



**Planning Board Meeting**  
**September 9, 2009**

Those present at the September 9, 2009 Planning Board meeting were:

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

Those absent were:    T. Werner

Those also present were:    J. Scavo, Director of Planning;  
                                      J. Grasso, CHA Companies;  
                                      M. Montague, Environmental Specialist;  
                                      P. Pelagalli, Counsel;  
                                      J. Dean, Secretary

Mr. Bulger, Chairman, explained that the Planning Board meeting would begin at 6:00p.m. this evening since a presentation regarding transit-oriented development was scheduled. Mr. Scavo introduced Ms. Kristina Younger, Director of Planning for the Capital District Transportation Authority who spoke on “Exploring Transit Options: Making Communities Transit Friendly Through Mobility, Transit Service, and Land Use Improvements.”

Mr. Bulger, Chairman, called the regular meeting to order at 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance. The Chairman announced that Mr. Deleonardis would be sitting in for Mr. Werner at this evening’s meeting.

**Public Hearings:**

[2009-018] **Cotton, Kenneth and Betsy Cotton Gilson** – Proposed (2) lot subdivision, Sugarhill Road – Preliminary public hearing and possible determination. SBL: 282.-1-10

Mr. Bulger, Chariman, called the public hearing to order at 7:00p.m. The Secretary read the public notice as published in the Daily Gazette on August 31, 2009.

Mr. Kurt Heiss, consultant for the applicant, presented this application that remains generally as presented at the August 11, 2009 meeting. He has submitted the following documents for review: a deed description of Lot 1; a deed description of Lot 2; a description of

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an easement for a portion of Lot 1 that “is intended to be a strip of land approximately 25 feet wide and approximately 790 feet long, running between Sugar Hill Road and the easterly line of Lot 2, being an easement for Ingress/Egress and Driveway Maintenance to be granted to Lot 2.”

Mr. Scavo reported that the Building Department has verified that it is acceptable for a well that serves a property to be located on another parcel provided the language incorporated in the deed adequately provides for the necessary easement for not only the well but future maintenance and servicing.

Mr. Grasso reported that all CHA Companies’ comments had been adequately addressed. Mr. Montague stated that the ECC found the project proposal acceptable.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:06p.m. The motion was unanimously carried.

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

Mr. Ophardt questioned the Board’s authority to approve a subdivision that allowed adjoining property owners to utilize a shared well. Mr. Scavo explained that each existing residence is served by its own individual well. The well that serves Lot 2, however, is located on Lot 1. This arrangement is acceptable.

Mr. Koval offered Resolution #11, 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. Ayes: Ophardt, Paulsen, Pace, Deleonardis, Hale, Koval, Bulger. Noes: None.

### **Old Business:**

[2008-038] **DeLeonardis, Pat and Antoinette** – Proposed (2) lot subdivision, 403 Riverview Road – Final review and possible determination. SBL: 287.-1-7.1

Mr. Tom Deleonardis, alternate Planning Board member who replaced Mr. Tom Werner at this evening’s meeting, stated that he is neither related to nor acquainted with the applicants who submitted this subdivision application.

Mr. Tom Andress, consultant for the applicant, presented this application that remains generally as presented at conceptual review on September 23, 2008 and during the public hearing that was held on November 12, 2008. The public hearing was closed at that meeting. The applicant is currently awaiting correspondence from the ACOE confirming the determination that wetlands on the parcel are defined as “isolated” Mr. Andress explained that disturbance of any of those wetlands would be limited to approximately .001 acre to allow for construction of a driveway. Since the ACOE has no time frame for approving isolated wetlands, it is uncertain when the jurisdictional determination letter will be prepared. The consultant reported that sight distances at the proposed driveway location meet or exceed acceptable standards.

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Mr. Scavo reported that Mr. Bill Mackesey, representative of the Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that the Board request the conveyance of a 15' strip of land along the property's frontage on Riverview Road to allow for possible roadway improvements and/or the installation of a multi-use pathway.

Mr. Scavo reported receipt of a memo dated August 27, 2009 from Mr. Steve Myers, Director of Building and Development, that contained the following comments. The application appears to meet the requirements of Section 208-16E(2)(c) allowing a onetime subdivision for family members. The driveway will have to meet the requirements of the NYS Fire Code: it must be a minimum of 20' wide, be able to support a 75,000lb vehicle, and have a turnaround within 100' of the residence. The submitted site plan shows 2 existing structures on the property. One is believed to be the existing house built in 2003: the other is a storage building built in 1991. The original house built in the 1980's has been replaced by the current structure. The storage building was intended for "residential use only" but is a significant structure of approximately 3,400 SF. In the past what appeared to be commercial construction equipment was stored at this location. The subject has not been pursued since it was pre-existing. If, however, the applicant wishes to modify the property, Mr. Myers recommends that the actual use of the structure should be confirmed prior to approval of the subdivision.

Mr. Scavo finds that all Planning Board comments have been satisfied.

Mr. Grasso reported that CHA Companies prepared the following comments regarding this application. The plan does not include any provisions to address the lack of public road frontage for an existing, apparently land-locked parcel in the back. The proposed subdivision will restrict the options for providing suitable frontage in the future. At the last meeting the applicant's consultant indicated an ingress/egress easement or consolidation deed would be provided commensurate with this application. Neither has been provided for review. The "Temporary Access Easement" should be labeled "Proposed Ingress/Egress Easement to Lot \_\_\_" and the Town's standard note regarding ingress/egress easements should be added to the plan. The plan depicts 350' feet of sight distance along Riverview Road south of the proposed driveway location. This appears limited and should be verified based on the 85<sup>th</sup> percentile travel speed of the road or the design speed (typically 10 m.p.h. over the posted speed limit). The application materials include a March 31, 2009 letter from Ingalls and Associates, LLP requesting a jurisdictional determination on the wetland delineation. A copy of the jurisdictional determination should be provided supporting the non-jurisdictional label depicted on the subdivision plan. The plan should depict any required driveway culverts to maintain the natural drainage of the area following the installation of the driveway. The driveway should be shown twenty feet wide if it will be over 500 feet in length.

Mr. Mike Montague, Environmental Specialist, explained that the ECC recommended that the applicant secure final determination by ACOE prior to any Planning Board approval.

Mr. Grasso focused on the issue of wetlands verification from the ACOE, stating that it seemed reasonable for the Planning Board to act on this application without written approval from the agency since impacts to the isolated wetlands would be minimal. Mr. Hale agreed with this assessment.

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Board members discussed the Trails Committee's recommendation at length. Mr. Andress explained that the DeLeonardis family was opposed to providing the recommended 15' of right-of-way, though the applicant was willing to provide the conveyance along the frontage of the smaller, subdivided parcel. Mr. Ophardt stated that he views the Riverview Road area as "ripe for pedestrian development" and supports the recommendation for conveyance of a 15' strip of land along the entire parcel. Mr. Grasso recommended that Board members consider the "level of development" requested to determine if the request for a land conveyance along the frontage for the entire property was reasonable. Mr. Koval stated that he believed that the request for conveyance of property along the entire parcel was excessive: he did support the conveyance of such property along the frontage for the new lot. Mr. Pelagalli explained the eminent domain process that would be required to obtain land should land owners and the Town be unable to come to an amicable agreement regarding lands needed for roadway improvements. He cautioned Board members that any request for land conveyances that was not supported by the Town's Master Plan would be "less justifiable" than one that was identified in the plan. Mr. Bulger stated his support for the conveyance of land along the frontage of the new lot. It appeared that a majority of the Board members agreed with this recommendation.

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. Koval offered Resolution #12, seconded by Mr. Hale, 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, the conveyance of a 15' strip of land or easement along the property frontage of the 5.74 acre parcel for future roadway improvements, and the removal of the temporary access easement from the plat. Ayes: Ophardt, Paulsen, Pace, DeLeonardis, Hale, Koval, Bulger. Noes: None.

[2008-026] **Route 9 Farmstand** – Temporary structure, Route 9 and Clifton Park Village Road - Referral from Building Department for clarification of approved site plan conditions.  
SBL: 272.1-2-12.3

Mr. Peter Reilly, legal representative of the applicant, presented information regarding the action to be considered by the Planning Board at this evening's meeting. He explained that Mr. Paquin, applicant, received final site plan approval on June 24, 2008 to install a small farm stand at the intersection of Clifton Park Village Road and Route 9. The request to install a more substantial metal structure, rather than the temporary "tent-like" structure that had been approved, was subsequently denied by the Building Department and a number of concerns about site development and use resulted in the issuance of a notice of violation. As a result of the subsequent court case, the problem has been "remanded" back to this Board for clarification and/or reconsideration of the site plan. Mr. Reilly reported that all outstanding fees have been remitted to the Town and, with the exception of the permanent concrete pad that was constructed on the site, the site now appears to comply with site plan approvals.

Mr. Scavo offered the Town's perspective on the situation, explaining that the applicant is in violation of Section 208-120 of the Town Code (Expiration of Approval/ Extensions) which

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states that Planning Board approval shall be valid for one year from the date of its issuance. If compliance with the site plan is not made by the applicant before the termination of this one-year period, said approval shall automatically terminate. That law further states that “any developed use of the parcel, lot, and building after the termination of such approval pursuant hereto shall be considered a violation.” As such, the Planning Board should consider that the applicant has failed to comply with the code requirement. The applicant did not provide the site plan for final stamping, has failed to bring the site into compliance with the approved site plan as noted by two site inspection letters from CHA Companies, and owes site inspection and application fees. Mr. Scavo recommended that the prior approval be terminated in accordance with Section 208-120 of the Town Code. The speaker reported that a final review letter was sent to the applicant on July 18, 2009 requesting that all outstanding items be satisfied and that the necessary site plans stamped by a licensed engineer be provide for final stamping by the Planning Department. The approval was granted by the Planning Board at its June 24, 2008 meeting and was conditioned upon the satisfaction of comments offered by the Planning Department, CHA Companies, and the Planning Board: the final review letter clearly outlined all outstanding conditions and issues that needed to be satisfied prior to the release of a final, stamped site plan. The applicant has failed to meet any of the approval conditions listed in the final review letter.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided a memo dated August 27, 2009 that contained several comments regarding this site plan. Planning Board recommendations should be very specific as to what products can be sold (only edible produce is recommended) at the stand. No trees, firewood, or mulch should be allowed to be placed for sale or advertised on site. It should be very clearly explained to the applicant that no structure of any type will be allowed since the setbacks for a structure cannot be met. Tents or canopies are not defined as structures in the building code and are, therefore, allowed. These items are considered temporary in nature and are permitted to be installed on a site for a maximum of 180 days. A new permit will be required each year such an item is to be installed. The fire code does detail exceptions. The site plan initially required fencing and “No Parking” signs: these items are partially missing. The seasonal sign identifying the business is limited to 16SF per the sign law: the current sign is 32SF. A direct statement should be included on the site plan regarding the time and hours of operation: for example, the business is permitted to operate May to September from 8:00a.m. to 5:00p.m.

Mr. Grasso reported that CHA Companies did not review this agenda item.

Mr. Montague, Environmental Specialist, reported that the ECC offered no comment on the Route 9 Farmstand.

Mr. Bulger called upon Mr. Pelagalli to provide a legal guidance. Mr. Pelagalli explained that since Judge Nolan referred the matter back to the Planning Board, the Board was charged with clarifying the conditions of approval granted. If the Board determines that re-affirmation of the approval is not reasonable because the applicant failed to meet the requirements of Section 208-120, the Board should determine that the site plan approval is null and void. Mr. Scavo explained that Section 208-120 requires that an applicant submit a request for an extension of site plan approval “at least thirty days” prior to its expiration date which is one year after the original approval. Mr. Pelagalli suggested that the Board may wish to grant “some sort of

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leniency” regarding this mandate, however, since the Town has been in litigation with the applicant for a number of months. Mr. Reilly described this proposal as “equitable” and stated that the current use of the property appears reasonable. He urged that the Board treat the applicant “fairly”. Mr. Bulger argued that the applicant has not met the requirements of the zoning law: the lawsuit did not “obviate” the applicant from compliance with the code.

Board members discussed the site plan issue. In response to Mr. Deleonardis’s question regarding site development, Mr. Scavo explained that in December, 2008 the use of the property was questioned by the Building Department and a notice of violation issued. NYSDOT representatives cited the applicant for encroachment onto the Route 9 right-of-way. Mr. Pelagalli advised the Board to consider clarifying the definition of “seasonal operation” since the applicant’s actions indicated that he considered that the Planning Board approval allowed for sales during “every season”. Mr. Reilly stated that the applicant is aware that he will be required to submit certain documents, fees, and site plans to the Planning Department and he urged the Board to consider clarification and re-affirmation of the original approval rather than a re-submission of the entire site plan application. Mr. Bulger remarked that he believed that “it would be in the best interest of the Planning Board and the Town of Clifton Park to ‘follow the exact letter of the law’:” he believes that the Planning Board should determine that the site plan approval is null and void since the applicant failed to comply with Section 208-120. He believes that a new application will allow the Board the opportunity to consider all of the site plan issues and render a decision that unambiguously addresses each one. Mr. Hale supported this recommendation, stating that a new application would allow the Board to consider not only the type of structure to be installed at the location but also the overall use of the site. Mr. Ophardt agreed that a “fresh look” at the site was reasonable.

Mr. Bulger moved, seconded by Mr. Ophardt, to declare that the Route 9 Farmstand application that received conditional preliminary and final site plan approval on June 24, 2008 is null and void since the applicant failed to comply with Section 208-120 of the Town Code. The motion was unanimously carried.

### **New Business:**

[2009-020] **Coburg Village PDD** – Proposed amendment to change the use on Parcel “C” to allow for the construction of senior citizen apartments – Referral from Town Board. SBL: 276.-2-54

Mr. Ryan Herchenroether, Corporate Planner for Wartburg Adult Care Community, and Mr. Gavin Vuillaume, engineering consultant for the applicant, were in attendance at the meeting. Mr. Herchenroether explained that the proposed amendment to the Coburg Village PDD that would remove all references to commercial uses on Parcel “C” and provide language that would permit the construction of seventy-eight (78) units of senior housing on that lot. The amendment involves only Parcel “C” (276.-2-54): no changes to the Parcel “A” (276.-2-52) or Parcel “B” (276.-2-56) are proposed. In accordance with the Town Code, the Town Board referred the proposed amendment to the Planning Board for review and comment at its August 17, 2009 meeting. Mr. Herchenroether described the project plan as an “extension of existing senior housing facilities” at Coburg Village. The project calls for the construction of up to

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seventy-eight (78) units of senior housing in a three-story building on an 8.29 acre parcel at the southwestern quadrant of the intersection of Grooms and Vischer Ferry Roads. The speaker explained that although plans originally called for the development of commercial services designed to serve the elderly residents of Coburg Village, it now appears more reasonable to provide additional housing.

Mr. Vuillaume described the project site, noting that the parcel has approximately 850 linear feet along the western frontage of Vischer Ferry Road and approximately 694 linear feet along the southern frontage of Grooms Road. The project site is largely undeveloped, containing vegetative cover and northern hardwood forest. It also contains two wood-framed buildings along Vischer Ferry Road in the northeastern corner of the property. One building was originally constructed in approximately 1820 and was most recently occupied by office uses. The second building was also previously renovated and used for offices. The proposed project would not alter or affect these structures or the land directly adjacent to them. Initial investigations by the ACOE and the NYSDEC reveal that there are no wetlands on the project site. Fifty (50) temporary parking spaces were recently added to the project site: these spaces were constructed to alleviate parking constraints at the existing Coburg Village facility and will be removed if and when the proposed PDD amendment and subsequent site plan are approved. The proposed three-story building will bisect the existing roadway, separating service use from pedestrian and residential uses. The boulevard-style entranceway has been designed to enhance the entrance and provide for “more organized” parking areas. The new facility is to be constructed in two phases: the first consisting of sixty-three units and the second consisting of fifteen units. The new building would be physically connected to the existing facility. The project would provide up to 170 accessory parking spaces for residents, employees, and visitors. Mr. Vuillaume explained that the developer plans to maintain – to the maximum extent practicable – existing hardwood growth along Grooms Road. More than two acres of mature trees will be preserved to provide screening and minimize visual impacts. Although service lines may need to be relocated, both the Saratoga County Sewer District and the Clifton Park Water Authority have agreed that sufficient capacities are available to serve the new facility. Sidewalks will be installed to facilitate easy access between the proposed building, parking areas, and existing facility.

Mr. Scavo provided comments prepared by the Planning Department, noting that the applicant has submitted a document titled, “Coburg Village, Planned Unit Development District Amendment” dated August 6, 2009 as part of the application. The applicant has provided a detailed narrative which provides justification for the project and addresses the issues of concern outlined in Section 208-73 of the Town Code. Section 208-73 of the Town Code lists eight (8) items to be considered during the Planning Board’s review of the proposal. Though Mr. Scavo reported that each area for consideration has been adequately documented and addressed in the narrative provided by the applicant, he listed the items and offered specific facts that would support a positive recommendation. The proposal conforms to the Town’s comprehensive plan because it provides a quality housing opportunity for seniors. Additionally, the project is in conformance with “a development pattern that is in harmony with the planning objectives of the town.” The application complies with the general requirements of Section 208-73 of the Town Code. The amendment preserves a practical amount of natural characteristics of the site and has no effect on the natural characteristics of adjacent properties. Mr. Scavo believes that the

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applicant will be able to adequately address the issues of parking, landscaping, and utilities during the site plan review process. He noted that the plan is supported by the Statement of Findings adopted following completion of the Vischer Ferry Road GEIS. The applicant's proposal appears to be based upon accepted design principles that "meet local and area-wide needs: the proposed roadways, pedestrian systems, land use configuration, open space, drainage systems, and scale of elements" will "work in harmony" with existing infrastructure. It appears that adequate service and utilities are available: approval from all involved agencies will be required during the site plan review process. The Planning Board will evaluate traffic impacts during site plan review, though it is not expected that the project will have any adverse impact on the existing transportation network.

Mr. Scavo reported that Section 208-73 of the Town Code also requires that the Planning Board must "determine the applicability of the State Environmental Quality Review Act." He stated that the action appears to be an unlisted action for which the Town Board may assume Lead Agency and noted that the area has already been considered as a Type I action under the Vischer Ferry Road GEIS study. The Town Board may continue as Lead Agency unless challenged by another involved agency. The assumption of Lead Agency status appears reasonable since the project requires a change to the Town's Zoning Code.

Mr. Scavo reported that Mr. Myers, Director of Building and Development and Sheryl Reed, Chief of the Bureau of Fire Prevention, offered no comment on this proposed PDD amendment.

Mr. Bill Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that the Board require the conveyance of a strip of land along each right-of-way and that sidewalks be installed within the site and as connections to existing stores and pathways.

Although CHA Companies had not prepared a formal review letter regarding this application, Mr. Grasso offered the following comments. Since the proposed project site is located within the Vischer Ferry Road Corridor GEIS study area, mitigation fees are applicable. Pedestrian connections to the existing Coburg Village facility, to Vischer Ferry Road, and to Grooms Road should be incorporated into the design plan. The two historic buildings located on Parcel "C" should not be compromised by the proposed expansion. Buffers should be maintained along both Vischer Ferry Road and Grooms Road to the greatest extent practicable.

Mr. Mike Montague, Environmental Specialist, reported that the ECC offered no comment on the amendment at this time.

In response to questions from Planning Board members, Mr. Herchenroether reported that although the new facility may not be considered "affordable housing," it would provide a housing option for those in the community who are "downsizing". There will not be a continuum of care provided at Coburg Village. Mr. Deleonardis asked that the applicant and consultant consider all lighting options: he would like the applicant to utilize "dark sky" guidelines. Ms. Pace asked that the applicant provide information regarding the maintenance of the existing buildings, recommending that a plan for maintenance designed to prevent further

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deterioration of them be prepared and incorporated in the project plan. Mr. Bulger recommended that the applicant confer with members of the Historic Preservation Commission regarding proper maintenance and care of the historic buildings. Mr. Koval recommended that there be adequate signage and striping of the multi-use pathway at the Grooms Road – Vischer Ferry Road intersection to ensure the safety of pedestrians and encourage use of the pathway network. Mr. Bulger noted that a number of issues regarding site development will be considered during the site plan review process which would follow approval of the amendment by the Town Board, though he recommended that the amendment adopted by the Town Board include “specifics” such as sidewalk requirements and preservation of buffer areas.

Ms. Paulsen moved, seconded by Mr. Deleonardis, to authorize the Chairman of the Planning Board to provide a recommendation to the Town Board stating that the Planning Board finds that the proposed amendment that permits the construction of up to seventy-eight (78) senior residential housing units and provides for the removal of references to commercial development on Parcel “C” as described in the Coburg Village Planned Unit Development enabling legislation is acceptable. The motion was unanimously carried.

[2009-021] **Neet Autobody Storage Shed** – Proposed 1,126 SF storage barn, 2045 Route 9 – Conceptual site plan review. SBL: 259.-2-14.2

Mr. Scavo presented this application since neither the applicant nor an engineering consultant was in attendance at the meeting. The proposal calls for the construction of a 1,126 SF storage building to serve the existing autobody shop. The business is located on the east side of Route 9 approximately .7 miles north of its intersection with Ushers Road. No water, sewer, or heating equipment will be installed. A descriptive narrative provided with the application states that the “shed will be of wood post construction set on concrete piers. The building will be constructed with wooden siding and the roof will be metal on engineered wooden trusses.” No work will be performed in the shed.

Mr. Scavo reported that Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, provided the following comments. The correct 911 address of this parcel is 2043 Route 9. The applicant must provide access for emergency services’ access to the proposed storage shed. Mr. Myers, Director of Building and Development, noted in a memo dated August 27, 2009, that the actual location of this proposal is 2043 Route 9: the owner’s residence is 2045 Route 9. The structure appears to meet the requirements of L2 zoning for setbacks. Mr. Scavo recommended that the site plan include a description of the material used in the area in front of the proposed storage shed and the types of materials to be stored within the building.

Mr. Scavo reported that Mr. Bill Mackesey, representative of the Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that the Board require the installation of a sidewalk along the property’s frontage on Route 9.

Mr. Grasso reported that, after review of the application materials, CHA Companies provided 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 final site plan should include accurate property boundary data to verify the proposed shed will be located

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within the required building setbacks. The "Handicap Accessible" and "No Parking" signage should be depicted on the plans. The proposed shed height should be depicted on the site plan.

Mr. Mike Montague, Environmental Specialist, offered comments prepared by the ECC. The ECC notes that the proposed project is within close proximity to a stream. A determination should be made of the specific location of the proposed building in relationship to the stream to determine the proper delineation of the LC zone and/or Flood Plain zones. The proposed shed appears to be close to the well serving the property and potential for contamination exists. If hazardous materials will be stored on site, the applicant must submit a plan addressing handling, storage, and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored. If the purpose of this proposed project is to store chemical residue or hazardous materials, an impervious surface and proper control and containment of any spillage should be required. The applicant should comply with the Town's Hazardous Materials Policy, which can be obtained from the Environmental Specialist.

Although Board members appeared to find the proposed plan generally acceptable, they reserved comment for a meeting when either the applicant or his appointed representative would be in attendance.

**Minutes Approval:**

Mr. Bulger moved, seconded by Mr. Deleonardis, approval of the minutes of August 11, 2009 as written. Ayes: Ophardt, Pace, Deleonardis, Hale, Werner, Koval, Bulger. Noes: None. Abstained: Paulsen.

**Discussion Items:**

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 9:10p.m. The motion was unanimously carried. The meeting scheduled for September 22, 2009 has been cancelled. The next meeting of the Planning Board will be held on October 14, 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

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**Resolution #11****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 September 9, 2009 there were:

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

Absent: T. Werner

Mr. Koval offered Resolution #11, and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by Mr. Kenneth Cotton and Ms. Betsy Cotton Gilson for approval of a subdivision plat entitled Subdivision of the Lands of Betsy Cotton Gilson and Kenneth James Cotton consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 9, 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 September 9, 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 Lands of Betsy Cotton Gilson and Kenneth James Cotton consisting of (2) lots is hereby granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department.

**Resolution #11** passed 9/9/2009

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

Noes: None

Steven J. Bulger,  
Chairman

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**Resolution #12****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 September 9, 2009 there were:

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

Absent: T. Werner

Mr. Koval offered Resolution #12, and Mr. Hale seconded, and

Whereas, an application has been made to this Board by Mr. David Stark for approval of a subdivision plat entitled Subdivision of the Lands of DeLeonardis – 403 Riverview Road - consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 9, 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 September 9, 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 Lands of DeLeonardis – 403 Riverview Road - consisting of (2) lots is hereby granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department, the conveyance of a 15' strip of land or easement along the property frontage of 5.74 acre parcel for future roadway improvements, and the removal of the temporary access easement from the plat.

**Resolution #12** passed 9/9/2009

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

Noes: None

Steven J. Bulger,  
Chairman