

# Town of Clifton Park

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## PLANNING BOARD

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## MEMBERS

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Joel Koval

Eric Ophardt

Sandra Pace

Kim Paulsen

Tom Werner

(alternate) Emad Andarawis

## Planning Board Meeting May 25, 2011

Those present at the May 25, 2011 Planning Board meeting were:

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

Those absent were: S. Pace, E. Andarawis – Alternate Member

Those also present were: J. Scavo, Director of Planning  
J. Romano, CHA Companies  
P. Pelagalli, Counsel  
J. Dean, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance. Mr. Ferraro made several announcements. He encouraged all those interested to attend the Local Government Planning and Zoning Workshop sponsored by The Capital District Regional Planning Commission that will be held on June 15, 2011 at Hudson Valley Community College. He then called Board members' attention to a program entitled Land Use Training Program for Local Officials sponsored by New York Municipal Insurance Reciprocal that will be held at the Washington County Municipal Center in Fort Edward, New York on June 9, 2011. The final announcement concerned the Town Center Public Design Workshop to be held on June 7-9, 2011 at the Clifton Park – Halfmoon Public Library. Stating that the Clifton Park Town Center Plan sponsored by the Town of Clifton Park and the Capital District Transportation Committee is intended to bring together town officials, business owners, and residents to develop a "consensus vision" about the look, feel, and function of a future town center in the Exit 9 commercial area, Mr. Ferraro encouraged Board members and all interested residents to attend at least one of the sessions offered during the two-day event. He noted that Mr. Werner would be acting as the Planning Board liaison with the "consultant team" that included Behan Planning and Design of Saratoga Springs and Dover, Kohl, and

Partners of Coral Gables, Florida, a municipal planning firm that Mr. Ferraro touted as initiators of the “new urbanism” movement. He noted that input from community residents would be very much appreciated through-out the planning and decision-making process.

### **Public Hearings:**

[2011-012] **LaPointe, Eric** - Proposed two-family dwelling in an R1 zone pursuant to Section 208-10B(9)[7], 628 MacElroy Road – Preliminary public hearing for Special Use Permit #80820, preliminary site plan review and possible determination. SBL: 259.-2-36

Mr. Ferraro, Chairman, called the public hearing to order at 7:05p.m. The Secretary read the public notice as published in the Daily Gazette on May 16, 2011.

Mr. LaPointe, applicant, presented this application that requests approval of Special Use Permit #80820 to permit the construction of a two-family dwelling in an R1 zone pursuant to Section 208-10B(9)[7] of the Town Code. The applicant explained that he would like to build an “in-law” apartment above his garage to provide housing for his parents when they return to the area after wintering in Florida.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application. The applicant must certify that the existing septic system can handle additional flows. Construction of the apartment above the garage and connection of the garage to the primary residence will require issuance of an approved Building Permit.

Mr. Scavo offered the following Planning Department comments. The required action appears to be an unlisted action under SEQRA. He recommends that the Planning Board consider conditioning approval of the Special Use Permit upon the addition of the following restriction to the plan:

Special Use Permit #80820 is conditioned upon the addition being used as an in-law apartment and not as a two-family dwelling and that the use be limited to use by a family member of the LaPointe’s or any of their successors and interest in the property. Should the property be used as a two-family or rental unit, the Special Use Permit would be rendered null and void.

Mr. Scavo explained that the proposed addition would attach the garage structure to the existing single-family home. Mr. Scavo stated that comments received from the Trails Subcommittee of the Open Space, Riverfront, and Trails Committee had been forwarded to all Planning Board members.

Mr. Ferraro reported that the ECC provided the following recommendation. The ECC recommends that this project be carried out in keeping with the goals of tree preservation as stated in the Town Comprehensive Plan to the greatest extent practicable.

In response to the issued comments, Mr. LaPointe stated that the construction would necessarily include the construction of a breezeway to connect the existing residence and the

garage. No disturbance of existing vegetation is proposed. He has no intention of renting the space and, therefore, agreed to add the restrictive note recommended by Mr. Scavo.

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

Mr. Koval stated his support for the project. In response to Mr. Hale's question regarding the continued use of the single-stall garage, the applicant stated that he intends to continue to use the first level of the garage for vehicle and equipment storage. The upper story of the 28' x 30' building will be renovated to provide living space for his parents.

Mr. Ferraro explained that approval of this application required the Planning Board to render two decisions – one for approval of the Special Use Permit and the other for site plan approval.

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

Mr. Koval moved, seconded by Mr. Ophardt, approval of Special Use Permit #80820 that would allow for the construction of a two-family residence within the R1 zone conditioned upon satisfaction of all the comments offered by the Planning Department and the addition of a note to the plan that states the following:

Special Use Permit #80820 is conditioned upon the addition being used as an in-law apartment and not as a two-family dwelling and that the use be limited to use by a family member of the LaPointe's or any of their successors and interest in the property. Should the property be used as a two-family or rental unit, the Special Use Permit would be rendered null and void.

Ayes: Ophardt, Paulsen, Hale, Werner, Koval, Ferraro. Noes: None.

Board members then considered site plan approval.

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.

Ms. Paulsen moved, seconded by Mr. Hale, to grant preliminary and final site plan approval conditioned upon satisfaction of all Planning Department comments. The motion was unanimously carried.

### **Old Business:**

[2008-010] **Prestige Motor Car Company** – Parking lot modification, 1928 Route 9 - Amendment to approved site plan. SBL: 259.-2-30.11

Mr. Tom Andress, consultant for the applicant, presented this application that was last reviewed by the Planning Board on April 26, 2011. He introduced Mr. Joe Verillo, applicant, who was also in attendance. Mr. Andress offered a brief update on this application to amend a previously approved site plan, explaining that due to current economic conditions that have negatively affected his client's business, the applicant proposes expansion of his business to include "high quality" vehicles that would be more affordable for area buyers. He, therefore, proposes to install a display area along the property's Route 9 frontage. An addition to the existing building area on the site to provide for winter storage of privately-owned vehicles is being considered. The pending application requests approval to develop a display area for seventeen (17) vehicles along the Route 9 southbound travel lane. The revised plan now includes added buffering consisting of evergreens and deciduous shrubbery along the highway. A revised photometric plan provided showing that lighting will be directed to the interior of the site has been submitted. Contours of the embankment along the rail road property have been added to the plan.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, provided the following comment. Though the plan indicates that the issue of the proximity of the proposed site modification to the wetland appears to have been addressed, appropriate modifications to the Storm Water Pollution Prevention Plan are required.

Mr. Scavo commented that it appears that the applicant has reduced the parking area size to accommodate the proposed landscaping on private property outside the NYSDOT right-of-way. Mr. Andress stated that he would consult with NYSDOT representatives regarding maintenance of the state-owned right-of-way area. Mr. Werner recommended that the applicant contact Mr. Gabriel, the agency's county engineer, regarding the formal execution of such a maintenance agreement.

Mr. Romano reported that CHA Companies reviewed the revised site plans submitted by the applicant and reported that several of the comments issued on April 7, 2011 remain to be addressed. If the proposal remains under consideration, additional grading detail within the proposed display area should be provided. It appears a portion of a swale that may act as an overflow for the wetland areas will be filled as part of the project. The impacts associated with the installation of the display area should be verified. Existing topography along the northern portion of the display area remains to be provided. No information has been provided for the grading of the stone trench and outlet controls associated with the underdrain. Additional detail of the proposed stone trench and perforated pipe along the edge of pavement should be provided. Conformance with the original Storm Water Pollution Prevention Plan and Storm Water Management Report will be required. Calculations documenting the proposed storm water conveyance and treatment should be provided. The applicant's engineer had indicated that the original Storm Water Pollution Prevention Plan could be modified as the Notice of Termination has not been filed. Additional information regarding the Storm Water Pollution Prevention Plan and Storm Water Report has not been provided. CHA Companies remains concerned that the method of storm water management will not meet NYSDEC requirements. The plan depicts a property line through the existing northern building. It should be verified that the lots were combined during the original review and approval of the site plan. Though the applicant stated at the Planning Board meeting of April 26, 2011 that it was his intent to combine the two lots, no

documentation has been presented to indicate that this has been accomplished. The combination of the two lots should be a condition of any additional site plan approvals.

Mr. Romano offered the following additional comments. The revised plan does not depict the location and quantity of cars to be displayed. CHA Companies does not recommend Planning Board approval of a site plan that does not specifically define the location and quantity of cars to be displayed. The plan should also depict the cars to be displayed south of the existing access drive. A note has been added to the plan indicating that the applicant shall contact NYSDOT to attempt to obtain clearing and maintenance rights within the NYSDOT right-of-way to keep the hillside and ditch clean. This note does not appear to meet the intent of what was discussed at the previous Planning Board meeting since the Board had requested the applicant seek a landscaping easement from NYSDOT to provide additional landscape buffering to mitigate the negative visual impacts of the proposed site plan amendment. The note does not provide any assurance that the visual impact concerns will be addressed. A final site plan approval by the Planning Board should clearly define all aspects of the proposed mitigation measures. Landscaping consisting of a combination of junipers and yews has been added to the plans along the front property line. The plan appears to indicate that the plants will be planted within a proposed lawn area. It is recommended that the landscaping be in a mulched or decorative stone landscape bed that runs continuously along the length of the crusher run parking area that is defined with metal edging and includes a mixture of evergreen and deciduous flowering shrubs. Photometrics of the proposed lighting should be provided. It would appear that two lights will provide sufficient lighting of the display area and that the light spacing should be altered to provide better uniformity. A photometric plan provided by a lighting vendor is acceptable. It is recommended that the split rail fence be installed continuously around the wetland finger to reduce the potential for additional incremental impacts.

Mr. Ferraro reported that the ECC provided the following comment regarding this application. The ECC notes that federal wetlands exist adjacent to the project site, thus there is a potential for environmental impacts to these areas in the event that the capacity of the storm water management system is inadequate. As such, the applicant's Drainage, Storm Water and Erosion Control Plans should be protective of these environments during construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer.

Board members discussed the application at length. Mr. Hale asked that the applicant clarify whether or not a display area will be developed south of the entranceway. Mr. Pelagalli advised the Board that the status of the display area to the south may be reviewed as part of this application though a variance for removal of the previously required fire protection pond and installation of a display area had been approved by the Zoning Board of Appeals. Mr. Koval believes that the revised site plan must include proposed improvements to the southern side of the entrance drive. Though Mr. Verillo contended that the Zoning Board granted the variance for a display area to the southern side of the driveway and tacit approval was provided by the Planning Department, Mr. Pelagalli explained that the Planning Board is charged with approving all aspects of the plan; therefore, all site development must be illustrated on the plan submitted for final stamping. Several Board members agreed that the plan must include a note that clearly specifies the number of vehicles to be displayed within each of the two proposed display areas.

Mr. Ophardt specifically articulated this request, stating that the note must state that seventeen (17) vehicles may be displayed in the display area to the north of the entrance drive: fifteen (15) vehicles may be displayed on the south side of the entrance way. Mr. Koval recommended that a note be added to the plans that states that no repair or maintenance of vehicles may take place within the display areas. Mr. Hale stated that he was “fairly comfortable” with the site lay-out and encouraged the applicant to incorporate native species for the plantings that will border the wetlands. Mr. Ferraro asked that the split-rail fencing used to define the wetland area be extended westerly into the site along the entrance drive to prevent inadvertent disturbance of the sensitive area. Mr. Werner asked that the type of plantings and landscape design proposed along the northern display area be extended to the southern display area. Mr. Ferraro asked that the landscaping plan specifically include the number of plants to be installed as well as the botanical and common names of all plant materials. Mr. Hale commented that salt spray may affect the proposed plantings over time, though he did not view this as a reason to deny site plan approval.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Riverfront, and Trails Committee requested that the applicant provide a sidewalk between the customer parking area and the showroom. He also asked that a sidewalk be installed along the entrance way from the parking area to Route 9. Board members agreed that striping of a cross walk from the parking area to the showroom was appropriate. Mr. Werner commented that since the site would generate low traffic volumes and because there were no existing pedestrian accommodations along the Route 9 corridor in that area, the installation of the requested sidewalk was not reasonable. Board members agreed.

Addressing Mr. Pelagalli’s question concerning depiction of vehicles within the display areas, Board members agreed that the applicant would have the ability to position the vehicles in any manner as long as the number of vehicles did not exceed the number approved by the Board.

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

Mr. Werner moved, seconded by Ms. Paulsen, to grant preliminary and final site plan approval conditioned upon satisfaction of all comments issued Planning Department and CHA Companies, and the following specific items outlined by the Planning Board: the acceptance of the revised Storm Water Pollution Prevention Plan by professional staff members; extension of the split-rail fence westerly into the site along the entrance drive; a note to the plan that states that no vehicle maintenance or repairs will be permitted within the display area(s); the installation of a striped crosswalk from the parking lot to the commercial building; a note on the plan that states that the display area proposed for installation along the northeastern property boundary will be limited to seventeen (17) vehicles and the display area along the southeastern property boundary will be limited to fifteen (15) vehicles; the planting of native species along the wetland boundary; submission of a comprehensive landscaping plan that includes clear quantification of plant materials and botanical and common names for all materials to be installed. The motion was unanimously carried.

[2010-034] **DeLeonardis, Michael** – Proposed 8,000 SF warehouse/office facility, 1856 Route 9 – Preliminary site plan review and possible determination. SBL: 265.-1-15.11

Mr. Chris Dooley, MJ Engineering and Land Surveying, P.C., consultant for the applicant, presented this application that was last reviewed by the Planning Board at its March 8, 2011 meeting. He explained that the applicant has addressed a number of comments and recommendations previously issued. Providing a brief description of the project plan, Mr. Dooley noted that the proposed development calls for the construction of approximately 8,000 SF of warehouse and office space on a parcel located north of the intersection of Route 9 and Kinns Road. He explained that applicant now proposes the use of an existing well and that a mounded septic system has been designed due to high ground water levels and soil conditions. Site disturbance will be less than five (5) acres pursuant to NYSDEC regulations.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention provided the following comments. Currently the proposed site plan shows the water coming from a well source on a separate lot to serve the new warehouse. The water source should be obtained from the same lot. The final site map should reflect this requirement. Currently the proposed site plan shows two (2) separate parcels: Lot 1 (265.-1-15.12) as 1856 Route 9 and Lot 2 (265.-1-15.11) as 1860 Route 9. The final site plan should reflect only one (1) parcel and should indicate that the verified 911 address for the parcel containing the warehouse is 1860 Route 9.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided several comments regarding this application. Well quantity and quality test results must be submitted prior to the issuance of a Building Permit. Pursuant to 208-86, the keyhole lot configuration will require a variance. Section 208-54A will be addressed by the Planning Department. The proposed leach field must be located 100' from the stream or wetland: it now appears to be located only 35' from such an area. Storm water phasing shows 2.8 and 2.7 acres in two phases: clear delineation of the limits of these phases is required since the site is 8.1 acres in size and the plan states that 8.1 acres will be disturbed. The plan must clarify whether or not site disturbance will be over five (5) acres. If disturbance will be more than five (5) acres, a waiver will be required. Run-off containment from the gravel storage area is required due to its proximity to the stream. The proposed silt fence is still shown perpendicular to contours: the plan must be appropriately revised. A maintenance agreement for storm water management practices is required.

Mr. Scavo presented the following Planning Department comments. The areas of disturbance for clearing and grading proposed for Phase I are depicted on the plan: it should be clearly noted that the approval is for Phase I only and any future or proposed work to the area depicted on the plan as Phase II shall require site plan approval before a Building Permit is issued. Mr. Scavo asked the applicant to clarify whether or not Lots #1 and 2 will be combined as part of site plan approval.

Mr. Ferraro reported that the ECC issued the following comments regarding this application. Due to the nature of soils documented in the area of the project, the ECC expresses concern regarding the on-site disposal of sanitary wastes and/or hazardous materials. If hazardous materials will be stored on this site, the applicant must submit a plan for approval addressing handling and storage and spill response to the Town of Clifton Park before such materials are stored

Mr. Romano reported that CHA Companies reviewed the revised site and the Storm Water Pollution Prevention Plan. The following comments from the March 4, 2011 review letter remain to be addressed. The project involves significant land grading of approximately five acres to accommodate speculative future development, however no temporary or permanent storm water controls for the area to be cleared and re-graded has been provided. This has not been appropriately evaluated in the storm water management report and is not in accordance with the NYSDEC storm water regulations. Although no additional impervious area is being proposed, land type changes such as ground cover and slope are being made: these impacts should be evaluated. If the changes do not impact the post-construction storm water model, this should be indicated in the report. The location of the existing septic system on the adjacent lot should be provided to verify adequate separation distances. The plans indicate the proposed well location is to be determined by the owner, engineer, or well driller: this is not acceptable. The exact location of the proposed well should be shown on the plans to verify acceptable separation distances. Though the revised plan indicates that an existing well on a separate parcel is to be utilized, the well to provide water should be located on the same parcel as the building. The Storm Water Pollution Prevention Plan indicates a minimum of 6" of topsoil, yet a minimum of 2" is reflected on the plans. It is recommended that a minimum of 6" as called for in the Storm Water Pollution Prevention Plan: the general notes indicate 4" of topsoil. Silt fencing should be installed parallel to the proposed contours. Some areas of slit fence are proposed perpendicular to the contours which will channel the run-off. Though the location of test pits and percolation tests has been provided on the plan, results are not provided. The plans indicate the existing 24" diameter spruce trees, 18" diameter cedar and 28" diameter maple are to be preserved, which CHA Companies supports, yet the grading plan indicates substantial grading within the drip line of the trees. It is unlikely these trees will survive and provide any long term buffering. Although the grading has been revised, a water service is being proposed within the drip lines of the trees. The water line should be relocated to reduce potential impacts. Wetland protection barrier fencing should be provided around the wetland area.

Mr. Romano offered the following additional comments. Given the site's location within a Corporate Commerce zone and the site's adjacency to a significant office park proposal, consideration should be given to the aesthetics of the building when viewed from the Route 9 corridor. Given the height of proposed landscaping there will be limited screening of the building after site development. The plans indicate that the force main is to slope back to the dosing tank to allow it to drain following doses, yet this is not reflected based on the proposed profile and proposed grade line. The volume of water that will drain back to the dosing chamber should be taken into account in the dosing volume. Consideration should be given to use of an internally baffled septic tank and a more commonly used pump dosing chamber. The plans do not specify the type or size of baffles on the septic tank which are critical to the tanks proper operation. The dosing chamber should be checked for buoyancy due to the potential for high groundwater and depth of the tank. The asphalt wing wedge curb along the perimeter of the paved area appears to have been replaced with a 24" trench drain. It is recommended that the asphalt wing wedge curb be installed along the outside edge of the trench drain to prevent run-off from bypassing the trench drain and discharging down the slope. The top of frame and invert elevation of the catch basin collecting the run-off along the south side of the building should be provided. Details of the concrete gutter along the rear of the building should be provided. The roof overhang should be depicted on the plan and it should be verified that the gutter is wide enough to collect the roof run-off. The gabion wall detail depicts the box beam guiderail being installed within the limits of the crushed stone along the back of the wall. It should be verified that the guiderail can be installed within the stone limits. A minimum separation distance



between the back of wall and the guiderail post should be provided. Although phasing limits have been provided, the proposed grading does not appear to reflect these limits. The proposed grading cannot be completed as designed and respect the proposed phasing limits. Silt fence is proposed to be installed on the adjacent lands of Tourtellot: work should not be depicted on adjacent lands without an easement. The general notes should refer to the current SPDES General Permit.

CHA Companies offered the following comments on the Storm Water Pollution Prevention Plan last revised May, 2011:

- The trench drain invert appears to outlet below grade into the stone medium of the level spreader. Provide calculations to determine the capacity of the trench drain is maintained and that it will drain adequately without backwater impact to the parking area.
- The project is claimed as a redevelopment project. Additional clarification should be provided as the proposed development is occurring within open space that has not been previously developed.

Mr. Dooley responded to several of the comments issued stating that there will be no clearing or development on Lot #2 as part of this approval, all technical issues will be addressed, and no hazardous materials will be stored on site. In response to Mr. Ophardt's question regarding the location of a dumpster on site, the applicant stated that no dumpster will be provided. Mr. Ferraro expressed concerns regarding the proposed grading as presented on the project plans and asked that revised plans clearly indicate the limits of clearing and grading respective to each development phase. Mr. Werner recommended that the applicant consider future connection(s) with adjoining property parcels, particularly with lands to the west currently being considered for development as Synergy Technology Park. He noted, however, that such connections may be dependent upon compatible uses. Mr. Ferraro commented that elimination of the proposed curb cut may be required if future development warrants construction of a common access and roadway. Summarizing comments offered by Board members, Mr. Ferraro identified the following issues yet to be addressed by the applicant: consolidation of parcels to assure that the well is situated on the development site; satisfaction of technical comments offered by CHA Companies; clear definition of grading and clearing proposed for Phases I and II, respectively. In response to questions regarding the implications of a SEQRA determination issued for Phase I, Mr. Scavo explained that any and all impacts associated with Phase I will be considered during the SEQRA review for Phase II.

Mr. Koval moved, seconded by Mr. Ophardt, 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 moved, seconded by Mr. Hale, to grant preliminary and final site plan approval conditioned upon satisfaction of all comments issued Planning Department and CHA Companies, and the following specific items outlined by the Planning Board: consolidation of parcels to assure that the well is situated on the development site; satisfaction of technical comments offered by CHA Companies; clear definition of grading and clearing proposed for Phases I and II, respectively. The motion was unanimously carried.

**New Business:**

[2011-013] **Legion Training Center and Needlewurks** – Proposed fitness training center and tattoo shop, North Country Commons PUD – Preliminary site plan review and possible determination. SBL: 270.-2-55

Mr. David D'Amore, AND Architecture and Design, presented this application that he described as a “small renovation” project. Stating that Mr. Myers, Director of Building and Development, had determined that the proposed use complied with the existing PUD, he explained that application calls for interior renovation of 6,000 SF and the construction of a 15 SF frost-protected slab at the rear entrance. Although thirty (30) parking spaces are required for the proposed use, the consultant has determined that there are more than five hundred (500) available spaces to serve all tenants of the shopping center. There are no specifically-dedicated spaces for this business within the parking lot.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application. Since the applicant proposes the occupation of one space as a combined business, only one sign will be permitted unless the total sign area is less than the 32 SF permitted. Due to new building code requirements, the space is considered a business (mixed use) and not a recreational facility as it was previously.

Mr. Scavo offered Planning Department comments, noting that site plan review was required by this Board due to new state building code guidelines. He explained that the action appears to be a Type II action pursuant to SEQRA Section 617.5(2) that states that “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in Section 617.4 of this part.” In response to his comment regarding the depiction of any proposed exterior building mounted light fixtures, Mr. D'Amore stated that no such fixtures were proposed.

Mr. Ferraro stated that the ECC provided the following comment regarding this application. The ECC is concerned about the biohazardous waste produced by this business and wants to make sure the waste is properly handled and disposed of. Mr. Brumley, operator of the proposed tattoo business, explained that his business is conducted in accordance with all NYSDOH guidelines: it is this agency that oversees its operation and ensures compliance with all its regulation. In response to Mr. Ophardt's question regarding proposed hours of operation in light of the business's proximity to the Northern Lights nightclub, Mr. Brumley stated that since the business will be open from 6:00a.m. to 9:00p.m. daily with earlier weekend closings, it is likely that most business activity will occur at times that will not interfere with events at Northern Lights. Ms. Paulsen asked if the proposed signage would be installed as presented: the business owner will attempt to reduce the size of the sign in accordance with town codes. Referencing the Trails Subcommittee of the Open Space, Riverfront, and Trails Committee comments, Mr. Hale recommended that the owner of the North Country Commons property provide a centralized location for the installation of the recommended bicycle racks. Mr. D'Amore pointed out that the applicant, a tenant, would be unable to address the recommendation though it would be forwarded to the Howard Group, property owner.

Mr. Hale moved, seconded by Mr. Ophardt, 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 moved, seconded by Mr. Hale, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of Planning Department comments. The motion was unanimously carried.

**Minutes Approval:**

Ms. Paulsen moved, seconded by Mr. Hale, approval of the minutes of the May 10, 2011 meeting as written. The motion was unanimously carried.

**Discussion Items:**

Mr. Ferraro asked Planning Board members to consider the e-mail regarding keyhole lots that he had forwarded to them during the past week.

Mr. Werner moved, seconded by Mr. Hale, adjournment of the meeting at 8:42p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on June 14, 2011.

Respectfully submitted,

Janis L. Dean,  
Secretary

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 #3 of 2011**

**APPROVAL**

**Special Use Permit**

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 25, 2011 there were:

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

Absent: S. Pace, E. Andarawis – Alternate Member

Mr. Koval offered Resolution #3 of 2011 and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by Eric LaPointe for approval of Special Use Permit #80820 to permit the construction of a two-family dwelling in an R-1 zone pursuant to Section 208-10B(9)[7] of the Town Code;

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on May 25, 2011 in the Town Office Building,

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

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

Now therefore, be it resolved that the Planning Board approves the application of Eric LaPointe for approval of Special Use Permit #80820 to permit the construction of a two-family dwelling in an R-1 zone conditioned upon satisfaction of the comments provided by the Planning Department and the addition of a note to the plan that states the following:

Special Use Permit #80820 is conditioned upon the addition being used as an in-law apartment and not as a two-family dwelling and that the use be limited to use by a family member of the LaPointe's or any of their successors and interest in the property. Should the property be used as a two-family or rental unit, the Special Use Permit would be rendered null and void.

**Resolution #3 of 2011** passed 5/25/2011

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

Noes: None

R. Ferraro,  
Chairman

