

Clifton Park Planning Board Meeting Minutes

March 13, 2001

Those present at the March 13, 2001 Planning Board meeting were:

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

Also present were: J. Kemper, Director of Planning, M. Bianchino, Clough, Harbour and Associates, J. Peller, Counsel

Mr. O'Brien called the meeting to order at 7:10 P.M.

Public Hearing 7:10 PM

[2000-051] Massaroni, David - Proposed (18) lot subdivision, Grooms Road – Preliminary public hearing and determination.

Mr. O'Brien said there are many issues to consider and no action would be taken tonight.

Mr. O'Brien called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on March 3, 2001.

Mr. Ivan Zdrahal, representing David Massaroni, said the 12.7 acre site is presently owned by Tom Galentino. Lot #1 contains an existing house, and the remaining 17 lots will be single family residential homes, which will be serviced by a public sanitary system and public water. A Town road is proposed from Grooms Road. The site will have a second connection to Emmons Drive.

Mr. Kemper had the following comments: The 500' notices were send on February 2, 2001. The Saratoga County Planning Board approved the application on January 18, 2001, conditioned on adding a note to the plan regarding preserving a 200' buffer to the reservoir. He acknowledged letters on file from concerned neighbors, Ed Dusalt and John Fasake, which were distributed to Planning Board members for their review. The Town of Colonie, Division of Latham Water, said the Stony Creek Reservoir should be shown on the plan, and a 200' building setback line must be drawn, and they want an opportunity to review any future design proposals as they become available. The L-C Zone associated with Stoney Creek Reservoir should be placed on plot plan. He received a comment from Doug Connor that source and storage fees of \$16,200.00 will be due before final stamping of plans.

Sheryl Reed said street names and postal verification is required.

The ECC submitted the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The Applicant should illustrate the precise location of the Stoney Creek Reservoir and the LC Zone associated with it on the plot plan. The ECC recommends that the Applicant provide a stormwater management plan that shows details of stormwater discharge off-site. The ECC's concern is to insure that untreated runoff from the project is not discharged into the Stoney Creek Reservoir. The following standard statements should be placed on the plot plan: The Land Conservation (LC) Zone shall be 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 material 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 Environmental Conservation Law (ECL). That 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 in 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.

Mr. Bianchino said most comments have been addressed, but there are still some concerns with stormwater management that need to be worked out with Mr. Zdrahal.

Mr. O'Brien asked for public comments.

Mr. Harry Holck, Grooms Road, said he has concerns with mulch cleanup and drainage. He said he is located downhill from the site and noted that the culvert gets washed out and there is soil erosion. Mr. O'Brien assured him that the mulch will be cleaned up. Mr. Zdrahal said any former activity will be removed and the site landscaped. Mr. O'Brien said he is unknown how much stormwater will be retained, and is concerned that there could be a runoff problem. Mr. Zdrahal said he is proposing a slight depressed area and stormwater will drain through pipes into the reservoir. He said it is a very sandy site and retention will be short term. Mr. O'Brien asked Clough, Harbour to review the system and report back to the Board, and said he is also concerned who will maintain it.

Mr. Ed Dusalt, 609 Grooms Road, said he had the same concerns and asked how effective the cleanup process would be. Mr. O'Brien said soil borings can be done to see if anything toxic is found on the land.

Ms. Vanessa Wolson asked if anything could be done about car lights coming out of the subdivision and shining on her home. Ms. Debra Warden had the same concerns. Mr.

O'Brien said landscaping might be able to block the lights.

Ms. Warden asked what the proposed homes would sell for. Mr. Massaroni said it would be in the range of \$200,000.

Mr. Holck asked if the entrance could be paved prior to construction to help keep dirt down. Mr. O'Brien said a sub layer would probably be put down. Mr. Holck asked for a speed limit study. Mr. O'Brien said he could ask the county to look at that issue.

Mr. Eric Hobart asked the Board to require sidewalks and trails. Mr. O'Brien said the Planning Board has no jurisdiction regarding sidewalks, but if this subdivision were in the trail system, it might connect to it. Mr. Peller suggested that Mr. Hobart ask the Supervisor to talk with the Town Board regarding the sidewalk issue. Mr. O'Brien said many people object to having sidewalks in front of their homes. Mr. Bianchino agreed, and said people complain that sidewalks bring an urban character to their neighborhoods.

Mr. d'Amico asked what the mulch dumping consisted of. Mr. Zdrahal said it was mostly wood chips and rotten trees. Mr. O'Brien said there was an extensive amount of mulch and logs.

Mr. Bulger said the neighbors questions were very thoughtful and nicely presented.

Mr. O'Brien said some research and review was necessary and the findings would be further discussed with Mr. Zdrahal. He thanked the neighbors for their input.

Mr. Russell moved, seconded by Mr. Bulger, to close the public hearing. The motion was unanimously approved.

Public Hearing 7:15 PM

[2000-039] Walko, Naida B. - Proposed (18) lot subdivision, 668 Route 146A – Preliminary public hearing and determination.

Mr. O'Brien said no action would be taken tonight, pending review by the Zoning Board of Appeals.

Mr. O'Brien called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on March 3, 2001.

Mr. Gil Van Guilder said the conceptual plan was presented in the fall of 2000. The reason for the delay in the preliminary plan is because of a dispute of a parcel of land to the north, where the neighbors are asserting a claim of adverse possession. The original survey had errors which were discovered early in 2000. The true property lines have been resolved. The area of 1.2 acres under dispute is not included in this proposal. The 14 acre parcel will need setback variances to be consistent with a cluster subdivision. A 25' no-cut buffer has been added along the northerly and southerly lines. The subdivision will be served by public sewer and water. Changes have been made in accordance with

comments by Clough, Harbour. Total disturbance per ACOE is less than ¼ acre. The existing house on Route 146A will be removed and a new one built.

Mr. O'Brien asked what is proposed for the disputed property. Mr. Van Guilder explained that new surveys show that the land belongs to Walko, but if the subdivision could be approved as is, the disputed land could be transferred to the Hubbards. Mr. O'Brien said the land transfer should be a condition of approval. Mr. Van Guilder said that would be understood.

Mr. Kemper said the Town should be copied on all correspondence with Hubbard. He acknowledged letters on file from concerned citizens. He asked if new deeds will be required if the land is transferred. Mr. O'Brien said consolidation deeds are required for all six properties to the north because of old survey errors.

Sheryl Reed said street names and postal verification is required.

The ECC submitted the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The following standard statements should be placed on 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. 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 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 in 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.

Mr. Bianchino had the following comments: We have reviewed the preliminary subdivision plans and Stormwater Management Report for the above project prepared by Edwards and Kelcey, dated February 19, 2001 and March 7, 2001, respectively, and offer the following comments: Subdivision Plan: The project proposes several area variances to minimize impacts to the New York State Department of Environmental Conservation (NYSDEC) wetlands and the adjacent buffer. The variances need to be granted by the Zoning Board of Appeals before the Subdivision can be approved. The Subdivision Plan should be stamped and signed by a New York State Licensed Professional Land Surveyor and contain the following certification: "I hereby certify this map to be substantially correct and in accordance with the accuracy required by the Town of Clifton Park Subdivision Standards." The proposed utilities shown on the Subdivision Plan should either be removed from the sheet or revised to match the Plan and Profile Sheet. The proposed road name and lot numbers should be shown on the plan after review and

approval by the Post Office and Emergency Services to eliminate duplication. Consistent with what has been done for former subdivisions developed along the NYS Route 146A corridor, we recommend that a combination of berming and landscaping be provided between the roadway and the first houses along the developments east side. Layout & Materials/Grading & Drainage Plan: Documentation should be provided from the NYSDEC on the issuance of an Article 24 wetland disturbance permit for work within the 100' wetland adjacent area. A tangent length of at least 150 feet is required between reverse curves according to the Town's Construction and Design Standards. This requirement is not met between Sta. 1+27 and Sta. 1+95. The plans should be revised accordingly. We recommend that the proposed drainage easement between lots #4 and #6 be increased to a minimum of 25 feet in accordance with Town standards, and that the easement be extended along the rear of lots along the northern property line. Locations of existing hydrants along NYS Route 146A should be shown on the plan to determine the adequacy of the proposed fire hydrant spacing. We recommend that a hydrant be located at the intersection of the proposed road and N.Y.S. Route 146A. The proposed grading adjacent to the detention basin are shown sloping down from the proposed edge of the Town Roadway. According to Section 86-6.I.3 of the Town's Construction and Design Standards, the total width of the top of embankment shall be at least 20 feet wider than the width of pavement. As such, a ten-foot wide shelf should be provided prior to sloping down to the detention basin. The Town's standard note regarding the provision for a minimum of two street trees per lot should be added to the plans. In addition, landscaping including a mixture of red maples, weeping willows and red twig dogwoods should be provided within the proposed detention basins to improve their stormwater quality enhancement function and improve their aesthetics. We recommend that a catch basin be placed along the inside edge of wing curb in lieu of the proposed junction box "B1". In addition the sump pump lateral should be shown for lot 10. The limits of clearing and grading should be provided on the Grading Plan. Additional layout and detail is required at the proposed Town Roadway connection to NYS Route 146A. The plans should indicate the removal of the existing house and driveways. A street light should be provided at the intersection with NYS Route 146A pursuant to the Town's Construction and Design Standards Section 86-6, E.5. We recommend that the light be oriented over the new roadway rather than over NYS Route 146A, to aid in definition of the new roadway curb cut. The proposed land preservation area should exclude the driveway to lot 15. We question the likelihood that the land preservation areas on lots #13, #15 and #17 will result in the long-term protection of the wetlands on those lots, given their close proximity to the proposed houses and driveways. As such, we recommend the elimination of lot #15. The benchmark(s) should be provided for vertical control. The proposed low-pressure sanitary forcemain should either bisect the cul-de-sac or have horizontal bend fittings since installation around the perimeter would not be possible by deflection in the joints. The sheet should contain a north arrow for orientation. The existing contours are not legible. Plan/Profile: We have concerns over the profile, associated storm sewer design and grading of the road as currently proposed. If water in the basin did not percolate into the ground before a subsequent storm event, it would appear that the water within the storm sewer system would rise significantly before utilizing the overflow. To reduce this potential and in order to limit the high and low points in the proposed Town Road, we recommend the consultant investigate the potential of revising the road to slope

down from NYS Route 146A at 1% to a low point at Sta. 4+40, then up at 1% to a high point at Sta. 9+70. Detention basin #1, or the storm sewer overflow, could then be relocated to the northern side of the proposed road at the new low point at Sta. 4+40. In accordance with Section 179-11.B of the subdivision regulations, the scale for the plan and profiles shall be 1"=50' horizontal and 1"=5' vertical. Although the centerline slope around the cul-de-sac is 1.0%, the minimum required slope of 1.0% slope is not provided along the proposed curb line. As such, the centerline slope should be increased accordingly. In addition, the limits of the cul-de-sac should be identified on the profile. A plan and profile should be provided for the proposed offsite low-pressure sanitary forcemain. A North arrow should be added to the plan view for clarity. Detail Sheets: The Typical Roadway Cross Section should show a 1 1/2" wearing course. The catch basin frame and grate should be Campbell Castings Pattern 2816B. A round catch basin structure should be added to the details sheet. We recommend that the proposed grinder pump stations be installed outside the proposed homes to prevent odor complaints. Ownership, maintenance and power supply responsibilities for the proposed grinder pumps should be specified. The sanitary sewer details shall conform to the Saratoga County Sewer District No. 1 standard details and specifications. The water supply details shall conform to the Clifton Park Water Authority's standard details and specifications. Stormwater Management Report: It appears that the proposed detention basin no. 1 will rely on infiltration. According to the Town's Construction and Design Standards Section 86-7, D.4(a) test pits shall be excavated and percolation test shall be performed in the basin area to determine the elevation of bedrock and groundwater and to determine the percolation rate. Due to our receipt of the stormwater management report on March 8, 2001, our review of the report has not been completed and additional review comments may be provided in a subsequent letter. Water Supply and Sanitary Sewer Reports: An Engineer's Water Supply Report including a DOH Form 348 should be provided. The plans and report should be submitted to NYSDOH for review and approval of the proposed public water supply improvement. An Engineer's Sanitary Sewer Report should be provided. The plans, the Sanitary Sewer Report, the Stormwater Management Report, a Design of Sewers Checklist and Stormwater Management Self-Assessment Checklist should be submitted to NYSDEC for review and approval of the proposed public sanitary sewer system and SPDES permit.

Mr. O'Brien asked for public comments.

Mr. Richard Herrmann, attorney for Mrs. Hubbard, said assuming the parcel will be deeded to her, she has no problem with the 30' setback. He said his client has a shallow well and is concerned that pesticides will leach into her water supply when the land is developed.

Mr. Marty O'Connor asked what the property owners will have to do if property lines are redrawn. Mr. O'Brien said they will have to come before the Planning Board and prepare new deeds. Mr. Peller said a new Schedule A would have to be done and new descriptions have to be filed.

Mr. Vandussen said his description starts at the triangle and he does not need a new deed. He questioned the accuracy of the new surveys. Mr. Herrmann said a new deed should be

done because the wrong reference point was used and everyone's house line is 17' off. He said a new deed description will show the corrected property line and every neighbor to the north will have to do deed adjustments.

Mr. d'Amico asked who would lose the 17'. Mr. O'Brien said the developer would lose it.

Ms. Leonard, Mrs. Hubbard's daughter, said pulling out of her mother's driveway is dangerous because the road has quite a dip, and is concerned that additional traffic on the road would increase the danger. She asked if the speed limit could be reconsidered. Ms. Sandy Kovachik agreed. Mr. O'Brien said the developer will petition the NYSDOT for access and they will look at the speed limit.

Mr. Bowman said generally he has a problem with a subdivision needing so many variances, but because it will solve lot line problems, there is good reason to approve it.

Mr. Bulger moved, seconded by Ms. Czub, to close the public hearing. The motion was unanimously approved.

Mr. O'Brien thanked Mr. Van Guilder for offering to transfer the disputed land to Mrs. Hubbard.

Old Business

[2000-025] Huebner, Frederick and Ute and Clark W. Cyphers - Proposed (4) lot subdivision, Tanner Road – Preliminary determination from public hearing held August 8, 2000.

Mr. Gil Van Guilder said the fire district had concerns with the length of the driveway and with fire flow, however the lots will connect to public water, and the gravel surface driveway will support emergency vehicles. He has added notes to the plan as requested by the ECC, and soil test notes as required by Clough, Harbour have been added.

Mr. Kemper had the following comments: The Saratoga County Planning Board approved the application, conditioned on no further subdivision. Keyhole lot notes should be added to the plan. The L-C zone should be labeled. Approval is required from the fire district. Mr. Kemper said a letter from Doug Connor indicated concerns regarding the water quality that would result from a long detention time in the dead end pipes, which could cause taste and odor problems, and he suggested that alternative water resources be fully investigated prior to installation of public water to the site. The watermain will cross DEC wetlands and a classified stream so a permit will be required, and approval should be condition on granting of those permits. An L-C Zone application will have to be filed.

The ECC submitted the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. After review of the data presented, the ECC again recognizes that due to the location and length of the

proposed driveway, there is extensive disturbance to the DEC Wetland and associated LC Zone. Therefore, the project should be denied or other options for access to the site be explored that will result in less disturbance to the wetlands and LC Zone.

Mr. O'Brien said the ECC recommends turning the application down because of the disturbance from the driveway in the L-C zone. He said the driveway is an allowable use over an L-C zone and he doesn't know what their justification is. Mr. O'Brien said the DEC's objective is to disturb as little as possible, and they will look at disturbance before issuing a permit.

Mr. Van Guilder said the ECC suggested building a bridge across the stream. He said the cost would be over \$40,500. Mr. d'Amico said going across the stream with a driveway is the only solution. Mr. Bowman said emergency services does not want a bridge. He suggested that where the house driveway meets the main driveway, it should be widened.

Mr. Bulger asked if the DEC might not give their approval. Mr. Kemper said it is a possibility. Mr. O'Brien said the DEC does not want to begin their work until the Town approves the subdivision.

Mr. Russell feels it would be beneficial for the water line to be run along the road instead of across the property so neighbors could have access. Mr. Van Guilder said the added expense would require the landowner to carve more lots to recoup the cost. Mr. O'Brien said he would be concerned that moving the water line would encourage other landowners to subdivide, and that would create new major developments in that area.

Mr. Bianchino had the following comments: We have reviewed the final subdivision plan for the above project prepared by Gilbert VanGuilder & Associates, last revised February 15, 2001. We offer the following comments: Construction of the proposed watermain within New York State Department of Environmental Conservation (NYSDEC) wetlands and the adjacent 100 foot buffer will require approval and permitting by the NYSDEC. Due to the length of the proposed common driveway, we recommend the proposed grading, drainage and erosion and sediment controls be shown on the plan. The proposed driveway culvert should be sized to safely pass the flow from a 25-year storm event. We recommend a profile of the proposed public watermain be submitted for review and approval. The standard notes required by the Clifton Park Water Authority for public watermain construction should be added to the plan. At the time of application for a building permit on each respective lot, we recommend that an engineer submit plans for the wastewater disposal systems to the building department and our office for our review and approval. The proposed watermain connection to the existing watermain along Tanner Road will require a Highway Work Permit and pavement restoration. Details of the roadway restoration should be as specified by the Town Highway Department. The final subdivision plans should be stamped and signed by a New York State Licensed Professional Land Surveyor.

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 approved.

Mr. O'Brien offered Resolution #4, seconded by Mr. Bulger, to grant preliminary and final approval conditioned on final satisfactory review of outstanding issues by Clough, Harbour, and on the comments of Mr. Kemper, and further conditioned on approvals from the fire district and the Clifton Park Water Authority, the DEC permit, and conditioned on no further subdivision. Ayes: d'Amico, Czub, Bowman, Bulger, Marzola, Russell, O'Brien. Noes: None.

New Business:

[2001-006] Neet's Automotive Repair, Inc. - Proposed 1,250 square foot automotive repair facility and office, 2045 Route 9 - Conceptual site plan review.

Mr. Stephen Lamb, representing the applicant, said the owner is desirable of expanding the existing collision repair facilities with an additional structure of 27' x 50', constructed adjacent to the existing structure. A small office addition will be included. The roadside of the existing building will be enhanced, and a septic system will be installed. He said a setback variance will be required.

Mr. d'Amico asked why both parcels can't be consolidated into one parcel if it's the same owner. Mr. O'Brien said it might be a financing issue. Mr. Lamb said he will ask the owner if that would be possible. Mr. Bianchino said the residence is a principal use and the business is a principal use. Mr. Lamb asked if the existing well could be used if the lots are combined.

Mr. Kemper said a letter from Don Clemens stated that numerous variances will be required (front yard setback, parking in a side yard buffer, minimum lot width). Mr. Kemper said an ingress/egress easement should be provided. He asked what type of vegetative screening will be provided and whether vehicles will be visible from Route 9. Mr. Lamb said vehicles will be seen when going south.

The ECC had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The ECC recommends that the proposed septic field be located down gradient from the proposed wellpoint, pursuant to New York State Department of Health Guide Lines. The ECC recommends that any land conservation zone be delineated on the map as may be associated with the stream on the East corner of the parcel. The following standard statements should be placed on the plot plan. Due to the potential for Federal Wetlands on this parcel, the Applicant will determine the location and extent of disturbance of Federal Wetlands before a building permit is issued. No salts, fertilizers, pesticides or other material 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 Environmental Conservation Law (ECL). All erosion and water quality controls shall be put in place and maintained at the initial phase of site preparation. The Applicant will control fugitive dust and debris during the construction/demolition phase of the project. Any new proposed

exterior lighting shall be directional and limited.

Mr. Bianchino had the following comments: We have reviewed the concept site plan for the above project, prepared by Stephen E. Lamb L.S., dated February 16, 2001 and offer the following comments: The proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such, coordinated review is optional. Involved agencies are expected to include the following: Clifton Park Planning Board – Site Plan Approval, Clifton Park Zoning Board of Appeals – Area Variances, Saratoga County Planning Board – Site Plan Recommendation, NYSDOT – Modification of use of existing curb cut. An office addition is proposed on the existing commercial building which will encroach within the required 130' front yard setback from the centerline of Route 9. In addition, the minimum lot width requirement of 200' at the front building line will not be met. As such, area variances from the Zoning Board of Appeals appear required. The plans state that the proposed lot size is different from the existing deed lot size. Clarification is requested as to whether a subdivision or lot line adjustment is proposed. If a subdivision is proposed, existing and proposed lot lines should be clearly shown. Given the proposed use as a collision repair facility, consideration should be given to extensive screening, berming and/or landscaping to reduce the aesthetic impacts of the use from the Route 9 viewshed corridor. The plans should also clearly indicate where vehicles will be parked and/or stored on the site, including visitor vehicles, employee vehicles, and vehicles awaiting repair. In accordance with the New York State Department of Health (NYSDOH) design standards, at least two percolation tests and one deep test pit shall be performed within the location of the proposed wastewater disposal system. Due to the likelihood of poor soils onsite, we recommend a New York State Licensed Professional Engineer design the proposed wastewater disposal system as part of the site plan application. In accordance with NYSDOH standards, there shall be a minimum of two hundred feet between the tile field and the proposed well if the well is down gradient from the proposed tile field. In addition, a drilled well will be required which provides a minimum of five gallons per minute water supply. The well point as proposed is not permitted for use as potable water supply. The location of the proposed well should be shown on the plan. If the proposed wastewater disposal system remains in its current location, a diversion swale or trench drain should be provided on the uphill side of the system to direct surface water away from the area. An oil/water separator should be provided for all floor drains and for all areas of the site which will be used for the storage of damaged vehicles or vehicles awaiting repair. The location of the proposed wastewater disposal system appears to be uphill of the proposed facility. Therefore, the consultant should provide plans, details and specifications for any proposed pump station. The consultant should verify if federal or state wetlands exist in the southern and eastern portions of the site along the adjacent stream, or within 100 feet of the proposed wastewater disposal system. An access easement appears appropriate to lot 14 for ingress and egress over lot 10. The consultant should contact the Building Department regarding the required separation distances between the automobile parking spaces and the building, based on the type of building construction. Future Site Plan submissions should include the following: Proposed grading, method of stormwater management and erosion and sediment control, lighting and landscaping plans, parking summary including total required and proposed parking, proposed building height, construction details.

Mr. Lamb said, regarding the oil/water separator, the only use would be collision repair. Mr. Bianchino said painting vehicles gives him concerns regarding air quality.

Mr. O'Brien said if more than four parking spaces are needed, Mr. Lamb should advise the Board. Mr. Lamb said he will talk with Mr. Neet and get back to Mr. Kemper.

[2001-005] Teixeira, Carlos - Proposed Dunkin' Donuts (renovation of existing 3,040 square foot restaurant), 1607 Balltown Road - Conceptual site plan review.

Mr. Dominick Arico, of Arico Associates, said the site is located across from the Post Office and will be located in the existing Old World Pizza building. The existing building will be renovated, and reduced in size by 1%. Only 1,000 square feet of the 3,000 square foot building will be service space. This Dunkin' Donuts will produce products for other stores. Deliveries will be made in the back of the building. The gravel area will be paved. The original plan has been modified to include a drive-through. Landscaping will be added on the side and front.

Mr. O'Brien asked for a conceptual drawing. Mr. Arico said he hopes to keep the roof line the same as the existing building. The front of the building will have vinyl awnings. Mr. O'Brien said Rexford is an historical hamlet, and Stewart's will be modifying their building to fit in with the area. He asked that Dunkin Donuts do the same. Mr. Arico said the building will be gray and white, and will have Dunkin Donuts trademark colors. Mr. O'Brien said the lighting should be low, downlighting.

Mr. Kemper had the following comments: A letter from Don Clemens stated that Town Code requires a 10' planted buffer on the side property line which is violated by the southern most driveway, and there is also a 100' requirement between centerline of driveways. 208-39 states that there should not be more than one exit and one entrance, therefore driveways should be labeled one way in and one way out. Mr. Kemper asked for details on exterior lighting at the site. He asked if due to hydric soils can the proposed septic tanks handle the proposed use. Approval will be needed from the Saratoga County Planning Board, and the Rexford Water District. He said code calls for only 14 spaces, asked if 20 is required. He asked where the dumpster would be located and what type of enclosure is proposed.

Mr. O'Brien said he is concerned with rush hour traffic impacts. Mr. Marzola asked the hours of operation. Mr. Arico said the business will be open 24 hours a day. Mr. O'Brien suggested that the applicant read the minutes of the Stewart's public hearing to get an idea of what type of comments concerned neighbors had.

The ECC submitted the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The following standard statements should be placed on 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 ends and soils are

stabilized. 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 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 in 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. Any new proposed exterior lighting shall be directional and limited.

Mr. Clemens submitted comments that a 10' planted buffer is required on the side property line. He suggested that the southerly driveway should be moved to the north. Mr. Clemens said regulations state that there shall not be more than one exit and one entrance, and since both driveways are exits and entrances, they should be labeled one way in and out, or one should be eliminated.

Mr. Bianchino had the following comments: We have reviewed the concept site plan for the above project, prepared by Arico Associates Engineers and Consultants dated February 2001, and offer the following comments: The proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such, coordinated review is optional. Involved agencies are expected to include the following: Town of Clifton Park Planning Board – Site Plan Approval, Saratoga County Planning Board, NYSDOT – Curb Cut Modification . The project narrative indicates that the proposed use may generate "approximately 50 and less than 120 (trips) during peak hours". We recommend that more detailed traffic generation data be provided. The data should also make an estimate as to how many of the trips are expected to be "new" trips as opposed to "pass-by" trips. Additional analysis regarding the need for a left-turn lane along the site's frontage should also be completed. It is our understanding that NYSDOT is planning improvements to Balltown Road near the project site. As was done for the Stewart's project, future plan submissions should graphically show any proposed improvements to Balltown Road across the site's frontage so that associated impacts can be accommodated in the site design. Given the strong need for access management along this section of highway, it does not appear that two curb cuts are required for safe access to this site. As such, we recommend consolidating the curb cuts into one central location, designing the curb cut in accordance with NYSDOT standards for commercial drives, and investigating the need for shared access with the adjoining properties. We recommend that an area suitable for landscaping, approximately five feet wide, be provided between the front parking area and the building. Given the high visibility of the site, aesthetically pleasing berming and landscaping should be provided across the site's frontage and along the side lot lines. Wastewater disposal is proposed by use of an on-site septic system. Given the typically high wastewater flow rates associated with this type of establishment, additional information including deep test pits, percolation tests, and preliminary design information should be provided before the acceptability of this method of wastewater disposal can be determined. Based on the zoning map, it appears an L-C Land Conservation zone may cover a portion of the project site. The associated environmental feature (wetland, stream,

etc.) should be shown as well as the limit of the L-C zone. Future plan submissions should contain the following: Location of all existing utilities including the existing watermain on Balltown Road, the existing property owner, the topography at two-foot intervals based on a field survey, the proposed refuse area and enclosure, stormwater management area, if applicable, the location of the proposed 1,000-gallon grease trap.

Mr. Bianchino asked if there will be seating inside. Mr. Arico said there will be tables for 30 people.

Mr. Bowman reminded Mr. Arico to keep in mind that this is an historical neighborhood. Mr. O'Brien said there should be a public hearing and he expected there to be a great deal of public comment. He said the variances should be pursued.

Discussion:

Conservatory Grill - Mr. O'Brien said the Conservatory Grill has resubmitted their application to enclose the freezer and restrooms. They have modified their proposal from a two-story structure to one story. He said the enclosure is justifiable since the Department of Health has requested it.

Ice Arena - Mr. O'Brien said a second ice arena is proposed on the Clifton Common. Since it is being built on Town property it may not require site plan review, however, the Town Supervisor wants the Planning Board to be involved in the process.

Minutes Approval:

Mr. Bowman moved, seconded by Mr. d'Amico, to approve the minutes of February 13, 2001 as written. Ms. Czub abstained. The motion was approved.

Mr. O'Brien said the next meeting will be March 27, 2001.

Mr. Bulger moved, seconded by Mr. d'Amico, to adjourn. The motion was unanimously approved. The meeting was adjourned at 9:35 p.m.

Respectfully submitted,

Elaine Hughes
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 #4

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 March 13, 2001, at 7:10 P.M. there were:

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

Mr. O'Brien offered Resolution #4 and Mr. Bulger seconded, and

Whereas, an application has been made to this Board by Frederick Huebner and Ute and Clark W. Cyphers for a (4) lot subdivision, Tanner Road, and

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on August 8, 2000 in the Town Office Building, 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, 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 plat entitled Frederick Huebner and Ute and Clark W. Cyphers - (4) lot subdivision, Tanner Road, is hereby granted preliminary and final approval conditioned on final satisfactory review of outstanding issues by Clough, Harbour, and on the comments of Mr. Kemper, and further conditioned on approvals from the fire district and the Clifton Park Water Authority, the DEC permit, and conditioned on no further subdivision.

RESOLUTION #4 passed 3/13/01

Ayes: d'Amico, Czub, Bowman, Bulger, Marzola, Russell, O'Brien.

Noes: None

Kevin O'Brien
Chairman

