

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

PLANNING BOARD

ROCCO FERRARO  
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Attorney

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Emad Andarawis  
Denise Bagramian  
Joel Koval  
Andrew Neubauer  
Eric Ophardt  
Eric Prescott

(alternate) Jeffery Jones

**Planning Board Meeting**  
**June 28, 2016**

Those present at the June 28, 2016 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, J. Koval, A. Neubauer,  
E. Ophardt, E. Prescott  
J. Jones – Alternate Member

Those absent were: None

Those also present were: J. Scavo, Director of Planning  
J. Bianchi, M J Engineering and Land Surveying, P.C.  
P. Pelagalli, Counsel

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 Ms. Dean, Secretary, would be absent from the meeting, noting that the meeting minutes would be prepared from the audio recording.

**Minutes Approval:**

Ms. Bagramian moved, seconded by Mr. Ophardt, approval of the minutes of June 14, 2016 as written. Ayes: Ophardt, Andarawis, Bagramian, Jones, Prescott, Koval, Ferraro. Noes: None. Abstained: Neubauer.

**Public Hearings:**

[2016-022] **Fairchild II – Subdivision of Lots #1, 4, 8, 10, 12** – Proposed re-subdivision of existing lots, Fairchild II – Preliminary public hearing and possible determination. SBL: 259.-2-84.1

Mr. Ferraro introduced this subdivision application noting that individual site plans have been previously approved by the Planning Board.

Mr. Ferraro explained the review process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. He explained that although the Planning Board would pronounce the application complete, assume Lead Agency status, and issue a negative declaration, these actions would neither grant nor imply approval of the application. Should it be determined that additional environmental review is required based on input received at the public hearing, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Andarawis moved, seconded by Ms. Bagramian, 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. Ferraro, Chairman, called the public hearing to order at 7:08p.m. Mr. Scavo read the public notice as published in the Daily Gazette on June 12, 2016.

Mr. Tom Andress, consultant for the applicant, explained that this application calls for the re-subdivision of approximately 12 acres of land lying within the Fairchild complex which is situated in the southwesterly quadrant of the intersection of VanPatten Drive and Ushers Road. The property is located within the L1 zoning district. The subdivision plan is proposed to facilitate financing of individual development projects and future marketability of the parcels. The current lot configuration is as follows: a ten acre parcel contains Lots #1, 4, 8, and 10 Fairchild Square; a two acre parcel located directly south contains Lot #12 Fairchild Square. The following lots will result from the proposed subdivision: Lot #1 Fairchild Square will be 6.8 acres; Lot #4 Fairchild Square will be 2.1 acres; Lots # 8 and 10 will be 1.3 acres; Lot #12 Fairchild Square will be 1.8 acres. Mr. Andress stated that at its meeting of June 7, 2016, the Zoning Board of Appeals granted required setback variances for Lots # 8 and 10 and front and side yard parking setbacks for Lot #4. The applicant understands that as a condition of those approvals, no access to Mapleline Road will be allowed. No changes to existing buildings are proposed and the plan meets all other zoning requirements. A note on the site plan indicates that draft deed restrictions for the 100' buffer area for the lots created should be provided to the Town Planning Board Attorney for review and

approval. Maintenance of common areas, roadways, and sidewalks will be provided for within the Declaration of Restrictions and Common Access and Maintenance agreement prepared for the new configuration.

Mr. Scavo reported that all comments prepared by Mr. Myers, Director of Building and Development, Ms. Reed, Chief of the Bureau of Fire Prevention, the ECC, Mr. Reese, Stormwater Management Technician, M J Engineering and Land Surveying, P.C., and the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee for all items on this evening's agenda have been forwarded to Board members for their consideration. The speaker noted that Ms. Reed, Chief of the Bureau of Fire Prevention, offered no comment on any of the evening's agenda items.

Mr. Scavo reported that the Trails Subcommittee found the plan generally acceptable and offered no comment on the application.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the Planning Board with a memo dated June 9, 2016 which states that all required variances were approved by the Zoning Board of Appeals at its June 7, 2016 meeting with the condition that access from the newly created lots to Mapleline Road never be permitted.

Mr. Scavo reported that the ECC provided the following comments after review at its June 21, 2016 meeting. If the area is going to be subdivided into multiple lots and under different ownership, the applicant should name the entity responsible for the stormwater management and storm conveyances. The applicant should be asked to demonstrate how maintenance of common access will take place.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, provided the following comment on the project plan. If the area is going to be subdivided into multiple lots and under different ownership, the applicant is asked to identify in writing what entity will be responsible for the stormwater management and storm conveyances.

Mr. Scavo offered a single comment from the Planning Department. As previously noted in the review letter dated April 7, 2016, "Draft deed restrictions for the 100' buffer area for the lots created should be provided to the Town Planning Board Attorney for review and approval." Any approval should be conditioned upon the acceptance of such draft deed language by the Town Planning Board Attorney. Mr. Scavo also recommended that final approval be conditioned upon a sign-off from the Stormwater Management Technician.

Mr. Bianchi explained that, after review of the subdivision plan and supporting information, M J Engineering and Land Surveying, P.C. reported that all comments have been satisfactorily addressed.

There being no public comment, Mr. Ferraro moved, seconded by Mr. Koval, to close the public hearing at 7:20p.m. The motion was unanimously carried.

Mr. Andress offered clarification regarding the questions surrounding maintenance of the common stormwater management facilities, explaining that execution of legal agreements to

provide for such services were provided when previous subdivisions were approved and individual site plans developed. The protected buffer area will be preserved as a part of the previously approved site plan. In response to Mr. Andarawis' question regarding whether or not shared parking arrangements and responsibilities were part of the Agreement Declaration, Mr. Andress explained that they were, indeed, part of the agreement. Mr. Ferraro remarked that he approved of the berm and the streetscape improvements that were being made along Mapleline Road.

Mr. Koval offered Resolution #12 of 2016 seconded by Eric Ophardt, to grant preliminary and final subdivision approval to this application conditioned upon assurance that the buffer area will be protected and maintained in perpetuity by means of deed restrictions, that the proposed stormwater facilities will be approved by the Stormwater Management Technician prior to the stamping of the final subdivision plan, written sign-off from the Saratoga County Sewer District is provided, and satisfaction of all items listed in the final comment letter issued by the Planning Department. Ayes: Ophardt, Andarawis, Bagramian, Prescott, Neubauer, Koval, Ferraro. Noes: None.

### **Old Business:**

[2016-029] **Prestige Motor Car** – Proposed 7,120 SF addition to existing two-story warehouse building, 1926-1928 Route 9 – Preliminary site plan review and possible determination. SBL: 259.-2-108

Mr. Tom Andress, consultant for the applicant, presented this application that was last reviewed by the Board at its May 31, 2016 meeting. The project plan remains generally as presented, though minor revisions have been made to the site plan to reflect comments and recommendations issued at that time. In a letter addressed to the Planning Department dated June 6, 2016, Mr. Andress provides written responses to issues raised by Mr. Scavo, Mr. Myers, and M J Engineering and Land Surveying, P.C. Highlighting a few of the more significant concerns, Mr. Andress reported that the stormwater management area will be constructed to conform to previously approved plans, fire access standards have been met, proposed lighting fixtures have been shown on the plan, the total number of parking spaces is included, and information regarding approved variances have been noted. Mr. Andress has submitted a Flood Certification which shows that all buildings are outside of the 100-year flood plain boundary. 100-foot measurements for the LC zone buffer have been shown from the high water mark. Fencing has been added to the stormwater management basin. The speaker noted that the existing Stormwater Pollution Prevention Plan remains unchanged. All technical issues identified by Mr. Bianchi have been addressed. Mr. Andress explained that though the applicant has not provided a building elevation for the Board's consideration, the building will be constructed of materials used for those existing on the site.

Mr. Scavo reported that the Trails Subcommittee requested that a bike rack be installed near the building's entranceway. Mr. Andress explained that a bike rack would be unnecessary since bicycles could be secured within the building(s).

Mr. Scavo explained that Mr. Myers, Director of Building and Development, offered the following comments regarding this application in a memo dated June 9, 2016. The stormwater

pond as constructed does not resemble the one illustrated on approved site plans. It must be built as required by previous approvals. The flood elevation certificate appears correct and must remain as part of the permanent record. Mr. Myers asked that the applicant explain the reason why the 1988 datum was converted back to 1929. He noted that the certificates reflect two different sites. A plat plan specifically noting these locations should be provided since the floor elevations are different. NO PARKING – FIRE LANE signs need to be posted on the rear of the western building and in the access area shown near the stormwater pond.

Mr. Scavo reported that the ECC offered the following comments regarding this application after review at its June 21, 2016 meeting. The proposed addition to the south leaves no space for maintenance or fire protection without intrusion into the LC zone and/or ACOE wetland. The building should be relocated and/or reduced to limit the disturbance to the LC zone and ACOE wetlands. The construction of the proposed addition to the south appears to impact the ACOE wetland. If the project is approved as designed, the applicant shall obtain appropriate permits from the regulatory agencies. The fire protection district should be consulted to ensure that they are comfortable in being able to meet fire protection needs and limit the intrusion into the ACOE wetlands during an emergency.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, provided the following comments regarding this application. The applicant should provide documentation for the additional disturbance of the storm line outlets and rip-rap areas that are shown in the ACOE wetlands. The applicant is asked to provide a note on the plan stating that the roof drains from the existing 2 story warehouse (1928 Route 9) will be rerouted from the 24” HDPE that directly discharges into the wetlands to the 18” HDPE that will flow into the stormwater management area. Since the original Stormwater Pollution Prevention Plan was prepared by Environmental Design Group and ABD Engineers and Surveyors is making the revisions to the stormwater a new NOI should be updated and filed by ABD Engineers and Surveyors. There is an existing storm line linked with catch basins and manholes in the center of the existing parking lot: the plan does not show where this storm line outlets. The plan also shows a connection from the drip edge piping from the Automotive Service Building (1926 Route 9) to an existing catch basin and rerouted to the stormwater management area. The plan should be updated to reflect all existing conditions to verify what work has been done and what work still needs to be completed. The stormwater report information submitted references a wet pond but there is no permanent water elevation in the HydroCAD modeling. Since the designed stormwater management area is not yet installed, the location of the basin or the location of the proposed buildings should be relocated to maintain a 25 foot buffer between the maximum water surface elevation and any permanent structure. This project borders the Dwaas Kill a NYSDEC 303(d) segment impaired by pollutants; therefore, the stormwater management area should be installed immediately and all proper connections to the stormwater management area should be made.

Mr. Scavo offered the following comments prepared by the Planning Department. This project was forwarded to the Saratoga County Planning Board for its consideration and recommendation. That Board issued a decision on June 16, 2016 which states that the project will have no county-wide impact. It appears that the current submittal has adequately addressed all nine previous comments offered in the Planning Department review letter dated May 20, 2016. The sign shown below should be shown on the final site plan with placement locations. Such signs should be located on the building adjacent to the fire access roadway and comply with §16.04.015(B) of the International Fire Code that states:

Signs shall be 12" x 18" and shall have letters and background of contrasting colors, readily readable from at least a 50 foot distance. Signs shall be posted at a minimum no further than 50 feet apart, unless a greater distance is deemed reasonable by the Fire code official, nor shall they be more than 4 feet from the ground unless a greater height is determined necessary by the Fire code official.



Mr. Bianchi stated that, after review of the application, M J Engineering and Land Surveying, P.C. provided the following comments. As noted in Comment 5 of the May 20, 2016 comment letter, the site plan appears to show utilities that extend into the ACOE regulated wetlands and were not shown this way on the last site plan amendment of 2013. The applicant has indicated that field observations suggest the wetlands are below the outlet. The wetland boundaries should be modified based upon observed site conditions and any additional permitting from ACOE should be obtained if necessary. As noted in Comment 6 of the May 20, 2016 review letter, the applicant was asked to provide additional information on how the building will be constructed without impacting the wetlands. The response is appropriate. It is recommended that, as a precautionary measure, orange construction and silt fencing be erected along the wetland boundary in proximity to the building addition. As noted in Comment 8 of the May 20, 2016 review letter, it was noted that with the changes to the site plan, the Stormwater Pollution Prevention Plan may need to be updated. The applicant has furnished a partial narrative and HydroCAD model. It is required that the SWPPP of record be formally amended, along with the NOI, if necessary. Comment 9 of the May 20, 2016 review letter recommended that the applicant furnish elevations of the proposed building for review by the Planning Board. The applicant has indicated the building will be a standard metal building of the same design as the original addition. The Planning Board shall determine whether this is acceptable. Pipe slopes of the new 18-inch diameter HDPE storm pipe that passes through the proposed building addition must be labeled. The locations where roof drainage is to be collected and conveyed to the site storm sewer must be indicated. The relevant construction details applicable to this site plan amendment or made reference to in the site plans of record for the same must be provided. The applicant is asked to confirm that the starting elevation of 189.00' in the HydroCAD model for Pond 6P is representative of the permanent pool elevation of the wet pond and label it as such on the site plans.

Mr. Koval questioned whether or not the site plan notation regarding the number of vehicles which may be displayed in the front of the site is accurate. Mr. Andress will make certain that the note accurately reflects the correct number of spaces approved by the Planning Board during previous site plan reviews. [Author's Note: Review of approved site plans after the meeting indicates that the approved number of display vehicle spaces was 17.] Mr. Ophardt encouraged the applicant to limit the number of large vehicles and locations where they are stored since there

appears to interference with emergency services accessibility. Mr. Andress stated that parking spaces will be dedicated on the site when the proposed building is constructed and sign-off from Ms. Reed, Chief of the Bureau of Fire Prevention will be required prior to the issuance of a Building Permit. Mr. Andress spoke to some of the concerns expressed by Mr. Reese, stating that the stormwater facility has been only partially constructed to date: all stormwater concerns will be addressed. Mr. Ferraro commented that previously approved site plans for the site reflect an administrative change required by Ms. Reed to the northerly portion of the site after Planning Board approval was issued. The required change necessitated the placement of additional impervious surface to the site. His current concern is that such a change may be required along the westerly side of the proposed building to accommodate emergency access. Mr. Andress explained that the applicant is able to demonstrate adequate emergency access to this building and, therefore, no additional pavement is anticipated. Mr. Ferraro was adamant that if Ms. Reed requires modification of the site plan, the plan must come back to the Planning Board for its review and possible amendment, citing environmental concerns as rationale for such a requirement. He did view the increased protection of the Dwaas Kill as a positive result of the site's redevelopment. Mr. Ferraro observed that a split rail fence with welded wire would be more visibly appealing than the existing chain link fence that now surrounds the stormwater management area.

Mr. Prescott moved, seconded by Mr. Neubauer, 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 Ms. Bagramian, to grant preliminary and final site plan approval to this application conditioned upon submission of a jurisdictional approval letter from the ACOE, the vehicle display area to the north be limited to 17 vehicles, that split rail fencing with welded wire mesh be installed around the stormwater management area, that any final sign-off from emergency services or the Stormwater Management Technician that results in modification of the conditioned final site plan will require Planning Board approval, and the satisfaction of all items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

[2016-024] **Clifton Country Road Expansion** – Parking lot expansion, 9 Clifton Country Road – Preliminary site plan review and possible determination. SBL: 2272.-1-33.2

Mr. Tom Andress, consultant for the applicant, introduced both Mr. Tim Miller and Mr. Bob Miller, Jr., applicants, who were in attendance at the meeting. He then apologized to Mr. Ophardt and all Board members for the errors on the survey presented at the last meeting that did not reflect true site conditions. He reported that a full survey has been completed and the plan submitted at this meeting accurately reflects existing site conditions. Mr. Andress addressed several of the issues of concern raised regarding this application at the May 31, 2016 Planning Board meeting. During that session an apparent discrepancy in dimensions between the site plan presented and actual existing site conditions was discussed. Mr. Andress explained that his firm initially relied on an expansion design for the parcel prepared several years ago. It has now been determined that there is additional green area between the proposed new pavement edge and the sidewalk which allows for the preservation of one of the two large trees along the entrance drive to the plaza. A new landscaping plan which includes a patio area with benches and shrubbery has

also been shown on the plan. Addressing Mr. Scavo's concerns, Mr. Andress reported that the required white striping for the parking spaces has been added to the plan and handicapped spaces have been modified to meet current standards. Referencing comments issued by Mr. Myers, Mr. Andress explained that Board members appeared receptive at the May 31, 2016 meeting to the incremental design changes recommended in the form-based code to gradually bring the existing property into conformance with Town Center Zoning regulations. He noted that the stormwater is being handled as part of the adjacent site's redesign and will fully compensate for the minimal increase in impervious area, explaining that the stormwater management basin for Village Plaza operates with a significant amount of additional capacity and is able to handle the small amount of additional drainage.

Mr. Scavo reported that the ECC, Trails Subcommittee, and Mr. Reese, Stormwater Management Technician, all found the project plan acceptable and offered no additional comments on the application.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comment in a memo dated June 9, 2016. The proposed freestanding sign is being considered by the Department of Building and Development "as a separate issue." All other issues identified during previous reviews "appear to have been satisfactorily addressed."

Mr. Scavo provided comments prepared by the Planning Department. Comments provided in a letter to the applicant on May 20, 2016 appear to have been adequately addressed. Any motion for approval by the Planning Board should include the following statement:

The Planning Board hereby grants a waiver for certain dimensional requirements prescribed by the TC-6 Zoning District specific to this site plan modification. Such waiver specific to this site plan modification is being issued pursuant to §208-21(3) of the Town Code. The Planning Board understands that the proposed modifications are occurring on a property which already consists of a non-conforming structure and improvements.

Mr. Bianchi read the comments issued by M J Engineering and Land Surveying, P.C. after review of the revised preliminary application. As noted in Comment 3 of the May 20, 2016 review letter, it appears that there are building mounted flood lights that illuminate the remaining portions of the parking lot. If so, these fixtures should be removed and replaced with similar ground mounted fixtures being proposed so that there are appropriate lumens in the parking lot. Should the Planning Board grant relief for the exterior improvement standards associated with the TC6 District, appropriate notation shall be placed on the plans identifying the extent of relief, date relief was granted, and board resolution number.

Mr. Andress explained that it is possible that the proposed development of the site directly south of this parcel will influence the type of lighting and fixtures that are used for this property: incorporation of the same type of lighting will add a cohesive feature to the entire area.

In response to Mr. Ophardt's question concerning the preservation of trees on the site, Mr. Andress explained that the applicant has been able to preserve two existing large maple trees in the area of the existing identification sign for the shopping center. Mr. Andarawis thanked the

applicant for the proposed improvement at the corner since it enhanced pedestrian accommodations. Mr. Neubauer questioned what types of materials would be used in the patio area. Mr. Address explained that it was likely that stamped pavers would be utilized to define the patio area which will be surrounded by low-growing shrubbery and brightened by colonial-style lighting fixtures. Mr. Ferraro commented that the corner containing the identification sign is a “very visible” intersection, and, though the Planning Board has no authority to review signage, the applicant is encouraged to install a visibly pleasing identification sign. He mentioned that the town may be interested in making improvements to the mall area, possibly utilizing funds from the new hotel tax that will likely receive the required state legislative approval in the near future. Mr. Bob Miller, applicant, explained that it is the owner’s intention to replace the existing monument sign with a pylon sign that allows for identification of several of the center’s tenant businesses, presenting a sketch plan of the new internally lit sign design under consideration. Mr. Ferraro asked that – if the signage as proposed would require a variance from the Zoning Board of Appeals – the Planning Board be afforded the opportunity to comment on the proposal. Mr. Neubauer pointed out that the Town Center zoning ordinance requires certain standards for development with regard to types of materials used for construction, the amount of materials used, and design patterns. He encouraged the applicant to utilize materials and design elements that would adhere to those same standards. Mr. Koval pointed out that the Planning Board has no authority to review sign designs and noted that the Town Center zoning code relieved the Planning Board of much of the decision making regarding signage by placing that responsibility with the Director of Building and Development and the Director of Planning. Mr. Miller spoke to Mr. Neubauer’s concerns explaining that the sign design being considered contains a stone veneer and “town-approved materials.” Mr. Neubauer commented that sign design standards are “conspicuously absent” in the town’s form-based code. Mr. Pelagalli pointed out that the form-based code refers signage review to Chapter 179 of the Town Code. Mr. Ferraro explained that although the form-based code does give significant latitude to the town to determine how build-out should occur, it was important to encourage “good overall design” that reflects the intent of those zoning standards. Mr. Ferraro asked that the trees slated for removal be clearly identified on the plan and recommended that an additional maple tree be planted near the proposed pylon sign. Mr. Miller explained that he was attempting to keep “the view corridor open” and that placement of hedge-sized plantings in the area would be more feasible. Though he appreciates the applicant’s desire for maximum visibility, Mr. Ferraro commented that it was important to create an “appealing environment for the pedestrian” as well as the driver. Mr. Koval recommended the installation of a dwarf-type tree species to achieve the aesthetically pleasing space which Mr. Ferraro calls for, though Mr. Miller argued that the “framing” created by the proposed trees is sufficient for the area. The applicant agreed to consider the installation of such species as flowering crab to enhance the area.

Mr. Ophardt moved, seconded by Ms. Bagramian, 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. Prescott moved, seconded by Ms. Bagramian, to waive certain dimensional requirements prescribed by the TC-6 Zoning District specific to this site plan modification. Such waiver specific to this site plan modification is being issued pursuant to §208-21(3) of the Town Code since the Planning Board understands that the proposed modifications are occurring on a

property which already consists of a non-conforming structure and improvements. The Board also grants preliminary and final site plan approval to this application conditioned upon submission of a plan for the proposed identification sign for Planning Board review and recommendation should it require a variance from the Zoning Board of Appeals, the installation of a 5' tall flowering crab tree to the area near the proposed patio, and satisfaction of all items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

**New Business:**

There were no items of new business scheduled for this evening's meeting.

**Discussion Item:**

[2016-026] **Verizon Wireless Cell Tower** – Approval of Special Use Permit #81093 to allow installation of a telecommunications tower in an R-1 zone and site plan review, 329 Moe Road – Conceptual review. SBL: 277.-3-11.11

Mr. Ferraro introduced this application, explaining that the item was included on the agenda for informational purposes only. The application must be reviewed by the Zoning Board of Appeals at its July 19, 2016 meeting for consideration of a use and area-setback variances.

Mr. Hyde Clarke, Esq., Regional Local Counsel, explained that CELLO PARTNERSNIP d/b/a Verizon Wireless proposes the construction of an unmanned public utility/personal wireless service facility on a 100' x 100' (10,000 SF) portion of lands currently owned by Gordon and Valerie Just. The property is situated on the easterly side of Moe Road approximately one-half mile south of its intersection with Grooms Road. The project plan includes the construction of a 100' (104' when including a 4' lightning pole), one 11.6' x 16' equipment platform and all associated antennas, improvements and access/utilities. The speaker explained that the project is an allowable land use subject to the applicant obtaining a Special Use Permit and site plan approval from the Town of Clifton Park Planning Board. In addition, since the proposed telecommunications facility is in an R-1 zoning district, a use variance is required from the Zoning Board of Appeals. The purpose of the communications facility, which is part of a multi-million dollar comprehensive upgrade of the Verizon Wireless network in Saratoga County, is to expand advanced services to the southeastern portion of the town.

Mr. Clarke explained that the communications facility will consist of twelve (12) panel antennas mounted at the top position of a proposed 100' monopole, an unmanned equipment platform measuring 11.6' x 16' in size, cabling connecting the antennas to the equipment platform, and associated cabling, and all related ground equipment and utility services. The facility will be located on a 100' x 100' lease area. A 30' wide easement area will provide the applicant with access and utility services to and from the premises. Access to the area will be provided by an existing paved driveway and a proposed gravel access road that will connect the end of the existing driveway with the tower compound. Utilities will be installed underground in a trench adjacent to the access drive. A six (6)' high chain link safety fence with three (3) strands of barbed wire on

top will be installed to secure the tower site and protect the tower and equipment from unauthorized access.

Mr. Clarke called Board members' attention to tab #6 of the application packet. He then discussed the site selection process including the "area of need," area of existing coverage, analysis of other possible sites, and the area of expected coverage once the proposed tower is constructed. The speaker explained that a test of visibility has been conducted. He reported that the tower has been designed to accommodate additional telecommunications providers. No additional screening will be required at this time. A noise assessment letter has been provided to the town describing the anticipated noise levels for the operating generator which is expected to run about 45 minutes per week.

In response to Mr. Ophardt's question regarding the size of the diesel fuel tank required to support the generator, Mr. Clark explained that there is storage of approximately 200 gallons of fuel on site. Double wall containment and emergency spill response information will be provided on site. Mr. Ferraro observed that parcels directly to the south would have direct views of the tower. Mr. Pelagalli explained that the use variance is required because the application calls for the installation of a new, free-standing monopole, noting that the required use variance must be approved prior to consideration of the area variance. Mr. Ferraro informed members of the audience that information regarding the application is available at the Planning Department and Building Department located within the Town Hall. The Zoning Board of Appeals will consider the variance requests at its July 19, 2016 meeting.

Mr. Ferraro commented that although the Planning Board is interested in the proposal, there is no action to be taken prior to Zoning Board review. Mr. Andarawis questioned whether or not the proposed height of the tower would be considered by the Zoning Board. Mr. Pelagalli explained that the Zoning Board was charged simply with determining whether or not a use variance was reasonable. In response to a question from the audience regarding lighting on the tower, Mr. Clarke reported that the applicant has not yet decided if lighting will be necessary. Mr. Ferraro pointed out that the property was in the direct flight path of the Albany Airport, though Mr. Scavo explained that prior projects have not required lighting due to the proximity to flight patterns. Board members did not comment positively or negatively on the application.

Mr. Ophardt moved, seconded by Ms. Bagramian, adjournment of the meeting at 8:35p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on July 12, 2016.

Respectfully submitted,

Janis Dean, Secretary

**NOTICE OF DECISION**

**Resolution #12 of 2016**

**Preliminary and Final Subdivision 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 June 28, 2016, there were:

Present: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, J. Koval, A. Neubauer,  
E. Ophardt, E. Prescott  
J. Jones – Alternate Member

Absent: None

Mr. Koval offered Resolution #12 of 2016, and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by M J Properties of Clifton Park for approval of a subdivision entitled Subdivision and Lot Line Adjustment 1, 4, 8, 10, 12 Fairchild consisting of (4) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 28, 2016;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a conditional negative declaration was issued pursuant to SEQRA on June 28, 2016;

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 for this application is waived and the subdivision plat entitled Subdivision and Lot Line Adjustment 1, 4, 8, 10, 12 Fairchild Square is granted preliminary and final approval conditioned upon assurance that the buffer area will be protected and maintained in perpetuity by means of deed restrictions, that the proposed stormwater facilities will be approved by the Stormwater Management Technician prior to the stamping of the final subdivision plan, written sign-off from the Saratoga County Sewer District is provided, and satisfaction of all items listed in the final comment letter issued by the Planning Department.

Resolution #12 of 2016 passed 6/28/2016

Ayes: Ophardt, Andarawis, Bagramian, Prescott, Neubauer, Koval, Ferraro

Noes: None

Rocco Ferraro, Chairman

