

Clifton Park Planning Board Meeting Minutes

August 14, 2001

Those present at the August 14, 2001 Planning Board meeting were:

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

Also present were: J. Kemper, Director of Planning, J. Grasso, Clough, Harbour and Associates, M. O'Brien, ECC, P. Pelagalli, Counsel

Mr. O'Brien called the meeting to order at 7:10 P.M. He noted that the 7:10 Public Hearing for Hollander Homes, Inc. was removed from the agenda at the request of the applicant.

Public Hearing 7:15 PM

[2001-033] Caldwell, Emmor B. and Ann W. - Proposed (3) lot subdivision, 1401 Route 146 - 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 August 4, 2001.

Mr. Gil Van Guilder said 70 acres of the 121 acre farm will remain intact. A portion of land on the northerly side will be subdivided into two lots. The plot has been modified to include the well on the lot with the buildings. A 10' strip on land will be dedicated to the Town of Clifton Park for future use of a bike path.

Mr. Kemper had the following comments: The 500 foot notices for the project were sent on July 24, 2001. Note #1 should be expanded to include the part that "lots will be connected to public water within (2) years of availability at the property line". The Saratoga County Planning Board approved the project on July 19, 2001 with the following comments: The applicant should show water and sewer locations as well as topo on the site plan. Lots A&B require N.Y.S.D.O.T. permits for drives onto Route 146. Lot C requires a town permit for access onto a town road. There is a wetland N-25 on the property which the N.Y.S.D.E.C. will need to be contacted regarding any development on the parcel." The public hearing notice appeared in Gazette on August 4, 2001.

Mr. Grasso said all previous comments have been adequately addressed.

The ECC had the following comments: The ECC reiterates the comments made at the July 10, 2001 meeting regarding the fragmentation of sensitive environmental areas.

Mr. O'Brien asked for public comments. Being none, he asked for Board comments.

Mr. Bowman moved, seconded by Mr. d'Amico, to close the public hearing. The motion was unanimously approved.

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. Bowman offered Resolution #17, seconded by Ms. Czub, to grant preliminary and final approval, conditioned on the comments of Mr. Kemper. Ayes: d'Amico, Czub, Bowman, Bulger, Marzola, Russell, O'Brien. Noes: None.

Public Hearing 7:20 PM

[2001-034] Caldwell, Roger S. and Sharon R. - Proposed (2) lot subdivision, 656 Waite Road - 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 August 4, 2001.

Mr. Gil Van Guilder said federal wetlands have been delineated. A silt fence will be installed during construction. A 10' strip of land along the frontage of Waite Road will be dedicated to the Town of Clifton Park. When the 10' strip is cleared, there will be an increase in sight distance. He said some larger trees can be removed now. The westerly portion of the circular driveway will be eliminated. The driveway on the second lot will be moved 60' to the west to increase sight distance.

Mr. Kemper had the following comments: The 500 foot notices for the project were sent on July 24, 2001. The sight distance along Waite Road should be evaluated. N.Y.S.D.E.C. wetland that exists to the west of the property should be illustrated on the plot plan. Note #1 should be expanded to include the part that "lots will be connected to public water within (2) years of availability at the property line". The landowner has agreed to convey a 10' strip along Waite Road for a future multi-use path. This will satisfy the 5% minimum requirement for active parkland. The public hearing notice appeared in Gazette on August 4, 2001.

Mr. Grasso had the following comments but noted that sight distances have been addressed and will be adequate after the work is done. We have reviewed the subdivision plan for the above project prepared by Gilbert VanGuilder & Associates, last revised July 24, 2001. We offer the following comments: If the intent for the reserved strip of property along the west side of the site is to possibly accommodate a future road, the siting of the house on lot "A" should be such that the house will comply with the future fifty foot front yard setback requirement. The sight distances provided for driveway #2; the west entrance for driveway #3; and the westerly looking sight distance for the east entrance for driveway #3 do not appear to meet the recommended sight distances of 699 feet looking left and 627 feet looking right. Either relocation of the driveways or measures to improve the available sight distances are recommended. In addition, we recommend that the two curb cuts proposed for lot "B" be consolidated into one curb cut.

The ECC had no comments.

Mr. O'Brien asked for public comments. Being none, he asked for Board comments.

Mr. d'Amico asked if there would be enough setback from the property line after the driveway is moved. Mr. VanGuilder said the driveway will be 30' from the property line and the house could be set back 50'.

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

Mr. O'Brien asked Mr. Grasso if the trees should be removed now. Mr. Grasso said he wants trees cleared at the time the house is being constructed.

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.

Ms. Czub offered Resolution #18, seconded by Mr. Bulger, to grant preliminary and final approval, conditioned on the comments of Mr. Kemper. Ayes: d'Amico, Czub, Bowman, Bulger, Marzola, Russell, O'Brien. Noes: None.

Public Hearing 7:25 PM

[2001-035] Connell, Jane F. - Proposed (3) lot subdivision, Taylor Drive and Vischer Ferry Road - 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 August 4, 2001.

Mr. Gil Van Guilder said the existing house, barn and accessory buildings will be included in a 5.06 acre lot. The remaining area will be subdivided into two lots which will conform to the R-3 zoning requirements. A parcel of land owned by the Latham Water District cuts off 1.6 acres of land which will be deeded to the Town of Clifton Park and annexed to other lands of the Town of Clifton Park. A land conservation area will protect wetlands.

Mr. Kemper had the following comments: The public hearing notice appeared in Gazette on August 4, 2001. The 500 foot notices for the project were sent on July 23, 2001. Note #1 should be expanded to include the part that "lots will be connected to public water within (2) years of availability at the property line". The Saratoga County Planning Board approved the project on July 19, 2001 with the following comments: "An additional consideration for the project is a possible bargain sale or gift of a portion of Lot 3 that abuts the Latham water district. The final map should show proposed building locations, septic and well location and appropriate erosion control measures as deemed necessary by the town planning board." Mr. Kemper said he received a letter dated August 1, 2001 from Linda and William Cherry and distributed it to Planning Board members for their review. Erosion control measures should be depicted on the plot plan. The applicant has agreed to convey 1.613 acres of the project to the Town of Clifton Park to add to the

landfill parcel. The applicant has also agreed to convey a 10' strip of land along Vischer Ferry Road for a future multi-use path.

Mr. Grasso said all comments have been addressed.

The ECC had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The Town of Clifton Park LC Zone in relation to the Stony Creek Reservoir should be indicated on the plot plan. The following standard statements should be added to the plot plan: Federal Jurisdictional Wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in Federal Wetlands.

Mr. O'Brien said Sheryl Reed's prior concerns have been addressed. He asked for public comments. Being none, he asked for Board comments.

Mr. Bowman moved, seconded by Mr. d'Amico, to close the public hearing. The motion was unanimously approved.

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. Bowman offered Resolution #19, seconded by Mr. d'Amico, to grant preliminary and final approval, conditioned on the comments of Mr. Kemper. Ayes: d'Amico, Czub, Bowman, Bulger, Marzola, Russell, O'Brien. Noes: None.

Old Business

[2001-023] Nextel Partners, Inc. - Proposed co-location on CPWA water tank, 51 Castle Pines Drive - determination from public hearing held June 26, 2001.

Ms. Mary Beth Slevin, representing Nextel, said it is Nextel's preference to co-locate whenever possible. She said they have responded to comments by Vollmer Associates.

Mr. O'Brien said an outside engineering firm, Vollmer Associates, was hired by the Planning Board to review this application and verify that the application is valid and in compliance with FCC guidelines. He said Mr. Kemper interviewed eleven consultants, and chose Vollmer Associates based on experience.

Mr. Kemper had the following comments: The Saratoga County Planning Board approved the project on June 21, 2001 with the following comments: "The application represents the use of an existing structure in the manner proposed by the Saratoga County Planning Board's model ordinance on telecommunication towers, limiting, as such, the proliferation of towers where they can be avoided." Additional information on the propagation study was submitted to Vollmer Associates for review. All additional letters

and correspondence since the last meeting have been enclosed in the folders for review. Some sort of brown stone aggregate should be used for the building façade. In addition, a minimum of 10 foot tall evergreens should be placed around the utility building. A letter from Ed Vopelak of C.T. Male stated that an underground utility structure cannot be used on this site because it may impact the foundation of the water tower. That letter was included in members' folders for review.

Mr. Grasso and the ECC had no comments.

Mr. Ron Bova, Chief Engineer of Vollmer Associates, said he looked at several issues based on available information, as well as additional concerns voiced by the Town Planning Board and specific concerns of the public recorded in the transcript of the June 26 public hearing. Mr. Bova said he looked at visual assessments because aesthetics was a concern at the public hearing. He said his findings have been submitted to the Planning Board. Mr. Bova said he investigated the Ballston Spa water tower which had six carriers. He discussed the excessive emission warning notice found on the security fence at that site, but stressed that the warning applied to anyone entering and remaining within the enclosed fenced area.

Mr. Bova outlined his conclusions as follows: Based on the applicant's submitted radio frequency field calculations for the projected emissions with two additional carriers, the cell site will emit less than one percent of the amount allowed by the FCC. Additionally, Nextel falls within limitations of the more stringent Salzburg limit. Vollmer Associates had the following recommendations: A 134' high antennae mounting should be considered over the 153' proposal, and painting the antennae, cables and cable supports to match the water tank color will soften the impact to neighbors. The total number of co-locating carriers should be limited to the Salzburg emissions limit, via amendment to the Town Code, and additional co-locators should measure emissions. A low profile building is recommended. All carriers should be required to remove their appurtenances for tank maintenance, cleaning and painting, as required by the Town.

Mr. O'Brien said the Planning Board is sensitive to residents' concerns, but it must uphold the law based on FCC regulations regarding cellular towers, and Vollmer Associates did attest to the fact that Nextel's emissions were within FCC guidelines.

Mr. Bulger said noted a recent newspaper article in which Robert Ritter, a leader of the anti-cell antenna group at Knolltop, made a statement regarding a Duanesburg cell tower, and was quoted to say "The Tower went up (in Duanesburg) and within 4 years, half of the nearby 40 residents had some form of cancer. Half!". Mr. Bulger investigated a claim by Duanesburg residents that they have suffered severe health ailments because of antenna emissions from a cellular tower on Mott Road in Duanesburg. He spoke with Duanesburg Town officials and Dr. Fricke from the Schenectady County Health Department. Dr. Fricke said there are no documented cases of any illnesses by local residents that can be directly traced to the cell tower by medical professionals. He said only two people in the neighborhood have cancer, and statistically, there is no great variation than what he sees in other communities and neighborhoods. Dr. Fricke said Duanesburg's tower emissions are well within FCC guidelines. Mr. Bob Wall,

Duanesburg Town Supervisor , said residents claimed that real estate values near the Tower would plummet, but there has been no impact on real estate prices in that neighborhood according to Town records. The Town had offered to lower the tax assessments on the neighborhood homes in case property values fell, with the stipulation that homes would then have to be sold at the lower values, however the residents did not want to have the sales price impacted and the idea was not approved. Mr. Bulger cited three lawsuits in Duanesburg over the cell tower and noted that two cases were dismissed and the third was won by Cellular One.

Mr. Paul Pelagalli said the law is clear cut, and Nextel's emissions fall within FCC guidelines and the Planning Board can not deny Nextel's request. He quoted a portion of the US Code, that "No state or local government or instrumentality thereof may regulate the placement, construction or modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the commission's regulations concerning such emissions."

Mr. O'Brien said Town Code encourages co-location, and the Planning Board has looked at this at every angle, and must uphold the law of the Town, and state and federal law. He said based upon science known today, there is no evidence to prove these emissions are a safety issue, and there is no reason to believe health is at risk. Mr. Bulger said he agrees with Mr. O'Brien's comments, and said he likes Vollmer's suggestion to lower the height of the antenna to reduce visual impact.

Mr. John Emery said he appreciated the efforts and hard work of the Planning Board. He asked if the radio waves would go down instead of horizontally if this antenna is angled down. Mr. Vollmer said emission calculations considered several angles, from vertical to horizontal. Ms. Slevin said the antenna would be at a fixed angle.

Mr. Pelagalli read the following basis for a motion to grant preliminary and final approval to Nextel: Vollmer Associates has reviewed the application of Nextel Partners, Inc. for site plan approval, relative to radio frequency emissions anticipated by the location of antennae on the CPWA water tower located at 51 Castle Pine Drive, and Vollmer Associates, through Ronald Bova, P.E., has advised the Planning Department that the applicant's submission is well within the FCC limit for radio frequency emissions. The Planning Board has been advised that the application of Nextel Partners can not be denied based upon environmental effects of radio frequency emissions if the emissions comply with the FCC regulations, with counsel citing 47 U.S.C. section 332 (c)(7) as authority in this regard. The Planning Board has considered the need for this co-location by the applicant, along with all other concerns raised by the public and advisory staff.

Mr. O'Brien moved, seconded by Mr. Bulger, to grant preliminary and final site plan approval, conditioned on the comments of Mr. Kemper and the recommendations of Vollmer Associates, and conditioned on mounting the antennae at a fixed placement location of 134', and painting the antennae, cables and cable supports to match the water tank color. A low profile brownstone block building is recommended. All carriers are

required to remove their appurtenances for tank maintenance, cleaning and painting, as required by the CPWA. The motion was unanimously approved.

[1999-004] Clifton Country Road Associates - Proposed 66,700 square foot retail and office plaza, Southside Drive, - Preliminary site plan review and possible determination.

Mr. Tom Andress, ABD Engineers, said the two story building would be retail on the first floor and office space on the second floor. A separate 30,000 retail building is proposed. Detention basins have been supplemented with drainage pipes. Mr. Andress showed elevations and explained that the rear of the building facing Route 146 will have a façade so it looks like the front of a building.

Mr. O'Brien asked if the peaks on the front and back are false. Mr. Andress said the roof is flat with fake peaks.

Mr. O'Brien asked what the traffic pattern will be for the drug store drive through. Mr. Andress said the traffic will go around the roadway to the east of Friday's and the greenspace between Friday's and the new building will remain.

Mr. Kemper had the following comments: Notices sent out for the project included a map that showed the location of Maxwell Road Extension. However, no decision has been made on the exact location of this extension. Mr. Kemper received a letter dated August 10, 2001 from DCG Development in regards to the proposed Maxwell Road Extension in relation to this project, a copy of which has been included in members' folders for review. There has been no indication of an agreement between DCG Development and Clifton Country Road Associates for the extension of Maxwell Drive. The Planning Board and CHA have stipulated in the past that any further development of this parcel will require the extension of Maxwell Drive. The last time this project appeared before the Planning Board, they stated that Maxwell Drive should be extended and DCG Development and Clifton Country Road Associates should work together on the project. The construction of Maxwell Drive should be made a condition of this approval and previous recommendations should be adhered to. When Maxwell Drive is extended it will connect to Southside Drive, therefore Southside Drive should be deeded over to the Town so that no issues arise as to the use of Southside Drive. The applicant agreed to submit a rendering of the parcel that would be deeded over to the Town to meet the greenspace requirement. This has not been done. Due to the documented drainage problems downstream, stormwater management issues should be closely evaluated. Mr. Kemper received a memo from the Town Assessor about adjusting some lot lines around this project to help him make it easier to assess the properties. They are difficult to assess because improvements overlap the property lines. Mr. Kemper was copied on a letter from Doug Connor to Tom Andress stating the source and storage fees for the project, a separate water meter will be required for irrigation purposes, water mains should be located away from paved areas, and a 20 foot easement granted to the CPWA should be required around all lines. The size of the plantings should be increased as follows: deciduous trees should be 3" caliper minimum, ornamental tree plantings to be 2" caliper minimum, and shrubs to have a minimum of 24" spread or height. Signoff on the project

will need to be provided by S.C.S.D., C.P.W.A., and N.Y.S.D.O.T. Signs need to be placed in front of the handicap parking spaces and unloading zones. A crosswalk should be provided along Southside Drive to allow pedestrian access from Village Plaza. Color schemes of the buildings should be submitted. He asked if the project will be phased or all completed together. The species of evergreens need to be indicated in the planting detail. The red maples along the western property line should be extended further to the North, in addition the evergreens along the north side of the retail building need to be extended to the Western property line. Along Southside Drive the red maples should also be extended to the Eastern entrance. The trees along the western property line should have the same spacing as the trees along Southside Drive. In regards to the Exit 9 Commercial Area G.E.I.S. Statement of Findings the following items remain to be submitted: State and federal wetland delineation, survey for threatened and endangered species, tree survey, and traffic study. The site plan indicates that there will be 9 parking spaces, however, only 8 are depicted on the plan.

Mr. Grasso had the following comments: We have reviewed the preliminary site plans dated May 2001 and the Full Environmental Assessment Form (FEAF) dated July 23, 2001 for the above project, prepared by ABD Engineers and Surveyors. The following comments from our June 7, 2001 letter remain to be addressed: Relative to the Exit 9 Commercial Area GEIS: 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 35.4%. 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. 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. We offer the following additional comments: Relative to the Full E.A.F. dated July 23, 2001: Item A11 should be confirmed through a review by the New York State Department of Environmental Conservation Natural Heritage Program and the United States Fish & Wildlife Service. Item A15 should identify that the project area is tributary to the Stony Creek Reservoir. Item B1I states the largest proposed structure will have a height of 35 feet while the plans indicate the building heights are 38 feet. In item B23 the anticipated water usage of 700 gallons per day appears to be low. Typically office buildings use 0.1 gallons per day per square foot of building area resulting in 1,270 gallons per day for the office building alone without considering the retail flows. Item C11 should indicate the project will create a demand for community services. Item C12 should indicate the project will result in generation of traffic significantly above present levels. Due to the project's visibility from NYS Route 146, we recommend that the rear of

the buildings facing Route 146 include enhancement of architectural feature to mitigate visual impacts. Building elevations should be submitted to the Planning Board for review and comment. In accordance with the GEIS Statement of Findings, development should provide pedestrian connections to the maximum extent practicable. Pedestrian routes should be established between the proposed development and Village Plaza and to Maxwell Drive if extended to the south as currently planned. We recommend providing a crosswalk over Southside Drive and the Toys R Us parking lot and extending the existing Toys R Us concrete sidewalk to link this development with Village Plaza. Handicap parking and no parking sign locations should be specified on the plans. A handicap ramp should be provided at the entrance to the drug store. Review and approval of the proposed sanitary sewer services and watermain is required by the Saratoga County Sewer District (SCSD) and the Clifton Park Water Authority (CPWA), respectively. Utility easements will be required. Both the hydrant at the rear of the drug store and at the front of the retail/office building are extraordinarily long dead end hydrant leads. Based on past experience with water quality issues with these configurations, we recommend hydrant lead lengths be limited to less than fifteen feet. In addition the proposed utility work in the NYS Route 146 right-of-way will require a Highway Work Permit from the NYSDOT. We recommend that the elevations of utilities be specified at all crossings to verify that adequate separation distances are maintained. The existing storm sewer system along Southside Drive currently discharges to the roadside depression. The stormwater then flows westerly to the existing culvert near the southwest property corner. The plans depict the Town owned storm system being connected to the privately owned proposed closed drainage system. Due to the potential for future contention over maintenance and downstream impacts, we recommend that the Town system remain separate and independent from the proposed private system. It does not appear that the proposed closed storm drainage system has been sized to convey the entire upstream drainage including runoff from the TGI Friday's and Fleet Bank. Calculations should be provided. A comprehensive stormwater management report including measures for flood control and first flush treatment should be submitted to our office and the NYSDOT for review and approval. The plans should specify locations and details for erosion and sediment control in accordance with the New York Guidelines for Urban Erosion and Sediment Control. "One Way" and "Do Not Enter" signs should be specified for the drug store drive through. Additional signage should be specified at Southside Drive and in Village Plaza to direct motorists to Clifton Country Road, NYS Route 146 and I-87. If Maxwell Drive is extended to the south as currently planned, it may create a front yard condition for the rear of the proposed 30,000 square foot retail building. As such, additional screening vegetation may be appropriate. Specifications of the lighting manufacturer, model, style and photometrics should be provided on the plans. We recommend the use of high-pressure sodium lamps instead of the metal halide lamps. We also recommend that the proposed canopy lighting be recessed style so that the luminaires are not visible from off-site areas. The Construction Detail sheet contains two conflicting handicap parking and striping details. The spaces, symbols and striping should all be colored blue.

The ECC had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The ECC reiterates the following comments made under the date of June 5, 2001: 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. Further, the ECC also recommends: 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 has been completed and soils are stabilized. All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized. The Applicant will control fugitive dust and debris during the construction/demolition phase of the project.

Mr. O'Brien said greenspace is 35.4% but the applicant will provide 1.9 acres of off-site land to the Town. He said is satisfied because it meets the overall intent of the GEIS. Mr. Kemper said with the addition of the 1.9 acres, greenspace will be calculated at 51%, and he suggested that the 1.9 acres should be surveyed.

Mr. d'Amico said he does not support trading off property. He said this is a very visible area and he would like to see more greenspace.

Mr. Pelagalli said the GEIS is not law, just a guideline, and the Planning Board's recommendation of 45% greenspace was not followed through by the Town Board. He said the DEC and EPA encourages wetland mitigation.

Mr. Bulger said the 1.9 acres is the most environmentally sensitive area in the GEIS. He feels confident that Maxwell Road will intersect with Southside Drive, and doesn't believe the project should be held up based on the configuration of the intersection. Mr. Don MacElroy said the extension will not take place unless there is a joint effort between the Town of Clifton Park, Windsor Development, and DCG. He said all parties are stakeholders in the extension of Maxwell Road.

Mr. O'Brien said the project is ready to go, and the 1.9 acres at the Conservatory is a positive acquisition. He said the project can't be denied pending a resolution to the Maxwell Road extension.

Mr. MacElroy asked if Mr. O'Brien would grant DCG the same courtesy. Mr. O'Brien said he can't say that because it would depend on the project. Mr. MacElroy said if that is the case, he can assure the Planning Board that the extension won't go through.

Ms. Margaret Catalier asked the Board not to make a decision because she made a FOIL request and she didn't get all the information she requested. Mr. O'Brien said Planning Board in the months of July and August have only one meeting each month, and the applicant is on a tight time frame to secure a tenant. Ms. Catalier said she wants time to gather opposition and make public comments. She asked for a public hearing. Mr. O'Brien said this proposal is consistent with the GEIS.

Mr. Paul Fleming agreed with Mr. d'Amico regarding mitigation and said the Planning Board should take a hard look to see if this project creates an impact.

Mr. O'Brien moved, seconded by Mr. Marzola, 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 moved, seconded by Mr. Russell, to grant preliminary site plan approval, conditioning final approval on satisfactorily addressing the comments of Mr. Kemper, the ECC and Clough, Harbour. Mr. O'Brien asked Mr. MacElroy and Mr. Miller to continue discussions on the Maxwell Road Extension. The motion was approved. Mr. d'Amico was opposed.

Mr. Andress said he didn't receive Clough, Harbour's comment letter until August 13 and didn't have time to address their comments.

[2001-030] Hyde, Donald - Proposed 4,800 square foot office building, 6 Roselle Drive - Preliminary site plan review and possible determination.

Mr. Gordon Nicholson, Environmental Design Partnership, said the applicant proposes a one-story 4,800 square foot office building on 1.5 acres of land with 30 parking spaces. There will be on site septic, and the CPWA water main will be extended to service this building and two future buildings. Mr. Nicholson said the applicant proposes to use brick and earth tones on the buildings.

Mr. Kemper had the following comments: The 500 foot notices were sent on July 30, 2001. A letter from Doug Connor stated that all irrigation systems will have to be on a separate meter and source and storage fees will be due prior to release of plans. The Planning Board at last meeting stated that samples of the building façade should be submitted for the next meeting. The applicant has indicated that public water will now be run to the site, however the site statistics state that a well will be used. Postal addresses should be shown on the plan. Ushers Road should be labeled on the site plan. He asked whether the façade will coincide with other buildings on Roselle Drive. Adjoining property owners should be identified on the plot plan. Due to the proximity of the stormwater basin to the building and parking lot it should be mowed and maintained as lawn. In the site statistics the applicant has indicated the water source to be a well, the applicant has agreed to connect to CPWA, therefore this should be corrected. The applicant has indicated that the office building will be used for office space, the parking illustrates that this use will be medical, verification needs to be provided and additional

parking spaces eliminated if possible. Mr. Kemper asked what the dumpster enclosure will be constructed of. He received a memo from Sheryl Reed stating that the postal number is 2 Roselle Drive, not 6 Roselle Drive. Mr. Kemper said an easement should be granted for maintenance of the water line if it is not within the right-of-way.

Mr. Grasso had the following comments: We have reviewed the preliminary site plans and stormwater management report for the above project prepared by The Environmental Design Partnership, dated July 25, 2001. The following comments in our last review letter remain to be addressed: Any wells or wastewater disposal systems within 100 feet of the project site should be shown to verify adequate separation distances. In none exist, this should be so noted. The names of the adjoining property owners should be shown. We offer the following comments on the Preliminary Plans: A detail should be provided for the handicapped accessible curb cut. The proposed stormwater management area has been designed to infiltrate all stormwater runoff. In order to promote infiltration during periods of frost, we recommend that a small diameter drywell be located in the bottom of the basin opposite from the inlet. In order to reduce the potential for siltation of the drywell, an over-excavated sump should be provided closer to the inlet. A note should be provided on the plan stating the proposed basin is to receive regular maintenance to ensure the design infiltration rate. The stormwater management system modeled in the stormwater report does not correspond to the design shown on the site plan. In particular, the inlet to CB#1 was not modeled. The proposed grading shows concentrating runoff uphill of the parking area and discharging it onto the adjacent property in an area that does not currently see concentrated runoff. Given the potential for impact on the adjacent owner, this should be revised accordingly. Given the anticipated low flows, installing an additional catch basin in the swale west of the parking area and discharging the runoff to the stormwater management area should be considered. The final plans should show the following additional information: Location of test pit. 50% Wastewater disposal system expansion/ replacement area. Lighting details and specifications. Water main, service and hydrant details. Size and material of proposed water service. Call out of all water main bends, fittings, and thrust restraint. Call out and detail of the proposed dumpster enclosure. Size, material and inverts or acceptable slopes of wastewater disposal system piping from building to distribution box and from distribution box to septic tank. The final site plans and stormwater management report should be stamped and signed by a Licensed New York State Professional Engineer.

The ECC had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. 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 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 dusts and debris during the construction/demolition phase of the project.

Mr. Nicholson said all comments can be addressed.

Mr. d'Amico asked for the location of the other lots proposed for development. Mr. Nicholson said they are around the cul de sac.

Ms. Czub 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 Ms. Czub, to grant preliminary and final site plan approval, conditioned on addressing the comments of Mr. Kemper and Clough, Harbour. The motion was unanimously approved.

[2001-032] Phillips, Robert L. - Proposed 4,000 square foot office building, Plank Road - Preliminary site plan review and possible determination.

Mr. Gordon Nicholson, Environmental Design Partnership, said the one story building will be brick and siding. A heavy landscaped buffer will be provided and evergreens from Abele's property will be transferred. The traffic study has been updated and Clough, Harbour's comments have been addressed. The water line will be extended.

Mr. Kemper had the following comments: The Saratoga County Planning Board approved the project at their July 19, 2001 meeting with the following comments: "An erosion and sediment control plan and final stormwater management plan should be submitted and approved prior to final site plan review. Erosion control barriers should be submitted and approved prior to final site plan approval. Erosion control barriers should be installed prior to any site work. A porous parking lot surface would allow greater infiltration and would be recommended at this time because of the limited area." A memo from Sheryl stated that postal verification needs to be provided. The applicant submitted a detailed traffic study and that was submitted to CHA for review. A July 10, 2001 letter from Doug Connor states that a water main will have to be extended to the site. However, the site plan indicates that the applicant is proposing to connect to the Bent Pine Hollow line. Mr. Kemper received a letter from Jim DiPasquale dated July 7, 2001 stating that the proposed use and projected flows must be submitted for review. In addition, a signoff from CK Sanitary will be required. He asked where the dumpsters will be located. It is indicated in very light gray print on the site plan when the variances for the front yard setbacks were granted. This should be included somewhere else on the site plan so that it is more legible. The silt fence should be extended on the north and south side of the parcel. In addition, the gap in the silt fence in the back should also be enclosed. Color illustrations of the building were requested at the last Planning Board meeting, to date, those have not been submitted.

Mr. Grasso had the following comments: We have reviewed the preliminary site plans for the above project prepared by The Environmental Design Partnership, dated July 23, 2001 and traffic studies prepared by Creighton Manning Engineering dated June 20, 2001 and July 25, 2001. Relative to the traffic studies, we offer the following comments: The

existing pavement width of Plank Road is 28 feet, which is consistent with the design criteria for comparable roadways within the Town. The proposed professional office facility is anticipated to generate less than 10 trips (combined entering and exiting) during peak hours. In addition, when the anticipated traffic is added with traffic to be generated by other projects in the immediate vicinity of the site, there will continue to be good levels of service with no significant impacts. As such, we concur with the results of the study that traffic mitigation measures are not warranted. Although this section of Plank Road has a posted speed limit of 40-mph, the data collected indicates that the design speed for Plank Road is 50-mph, based on the reported 85th percentile (existing traffic) speed of 48-mph. This speed data was collected along the section of Plank Road between the site and Maxwell Drive. Therefore, it is not known what effect the existing curve and advisory signing in front of the site for 30-mph has on reducing vehicle speed at the site access. Our independent field review of existing conditions confirms the sight distances reported in the CME evaluation. The existing sight distances for vehicles exiting the site looking left and for left-turn vehicles entering the site facing oncoming traffic do not meet the recommended sight distances for a 50-mph speed based on NYSDOT's Policy and Standards for Entrances to State Highways. However, they do meet the distances recommended for the existing 40-mph posted speed limit. Existing sight distances also exceed the minimum stopping distance for a 50-mph speed. The NYSDOT standards allow for discretion in applying the recommended sight distance values based on engineering judgment. The recommended sight distance values cited allow traffic to enter or exit the driveway without significant adjustment of travel speed for traffic on the major street (in this case, Plank Road). Stopping sight distance is the minimum distance necessary for a driver to perceive a conflict and stop his/her vehicle in wet pavement conditions. Considering these factors, the posted legal and advisory speeds, and the low volume characteristics of the proposed site, the traffic analysis concludes that the existing sight distance conditions are acceptable for the proposed use of the site. Although we generally concur with the findings, we acknowledge that the sight distance limitation for traffic exiting the site looking southeast along Plank Road is a combined result of the horizontal curve of the roadway and landscaping placed outside the R.O.W. along the west side of Plank Road for the recently constructed Abele office buildings. It appears that relocation of the landscaping is easily achievable, and therefore, we recommend this sight distance improvement as a requirement of this project. In addition, although the existing sight distance for traffic looking right from the site exceeds the recommended value, an existing willow tree located near the driveway could impair the sight distance from vehicles further from the edge of pavement. As such, and because it is located within the public right-of-way, we recommend its removal. We offer the following additional comments on the Preliminary Plans: The finished floor of the proposed building is at elevation 310.0, and it appears the building will have a walkout style basement with lower level access on the north side of the building. The elevation of the road at the approximate midpoint of the building is 304.0. Given the close proximity of the building to the road edge (less than forty feet) and the difference in elevation of six feet, we anticipate the elevation of the building will appear very high. Reducing the finished floor elevation is strongly encouraged. The plan indicates an area of the project site to be deeded to the Town of Clifton Park for right-of-way. We recommend that the right-of-way be established as a minimum of thirty feet from the centerline of Plank Road

in accordance with current Town standards. Evidence of conveyance of the right-of-way should be provided to the Town prior to issuance of a certificate of occupancy. The erosion control measures should be continuous from the guiderail on the north side of the site to the guiderail on the south side of the site. The proposed curbing should be extended around the parking area on the west side of the site to the right-of-way line. The plan does not indicate the location of a dumpster, as such, we assume and recommend that waste containment will be handled internally to the building. We recommend that the landscaping along Plank Road be increased in size to 3 ½" caliper for deciduous trees and eight feet in height for evergreen plantings. In addition, we recommend that native shrubs be heavily planted on the slope between the building and the stream. The following information should be provided with future plan submissions: Stormwater management report. Adjoining owner to the north. Verification of existing easement over water and sewer services on adjoining property. Handicapped ramp details. Details of retaining walls and timber guiderailing. Details of lighting and pump station. He added that Mr. Nicholson addressed his comments.

The ECC had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The ECC notes that the project may result in intrusion into Federal Jurisdictional Wetlands. The Applicant must avoid intrusion into the ACOE Wetlands or apply for a Federal Wetlands Permit for a disturbance. The Town of Clifton Park should be provided with copies of all related correspondence. The ECC further recommends that the following standard statement should be added to the plot plan: 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 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 into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized. The Applicant will control fugitive dust and debris during the construction/demolition phase of the project.

Mr. O'Brien said he has concerns with the road and traffic, and there is a need for greater enforcement. Mr. Kemper said approval should contain a recommendation to the Town to lower the speed limit to 30 mph and add signs. Mr. d'Amico said due to the banking of the road, the curves are hazardous at any speed. Mr. Bulger said he agrees that the Town should be asked to lower the speed limit and place signage.

Mr. Bowman said the trees probably shouldn't be moved until the weather gets cooler. Mr. Nicholson said he can get a letter of agreement that Mr. Abele will allow Mr. Phillips to move the trees.

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.

Mr. O'Brien moved, seconded by Mr. Bowman, to grant preliminary and final site plan approval, conditioned recommending that the Town lower the speed limit, add signage and increase enforcement, and conditioned on addressing the comments of Mr. Kemper and Clough, Harbour. The motion was unanimously approved.

[2000-025] Hahn, John - Proposed (16) lot subdivision, Clifton Park Center Road - Revised conceptual review.

Mr. Gordon Nicholson, Environmental Design Partnership, said single family detached housed a proposed for the 16 lot subdivision. A pedestrian connection to the Common can be provided.

Mr. Kemper had the following comments: Town Code states that the minimum center-line radius for horizontal curves shall be 300 feet. The current configuration does not meet this requirement. There has been flooding problems documented immediately east of the proposed subdivision, therefore, stormwater management issues will be closely looked at. The Planning Board received a memo from Pat Haffner stating that the Town should take this opportunity to gain a second Town access to the Common. The sight distances along Clifton Park Center Road will have to be evaluated. The proposed driveway locations for lots 14, 15, and 16 should be indicated on the plan. The project will require signoff from S.C.S.D., CK Sanitary, and the C.P.W.A. The subdivision map illustrates the edge of the fence for the baseball field and the edge of the woods on the Common to be approximately 10 ft. Upon visiting the site the actual distance from the edge of the chain link fence to the edge of the woods at the narrowest point is approximately 22 feet.

Mr. Grasso had the following comments: We have reviewed the concept subdivision plan for the above referenced project prepared by the Environmental Design Partnership, LLP, dated July 25, 2001 and have the following comments: The proposed project now 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 - Subdivision Plan Approval, NYSDEC - Wastewater Disposal System Approval, NYSDOH - Realty Subdivision and Water Supply System Approval, S.C.S.D. #1 - Sanitary Sewer System Approval, Clifton Park Water Authority - Water Supply System Approval. The development plans should minimize clearing of the existing pine plantation to the maximum extent feasible. Consideration should be given to the establishment of no-cut buffers around the project perimeter and along Clifton Park Center Road. The project will require offsite improvements including public water and sanitary sewer extensions. Therefore, the plan should depict these improvements and be submitted to the Clifton Park Water Authority and Saratoga County Sewer District for their initial review. We recommend that the proposed development be served by gravity sewer service, if feasible. Clifton Park Center Road is shown with a fifty-foot wide right-of-way. Clifton Park Center Road is identified in the Town's Trails Master Plan as having a future multi-use pathway. In order to accommodate future improvements, we recommend that the right-of-way be expanded by ten feet along the site's frontage. We

recommend the project incorporate pedestrian access routes to the adjacent Clifton Common and the Shenendehowa Central School. Pursuant to Section 86-6C of the Town's Construction and Design Standards, the minimum centerline radius for horizontal curves shall be 300 feet and the pavement radius at the entrance to the dead end turnaround shall be at least 50 feet. The proposed roadway and right of way radius at Clifton Park Center Road do not appear to meet these minimum dimensions. The proposed driveway locations for lots 14, 15 and 16 should be shown on the plan. In addition, it should be noted on the plan that access to lots 1 and 13 will be from the proposed road. We also recommend the driveways on the south side of Clifton Park Center Road be shown on the plan. The location of the stormwater management area should be shown on the plan within a parcel to be dedicated to the Town for ownership and maintenance. Design of the proposed watermain and sanitary sewer systems should allow for connection by the adjacent homeowners.

The ECC had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. In keeping with the rural nature of the project area and recommendations of the Town Comprehensive Plan, the Applicant is encouraged to consider retaining existing vegetation to the maximum extent practical and the use of landscaping and grading to provide visual and auditory buffering between the project and roadway, subdivision, school, etc. The following standard statements should be added to the plot plan: The borders of all land to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized. All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized. The Applicant will control fugitive dust and debris during the construction/ demolition phase of the project.

Mr. Nicholson said he feels the turning radius is mitigated by the short length of the road.

Mr. Nicholson asked for input from the Planning Board regarding access to the Common and asked what type of right of way the Town wants. Mr. Hahn said three different builders have said the value of his lots will be reduced if a road to the Common is built. He said the Town will lose a baseball field if an access is provided and there is no way to have a logical configuration. He said the request is ludicrous. Mr. Hahn said he doesn't believe the administration really wants a second access. Mr. Nicholson said an alteration of the field may be required if there is a second access to the Common.

Mr. O'Brien said a second access to the Clifton Common was talked about at the very first proposal made by Mr. Hahn. Mr. O'Brien said Ms. Haffner's letter requested that a secondary access to Clifton Common be provided. He added that the Common is currently accessed through school property but there is a concern that the school can shut that access off at any time. Mr. O'Brien asked for Board input.

Mr. Bowman said this is only a 9 acre parcel, and if the Town wanted a second access they should have bought it a long time ago. Mr. Bulger agreed, and said an permanent

agreement with the school would be a more logical way to proceed, and he is concerned that an additional access to the Common would add more traffic.

Mr. d'Amico said it should be determined how the Common would be re-designed if a second access were provided.

Mr. O'Brien said he has the feeling that Board members are uncomfortable with having two access points next to each other, and a pedestrian access might be more acceptable. Mr. Kemper said he thinks the Town administration should be asked what type of access they want. Mr. O'Brien agreed.

New Business:

King of Kings Lutheran Church - Crescent Road.

Mr. O'Brien said the church wants to expand their parking facilities. Some underbrush was cleared on the site and some neighbors called the Planning Department. He asked Mr. Art Harris to come in to explain what plans they had for the site.

Mr. Harris said there are no detailed plans for a future expansion, but they received a demolition permit for a old barn and an old partially completed house. Some clearing was done across from Boyack Road to clean up the road side and create visibility to the church. Mr. Harris wants permission to expand the parking for 20 additional spaces. A 70' x 100' area has been cleared. The church would like to create a new driveway in the future.

Mr. O'Brien said it is okay to expand parking without site plan review, but site plan review will be necessary for a future driveway or church expansion. Board members agreed that the 20 parking spaces could be added.

Discussion Items:

Parkwood Restaurant - Mr. Kemper said the restaurant wants to move existing inside coolers and extend them to be accessed from the outside of the building. Mr. O'Brien said as long as they are in the back of the building, there would be no problem.

Grace Chapel - Hatlee Road - Mr. Kemper said the chapel wants to move a shed from the parking lot side of the church to the other side of the church. Mr. O'Brien said the shed will have to be heavily buffered with large evergreens from the existing homes.

September 11 Planning Board Meeting - The republican primary is scheduled for September 11, and the Wood Room will not be available for the Planning Board meeting. Mr. Kemper asked if the meeting should be canceled. Mr. O'Brien suggested holding the meeting on Wednesday, September 12, depending on submissions.

Minutes Approval:

Mr. d'Amico moved, seconded by Mr. Bulger to approve the minutes of July 10, 2001 as written. The motion was approved. Mr. Bowman abstained.

Mr. Bulger moved, seconded by Ms. Czub, to adjourn. The motion was unanimously approved. The meeting was adjourned at 9:55 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 #17

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 August 14, 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. Bowman offered Resolution #17 and Ms. Czub seconded, and

Whereas, an application has been made to this Board by Emmor B. and Ann W. Caldwell for a (3) lot subdivision, 1401 Route 146, and

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on August 14, 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 Emmor B. and Ann W. Caldwell - (3) lot subdivision, 1401 Route 146, is hereby granted preliminary and final approval, conditioned on the comments of Mr. Kemper.

RESOLUTION #17 passed 8/14/01

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

Kevin O'Brien Chairman