

## **Clifton Park Planning Board Meeting Minutes**

**June 12, 2001**

Those present at the June 12, 2001 Planning Board meeting were:

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

Absent were: K. Bowman

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

Mr. O'Brien called the meeting to order at 7:10 P.M. He noted that two items were removed from the agenda. Hollander Homes was removed because a public notice was not published, and Jean Hoffman's proposal was withdrawn at the applicant's request.

Public Hearing 7:10 PM

[2001-018] Heritage, Brooks - Proposed in-law apartment, 254 Moe Road - Special use permit and site plan review - Preliminary public hearing and possible determination.

Mr. O'Brien called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on June 2, 2001.

Mr. Heritage said Lot B, which is zoned residential/single family, is for sale, and the buyer wants to built a 4,500 square foot home. The in-law apartment will have a small kitchen, bath, living room, and bedroom for the buyer's mother.

Mr. Kemper had the following comments: He received a letter from a neighbor expressing concerns in regards to drainage on the adjacent parcel. The work that was proposed in the D.E.C. wetland permit was completed, and that permit was closed out. Erosion control measures will need to be placed around where the land will be cleared for the house to prevent the sediment from entering the wetland.

Mr. Grasso had the following comments which where were outlined in Clough, Harbour's May 3 letter: We have reviewed the application material for the above project and offer the following comments: We are concerned with the amount of disturbance within the L-C zoning district (NYSDEC wetland area and associated buffer) that construction of the residence and future lot usage will likely require. In order to address these concerns, a site plan should be provided for review with the following additional information: Existing and proposed grading within 50 feet of the limits of proposed work, erosion/siltation controls, limit of clearing and grading, storm culvert design necessary to maintain hydrologic integrity of the wetland area, amount of wetlands and buffer area impacted, details of the proposed driveway. In order to protect the environmentally

sensitive portions of the project site and limit the likelihood of future incremental impacts we recommend that a land conservation area/easement be provided over the L-C zone within lot "B". This can be accomplished with notes on the site plan and the establishment of deed restrictions. A NYSDEC Article 24 wetland permit will be required for work within the wetland and buffer area. A copy of the permit should be sent to the Town and to our office prior to stamping the final plans.

The ECC had the following comments: The ECC reiterates the following comments made at the May 1, 2001 meeting. The ECC notes that the project, as planned, will result in the intrusion into the LC Zone. Therefore, the Applicant must file for an Application for Work To Be Done in the LC Zone with the Town of Clifton Park. The ECC recommends that the Applicant submit a plot plan showing details of the proposed wetlands in the LC Zone disturbance.

Mr. O'Brien said the design of the home is excellent and did not look like it had an in-law apartment in it. He asked for public comments. Being none, he asked for Board comments.

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

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

Ms. Czub offered Resolution #9, seconded by Mr. Marzola, to grant the Special Use Permit as requested. Ayes: d'Amico, Czub, Bulger, Marzola, Russell, O'Brien. Noes: None.

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

Ms. Czub moved, seconded by Mr. Marzola, to grant preliminary and final approval, conditioned on Mr. Kemper and Clough, Harbour's comments, and on the construction of a culvert. The motion was unanimously approved.

Old Business

[2001-016] Giffy's Bar-B-Q - Proposed 3,000 square foot restaurant, 1739 Route 9 - Preliminary site plan review.

Mr. Tom Andress said the existing northern access to the site will be widened. Most of the large trees will be retained. Screen walls are proposed for the dumpster and loading area. The existing well and grinder pumps will be utilized.

Mr. Kemper had the following comments: A memo from Sheryl Reed stated that the applicant needs to provide adequate fire flow or a variance will be required. Due to the drainage problems documented in the area the drywells that are proposed for stormwater management will have to be evaluated by the Town Engineer. The Saratoga County Planning Board approved the project on 4-26-01 recognizing that permits will be required from N.Y.S.D.O.H. for the sanitary connection and N.Y.S.D.O.T. for work within the State right of way and for a new driveway access to Route 9. Erosion control measures need to be placed around the stormwater management areas on the adjacent properties to prevent silt from entering these areas. The 500' notices were sent on 5-2-01. Signoff from Saratoga County Sewer District is required, and during the last meeting it was mentioned that flow rates would have to be submitted. I saw the note on the plan but am still concerned about erosion on the bank in the rear of the parcel.

The ECC had no comments.

Mr. Grasso had the following comments: The plans should be submitted to the Fire Department to determine the adequacy of the layout for emergency vehicle accessibility. We recommend the screen wall at the rear of the restaurant contain a large radius to allow adequate access to the trash dumpster. Although the project site is outside the limits of the water district, we encourage connection through some means to the proposed water main being installed on the west side of Route 9 directly across from the project site. If temporary use of the existing drilled well is proposed, the well should be tested for acceptable quantity and quality. In addition, bollards or railing should be provided to protect the well from vehicular traffic. The proposed nine-foot wide island in the northern parking area is not large enough to accommodate the existing 24" diameter maple tree without impacts, and should be increased to a minimum of twenty feet. We recommend a row of evergreens be installed along the rear property boundary for screening. In addition, consideration should be given to providing landscaping on the rear slope to prevent erosion. Erosion and sediment control measures should be specified on the grading plans. Review and approval of the proposed sanitary system by the Saratoga County Sewer District (SCSD) and the NYSDOT is required. We offer the following comments relative to the proposed sanitary system: Calculations should be provided documenting that the receiving sanitary forcemain has adequate capacity to serve the project and that the proposed grinder pump and forcemain are adequately sized. We recommend that a profile of the proposed sanitary forcemain be provided. Provisions should be made to prevent freezing of the sanitary forcemain at the Route 9 ditch crossing. In addition, we recommend that rip rap be placed in the ditch to further protect the forcemain from erosion. The limits of the western Route 9 right-of-way should be shown on the plan along with the boring and receiving pits. If work is proposed outside the right-of-way, an easement should be obtained from the property owner. The existing utilities along the western side of Route 9 including the existing forcemain should be shown accurately. The plans should clarify if the proposed connection to the existing sanitary forcemain will occur behind the guiderail or will involve temporary removal of the guiderail. The proposed method of connection to the existing sanitary forcemain should be specified. We offer the following comments relative to the Stormwater Management Plan and Calculations: The proposed method of flood control relies entirely

on retention and infiltration in the storm sewer pipe and drywells. We recommend the consultant perform a test pit and percolation test to determine if the existing soil conditions at approximately eight-foot depth are conducive to infiltration. It appears that the bottom of the proposed drywells will be below the water level in the adjacent fire pond. Consideration should be given to providing greater spacing between drywells in order to enhance infiltration. The stormwater calculations should be expanded to clarify the statement that the effective storage in each of the drywells is 1,161 cubic feet. Storage is proposed for the 25-year storm event. However, the Town Zoning Code Section 208-115 D. (2) (b) [iii] states that storage volume and surface area requirements necessary to provide flood control for runoff generated during the two-year, ten-year and one-hundred-year, twenty-four-hour storm event should be calculated. Given the known drainage problems downstream of the project site, we recommend as a minimum that storage be provided for the 100-year storm and outflows restricted to the appropriate pre-developed storm event rate.

Mr. Bulger asked if there were any changes since concept. Mr. Address said the plan is basically the same.

Mr. O'Brien asked if there would be outside seating on the porch. Mr. Address said there will be.

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. d'Amico moved, seconded by Mr. Bulger, to grant preliminary and final approval, conditioned on the comments and final review of Mr. Kemper and Clough, Harbour. The motion was unanimously approved.

[2001-007] Elliot, Terrance - Proposed (2) lot subdivision, Tanner Road - Preliminary determination from public hearing held on April 24, 2001.

Mr. Elliot said a home for his mother will be built on the 2 ½ acre parcel, and he will build a home for himself on the remaining land. He said Mr. Russell and Mr. Bulger walked through the site with him. He said he has done all the clearing that is possible, noting that the remaining vegetation is in the right-of-way.

Mr. Kemper had the following comments: The only outstanding issue was the sight distance on Tanner Road and the deed restrictions or conservation easement being placed on the property. He received a memo from Shelly Johnston at Creighton Manning Engineering stating that the sight distances for this project were adequate. There should be deed restrictions for the remainder of the parcel. The standard note for driveways over 500 feet in length has to be added to the plan.

Mr. Grasso said the soil investigation is incomplete but the sight distance issue has been addressed.

The ECC had the following comments: After review of data presented, the ECC reiterates its recommendations identified in the March 20th and April 17th 2001 minutes. The ECC further notes that the Applicant's offer to file a restrictive covenant for the wetlands located north of the proposed driveway, although well intended, would provide no additional protection beyond that already provided by law under Section 124 of the Town Code.

Mr. O'Brien said he looked at the parcel and feels the sight distance is not bad. He said wetlands are very distinct and he sees no problem with that.

Mr. d'Amico said the Planning Board is looking at more and more intrusions into wetlands buffers and is concerned that tolerance is not consistent and the Board is liable to be challenged. He said he does not feel that this project is way off base, but suggested that the Board is creating exceptions which will set a precedence. Mr. O'Brien said constructing the roadway within the buffer is an allowable use, and this proposal does not fall into the category of creating an impact into wetlands.

Mr. O'Brien moved, seconded by Mr. Russell, 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.

Ms. Czub offered Resolution #10, seconded by Mr. Russell, to grant preliminary and final approval, conditioned on pursuing a conservation easement or deed restriction, and on a soil investigation. Ayes: d'Amico, Czub, Bulger, Marzola, Russell, O'Brien. Noes: None.

[2001-008] Hidden Crest - Proposed (19) lot subdivision, Englemore Road - Revised conceptual review. (Formerly lands of Bonser and Monroe)

Mr. Zdrahal said the land which lies between Grooms Road, Englemore Road and Vischer Ferry Road, will be accessed by a Town road. Two lots will be accessed from Grooms Road by a common driveway. Lots 1-20 are proposed for single family homes, and lots 21 and 22 will be for two family residences. The single family lots will be buffered from the two family lots.

Mr. O'Brien said Sheryl Reed will have to be consulted regarding the requirement that more than 18 lots on a cul de sac will require a second access.

Mr. Kemper had the following comments: The Saratoga County Sewer District originally denied the subdivision access to the sewer system, however now the Saratoga County Sewer District line is now contiguous to the property boundary and therefore they will accept flows from the system. A signoff will still be required prior to stamping. Sight distances along Englemore Road will need to be evaluated. The standard notes for C.P.W.A., farm, address identification of keyhole lots, common egress/ingress, standard tree note should be added to the plan. There may be ACOE wetlands on the site. A note

should be added to plan stating that cul de sacs will be maintained by homeowners association. He asked what will the proposed planting buffer consist of. A memo from Sheryl Reed stated that a variance will be required because the application proposes more than 18 lots on a single driveway.

The ECC had the following comments: The following standard statements should be added to the plot plan: The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized. All erosion and water quality controls shall be put into place 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. The Applicant should submit a Stormwater Management Plan for review by the Town's Engineer and the ECC.

Mr. Grasso had the following comments: We have reviewed the revised concept subdivision plan for the above project, prepared by Ivan Zdrahal Associates PLLC, dated May 24, 2001 and offer the following comments: As previously requested, in order to adequately evaluate the environmental impacts associated with the proposed project, we recommend that a Full Environmental Assessment Form be submitted. We have reviewed the proposed access arrangement with the applicant, based on the adequacy of the sight distance at the proposed intersection with Englemore Road and the minimizing of curb cuts along Vischer Ferry Road and Grooms Road we commend the applicant for providing effective access management for the project. A note should be added to the plan stating that no new driveways shall be constructed onto Vischer Ferry Road and Englemore Road. Because this project will utilize reserve capacity within the sanitary sewer system constructed to serve the Vischer Ferry Road corridor, we recommend that the respective sewer mitigation fee be applied. The respective is as follows: Sanitary Sewer, 21 EDU x \$3314/EDU = \$69,594. If any of the proposed lots contain two-family dwellings, the respective fee would be increased accordingly. The proposed method of water supply, sanitary sewer service and stormwater management should be provided for conceptual review. If connection to the water main within Coburg Village is proposed, the proposed route should be along Vischer Ferry Road and Englemore Road versus across the proposed residential lots. The applicant should demonstrate the mechanism that will be used to preserve the vegetation so noted. Any federal wetlands within the project site should be shown. The preliminary and final subdivision plans should include the following: Expanded project data table including minimum allowable lot size, setbacks, etc., Town's standard note for keyhole lots, Town's standard note for address identification, Town's standard street tree note, stamp and signature of the design professional and land surveyor, notes regarding the proximity to the Clifton Park Fish and Game Club and associated noise, minimum setback from Vischer Ferry Road of 100 feet from centerline of road, existing property lines and property owners.

Mr. d'Amico said the access onto Vischer Ferry Road was previously approved and needs to be formally withdrawn. He noted that the Englemore Road access is on the crest and asked if the road could go straight through to Grooms Road through the separate two lots. Mr. Grasso said due to the proximity to the intersection, Clough, Harbour does not

recommend it.

Mr. Russell said he would like to see the existing driveway removed from the plan. He said this road cut is a severe impact on Englemore Road. Mr. O'Brien agreed.

Mr. Grasso said an actual site evaluation will be done.

[2000-036] DCG Development Co. - Proposed 27,600 square foot office use in (6) buildings, Route 146 - Preliminary site plan review.

Mr. Gordon Nicholson, Environmental Design Partnership, said there will be no disturbance to the L-C zone on the 5.24 acre site. No mitigation will be required for traffic impact. An 8" water main was constructed and will be extended into the site. Some vegetation will be disturbed for stormwater management.

Mr. O'Brien asked to see building elevations. Mr. Nicholson said he will provide elevations and said this proposal will look similar to the Shenendehowa Medical Arts buildings. Mr. O'Brien said this is a residential transition area and the site should not look like a commercial development.

Mr. Kemper had the following comments: This action is a Type 1 action pursuant to SEQRA, and as such a Long EAF should be submitted, coordinated review may be required. C.P.W.A. source and storage fees will be due prior to stamping of plans. The Saratoga County Planning Board approved the project on 8-18-00 conditioned upon a traffic study being done and sign off from D.O.T. in regards to curb cut permit. He asked if it is possible to place trash enclosures behind buildings or along the sides.

The ECC had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The proposed water hook-up would result in a negative impact to the existing stream. The following standard statements should be added to the plot plan: The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized. All erosion and water quality controls shall be put into place 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 proposed lighting should be directional and limited. Existing vegetation should be preserved in areas where such growth enhances erosion control. The ECC also notes that the Site Map appears to be inaccurate.

Mr. Grasso had the following comments: We have reviewed the preliminary site plan and stormwater management plan for the above project prepared by the Environmental Design Partnership, LLP, dated May 22, 2001 and the Traffic Analysis prepared by CME dated May 18, 2001. The following comments from our July 25, 2000 comment letter remain to be addressed: A Full Environmental Assessment Form should be provided. Documentation should be submitted as to the reserve capacity and ownership of the

existing sanitary forcemain to which this project will connect. The adjacent zoning districts should be shown on the plan. We offer the following additional comments: We concur with the results of the traffic study that although this project will result in additional traffic on the adjacent roadway network, the impacts will not be significant and off-site transportation improvements are not required. The traffic study should also be reviewed by the N.Y.S.D.O.T. and any related correspondence with N.Y.S.D.O.T. should be copied to the Town and our office for our files. We recommend that water supply be provided by an extension of a public main along Route 146 from Bruno Road, rather than connection to the main at the rear of the site, as this main is anticipated to be abandoned at some point in the future. This will eliminate the need to cross the stream and wetlands with the proposed water service and will reduce the project's overall environmental impact. The proposed fire hydrant along the entrance drive creates a long "dead run" in the watermain. We recommend relocating the proposed hydrant to the island across the drive aisle and revising the water service location to create a hydrant lead length of less than 10 feet. We recommend the 8" PVC sanitary sewer pipe between MH #8 and MH #7 be run at a slope of 1.0% to ensure adequate cleansing velocities are maintained for the low flows. The proposed sanitary inverts into the proposed building and the slope of the 6" PVC laterals connecting to the manholes should be shown on the plan. The 6" PVC sanitary sewer lateral for the first office building should connect directly to a sanitary manhole. The following additional information should be shown on the plans: Size of the proposed water services, mounting height above finished grade of the proposed lights, proposed building heights. The aluminum trash pad enclosure detail should specify the outside material and additional landscaping should be provided to screen the enclosures. A stabilized construction entrance should be provided. Curbing should be provided around the northeast parking area to direct runoff to the catch basin. A note should be added to the plans stating that all roof runoff should be directed to the proposed stormwater management area by a closed storm sewer system. A catch basin should be provided in the northwest parking area to direct runoff in this area to the stormwater management area. Impacts to the landscaping around the existing pump station building should be addressed. The grading around the northernmost building should be revised to retain a minimum of ten feet of undisturbed area to serve as a buffer to the adjoining field and residence. We offer the following comments relative to the proposed sanitary system: Review and approval of the proposed sanitary system is required by the Saratoga County Sewer District (SCSD) and the NYSDOT is required. Calculations should be provided documenting that the receiving sanitary system including the pump station has adequate capacity to serve the project. Sanitary sewer stubs should be provided along the sewer main route for future connections by others. A sewer lateral should be to serve the Lands N/F of Snyder and a stub should be left from MH #3 for potential future extension easterly along NYS Route 146. The receiving pit appears to be too small for the bore across Route 146. The applicant may need to obtain an easement from the Lands N/F of Snyder. All existing utilities along Route 146 should be shown on the plans including telephone, gas and electric. The existing low-pressure sanitary forcemain from the daycare on the south side of Route 146 to the London Square apartment pump station should be shown. Restoration notes and details should be added to the plans. We offer the following comments relative to the Stormwater Management Report: The proposed method of flood control relies entirely on retention and infiltration in the proposed

recharge basin. We recommend the consultant perform a test pit and percolation test to determine if the existing soil conditions at approximately a 9-foot depth are conducive to infiltration. Storage is proposed for the 25-year storm event. However, the Town Zoning Code Section 208-115 D (2) (b) {iii} states that storage volume and surface area requirements necessary to provide flood control for runoff generated during the two-year, ten-year and one-hundred-year, twenty-four-hour storm event should be calculated. As such, storage should be provided up to the 100-year storm and outflows should be restricted to the appropriate pre-developed storm event rate. Since the infiltration basin has no outlet and will likely be constructed in highly erodible sand material, consideration should be given to constructing the basin berm with impermeable clay to prevent wash out. In addition, a drywell should be installed in the bottom of the infiltration basin to ensure infiltration during the winter months when the ground is frozen.

Mr. O'Brien said the vegetative buffer along Route 146 should be increased. Mr. Nicholson said vegetation will be retained on the 70' setback and can be supplemented with pine trees.

Mr. d'Amico asked where the water main is. Mr. Nicholson said it comes in through the back and is bored under a stream. The Clifton Park Water Authority asked for an easement from where the water line was extended, all the way out to Route 146.

Ms. Czub said there should be a sign large enough for seniors to see, and the buildings should be labeled or identified.

Mr. Bulger asked if the buildings will be for medical use. Mr. Nicholson said in the effort to achieve a balance, parking provided is based on the assumption that the buildings will be half way between medical and general office use.

Mr. d'Amico asked if there will be a buffer between the site and the residence next door. Mr. Nicholson said the residence is moved right up to the property line and the only buffer will be a 20' buffer that DCG will provide.

New Business:

[2001-023] Nextel Partners, Inc. - Proposed co-location on CPWA water tank, 51 Castle Pines Drive - Conceptual site plan review.

Mr. O'Brien suggested to Board members that a public hearing should be held on June 26, 2001, since there is a great deal of public interest.

Mr. O'Brien moved, seconded by Mr. Marzola, to hold a public hearing on June 26, 2001. The motion was unanimously approved.

Ms. Marybeth Slevin, representing Nextel Partners, said a structure will be built at the base of the existing water tower to protect Nextel equipment. She acknowledged

residents' concerns regarding emissions, and said FCC requirements will be met and complied with. An emission study includes emissions calculations from Nextel equipment as well as from Emergency Services.

Ms. Colleen Basiglia displayed a rendering of the existing tank. The base shelter will be 6 feet tall and will house cables that will connect to the antenna. She said Nextel wishes to co-located as requested by Town Code.

Mr. John Emery, a resident of Knoll Top, spoke on behalf of some of his concerned neighbors. He thanked the Board for scheduling a public hearing. Mr. Emery distributed and read a memo outlining their concerns regarding environmental effects of radio frequency emissions. He cited a court case where Nextel Partners was ruled against in their efforts to construct a tower in the Town of Canaan.

Mr. Pelagalli, counsel, read a portion of the FCC language, and said if Nextel shows that anticipated emissions comply with FCC standards, the Board can not refuse to allow them to co-locate. He said public comment would not be reason enough to disapprove their request.

Mr. Bulger asked what type of structure is suitable for co-location, and asked why this tower was chosen. Ms. Slevin said any structure can be used if they have approval of the owner of the structure. She said it is preferable to co-locate on an existing structure, and a new tower would be a last resort. She said the above referenced litigation was primarily focused on the location of a new tower and was not an emission issue.

Mr. Kemper had no comments, and Mr. Grasso recused himself.

The ECC had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. If hazardous materials will be stored on-site, the Applicant must submit a plan addressing handling, storage, and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored. The Applicant should consider blending the array with a matching color to limit obvious visual impact.

Mr. O'Brien asked if the emission range would be monitored and if access to the structure will be protected from the public. Ms. Basiglia said mandatory monthly inspections of emissions will be conducted, and the shelter will be locked.

Mr. d'Amico asked if there could be additional co-location on the water tower, and whether the emission calculations are based on a total buildout. Ms. Basiglia said anyone else who wants to co-locate will have to do their own emission study.

Mr. O'Brien said he plans to have a representative of the Clifton Park Water Authority be present at the public hearing to address public comments on June 26, 2001 at 7:10 PM.

[1999-004] Clifton Country Road Associates - Proposed 66,700 square foot retail and

office plaza, Southside Drive - Conceptual site plan review.

Mr. Tom Andress said the site is located south of Route 146, next to Friday's. The L-shaped building will be retail on one side, and retail on the first floor of the other side, with office space on the second floor. A separate building will be retail space. The site will have two driveway entrances.

Mr. Kemper had the following comments: The following Findings in the Exit 9 GEIS have not been satisfactory addressed: greenspace, full EAF, erosion and sediment control plan, pedestrian trails and walks. The Exit 9 G.E.I.S. mitigation fee is \$12,006.00 based on 66,700 SF of office and retail space. He asked where the dumpsters will be located. Mr. Kemper said he would like to see substantial buffering along Route 146, or a berm to buffer the area. He asked the applicant to break up the parking lot with some islands or other plantings. Drainage will have to be closely evaluated for this project so that it does not add to the drainage problem that has been documented along Clifton Park Center Road and points downstream. He asked the height of the proposed buildings.

Mr. Andress said the retail buildings will be approximately 24' high and the two story building height is 28' to 30'.

Mr. Grasso had the following comments: We have reviewed the concept site plans for the above project, prepared by ABD Engineers and Surveyors, last revised May 16, 2001 and offer the following comments: The project site lies within the limits of the Exit 9 Commercial Area GEIS, and as such, should comply with the Statement of Findings. If the project is deemed to be consistent with the Statement of Findings additional SEQR review may not be required. We offer the following comments relative to the GEIS: A Full Environmental Assessment Form should be submitted. A site specific State and Federal wetland delineation and survey for threatened and endangered species should be submitted. The project site is located in an overlay zone requiring a minimum 45% greenspace. The proposed greenspace is 35.6%. The proposed building heights should be specified to verify that the height does not exceed the maximum forty-foot height specified in the GEIS. In accordance with the Findings, development should provide pedestrian connections to the maximum extent practicable. We recommend that pedestrian routes be established between the proposed development and Village Plaza. The GEIS preparation mitigation fee totals \$12,006.00 for 66,700 SF of commercial space based on \$0.18/SF. This project will result in an increase in traffic in the vicinity of the project site, and the extension of Maxwell Road was identified in the Exit 9 Area GEIS as a necessary improvement to mitigate traffic impacts due to development in the area. As such, this project should include the extension of Maxwell Drive to the site's southern access drive. Due to the project's visibility from NYS Route 146, we recommend the following measures to mitigate visual impacts: Extensive landscaping and berming along NYS Route 146. Enhancement of architectural features of the rear of the proposed buildings facing NYS Route 146. Although the layout as proposed complies with the minimum required building and pavement setbacks, it appears that site development will result in little preservation of the existing wooded areas along the western portion of the project site. In order to access the drug store drive through on the west side of the site,

traffic will need to circulate through the TGI Friday's or Fleet Bank parking lots on the east side of the site and around the rear of the proposed retail/office building. This circuitous route may confuse motorists not familiar with the site layout. Consideration should be given to providing a two-way access drive between the drug store and the retail/office building or between the retail/office building and TGI Friday's. The consultant should verify that tractor-trailers could adequately and safely access the loading area at the rear of the drug store. In addition the turning radii should be checked along the anticipated tractor-trailer route including at TGI Friday's and/or Fleet Bank. The large expanse of proposed asphalt at the rear of the retail/office building should be reduced. The proposed development will require relocation and expansion of the existing stormwater management areas. In addition, the apparent confluence of existing drainage occurs at the existing culvert near the southwestern portion of the project site. Construction of the 30,000 SF retail building will clearly impact existing drainage patterns. Preliminary site design and submittal should include a comprehensive stormwater management plan and report addressing these issues. Based on the projects location at the upper end of a large drainage area ultimately tributary to the Stony Creek Reservoir, we recommend the stormwater management plan provide over-detention and rely on infiltration. Analysis of the required, existing and proposed handicap parking spaces should be provided. The radii of the western most proposed access drive from Southside Drive extends beyond the limits of the existing roadway. The proposed access drive should be relocated or the necessary improvements including extension of the Town Road and relocation of the barricade should be identified. The existing oak trees that were planting during the development of Fleet Bank and TGI Friday's restaurant lack general health and vigor. Measures to improve their health or replacement should be specified. Future plan submittals should include: Existing Topography over the entire project area, limits of existing wooded area, dumpster pad and enclosure locations, utility locations including sanitary sewer, water main and storm sewer, method of stormwater management.

Mr. O'Brien, regarding Clough, Harbour's drive-through comments, said he wants to maintain green space between Friday's and the two story building, and does not want to see an additional driveway.

The ECC had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The Applicant should submit a Stormwater Management Plan for review by the Town's Engineer and the ECC. Due to the possible Federal Wetlands on this parcel, the Applicant should determine the location and extent of wetlands and indicate it on the plot plan.

The following standard statements should be added to the plot plan: The Applicant shall maintain a minimum 45% greenspace in accordance with the Maxwell Road GEIS, calculated for the entire project. Moreover, the 45% greenspace calculation shall incorporate the Fleet Bank and TGI Fridays parcels which were originally one parcel before subdivision. Therefore, a net greenspace of 45% must be achieved among these three parcels. The Applicant is encouraged to consider configurations that place parking lots, service areas and waste receptacles out of view from Route 146. In keeping with the recommendations and goals of the Town Comprehensive Plan, the Applicant should be

required to re-establish the vegetation along Route 146 from Clifton Country Road west. Applicant should use landscaping and grading to provide visual and auditory buffering between the project and adjacent Route 146. This requirement should be made a condition of plan approval.

Mr. O'Brien said a green space issue exists, and Mr. Miller wants to negotiate with the Board and dedicate two acres near the Conservatory Grill. Mr. O'Brien said it may be more valuable there, since it would be near DEC wetlands. He said Route 146 and Clifton Country Road have much congestion, and the Maxwell Road extension is warranted. He said he was happy to see Mr. MacElroy at this meeting, and suggested that he and Mr. Miller work together regarding the extension of Maxwell Road. Mr. MacElroy said talks are going on, and they have been very cooperative.

Mr. O'Brien said he wants to see a heavy vegetative buffer along Route 146. Berms and plantings that add color should be provided. Mr. Miller said the if the façade was brought around all four sides of Friday's, and a sign were placed in the back, from Route 146 wouldn't seem like you were looking at the back of a building.

Mr. Bulger asked if the Town required all parking spaces on the site. Mr. Andress said it was Friday's, not the Town who requested the number of spaces.

Mr. O'Brien asked Mr. Andress to submit building elevations.

[2001-022] Northcrest Park PUD Amendment (Executive Woods) - Referral from Town Board.

Mr. Gordon Nicholson said the occupancy date for Delmar Publishing is November, 2001. The tenants have asked for some type of deli or café on the site. He said food service has been restricted by the Northcrest Homeowners' Association, but they now support lifting the restriction. The association has asked to have a 6' chain link fence installed along the property line of adjoining town houses.

Mr. Kemper had the following comments: When DCG began clearing for the Executive Woods Office Building, several Tallow Wood residents expressed concerns in regards to the proximity of the building to their property and the associated buffers. DCG is willing to put up an anchor fence to buffer the residents if they would support the food restriction being lifted from the original PUD legislation. He has a letter stating that the residents are in favor of this proposal.

Mr. d'Amico asked if this would be a restaurant that will be in service after work hours. Mr. MacElroy said envisioned a full service restaurant and catering operation rather than a café or deli. Mr. Nicholson said during the day, the primary use will be from the office buildings.

Mr. Bulger moved, seconded by Mr. d'Amico, to recommend that the Town board approve changing the PUD. The motion was unanimously approved.

Discussion:

Clifton Park Senior Center has requested a variance to erect a sign to promote events.

Mr. Russell moved, seconded by Ms. Czub, to recommend granting the variance. The motion was unanimously approved.

Exit 9 Wine and Liquor, Crossing Boulevard, has requested a 29 square foot sign variance. Mr. O'Brien said approval would set a precedent.

Mr. Russell moved, seconded by Ms. Czub, to recommend disapproval of the request for a sign variance. The motion was unanimously approved.

Taco Bell - Mr. Kemper said Taco Bell was told by headquarters that they must comply with the corporate color scheme, and they want to change colors. Mr. O'Brien said Taco Bell wanted flags when they first built and were told they could not have any. They are now displaying American flags. He said he won't entertain a color scheme change. Board members agreed.

Minutes Approval:

Ms. Czub moved, seconded by Mr. d'Amico to approve the minutes of May 8, 2001 as written. The motion was approved. Mr. O'Brien abstained.

Mr. Bulger moved, seconded by Ms. Czub, to adjourn. The motion was unanimously approved. The meeting was adjourned at 9:30 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 #9

APPROVAL  
SPECIAL USE PERMIT

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on June 12, 2001, at 7:10 P.M. there were:

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

Ms. Czub offered Resolution #9 and Mr. Marzola seconded, and

Whereas, an application has been made to this Board by Brooks Heritage for approval of a Special Use Permit for an in-law apartment, 254 Moe Road, and

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on June 12, 2001 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 a Special Use Permit be granted to Brooks Heritage for an in-law apartment, 254 Moe Road,

RESOLUTION #9 passed 6/12/01

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

Noes: None

Kevin O'Brien  
Chairman

Resolution #10

#### 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 June 12, 2001, at 7:10 P.M. there were:

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

Ms. Czub offered Resolution #10 and Mr. Russell seconded, and

Whereas, an application has been made to this Board by Terrance Elliot for a (2) lot

subdivision, Tanner Road, and

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on April 24, 2001 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 Terrance Elliot - (2) lot subdivision, Tanner Road, is hereby granted preliminary and final approval, conditioned on pursuing a conservation easement or deed restriction, and on a soil investigation.

RESOLUTION #10 passed 6/12/01

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

Noes: None

Kevin O'Brien  
Chairman