

Town of Clifton Park

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

PLANNING BOARD

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Tom Werner

(alternate) Emad Andarawis

Planning Board Meeting October 25, 2011

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

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

Those absent were: None

Those also present were: J. Scavo, Director of Planning
J. Romano, CHA Companies
R. Milano, M J Engineering
B. Glick, Chairman, ECC
P. Pelagalli, Counsel
J. Dean, Secretary

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

Mr. Ferraro announced that a public workshop was held at the Shenendehowa Adult Community Center last evening to present the conceptual plans for the town center to the public and receive comment. The information presented resulted from three planning sessions held in June with consultants from Behan Planning and Design, Dover, Kohl, and Partners of Coral Gables, Florida, and town residents. Input from the October 24th meeting will provide the basis for the development of preliminary plans for the Exit 9 area which will be designed to provide a more walkable, mixed-use center of activity for the town that will likely include a teen center, art district, residential component, and pedestrian friendly areas with Clifton Country Road altered to create a “more Main Street feel.” Mr. Ferraro noted that the proposal received positive

response from the attendees. Planners will now work to create a preliminary plan for community residents to review. Implementation of the project plan may require regulatory changes and the establishment of architectural standards for the area.

Public Hearing:

There were no public hearings scheduled for this evening's meeting.

Old Business:

[2011-028] **Quick Response** – Proposed lot line adjustment and 9,600 SF storage building, 2077 Route 9 – Preliminary site plan review and possible determination. SBL: 250.-2-30.21

Mr. Duane Rabideau, consultant for the applicant, presented this application that remains generally as presented at the September 27, 2011 Planning Board meeting. At that time the main issue of concern involved the amount of disturbance that had taken place on the site without benefit of a stormwater management plan or town approvals. Mr. Rabideau explained that Lansing Engineering has prepared A Stormwater Pollution Prevention Plan for the site that has been deemed acceptable by CHA Companies and Mr. Myers, Director of Building and Development.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, found the proposed stormwater management plan acceptable.

Mr. Scavo reported that the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee requested that a bike rack be placed near the building's entranceway.

Mr. Scavo reported that all previously issued Planning Department comments have been adequately addressed.

Mr. Romano explained that after review of the application, CHA Companies provided the following comments. If adequately maintained, the proposed stormwater management system will provide adequate water quality and quantity controls to mitigate the proposed development. Based upon the existing site conditions, it appears that the most appropriate methods of treatment have been utilized. The anticipated end date of construction indicated in Question #11 of the Notice of Intent should be revised. Question #31 of the Notice of Intent regarding the Channel Protection Volume should be completed. The final Notice of Intent should be signed by the owner/operator. The species and size of the proposed trees should be depicted on the plan. CHA Companies favors an increased number of plantings in lieu of a smaller initial planting size. The site plan included in the Stormwater Pollution Prevention Plan does not depict proposed site or building mounted lighting. All proposed lighting should be depicted on the plan and cut sheets of the proposed fixtures should be provided for review. If lighting is not proposed a note should be depicted on the plan indicating no additional lighting will be provided. The required greenspace within the L2 Light Industrial zoning district is 40%: the amount of proposed greenspace should be indicated on the plan. Mr. Romano stated that the revised plans

submitted for this evening's meeting adequately addressed the concerns expressed by CHA Companies.

Mr. Glick, Chairman of the ECC, reported that, after review of the project proposal, members found that all previous comments had been adequately addressed.

Mr. Rabideau indicated the location of the proposed grass swale on the site plan in response to Mr. Ophardt's question regarding the location of the water filtration area. Mr. Koval offered his thanks to the applicant for addressing the Board's concerns regarding the mapping of site disturbance, stating that a "baseline" for future development has now been established. In response to Mr. Ferraro's question regarding proposed plantings for the stormwater management area, Mr. Rabideau explained that a mixture of deciduous trees and shrubs will be installed. Mr. Ferraro requested that the plan indicate the amount of clearing and disturbance necessary for installation of the proposed building and POD storage area: Mr. Rabideau explained that no additional site clearing or soil disturbance will be required. Mr. Ferraro stated his appreciation for the applicant's willingness to address Board concerns, though he cautioned the applicant that any future site disturbance will require site plan review by the Planning Board.

Mr. Werner 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. Koval moved, seconded by Mr. Hale, to grant preliminary and final site plan approval to this application conditioned upon the addition of a note to the site plan that states that any additional site disturbance will require site plan review by the Planning Board and satisfaction of all items listed in the final comment letter prepared by the Planning Department. The motion was unanimously carried.

New Business:

[2011-023] **Gold's Gym** – Proposed parking lot expansion, 1220 Route 146 – Preliminary site plan review and possible determination. SBL: 270.-2-25.1

Mr. Vincent Esposito, representative of Gold's Gym introduced Mr. Mafriaci, consultant, who presented the revised application that remains generally as presented at the September 27, 2011 meeting. Mr. Mafriaci explained that the Zoning Board of Appeals approved Permit #80840 on October 18, 2011, permitting the reduction in greenspace on the site from 27.1% to 17.1%. Though the original Zoning Board of Appeals application also requested approval of parking setback variances, the revised site plan reflected a reconfiguration of parking spaces: no additional setback variances were required. The speaker reported that, in response to comments issued at the September 27th meeting, infiltration tests were completed on site. The results indicate that soils on the site are suitable for the proposed stormwater treatment. Information regarding test pit results has been included on the site plan.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, confirmed that the required variance for a reduction of greenspace was approved by the Zoning Board of

Appeals on October 18, 2011 conditioned upon submission of a revised plan that would accurately depict the proposed greenspace.

Mr. Scavo stated that, with the approval of the required variance by the Zoning Board of Appeals, all Planning Department comments have been adequately addressed. However, he recommended the addition of the following note to the site plan:

Upon request by the Town of Clifton Park, additional right-of-way along NYS Route 146, shall be granted to the Town of Clifton Park for the creation of a multi-use pathway and/or sidewalk.

Mr. Romano reported that CHA Companies reviewed the revised plans submitted by the applicant and found that all technical engineering issues had been adequately addressed.

Mr. Brian Glick, Chairman of the ECC, reported that the Commission found the plan acceptable.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the Board consider asking that the applicant “donate the cost of sidewalk construction to the town” to provide funds for installation of the sidewalk when warranted. Mr. Ferraro asked Mr. Pelagalli to provide a legal opinion on such a request. Mr. Pelagalli explained that although the applicant could willingly agree to such a contribution, the Board could not require a mandatory payment for such off-site improvements. Mr. Ferraro commented that the applicant’s willingness to provide additional right-of-way along Route 146 for future pathway construction appeared reasonable at this time.

In response to Mr. Ophardt’s question regarding the installation of a bike rack near the entranceway to Gold’s Gym, Mr. Esposito explained that there was already a bike rack in place. Mr. Ferraro noted that, per Board recommendations, the plan provides for future connections to the lands to the east by providing a “floating” easement along the property boundary. Board members believe that a connection from the rear of the property to the North Country Commons property will be especially helpful in improving traffic flow through the area. Board members found the plan acceptable.

Mr. Ophardt 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. Werner moved, seconded by Mr. Ophardt, to grant preliminary and final site plan approval to this application conditioned upon the addition of the following note to the plan: “Upon request by the Town of Clifton Park, additional right-of-way along NYS-146, shall be granted to the Town of Clifton Park for the creation of a multi-use pathway and/or sidewalk” and satisfaction of all items listed in the final comment letter prepared by the Planning Board. The motion was unanimously carried.

New Business:

[2011-032] **Zappone Motors** – Proposed 1,200 SF addition and façade re-design, 1780 Route 9 – Preliminary site plan review and possible determination. SBL: 266.3-3-10.21

Mr. Ken Syvertsen, Architect and consultant for the applicant, presented this application for the Board's consideration. The project proposal calls for the re-use of the former Dodge World car dealership situated on two parcels identified as 1780-1784 Route 9. The adjoining parcels, situated on the westerly side of Route 9, are located in B3 and B4A zoning districts, respectively. The applicant proposes renovation of the building's façade in order to comply with Chrysler's new branding requirements. The façade change is the most dramatic change to the building: specific details of the materials and finishes of the "Chrysler Storefront Exterior" are included on the last page of the site plan package. The existing building is a single story metal framed structure of approximately 28,445 SF. There is an existing canopy of approximately 9,020 SF along the easterly side of the building that is to be removed. Two small areas of 13' x 23' are to be "infilled" to create a symmetrical appearance. A new 30' x 40' building addition is to be constructed along the northerly side of the building to allow for a new customer service office. The interior showroom and customer service spaces are to be renovated to conform to the new interior branding requirements. The applicant proposes the resurfacing of the existing parking lot, though no new parking spaces are planned and a majority of the site will remain as previously used for customer parking, vehicle sales, and vehicle display. Existing exterior parking lot lights will remain in their current configuration though new exterior lights will be added at the ground level at the exterior of the building to illuminate the new façade. All existing utilities will remain in their current configurations. Snow removal will be handled as it was with the previous car dealership with snow moved from the parking lot to the western area of the site. Selected islands may receive minimal snow buildup due to plowing. Mr. Syvertsen distributed a revised plan to each member of the Board, stating that modifications to the plan were made in response to the comment letter issued by M J Engineering and Land Surveying, P. C.

Mr. Scavo reported that Mr. Myers provided the following comments in a memo dated October 19, 2011. Mr. Myers states that the northerly parcel is zoned B3 (Neighborhood Business) and that the southerly parcel is zoned as B4A (Highway Business/ Restricted Retail). The parcel lying within the B3 zone has been granted a variance by the Zoning Board of Appeals to permit the storage of vehicles as part of the automobile dealership. Mr. Myers states that no site details have been provided to address the significant drainage problem that exists with the retention pond at the front of the property. Though the pond was approved as part of the original site plan and was constructed as designed, it no longer functions as intended. This is apparent from flooding of Route 9 and neighboring businesses in 2008. Mr. Myers recommends that a full evaluation of the retention area, including corrective measures, be required prior to the issuance of site plan approval.

Mr. Scavo provided a number of comments prepared by the Planning Department. A note must be added to the plan that states the following:

All vehicles are to remain on the paved parking areas and are prohibited to be stored or located on grassed areas.

The project appears to be located on two separate parcels - not one as shown on the current plan. The plan should be modified to show the property boundary and reference to both tax map

identification numbers should be made on the plan. A note must be added to the plan that states the following:

This plan is considered a modification to an existing site plan and all previous conditions, notes, and agreements other than the modification requested at this time which includes the façade/ building expansion, additional landscaping, and paving of a crushed stone area shall remain in effect.

Mr. Milano reported that, after review of the plans submitted, M J Engineering and Land Surveying, P.C. provided the following comments. The total amount of site disturbance should be indicated on the site plan and is to include areas to be disturbed for proposed lighting improvements. The total amount of existing and proposed impervious area and green space should be indicated on the site plan. Impervious area calculation is to include all drive aisles and access drive areas. The extent and type of paving resurfacing mentioned in the narrative should be clarified. An Erosion and Sediment Control Plan is to be submitted for review and should include, at a minimum, inlet protection at locations of all drainage structures in the vicinity of construction activities. The Lighting Plan submitted should include all existing and proposed light locations and subsequent lighting pattern. The site plan submitted appears to indicate existing encroachment into the required side yard setback for parking along the southern property line: clarification should be provided. Existing and proposed topography in the immediate vicinity of the proposed additions should be provided. The proposed grading plan should indicate top and bottom of stair and ramp elevations. Detailed site layout information including but not limited to dimensions, types of materials, construction details, stairway and ramp sections, and handrail layout for stairways and ramps must be provided. Handicap accessible parking spaces should be identified on the site plan. All existing utilities including the size and type of materials and approximate depths are to be shown on the plan to ensure feasibility of proposed construction and to ensure there are no conflicts between utilities and proposed construction. The names of owners of all adjacent properties should be identified on the plan. The site plan must indicate how and where roof drainage for the proposed additions is being routed to.

Mr. Milano reported that the revised drawing submitted to the Board at this evening's meeting appeared to adequately address many of the firm's concerns. He did note, however, that the encroachment along the southeasterly portion of the property remained. Mr. Syvertsen explained that several parking spaces could be removed to eliminate the encroachment problem. Mr. Ferraro noted that the issue must be addressed either by removing parking spaces or obtaining a variance from the Zoning Board of Appeals. Mr. Milano focused on two other issues. The first concerned the parking calculations: one additional handicapped parking space must be added to the plan. The second involved an existing well on the parcel. Mr. Syvertsen explained that the well had been abandoned and that the facility was served by the Clifton Park Water Authority system. Mr. Milano asked that such information be included on the site plan.

Mr. Glick, Chairman of the ECC, noted that the ECC offered the following recommendations. Due to the vast amount of paving at the proposed site, the applicant shall implement green infrastructure practices (e.g. porous pavement, plant cisterns, rain gardens) into the stormwater management design. The applicant must indicate the amount of greenspace for this project. Mr. Syvertsen stated that the site contains 37% greenspace.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that a bike rack be installed near the entrance to the dealership.

Mr. Ferraro expressed concerns about the flooding that occurred in 2008. Mr. Wayne Beale, owner of the Rusty Nail Restaurant that is located directly across Route 9 from the dealership, who was in attendance at the meeting, stated that it is doubtful that any improvements have been made to the stormwater management area located to the front of the dealership that was the source of water that flooded his property in 2008. Though Board members speculated that frozen ground, poor maintenance of the retention basin, or the lack of an escape valve in the pond may have caused the flooding, it is unclear of the exact cause. Board members requested that the applicant evaluate the stormwater management area and propose modifications that would allow it to function effectively. Though Mr. Ferraro recognizes that the application calls for renovation of an existing building, he encouraged the applicant to consider “desired designs” that would utilize green infrastructure building techniques. In response to Mr. Werner’s question regarding the display of vehicles along the Route 9 frontage, Mr. Syvertsen stated that the owner may wish to “just park” vehicles along the roadway. Mr. Scavo stated that such a display would be a violation of prior approvals: he asked that a note be added to the plan stating that the parking of display vehicles would be confined to designated areas. Mr. Werner noted that the retention pond area was not shown on the plan: he asked that it be depicted as constructed or modified on the final site plan. In response to Mr. Hale’s question regarding the former tenant that operated an autobody repair facility on the premises, Mr. Syvertsen explained that it was not the applicant’s intent to lease out any portion of the facility to other businesses. Mr. Hale encouraged the applicant to consider incorporation of a “green roof” and other new energy saving building techniques in the building’s design. Board members found the application generally acceptable.

[2011-033] **Medical Office Complex** – Proposed 42,000 SF medical office space in four (4) buildings, 715 Pierce Road – Conceptual site plan review. SBL: 265.-1-12.1

Mr. Ferraro introduced this conceptual application, explaining that an overview of the project plan had been presented to the Board at its August 9, 2011 meeting. Mr. Ferraro also stated that, as at the August meeting, Mr. Koval has recused himself from any discussion and/or vote on this application.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that proposes development of a 13.47 acre site located on the easterly side of Pierce Road north of its intersection with Kinns Road and lying within the LI zoning district. Existing improvements on the property include a residential house and a barn that will be removed to allow for the construction of four (4) medical office buildings totaling approximately 42,000 SF. The buildings will be accessed via a private driveway and will be served by connection to the Clifton Park Water Authority system and the Saratoga County Sewer District #1. On-site stormwater management will be designed. In accordance with code requirements, 280 parking spaces have been provided, though the applicant proposes the “landbanking” of several spaces until needed. Due to the proximity of development to the Dwaas Kill classified stream and delineated

wetlands, the parcel has been divided into three major development areas: a 10,000 SF building near the front of the parcel along Pierce Road, a 12,000 SF building near the middle of the site, and two buildings of 10,000 SF each to the rear of the parcel. New green infrastructure techniques will be incorporated into building and parking lot designs. Mr. Vuillaume reported that wetlands have been delineated on site and that jurisdictional approval letters from NYSDEC and the ACOE are pending. He described the proposed stream crossing as a “minor disturbance” and application for the necessary permit from the ACOE has been submitted for approval. The consultant reported receipt of correspondence from M J Engineering and Land Surveying, P.C., explaining that a detailed grading plan will address many of the technical engineering concerns listed in the comment letter.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated October 18, 2011. A full Stormwater Pollution Prevention Plan will be required. The parcel is zoned LI: offices and office parks are permitted uses within the zoning district. Field verification of wetlands and associated buffer boundaries must be delineated: both town and state buffer areas must be shown on the plan since they may differ. A tree survey is required. Parking areas as shown appear to be located too close to property boundaries and Pierce Road. Additional comments will be issued as more detailed plans are submitted.

Mr. Scavo explained that Ms. Reed, Chief of the Bureau of Fire Prevention, submitted a memo that states that the applicant must provide adequate accessibility for emergency vehicles throughout the site.

Mr. Scavo offered several comments prepared by the Planning Department. A Long Environmental Assessment Form should be prepared and submitted for review by the Planning Board and Town Engineer. The Stormwater Pollution Prevention Plan should account for the existing stormwater runoff and drainage from Pierce Road to the site. The traffic study should focus on trip generation impacts to the Ushers Road – Pierce Road intersection as well as the Pierce Road – Kinns Road intersection. Attention should be paid to the queuing issues that may be created on Twilight Drive for vehicles turning west onto Kinns Road due to the increased number of trips generated by the project. The traffic study should also evaluate the impacts and anticipated outcomes of the addition of non-commercial passenger vehicle trips onto Pierce Road which is zoned industrial and has an existing large amount of commercial truck trips. The stripped multi-use pathway along the driveway should be added to the plan. A defined easement to the Dwaas Kill for public access should be shown on the plan: specific terms of such an easement will be discussed as the project review process moves forward.

Discussion of the increased traffic generated by the proposed development led to a discussion of parking provisions on the parcel. Mr. Vuillaume explained that the project proposal now includes 280 parking spaces, meeting the zoning requirements for parking ratios for medical office building use. Mr. Scavo noted that medical office use, requiring a ratio of one (1) parking space per every 150 SF of space requires the greatest number of parking spaces. Should the proposed office buildings be used for less intense uses, the required number of parking spaces would be reduced. In response to Mr. Ferraro’s question regarding the “landbanking” of spaces, Mr. Vuillaume stated that uses of the buildings would determine the

number and location of such spaces.

Mr. Milano offered comments provided by M J Engineering and Land Surveying, P.C. after review of the conceptual plans submitted by the applicant. The proposed project appears to be an “Unlisted” action pursuant to SEQR, and as such a coordinated review is optional. The Planning Board may wish to accept lead agency status. Involved agencies are expected to include, but are not limited to the following: Town of Clifton Park Planning Board – Site Plan Approval; Saratoga County Sewer District #1 – Sewer Connection Permit; Clifton Park Water District #1 – Water Connection Permit; USACOE – Wetland Disturbance Permit. The conceptual site plan appears to meet L-1 District zoning, space, and bulk standard requirements with the exception of the following: a small portion of the parking area encroaches slightly into the required 50 foot front yard setback; portions of parking areas, stormwater management areas, and two of the trash enclosures along the southern and northern property lines encroach into the required 25 foot side yard setback/buffer areas. Correspondence from NYSDEC New York Natural Heritage Program should be provided by the applicant to identify if areas of rare, threatened, or endangered species exist on or in the immediate vicinity of the project site. The number of proposed parking spaces listed on the plan should be verified. The location of the 60 “landbanked” parking spaces should be identified on the plan. The Planning Board and applicant may wish to discuss the possibility of reducing parking. Existing and proposed topography should be provided to evaluate existing and proposed drainage patterns and stormwater management options. The stormwater management area near the 12,000 SF building along the southern property line is located in close proximity to the building and has the potential to be problematic. It is recommended that the stormwater management area be relocated to provide more separation from the building. The applicant will need to consider implementation of green infrastructure practices as noted in the NYS Stormwater Management Manual. If any of the green infrastructure practices are not feasible, M J Engineering will require a thorough explanation of why these practices cannot be incorporated into the design. A full Stormwater Pollution Prevention Plan will be required. It appears that more than 5 acres of soil disturbance will occur. The applicant should clarify if a phasing plan to limit disturbance is planned or if a 5 acre waiver from NYSDEC is being considered for the project. Based on the constraints of the site and the close proximity of proposed site features to wetland areas and the Dwaas Kill, the following items are of concern and should be discussed in more detail to help fully evaluate potential disturbance to wetland areas, possible wetland mitigation and overall impacts of the project at this time:

- Stormwater management options and plans for erosion and sediment control measures should be discussed as well as options to address the impacts of high groundwater levels on stormwater management.
- Snow plowing, storage, and or removal appears problematic and long term plans to address this should be evaluated.
- Clarification for routing of proposed utilities should be provided.
- It appears that significant wetland disturbance beyond what is depicted on the plans will occur as a result of general construction activities and earthwork operations.

Clarification should be provided as to who delineated the wetlands, when they were delineated and correspondence from USACOE and/or NYSDEC should be provided to confirm agreement of the wetland delineation identified on the site plan.

Mr. Glick, Chairman of the ECC, reported that the ECC offered the following comments regarding this application. Due to the wet soils in the area, the applicant shall implement green infrastructure practices (e.g. porous pavement, plant cisterns, rain gardens) into the stormwater management design. The applicant should not clear any trees within the Dwaas Kill 100 foot buffer zone.

Mr. Ferraro observed that both the applicants and consultants for this application appear sensitive to environmental features of the site and he encouraged them to “utilize green infrastructure solutions” to the greatest extent practicable. Board members discussed the traffic impacts of this development in conjunction with the proposed Synergy Park development and requested that the traffic study include the potential traffic generation of both projects as well as the integration of truck traffic with regular traffic. Though labeling the concern as “minor,” Mr. Ferraro asked that the parking spaces along Pierce Road be moved beyond the building setback line. In response to Mr. Andarawis’s question concerning the age of the existing residence and barn, Mr. Vuillaume stated that he would consult with Mr. Kazmierczak, Chairman of the Historic Preservation Committee, regarding the home’s historic value. Mr. Ophardt also questioned the means of providing public access to the Dwaas Kill Nature Preserve from private lands. Mr. Vuillaume stated that the applicant and the property owner would consider the establishment of easements or other mechanisms to provide public access to the park area. Mr. Hale recommended that the applicant consider a “street forward” design to locate parking to the rear of the buildings and add green to the front. He also asked that the design create more of a “sense of place” and create attractive focal points – especially for those traveling on the straight portion of the driveway linking the second building to the third and fourth buildings. It appeared that Planning Board members were generally pleased with the project plan.

Minutes Approval:

Mr. Koval moved, seconded by Mr. Hale, approval of the minutes of the September 27, 2011 meeting as written. Ayes: Ophardt, Paulsen, Pace, Andarawis, Hale, Koval, Ferraro. Noes: None. Abstained: Werner.

Ms. Paulsen moved, seconded by Mr. Ophardt, adjournment of the meeting at 8:30p.m. The motion was unanimously carried. The next Planning Board meeting will be held as scheduled on Wednesday, November 9, 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

