, etc). It is recommended that the applicant indicate the dumpster pad and enclosure location on the site site.

In response to Mr. Scavo request for an estimate of site build-out, Mr. Andress stated that there appears to be a “glut of office space” at this time: the applicant is hoping that demand for office space will increase soon since construction of the second building will be dependent on market demand. Mr. Andress stated that there will be no dumpster located on the property. Mr. Scavo asked that a note stating this be added to the plan.

Mr. Bianchi reported that, after review of the documents and plans presented for review, M J Engineering and Land Surveying, P.C. provided the following comments. Based upon review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. Assuming 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: 239m referral due to the parcel being within 500 feet of N.Y.S. Route 146; Saratoga County Sewer District: additional reserve sewer capacity; Clifton Park Water Authority: taking of additional potable water; NYS Department of Environmental Conservation: if the project is subject to the NYSDEC Phase II Stormwater Regulations then permit coverage under stormwater SPDES and identification of threatened and endangered species; NYS Office of Parks, Recreation and Historic Preservation: if the project is subject to the NYSDEC; NYS Department of Transportation: work within the NYS Route 146 right-of-way. Additional involved/interested agencies may be defined as the project proceeds through the town's regulatory review process. The following comments related to the Short Environmental Assessment Form. Under 3.b, the response indicates that the total disturbance associated with the project will be just under one (1) acre. This figure must be verified based upon more detailed site plans. Further, the applicant should confirm that this disturbance is representative of both phases of work being proposed. Under 12.b, the applicant is asked to indicate how the response was determined. Several "general comments" regarding the application were listed. The project proposes to provide potable water to the site from the Clifton Park Water Authority (CPWA) via the extension of a new service lateral to the building from an existing main to the rear of the property. The applicant shall provide the Town documentation indicating the CPWA's ability and willingness to provide potable water to the project or the applicant must furnish justification as to why such approvals would not be necessary. Any approvals offered by the Planning Board should be conditioned on receipt of CPWA's review and approval. The project proposes to provide sanitary sewer service to the building from the Saratoga County Sewer District No. 1 via the extension of a service lateral to the building from an existing main at the rear of the property. The applicant shall provide the town with documentation indicating SCSD's ability and willingness to provide additional sewer capacity to the project or the applicant must furnish justification as to why such approvals would not be necessary. Any approvals offered by the Planning Board should be conditioned on receipt of SCSD's review and approval. If the project disturbance remains below one (1) acre, when considering both phases, the applicant is still required to prepare a drainage analysis that evaluates the pre- and post-development conditions and defines any site specific stormwater management facilities that may be warranted to mitigate any adverse impacts that may result from site runoff. The project is proposing modifications to the access to and from NYS Route 146. This will require the review and approval from the NYSDOT. It is recommended that the applicant provide a summary of the expected peak vehicle trips utilizing the most recent ITE data. The following comments relate to the specific site plan submitted for review. The project resides within the Town's Business, B1 zoning district. The proposal for general office is permitted as a principal use within this district pursuant to Section 208-32(A)(1) of the Town's Zoning Code. Based upon a review of Section 208-35 of the Town Code, the lot and proposed uses appear to meet the minimum bulk lot requirements. Subsequent plans must show how the required buffer is being created and/or maintained along the side yard lines pursuant to Section 208-35(D)(4). Specific attention to the eastern boundary is required as the existing tree line appears to warrant supplemental screening. As the plans progress, specific attention must be paid to Section 208-33 C through E, which are specific to landscaping, building architecture, and hours of operations. Subsequent submissions must provide appropriate information demonstrating that these provisions of the Town's zoning will be satisfied. The applicant is asked to clarify whether or not both phases shown on the site plan are being considered for a singular approval or if Phase II will come back at a later date. Subsequent plans

must show the proposed site entrance in relation to Denim Drive on the south side of NYS Route 146 since it may be necessary to adjust the site drive to be opposite Denim Drive to limit conflicts between vehicles heading west out of Denim Drive and heading east out of the proposed site drive. The drive configuration must be reviewed by the NYSDOT. Subsequent plans must define how stormwater management will be accommodated on the site. The plans must indicate whether the proposed buildings will be equipped with automatic sprinklers. If they are, the fire department connection should be noted on the plans or notation furnished indicating that the final locations shall be determined as part of the building permit process. The plans suggest that the building fronts will not be facing NYS Route 146. If this is the case, additional improvements in the front yard may be warranted in the form of landscaping or modifications to the building elevations facing NYS Route 146. The applicant should seek input from the Planning Board regarding needed improvements in the front yard, if the building front is not facing NYS Route 146. Subsequent submissions should include architectural renderings of the building along with identification of materials of construction. There should also be indication whether or not roof top units are expected and how they may be screened from the public right-of-way. Considering the plan submitted is conceptual in nature, M J Engineering and Land Surveying, P.C. will reserve further comments until more detailed plans and reports are submitted.

Mr. Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the applicant provide a bike rack in front of each building, showing the “design, location, and installation details” so they can be verified by inspectors during construction. The applicant is also asked to verify that the right-of-way width is sufficient for sidewalks along the northerly side of Route 146 as proposed in the Trails Master Plan. The applicant is asked to provide a pedestrian connection from the proposed office building(s) to Route 146: this connection could be either sidewalks or a striped area within a widened entranceway. As noted in his comment letter, the recommendations are particularly relevant since the town is “making significant progress” toward getting Route 146 designated as an official NYS Bike Route from NYS Route 9 to the Mohawk-Hudson Bike-Hike Trail in Niskayuna.

Mr. Andress reported that there was sufficient right-of-way area along Route 146. Mr. Hartnett asked that a note be added to the plan indicating that the right-of-way may be used for future trail development.

Mr. Anthony LaFleche, speaking from the audience, asked if the applicant planned to maintain the existing mature trees on the site. Mr. Andress stated that site disturbance would be limited and that, because of the topography of the site, the existing vegetative buffer to the rear of the site would be maintained.

Board discussion focused on orientation of the proposed office buildings. Mr. Andress stated that the applicant plans to use the first building for his financial planning business and that visibility from Route 146 was an important consideration in his decision to purchase this parcel. Mr. Ferraro stated that if the buildings were to be placed as proposed, the applicant would be required to provide substantial screening along Route 146. In response to Mr. Ophardt’s question regarding any future development of the property to the rear of the buildings –

particularly the northeasterly portion of the site – Mr. Andress explained that the area would remain as greenspace. Mr. Ferraro commented that although he was sympathetic to the applicant’s desire for “visibility” from the major thoroughfare, “some restrictions” would be necessary to ensure that the proposed development “integrates into the area.” He stated that he does not want “to see a Route 9 look” and encouraged the applicant to consider mitigation measures to address concerns expressed by Board members. Mr. Hale commented that “zoning regulations often limit the quality of design” and he encouraged the applicant and consultant to work to make the sides of the buildings “look like the fronts.” Mr. Andarawis stated that although he recognizes there are site constraints, visible impacts for those traveling along the Route 146 corridor should be mitigated to the greatest extent practicable. It appeared that Board members would appreciate the preparation of alternative site design illustrating different building orientations.

[2014-043] Vopelak, Michael, Proposed (2) lot subdivision from a single non-conforming lot with two (2) single family residences, 10 Katherine Terrace – Conceptual review. SBL: 277.7-4-6

Mr. Michal Vopelak, applicant, presented this plan that calls for the subdivision of an existing lot into parcels of 32,379 SF and 15,393 SF, respectively. The property to be subdivided is located to the rear of the Katherine Terrace cul-de-sac within the R1 zoning district. The subdivision has been proposed to bring a non-conforming lot containing two (2) single-family residences into closer compliance with current codes. Mr. Vopelak explained that it is unclear how the two (2) residences were created on a single lot. The applicant proposes to connect both residences to public sewer, making proposed Lot 10A conforming. Lot 10B required a variance for lot size since 15,393 SF is proposed: the required lot size is 20,000 SF. The rear setback line in an R1 zone is 25’: since 7.5’ is existing, a 17.5’ variance was required. Zoning Board approval of the variances was granted on August 19, 2014 conditioned upon connection of the two residences to the public sewer line. The speaker explained that although he has received estimates for the cost of connecting the two properties to the existing sewer service line along Moe Road, he did not wish to authorize construction until the Planning Board granted subdivision approval.

Mr. Scavo explained that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that appropriately assigned postal addresses be added to the final plat.

Mr. Scavo stated that Mr. Myers, Director of Building and Development, offered the following comment regarding this application in a memo dated October 1, 2014. The area variances required for the proposed lots were granted by the Zoning Board of Appeals on August 19, 2014 on the condition that both lots be attached to public sewer service by the end of the calendar year.

Mr. Scavo offered comments prepared by the Planning Department. All necessary variances that were granted to the applicant by the Zoning Board of Appeals should be listed on the final subdivision plan. The final subdivision map should display assigned 911 addresses for the lots. The subdivision as proposed in concept appears reasonable to address the existing issue

of two residential structures located on a single parcel. The proposed utility connection for public sewer should be shown on the plan.

Mr. Scavo reported that the ECC “would like to have clarification on the individual utility connections for each lot.”

Mr. Bianchi stated that this application was reviewed by M J Engineering and Land Surveying, P.C. and the following comments were issued in correspondence dated October 10, 2014. 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. It is noted that since the home on proposed Lot #10B appears to be pre-existing, there is a potential that no interested/involved agencies would be consulted under SEQRA. There are no comments on the submitted Short Environmental Assessment Form; however, the applicant is asked to submit the current SEAF that became effective in September, 2013 for review. Additional comments may result upon receipt of the required SEAF. Several comments related to the proposed subdivision plan. The project is located within the Town’s Residential I (R1) zoning district. The proposal for single family homes is a permitted principal use within the district as noted in Section 208-10(B)(2) of the Town’s Zoning Code. Based upon a review of the proposed lot configurations, the proposed Lot #10B does not meet minimum bulk lot requirements. The project materials indicate that the applicant has applied for and received relief from the Zoning Board of Appeals. If relief has been obtained, please list the extent of the relief on the plat along with the date of the ZBA resolution granting relief. The subdivision application indicates that Lot #10B has an existing water service, but needs to connect to the public sewer. The plan should indicate how sewage is currently being accommodated and how this method is to be modified/abandoned upon connection to the public sewer. 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. Koval stated that, in his opinion, the proposed subdivision “makes sense.” Mr. Ferraro observed that the subdivision plan shows that the driveway serving the larger lot will be relocated to the northerly side of the residence. Mr. Vopelak explained that the driveway would be relocated to provide the largest possible land area for Lot #10B. The driveway could be relocated because the residence on Lot #10A did not have a garage. Board members found the subdivision proposal acceptable.

[2014-045] **Rexford Fire Department Pavilion** – Proposed construction of a pavilion, 1601 NYS Route 146 – Preliminary site plan review and possible determination. SBL: 269.-3-26

Mr. Nick Demos, representative of the Rexford Fire District, presented this plan that calls for the construction of a 50’ x 30’ “open air” pavilion with two (2) storage rooms to be placed on Fire District property located at 1601 Route 146. The property lies within the HM (Hamlet Mixed-Use) zoning district and is located on the westerly side of Route 146 approximately 500’ south of its intersection with Glenridge Road. The pavilion will be constructed on top of concrete flooring and will be served by extension of existing water, electric, and gas utility lines. The existing septic system has been evaluated and deemed adequate to handle proposed

additional flows. A short Environmental Assessment Form (EAF) was submitted to Mr. Scavo at this meeting.

Mr. Scavo reported that the ECC reviewed this application at its October 7, 2014 meeting and issued the following comment. The ECC Board would like confirmation of the ability of the existing septic system to handle additional flows.

Mr. Scavo provided comments prepared by the Planning Department. The project appears to meet all applicable zoning setbacks and the applicant has worked with the Building Department to address any NYS Building Code issues. The applicant should note that the minimum height for the Handicapped Parking Sign and No Parking Any Time signs shall be no less than 60" from the bottom edge of the sign to the ground. The applicant should note that the width of the handicapped access isle shall be 96" minimum with the length equal to that of a full parking spot. The facility has ample parking. The Planning Department recommends site plan approval for the proposed pavilion.

Mr. Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee requested that the applicant provide a bike rack on the site, showing the "design, location, and installation details" so they can be verified by inspectors during construction since it is likely that the pavilion will be used by the general public when in use. He asked that the Fire Department verify if there is 15' of existing right-of-way along the frontage of the property for a future multi-use trail or utility realignment. As noted in his comment letter, this roadway is particularly important since the town is "making significant progress" toward getting Route 146 designated as an official NYS Bike Route from NYS Route 9 to the Mohawk-Hudson Bike-Hike Trail in Niskayuna.

In response to Mr. Hale's question regarding the type of roof to be installed over the pavilion, Mr. Demos explained that green architectural shingles will be used on the roof that will complement that of the existing fire station. In response to Mr. Ferraro's question concerning proposed lighting of the facility, Mr. Demos explained that there will be no exterior lighting.

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

Discussion Items:

[2014-044] **Lamarche Mixed Use Development** – Proposed demolition of existing retail shop and residence and construction of 9,000 SF of retail space with twenty (20) apartments on floors 2 and 3 – 31 Old Route 146. SBL: 272.9-1-37

Mr. Scott Lansing, consultant for the applicant, presented this application for the Board's consideration. He explained that Mr. George Lamarche, applicant, proposes the redevelopment of a 1.23 acre parcel of land located at the intersection of Clifton Park Village Road, Old Route 146, and US Route 9 situated within the B4A zoning district. The site currently contains a Salvation Army retail outlet, a multi-family house, and one out building. The mixed use development plan proposes 9,000 SF of retail/commercial uses on the first floor and ten (10) apartment units on each of two (2) floors above. 74 parking spaces are proposed: 45 spaces are required to serve the retail/commercial space and 26 spaces are required for the apartments. Sewer service will be provided by connection to Saratoga County Sewer District #1 and water will be provided by the Clifton Park Water Authority. Although current zoning requires 35% greenspace, 21.8% has been provided on site. Three means of ingress/egress have been proposed: one on each of the three surrounding roadways. Stormwater will be managed on site through the use of multiple green infrastructure runoff reduction practices. Stormwater management practices will be addressed in a project specific Stormwater Pollution Prevention Plan. Stormwater control practices will be designed and implemented in accordance with all NYSDEC technical standards. Six (6) variances would be required if plans are progressed as proposed. These include relief from minimum setback requirements from all surrounding roadways, minimum parking setbacks, and minimum greenspace requirements. The project will also require approval of a use variance since the proposed multi-family apartment use for the second and third floors of the building is not allowed within the zoning district. The speaker stated that he was in receipt of comments from the Planning Department, Director of Building and Development, and the Town Engineer and he was "confident that all comments could be satisfactorily addressed." Mr. Lansing explained that the applicant has attempted to follow the "general intent" of the Town Center plan and he is seeking a positive recommendation to the Zoning Board of Appeals for approval of the required variances.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments on this application in a memo dated October 1, 2014. The narrative submitted with the application notes that the concept plan was developed in accordance with guidelines set forth in the Town Center Plan; however, since this plan has not yet been adopted by the Town Board, the project must meet current zoning requirements. The property is situated within the B4A zoning district. The project description incorrectly states that the project will follow the Town of Halfmoon MS4 guidelines: this error must be corrected. As outlined in the documents provided, several variances will be required. The building height may require an additional variance. Section 208-50.2 of the Town Code states that permitted uses within the zone include those which are permitted in B3 (Neighborhood Business Districts) except dwellings, which will not be allowed "by special exception or otherwise." Mr. Myers notes that this may be an issue for the applicant. Since the building is quite old, review by the Historic Preservation Commission will be required prior to the issuance of a demolition permit.

Mr. Scavo explained that the ECC did not review the project plan.

Mr. Scavo asked if the applicant considered the site's topography and grade changes when preparing the conceptual drawings. Mr. Lansing stated that these features were not considered during preparation of the sketch plan though he believes that "cut and fill" may be necessary to accommodate the building on the parcel. Mr. Scavo stated that it appears that there

is a stormwater retention area present on the adjacent property to the north that ultimately drains under Old Route 9 to a stream corridor to the west behind the Peddler's Restaurant property. As plans develop, the applicant must show how on-site stormwater management will be achieved.

Mr. Ferraro called upon Mr. Kazmierczak, Chairman of the Historic Preservation Commission, to discuss the historical value of the existing buildings and the Commission's opinion on site development as expressed in an October 14, 2014 memo to Mr. Scavo. Mr. Kazmierczak explained that, after inspection of the buildings, he concluded that they did "not merit any consideration for preservation or restoration." He pointed out that since "most of the properties located along Old Route 146 are slated for demolition," it would "be more favorable to locate the proposed building tucked into the intersection of Old Route 146 and Clifton Park Village Road." He recommended modification of the building's façade in accordance with guidelines provided in the Town Center Plan to "create a feeling of a multi-structured three story building with retail along the two sidewalks" which would contribute to the creation of a new Clifton Park Village neighborhood.

Mr. Bianchi explained that M J Engineering and Land Surveying, P.C. provided several comments after review of the application. Based upon an initial review of the application, it may be considered an "Unlisted" action under SEQRA. A more in-depth SEQRA review will be completed as part of subsequent plan submissions that shall include an environmental assessment form. A number of general comments were listed in a letter forwarded to the applicant's consultant on October 10, 2014. The submitted information indicates the project is proposing to connect to an existing water main along Clifton Park Village Road owned and operated by the Clifton Park Water Authority (CPWA). It is recommended that the Town be furnished with documentation that the CPWA is willing and capable of providing potable water to the project. The submitted information indicates the project is proposing to connect to an existing sewer main along Clifton Park Village Road owned and operated by the Saratoga County Sewer District No. 1 (SCSD). It is recommended that the Town be furnished with documentation that the SCSD is willing and capable of providing sanitary sewer service to the project. The project would result in disturbances in excess of one (1) acre and, therefore, is subject to the NYSDEC Phase 2 Stormwater Regulations and General Permit GP-0-10-001. Subsequent submissions shall provide a Stormwater Pollution Prevention Plan (SWPPP) that addresses stormwater quality, quantity, and green infrastructure elements. The project is proposing modifications to the access to and from NYS Route 9. This will require the review and approval from the NYSDOT. Given the size of the proposed project, it may be necessary to prepare a traffic impact statement to quantify the number of vehicle trips generated from the project and determine if there will be any impacts to the level of service of the adjacent roadway that would warrant mitigation. The following comments relate to the project narrative. Under the heading Proposed Utility and Stormwater Infrastructure there is reference to the Town of Halfmoon in the discussion of the MS4 requirements: the correct MS4 jurisdiction should be included as part of the SWPPP and/or subsequent submissions. Under the section entitled Agencies and Approvals Required, the applicant is asked to review those listed as it believed that all agencies listed may not be involved in the regulatory review and project permitting. As an example, NYSDEC is identified as needing to review the sanitary sewer connection. If a single lateral is proposed, NYSDEC likely has no regulatory jurisdiction. This applies, similarly, for the listing of NYSDOH. The project lies within the town's Business, B4-A zoning district. Under the current

zoning regulations, the project requires both area and use variances, but substantially conforms to the form based code that will come into effect in the near term. Mr. Bianchi stated that the Town Engineer will defer to Town staff regarding the identification of the required variances. There should be a delineation of how truck traffic will enter and exit the project. Depending on the expected delivery mode, there may be a need to prohibit deliveries from Clifton Park Village Road and/or Old Route 146 due to limited maneuverability into and out of the site. The Planning Board may wish to recommend additional screening of the project from adjacent properties along Clifton Park Village Road and Old Route 146. Whether or not this is necessary is left to the discretion of the Planning Board. The plans indicate that the proposed stormwater management facilities will generally be infiltration practices. Subsequent submissions shall include the appropriate soil testing to support their use. The proposed parking along the project perimeter is expected to require grading within the adjacent rights-of-way. Should this be required, discussions with both the Town of Clifton Park and the NYSDOT will be necessary as part subsequent design efforts to ensure the grading activities are advanced in an appropriate manner. Should any of the proposed uses include food service, an exterior grease trap will be required and shall be shown on subsequent plans. There may be a desire to provide a sidewalk along NYS Route 9, with linkage directly to the project, similar to other projects within the corridor. The proposed building is identified as being three stories and as such is may be greater than 30-foot high. If this is the case, subsequent plans must identify where the required aerial apparatus access exists as outlined in Appendix D105 of the Fire Code of New York State. Please indicate whether the proposed buildings will be equipped with automatic sprinklers. If they are, the fire department connection should be noted on the plans or notation furnished indicating the final locations shall be determined as part of the building permit process. Subsequent submissions should include architectural renderings of the building along with identification of construction materials. Along with this material, there should be indication whether or not roof top units are expected and how they may be screened from the public right of way. Any proposed site lighting should be developed with attention paid to limited spillage to adjacent properties along Clifton Park Village Road and Old Route 146. Considering the plan submitted is conceptual in nature, further comments will be reserved until more detailed plans and reports are submitted.

Mr. Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee requested that the applicant provide a bike rack in front of the building, showing the “design, location, and installation details” so they can be verified by inspectors during construction. The speaker also asked that the applicant provide sidewalks along the frontages of Old Route 146, Old Route 9, and NYS Route 9. The Trails Subcommittee views these sidewalks as part of the plan to “create a hamlet” within the older sections of Clifton Park. It would also work to extend the sidewalks recently constructed as part of the Residence Inn by Marriott and installed by Hannoush Jewelers as part of their project. It was recommended that the applicant provide sidewalks from the proposed building to each of the sidewalk segments to allow maximum access by pedestrians to this project in fulfillment of the goals of the Town Center Plan.

Mr. Werner commented that the two (2) proposed access points may encourage “cut through” traffic from Route 9 to Clifton Park Village Road. Mr. Hale supported the sketch provided by Mr. Kazmierczak, stating that he believes that the building should “be at the street” rather than “on an island.” He supported Zoning Board approval of any required variances. Mr.

Koval agreed that the building should have “more presence on the street,” and recommended that the building be oriented toward Old Route 146 since mixed use development to the south is anticipated in the near future. Mr. Andarawis agreed that “having presence on Old Route 146” was important. Although Mr. Ferraro voiced his support for the mixed use building that would be compatible with the Town Center Plan and recommended approval of necessary variances, he described development of the site with “three frontages” and difficult topography as “challenging.” He stated his preference for a “concentrated” parking area located behind the building. Substantial buffering of the site and sidewalk connections on the property’s frontage must be provided. Board members agreed that the proposed development would improve the site and appeared generally supportive of the application.

Mr. Scavo asked that Board members review the draft calendar of meeting dates for calendar year 2015 that was distributed this week.

Since there were no submissions for the October 28th meeting, Mr. Scavo recommended that the next meeting of the Planning Board be canceled. Mr. Ophardt moved, seconded by Mr. Koval, to cancel the Planning Board meeting of October 28, 2014. The next meeting of the Planning Board will be held on WEDNESDAY, November 12, 2014 due to the Veteran’s Day holiday.

Ms. Paulsen moved, seconded by Mr. Ophardt, adjournment of the meeting at 9:25p.m. The motion was unanimously carried.

Respectfully submitted,

Janis Dean,
Secretary

NOTICE OF DECISION

Resolution #21 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 October 15, 2014, there were:

Present: R. Ferraro, E. Andarawis, M. Hale, J. Koval, E. Ophardt, K. Paulsen,
T. Werner
E. Prescott – Alternate Member

Absent: None

Mr. Koval offered Resolution #21 of 2014, and Mr. Hale seconded, and

Whereas, an application has been made to this Board by Darren Herbinger for approval of a subdivision entitled Subdivision of the Lands of Gibbs – 696 Clifton Park Center Road consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on October 15, 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 October 15, 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 applicable park land fee be waived in lieu of the granting of a 15' easement along the property's Clifton Park Center Road frontage to allow for future road improvements and/or the installation of a multi-use pathway segment and that the subdivision plat entitled Subdivision of the Lands of Gibbs – 696 Clifton Park Center Road 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 #21 of 2014 passed 10/15/2014

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

Noes: None

Rocco Ferraro, Chairman