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PLANNING BOARD

ROCCO FERRARO  
Chairman

PAUL PELAGALLI  
Attorney

JANIS DEAN  
Secretary



MEMBERS

Emad Andarawis

Michael Hale

Joel Koval

Eric Ophardt

Kim Paulsen

Tom Werner

(alternate) Eric Prescott

**Planning Board  
May 27, 2014**

Those present at the May 27, 2014 Planning Board meeting were:

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

Those absent were: E. Ophardt

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

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

Mr. Ferraro announced that Mr. Prescott would be sitting as a full voting member at this evening's meeting in Mr. Ophardt's absence.

**Minutes Approval:**

Mr. Koval moved, seconded by Ms. Paulsen, approval of the minutes of the April 22, 2014 Planning Board meeting as written. Ayes: Paulsen, Andarawis, Hale, Koval, Werner, Ferraro. Noes: None. Abstained: Prescott.

Mr. Ferraro asked that the Board defer approval of the May 13, 2014 Planning Board Meeting Minutes since he had not had adequate time to review the draft provided. Board members agreed to consider approval of these minutes at the June 10, 2014 meeting.

**Public Hearings:**

[2014-022] **Lands of Copsps and Reynolds** – Reconfiguration of (4) parcels to create (1) building lot, 13 and 15 Laurel Oak Lane – Preliminary public hearing and possible determination. SBL(s): 277.-1-4.2; 277.5-1-7; 277.5-1-8; 277.5-1-9

Mr. Ferraro explained the review and approval 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 the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the subdivision application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Hale moved, seconded by Mr. Andarawis, 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 7:03p.m. The Secretary read the public notice as published in the Daily Gazette on May 20, 2014.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that was reviewed conceptually by the Planning Board on April 22, 2014. The application calls for the consolidation of an existing 27,954 SF land-locked parcel and the transfer of 1,287 SF of land from 13 Laurel Oak Lane to create a 1.47 acre parcel with an existing residence at 15 Laurel Oak Lane, the transfer of 687 SF of land from 13 Laurel Oak Lane to the proposed new 3.51 acre buildable lot intended for construction of a single-family residence. 13 Laurel Oak Lane, containing an existing single-family residence, will total 20,519 SF. The proposed house will be served via extension of existing water and sewer services located on Laurel Oak Lane. A 30’ wide no-cut buffer has been established to the rear of the proposed lot that lies adjacent to properties within the Redfield Acres subdivision. The limits of disturbance on the newly created lot have been shown on the plan. Though the area located easterly of the proposed residence may be subject to future land transfers to adjoining properties, no subdivision of Lot 13A to create a buildable lot will be permitted.

Mr. Scavo explained that all comments received from staff members, the town engineer, and advisory boards have been forwarded to Planning Board members for their consideration.

Mr. Scavo read the comments and recommendations prepared by the ECC. As a condition of approval the ECC recommends that the note stating that “no further subdivision is allowed” also be reflected as a covenant in the property deed and that a copy of the deed be supplied to the Planning Board Attorney for review and approval prior to the stamping of the final plat plan.

Mr. Scavo reported that no comments had been received from Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention and Mr. Steve Myers, Director of Building and Development.

Mr. Scavo read the comments issued by the Planning Department. Approved postal addresses must be added to the final subdivision plat. The standard note regarding the parcel's proximity to aviation activity must be added to the plan. The speaker advised the applicant that, pursuant to Section 276(7)(c) of Town Law, a conditional final subdivision plat expires 180 days following the date of the resolution of approval unless all conditions of approval are satisfied. The Planning Board may extend for periods of ninety days each, the time in which a conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by particular circumstances. As such, the applicant is required to request an extension in writing within thirty (30) days of each aforementioned expiration.

Mr. Bianchi reported that M. J. Engineering and Land Surveying, P. C. reviewed the documents submitted for this application and determined that all previously issued comments and recommendations have been adequately addressed.

There being no public comment regarding this application, Mr. Prescott moved, seconded by Ms. Paulsen, to close the public hearing at 7:15p.m. The motion was unanimously carried.

Board members agreed that the consolidation of parcels, land transfers, and subdivision plan that created one new buildable lot were acceptable.

Mr. Andarawis offered Resolution #7 of 2014, seconded by Mr. Hale, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of all comments listed in the final comment letter prepared by the Planning Department. Ayes: Paulsen, Andarawis, Prescott, Hale, Werner, Koval, Ferraro. Noes: None.

[2014-021] **DeCrosta Duplex – Special Use Permit #80975** – Proposed construction of a two-family residence within an R1 zone, 754 Plank Road – Preliminary public hearing for Special Use Permit #80975 and preliminary site plan review and possible determination. SBL: 265.19-3-38

Mr. Ferraro explained the review and approval 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 the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a "formality" which neither granted nor implied approval of the Special Use Permit application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

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

Mr. Ferraro, Chairman, called the public hearing to order at 7:18p.m. The Secretary read the public notice as published in the Daily Gazette on May 20, 2014.

Mr. Aaron Frank, consultant for the applicant, presented this application that calls for the construction of a two-family dwelling on a 1.15 acre parcel of land located within the R1 zoning district and specifically situated on the westerly side of Plank Road approximately 1000' south of the intersection of Woodcliffe Drive and Plank Road. The design plan proposes disturbance of approximately .6 acres of land, connection to existing public sewer and water lines, and a single access from Plank Road.

Mr. Scavo reported that the ECC offered the following comment regarding this application. Due to the presence of jurisdictional wetlands on the opposite side of Plank Road the ECC recommends that the applicant verify whether or not wetlands will be impacted when installing the utility connections. Mr. Scavo reported that the wetlands apparently located in close proximity to this parcel had been evaluated by town officials: it was determined that utility connections would not impact these wetlands.

Mr. Scavo stated that no comments were provided by Ms. Reed, Chief of the Bureau of Fire Prevention or by Mr. Myers, Director of Building and Development.

Mr. Scavo read the following comments that had been prepared by the Planning Department. Noting that the 1.15 acre parcel has 200' of frontage along Plank Road, he calculated that, per the town's Zoning Code, the parcel has the potential to be divided into two single-family residential lots. Approved postal addresses must be added to the final plat. The following standard note regarding underground utility connections must also be added to the final plan:

Underground utility connections to a dwelling unit are not allowed to be constructed underneath a private driveway. Such utilities include, but are not limited to, water laterals, sewer laterals, gas, electric and storm/foundation drains. A Certificate of Occupancy will not be issued without all utilities complying with this requirement.

The following note must also be added to the plan:

Prior to work commencing within a public highway and its right-of-way, the property owner shall obtain a curb-cut permit from the Town of Clifton Park Highway Department.

Mr. Bianchi reported that M. J. Engineering and Land Surveying, P.C. did not comment on this application.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, observed that the applicant did not illustrate the

establishment of a 15' easement along Plank Road for possible future trail development as requested at the Planning Board meeting of April 22, 2014.

Mr. Frank commented that the applicant was unwilling to provide the requested easement since he "did not want a pathway constructed in his front yard."

In response to a question posed by an audience member regarding the distinction between a duplex and a two-family dwelling, Mr. Ferraro explained that the terms referred to the same type of use and are often used interchangeably.

There being no additional public comment, Mr. Hale moved, seconded by Ms. Paulsen, to close the public hearing at 7:25p.m. The motion was unanimously carried.

Mr. Werner noted that this was the first time that he had witnessed an applicant's unwillingness to provide a conveyance of land or an easement for future trail development. Mr. Scavo commented that the establishment of a 15' easement would be acceptable: a conveyance of land that would change the setback lines was not necessary. Though he pointed out that the exact location of a trail along Plank Road has not yet been determined, Mr. Ferraro stated that he recognized the importance of establishing the easement at this time. Mr. Hale concurred, stating that he believed that the request was reasonable. He asked that the applicant consider the establishment of the 15' easement as the "most palatable" option for complying with the Trails Subcommittee's request. Mr. Andarawis pointed out that the easement would offer notice to a potential property owner that it was possible that a future trail connection could be installed along the property's frontage. Mr. Ferraro expanded upon Mr. Andarawis's comment, stating that "the motive, purpose, or intent of the easement" should be clearly stated within the boundaries of the easement indicated on the subdivision plan. Mr. Pelagalli explained that, although the two-family use is permitted within the zoning district, the Planning Board may impose conditions of approval upon the Special Use Permit to ensure that it is compatible with the neighborhood character and future planning goals. Ms. Paulsen agreed that an easement should be required of the applicant. Mr. Ferraro expressed his concerns with the orientation and "lay-out design" of the proposed duplex, commenting that the "visual appeal doesn't make it." He recommended that the proposed double garages located at the front of the duplex be changed to a front-entry garage for one unit and a side-load garage for the other since he believes that such a design would be more in keeping with the "character of the neighborhood." Mr. Koval commented that he did not find the proposed design offensive and noted that the site could contain two single family homes with, perhaps, multiple attached garages. He stated that he did not believe that "residential design" was within the Board's purview. Although Board members considered alternate garage and driveway locations and configurations, it was determined that the plan as presented was acceptable since it provided necessary space for vehicles to turn around before exiting to the busy Plank Road and for snow storage. Mr. Ferraro recommended that the two-family dwelling be enhanced with significant landscaping. Board members did agree that the 15' easement for future trail development would be a required condition of approval.

Mr. Hale offered Resolution #8 of 2014, seconded by Mr. Werner, to approve Special Use Permit #80975 to permit the construction of a two-family dwelling within an R1 zoning

district conditioned upon the establishment of a 15' wide easement along the Plank Road right-of-way for possible development of a future trail connection: the purpose of the easement must be clearly labeled on the final plot plan. Ayes: Paulsen, Andarawis, Prescott, Hale, Werner, Koval, Ferraro. Noes: None.

Mr. Ferraro explained that site plan approval is required of all approved Special Use Permit applications.

Mr. Koval moved, seconded by Mr. Hale, to grant preliminary and final site plan approval to this application conditioned upon the establishment of the 15' wide easement wide easement along the Plank Road right-of-way for possible development of a future trail connection: the purpose of the easement must be clearly labeled on the final plot plan. Approval is also conditioned upon satisfaction of all items listed in the final comment letter prepared by the Department of Planning. The motion was unanimously carried.

[2014-012] **Independent Towers at the B. P. O. E.** – Proposed monopole within B. P. O. E. PUD, 695 MacElroy Road – Recommendation to Town Board for revision to Planned Development District legislation. SBL: 258.-2-84.1

Mr. Ferraro explained the review and approval 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 the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the subdivision application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

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

The Chairman called the public hearing to order at 7:45p.m. The Secretary read the public notice as published in the Daily Gazette on May 20, 2014.

Ms. Jacqueline Phillips Murray, legal representative for the applicant, presented this application that was last reviewed by the Planning Board on April 22, 2014. Ms. Phillips-Murray offered a brief overview of the project plan that remains generally as presented at that meeting. The design plan includes the installation of a 170' monopole on a leased portion of property owned by Lodge Number 2466 of the Benevolent and Protective Order of Elks to provide reliable telecommunications service within the Town of Clifton Park. The site was established by Town Board approval of Planned Development No. 36, Lodge Number 2466 of the Benevolent and Protective Order of Elks established pursuant to Zoning Code Chapter A217. The monopole, which will be structurally capable of supporting the colocation of 12-panel antenna arrays with cables by each of four (4) additional wireless carriers, will be located to the rear of the existing B.P.O.E. building and accessed via the existing driveway and installation of a 15' wide access drive to the site. Additional site improvements include

the installation of a concrete foundation to support the tower, a 70' x 70' equipment compound that will contain an 11 1/2' x 12' concrete pad to support a prefabricated steel equipment shelter, a 5' x 11' concrete pad to support a back-up power generator, and a 6' tall chain-link fence to secure the monopole, equipment shelter, and generator. She reported that, as authorized by the Planning Board, a balloon test was publically noticed and conducted on May 12, 2014; photographs from several areas surrounding the site were submitted along with a 170' monopole simulation for the Board's consideration. The speaker also explained that since the initial application, the applicant has received requests from two (2) additional telecommunications companies for approval to co-locate at the site. These requests have been made by AT&T which proposes to co-locate at the 170' height and T-Mobil which requests space at the 160' level. Ms. Phillips Murray reported that the proposed site is located approximately 1,300' from the nearest residence and that town-owned parkland adjoins the parcel. She explained that the applicant has requested approval of an "alienation of parkland" determination from the State Legislature to allow the telecommunications company to utilize a portion of the existing driveway that crosses town-owned parkland for access to the equipment.

Mr. Scavo reported that the ECC found the application acceptable.

Mr. Scavo noted that no comments were submitted for this application from Ms. Reed, Chief of the Bureau of Fire Prevention. Mr. Scavo read comments prepared by Mr. Steve Myers, Director of Building and Development in a memo dated May 16, 2014. Mr. Myers outlined the articles of Section 208-95e(2) of the Town Code that lists the procedures for modification of an existing PDD, noting that the Planning Board issues a recommendation regarding the application to the Town Board who renders a final determination on the proposed change. Mr. Myers notes that the applicant proposes an extension of the existing roadway to provide access to the monopole and equipment compound, explaining that approximately 500' of the existing roadway is located on property owned by the Town of Clifton Park and is classified as parkland and zoned CR (Conservation Residential). Per the NYS Fire Code this would be a fire apparatus access road would be required to meet all the code requirements. At 409' from the property line the road must be a minimum of 20' wide and be capable of supporting a 75,000lb. vehicle: the proposed roadway is only 15' wide. Mr. Myers observes that the plans indicate that the "nearest residential property line is shown as 145' west of the tower itself – not the surrounding fence which is 90' from the property line." The property referred to by the applicant is parkland owned by the Town of Clifton Park which lies within the CR zoning district. The same description applies to property to the south which is shown to be 409' from the tower and approximately 350' from the fence enclosure. Clarification is necessary to determine if these "residential property lines" are accurate since they include town-owned parkland which will likely never become "residential". If they are determined to be "residential property lines as cited in the code, variances would be needed for both." Mr. Myers would utilize the 90' and 350' distances as the controls for offsets to the property lines if needed for variances to comply with Section 208-95D(3)(f). He notes that the 42' variance required for a clear zone would be covered by the variances.

The following comments prepared by the Planning Department were read by Mr. Scavo. Per recommendations offered in the comment letter prepared by Mr. William Johnson,

RF, Engineering Consultant for the Town, the applicant “should clarify the acceptance/rejection criteria used to dismiss use of lower height antenna centerlines and then demonstrate how that criteria was used to arrive at a required antenna centerline location of 170’.” It is recommended that the Board request the applicant “to provide their assessment of these areas, how they would address the coverage gaps if needed, and whether new sites to address these areas would impact the height requirement for the proposed site.”

There being no public comment regarding this application, Mr. Ferraro moved, seconded by Mr. Werner, to close the public hearing at 7:58p.m. The motion was unanimously carried.

In response to Mr. Werner’s query regarding whether or not the approved – but not yet constructed - subdivision that adjoins the B. P. O. E. parcel was considered in the balloon test, Ms. Phillips-Murray reported that the subdivision approved in 2006 was included in the visual impact evaluation and noted that it was likely that the monopole would be installed before any of the proposed homes are built. Mr. Scavo reported that it is likely that a 42’ area variance will be required because the 110% clear zone for the 170’ monopole would require it to be located 187’ from adjacent properties: it is currently located 145’ from that boundary. He recommended that the Board reference the variance in its recommendation to the Town Board. Mr. Koval commented that he finds the proposed location for the monopole to be “the least intrusive” of others considered for the tower. Mr. Andarawis agreed and asked if there would be lighting on the tower. Ms. Phillips Murray reported that no lights would be installed on the pole, explaining that lighting is dependent upon the site’s proximity to an airport. She reported that the FAA has reviewed and approved this application.

Mr. Koval offered Resolution #9 of 2014, seconded by Mr. Prescott, to authorize the Chairman of the Planning Board to forward a positive recommendation to the Town Board regarding the applicant’s request for a functional change to the existing PDD legislation to allow for the construction of a 170’ monopole on lands contained within the Planned Development No. 36, Lodge Number 2466 of the Benevolent and Protective Order of Elks located at 695 MacElroy Road which has been proposed to enhance telecommunications service within the Town of Clifton Park. Ayes: Paulsen, Andarawis, Prescott, Hale, Werner, Koval, Ferraro. Noes: None.

### **Old Business:**

[2013-032] **Fairchild II Subdivision** – Proposed (2) lot subdivision, Ushers Road Rear – Preliminary public hearing and possible determination.

Mr. Ferraro explained the review and approval 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 the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the subdivision application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

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

The Chairman called the public hearing to order at 8:15p.m. The Secretary read the public notice as published in the Daily Gazette on May 20, 2014.

Mr. Tom Andress, consultant for the applicant, presented this application that remains generally as presented at the April 8, 2014 Planning Board meeting. The speaker presented a brief overview of the application, explaining that the applicant requests approval to subdivide a 12.29 acre parcel into lots of 8.92 acres and 3.37 acres, respectively, which have been naturally created by the construction of Mapleline Road. The property is located within the L1 zone on the westerly side of VanPatten Drive at its intersection with Mapleline Road.

Mr. Scavo reported that the ECC offered no comment on the application and that comments received from Ms. Reed, Chief of the Bureau of Fire Prevention and Mr. Myers, Director of Building and Development were applicable to the site plan application for the smaller lot which lies on the southerly side of Mapleline Road and would, therefore, be read when the next agenda item regarding the site plan is presented. Mr. Scavo also stated that all Planning Department comments have been adequately addressed. Mr. Bianchi reported that all previously-issued technical comments from M. J. Engineering and Land Surveying, P.C. had been satisfied.

There being no public comment on this application, Mr. Ferraro moved, seconded by Mr. Werner, to close the public hearing at 8:19p.m. The motion was unanimously carried.

Mr. Ferraro commented that the correspondence dated May 7, 2014 provided by Ms. Jacqueline Phillips Murray, legal representative for the applicant, clarified the issue of segmentation that had been raised by Board members, concluding from her review of the SEQRA law and relevant judicial decisions that the “southern parcel would be wholly independent of any future development or utility of the northern parcel.” The question of segmentation arose after the applicant had originally sought approval of the entire 12.29 acre parcel.

Ms. Paulsen offered Resolution #10 of 2014, seconded by Mr. Hale, to waive the final hearing for this application and to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of all the items listed in the final comment letter prepared by the Planning Department. Ayes: Paulsen, Andarawis, Prescott, Hale, Werner, Koval, Ferraro. Noes: None.

[2013-032] **Fairchild II** – Proposed 15,350 SF office/warehouse, Ushers Road Rear – Preliminary site plan review and possible determination. SBL: 259.-2-84.1

Mr. Tom Andress, consultant for the applicant, explained that this application was last reviewed by the Planning Board at its April 8, 2014 meeting. The speaker explained that the

project has been revised to reflect the comments and recommendations offered at that time and listed the “minor modifications” made to the site plan. Mr. Address stated that all parking areas and portions of the access drive have been relocated: there will be no encroachment on the required setbacks, and, therefore, no need for variances. In response to concerns expressed by those residing on Mapleline Drive, the applicant has added a substantial number of evergreens to the northerly and westerly sides of the site and has committed to the preservation of existing tree lines at the Maple Line Road – VanPatten Drive intersection and the shorter tree line that adjoins the temporary sediment basin along VanPatten Drive in the southern portion of the site. Sight line sketches were presented to all Board members which were intended to illustrate how the increased number of plantings “muted sight lines” from VanPatten Drive, minimizing the visual impact of the proposed building. Mr. Address presented building elevations for the Board’s consideration, explaining that the masonry band along the foundation would be replicated along the roofline.

Mr. Address discussed the conclusions contained within a traffic report conducted by Greenman-Pedersen, Inc. which indicated that there is “really no mitigation” for the several second delay that reduces the Level of Service at the Ushers Road – VanPatten Drive intersection by a few seconds based on 2017 build-out projections. He explained that traffic engineers have concluded that there is no reasonable mitigation for the delay which causes the intersection to move from Level of Service D to Level of Service E since installation of a traffic signal at that intersection would only serve to delay traffic on the east-west Ushers Road route. Mr. Address further commented that the proposed development would likely be more warehouse than office use which would result in fewer “trips” than those estimated and utilized for the study.

Mr. Scavo reported that the ECC offered the following comments and recommendations regarding this application. The ECC is concerned about the proposed drainage plan specifically, recommending that the plan ensure that runoff is directed to the temporary sediment basin - not to the infiltration basin - until the site has been stabilized.

Mr. Scavo reported that Mr. Myers, Director of Building and Development offered a number of comments in a memo dated May 16, 2014. He noted that the stormwater easement on the northerly side of Mapleline Road is no longer shown on the plan and that sewer and water easements are not included on the plan. The 1:1 slope shown near the loading dock proposed as part of the new building is not allowed, particularly since the area slopes to a basin. The New York State Building Code as well as Town Code requires setbacks from such a slope. He stated that the “loading dock is useless for emergency access once a truck is present: as a result the access does not meet code requirements.” Mr. Myers recommended that the consultant consider the entire site when designing the stormwater management plan. He also points out that there is no discussion of green infrastructure in the Stormwater Pollution Prevention Plan. Mr. Myers requests that the applicant provide documentation regarding the town’s ownership and maintenance of the basin area that is located on private property. The memo states that “many of the comments he prepared for the April 8, 2014 Planning Board meeting have not been addressed.” These include comments regarding the lack of proper stormwater management reports, concerns regarding emergency access, parking within front yard setbacks, and two-way traffic on Mapleline Road. Mr. Scavo

encouraged the applicant to consult with Mr. Myers regarding the preparation of an acceptable Stormwater Pollution Prevention Plan.

Mr. Scavo read the comments prepared by Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention. Ms. Reed states the applicant must provide access for emergency services to the north side of the building and notes that, although the roadway width has been increased, there is no proper turn around for fire apparatus. The approved postal address must be added to the plan. Exit doors may be required at the rear of the building. Any required exit doors must have sidewalks leading to the parking lot area: she commented that the topography at the rear of the building may not allow for sidewalk installation.

Mr. Scavo offered comments prepared by the Planning Department. He explained that in correspondence dated May 7, 2014, Ms. Jacqueline Phillips Murray, legal representative for the applicant, cites a judicial decision that is relevant to the issue of segmentation as related to the Fairchild project. She explains that “the subdivision and development of the southern parcel is not dependent upon future development or utility of the northern parcel for several reasons. Because Mapleline Road bisects the property, the development of the southern parcel is not dependent upon the northern parcel for parking, access, or any other utility. The proposed use for the building on the southern parcel is for warehouse space, the utility of which will not be effected by any future development of the northern parcel. Development of the southern parcel will not, in any way, commit the Planning Board or any other town agency to approval of any future development of the Fairchild Property, and any proposed future development will undergo a full environmental review. Fairchild’s plans to develop portions of the northern parcel are speculative as there are no time-tables or estimates as to when such development will be pursued.” Mr. Scavo noted that as part of the review process for projects located within the light industrial zoning district, the Planning Board is encouraged to consider the building’s architectural design, including the materials proposed for use on the building’s façade, color, exterior materials and treatments, roof structures, exposed mechanical equipment, and service and/or storage areas. Architectural block or similar façade treatments are required for new buildings constructed within the zone.

Mr. Bianchi reported that “a majority of the comments” issued by M J Engineering and Land Surveying, P.C. have been adequately addressed. He explained that, although the applicant provided a traffic study which indicates a decrease in the Level of Service at the Ushers Road – VanPatten Drive intersection, the “effort to maintain a no-build Level of Service may not be practical” since the impacted turning movement is a minor one.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that the applicant construct a sidewalk from the proposed building to the corner of Mapleline Road and VanPatten Drive with “the appropriate crosswalks to connect the building to the VanPatten Drive Trail.” This sidewalk should be constructed “on an angle” from the parking lot to the southwest corner of Mapleline Drive to avoid removal of existing vegetation within the proposed buffer along both Van Patten Drive and Mapleline Road.

Mr. Werner explained that he had reviewed the traffic study which concluded that the “assessment of traffic at am and pm peak hours apparently do meet signal warrants” for the VanPattne Drive – Ushers Road intersection. He recommended that the applicant consider the cumulative impacts of potential build-out within the corridor and include traffic incident reports in future reports. Mr. Hale recommended that the applicant consider the installation of hemlocks along the northwesterly side of the building since they would likely do better in the growing conditions in that area than the proposed species. In response to Mr. Ferraro’s question regarding emergency access to the building, Mr. Andress explained that there will likely be no need to provide access to the rear of the building and that the addition of a hydrant along VanPatten Drive should help to address fire safety concerns. He expressed confidence that all fire code issues could be resolved. Mr. Ferraro expressed his appreciation to the applicant for addressing the concerns of those residents of Mapleline Road by providing additional screening. In response to Mr. Koval’s concern regarding lighting on site, Mr. Andress reported that there will be no lighting along the westerly side of the building.

Mr. Koval moved, seconded by Mr. Andarawis, 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. Hale moved, seconded by Ms. Paulsen, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of all comments issued by Ms. Reed, Chief of the Bureau of Fire Prevention and Mr. Myers, Director of Building and Development, the realignment of the trail from the parking lot to the intersection of VanPatten Drive and Mapleline Road to avoid disturbance of existing tree line, the submission of information regarding the mitigation that would be required to maintain the no-build out Level of Service for the VanPatten Drive – Ushers Road intersection, and satisfaction of all items listed in the final comment letter prepared by the Planning Department. The motion was unanimously carried.

[2013-011] **Brooks – Grooms Road** – Proposed (103) lot subdivision, 504 Grooms Road – Preliminary review and possible determination. SBL: 277.-3-9

Mr. Ferraro introduced this application, explaining that the Planning Board rendered a negative declaration pursuant to SEQRA for this Type 1 action and conducted and closed a public hearing on February 11, 2014. The applicant was before the Board at this evening’s meeting for preliminary and, possibly, final subdivision approval.

Mr. Scott Lansing, consultant for the applicant, presented a brief overview of this cluster subdivision application that remains generally as presented at the February 11, 2014 Planning Board meeting. The proposal calls for the development of (103) single-family residential homes on a 70.60 acre parcel located within the R1 residential zoning district and specifically situated on the southerly side of Grooms Road west of its intersection with Evergreen Drive. The minimum lot size is 15,000 SF and lot width and setbacks have been approved as follows: 80’ minimum lot width; 30’ minimum front yard setback; 10’ minimum side yard setback; 25’ rear yard setback. All lots will be served by extension of existing water and sewer service lines. 13.57 acres of open space containing a designated NYS DEC wetland

area and a finger of federally jurisdictional wetlands will be preserved to the rear of the parcel. A 1.54 acre parcel labeled "proposed park area" containing a proposed gazebo is centrally located. A 2.75 acre area along Grooms Road will remain as open space. The subdivision will have a single access onto Grooms Road and will connect to Jarose Place, Balsalm Way, and the Presidential Estates Subdivision via existing stub streets. Mr. Lansing explained that, in response to comments offered at the previous Planning Board meeting, the following revisions have been made to the project plan. A trail connection has been established within the largest open space area to the rear of the site along the stormwater management area to link with the existing trail within the Carlson Farms subdivision. A note has been added to the plan which states that the new subdivision is located within the boundaries of the existing Stony Creek Park District #1. Appropriate sidewalk striping has been included on the plans. Speed limit signs have been shown as requested. The areas designated for the installation of postal service boxes have been indicated on the plan. Three-way STOP signs have been shown where necessary. Front yard setback requirements have been reduced and stormwater management areas have been modified to preserve some of the existing vegetation. Mr. Lansing reported that he had provided a written response to all comments previously issued in a letter dated May 7, 2014 and that any additional technical comments will be addressed. He asked that the Board provide guidance regarding the ownership and maintenance of open space areas, the parcel designated for the identification sign, sidewalks, trails, and parking areas and land surrounding postal service boxes.

Mr. Scavo reported that the ECC offered the following comments regarding this application. The ECC is concerned with cold climate conditions (frozen ground conditions) that may affect by water overflow of the basin to properties downstream: specifically, the infiltration basin shown along Grooms Road. The applicant should revisit the Stormwater Pollution Prevention Plan to address this concern. The ECC is also concerned with the use of infiltration practices due to the presence of a seasonal high water table: the applicant should revisit the Stormwater Pollution Prevention Plan to address this concern. The ECC recommends the applicant supplement the proposed planting species to encourage tree diversity.

Mr. Scavo reported that Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, requested that the applicant supply street names for postal verification.

Mr. Scavo read the comments prepared by Mr. Myers, Director of Building and Development. Mr. Myers reported that previous comments appear to have been addressed. He noted that on the test pit data on the cover sheet supplied with this submission that mottling is present at several test pits at less than 5' and percolation tests indicated that absorption slowed to over an hour in places. He observes that this seems quite excessive for percolation and could identify groundwater issues for home construction. Foundations will not be allowed to be placed below groundwater or on unstable soil. House foundations will be required to be raised above the groundwater: engineering approval will be required for any modifications.

Mr. Scavo read the comments prepared by the Planning Department. With the exception of the reference on Sheet SEC 2 (14 of 25) to the retaining wall that has been removed from the other detail sheets, the comments raised in the comment letter of January

22, 2014 have been adequately addressed. A note must be added to the plan which states that no further subdivision of this parcel will be permitted. A note must be added to the plan which includes the following:

(1)The Town of Clifton Park is not responsible for snow removal in front of and around the cluster mailbox.

(2)It shall be the responsibility of either the homeowners' association or the property owners within the subdivision to clear and maintain the area around the cluster mailbox for postal deliveries.

(3)The Town of Clifton Park is neither the owner of nor responsible for the designated cluster mailbox, mounted post, and concrete pad. An easement to the homeowners, and/or HOA, or postal service to allow for the privately owned cluster mailboxes proposed on lands to be conveyed to the Town of Clifton Park must be provided.

Mr. Scavo offered additional comments. Proposed and approved roadway names must be shown on the final plans. There appears to be no accommodation for a sign to identify the subdivision. The applicant is made aware that such a sign will not be allowed to be installed on town lands and if such a sign is desired, it should be identified on the subdivision plan to be located on a separate parcel: the town will not be responsible for the sign's ownership or future maintenance. Restrictive covenants and restrictions for the drainage easement to the town on private lots should be provided in a sample deed for review and approval by the Planning Board Attorney. These restrictions are required to be recorded on each private homeowner's deed where applicable.

Mr. Scavo reported that the following excerpt from an EPA publication entitled *Essential Smart Growth Fixes for Urban and Suburban Zoning Codes*, published in 2009 had been e-mailed to each of the Planning Board members for consideration. It is included within these minutes as an example of information reviewed and considered by members during their deliberations.

- For several decades, municipal decisions about the size and design of streets have been based primarily on traffic capacity considerations. This narrow focus overlooks the fundamental role that streets play in shaping neighborhoods and communities. Streets are an important use of land. The design of streets influences the character, value, and use of abutting properties, as well as the health and vitality of surrounding neighborhoods. Street design also determines whether the area will be walkable, whether certain types of retail will be viable, and whether the urban landscape will be attractive and comfortable or stark and utilitarian. These impacts, in turn, affect land values (and associated tax receipts) and overall economic strength and resiliency. The character of streets can discourage or encourage redevelopment, hasten or reverse urban flight, and add or subtract value from abutting property. These are obviously important policy considerations for any municipality (page 22).
- Cities and towns have tended to make planning and design decisions about streets one project at a time and based on a limited perspective of specific sections of specific streets. This narrow perspective ignores the fact that transportation systems are comprised of networks of facilities. The macro-scale characteristics of *networks* are more important than the micro-scale

design of specific street sections in determining how well a local transportation system functions (including how much capacity the system has).

- This conventional project-by-project perspective has resulted in poorly connected networks of oversized streets, rather than well-connected networks of smaller streets. The resulting connectivity problems have been exacerbated by the national trend, beginning in the 1920s, of letting developers make network layout and connectivity decisions for streets built as part of their subdivisions and commercial sites. The inevitable outcomes have been poor connectivity, inconvenient circulation, and over-crowded arterials. These outcomes, in turn, have been detrimental to emergency service response, access to existing businesses, and neighborhood walkability.
- Clearly, there is a need for communities to update their approach to planning, designing, and building streets and street networks (page 22).

Below is a link to view the EPA document in its entirety:

[Essential Smart Growth Fixes for Urban and Suburban Zoning Codes \(PDF\)](#)

M J Engineering and Land Surveying, P.C. has reviewed all documents included with the preliminary submission for this project. Based upon this review, Mr. Bianchi offered the following comments for consideration in correspondence dated May 23, 2014. The Full Environmental Assessment Form appears to have been prepared accurately. The following comments relate to the subdivision plans presented for review. As noted in Comment 3 of the November 12, 2013 review letter, grades at street intersections shall be held to a maximum of 3% for a distance of 100 feet from edge of pavement of the intersecting street, per Section 86-6 D (2) of the Town Code. Road B and Road C still have road grades slightly in excess of the minimum within 100 feet of the intersection. These grades must be revised or the applicant must seek approval from the Highway Superintendent for grades in excess of the maximum. The requested MUTCD designations for regulatory signage could not be found within the plan set and must be included. The access paths to the gazebo appear to be 3 feet in width and must be increased to a minimum width of 4 feet. On lots that have areas designated as infiltration areas in the rear yards, every attempt should be made to isolate these areas to each lot rather than extending onto adjacent lots. Where this cannot be accomplished, easements conveyed to the Town may be necessary to prevent lack of maintenance or placement of structures within the areas that would compromise operation. The west infiltration trench does not appear to be included within the Trench Detail Schedule found on Sheet DT-6. The outlet for Detention Basin #1 appears to extend within the 100-foot buffer of NYSDEC Wetland N-8. Any permitting required for this infrastructure must be completed prior to any site disturbances. Further, because the Town would be taking ownership of this infrastructure, any special permit conditions associated with its installation must be disclosed to the town as soon as possible. In order to provide improved operation of the infiltration area along Grooms Road, it is suggested that dry wells be installed that would extend a minimum of 4 feet below the established grade. This would allow some level of operation during the winter months. The test pit and infiltration tests completed in Detention Basin #1 must be labeled on the plan. The areas designated as conservation areas as part of the green infrastructure approach are to be included in an easement that must be noted on the subdivision plat. Further, the end recipient of the easement must be identified.

Mr. Bianchi offered comments regarding the Stormwater Pollution Prevention Plan (SWPPP). Section 5.2 of the SWPPP references 17 drainage areas but only 6 drainage areas are referenced in Section 6.2: this discrepancy must be adjusted. Appendix D of the SWPPP contains the stormwater management calculations associated with WQv, RRv, and Green Infrastructure practices and does not appear to include calculations for the west and entrance trenches. The "Infiltration Trench Worksheet" for GI Practice does not appear to include the calculations for the west and entrance trenches.

Mr. Bianchi reported that information provided to M J Engineering and Land Surveying, P.C. in response to these comments and recommendations substantially addressed many of the concerns. He stated that the few technical comments on stormwater which remained are "minor in nature" and he believes that they can be easily addressed by the applicant.

Mr. Hale stated his appreciation to the applicant for addressing not only the technical concerns provided the Town Engineer but also those comments and recommendations provided by Planning Board members. Mr. Koval asked the applicant to explain the provisions regarding ownership and maintenance of open space and common areas. Mr. Ferraro questioned whether or not the designated park district would "want to assume the additional responsibilities" associated with this subdivision. In response to these concerns, Mr. Lansing explained that the applicant would consider the establishment of an HOA (Homeowner's Association) to oversee maintenance of the postal boxes and sidewalks. In response to Mr. Ferraro's question regarding the park district's willingness to maintain open space areas and trails that would be available to the general public, Mr. Brooks explained that, in his recent experience, the cost of liability insurance for Homeowners' Associations is prohibitive unless those trails were privately held by the association. Both Mr. Ferraro and Mr. Hale held that all Town of Clifton Park residents should be able to access and utilize the trail and sidewalk networks. Mr. Andarawis concurred, stating that "cluster subdivision design offers benefits that go beyond property boundaries." Mr. Ferraro asked if the applicant proposed the construction of a trail along Grooms Road.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the applicant clarify the width of the proposed trail link that connects the new subdivision with the existing Carlson Farms/Huntwood Estates Trail. Mr. Lansing explained that the proposed trail will be 8' wide. Mr. Hartnett recommended that the sidewalks along the proposed connections to Carlson Farms, Jarose Place, and Presidential Estates extend the full length of the streets on both sides with a crosswalk at both ends of the street or be located on a single side of the roadway rather than ending at property lines on one side with a midblock crossing as proposed. Crosswalks should be placed at "immediate intersections." Mr. Hartnett also noted that the Trails Subcommittee has repeatedly asked that the applicant consider extending the existing trail network along Grooms Road from Wildberry Court to Jarose Place. Board members appeared to agree that sidewalks linking adjacent subdivisions should be located on only one side of the roadway.

Mr. Scavo noted that the Board may wish to request that the applicant's \$850.00 parkland contribution per lot be dedicated to trail construction. Mr. Ferraro was adamant that,

once trail and sidewalk locations are clearly defined, the applicant provide individual plot plans that clearly indicate the proposed trail location and that those locations also be clearly labeled on all marketing materials. Mr. Ferraro directed the applicant to consult with Ms. Jen Viggiani, the Town's Open Space Coordinator and County Department of Public Works officials regarding the installation of a trail along Grooms Road.

Mr. Doug Conlan, 36 Huntwood Drive, expressed his concerns regarding drainage along sidewalks and trails, stating that he would prefer that the town assume the responsibility for maintenance, snow removal, and other issues associated with the amenity. In response to his question regarding the location of trails, Mr. Ferraro explained that the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee proposes trail locations, works with staff members, the Planning Board, and consultants to determine the best design, location, and method of maintenance for the trails. He stated that, in his opinion the sidewalks within the subdivision would be best maintained by an HOA.

In response to Mr. Ferraro's question regarding the stormwater management areas located to the rear of private properties within the subdivision, Mr. Lansing reported that the applicant proposes demarcation of the areas by planting trees and/or installing split-rail fencing. Mr. Scavo recommended that the Planning Board require that the HOA place restrictions on any construction and/or placement of structures within the stormwater management areas. He encouraged those preparing the HOA legislation to incorporate language into its legislation that would require HOA approval of any such building or land disturbance within the designated areas. Mr. Ferraro stated resolutely that potential homeowners must be aware of the property restrictions before purchase and of on-going maintenance responsibilities not only with the drainage easements but also with open space areas and associated improvements, postal boxes and surrounding areas, sidewalks, and other easements.

Mr. Hale offered Resolution #11 of 2014, seconded by Mr. Werner, to waive the final hearing for this application and to grant preliminary subdivision approval conditioned upon satisfaction of comments expressed by the M J Engineering and Land Surveying, P.C., the Planning Department, the Town's professional staff, and Planning Board, particularly relating to the following issues: clearly defined locations for the installation of sidewalks and multi-use pathways, the preparation of a feasibility study and collaboration with the Saratoga County Department of Public Works regarding construction of a multi-use pathway within the Grooms Road right-of way, establishment of an entity charged with the responsibility for ownership and maintenance of common areas, including, but not limited to sidewalks, designated open space areas and improvements, cluster mailboxes and associated dedicated land and parking areas, upkeep of an identification sign and its specific parcel if one is to be installed, and the type of demarcation and location of design elements to provide for the protection of stormwater management areas contained within private properties. Ayes: Paulsen, Andarawis, Prescott, Hale, Werner, Koval, Ferraro. Noes: None.

[2014-018] **Powmat** – Proposed 4,300 SF addition to an existing warehouse, 321 Ushers Road – Preliminary site plan review and possible determination. SBL: 259.-2-69.2

Mr. Bernie Companion, representative of BNC Construction Corporation and consultant for the applicant, explained that the applicant seeks approval to construct a 4,300 SF addition to an existing building located within a B2 zoning district. The property is specifically situated on the northerly side of Ushers Road east of Rosell Drive.

Mr. Scavo reported that the ECC found the project plan acceptable.

Mr. Scavo read the comments submitted by Ms. Reed, Chief of the Bureau of Fire Prevention, in a memo dated May 27, 2014. Ms. Reed reiterated comments issued for the April 22, 2014 meeting, reporting that none of the comments issued at that time had been addressed. The approved 911 address for the building is 321A Ushers Road: this address should be indicated on the final site plan. She noted that although the applicant states that no additional restrooms will be installed, code compliant toilet facilities must be provided pursuant to the New York State Building Code: such compliance will be required prior to the issuance of a Building Permit. An approved fire apparatus access road shall be provided: this access road shall extend to within 150' of all portions of the facility per Section 503.1 of the Fire Code of New York State. Exit doors may be required at the rear of the building. Should such doors be required, they must access a sidewalk leading to the parking lot area.

Mr. Scavo read the comments provided by Mr. Myers, Director of Building and Development in a memo dated May 16, 2014. He noted that the original building was constructed in 1991 and that an addition was constructed in 2002: this proposal is for a second addition. The plans submitted show two buildings on one (1) parcel. Though the 2002 site plan shows a 30' access easement to the building located to the rear of the site, this easement is not illustrated on the current site plan. The applicant should clarify whether or not the access is still present. Although there appears to be less than an acre of disturbance, the stormwater retention area appears to be modified with no documentation. At a minimum, an erosion and sediment control plan will be required. Run-off on the northern and easterly sides of the building does not appear to be contained on site. The stormwater review sheet is incomplete. Mr. Myers explains that although the parcel appears to be zoned PUD it is believed that the parcel is actually zoned B2 as a result of the rescission of that PUD by the Town Board in 1970. The B2 zone requires 25' rear setbacks: it is unclear if this requirement is met due to the lack of detail on the plans submitted.

Mr. Scavo reported that all previously issued comments from the Planning Board have been adequately addressed.

M J Engineering and Land Surveying, P.C. has reviewed the latest submission for the above referenced site plan application within the Town of Clifton Park. Mr. Bianchi reported that, all SEQRA related comments have been addressed, though the site plan comments furnished as part of the April 22, 2014 review remain outstanding. He reported that the applicant's stated intention to consolidate the existing two parcels will address many of the outstanding comments. He stated that, given the diminished nature of the technical comments, updated plans should be furnished to the Town prior to issuance of a Building Permit.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the applicant provide bicycle racks at both buildings and that the design and installation details be included on the site plan. Mr. Companion agreed to add the requested bike racks to the site plan.

In response to Board concerns regarding issues raised by Ms. Reed and Mr. Myers, Mr. Scavo explained that the items of concern would be addressed by the Department of Building and Development prior to the issuance of a Building Permit.

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

Ms. Paulsen moved, seconded by Mr. Koval, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of comments issued by Ms. Reed, Chief of the Bureau of Fire Prevention and Mr. Myers, Director of Building and Development and all the items outlined in the comment letter prepared by the Planning Department. The motion was unanimously carried.

[2014- 011] **Stewart's Shop – Clifton Park Center Road** – Proposed 3,484 SF retail shop, 414-418 Clifton Park Center Road – Preliminary site plan review and possible determination. SBL: 272.-1-49

Mr. Marcus Andrews, representative for the applicant, presented this application that remains generally as presented at the April 22, 2014 Planning Board meeting. This application calls for the construction of a 3,484 SF retail store with six (6) gas pumps and fourteen (14) fueling stations (2 of the pumps will each have an additional diesel dispenser) on an approximately 1.7 acre portion of an existing 4.35 acre parcel of land located at the intersection of Clifton Park Center Road and Sitterly Road within the B4 zoning district. Mr. Andrews noted that several of the issues of concern raised at the previous meeting had been addressed. He explained that the plan reflects the inclusion of native species to the proposed landscaping plan, the preservation of mature trees on the site, the relocation of handicapped parking spaces and access to the front of the building, the pledge to provide a \$25,000.00 voluntary contribution to be used to fund traffic improvements within the corridor, and submission of an enhanced traffic study.

Mr. Andrews then introduced Ms. Alana Moran, traffic consultant from Creighton-Manning Engineering, to discuss the traffic study and its implications. Ms. Moran provided a digital simulation of typical traffic movements through the Clifton Park Center Road – Sitterly Road intersection, explaining how a modification of “green time” allowances for motorists attempting to turn left from Sitterly Road to Clifton Park Center Road at the traffic signal located there would serve to mitigate the additional traffic generated by the proposed Stewart's Shop. Mr. Scavo noted that the CDTC (Capital District Transportation Committee) has approved the proposed improvements. Mr. Hale expressed his appreciation for the positive response to his recommendations regarding modifications to the landscaping plan. In his opinion, the preservation of existing mature trees on site is of significant benefit. Mr.

Scavo noted that site plan approval would be necessarily be conditioned upon subdivision approval.

Mr. Scavo reported that the ECC offered the following comments and recommendations on this application. The applicant is asked to provide verification that a water aquifer is not present on the site. It is recommended that a shutoff valve be installed after the oil/water separator so contamination is less likely to be introduced into the infiltration basin. The ECC requests that the dumpster area be completely enclosed by a berm in order to prevent leakage of liquid wastes.

Mr. Scavo read comments prepared by Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention. She observes that both access roads on the north side as well as the south side of the parcel are not part of the Stewart's parcel and asks that the applicant clarify whether or not easements are required. The applicant must also identify the party who will be responsible for on-going maintenance and snow removal of the proposed access points. Ms. Reed asked that the site plan indicates the location of any existing and proposed fire hydrants. The approved postal address must be added to the plan. Per Section 3404.2 of the Fire Code of New York State, a minimum of 3' feet must be provided between the underground flammable and combustible tanks to the property line.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated May 16, 2014. The signs included on this submission must not be included in any approval granted by the Planning Board. Signs must be applied for separately through the Building Department. The two (2) sheets submitted regarding stormwater management do not qualify as a Stormwater Pollution Prevention Plan: submission of proper documents and a separate approval will be required. Many of the comments prepared for the April 22, 2014 meeting do not appear to have been addressed.

Mr. Scavo, Director of Planning, stated that any final site plan approval should be conditioned upon the "completion of a subdivision" and the filing of appropriate easements designed to separate the Stewart's parcel and use from the remaining lands of Ellis Hospital.

Mr. Bianchi, M. J. Engineering and Land Surveying, P.C., reported that many of the issues raised in previously issued comment letters have been adequately addressed in information and documents provided to him on this date. He did comment on the traffic report, however, stating that the traffic consultant has been asked to "look at the timing changes to the signal giving preferential treatment to the Town Road. By doing this, the build condition would yield a better Level of Service under the build condition, but increase delays to the mall." Mr. Bianchi noted that the applicant must obtain a "no effect" letter from the State Office of Parks, Recreation, and Historic Preservation in order to gain permit coverage for the Stormwater Pollution Prevention Plan.

Mr. Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the proposed bike rack be moved from the rear of the building to a more convenient place for cyclists to the front of the shop. He also commented

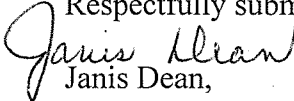
that pedestrian accommodations should reflect the anticipated patterns of access to and from the proposed site.

Ms. Paulsen commented that this was “one of the last remaining unsightly corners” within the Town of Clifton Park and that the proposed improvement to the area was most welcomed. Mr. Ferraro offered his thanks to the applicant to the applicant for working cooperatively with the Board to develop a desirable site.

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

Mr. Koval moved, seconded by Mr. Werner, to grant preliminary and final site plan approval to this application conditioned upon approval of the appropriate subdivision application, the establishment and filing of all required legal easements with Ellis Hospital and the satisfaction of all items listed in the final comment letter prepared by the Planning Department. The motion was unanimously carried.

Mr. Prescott moved, seconded by Mr. Koval, adjournment of the meeting at 10:40p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on June 10, 2014.

Respectfully submitted,  
  
Janis Dean,  
Secretary

**NOTICE OF DECISION**

**Resolution #7 of 2014**

**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 May 27, 2014, there were:

Present: R. Ferraro, Chairman, E. Andarawis, J. Koval, M. Hale, K. Paulsen, T. Werner  
E. Prescott – Alternate Member

Absent: E. Ophardt

Mr. Andarawis offered Resolution #7 of 2014, and Mr. Hale seconded, and

Whereas, an application has been made to this Board by Ann Reynolds Copps for approval of a subdivision entitled Subdivision and Lot Line Adjustment Among the Lands of Michael J. and Betty A. Reynolds (Book 1286, Page 436), Michael J. and Betty A. Reynolds (Book 832, Page 524), and Carl D. Copps and Anne Reynolds Copps and Land Annexation from the Lands of Copps to Lot #15 Laurel Oak Lane consisting of the reconfiguration of (4) parcels to create (1) building lot;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 27, 2014 ;

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 May 27, 2014;


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 that the subdivision plat entitled Subdivision and Lot Line Adjustment Among the Lands of Michael J. and Betty A. Reynolds (Book 1286, Page 436), Michael J. and Betty A. Reynolds (Book 832, Page 524), and Carl D. Copps and Anne Reynolds Copps and Land Annexation from the Lands of Copps to Lot #15 Laurel Oak Lane consisting of the reconfiguration of (4) parcels to create (1) building lot is granted preliminary and final approval conditioned upon satisfaction of all comments listed in the final comment letter prepared by the Planning Department.

Resolution #7 of 2014 passed 5/27/2014

Ayes: Paulsen, Andarawis, Prescott, Hale, Werner, Koval, Ferraro

Noes: None

  
 Rocco Ferraro,  
 Chairman

**NOTICE OF DECISION**

**Resolution #8 of 2014**

**APPROVAL**  
**Special Use Permit Amendment**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on May 27, 2014 there were:

Present: R. Ferraro, Chairman, E. Andarawis, M. Hale, J. Koval, K. Paulsen,  
T. Werner  
E. Prescott – Alternate Member

Absent: E. Ophardt

Mr. Hale offered Resolution #8 of 2014 and Mr. Werner seconded, and

Whereas, an application has been made to this Board by Eric DeCrosta for approval of Special Use Permit #80975 to permit the construction of a two-family dwelling within an R1 zoning district;

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 May 27, 2014 , and

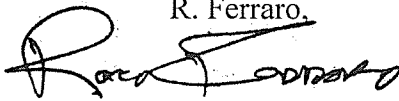
Whereas, it appears to be in the best interest of the Town that said application be approved,

Now therefore, be it resolved that the Planning Board grants approval to Special Use Permit #80975 to permit the construction of a two-family dwelling at 754 Plank Road within an R1 zoning district conditioned upon the establishment of a 15' wide easement along the Plank Road right-of-way for possible development of a future trail connection: the purpose of the easement must be clearly labeled on the final plot plan.

Resolution #8 of 2014 passed 5/27/2014

Ayes: Paulsen, Andarawis, Hale, Prescott, Werner, Koval, Ferraro

Noes: None

R. Ferraro,  
  
Chairman

**Resolution #9 of 2014****Recommendation to Town Board**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on May 27, 2014, there were:

Present: R. Ferraro, Chairman, E. Andarawis, J. Koval, M. Hale, K. Paulsen, T. Werner  
E. Prescott – Alternate Member

Absent: E. Ophardt

Mr. Andarawis offered Resolution #9 of 2014, and Mr. Hale seconded, and

Whereas, an application has been made to this Board by Independent Towers Holdings, LLC for a positive recommendation from the Planning Board to the Town Board regarding functional changes to the existing Planned Development District No. 36, Lodge Number 2466, Benevolent and Protective Order of Elks established pursuant to Zoning Code Chapter A217 to permit the installation of a 170' telecommunications tower on property owned by the B. P.O. E. located at 695 MacElroy Road;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 27, 2014 ;

Whereas, the Planning Board was established as Lead Agency for this application, a Type 1 action, and a negative declaration was issued pursuant to SEQRA on May 27, 2014;

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

Now, therefore, be it resolved that the Chairman of the Planning Board is hereby authorized to forward a positive recommendation to the Town Board regarding the applicant's request for a functional change to the existing PDD legislation to allow for the construction of a 170' monopole on lands contained within the Planned Development No. 36, Lodge Number 2466 of the Benevolent and Protective Order of Elks located at 695 MacElroy Road which has been proposed to enhance telecommunications service within the Town of Clifton Park.

Resolution #9 of 2014 passed 5/27/2014

Ayes: Paulsen, Andarawis, Prescott, Hale, Werner, Koval, Ferraro

Noes: None

Rocco Ferraro,  
  
Chairman

**NOTICE OF DECISION**

**Resolution #10 of 2014**

**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 May 27, 2014, there were:

Present: R. Ferraro, Chairman, E. Andarawis, J. Koval, M. Hale, K. Paulsen, T. Werner  
E. Prescott – Alternate Member

Absent: E. Ophardt

Mr. Andarawis offered Resolution #10 of 2014, and Mr. Hale seconded, and

Whereas, an application has been made to this Board by M J Properties of Clifton Park, Inc. entitled (2) Lot Subdivision of the Lands of M. J. Properties of Clifton Park, Inc. consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 27, 2014;

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 May 27, 2014;

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 that the subdivision plat entitled (2) Lot Subdivision of the Lands of M. J. Properties of Clifton Park, Inc. consisting of (2) lots is granted preliminary and final approval conditioned upon satisfaction of all comments listed in the final comment letter prepared by the Planning Department.

Resolution #10 of 2014 passed 5/27/2014

Ayes: Paulsen, Andarawis, Prescott, Hale, Werner, Koval, Ferraro

Noes: None

  
 Rocco Ferraro,  
 Chairman

**NOTICE OF DECISION**

**Resolution #11 of 2014**

**Preliminary 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 May 27, 2014, there were:

Present: R. Ferraro, Chairman, E. Andarawis, J. Koval, M. Hale, K. Paulsen, T. Werner  
E. Prescott – Alternate Member

Absent: E. Ophardt

Mr. Andarawis offered Resolution #11 of 2014, and Mr. Hale seconded, and

Whereas, an application has been made to this Board by Brooks Heritage, LLC for approval of a subdivision plat entitled Grooms Road Residential Subdivision consisting of (103) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on February 11, 2014 ;

Whereas, the Planning Board was established as Lead Agency for this application, a Type I action, and a negative declaration was issued pursuant to SEQRA on February 11, 2014;

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

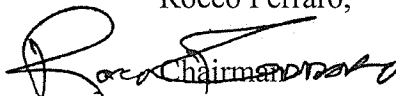
Now, therefore, be it resolved that to waive the final hearing for this application and to grant preliminary approval to this subdivision entitled Grooms Road Residential Subdivision consisting of (103) lots conditioned upon satisfaction of comments expressed by the M J Engineering and Land Surveying, P.C., the Planning Department, the Town's professional staff, and Planning Board, particularly relating to the following issues: clearly defined locations for the installation of sidewalks and multi-use pathways, the preparation of a feasibility study and collaboration with the Saratoga County Department of Public Works regarding construction of a multi-use pathway within the Grooms Road right-of way, establishment of an entity charged with the responsibility for ownership and maintenance of common areas, including, but not limited to sidewalks, designated open space areas and improvements, cluster mailboxes and associated dedicated land and parking areas, upkeep of an identification sign and its specific parcel if one is to be installed, and the type of demarcation and location of design elements to provide for the protection of stormwater management areas contained within private properties.

Resolution #11 of 2014 passed 5/27/2014

Ayes: Paulsen, Andarawis, Prescott, Hale, Werner, Koval, Ferraro

Noes: None

Rocco Ferraro,

 Chairman