



Planning Board Meeting
August 11, 2009

Those present at the August 11, 2009 Planning Board meeting were:

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

Those absent were: K. Paulsen

Those also present were: J. Scavo, Director of Planning;
 J. Romano, CHA Companies;
 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.

Mr. Bulger explained that Mr. Deleonardis would be sitting in for Ms. Paulsen at this evening's meeting.

Public Hearings:

[2009-017] **1 Fairchild Square, Inc.** – Proposed (3) lot subdivision, One Fairchild Square – Preliminary public hearing and possible determination. SBL: 259.-2-83

Mr. Bulger, Chairman, called the public hearing to order at 7:00p.m. The Secretary read the public notice as published in the Daily Gazette on August 5, 2009.

Mr. Andress, consultant for the applicant, presented this application that remains generally as presented at the July 21, 2009 meeting. He explained that although one of the proposed lots contains an access to Ushers Road, the principal access to the site will be from VanPatten Drive. Easements for stormwater, access, utilities, and commonly used site amenities, and maintenance agreements will be provided. The applicant is aware that the Zoning Board of Appeals must approve necessary variances before the Planning Board can act upon the related site plan applications.

Mr. Scavo reported that Mr. Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, reiterates the recommendation that the developer provide connecting pathways between the proposed lots as well as a pedestrian connection to the multi-use pathway along Ushers Road.

Mr. Scavo recommended that all cross access easements for traffic flow, parking, stormwater, and utilities be submitted with the final subdivision plan: these easements should be filed with the final subdivision map.

Mr. Romano reported that CHA Companies reviewed the preliminary subdivision plan and prepared the following comments. While a note has been provided on the plan indicating that a common access easement shall be provided along the existing driveway, the note should be revised to clearly indicate that all three parcels will benefit from the common access easement. A legal description of the easement should be provided to the town and filed with the subdivision plan. Previous plans included provisions for common stormwater management areas. If common stormwater management areas will be utilized, an easement should be established with the subdivision.

Mr. Montague, Environmental Specialist, reported that, after review of the data presented, the ECC made the following recommendations. The ECC recommends that this project be carried out in keeping with the goals of tree preservation, as stated in the Town Comprehensive Plan, and that an adequate tree buffer and berm be retained. Per section 208-64 A (3) of the Town Code, the proposed project should include a tree inventory in each proposed subdivided lot to ensure that at least fifty percent (50%) of trees, six inches (6") or more in diameter are preserved.

Ms. Pam Marshall, 5 Fairlawn Court, expressed her concerns regarding the possible removal of trees from the buffer that currently separates the existing multi-use pathway along the southern side of Ushers Road from the proposed development site. She asked that the developer preserve as much vegetation in that area as practicable.

There being no additional public comment, Mr. Bulger moved, seconded by Mr. Koval, to close the public hearing at 7:10p.m. The motion was unanimously carried.

Mr. Bulger explained that the Planning Board has reviewed several applications related to modification, subdivision, and additional development for the Fairchild Square parcel. Though a number of issues, including access, traffic, parking lay-out, building design, sidewalks, and buffering have been discussed, they are concerns that will be addressed during specific site plan reviews. In response to Mr. Hale's question regarding compliance with the Town of Clifton Park zoning code, Mr. Andress explained that the subdivision application meets all code requirements. Mr. Bulger advised Mr. Andress to

include language for all applicable easements and maintenance agreements with the final plans.

Mr. Hale 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 #10, seconded by Mr. Ophardt, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department and CHA Companies, and the submission of all applicable easements and maintenance agreements with the final plat. Ayes: Ophardt, DeLeonardis, Pace, Hale, Werner, Koval, Bulger. Noes: None.

Old Business:

[2006-010] **Provident Development Group** – 6,200 SF office building, 39 Old Route 146 – Amendment to approved site plan and possible determination. SBL: 272.9-1-25

Mr. Jim Quinn, representative of the Provident Development Group, current owner and developer of the professional office site located at 37 Fire Road, stated that on July 22, 2009, his colleague, Kenneth Rotondo, submitted a letter to Mr. Scavo, Director of Planning, requesting that the Planning Board amend the condition of approval that was issued as part of the approval granted on May 13, 2002 for the proposed Belmonte Office Building site – Town of Clifton Park Planning Board Project Number 2006-010. The specific approval condition now under dispute involves the requirement that the front portion of the historic residence known as the Rosecrans House be preserved since it exemplified the Greek Revival architectural style that became popular during the 19th century. Mr. Quinn presented the Board with a small sketch of a proposed park area that would be created on the parcel currently occupied by the historic home. He explained that Provident Development Group would “give up” the construction of the 1,200 SF office building that had been approved by the Planning Board and, instead design and install a small park dedicated to memorializing the old home.

Mr. Quinn introduced Mr. Michael Kelley, principal of J. M. Kelley, Ltd. Mr. Kelley explained that his consulting service is devoted to “preserving and replicating historic architecture and interiors” and he discussed the two facets of his service: an inventory and analysis of historic details evident on a site and a determination regarding the cost effectiveness of providing for the “future utility of a property.” The speaker offered a brief description of the subject residence and explained that most of the original architectural details have been replaced and that the framing is sub-standard. He concluded that “to bring utility to this building would be a monumental task.” Mr. Quinn explained that, based upon Mr. Kelley’s findings, Provident Development Group is attempting to reach a “compromise” with the Town: he requests approval to demolish the deteriorating structure.

Mr. Quinn explained that due to economic downturns and an oversupply of professional office space in Clifton Park, site development was delayed. The original site plan approval granted to Mr. Belmonte expired. Provident Development reapplied for site plan approval which was granted on April 11, 2006. In his letter to the Planning Board, Mr. Rotondo reports that “during the review process, the exterior elevation of the Old Greek Revival Structure was modified to better conform with the exterior elevation of the Old Greek Revival structure deemed by the Planning Board to be preserved for ‘historical/architectural’ reasons.” After a visit to the construction site by an insurance inspector who recommended that Provident Development consult with an engineer regarding the “structural integrity and salvageability” of the building, opinions regarding the building’s suitability for preservation were provided by an engineer and an architect. Mr. Ernest Gailor, engineering representative for Harlan-McGee of North America, reported in correspondence dated March 4, 2009, that the “subject building is in an unserviceable and dangerous condition.” Mr. Tom Peterson, principal architect with Peterson Group Architects, states in a letter dated April 24, 2009, that “reinforcing the existing framing is not practical.” Subsequent to the submission of these reports to the town and review by Mr. Myers, Mr. Kazmierczak, staff members of the Building Department, and Mr. Scavo, Town officials acknowledged that a demolition permit may be the best course of action. This permit, however, was rescinded by action of the Town Board following a presentation to that body by Mr. John Scherer, Town Historian. After a meeting with several town officials, including Councilman Roth, the Provident Group – as directed - sought input from the New York State Parks, Recreation, and Historic Preservation agency. Since the building was not slated for inclusion on historic registers, that agency was not involved in approvals and was unable to provide funding for preservation. Upon recommendation from that agency the Provident Group retained the services of Michael Kelley of J M Kelley, Ltd. The report prepared by Kelley Associates recommends demolition of the existing structure. A meeting with Mr. Roth, representatives of the Provident Group, Mr. Kelley, Mr. McDonald, Town Engineer, Mr. McCarthy, Town Attorney, Mr. Scherer and Mr. Myers was held to discuss the report and its implications for preservation or demolition of the building. According to Mr. Quinn, during discussions with Mr. Scherer and Mr. Kazmierczak held subsequently, it was agreed that the applicant should investigate “alternative options that respect the history of the town while minimizing the profound negative financial impact on a local business (the developer) and addressing all public safety concerns”. Provident Group, therefore, requests that the Planning Board “revisit the historical, economic, and public safety aspects of this entire project and find a fair and satisfactory resolution based upon the most current and accurate assessment of the site and its structure.”

Mr. Scavo reported that Mr. Myers provided the following comments regarding this application. Mr. Myers reports that Mr. Scavo is “well informed” of all the circumstances surrounding this issue. Any directions from the Planning Board should include acceptance by the Historic Preservation Commission and Councilman Roth.

Mr. Scavo stated that it is Mr. Myers’ opinion that the applicant must apply to the Zoning Board of Appeals for a “new variance” since the one originally granted was conditioned upon preservation of the existing structure.

Mr. Montague, Environmental Specialist, reported that the ECC provided the following comment regarding this application. Given that the historic nature of the town is integral to our environment, the ECC recommends that this building be preserved.

Mr. Bulger called upon Ms. Pace, the Planning Board liaison with the Historic Preservation Commission, to address the issues of concern. Ms. Pace, in turn, introduced Mr. John Scherer, Town Historian, to provide an historical perspective. Mr. Scherer stated that he was “in the business of preserving historic buildings” and offered several examples of “lightly framed” buildings within the town, including the Southard House, the Jonesville Country Store, and Smith’s Feed and Grain, that had been preserved and repurposed. He described the Rosecrans House as the anchor of Clifton Park village, stating that its location within that small hamlet area was as visually important as the Clifton Park Hotel and he noted that the Planning Board acknowledged the value of the structure by conditioning its approvals on its preservation. Mr. Scherer attributed the building’s current condition to the lack of maintenance on the developer’s behalf, observing that the failure to adequately secure the building left it open to damage from the harsh winter weather and rain. The speaker recommended repair and upgrade of the structure, noting that there are tax incentives for the restoration of older buildings and for their adaptive reuses and emphasized the importance of preserving the building’s façade.

Mr. Scherer then introduced Mr. Mark Kazmierczak, Chairman of the Historic Preservation Commission, who offered a chronological history of the site plan applications, approvals, site investigations, and meetings with representatives of Provident Development Group regarding preservation of the Rosecrans House. A copy of his written report distributed to all Planning Board members has been incorporated into the Planning Department’s project file. Mr. Kazmierczak noted that the building stood as constructed for nearly 164 years before “poor construction practices” resulted in its deterioration. The speaker also reported that the developer has not acted in accordance with agreements reached with town officials regarding effective methods of securing and preserving the property. He referenced a report prepared by Mr. Jack McDonald, P.E. that states that “the demolition [of the rear portion of the property] was not completed properly”. It is his opinion that, if the building is not properly secured, further deterioration of the exterior and interior will occur over time. At the time of his report – April, 2009 – he concludes that although the building has been modified over time, “the key elements are still intact and are worthy of preserving.”

Mr. Kazmierczak stated that the Historic Preservation Commission stands behind its recommendation to preserve the historic structure. He requests that the applicant cooperate with the town to complete the project as approved. Ms. Pace referenced a letter from Ms. Ellen Shine, whose family resided in the Rosecrans house from 1963 to 1989. It was the family’s hope that it would be preserved and re-purposed.

Board members discussed the proposed amendment at length. In response to Mr. Koval’s question regarding the change in circumstance from the initial site plan approval to the present that would affect the building’s “utility,” Mr. Quinn explained that the utility of the building has not changed: economic downturns have made preservation of the building impractical. He stated that removal of the rear of the building has not affected its structural integrity. Mr. Werner asked if the developer had considered the

cost of preserving only the building's façade. Mr. Quinn explained that although such preservation has been considered, other aspects of such a project, such as on-going maintenance, have not been satisfactorily addressed. Mr. Deleonardis suggested that the applicant develop the approved 1,250 SF rather than the 750 SF that appears to be the focus of the discussion. Mr. Quinn cited the dangerous traffic situation at the Old Route 146 – Clifton Park Village Road intersection and parking limitations as reasons for not building the professional office as proposed. Ms. Pace recommended that the developer seek funding from grants or other sources to help defray the cost of preservation. Mr. Bulger explained that during site plan review deliberations, the Planning Board considered the issues Mr. Quinn cites as problems for development including traffic impacts, safe access, and available parking: Mr. Belmonte, as original applicant and later Provident Development Group, willingly agreed to the development conditions imposed by the Board. He stated that “without a complete review” the Board cannot rescind a condition of site plan approval and he noted that economic concerns did not influence Board decisions. In response to Mr. Ophardt's question regarding the proposed use of the 1,250 SF building, Mr. Quinn stated that it was to be occupied by an architectural firm: that firm is no longer interested in relocating to the area. Mr. Ophardt also questioned the adequacy of the proposed parking: Mr. Bulger explained that the parking ratios were considered during the site plan review process.

Mr. Bulger identified the issue under consideration as follows: the applicant has asked the Planning Board to amend the approved site plan for this property to permit demolition of the existing Greek Revival structure known as the Rosecrans House. If the Board approves the proposed amendment, Provident Development will construct a small park on the property. If the Board denies the request, the developer must comply with original approvals.

Mr. Bulger moved, seconded by Mr. Koval, to approve the amendment as requested by Provident Development Group to permit the demolition of the building known as the Rosecrans House. Ayes: None. Noes: Bulger, Ophardt, Deleonardis, Pace, Werner, Koval. Abstained: Hale.

Mr. Bulger announced that the Board had elected not to approve the amendment as presented. He thanked all of the participants in the discussion for their contributions to the dialogue.

New Business:

[2009-018] **Cotton, Betsy Gilson and Kenneth James** - Proposed (2) lot subdivision, Sugar Hill Road – Conceptual review. SBL: 282.-1-10

Mr. Kurt Heiss, consultant for the applicant, explained that the applicant proposes to subdivide a 142 acre parcel located on the east side of Sugar Hill Road directly across from the intersection of Sugar Hill and Ray Roads into lots of 40 acres and 102.3 acres, respectively. The property is located within both the CR (Conservation Residential) and LC (Land Conservation) zoning districts. Each lot will contain an existing residence: subdivision approval would provide for each existing home to be situated on its own lot.

Mr. Heiss stated that no additional building lots are being proposed and no new construction is planned. Existing residences are currently served by individual wells and septic systems.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, prepared the following comments regarding this application. The subdivision appears to meet all of the requirements outlined in Section 208-16E(2)(c) of the Town Code. He recommends that the Planning Board require that permanently deeded access for the driveways be provided before final approval is granted. Since there does not appear to be any related construction proposed, it is not believed that the driveway requirements from the Town Code and the NYS fire code can be applied. The driveways would be considered "pre-existing and non-conforming".

Mr. Scavo requested that a copy of the ingress/egress easement be submitted to the Planning Board Attorney prior to the stamping of final plans. The easement should be filed with the final site plan map.

Mr. Grasso offered the following comments on behalf of CHA Companies. 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 proposed subdivision appears to meet the density requirements for development on 10 acres or more with both lots being greater than 10 acres. Although the plan indicates the subdivision will be created by the one time single lot family exception, it appears the subdivision meets the zoning requirements without the exception. It appears that the existing residences utilize the same well which is located on proposed Lot #1. The Code Enforcement Officer should determine if the NYS Building Code permits a private well to be utilized by two separate properties. It is recommended that a new well be provided on proposed Lot #2. The locations of the existing septic systems should be depicted on the plans to verify they are located within the proposed property limits.

Mr. Mike Montague, Environmental Specialist, reported that the ECC provided the following comments after review of the subdivision application. Any subdivision action should be in compliance with any temporary or permanent conservation easements in effect.

In response to Mr. Koval's question regarding the identification of federally jurisdictional wetlands on the property, Mr. Heiss stated that no wetland delineations were undertaken: there is no proposed development or change to existing conditions. Mr. Werner asked that the applicant consider the possible development of a town roadway through Lot #1 to serve Lot #2: possible alternatives for future development of both parcels should be considered.

Mr. John Scherer, Town Historian, noted that there is an existing 1830's-era house located on this parcel. He asked that there be no impact to the historic structure.

Board members found the proposed subdivision plan generally acceptable.

[2009-019] **Clifton Park Motel** – Proposed three story motel, 45 Old Route 146
– Conceptual site plan review. SBL: 272.9-1-27

Mr. Dom Arico, consultant for the applicant, presented this application for the Board's consideration, explaining that on behalf of his client he is proposing "the design and development of a project site to be known as the Clifton Park Motel." The subject site is described as a 2.97 acre parcel located on the northern side of Old Route 146, adjacent to the northern Exit 9 on-ramp of Interstate 87 (the Northway): said parcel is located within the B-4A zoning district. The proposed use is permitted within the zoning district. Mr. Arico explained that the parcel has approximately 500' of frontage on Old Route 146 and is bordered on the south by Old Route 146, the existing Comfort Inn Motel to the north and east, and the Northway on-ramp to the west. The project site is currently wooded and contains three wood-frame vacant dwellings that will be razed. The proposed motel will be a three-story building, approximately 41' in height, containing 101 units. The first floor will contain a lobby, registration area, guest breakfast area, laundry, central elevator, and 29 bedroom units. The second and third floors will contain 36 bedroom units each. The building footprint will be 14,000 SF in area. Architectural details include vinyl siding, a pitched roof with dormers, and an asphalt shingled roof. The motel will have ceiling sprinkler fire suppression throughout. A paved parking area will provide space for 108 parking stalls. A service access driveway will extend 200' along the rear of the building. A trash dumpster and enclosure will be located at the rear of the building. A concrete sidewalk and curb will loop around the entire building. A 24' wide entry drive will provide a single point of ingress/egress from Old Route 146. Water and sanitary sewer services will connect to existing system lines along the property's frontage. Stormwater management will consist of a collection system and management areas. Mr. Arico provided additional details regarding the soil conditions, groundwater, and topography, stormwater management design, water supply, and wastewater disposal.

Mr. Arico continued his description of the project proposal by discussing the anticipated impacts to existing roadways and transportation systems. The speaker explained that the ITE (Institute of Transportation Engineers' Trip Generation, 7th Edition) was used to approximate the increase in traffic due to the proposed project. The average trip generation rate per room, peak hour weekday morning, is .44 trips per room. The average trip generation rate per room, peak hour weekday afternoon, is .56 trips per room. Assuming an occupancy rate of 100%, based upon the 101 rooms, the afternoon trip generation is estimated to be 57 vehicles. Mr. Arico concludes that "considering the location of other main arterials in the area, it is not anticipated that peak and off-peak hour vehicle trips will have an appreciable impact to the present traffic conditions of the neighboring community. Addressing the issues regarding visual and noise impacts, Mr. Arico pointed out that the proposed development is comparable to existing land uses. Mr. Arico noted that all easements are in place for the entranceway and the existing detention basin and that the plan meets all parking setback requirements.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated July 30, 2009. The proposed motel is an allowed use pursuant to the Zoning Code. Parking variances may be required. The service road accessing the rear of the proposed building

must be a minimum of 20' wide. A full Stormwater Pollution Prevention Plan must be provided. The management plan must include information regarding the steep slope along the rear of the property. Parking spaces must be a minimum of 20' long.

Mr. Scavo provided the following comments prepared by the Planning Department. The applicant must provide architectural renderings of the proposed building facade and building elevations with the next submission. The adequacy of the sight distances at the proposed curb-cut location should be verified. Prior Planning Board approvals for the existing Comfort Inn showed a shared access drive with a proposed office building; however, if site distances are adequate, an additional new curb cut on Old Route 146 would be acceptable. Part I of a SEQR Long Form should be submitted for the project. Though it appears to be an unlisted action, a long form would be beneficial due to the size and scale of the project. The speaker note that it appeared that the narrative provided by the project engineer already contains much of the information that would be required for completion of the long EAF.

Mr. Scavo reported that reported that Mr. Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, has recommended that the developer provide a sidewalk along the property's frontage that would eventually connect to the Park and Ride facility at the Old Route 146 – Route 146 intersection.

Mr. Romano reported that CHA Companies reviewed the conceptual site plan and prepared 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 site plan review. The Code Enforcement Officer should verify that the property line bordering Interstate 87 is considered a rear yard. Previous projects bordering Interstate 87 have raised concerns over visibility from the highway. The potential visual impacts of the proposed project should be evaluated. The engineering firm is concerned with the internal circulation of the parking lot and the potential vehicular conflicts with cars entering the lot from Old Route 146. Consideration should be given to relocating the proposed curb cut to a location that reduces the potential conflicts within the internal circulation of the parking lot. The adequacy of the sight distance at the proposed curb cut should be verified. The adequacy of the rear service drive to support emergency services vehicles should be verified with the Bureau of Fire Prevention. The location of the proposed water and sanitary sewer services should be depicted on the plans. The adequacy of the existing utilities to support the proposed project should be verified. An existing 6" water service that appears to serve the adjacent parcel is located within the limits of the proposed stormwater management area. It should be verified if the water service is located within an existing easement. Additionally, it appears the service will need to be relocated with the excavation of the stormwater management area. The drive aisle along the eastern property line is only 20' wide. A 24' minimum drive aisle should be provided. The zoning code requires the property margins at the sides from the front building line to the rear property line be planted with trees and shrubs for a width of not less than 15 feet. The location of the parking and drive aisle along the eastern property line will not allow for this requirement to be met.

Mr. Mike Montague, Environmental Specialist, reported that the ECC offered the following comments after review of the site plan application. It is requested that the applicant indicate the proposed green space by shading the land on the site plan. The applicant should consider purchasing the land to the south of the current property (Lands

of Steven and Boyajian) for the purpose of retaining existing foliage in order to screen the project from the Northway.

Mr. Arico addressed a number of issues of concern. He explained that the property slopes significantly from west to east and that the existing vegetation along the Northway corridor will provide significant screening of the proposed motel from north-bound travel lanes. 48% of the site will remain as green space. All utilities will be located and appropriate easements or relocation will be provided. The consultant will attempt to redesign the plan to provide the necessary green areas along the property borders. Façade renderings and stormwater management details will be provided.

In response to Mr. Werner's question regarding the extent of clearing along the Northway, Mr. Arico explained that land disturbance will not go beyond the property boundary. Both Mr. Hale and Mr. Koval recommended that the parking area be relocated to the rear of the property, though Mr. Arico did not believe that such relocation would be possible. Mr. Ophardt recommended that the proposed building be moved closer to Old Route 146.

Mr. John Scherer, Town Historian, asked that the developer consider the addition of "Victorian details" to the building to reflect the character of the area. He also requested that the remains of the "early gas station" located on the property be preserved in some fashion.

Mr. Pelagalli expressed his concern regarding the apparent encroachment of the entrance portico for the Comfort Inn on the applicant's parcel. The consultant was advised to provide information regarding the location of the existing entranceway.

Mr. Hale noted that quite often during the site plan review process, setback requirements prevent the consultant from preparing a desirable site plan. He recommended that current zoning requirements be reviewed to determine if changes could result in "better building orientations" and site designs.

Board members found the project plan generally acceptable.

Discussion Item:

[2005-018] **DCG Mixed Use Commercial Use** – Sitterly Road and Crossing Boulevard – Request for extension of site plan approval.

Mr. Scavo explained that Mr. Joe Dannible, consultant for the applicant, has requested that the Planning Board approve an extension of the site plan approval that was granted to this project on September 10, 2010.

Mr. Bulger moved, seconded by Ms. Pace, to grant the site plan extension as requested. Per Section 208-120 of the Town Code, the final expiry date for the approved plan will be September 10, 2010. The motion was unanimously carried.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Koval, approval of the minutes of the July 21, 2009 Planning Board meeting as written. Ayes: Ophardt, Deleonardis, Hale, Koval, Werner, Bulger. Noes: None. Abstained: S. Pace.

Mr. Bulger moved, seconded by Mr. Hale, adjournment of the meeting at 9:00p.m. The motion was unanimously carried. The next meeting will be held as scheduled on September 9, 2009, though it will begin at 6:00p.m. due to a scheduled presentation regarding planning for pathway development.

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

Resolution #10**Preliminary and Final Approval**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on August 11, 2009 there were:

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

Absent: K. Paulsen

Mr. Werner offered Resolution #10, and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by One Fairchild Square, Inc., for approval of a subdivision plat entitled Subdivision Plan – One Fairchild Square consisting of (3) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on August 11, 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 August 11, 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 Plan – One Fairchild Square consisting of (3) lots is hereby granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department and CHA Companies, and the submission of all applicable easements and maintenance agreements with the final plat.

Resolution #10 passed 8/11/2009

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

Noes: None

Steven J. Bulger,
Chairman

