

Clifton Park Planning Board Meeting Minutes

December 11, 2001

Those present at the December 11, 2001 Planning Board meeting were:

Planning Board: K. O'Brien, R. d'Amico, K. Bowman, J. Marzola, J. Russell, S. Bulger, and
B. Czub, who left at 8:40 PM

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 announced that the application for Clifton Country Road Associates is being put back on the agenda at the last minute.

Public Hearing 7:10 PM

[2001-045] Gibbs, Ralph and Marie - Proposed (4) lot subdivision, 696 Clifton Park Center 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 December 4, 2001.

Mr. Tom Andress said the proposal is to subdivide the parcel with an existing house and barn, and create three new lots. There will be a common drive between the second and third lots. Wetland areas will have minor disturbance.

Mr. Kemper had the following comments: He received a memo from Sheryl Reed stating that postal verification will need to be provided. If the proposed action is consistent with the Vischer Ferry Corridor G.E.I.S. then no additional SEQRA review is required. The sight distances for lots 3 and 4 should be illustrated on the plans. The 500' notices for the project were sent out on November 20, 2001. The October 1, 2001 letter from CHA outlined the C.I.P. Fees and will be due as follows: 1/3 at stamping of plans, 1/3 at building permit, 1/3 at C.O. A signoff will be required from the S.C.S.D. Signoff will be required from CPWA if it is decided to go that route. Ingress/Egress easement descriptions will have to be submitted for review prior to stamping of plans. The proposed plans indicate that the wetland disturbance will be .10 acres. In reviewing the plans it is quite apparent that the wetland disturbances will exceed .10 acres. Therefore, deed restrictions should be put in place to protect the wetland areas.

Mr. Grasso had the following comments and noted that all comments were addressed by Mr. Kemper: We have reviewed the preliminary subdivision plan for the above project prepared by ABD Engineers & Surveyors, dated November, 2001. The following

comments from our previous concept review letter have not been addressed: Given the shape, configuration and proposed subdivision of the wetland areas, future incremental wetland impacts are likely to occur. As such, consideration should be given to providing deed restrictions over the federal wetland areas which will not. The adequacy of stopping and turning sight distances should be verified at the proposed driveway locations and indicated on the plan. A note should be added to the plan stating that driveway turnarounds shall be provided to discourage vehicles from backing onto Clifton Park Center Road. The consultant should provide a letter from the Saratoga County Sewer District stating that they will accept the flows from the proposed homes. The plan should include the Town's standard subdivision plan certification statement.

The ECC had the following comments: After review of the data presented, the ECC recommends the following: The ECC reiterates the comment made on October 4, 2001 pertaining to the consolidation of lots 1 and 2.

Mr. O'Brien asked for public comments.

Mr. Ian Hughes, 24 Michele Drive, asked where the mowed area is located. Mr. Address described the area. Mr. Hughes said he is satisfied.

Mr. O'Brien asked for Board comments.

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

Mr. O'Brien said he is not convinced that keeping wetlands on one parcel is the way to go because having them separated might encourage adjoining land owners to see that restrictions are enforced. He asked Mr. Michael O'Brien if the ECC has made any decisions regarding splitting up the wetlands. Mr. Michael O'Brien said he will bring it up with the ECC at their next meeting.

Mr. Bulger asked how much wetland disturbance is proposed. Mr. Address said it is .09 acres.

Mr. d'Amico asked if sewer hookups will be provided. Mr. Address said they will have sewer hookups, and water when available.

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.

Mr. Bowman offered Resolution #26 and Mr. Marzola seconded, to grant preliminary and final approval, waiving the final hearing. Ayes: d'Amico, Czub, Bowman, Russell, Marzola, Bulger, O'Brien. Noes: none.

Public Hearing 7:15 PM

[2000-006] Hoffman, Jean – Countryman Estates North - Proposed (115) lot subdivision, Lapp Road – Final 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 December 4, 2001.

Mr. Gordon Nicholson, Environmental Design Partnership, said preliminary approval was received in the summer of 2001. The western side of the site is primarily wetlands, and the eastern side of the site will be developed. The subdivision will be built in four phases. Access to Village Green and Maurice Lane have been eliminated. The site will connect to Saratoga County Sewer and Clifton Park Water Authority water. The water line will be relocated as requested by the CPWA. The applicant has agreed to correct a drainage problem in Village Green as requested by the Town of Clifton Park Highway Department, at a cost of \$50,000. A no cut buffer will be enhanced with vegetation. Disturbance will be .65 acres. The application has been submitted to the ACOE.

Mr. Kemper had the following comments: The Planning Board granted conditional preliminary approval at their June 26, 2001 meeting. The Board also took lead agency status under SEQRA and issued a negative declaration. The Town Board passed a resolution on September 4, 2001 amending the fire district boundary lines. The proposed subdivision is now located entirely within the West Crescent Fire District. A note should be added to the plans stating this. Hours of construction should be established for the project. Typical hours of construction are from 7-6 during the week and 9-3 on Saturday's. Copies of the ACOE permit will need to be submitted prior to stamping of plans. Copies of the N.Y.S.D.E.C. wetland disturbance permit will need to be submitted prior to stamping of plans. A signoff from S.C.S.D. will be required. A signoff from the CPWA will be required. One condition of preliminary approval was that there will be no construction entrance/exit through Thoroughbred Way; a note stipulating this condition should be added to the plans. The Trails Committee has requested that 10' multi-use pathways with bollards to prevent motorized access be constructed from Maurice Lane and Village Green. As requested by the Highway Superintendent, catch basins will need to be installed in the center of the cul-de-sacs, and the grading modified to allow drainage to the center of the cul-de-sacs. Easement descriptions will have to be submitted prior to the stamping of the plans. A sewer easement should be illustrated from Liberty Way to the lands of Binkowski to allow that individual to connect to sewer services. The development will become part of the Stoney Creek 1 Park District and a note stating this should be added to the plans. Evergreen plantings should be placed along the property lines of Mr. Binkowski because there is no vegetation present within the no-cut buffer area. The construction detail sheet should be submitted for review. He received a memo

from Lou Gerard dated April 18, 2001 discussing some drainage problems in the vicinity of Weston Drive. The applicant has agreed to correct the drainage problem but is asking the Board to allow two more proposed lots within the Hoffman subdivision. Mr. Gerard is in agreement with the proposed drainage improvements and is in support of allowing the applicant to gain two lots. Per Resolution #333 of 2001 the Park Districts will no longer be responsible for placing entrance signs, maintenance and construction of entrance signs will now be the responsibility of the developer or a homeowners association. Mr. Nicholson said he has no problem with these comments.

Mr. Grasso had the following comments: We have reviewed the final subdivision plans, dated February 26, 2001, Stormwater Management Report, last revised May 2001, Stormwater Response letter dated May 24, 2001 and Plan Review Response letter dated June 22, 2001 prepared by Environmental Design Partnership, LLP. We offer the following comments: The minimum roadway centerline radius of 300 feet is not met for the proposed Stabgate Drive (275 feet proposed). The consultant cites AASHTO standards for roadway radius less than 300 feet and requests the Planning Board grant a waiver from this requirement. From the information provided, it appears that the roadway geometry is acceptable as designed. We recommend the proposed drainage easements at the inlet and outlet of the road culverts be expanded to cover the entire length of the drainage courses at a 30-foot width for future access and maintenance by the Town Highway Department. Since the Town Highway Department will be responsible for maintenance of the roads, it is our recommendation that the minimum slope along the curbline along the outside of a cul-de-sac shall be 1% for all cul-de-sacs including Patriot Circle, Champion Circle and Morgan Court. Multi-use pathways should be constructed connecting the proposed development to the adjoining street stubs at Village Lane and Maryanne Drive. A storm sewer pipe size analysis should be provided in the Stormwater Management Report to document that the closed drainage system could safely pass the flow from a 10-year design storm. The storm pipe capacity should be evaluated using the Manning Equation and the runoff should be calculated using the Rational Method. A final bound Stormwater Management Report should be submitted for our review. Per the most current Town roadway section, the typical roadway detail should be revised to show only asphalt wing wedge curbing. Asphalt curb NYSDOT Item 609.20 is no longer accepted. In addition, the pavement thickness should be revised to show 1 ½" of top course and 3" of binder course. Foundation drain laterals should be provided for all residential building lots on new residential streets, including those on the end of Patriot Circle. In accordance with recommendations from the Highway Superintendent, all cul-de-sacs should be depressed in the middle and should contain a catch basin in the center. A house and proposed finished floor should be shown for lot #18. Additional evaluation of the grading impacts to existing lots #10, #31 and #33 along Thoroughbred Way is required. Additional detail of the existing topography in this area is required. The plans should show the next closest catch basin along Shetland Green to verify the maximum gutter flow of 300 feet. We recommend the no cut buffer at the rear of Lot 204 Lapp Road be expanded. Construction details should be included in the plan set. The entire grading limits for the proposed stormwater management areas and the design information for the outlet control structure should be included in the plan set. We offer the following comments regarding the Stormwater Management Report: In order to accurately evaluate

the final offsite post-developed discharge rate, we recommend that the second wetland mitigation area down gradient of the retention basin be included in the computer model. The summary table should identify the total pre-developed and post-developed peak discharge rates for the 2, 10 and 100-year storms leaving the project site. The time of concentration continues to use the Curve Number Lag Method and the length of sheet flow remains in excess of 150 feet for many subcatchment areas. As stated in our previous letter, the time of concentration should be calculated using conventional SCS methodology (sheet flow, shallow concentrated and channel flow) instead of the curve number lag method. The maximum sheet flow length according to TR 55 is 300 feet, however the NYS Soil and Water Conservation Committee has suggested a maximum sheet flow length of 150 feet with a most likely length of 50-100 feet, due to field conditions in New York State. The drainage calculations should be revised accordingly. The detention basin (HydroCAD pond) analysis should be included in the computer printouts to document the stage-storage table and outlet structures. The final Plans should be stamped and signed by a New York State Licensed Land Surveyor and Professional Engineer and all future plan submittals should contain a plan revision date.

The ECC had the following comments: After review of the data presented, the ECC recommends the following: The Applicant should indicate erosion control devices at the outflows of the stormwater pipes into retention/wetland areas. All wetlands need to be clearly indicated on the Plan Drawings and identified as to their type. Disturbances within the LC Zone may require approval by the Zoning Board and/or the ECC. It appears that, for instance, lots #3, 5 and 53 in the #4 subdivision plan may fall within the buffer of the LC Zone and would be subject to this requirement. There may also be other lots that are subject to these requirements. The Applicant should clarify the status of the mitigation plan that was submitted in February 2000. Mr. Nicholson said these items can be addressed. Mr. O'Brien asked the status of mitigation plans. Mr. Nicholson said dedication of open space was satisfactory to the ACOE.

Mr. O'Brien asked for public comments.

Mr. John Prendergast, Village Green, asked if the bike path is official. Mr. O'Brien said it is.

Ms. Margaret Catelier, 26 Royal Oak, read a letter on behalf of Ms. Addie Nirshberger, a Village Green representative, which asked the Board to remember that the multi-use pathway will never become a roadway, and that no construction equipment will ingress or egress through Village Green. It was requested that drainage be corrected and a traffic study be conducted. She asked the Town to consider moving Lapp Road to the east. Mr. O'Brien said all items except moving Lapp Road have been addressed.

Mr. O'Brien asked for Board comments.

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

Mr. Bowman offered Resolution #27 and Mr. Marzola seconded, to grant preliminary and final approval, conditioned on the comments of Mr. Kemper and Clough, Harbour. Ayes: d'Amico, Czub, Bowman, Russell, Marzola, Bulger, O'Brien. Noes: none.

Mr. O'Brien thanked the applicant for agreeing to correct the drainage problem.

Public Hearing 7:20 PM

[2001-049] DCG Development Co. - Proposed (2) lot subdivision, Route 146 and Wall Street – 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 December 4, 2001.

Mr. Gordon Nicholson, Environmental Design Partnership, said a number of variances have been received. He said there are no plans for site development at this time. He said Ms. Shelly Johnston of Creighton, Manning Engineering will address Clough, Harbour's comments.

Mr. Kemper had the following comments: He received a memo from Sheryl Reed stating the applicant must provide a temporary turn around at the end of the street for emergency services. The Saratoga County Planning Board approved the project on November 15, 2001. Copies of the three-party agreement should be submitted for counsel and Town Board review. The proposed project if allowed is not consistent with the Exit 9 G.E.I.S. and therefore SEQR action will be necessary. The proposed action is an unlisted action and coordinated review is optional. The Town of Clifton Park L-C Zone should be depicted on the site plan. Pedestrian access should be provided to Route 146 via the new proposed road. It has been determined that the stormwater management from the new proposed road will be constructed on Town Property. However, the stormwater management for the proposed road is not illustrated on the plans. The 500' notices were sent on November 28, 2001.

Mr. Grasso had the following comments: We have reviewed the concept subdivision plan for the above project prepared by Environmental Design Partnership, LLP, dated September 26, 2001 and offer the following comments: The proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such, coordinated review is optional. The proposed subdivision will establish the right-of-way that will include the future extension of Maxwell Drive. The applicant and the adjoining owner have agreed to construct Maxwell Drive Extension as part of their respective site development proposals. The alignment and width of the right-of-way will be dictated by the layout, geometry and width of Maxwell Drive Extension. This will only be known after review and approval by the Town and NYSDOT of a traffic study and design plans for the proposed road and site development. As such, it is not possible to adequately review the subdivision plan at this time. It should be noted that Maxwell Road Extension should conform to Town road standards including but not limited to the following: Changes in street alignment shall be at least 100 feet from the pavement edge of the intersecting street. The minimum street

right-of-way and roadway radius at intersections should be a minimum of 28 feet and 40 feet respectively. Minimum centerline radius for horizontal curves shall be 300 feet. A tangent of 150 feet is required between reverse curves. The need for a sidewalk within the future road right-of-way should be considered in determining its width. A Site Data Table should be provided summarizing the area variances that have been granted by the Zoning Board of Appeals. The zoning district boundaries should be shown on the plan including the Land Conservation Zone, which is located around the wetland area on Lot 2. Final subdivision plan submittals should include bearings and distances of the proposed lot lines and the stamp and signature of a New York State Licensed Land Surveyor.

The ECC had the following comments: After review of the data presented, the ECC recommends the following: The Applicant has indicated that the proposed lots will be 35% each in greenspace; however, this property falls within the Exit 9 GEIS. The Applicant should maintain a minimum of 45% greenspace in accordance with Exit 9 GEIS, calculated for the entire project/parcel. Other developers have made a good faith effort and have achieved the 45% greenspace goal of the Exit 9 GEIS.

Mr. O'Brien said he is concerned about the level of Clough, Harbour's comments. Mr. Grasso said there are not enough numbers available in the traffic count to review. Mr. O'Brien recommended holding back on any action until road numbers can be reviewed.

Mr. Nicholson said the GEIS eliminates any connection of Maxwell Drive to Wall Street.

Regarding Clough, Harbour's comments, Ms. Shelly Johnston said changes in street alignment is not provided. The proposed design creates a 90°, four way intersection and meets minimum radii. She said this is more of a local road. Mr. Grasso said plans don't show improvements to Route 146, and asked if there will be a turn lane. Ms. Johnston said she expects improvements to come out of the traffic impact study and anticipates a left turn lane.

Mr. Grasso said he is concerned about the way traffic queues up. Mr. Nicholson said there is nothing that can be done about that, and said a traffic study is underway.

Mr. Nicholson said a three-party agreement between Windsor Development, DCG Development, and the Town of Clifton Park still has to be presented to the Town of Clifton Park. It has been signed by Windsor and DCG.

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

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

Mr. O'Brien said he supports the application as presented, but final review of the traffic study and approval of the road design by Clough, Harbour remains to be done.

Mr. d'Amico said the Board should know what the road design is before going forward

with either preliminary and final. The concerns of Mr. Kemper and Clough, Harbour should be addressed.

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. Bulger offered Resolution #28 and Ms. Czub seconded, to grant preliminary approval, conditioned on the comments of Mr. Kemper and Clough, Harbour, and conditioning final approval on having Clough, Harbour review the traffic study, and further conditioned on Clough, Harbour's approval of the road design. Ayes: Czub, Russell, Marzola, Bulger, O'Brien. Abstained: Bowman. Noes: d'Amico.

Public Hearing 7:25 PM

[2001-039] Allen, Buddie and Cheryl - Proposed lot line adjustment, Longkill Road – Reconvening of preliminary public hearing held on November 14, 2001 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 December 4, 2001.

Mr. Kevin Dailey said, as requested, logs were removed from the site within two days of the last Planning Board meeting.

Mr. Kemper had the following comments: A 500' driveway note should be added to the plans. The Planning Board adjourned the public hearing on November 14, 2001 because of the neighbors' complaining about the commercial activities and the business being conducted on the site. The site has been cleaned up and a note has been added to the plans stating that no commercial vehicles will be stored on the site. The proposed plantings that were going to be placed along the northern property line should be illustrated on the plot plans. Copies of the deed restrictions for the wetland areas should be submitted for review. Mr. Dailey said standard notes and a note regarding deed restrictions will be added to the map.

Mr. Grasso and the ECC had no comments.

Mr. O'Brien asked for public comments. He asked the attending neighbors if they were comfortable with the cleanup of the site. They said they were.

Mr. Richard Musick asked if there would be a strip of land running along his property. Mr. Dailey said there would be.

Ms. Marlene Welte asked how many feet from her property would the road be located. Mr. Dailey said it would be wherever it fit best.

Mr. O'Brien asked for Board comments.

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

Ms. Czub 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.

Ms. Czub offered Resolution #29 and Mr. Marzola seconded, to grant preliminary and final approval, waiving the final hearing, conditioned on the comments of Mr. Kemper and Clough, Harbour. Ayes: d'Amico, Czub, Bowman, Russell, Marzola, Bulger, O'Brien. Noes: None.

Old Business

[2000-035] Belmonte Builders, Inc. - Proposed (6) lot subdivision, West Sky Lane – Revised conceptual subdivision review.

Mr. Gordon Nicholson, Environmental Design Partnership, said there are three areas of building areas; Phase I with 9 lots on West Sky Lane, area 2 with 4 lots, and area 3 with 3 lots.

Mr. Kemper had the following comments: The proposed subdivision will require both N.Y.S.D.E.C. and ACOE wetland disturbance permits. The Town of Clifton Park Planning Department should be copied on all correspondence in regards to these permits. He asked whether the applicant is seeking approval for the whole subdivision or is it going to be phased. Due to the large amount of wetland disturbance the applicant should place deed restrictions on the wetland portions of the lots. The Town of Clifton Park LC Zone should be placed on the plot plan. A signoff will be required from the S.C.S.D. and C.P.W.A. He asked who will the open space parcels be deeded over to, and where will the stormwater from the proposed roadway be managed. A Full EAF should be submitted for the project.

Mr. Grasso had the following comments: We have reviewed the concept subdivision plan for the above project prepared by Environmental Design Partnership, LLP, and last revised September 13, 2001. We offer the following comments: The proposed project appears to be an "unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. Involved agencies are expected to include the following: Planning Board – Subdivision Plan Approval, C.P.W.A. – Water Connection Permit, S.C.S.D. #1 – Sewer Connection Permit, N.Y.S.D.O.H. – Water Supply System Approval, N.Y.S.D.E.C. – Wastewater Disposal System Approval, NYSDEC – 401 Water Quality Certification, Article 24 Wetland Permit. A Full Environmental Assessment Form should be submitted for review. In general, it appears that the site contains numerous environmentally sensitive features including extensive NYSDEC and federal wetlands. The plan does not propose any measures to reduce the subdivision or future development of these areas

including proposed open space, parkland, or restrictions on further subdivision or development. The plan should be modified to include such measures. In addition, it appears due to the proximity of the proposed houses to remaining wetlands, that future incremental wetland impacts are inevitable. Accordingly, these impacts should be evaluated. Consideration should also be given to the creation of a cluster or conservation density subdivision to reduce the project's overall environmental impacts. A pedestrian connection should be provided from West Sky Drive to the existing parklands to the south of the project site. Such a connection would provide many of the benefits of the previously proposed but not constructed Moe Road multi-use pathway. The plans should identify the location of the L-C Land Conservation zoning district. It appears a variance will be required for proposed work in the L-C zone. The plan lacks any proposed stormwater management. The proposed road connection between Bonneau Road and Compton Road is not in accordance with the Town's Construction and Design standards, and the map does not appear to accurately represent the topographical and planimetric features of this area. Additional existing condition information should be provided including detailed topography based on accurate field survey, existing utilities, limits of pavement, etc. The plan should indicate if the wetlands shown on the southeast side of the site are based on an actual surveyed wetland line or are approximate. In order to provide access management along Moe Road, the three proposed driveways should be consolidated into one common drive. The proposed method of water supply, sanitary sewer service and storm drainage and the names of all adjacent property owners should be shown on the plans. Two of the lots along Compton Road do not appear to meet the 100-foot minimum lot width at the building setback line.

The ECC had the following comments: After review of the data presented, the ECC recommends the following: The Applicant should more clearly delineate ACOE Wetlands, DEC Wetlands and LC Zone on the concept plan. It would be helpful if the Applicant could submit a concept map with these wetland areas signified using different colors. As submitted, it appears that several lots are within the LC Zone buffer zone which may require a variance from the Zoning Board of Appeals. The ECC notes that the project will result in intrusion into Federal Jurisdictional Wetlands. The Applicant must avoid intrusion into ACOE wetlands or apply for a Federal Wetlands Permit for disturbances of more than .10 of an acre in total for the project. The Town of Clifton Park should be copied on all correspondence. The site vicinity map shows three (3) parcels. The two- (2) western parcels indicated on the site vicinity map are not shown on the plot plan. The Applicant should clarify if they are involved with this concept plan. A north arrow should be identified on the site vicinity plan and the roads should be identified.

Mr. O'Brien said in light of the large amount of wet area the applicant should consider clustering. Mr. Nicholson said the applicant will consider the Board's recommendation for lot size.

Mr. d'Amico asked what difficulty there was with the future proposal for three lots on Moe Road. Mr. Nicholson said a disturbance permit and variances from the Zoning Board of Appeals for all three lots will be necessary. He said he has tried to keep disturbance down to a minimum.

[2001-046] Neet's Automotive Repair - Proposed 1,591 square foot addition, NYS Route 9 - Preliminary site plan review and possible determination.

Mr. Steve Lamb said the concerns of Clough, Harbour have been addressed.

Mr. Kemper had the following comments: He received a memo from Sheryl Reed dated October 24, 2001 stating that after further review she recommends that a Knox Box System be added for emergency access only for the Fire Department. Details should be provided on the proposed plantings. All other issues have been addressed.

Mr. Grasso said all comments have been addressed.

The ECC had the following comments: After review of the data presented, the ECC recommends the following: The ECC reiterates the comments made on October 4, 2001. In addition, the following standard statement should be placed on the plot plan: If hazardous materials will be stored on site, the Applicant must submit a plan addressing handling and storage and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored.

Mr. O'Brien asked what the building design will be. Mr. Lamb said it is a pole barn with a metal roof and cedar siding along Route 9 and metal siding on the other sides.

Mr. O'Brien moved, seconded by Mr. Bowman, 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, waiving the final hearing, conditioned on addressing the ECC comments. The motion was unanimously approved.

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

Mr. Dom Arico showed a comparison of the existing plan and the proposed plan if the D.O.T. takes an additional 50'. He said a side yard variance may be required. Parking will be reduced from 25 to 23 spaces and they will lose the front parking spaces.

Mr. O'Brien asked if approval could be granted before the variances are received. Mr. Pelagalli said approval should be conditioned on receiving the variances.

Mr. O'Brien asked if landscaping will be added. Mr. Arico said landscaping will be placed as originally approved.

Mr. Kemper had the following comments: The proposed plan has been submitted to show

the approximate taking by N.Y.S.D.O.T. for the Balltown Rd. improvements.

Mr. Grasso and the ECC had no comments.

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.

Mr. O'Brien moved, seconded by Mr. Bulger, to grant the amendment to the site plan, conditioned on receiving variances from the Zoning Board of Appeals. It should be noted that the state will bear no costs for the modification. The motion was unanimously approved.

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

Mr. Tom Andress said several setback variances have been received. Greenspace is 35.9%. He said the loading dock has been eliminated and there will not be a drive through as was proposed for the drugstore. Dumpsters will not be visible from Route 146. The applicant proposes that the side of the buildings that will face Route 146 will have a façade similar to the front of the building to create the effect of a full 360° building.

Mr. Kemper said he did not have any comments ready because the project was placed on the agenda by the Chairman immediately before the meeting. He expressed some concern in regard to giving approval for the application without knowing the costs that could be associated with the improvements that will be necessary on Rt. 146. As the third party agreement reads right now the improvements on Route 146 will be the responsibility of the Town. Without an engineering report or detailed plans it is impossible to determine what those improvements may involve.

Mr. Grasso had the following comments: We have reviewed the final site plans last revised December 4, 2001, the consultants response letter dated December 5, 2001 and the Stormwater Calculations dated December 5, 2001 for the above project, all prepared by ABD Engineers and Surveyors. We offer the following comments: During the conceptual review process, the applicant indicated that a separate parcel will be protected as open space in perpetuity. A map of the property, including its environmental constraints, should be provided. The property should be dedicated to the Town or a draft copy of the deed restrictions should be sent to the Town Attorney for review. The transfer deed or deed restrictions should be filed with the County Clerk prior to issuance of a certificate of occupancy. The design plans for the proposed Town Road from Southside Drive to Route 146 should be submitted for review. It is our understanding that Creighton Manning Engineering is currently preparing these plans. We recommend that any future comments regarding the design of Maxwell Drive Extension be addressed prior to final plan stamping and that all improvements be constructed prior to issuance of a certificate of occupancy. The bottom of the detention basin should be appropriately landscaped including a mixture of weeping willows and red twig dogwoods. A letter should be provided from the Highway Superintendent stating the adequacy of Southside Drive.

Public rights of access to this road should be granted.

The ECC had no comments prepared at this time, due to short notice of the review.

Mr. d'Amico asked if the greenspace figures include off-site pieces. Mr. Andress said it did not.

Mr. d'Amico said he would like to see an elevated berm between the buildings and Route 146. Mr. O'Brien said a 4' high wall will be used instead of a berm. He added that sometimes vegetation on berms die because the berms don't hold enough moisture. Mr. Andress said parking inside the retaining wall will not be visible from Route 146. The only parking use along the retaining wall will be for employees or tenants.

Mr. Bulger said this whole process has involved a lot of good faith negotiations and everyone involved should be applauded.

Mr. O'Brien said he understands that Southside Drive may have been built to Town specifications, and Lou Gerard will do testing and make a determination. He said if it isn't already, the road will probably be brought up to Town specifications and turned over to the Town. Mr. O'Brien said approval should be conditioned on satisfaction of the Highway Superintendent and Clough, Harbour as to the condition of the road. He added that if the road isn't built to Town standards the Town will take an easement. Mr. O'Brien said Lou Gerard doesn't understand why the Town would want to take an internal road in a commercial development.

Mr. d'Amico had some concerns with respect to the access off Maxwell Road, and asked if the adjoining DCG lot needs an access, it will create two access points very close to each other. Mr. Miller said the access was designed for truck access only, not customer access, and said he is willing to make modifications to the access if necessary.

Mr. Bulger moved, seconded by Mr. Marzola, to grant final site plan approval, conditioned on the satisfaction of the Highway Superintendent and Clough, Harbour as to the condition of the road, and further conditioned on the comments of Clough, Harbour and Mr. Kemper. The motion was unanimously approved.

New Business:

[2001-054] Tutor Time, Phase II - Proposed 3,144 square foot addition, 21 Crossing Boulevard - Conceptual site plan review.

Mr. Tom Andress said the Hortense and Louis Rubin Dialysis Center of Clifton Park needs more square footage and a loading dock. Two parking spaces will be eliminated to make room for the loading dock. Tutor Time will remain as is.

Mr. Kemper had the following comments: A signoff will be required from the S.C.S.D. Plantings will need to be provided along the western side of the building.

Mr. Grasso and the ECC had no comments.

Mr. O'Brien asked if more traffic will be generated into the area, and is concerned since a day care center is located on the site. Mr. Andress said there will be a minimal increase in the number of people accessing the site.

Discussion Items:

Massaroni Subdivision – Mr. Kemper said the minutes of July 10 need to be amended to reflect that SEQRA was taken. A further amendment should be made to Resolution #16 which granted preliminary and final approval, that the final hearing was waived. He reviewed the amendment with the Board members who agreed to make the amendment, however a motion was not made at this time. The motion will be made at the next Planning Board meeting.

Minutes Approval:

Mr. O'Brien moved, seconded by Mr. Bowman, to approve the minutes of November 14, 2001 as written. The motion was approved. Mr. Bulger abstained.

Mr. O'Brien moved, seconded by Mr. d'Amico, to approve the minutes of November 27, 2001 as written. The motion was approved. Mr. Bulger and Mr. Bowman abstained.

Mr. O'Brien said Mr. Bowman's term is up and he will be leaving the Planning Board at the end of the year. He thanked him for all his good work and for his many years of support.

Mr. Bulger moved, seconded by Mr. Bowman to adjourn. The motion was unanimously approved. The meeting was adjourned at 9:25 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 #26

PRELIMINARY AND FINAL APPROVAL

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on December 11, 2001, at 7:10 P.M. there were:

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

Mr. Bowman offered Resolution #26 and Mr. Marzola seconded, and

Whereas, an application has been made to this Board by Ralph and Marie Gibbs for a (4) lot subdivision, Clifton Park Center Road, and

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on December 11, 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 Ralph and Marie Gibbs, (4) lot subdivision, Clifton Park Center Road, is hereby granted preliminary and final approval, waiving the final hearing.

RESOLUTION #26 passed 12/11/01

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

Noes: None

Kevin O'Brien
Chairman

Resolution #27

FINAL APPROVAL

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on December 11, 2001, at 7:10 P.M. there were:

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

Mr. Bowman offered Resolution #27 and Mr. Marzola seconded, and

Whereas, an application has been made to this Board by Jean Hoffman for a (115) lot subdivision, Lapp Road, and

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on December 11, 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 Jean Hoffman, Countryman Estates North, (115) lot subdivision, Lapp Road, is hereby granted final approval, conditioned on the comments of Mr. Kemper and Clough, Harbour.

RESOLUTION #27 passed 12/11/01

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

Kevin O'Brien
Chairman

Resolution #28

PRELIMINARY APPROVAL

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on December 11, 2001, at 7:10 P.M. there were:

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

Mr. Bulger offered Resolution #28 and Ms. Czub seconded, and

Whereas, an application has been made to this Board by DCG Development Co. for a (2) lot subdivision, Route 146 and Wall Street, and

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on December 11, 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 DCG Development Co., (2) lot subdivision, Route 146 and Wall Street, is hereby granted preliminary approval, conditioned on addressing the concerns of Mr. Kemper and Clough, Harbour, and conditioning final approval on having Clough, Harbour review the traffic study, and further conditioned on Clough, Harbour's approval of the road design.

RESOLUTION #28 passed 12/11/01

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

Noes: d'Amico

Abstained: Bowman

Kevin O'Brien

Chairman

Resolution #29

PRELIMINARY AND FINAL APPROVAL

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on December 11, 2001, at 7:10 P.M. there were:

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

Mr. Bulger offered Resolution #29 and Mr. Marzola seconded, and

Whereas, an application has been made to this Board by Buddie and Cheryl Allen for a lot line adjustment, Longkill Road, and

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on November 14, 2001 in the Town Office Building, and reconvened on December 11, 2001, 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 Buddie and Cheryl Allen, lot line adjustment, Longkill Road, is hereby granted preliminary and final approval, waiving the final hearing, conditioned on addressing the comments of Mr. Kemper and Clough, Harbour.

RESOLUTION #29 passed 12/11/01

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

Noes: None

Kevin O'Brien
Chairman