



**Planning Board Meeting**  
**May 27, 2009**

Those present at the May 27, 2009 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, M. Hale, J. Koval, E. Ophardt,  
S. Pace, K. Paulsen, T. Werner  
T. Deleonardis – Alternate

Those absent were: None

Those also present were: J. Scavo, Director of Planning;  
J. Grasso, Clough, Harbour and Associates;  
M. Montague, Environmental Specialist;  
P. Pelagalli, Counsel;  
J. Dean, Secretary

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

**Public Hearings:**

[2009-009] **Predel, Mary** - Proposed (2) lot subdivision, 59 Garnsey Road – Preliminary public hearing and possible determination. SBL: 269.-2-6

Mr. Bulger, Chairman, called the public hearing to order at 7:00p.m. The Secretary read the public notice as published in the Dailey Gazette on May 18, 2009.

Mr. Gil VanGuilder, consultant for the applicant, presented this preliminary subdivision plan for the Board's consideration, explaining that the plan remains generally as presented at the April 28, 2009 meeting. The applicant proposes the subdivision of a 48.5 acre parcel of land that lies within the CR (Conservation Residential) zone on the easterly side of the Garnsey Road-Dubois Lane intersection. The 1.46 acre parcel to be

subdivided from the larger parcel contains a wood frame house and in-ground pool. A farm stand, a mobile home, and several other outbuildings occupy the larger lot. The existing house is served by the Rexford Water District and an on-site septic system. The applicant has provided a conservation easement for 1.54 acre parcel, encumbering the remaining 47.13 acres. Mr. VanGuilder explained that Ms. Predel, applicant, is separating the house from remaining lands for estate planning purposes. Since the septic system for the existing residence is located on the adjoining property, the consultant had added the following note to the plan that states the following:

The present septic system for Lot #59 shall be relocated onto Lot #59 if the present system fails, public sewer becomes available, or a time limit of five (5) years from the approval of this subdivision.

Mr. VanGuilder explained that because Ms. Predel operates a farm store and often participates in community events, the swimming pool near the residence has become a liability. It is now her intention to remove the pool and install a new septic system in its place. The installation will be completed within one year from the date of Planning Board approval. The note regarding the septic system will be revised to reflect this change.

Mr. Scavo reported that all comments and recommendations previously issued by the Planning Department have been adequately addressed. Mr. Scavo also reported that Mr. Myers, Director of Building and Development found the subdivision plan acceptable.

Mr. Grasso reported that Clough, Harbour, and Associates determined that all of the concerns outlined in previous comment letters have been addressed.

Mr. Montague, Environmental Specialist, reported that the ECC offered no additional comments regarding this application.

Mr. Grasso commended the applicant and Mr. VanGuilder for working cooperatively with the Board to reach compliance with zoning regulations.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:05p.m. The motion was unanimously carried.

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

Mr. Werner offered Resolution #6, seconded by Ms. Paulsen to grant preliminary and final subdivision approval to this application conditioned upon the installation of a septic system on Lot #59 within one year from the date of subdivision approval. Ayes: Ophardt, Paulsen, Pace, Hale, Werner, Koval, Bulger. Noes: None.

[2005-063] **XAR Development** – Proposed (9) lot subdivision, Route 9 and Wood Road – Reconvening of a preliminary public hearing and possible SEQRA determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:00p.m. The Secretary read the public notice as published in the Dailey Gazette on May 18, 2009.

Ms. Teresa Bakner, legal counsel for the applicant, Mr. Dom Arico, project consultant, Ms. Wendy Cimino, consulting traffic engineer, and Mr. Ron Backer, applicant, were all in attendance at the meeting. Ms. Bakner explained that there were three major revisions to the plan as a result of comments and recommendations from the public hearing held on April 14, 2009. The plan now shows a combined drive from Route 9 to serve two parcels, a matrix has been prepared that outlines all of the remediation and clean-up required for each parcel, and easements have been provided to permit site remediation that may extend beyond individual property boundaries. Ms. Bakner explained that the applicant is aware that SEQRA determinations will be considered at the time of each site plan review. All technical comments issued by Clough, Harbour, and Associates will be addressed. Lot J will be labeled on the plan as a “non-buildable lot” until such time as all parcels are developed and the lot is transferred to a responsible land preservation organization.

Mr. Scavo expressed his appreciation for the applicant’s willingness to address all professional, engineering, and Planning Board concerns. He explained that the applicant has provided approximately one acre of upland at the location nearest the existing off-site population of Karner blue butterflies (between Wood Road and Northway). In addition, an easement/right-of-way along Wood Road has been provided by the applicant for a possible future connection to the Zim Smith Trail. A General Stormwater SPDES permit will be required for all future site plan applications.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, issued the following comments in a memo dated May 27, 2009. Sewer connection for existing warehouse on Route 9 recently constructed by M. J. Rekucki will be required prior to approval for any permits for this project. All storm water practices on all parcels are expected to discharge to NYSDEC wetlands which will require approval from NYSDEC. All of the town’s stormwater review and approval regulations will be applicable.

Mr. Grasso reported that, after review of the documents provided for review, the following comments were issued. The proposed subdivision includes sanitary sewer and watermain extensions. Engineer’s reports for the extensions should be provided for review prior to final approvals. Details for the proposed utility installations should be provided. The limit of the proposed disturbance for the construction of the utilities should be depicted on the plan. The low pressure sewer is proposed along the centerline of Wood Road: details of the replacement of the disturbed areas of Wood Road should be provided. A note should be added to the plans depicting the testing requirements of all proposed public utilities. The stationing of the proposed sanitary sewer should be

included on the profile. The “double” stationing along Wood Road reduces the clarity of the plan. The profile should depict the connection to the existing 6” watermain to be activated by the Clifton Park Water Authority. It should be verified if the northern portion of the existing watermain will be utilized. A final subdivision plan, stamped and signed by a NYS Licensed Surveyor, should be provided. A note should be added to the subdivision plan indicating that all or some of the proposed development may trigger the need for off-site traffic improvements that are not depicted on the plan. The easements denoted as “Low Pressure System Sanitary Sewer Easement” should be revised to read “Proposed Utility Easement to be Granted to Lot \_\_\_\_”. The grantee of each ingress/egress easement should be specified in the note on each respective easement. Additional ingress/egress easement will be required over the common drives serving lots “E” and “F” and the drive serving lots “B”, “C”, and “J”. The Town’s standard notes regarding use of ingress/egress easements should be added to the plan. A perpetual conservation easement/deed restriction should be noted for lot “J” so its disposition is evident from the subdivision plan.

Mr. Mike Montague, Environmental Specialist, offered the following comments that were prepared by the ECC. The proposed site is located in a large wetland area and is located over a primary aquifer. The SEQRA process allows consideration of environmental factors into the existing planning, review, and decision making process at the earliest possible time. Given the environmental characteristics of the site, its large size (260 acres), and the potential impact to the environment, the ECC recommends that the SEQRA EAF parts II and III be completed in their entirety prior to subdivision approval. By taking this approach, a holistic plan can be developed to address the cumulative impact to the site of any project to be undertaken as a result of the proposed subdivision. The ECC concludes that because of the presence of an aquifer, the Round Lake watershed, the wetlands, and other ecological and hydrological characteristics, these factors must be considered as part of any SEQRA declaration. Given the characteristics of the site and the scope of the subdivision, the ECC believes a positive declaration is warranted.

Ms. Nancy Bellamy, 147 East Side Drive, explained that she attends church in Round Lake with Ms. Dixie Lee Sacks, the Mayor of that village and other village officials. These people had explained to her that due to other commitments they would be unable to attend tonight’s meeting and she was concerned that they would not be able to comment on the XAR application and the SEQRA documents as presented. Mr. Bulger explained that all individuals who wish to comment on the application or related SEQRA documents may submit their comments in writing. He noted that the public hearing will be reconvened at a later date.

Ms. Pam Marshall, 5 Fairlawn Court, read a letter addressed to the Planning Board from the Friends of Clifton Park Open Space. The letter reiterated the concerns expressed by the group in a similar letter dated September, 2007. The letter’s author, Mr. Berlin, states that the “Friends consider the Wood Road corridor one of the most environmentally sensitive areas of the town” and he notes that the “property in its current

state is serving a number of beneficial purposes.” The letter recommends that the Board issue a positive declaration under SEQRA for this application.

Mr. Bill Koebbeman, stated his agreement with the request made in the letter from the Friends of Clifton Park Open Space. He believes that the applicant should consider the effects of cumulative development on stormwater management plans, that apparent discrepancies in NYSDEC jurisdictional determinations should be addressed, and that a single parcel slated for development could be so contaminated as to render the entire project “not viable”.

Mr. Bill Engleman, 6 Partridge Plateau, read from a prepared statement to the Board, stating that “the proposed XAR subdivision at Wood Road will or may have significant indirect impacts to wetlands ecology, structure and function, and significant direct and cumulative impacts to groundwater and surface waters, drainage, wildlife habitat and traffic, amongst other concerns.” He expressed his opposition to the Board’s issuance of a negative declaration pursuant to SEQRA and asked that the Board issue a positive declaration that would be followed by public scoping. He does not support the subdivision plan as presented.

Mr. Bulger explained that the Planning Board would not render a decision on the subdivision application at this evening’s meeting: the Board would only consider the issuance of a SEQRA determination. Mr. Werner offered a number of comments on the project plan. He explained that a visual inspection of the northernmost intersection of Wood Road and Route 9 resulted in a determination that a number of items obscured the view of drivers traveling north on Route 9. Though he understood that the traffic study recommended the installation of a right turn lane for south bound traffic at the Ushers Road – Route 9 intersection, he asked that a the sight distance and the need for a dedicated left turn lane at intersection be evaluated. Ms. Cimino, traffic consultant for the applicant, provided information regarding traffic volumes and reported that the traffic information related to this project has been forwarded to NYSDOT for review. Mr. Werner requested information regarding applicable mitigation fees. Mr. Grasso explained that the mitigation fees are based upon the number of anticipated peak hour trips: the fees are collected at the time of site plan approval. Mr. Grasso also recommended that the Town Board review the applicable fees to determine if fee schedules should be revised to reflect inflation rates. In response to Mr. Werner’s question regarding the use of land to the west of Wood Road, Ms. Bakner explained that the land would remain undisturbed: it will remain as open space. Ms. Bakner answered Mr. Werner’s question regarding the removal of billboards by stating that they would be removed as individual sites are developed. Mr. Bulger reported that drafts of Parts II and III of the environmental assessment form and negative declaration have been prepared. The information included therein has been reviewed from both legal and environmental impact perspectives. He stated that he was impressed with the amount of information and detail provided by the applicant and believes that a negative declaration is reasonable. Mr. Koval stated that the applicant provided substantial information regarding the project and that, based upon the comments and recommendations offered by Mr. Scavo and the town’s engineering firm, he finds a negative declaration appropriate. In response to Mr.

Werner's question concerning possible hazards on the site, Ms. Bakner explained that most hazardous materials have been removed from the site. Contaminated soils, should any be found, will be removed from the site and necessary remediation and restorative measures will be mandated. Mr. Bulger noted that easements will be required to ensure that remediation measures will extend beyond property boundaries if necessary. Ms. Bakner explained that such easements will be provided and will be included on the final plat as well as individual property deeds. Mr. Bulger explained that the approvals associated with subdivision approval do not imply approval for site-specific development proposals. The Board will review site plan applications as presented, issuing SEQRA determinations for each: zoning regulations and development standards in effect at the time of review will be applied. The speaker then commended the applicant for the detailed preparation of documents and plans in response to comments and recommendations offered by the Board. The public hearing will be reconvened at a later date to consider formal subdivision approval. Mr. Hale stated his support for a SEQRA negative declaration, explaining that, in his opinion, it was reasonable to review site development on a site-specific basis. Ms. Pace concurred with Mr. Bulger and Mr. Hale and expressed her appreciation for the work done by staff members to ensure that the project was viable. Mr. Ophardt spoke in support of the issuance of a negative declaration. Mr. Grasso noted that the site was the subject of a GEIS that was completed in the late 1980's: a cumulative look at the corridor has been completed. All impacts and issues have been considered.

Mr. Bulger 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 as outlined in the documents presented at this meeting. Copies of the documents referenced are attached to these minutes.

### **Old Business:**

[2005-011] **Abele Builders** – Proposed (21) lot subdivision, 1562 Crescent Road – Preliminary review and possible determination from public hearing held on February 24, 2009. SBL: 284.-2-1

This application was withdrawn from this evening's agenda at the request of the applicant.

[2009-007] **Assembly of God, Residential Addition** – Proposed addition of a single story residence to the Special Use Permit #80107, 635 Englemore Road – Preliminary site plan review. SBL: 277.-1-75.1

Mr. Gavin Vuillaume, consultant for the applicant, explained this application that remains generally as presented at the April 14, 2009 Planning Board meeting. The speaker explained that, in response to recommendations made that meeting, the well locations on adjoining properties have been shown on the site plan. Required separation distances have been exceeded. A grading plan has been provided. Due to high ground water conditions on the parcel, the residence will be placed on a slab or crawl space.

Mr. Scavo reported that all Planning Department concerns have been addressed.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application. The proposed residence shall only be allowed if restrictions are placed on the site plan limiting the occupants to someone connected with the church as approved by the Planning Board. The structure must meet all applicable requirements of the NYS Uniform Fire Prevention and Building Code and have documented inspections by an approved authority for compliance. To date the Building Department has received no information regarding this structure.

Mr. Scavo reported that Mr. Bill Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommends that the Planning Board request the conveyance of a 15 foot right-of-way for future trail development along the property's frontage. The trail connection would help to connect the Vischer Ferry Road Trail to the west and the Moe Road Trail to the east.

Clough, Harbour, and Associates and the ECC found the project plan acceptable.

The Board first considered the proposed amendment to the Special Use Permit.

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

Ms. Paulsen moved, seconded by Mr. Ophardt, to approve the amendment to Special Use Permit #80107 to permit the construction of a single-family residence on property located at 635 Englemore Road, the site of the Assembly of God church conditioned upon occupancy of that residence being restricted to those who are affiliated with the church. The motion was unanimously carried.

The Board then considered site plan approval.

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

Mr. Bulger moved, seconded by Ms. Pace, to grant preliminary and final site plan approval to this application. The motion was unanimously carried.

[2009-008] **Turbo Parts** – Proposed new driveway and parking lot expansion, 767 Pierce Road – Preliminary site plan review and possible determination. SBL: 259.-2-51.2

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that remains generally as presented at the April 28, 2009 Planning Board meeting. The

speaker explained that the applicant, Pierce Road Properties, LLC, requests approval of an additional twenty-five (25) parking spaces to accommodate facility renovations at the Turbo Parts building. The spaces are to be located in the northwestern portion of the site and will be accessed via an existing curb cut on Pierce Road. Mr. Vuillaume explained that changes to the interior renovation of existing building have made the proposed third access to the site unnecessary. He reported that although some clearing of vegetation and debris from the existing stormwater management area will be required, this area generally functions well. It is his opinion that any increased flows will be adequately handled. Addressing the issue of the tree survey requested by the ECC, Mr. Vuillaume explained that such a survey would be very costly. A visual inspection of the site resulted in the determination that it will be necessary to remove approximately twelve (12) trees of 6" in girth from the heavily wooded site to provide for the parking lot expansion. It is Mr. Vuillaume's opinion that there will be minimal impact to the buffer areas that screen the site.

Mr. Scavo reported that all previous comments prepared by the Planning Department have been satisfied.

Mr. Myers, Director of Building and Development, provided the following comments regarding this application. A stormwater management plan should be submitted due to the significant disturbance whether or not that disturbance exceeds one acre. Per §208-66 of the Town Code, only one curb cut per lot is allowed unless approved by the Planning Board: two curb cuts currently exist.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the site plan last revised May 15, 2009 and the Stormwater Management Narrative dated May 19, 2009 for this project and offered the following comments. The previously proposed third curb cut has been removed from the plans although the applicant may wish to make an application to the Planning Board in the future for a one-way exit drive to accommodate tractor trailer movements within the site. The stormwater management narrative indicates the overgrown vegetation within the storm water management will be trimmed and cleared. These areas should be depicted on the site plan. The site plan does not depict proposed site or building mounted lighting. If such lighting is proposed, cut sheets should be provided. If additional lighting is not proposed, this should be noted on the plan. The erosion and sediment control plan should include a topsoil stockpile area.

Mr. Montague reported that, after review of data presented at the May 19, 2009 meeting, members of the ECC agreed that re-emphasis of the importance of tree preservation and requirements of Town Code 208-64, paragraph A(3) was necessary. The ECC requested that the Planning Board attorney provide an interpretation regarding this section of the code in relation to the pending application.

Mr. Pelagalli explained that he reviewed the section of the code as requested. In his opinion, §208-64 applies to all projects within the light industrial zone. He recommended that the Board consider requesting that the Town Board review the applicability of the section to all applications. He suggested that the law be modified to allow the Planning Board the discretion to make the request for a tree survey. He also noted that there is no definition of a tree survey provided in the zoning code.



Mr. Bulger supported the Mr. Pelagalli's recommendation regarding the tree survey and will prepare a memo to the Town Board requesting its modification. In response to Mr. Werner's question regarding the number of trucks frequenting the site on a daily basis, Mr. Vuillaume stated that there are several large trucks entering and exiting the site each day. Mr. Ophardt asked if the proposed removal of vegetation from the stormwater management area would impact the screening along the Northway corridor. Mr. Vuillaume explained that the area to be cleaned consists mostly of low-growing shrubs; however, should it be necessary to remove substantial vegetation along the Northway, the area will be replanted in accordance with recommendations provided by Town officials.

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

[2009-002] **Bonneau Road Subdivision (Belmonte)** – Proposed (7) lot subdivision, Bonneau Road – Revised conceptual review. SBL: 283.-1-29.1

Mr. Artie Tompkins, consultant for the applicant, explained that this application has been revised since it was originally presented to the Board on January 27, 2009. Mr. Tompkins explained that the applicant proposes the subdivision of 72.89 acres of land located in an R-1 zone situated just west of the northern terminus of Bonneau Road. In the interest of avoiding disturbance to wetlands, the applicant has reduced the number of proposed lots from seven (7) to four (4). The proposed lots range in size from 1.4 acres to 7.18 acres and will be accessed by a common drive from Bonneau Road. The lots will be served by a municipal water and sewer services. The applicant proposes the installation of a "T" turnaround at the end of Bonneau Road to accommodate turns by emergency service vehicles. The proposed subdivision now completely avoids any disturbance wetlands and of the LC (Land Conservation) zone. Revision of the lot lay-out, however, will require approval of side yard setback variances by the Zoning Board of Appeals for the proposed keyhole lots. Lot #8 will contain the remaining 62.16 acres of land held by the applicant. A note on the plan reads as follows:

Though the plan illustrates the subdivision of four additional lots, they are currently labeled as possible "future" lots and a note on the plat reads as follows: Approval and development of Lots 1, 2, 3, and 4 to be delayed until the disposition of the Stony Creek Reservoir is determined to confirm whether or not the reservoir access road can be utilized as the access associated with the common driveway for Lots 1, 2, 3, and 4 can be eliminated or minimized.

Wetland areas on the properties will be identified with appropriate signage. Deed restriction information will be included in each specific plot plan and each such plan will

include a sediment control plan that will utilize “green solutions” for stormwater maintenance. Mr. Tompkins reported that the Highway Department has confirmed that Bonneau Road is considered to be Town road: it is maintained by that department. The consultant asked that the Planning Board provide a favorable recommendation on the proposed variances to the Zoning Board of Appeals.

Mr. Belmonte, applicant, explained that the development of the “remaining lands” will be held in abeyance until such time as the ownership of the Stony Creek Reservoir is determined. Since the Lands of the Latham Water District adjoin the property’s southern border and there is an existing gravel drive in that location, it would seem prudent to consider use of this roadway for access to the proposed future lots should it become Town of Clifton Park property.

Mr. Scavo recommended that the site statistics table include a chart showing the total acreage for each lot, the total area of upland for each lot, and total area of ACOE and NYSDEC jurisdictional wetlands.

Mr. Myers, Director of Building and Development, provided the following comments in a memo dated May 19, 2009. At a meeting with the developer and engineer on February 5, 2009, it was determined a Storm Water Pollution and Prevention Plan for each lot may not be necessary: one plan for the entire project is acceptable if details for each separate lot are provided. A full EIS was submitted. Apparently the water authority has told the developer they would not allow hydrants along the private drives so 3” water services will be installed and each house will be fully sprinklered. Since the driveways will have to be a minimum of 20’ wide and able to support a 75,000 pound vehicle, the developer is considering building the driveway to Town road standards. If that occurs, hydrants would be installed and the sprinklers may not be required. The developer is working on the needed approvals from ACOE and NYSDEC. Mr. Myers has also informed the applicant of the need for variances from the Zoning Board of Appeals for work within the LC zone. This requires a review by the ECC as well. The configuration of the end of Bonneau Road has been approved by the Highway Superintendent. It is Mr. Myers’ belief that “the project is too ambitious” for the site. Setback variances will be required.

Mr. Grasso reported that, Clough, Harbour, and Associates reviewed the revised concept subdivision plan last revised March 28, 2009 for the above referenced project and prepared the following comments. The proposed number of lots has been reduced from seven to four. Clough, Harbour, and Associates, however, continues to remain concerned with the potential impacts to the wetlands and LC zone during the lot development and potential future incremental impacts by homeowners. The true development impacts can not be determined until a grading plan is prepared and submitted for review. The plan continues to depict the proposed homes as close as 15’ from the wetlands and LC zone. The plan indicates a possibility of four additional lots depending on the ability to use Latham Water District’s existing access road. Given the extent of wetlands and important buffers, Clough, Harbour, and Associates does not support the development of those lots. If the currently proposed three new houses are considered for development, the preservation of the remaining lands (Lot #8 on the current plan) should be considered mitigation for the impacts associated with development of Lots #5, #6 and #7. In lieu of a cul-de-sac, the applicant is proposing a

hammerhead turnaround: approval by the Highway Superintendent should be provided for such a design. It should be noted that school busses will not utilize the proposed turnaround. The engineering firm had previously requested clarification on whether Bonneau Road is a town road since it does not appear to be constructed to Town Road standards: no confirmation regarding its status has been received to date.

Mr. Mike Montague, Environmental Specialist, reported that, after review of data presented at the May 19, 2009, the ECC made the following recommendations. The limits of the LC zone, DEC wetlands and adjacent 100' buffer area, and federally jurisdictional wetlands should be identified on the individual plot plans. The ECC notes that the project may result in intrusion into federally jurisdictional wetlands. The applicant must avoid intrusion into these wetlands or apply for a Federal Wetlands Permit for a disturbance of more than 1/3 acre for total project area. The Town of Clifton Park should be provided with copies of all related correspondence. The ECC notes that sensitive environments exist on properties within and adjacent to the project site; thus, there is a potential for environmental impacts to these areas. As such, the applicant's drainage, stormwater and erosion control plans should identify and present engineered controls designed to ensure protection of these environments during construction and occupation of the project. The developer should identify and employ green infrastructure solutions to address issues associated with land disturbances that will occur as a result of this development. The recommended actions do not imply the ECC's support for the future development of Lots #1, #2, #3, and #4.

Mr. Bill Koebbeman, resident, commented that he considers the signage to delineate wetland boundaries to be an important condition of subdivision approval.

In response to Mr. Bulger's question regarding the necessary variances, Mr. Tompkins explained that in order to maintain a reasonable distance between the wetland boundaries and the proposed residences, the homes have been reoriented. To accommodate the re-design, it was necessary to reduce the required 50' setback along one side of each lot to 10'. Mr. Koval supported the reduction in setback requirements. Though Mr. Hale expressed concern that a segmentation issue pursuant to SEQRA may result from subsequent approval of the additional four lots, Mr. Grasso pointed out that the Board may consider the impacts cumulative development since information concerning future potential development has been presented. Mr. Grasso did advise Board members that they should not create a "non-buildable" lot: Lot #8 should be incorporated into one of the proposed lots.

Mr. Bulger summarized the discussion by stating that Board members are satisfied that the plan is compatible with the town's comprehensive plan and that, should the Zoning Board of Appeals grant necessary setback variances, members are confident that the applicant will be able to address all planning issues satisfactorily.

### **New Business:**

[2009-015] **DiCocco, Rolando and Olga** – Proposed (2) lot subdivision, Garnsey Road – Conceptual review. SBL: 269.-2-53

Mr. Gil VanGuilder, consultant for the applicant, presented this application that calls for the subdivision of 6.46 acres of land on the east side of Garnsey Road approximately 850 feet south of its intersection with DuBois Lane. The property lies within the CR (Conservation Residential) zone. Lot #1 will be a 1 acre parcel with 159 feet of road frontage; Lot #2 will be a 5.46-acre keyhole lot with 41 feet of road frontage and 200 feet of width at the building line; 4.07 acres of the parcel will be protected by a permanent conservation easement. Both parcels will be served by the Rexford Water District – as outside users - and individual septic systems.

Mr. VanGuilder addressed the issue of the proposed keyhole lot configuration, stating that several lots were created from a larger, rural property along Garnsey Road many years ago: all contained several acres of land and were rectangular in shape. The proposed keyhole lot reflects the way in which several of the lots have been subdivided in recent years.

Mr. Scavo stated that the Planning Department found the plan generally acceptable.

Mr. Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommends that the Planning Board request the conveyance of a 15 foot right-of-way along the property's frontage for future trail development.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the project plan and offered the following comments. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency is expected to include the Clifton Park Planning Board for subdivision approval. The parcel is located within the limits of the Western Clifton Park GEIS Study Area and within the CR (Conservation Residential) zoning district. The existing parcel is less than ten acres and as such the allowable density is one lot per three acres of unconstrained land. The plan depicts 5.66 acres of unconstrained which permits the development of the two proposed lots. The proposed keyhole lot appears to meet the required setback of Section 208-86 of the zoning code. Justification for approval of a keyhole lot shall be presented to the Planning Board. The soil investigation results do not indicate the presence of mottling, which would have been expected to occur at some depth within the soil profile. The mottling will serve as a restrictive layer and needs to be provided to confirm the type of septic system that can be used, required separation distances, etc. The location of any existing wells or septic systems within 200 feet of the property should be shown to confirm the adequacy of separation distances. It appears the existing topography slopes from west to east. As such, there should be a minimum separation distance from the well on Lot #1 to the septic system on Lot #2 of 200 feet.

Board members agreed that the subdivision proposal was generally in conformance with CR (Conservation Residential) zoning requirements. They believed that the justification for approval of the keyhole lot was reasonable.

**Discussion Items:**

[2008-016] **Grace Chapel** – 8,544 SF addition to existing building, 996 Main Street - Extension of approved site plan.

Mr. Tom Andress, consultant for the applicant, has requested that the Board approve a one-year extension of the approved site plan for the above-referenced project. The project was approved by the Planning Board on June 10, 2008.

Mr. Scavo supported approval of the requested extension, though he explained to the Board that no further extensions are permitted. The final expiry date of the site plan approval would be June 10, 2010.

Mr. Bulger moved, seconded by Ms. Pace, to grant the applicant a one-year extension of time in which to comply with the site plan pursuant to Section 208-120B of the Town Code. The motion was unanimously carried.

**Minutes Approval:**

Mr. Bulger moved, seconded by Mr. Werner, approval of the minutes of May 12, 2009 as written. The motion was unanimously carried.

Mr. Bulger moved, seconded by Mr. Hale, adjournment of the meeting at 9:20p.m. The motion was unanimously carried. The meeting of the Planning Board scheduled for June 9, 2009 has been cancelled. The Planning Board will meet again as scheduled on June 23, 2009. Mr. Scavo reminded the Board members that the meeting originally scheduled for July 14, 2009 has been rescheduled to July 21, 2009.

Respectfully submitted,

Janis L. Dean

cc: Planning Board Members, Planning Department, Clough, Harbour, and Associates, Supervisor, Town Administrator, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Lou Renzi, Town Attorney, Tom McCarthy, Town Attorney, Paul Pelagalli, Town Attorney, ECC, Clifton Park Water Authority

**NOTICE OF DECISION**

**Resolution #6**

**Preliminary and Final Approval**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on May 27, 2009 there were:

Present: S. Bulger, Chairman, M. Hale, J. Koval, E. Ophardt, S. Pace, K. Paulsen, T. Werner  
T. Deleonardis (alternate)

Absent: None

Mr. Werner offered Resolution #6, and Ms. Paulsen seconded, and

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

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 27, 2009;

Whereas, the Planning Board established itself as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on May 27, 2009;

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

Now, therefore, be it resolved that the final hearing is waived and that the subdivision plat entitled Subdivision of the Subdivision of the Lands of Thaddeus and Mary Predel consisting of (2) lots is hereby granted preliminary and final subdivision approval conditioned upon the installation of a septic system on Lot #59 within one year from the date of subdivision approval.

**Resolution #6** passed 5/27/2009

Ayes: Ophardt, Paulsen, Koval, Pace, Hale, Werner, Bulger

Noes: None

Steven J. Bulger,  
Chairman

