

Clifton Park Planning Board Meeting Minutes

December 10, 2002

Those present at the December 10, 2002 Planning Board meeting were:

Planning Board: K. O'Brien, Chairman, S. Bulger, B. Czub, R. d'Amico, J. Larkin, J. Marzola, J. Russell

Those also present were: J. Kemper, Director of Planning, J. Grasso, Clough, Harbour, and Associates, P. Pelagalli, Counsel

Mr. O'Brien, Chairman, called the meeting to order at 7:10p.m.

Public Hearings:

[2002-036] Mildred Peck Trust – Proposed (2) lot subdivision, Clifton Park Center Road – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order and the Secretary read the public notice as published in the Daily Gazette on November 30, 2002.

Mr. Nicholson, Environmental Design Partnership, presented a brief history of this project. He explained that this application was first presented to the Board on July 9, 2002 at which time the applicant proposed the subdivision of 66 acres in two phases. The first phase consisted of the creation of four lots that would establish access points for roadways and utility lines for a planned 49-50 lot residential subdivision. The Board identified several issues to be addressed. On August 13, 2002, a revised plan was again presented for review. At that meeting the Board agreed that a cluster subdivision would be appropriate for the site, though the issues of acceptable sight distances at the access points on both Miller Road and Clifton Park Center Roads, wetland delineations, and multi-use pathway locations were of concern. On September 24, 2002 a revised plan for a (5) lot subdivision was presented to the Board. Board members were reluctant to review the proposal in phases since the development of the layout, configuration, and density of the project would be dependent upon first-phase approvals.

The plan presented this evening calls for the subdivision of the 66 acres into lots of 2.3 acres containing the existing home and accessory buildings and the remaining lands. According to the consultant, this plan is presented in order to resolve legal issues involving the family trust. Required setback requirements for the existing residence have been respected and the plan proposes a common ingress/egress access easement from the remaining lands to Lot #716.

Mr. Kemper explained that this project last appeared before the Board on September 24, 2002 as a five lot subdivision. Descriptions for the ingress/egress easement and land to be

deeded to the Town of Clifton Park for highway purposes should be provided. The plan should clarify the method of connecting the existing driveway to the possible future road. The airport note should be added to the plans. A note should be added to the plans stating that the larger lot will be further subdivided in the future. A multi-use path will be required when future development is proposed on the larger parcel. The ECC had no comments on the project.

Mr. Grasso, Clough, Harbour, and Associates, stated that if full build-out development plans for the remaining lands do not progress and the new lot is developed with a new single-family residence, the location of the access to the lot shall be subject to additional review and approval by the Planning Board. This should be so noted on the subdivision plan.

Mr. Bob Hayes, 32 Michelle Drive, asked if the cluster proposal had been revised. Mr. Nicholson explained that plans for the cluster subdivision on the remaining lands of the Mildred Peck Trust have not been changed.

Ms. Elaine Frederick, resident of Miller Road, requested clarification of the method for connecting the existing driveway to the proposed future road. She also commented that sight distance in the area of the driveway was extremely limited.

Mr. Nicholson explained that a driveway easement has been provided for the existing residence until a "reasonable and safe" location is established for the proposed future road. Mr. d'Amico recommended that language be included in the deed for the 2.3 acre parcel that requires the owners to abandon the easement and access Clifton Park Center Road via the new street upon installation of that roadway.

There being no further public comment, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 7:30p.m. The motion was unanimously carried.

Mr. O'Brien moved, seconded by Mr. d'Amico, 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. Larkin offered Resolution #38, seconded by Mr. d'Amico, to grant preliminary and final approval, waiving the final hearing, for this application conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso and Mr. Pelagalli's approval of a note regarding the elimination of the ingress/egress easement for Lot #716. Ayes: Larkin, Czub, d'Amico, Bulger, Marzola, Russell, O'Brien. Noes: None.

[2002-069] Breen, John F. and Patricia A. – Proposed (2) lot subdivision, 447 Moe Road – Preliminary public hearing and possible determination.

Mr. O'Brien, Chairman, called the public hearing to order at 7:35p.m. The Secretary read the public notice as published in the Daily Gazette on December 4, 2002.

Mr. Gil VanGuilder, Gilbert VanGuilder Land Surveyor, LLC, consultant for the applicant, explained that this application was presented to the Planning Board at its meeting of November 26, 2002. At that time the Board found the plan generally acceptable. The conditions imposed by the Board were that the existing and proposed residences must connect to the public water system and that the wetlands adjoining the property must be protected by land preservation restrictions: the applicant will adhere to these conditions.

Mr. Kemper explained that this project last appeared before the Board on November 26, 2002, at which time the two main issues at that meeting were protection of the land preservation areas and the connection of the homes to the municipal water supply. Mr. Kemper asked that test pit results be submitted for review. He also requested that the date and firm that performed the wetland delineation be placed on the plot plan.

Mr. Kemper reported that the ECC asks that the following standard statements be added to the plot plan:

- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone.
- No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).

The ECC also recommends that the LC Zone be delineated on individual plot plans and that any future construction should look into the feasibility of connecting to the public sewer.

Though Mr. Grasso did not submit written comments from the engineering firm, he stated that the standard note for septic design must be added to the plan and that test pit information must be submitted for review.

There being no public comment, Mr. Russell moved, seconded by Mr. Larkin, to close the public hearing at 7:40p.m. The motion was unanimously carried.

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

Mr. Marzola offered Resolution #39, seconded by Ms. Czub, to grant preliminary and final approval to this application conditioned upon the satisfaction of the comments offered by Mr. Kemper and Mr. Grasso. Ayes: Larkin, Czub, d'Amico, Bulger, Marzola, Russell, O'Brien. Noes: None.

[2002-055] Yum Brands – Proposed 230 SF addition to the existing Taco Bell restaurant,

811 NYS Route 146 – Final site plan review.

Mr. Rob Spiak, Bohler Engineering, explained that this project has been presented for Board review on two previous occasions. The plan remains basically as presented at the meeting of September 11, 2002 at which time the applicant proposed a 230 SF addition and a change to the façade to represent both Taco Bell and Long John Silvers. Board members deferred consideration of the application until the trees that were removed from the site had been replaced. Upon replacement of the trees, the applicant resubmitted the application for the October 22, 2002 meeting. Though Board members issued a negative declaration pursuant to SEQRA and preliminarily approved the plan, they asked that the applicant revise the architectural design: they preferred the existing mansard roof to the proposed “straight line” design.

Mr. Spiak asked that the Board approve the plan as presented since his client, Yum Brands, Inc., is proposing this new concept in order to establish a “consistent prototypical brand identification” throughout the country. He presented photographs of the restaurant being constructed in Albany for the Board’s consideration.

Mr. Kemper reported that this project last appeared before the board on October 22, 2002 at which time the Board issued a negative SEQRA determination and granted preliminary site plan approval conditioned upon the applicant providing revised architectural renderings for review by the Board. As Mr. Spiak explained, revised architectural renderings have not been submitted to the Planning Department: the applicant requested that members reconsider the architectural renderings that were presented for preliminary approval. Mr. Kemper noted that the ECC had no comments on the project.

Mr. Grasso, Clough, Harbour, and Associates, stated that although all engineering concerns have been satisfied, it did not appear that the Planning Board’s concern regarding the aesthetics of the building have been addressed.

Mr. O’Brien expressed his disappointment at the applicant’s failure to consider an alternative plan that would include a more interesting roofline.

Mr. O’Brien moved seconded by Ms. Czub, to grant final approval to this application, an unlisted action, conditioned upon the applicant’s agreement that there will be no flags installed at the site. The motion was unanimously carried.

[2002-071] Equine Training Center – Proposed 360 SF barn for hay storage, 394 Riverview Road – Preliminary site plan review and possible determination.

Mr. Hank LaBarba, H.V. LaBarba & Associates, explained that this application proposes the construction of a hay storage facility on the property known as Trade Winds Farm. The barn will be a 360 SF, one-story metal building approximately 12’ in height constructed on a slab. This storage facility will be constructed of the same materials as the arena facility and will be readily accessible from the driveway and internal roads. It will be setback from the existing building by 15’ and placed 40’ from the western

property boundary. These distances are acceptable according to the NYS Building Code. The building will have one exterior 100-watt light and several interior lights. No lights will be visible from any neighboring property. The project will have minimal impact on the environment. No water, sewer, drainage, or wetlands are impacted by the proposed building.

Mr. Kemper explained that the project last appeared before the Board on November 26, 2002. The only outstanding issues remaining from that meeting were the mailing of the 500' notifications and a signoff from Sheryl Reed. Ms. Reed subsequently approved the site plan.

Neither Mr. Grasso nor the ECC offered comments on the application.

Mr. O'Brien moved, seconded by Ms. Czub, 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. d'Amico moved, seconded by Ms. Czub, to grant preliminary and final site plan approval to this application. The motion was unanimously carried.

[2002-075] New York Development Group, Inc. – Proposed (12) lot subdivision, 417 Moe Road – Conceptual review.

Mr. Gil VanGuilder, Gilbert VanGuilder Land Surveyor, LLC, consultant for the applicant, outlined this project proposal that calls for the subdivision of 7 acres of land on the east side of Moe Road, approximately 500 feet south of Kingswood Drive into 12 residential lots. The lots will connect to public water and sewer and will be accessed by a 1130-foot long public road. With the exception of a 30-foot front building setback line, the lots will meet all R-1 requirements: the applicant will request a 20-foot front yard setback area variance from the Zoning Board of Appeals. Mr. VanGuilder noted that the project adjoins other residential properties.

Mr. VanGuilder provided additional development details. The applicant proposes to relocate the existing residence on the parcel to a parcel fronting directly on Moe Road. Low-pressure grinder pumps will be installed and connection will be made to the existing Country Knolls Sanitary System. It has been determined that there is sufficient capacity to handle the estimated additional flows. The stormwater management area has been located at the lowest portion of the site, south of the access drive adjacent to Moe Road.

Mr. Kemper explained that the proposed project is a Type 1 action under SEQRA and as such coordinated is required. Involved agencies are the N.Y.S.D.E.C., N.Y.S.D.O.H., S.C.S.D., C.P.W.A., and the Saratoga County Planning Board. Sheryl Reed, Chief of the Bureau of Fire Prevention, requests that the applicant submit a proposed street name for the project so that postal addresses may be properly assigned. Mr. Kemper also stated that a signoff will be required from CK Sanitary. Lot dimensions and the method of stormwater management should be provided with the next submission. He recommended

that buffer areas be established along the existing residential parcels. He commented that the overall density of the project seems excessive considering the width of the overall lot, depth of proposed lots, and the lack of any form of stormwater management. The houses located across Moe Road should be depicted on the plot plan to determine the impact of cars exiting the site. The purpose of the 30' wide utility easement shown on the plan should be clarified. Any wetlands located on the project site should be delineated and depicted on the plan. A memo from Don Clemens dated December 10, 2002 indicates that this project will require a front yard setback variance from the required 50 foot setback. He strongly urged the Planning Board to require installation of exterior grinder pumps in locations at least 15 feet from paved surfaces. He questioned whether or not the existing 2" force main will be capable of handling the flow produced by the additional homes.

The ECC recommends that the following standard statements should be added to the plot plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

The ECC also asks that the applicant should submit a Stormwater Management Plan for review by the Town's Engineer and the ECC. The ECC notes that there appears to be a very high water table in the area and construction methods should take this into account. This notation should be marked on each individual plot plan.

Mr. Grasso, Clough, Harbour, and Associates, explained that because the proposed project contains more than four lots less than five acres in size, it is considered a Realty Subdivision by NYSDOH, and therefore, is a Type 1 action pursuant to SEQR. Coordinated review is required. Involved agencies are expected to include the following: Town of Clifton Park Planning Board – Subdivision Approval; C.P.W.A. – Water Connection Permit; S.C.S.D. #1 – Sewer Connection Permit; Saratoga County Planning Board – Section 239 Referral; N.Y.S.D.O.H. – Realty Subdivision Approval and Water Supply System Approval; N.Y.S.D.E.C. – Wastewater Disposal System Approval and SPDES Permit for Stormwater Discharges.

The engineering firm offered additional comments. The plans should show existing topography and any environmental constraints including streams, wetlands, vegetation, etc. Additional detail should be provided with respect to the proposed method of stormwater management. Given the small size of the subdivision, creation of a new stormwater management area further downstream that serves more than the project site, or alternatively, use of an existing stormwater management area, should be investigated.

Because the use of low-pressure sewer (grinder pump) systems is less desirable when

gravity sewer service is in the project site area, tying into gravity sewers in the area including Royal Oak Drive should be investigated. A copy of the confirmation from CK Sanitary and the SCSD #1 that the proposed method of sewer service is acceptable should be submitted. The plan should clarify the purpose and grantee of the utility easement along the southern property line.

In response to Mr. O'Brien's comment that the proposed development appears too intense for the site, Mr. VanGuilder explained that although the lots lack depth, the applicant has provided substantial width, allowing for landscaping between the properties. Mr. d'Amico pointed out that incorporation of the approved Delgaudio subdivision that borders the northern property line would offer an option for increasing lots to meet all zoning requirements. Mr. VanGuilder noted that all lots in the Delgaudio subdivision have been sold: there is no longer an option to combine these contiguous properties.

Mr. d'Amico expressed concern about the eastern portion of the property that adjoins properties on Royal Oak Drive noting that some residences in that area of Evergreen Estates have experienced problems with high ground water and lack of drainage. He recommended that the applicant investigate the potential impacts of this additional development on that area. Mr. VanGuilder took note of the request and stated that drainage patterns and test pit information will be evaluated.

Following Mr. Bulger's request that the applicant consider a reduction in the number of lots, Mr. O'Brien advised Mr. VanGuilder to discuss alternative subdivision plans with his client since it appeared that Board members agreed that the proposed plan was too intense for the site. Since setback variances would be required, the members agreed that the applicant should consider reducing the number of proposed lots.

[2002-073] Curnyn Meadows (Eleven and Company, LLC) – Proposed (20) lot subdivision, Grooms Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, described this application that calls for the subdivision of 143 acres in an R-3 zone into (20) lots. This subdivision is located on the northern side of Grooms Road approximately 1,000 feet west of the intersection with Droms Road and along the westerly side of Miller Road. The applicants plan to connect to the Saratoga County Sewer District #1 and to the Clifton Park Water Authority by way of the Settlers Hill subdivision. All lots will exceed the minimum requirements of the R-3 zone in order to accommodate large "estate-type" homes. Mr. VanGuilder explained that the site contains extensive NYSDEC designated wetlands as well as federally jurisdictional wetlands. A NYSDEC permit will be required to make the utility connections. Approximately 66 acres of land will be set aside as open space.

Mr. Kemper explained that this project is a Type 1 action under SEQRA and as such coordinated review is required. Involved agencies will include Saratoga County Planning Board and D.P.W., N.Y.S.D.E.C., N.Y.S.D.O.H., C.P.W.A., and S.C.S.D. Sheryl Reed asked that the proposed street name be added to the plot plan. Due the large project site

and magnitude of wetlands, it was recommended that a cluster subdivision option should be explored. The applicant should incorporate a multi-use path from the proposed development into the Settler's Hill Subdivision. The date and firm that performed the wetland delineation should be placed on the plot plan and any proposed wetland disturbance should be shown on the plan. The applicant should consider shifting the proposed road to the east to provide additional open space along the land owned by Niagara Mohawk. Sign-offs will need to be provided from N.Y.S.D.E.C. and the A.C.O.E. A memo from Pat Haffner, Director of Parks and Recreation, dated December 10, 2002, states that she has reviewed the plans and supports Mr. Kemper's recommendation that there be a connecting trail between this subdivision and Settler's Hill. A memo from Don Clemens, dated December 10, 2002, states that Lot #6 is less than the minimum required 100,000 sq ft. lot size in the R-3 zone. He encouraged the Planning Board to require the installation of exterior grinder pumps at least 15 feet from paved surfaces. The applicant should clarify whether or not Lots #19 & 20 will be served by individual wells and septic systems.

Mr. Kemper read the ECC comments. The following standard statements should be added to the plot plan:

- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federal jurisdictional wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone and/or federal wetlands.
- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.
- No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).

The following additional comments were issued by the ECC. The applicant should submit a Stormwater Management Plan for review by the Town Engineer and the ECC. The plan should identify the source of water and sewer for Lots #19 and 20. The applicant should indicate the planned use of the open space areas.

Mr. Grasso explained that because the proposed project involves a subdivision with four or more lots less than five acres it is considered a Realty Subdivision by NYSDOH, and therefore, is a Type 1 action pursuant to SEQR. As such coordinated review is required. Involved agencies are expected to include the following: Town of Clifton Park Planning Board – Subdivision Approval; C.P.W.A. – Water Connection Permit; S.C.S.D. #1 – Sewer Connection Permit; Saratoga County Planning Board – Section 239 Referral;

Saratoga County Department of Public Works – Curb Cut Permit; N.Y.S.D.O.H. – Realty Subdivision Approval and Water Supply System Approval; N.Y.S.D.E.C. – Wastewater Disposal System Approval, Article 24 Wetland Permit and SPDES Permit for Stormwater Discharges Associated with Construction Activity.

Clough, Harbour, and Associates offered a number of additional comments and recommendations. Given the extent of wetlands within the site and potential for incremental impacts due future lot development, strong consideration should be given to the use of a cluster subdivision design for the project site. The proposed open space shown on the plan appears to be predominately wetland and protected through existing land use legislation. As such, the proposal to deed it to the Town lacks significant merit. A sketch of a possible cluster layout that provides the same number of lots was presented for the Board's consideration.

It appears that sewer service for the lots will be by individual grinder pumps discharging to a common low-pressure sewer system. Generally, the firm does not support use of grinder pump systems for residential developments where additional development is likely to occur nearby. Use of a gravity collection system that will have the potential to serve as much area as practical with a municipally owned and maintained pump station is recommended. The proposed force main and water main routing through the wetlands should be accomplished by directional boring to minimize environmental impacts.

It appears that the front yard setback for Lot #19 is proposed to be less than 100 feet from the road centerline. Although this is consistent with the setback of other adjacent structures along Grooms Road, a front yard variance may be required if this lot is not subject to the open space subdivision provisions. The adequacy of sight distance onto Groom Road should be verified and shown on the plan.

The project will have an impact on the demand for recreational resources within the Town, specifically non-vehicular transportation modes. As such, consideration should be given to construction of a multi-use pathway through the development's open space areas to the Settler's Hill multi-use pathways to the northeast, or to a multi-use pathway along Grooms Road. Clough, Harbour, and Associates does not recommend use of a divided boulevard entrance in such a rural setting due to the potential confusion over the proper ingress and egress lanes.

The proposed project will involve the crossing of a LC-Land Conservation zone with water and sanitary lines. In accordance with Section 208-69.1B of the zoning regulations, each applicant for a subdivision shall contact the NYSDEC to verify the exact location of the NYSDEC wetland boundaries and adjacent areas. During the field investigation, it is recommended that the limits of the NYSDEC watercourse and any federal wetlands be verified on the site. The plan should show the proposed method of stormwater management. Consideration should be given to providing a future right-of-way to the adjoining lands of Eells to the east.

Mr. Pelagalli noted that since the use of grinder pumps has presented problems for

homeowners, sewer administrators, and the Town, ownership of the pumps should be clarified and individual deeds should reflect the fact that homeowners are responsible for the maintenance, repair, and replacement of such pumps. Mr. VanGuilder favored such notification.

Mr. Larkin stated that the road should be constructed to Town standards. He stated his opposition to a gated entrance and asked that the proposed open space parcels be combined with the larger open areas in the Settler's Hill Subdivision. Mr. d'Amico asked that the applicant consider adding a connection to adjoining vacant parcels to provide for future development.

Minutes Approval

Mr. Bulger moved, seconded by Ms. Czub, approval of the minutes of November 26, 2002 as written. Ayes: Larkin, Czub, d'Amico, Bulger, Marzola, O'Brien. Noes: None. Abstained: Russell.

Discussion Items:

Countryman Estates North

Mr. Kemper presented drawings of the proposed entrance sign for the Countryman Estates North subdivision. Board members endorsed the renderings, commenting that the stone pillars and proposed sign were very pleasing.

Mr. O'Brien, who has asked not to be reappointed to the Board, stated that he leaves his position as Chairman of the Planning Board with no regrets. He believes that Clifton Park is considered the "premier" community of the capital district and credited the accomplishments of the Planning Board with making this happen. He does leave Clifton Park with many regrets because he has lived in the community for several years and has dedicated many hours to Planning Board activities. Mr. O'Brien thanked the three Town Supervisors who have been in office during his tenure, members of the Planning Board, and the staff of the Planning Department for providing the necessary support and information to allow the Board to make educated and informed decisions. He also commended the applicants and consultants who have appeared before the Board stating that the professionalism exhibited helped achieve consensus and compromise in order to reach acceptable agreement.

Mr. O'Brien offered thanks to his family for their unwavering support and looks forward to moving to Saratoga Springs – and possible involvement with the Saratoga Springs Planning Board.

Board members voiced their thanks and appreciation for his service to the community and wished him well in the future.

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, Joel Peller, Town Attorney, Oscar Schreiber, Town Attorney, Jim Trainor, Town Attorney, Paul Pelagalli, Town Attorney, Department of Parks and Recreation, ECC, Saratoga County Planning Board, Shenendehowa Central School, Clifton Park Water Authority, Fire Districts.

Resolution #38
Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on December 10, 2002:

Present: K. O'Brien, Chairman B. Czub, S. Bulger, R. d'Amico
J. Larkin, J. Marzola, J. Russell

Absent: None

Mr. Larkin offered Resolution #38, and Mr. d'Amico seconded, and

Whereas, an application has been made to this Board by Thomas J. Farone & Son, Inc. for approval of a subdivision plat entitled Subdivision of the Lands of the Peck Farm Estate Subdivision, consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on December 10, 2002 and

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on December 10, 2002, 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 final hearing for this application is waived and the final plat entitled, consisting of (2) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso and Mr. Pelagalli's approval of a note regarding the elimination of the ingress/egress easement for Lot #716.

Resolution #38 passed 12/10/02

Ayes: Czub, Bulger, d'Amico, Marzola, Larkin, Russell, O'Brien
Noes: None

Kevin P. O'Brien,
Chairman

Resolution #39
Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on December 10, 2002:

Present: K. O'Brien, Chairman B. Czub, S. Bulger, R. d'Amico
J. Larkin, J. Marzola, J. Russell

Absent: None

Mr. Marzola offered Resolution #39, and Ms. Czub seconded, and

Whereas, an application has been made to this Board by John Breen for approval of a subdivision plat entitled Subdivision of the Lands of John F. and Patricia A. Breen, consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on December 10, 2002 and

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on December 10, 2002, 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 final hearing for this application is waived and the final plat entitled the Subdivision of the Lands of John F. and Patricia A. Breen consisting of (2) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso.

Resolution #39 passed 12/10/02

Ayes: Czub, Bulger, d'Amico, Marzola, Larkin, Russell, O'Brien
Noes: None

Kevin P. O'Brien,
Chairman