

Clifton Park Planning Board Meeting Minutes

April 27, 2004

Planning Board Meeting
April 27, 2004

Those present at the April 27, 2004 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, R. d'Amico, T. Karam, J. Larkin
J. Marzola, S. Pace, J. Russell

Absent: None

Those also present: J. Kemper, Director of Planning, J. Grasso, Clough, Harbour, and Associates, M. O'Brien, Environmental Specialist,
P. Pelagalli, Counsel

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m. He thanked Mr. d'Amico for chairing the meeting of April 13, 2004.

Public Hearings:

No public hearings were scheduled for this evening's meeting.

Old Business:

[2003-002] Belmonte, Peter – Proposes 5,200 SF office building, 1 Old Plank Road – Requested one-year extension of approved site plan.

Mr. Gordon Nicholson, consultant for the applicant, explained that the applicant has not been able to begin construction of the 5,200 SF office building located at One Old Plank Road. The applicant requests a one-year extension of site plan approval as provided in the Town Code in order to finalize details of site development and building design.

Mr. Kemper explained that the project received approval by the Planning Board on May 13, 2003 and that the applicant is seeking a one year extension to the site plan approval. The only changes to the original proposal are the addition of a front entry and porch, a handicap ramp, and an increase in the width of the entrance into basement. Mr. Kemper explained that, pursuant to Section 208-120 of the Town Code, "the Planning Board may, in its sole discretion, at the applicant's request... grant the applicant an extension of time within which to comply with the site plan." He further explained that the extension "shall in no event exceed one year." Mr. Kemper noted that the applicant has submitted an \$11,000.00 letter of credit and is working to satisfy all of the conditions of approval. Mr. Kemper also mentioned that he had been contacted by a member of the church who

requested that the site be mowed and cleaned up a bit since there were several events scheduled to be held at the church. Mr. Nicholson agreed to ask the applicant to improve the site.

Neither Mr. Grasso nor Mr. O'Brien, Environmental Specialist, offered comment on this request.

Board members found the request reasonable.

Mr. Bulger moved, seconded by Mr. Russell, to approve the extension of the approved site plan as requested. The Board noted that the final expiry date of the site plan approval will be May 13, 2004. The motion was unanimously carried.

[2004-007] Our Islands, LLC – Proposed 12,250 SF Adirondack Pet Lodge, Old Route 9 – Preliminary site plan review and possible determination.

Mr. Martin Zanghi, representative of Boswell Engineering and consultant for the applicant, presented the preliminary plan for this project. Though he described the project in detail, the project plan remains generally as presented at the February 10, 2004 meeting. Mr. Zanghi noted that a stormwater management plan has been prepared and a lighting plan has been submitted for review. Of significant importance was the fact that soil testing has resulted in the determination that the area is not suitable for the installation of a septic system. The applicant will connect to the sewer line that runs behind the pet care facility. The consultant explained that the applicant is awaiting a decision from the Town of Halfmoon regarding the abandonment of Old Route 9.

Mr. Kemper offered several comments on this application. He explained that this project last appeared before the Board on February 10, 2004. The major concerns raised at that time included noise impacts associated with the facility and the identification of the house, well, and septic locations. Don Clemens submitted a memo which stated the following: "A use variance was granted for this use on January 6, 2004 by the Zoning Board of Appeals. The ZBA did have some concerns regarding the handling of wastes and noise control. Due to the relative proximity of several residences the ZBA was concerned that these neighbors be protected." Though the Zoning Board felt that the outside kennels were of some concern, members of that Board expressed confidence that the Planning Board would consider such noise impacts during site plan review. Mr. Kemper received a memo from Jim DiPasquale dated February 4, 2004 which stated the following: "The project is proposing a septic system. SCS D's Clifton Park trunk sewer passes through the property. Access and easements for the line will need to be obtained." Mr. Kemper requested that the conditions of the use variance received from the ZBA be added on the plans. He reported that the Saratoga County Planning Board approved the project on February 19, 2004. A note must be added to the plans stating no dogs will be allowed in the exterior kennel areas between the hours of 10 p.m. and 7 a.m. Plantings should be provided in and around the stormwater management area. Colored façade renderings with proposed signage must be provided with the next submission. Final approval must be granted by the Town of Halfmoon before this Board renders a decision

on the application.

Clough, Harbour, and Associates have reviewed the preliminary project plan for this application. Mr. Grasso stated that the status of Old Route 9 has been discussed with the planning staff at the Town of Halfmoon. It appears Old Route 9 is under the jurisdiction of the Town of Halfmoon; however, due to its isolation from other Town roads and lack of use, maintenance is problematic. The possible abandonment of the road has been considered and there appears to be a general consensus that such an action would be beneficial to both the applicant and the Town. As such, it should be pursued by the applicant. Old Route 9 is currently barricaded to prevent its use. The applicant will be required to remove all pavement past the access point, provide a suitable access drive that serves the project site, and remove the existing barricade.

Mr. Grasso offered additional comments. A note has been added to the drawings indicating that animal wastes will be removed from the site on a regular and timely basis. Considering the close proximity of a residence to the dumpster, "regular and timely" should be more clearly defined. The applicant should provide waste generation information from their existing facility for comparison. Relocation of the dumpster to mitigate offensive odors being detected by the local residences should be considered. A note indicating the hours the animals must be inside the facility should be added to the drawings. A representative detail of proposed lighting fixtures should be added to the plans. The parking spaces must be at least ten feet from the building to comply with NYS Building Code. The proposed project appears to result in greater than one acre of land disturbance. As such, compliance with NYSDEC's new stormwater requirements will be required. A stormwater management and pollution prevention plan in compliance with these requirements should be submitted for review and a copy of the certified Notice of Intent should be submitted to the Town prior to any work on the site. A landing surface will need to be provided at the end of the handicap ramp to comply with ADA requirements. Consideration should be given to either relocating the well or the animal runs on the north side of the facility to increase the separation between the two. Animal runs are typically disinfected with chemicals that could be detrimental to the well. In addition, animal wastes can carry diseases communicable to humans that could enter the ground water. It is recommended that the well and the animal run have the same 100-foot separation distance required as a well from an on-site wastewater treatment system.

Mr. O'Brien, Environmental Specialist, read the comments prepared by the ECC. The ECC reiterates the comments made during the February 10th meeting regarding underground storage tank removal and noise. The Commission also asked the applicant to prevent dog waste from leaching into stormwater during heavy rains. Sealed and covered dumpsters are recommended. The following standard statements should be added to the plot plan:

- o 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.
- o 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.

o The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

In response to Mr. Grasso's comments, Mr. Zanghi stated that a detailed lighting plan will be provided and that the parking will be moved to a location at least 10 feet from the building. The well will be relocated to avoid any contamination from run-off from outdoor pens. The consultant also addressed the ECC concern regarding the possibility that an underground fuel storage tank exists on the property, explaining that a Phase I environmental assessment is being conducted. To date, there is no indication that such a tank is located on the parcel. Mr. Bulger directed the applicant to contact Mr. O'Brien and Mr. Kemper immediately should the tank be unearthed during site preparation work. A note regarding the handling of such a situation must be added to the final site plan.

Mr. Zanghi introduced Mr. Matt Sames and Dr. Tom Brown. Dr. Brown stated that he operates a similar facility in Plattsburg and he submitted two letters from individuals who have businesses adjoining that pet lodge. Both authors stated that the existing facility produced no offensive noise or odors. Dr. Brown also explained that the roof line will be extended to cover the outdoor kennel areas, thus reducing the noise level. He stated that animal waste will be removed immediately and placed in garbage containers which will be emptied on daily basis: the dumpster will be emptied weekly.

Mr. Karam asked for clarification regarding the fuel tank that may be buried on the property. Mr. O'Brien asked that all documentation related to the Phase I environmental assessment be provided for the Board's review. Should a tank be found, it should be removed in accordance with NYSDEC policies. Mr. Larkin suggested the use of a GPR (ground penetrating radar) to locate the tank. The applicant and Board members did not believe that this would be necessary.

Mr. Karam's second concern focused on the impacts to the adjoining residential property. He noted that the letters presented from the Plattsburg area were from those operating businesses rather than from established residents.

Mr. Bulger found the extension of the roof line to be significant. He also stated that if a fuel tank was located during site preparation, its removal should be assured. He called on Mr. Ruchlicki, whose home is located across the street from the proposed project, to offer comment on the application. Mr. Ruchlicki found the project generally acceptable, though he asked that the lighting be limited to the site and reduced during the night. Mr. Grasso stated that he will review the lighting plan to ensure that the proposed lighting is appropriate, that there is no "spillage" off-site and that no glare effects adjoining residents. It was suggested that timers be used to ensure that lighting is reduced during the night. Mr. Ruchlicki also asked that a staggered double row of trees be planted along the front of the site not only to screen the facility but also to provide a noise barrier.

The Board discussed the access road. Though Mr. Pelagalli explained that Old Route 9 could be abandoned and transferred to the property owners, the current ownership of the road has not been determined.

Mr. Bulger expressed his appreciation for the applicant's willingness to cooperate with the Board. Although he believes that a SEQRA determination may be issued preliminary approval would be acceptable, resolution of the issues surrounding the ownership and maintenance of Old Route 9 must be satisfied prior to a final determination.

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

Mr. Karam moved, seconded by Mr. Larkin, to grant preliminary site plan approval to this application conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso. The motion was unanimously carried.

[2003-072] Brooks Heritage, Ltd. – Proposed (9) lot subdivision, Ushers Road – Revised conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that has been substantially revised since its initial review on November 25, 2003. When reviewed by the Board on January 27, 2004, members identified several concerns including the length of the proposed roadway, impact to the steep slopes, and density. Mr. VanGuilder addressed each of the issues of concern. He presented a revised grading plan to each Board member. Although Mr. Gerard, Highway Superintendent, had originally found the length of the proposed cul-de-sac unacceptable, he has now agreed that the Town could accept the roadway as designed. In response concerns about the project density, the applicant has agreed to combine Lots #9 and 10, reducing the overall density by 10%. In addition, lots having frontage on Ushers Road will be rotated to face that roadway and Lot #10 has been eliminated from the plan. In order to maximize the backyard for Lot #1, the Board had recommended that the house location be moved as far east as possible. The revised plan illustrates this adjustment. A typical lot lay-out illustrating that a 45-foot minimum distance will be maintained from each residence to the land preservation area has been included on the drawings. The consultant noted that the land proposed for conveyance to the Town will provide a continuity of ownership along the stream corridor. Mr. VanGuilder also stated that a Niagara Mohawk power line bi-sects the property. He reported that he has received company specifications for setbacks: all required permits will be obtained before final plans are stamped. All required clearances will be met.

Mr. Kemper commented that this project last appeared before the Board on January 27, 2004. The major issues identified at that time included the length of the roadway, protection of steep slopes, adequate distances of structures from power lines, and the density of the subdivision. The project last appeared before the board as an 11 lot subdivision with 10 new single family dwellings. The most recent submission proposes a 10 lot subdivision with 9 new dwellings. A sign-off must be provided from the power line company allowing a town road to be installed beneath the transmission lines. A wetland delineation will need to be performed on the parcel to determine the exact location of any wetlands and associated L-C Zone. Sign-off must be received from the Clifton Park

Water Authority, the Saratoga County Sewer District and CK Sanitary. This project will be added to the Longkill 1 park district: a note stating this must be added to the plans. If the Planning Board is comfortable with the proposed layout, coordinated review can be initiated. Involved agencies will include CPWA, SCSD, NYSDEC, NYSDOH, CK Sanitary, and SCPB. It is Mr. Kemper's opinion that that this project would be better served by a private shared access driveway with keyhole lots. This is based on the fact that there are a number of development constraints on the property including steep slopes, transmission lines, and wetlands. He does believe that the project has been improved by the applicant's willingness to reduce the original plan by 2 building lots. Mr. Kemper also acknowledged that Mr. Gerard, Highway Superintendent, has indicated that he will accept the proposed roadway.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the revised concept subdivision plan and prepared the following comments. He noted that many of the comments from the November 18, 2003 letter remain to be adequately addressed. A review of the Full Environmental Assessment Form (FEAF) dated November 5, 2003 resulted in the following comments:

- The name, address and phone number of the current property owner should be completed.
- A.6 and A.7. Copies of correspondence from the NYS Office of Parks, Recreation and Historic Preservation should be provided regarding building, site or district listed on the State or National Registers of Historic Places or listing on the Register of National Natural Landmarks.
- A.11 Copies of correspondence from the NYSDEC should be provided regarding any species of plant or animal life that is identified as threatened or endangered.
- A.15 Since the site does not drain to the Long Kill across Ushers Road, it is recommended that reference be made to the surface water which bisects the project site.
- A.16 It appears that freshwater wetlands may be located along the drainage course bisecting the rear of the project site. The wetlands should be delineated and jurisdictional determination should be made before a conceptual lot layout should be considered.
- 17 The site is not currently served by public utilities and offsite improvements will be required to allow connection.
- B.25 The project does not require site plan approval but does require subdivision approval by the Town Planning Board.
- C.1 The project does not require site plan approval but does require subdivision approval.

Mr. Grasso recommended that no SEQR determination of environmental significance be issued until the plans and the FEAF have been revised.

Mr. Grasso identified a number of other issues of concern. It appears that freshwater wetlands may exist on the project site along the drainage course which bisects the project site. A formal wetland delineation should be performed by a wetland biologist and the resulting wetland delineation map should be submitted to both the United States Army Corps of Engineers and NYS Department of Environmental Conservation for a jurisdictional determination. Only after both agencies have reviewed, field verified and approved the wetland delineation can the exact limits of onsite wetlands and LC-Land

Conservation zone limits be known. All correspondence from these agencies should be copied to the Town for its records. There is an LC-Land Conservation zone that may enter the site from the north. This should be verified by accurate site analysis information. Access to the project is proposed at a horizontal curve in Ushers Road: the adequacy of sight distance at this location should be verified.

Mr. Grasso provided the following additional comments. According to Section 208-11 c. of the Town Zoning Code, the minimum width of all lots at the front building line along Ushers Road shall be 200 feet. It appears that Lot #1 does not comply with this requirement. The minimum setback lines should be shown on the drawings in order to verify minimum lot width. Lots #1 and #6 do not appear to meet the requirements. Overhead electrical transmission lines bisect the project site. The consultant should contact the utility company to gain permission for work within their right-of-way. The exact limits of the right-of-way or permanent easement should be clearly shown on the plans. A letter from the transmission line owner indicating their willingness to grant a public road right-of-way to the Town should be provided. Off-site sanitary sewer and water supply improvements appear required to serve the proposed project. The consultant should verify if sanitary sewer improvements require review and approval by CK Sanitary Systems. The engineering firm has concerns over the development of a new Town road of such short length (430 feet) and that serves so few residences. It would appear that the cost to the Town for ownership and maintenance of the road and stormwater management system would not be appropriately offset by the tax revenues from the homes. If a Town road continues to be pursued, a fiscal analysis should be provided which looks at the municipal costs associated with the development. The analysis should include costs specific to the subdivision (i.e. life cycle cost of the road) and not just a proportionate share of the Town's current expenditures.

Mr. O'Brien, Environmental Specialist, reported that the ECC reiterated comments made at the April 6, 2004 meeting. It was requested that the LC Zone be shown on the plot plan. In addition, the following standard statements must be added to the plot plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place 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.
- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone.

Mr. O'Brien also request that clearing limit lines be shown on the individual plot plans. Lots #7 and Lots #8 should have a plot plan note indicating the presence of the Town of Clifton Park access corridor.

Mr. Bulger expressed his appreciation to the applicant for his willingness to address

Board comments. He found that consolidation of the lots to create a subdivision that was more visually appealing. Though he is still unsure of the financial viability of the roadway, he accepts Mr. Gerard's decision to accept the new street.

Mr. Karam expressed concern regarding the limited sight distance. The applicant will ensure that shrubbery and brush within the right-of-way is removed to increase the sight distance along Ushers Road and assure a safe access.

Mr. Larkin asked that the required setbacks from the power lines be placed not only on the project plan but also on individual deeds so that property owners are aware of the restrictions and to ensure that no structures are placed within the setback areas. Mr. VanGuilder agreed to these terms.

[2004-008] Carey Development Group – Proposed 72,000 SF hotel, 1765 Route 9 – Revised conceptual site plan review.

Mr. Gailor, consultant for the applicant, presented this project proposal that remains generally as proposed at the February 10, 2004 meeting. Mr. Gailor explained that this Staybridge Suites hotel will be 40'8" high with a pitched roof and simulated stone façade. The applicant has provided NYSDEC with a Notice of Intent for the proposed stormwater management plan: it is the applicant's intention to join with the existing Wit's End store to provide a stormwater management plan for both businesses. The consultant indicated that the turning widths provided throughout the site will permit adequate maneuverability for emergency vehicles. He has calculated that 36.9% of the site will be designated greenspace. Although a request was made by the Board to relocate the dumpster away from the Northway, Mr. Gailor believes that this is the most practical place for the trash receptacles and he proposed substantial screening to minimize visual impacts from the highway. Although a planting plan has been submitted, the applicant is willing to provide additional landscaping.

Mr. Kemper explained that this project appeared before the Board on February 10, 2004 for conceptual site plan review. The main concerns raised by the Board members at that time included ingress/egress to the site, traffic flow through the existing plaza, the amount of greenspace, site drainage, and stormwater management methods. Don Clemens submitted a memo which stated that "more information is needed to determine setbacks and height restrictions. It should be noted that this lot as part of the plaza would not be allowed a freestanding sign of its own." This application is an unlisted action under SEQRA and as such coordinated review is optional. Involved agencies include SCSD, SCPB, NYSDOT, CPWA, NYSDEC. Due to the amount of issues raised by these agencies, Mr. Kemper recommended that coordinated review be conducted.

Mr. Kemper also explained that he received a copy of a letter to the applicant's engineer from the Saratoga County Sewer District which provided the following comments:

- Submit a Request for Review form with a signature of the applicant
- The Engineer's Report will need to address impacts on capacity to the existing onsite pump station and force main, the 4" force main, and receiving gravity sewer. SCSD upon

request will provide information on current and committed flows within the system”

- NYSDEC considers lines serving more than one property owner a sewer extension requiring ownership by a municipality or a properly recognized Transportation Corporation. Please comment.
- Design needs to be consistent with 10 state standards including application of an appropriate peaking factor.
- Provide design criteria for the grinder pump station. The applicant should also determine if a grinder pump will adequately handle peak flow conditions.
- If food handling take place at the site, a properly designed grease trap will be required.
- If emergency power is proposed for the site, provisions should be made for the maintenance of the sanitary sewer.

Mr. Kemper also stated that the project will require a sign-offs from the Clifton Park Water Authority, the Saratoga County Sewer District, and NYSDOT for the access onto Route 9. A revised site plan should be submitted that correctly depicts the proposed limits of the project. As the project moves forward, colored architectural renderings and samples of proposed building materials will need to be provided. The renderings should include any signage proposed for the site. All handicap and no parking signs should be depicted on the plans. The quantity and size of the plantings on the planting plan need to be increased, particularly along the Northway boundary. A major concern raised by the Board at the last meeting was the need for a defined access drive through the plaza to the hotel: this does not appear to be addressed in the most recent submission. There are documented drainage concerns downstream from this project; therefore the project’s stormwater management plan will need to be reviewed thoroughly. Significant visual buffering along the Northway will need to be provided. A site statistics table needs to be added to the plans.

Mr. Kemper reported that Sheryl Reed, Chief of the Bureau of Fire Prevention, requests that a hydrant be placed at the north side of the proposed building. The Saratoga County Planning Board reviewed the application on February 19, 2004 and approved it conditioned upon the following comments. A plan for internal traffic circulation should be completed by the owner as part of the project review for the proposed hotel. Extending the existing access road (from Route 9) to connect parking lots for existing and proposed uses on the lands of Hoffman without an analysis of internal movements, trip generation, and the impact to the Route 9 intersection may be detrimental to the owner and the traveling public. The site plan submitted for the proposed hotel makes no provision for stormwater management. A separate grading and drainage plan for the hotel site should be provided and infrastructure should be sized to accommodate the unidentified use abutting the hotel on the southerly line. A stormwater pollution prevention plan should be developed that integrates the management of stormwater generated from proposed and future development. Development of the property that directly abuts the Northway has the potential for creating adverse visual impacts. The County Board recommends that a comprehensive landscaping plan that provides a year-round vegetative buffer along I-87 should be provided by the landowner. The applicant should be aware that recommendations for past projects with open visibility to the Northway have included a prohibition of signage attached to proposed structures. Approval for this project was

conditioned upon the continuation of this recommendation as a means of mitigating the visual impacts of development along the Northway corridor.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the proposed site plan. Several comments from the February 3, 2004 comment letter remain to be addressed. Additional comments were also provided. The proposed project appears to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include: Clifton Park Planning Board -Site Plan and Subdivision Approval; Saratoga County Sewer District – Sewer Connection Permit; Clifton Park Water Authority – Water Connection Permit; Saratoga County Planning Board – Section 239 Referral; New York State Department of Conservation – Storm Water Pollution Prevention Plan and Notice of Intent.

Mr. Grasso also recommended that project limits, property lines, the names of adjoining property owners, and existing easements be shown on the plan. The grantee of the easements should be identified. The legend on drawing C-1 indicated the same symbol for proposed and existing property lines. Delineation of property boundaries, existing and proposed, should be clear. In addition, the site plan should include a site statistics table that contains the following information: required and proposed building setbacks; lot area, greenspace and pavement area; proposed building height; required and proposed number of parking spaces. Access to this site must be coordinated with the existing access drives serving the adjacent properties. The intent should be to minimize the number of curb-cuts on Route 9 and provide a logical hierarchical progression of access drives to the various properties based on usage levels. It should be verified that emergency vehicles can adequately maneuver through the facility.

He offered the following additional comments. The parcel boundaries for the parcels in the vicinity of the proposed hotel as shown on the plans do not appear to coordinate with that on the Town’s tax mapping. One example of a possible discrepancy involves the portion of the hotel parcel that abuts Route 9: on the proposed plans this boundary is shown as being on the south side of Lot 272.1-1-7, whereas on the tax mapping this property boundary is shown to the north of that parcel. Portions of the proposed improvements, including parking and a storm water detention area are shown on an abutting parcel, Lot 272.1-1-6.1. Although the same property owner owns the abutting parcels, previous improvements to the parcel were proposed in 1996 for the existing facility, Wit’s End Giftique. These improvements include future additional parking as may be required by the Town and a storm water detention facility. The proposed plan does not appear to meet the 35% minimum green space requirement of §208-46. The parking spaces and travel paths for handicapped individuals do not appear in compliance with ADA requirements and should be reviewed and revised. One example can be seen at the entrance to the hotel where the shortest path of travel from the handicapped spaces appears to be directly to the sidewalk; however, as currently shown on the plans; the path of travel would be behind the parking space and within the travel lane. Providing complying spaces will likely require that the sidewalk width be increased in order to provide a ramp. The aisle width next to the handicapped parking space is required to be eight feet wide minimum.

Mr. Grasso provided a number of additional comments. Future submissions should address previous concerns of the Board relative to the sewer capacity and buffering along the Northway. The deciduous trees shall be a minimum of 3 ½" caliper. Additional street trees should be provided along the Northway within the proposed row of evergreens. Any building mounted or exterior façade lighting should be identified on the plans. The proposed dumpster enclosure should be relocated to where it will not be visible from the Northway. Additional information regarding the proposed lighting including wattage style, photometrics, height, etc. is required. In accordance with the NYSDEC Storm Water Management Design Manual, a Full Storm Water Pollution Prevention Plan, including both quality and quantity control plan components will be required. The storm water analysis should be revised to comply with the referenced design manual. The applicant will also need to file a Notice of Intent with the New York State Department of Conservation in accordance with the regulations. The size and material of the existing force main should be shown, together with construction details regarding the method of connection, typical trench, etc. An engineer's report for the proposed sanitary sewer system complying with NYSDEC requirements should be provided. The existing water main should be tapped with a tapping sleeve and valve rather than a tee connection to allow it to be kept in service. The "Asphalt Concrete Paving" detail references CTDOT subbase. It appears this reference is to subbase used in Connecticut: specifications regarding New York State engineering practices should be provided. In general, the plans lack sufficient detail and fail to illustrate good design principals. Additional attention to detail should be provided on future submissions.

Mr. O'Brien, Environmental Specialist, reported that following a review of the project, the ECC offered the following comments. The ECC reiterates the comments requesting the total greenspace for the parcel be identified on the plot plan. The following standard statements should be added to the plot plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place 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.

The Commission also asked that the applicant analyze the impact the proposed hotel will have on the greenspace requirements for the entire plaza/complex (Parkwood Restaurant, Judy's, 3-D Cycles, etc.).

Board members asked that the greenspace calculations be provided for the entire plaza since it appears that this complex was originally designed as an integrated site. In response to Mr. Cleary's comment that because several subdivisions had been approved within Parkwood Plaza, individual sites must have the required amount of greenspace, Mr. Larkin stated that this was not necessarily the case. He illustrated his point by noting that subdivision approvals granted to the owners of Shoppers World and The Crossing required the addition of specific notes to the plans regarding the overall greenspace on an

integrated site. It was agreed that the Town would research the approvals granted and provide information concerning approved greenspace.

Mr. Gailor reported that a site investigation led him to conclude that access from the southern portion of the site would be preferable because the northern parking areas are more defined with curbing and islands. He also recognized that drainage from the Parkwood Plaza site and adjoining properties had resulted in problems downstream. The applicant has agreed to transfer easements to the County, allowing for continued maintenance of drainage areas.

Mr. d'Amico noted that when the Carey Development Group assumes ownership of the hotel parcel, it will be dependent upon the adjoining property owner for the monitoring and maintenance of the proposed stormwater management area. He asked that the ownership issues be clarified and that proper oversight of the stormwater management area be assured. Mr. Bulger asked the applicant to address the numerous issues identified by the Town Engineer, staff members, and Board members. Mr. Gailor agreed, on behalf of his client, to do so.

[2003-055] Hoffman, Peter – Proposed 33,816 SF 3-story hotel, and 5,217 SF diner, Clifton Park Village Road – Revised conceptual site plan review.

Mr. Tom Andress, consultant for the applicant, presented this project plan that proposes the construction of a 77-room hotel and adjoining 5,000 SF diner. He explained that proposed number of parking spaces illustrated the number required for each use, respectively, and asked that approval to construct the project as presented be granted. The site will be served by a single access onto Clifton Park Village Road and by public water and sewer services.

Mr. Kemper explained that this project last appeared before the Board on January 13, 2004. The major issues raised by the board at that meeting included traffic concerns, architectural renderings, and the prior fill activities that had occurred at the site. A Full Environmental Assessment Form must be submitted for this project. Mr. Kemper commented that the Board had made it very clear at the last meeting that a written signoff must be received from the ACOE prior to any Board determination. To date, this has not been provided. He explained that Mr. Cleary and Mr. Hoffman both filed a FOIL request on the past filling activities that have occurred on the site and have received the information requested. Mr. Kemper noted that Board members have also been provided with copies of relevant documents. These documents include court appearance tickets for Mr. Hoffman (3/22/90), numerous written warnings from the Town of Clifton Park about the filling on the parcel (2/14/90, 11/21/90, 5/7/93), appearance tickets issued for the filling on the site (1/4/90), notice of conviction and fine (5/17/90), and color photographs of the past filling activities that occurred on the site. In addition, there is a letter from Mr. Hoffman to the ACOE dated December 29, 2003 which states that he has owned the property since 1976 and “during that time I have never filled the site or caused it to be filled. Frequently I have had to remove debris from the site left by others.”

Mr. Kemper offered a number of additional comments. Sign-offs must be received from the Saratoga County Sewer District and the Clifton Park Water Authority. This project will be required to connect to the Fire Road water district: this will require the signing of an outside user agreement and a resolution being passed by the Town Board. The Saratoga County Planning Board approved the project. Colored façade renderings with signage must be provided as the project moves forward. Ingress/egress easements must be shown on the plans. The handicap and handicap unloading zone signs must be depicted on the plans. A detailed landscaping plan including common name, scientific name, quantity, and size of plantings must be provided with the next submission. Plantings should be provided in and around the stormwater management basin. Sheryl Reed submitted the following comments. The developer must “provide adequate access for emergency service vehicles. She received the following comments from the Clifton Park-Halfmoon Fire District #1 dated March 3, 2004:

- Only one entrance is proposed
- Turning radii at the entrance and in the parking lot are too tight. We would need the islands cut back
- No Fire Department connection noted on the utility plans.
- SW corner of the lot needs to be widened for access
- No hydrants are on the plans. We would like them placed on the NW and SE corners of the lot and on off the SE corner of the building on the island.

Mr. Grasso reported that the following comments issued on August 5, 2003 and December 29, 2003 remain to be addressed. Additional comments have also been provided. Due to the fact that this project involves wetland impacts and traffic impacts, it is recommended that a Full Environmental Assessment Form be completed for this project. This will provide additional information needed to adequately analyze the environmental impacts associated with the project. It is noted that the zone has been changed to a B-4A and, therefore, a use variance or change in zone is no longer necessary. Due to the proximity of the two uses and the fact that both uses together may reduce the overall number of parking spaces required: it is recommended that only a portion of the required number of spaces be constructed initially and additional parking be constructed when actual need is demonstrated. The phased construction of the parking spaces should be shown on the drawings. The plan should indicate the location of municipal water and sewer connections and should provide letters from the Saratoga County Sewer District and Clifton Park Water Authority indicating the adequacy of their systems to serve the project. This should be provided prior to a SEQR determination for the project. Ingress/egress and utility easements should be provided over those portions of the improvements that are shared by both parcels. In addition, drainage easements over the drainage courses that bisect the site should be conveyed to the Town.

Mr. Grasso also offered additional comments. The parking spaces and travel paths for the handicapped do not appear to be in compliance with ADA requirements and should be revised accordingly. The entrance to the diner requires a path of travel from the handicapped spaces that appears to be obstructed by a proposed planting. Another example can be found at the hotel where the path of travel appears to be behind the parking spaces. The plans have been revised to include a gabion step wall to mitigate the

disturbances to the wetlands. Clough, Harbour, and Associates recommends that a timber barrier or other suitable guide rail be constructed along the top of the wall. The applicant has not provided any additional information regarding the Town's concerns relative to past dumping and wetland filling on the site. In accordance with the NYSDEC Storm Water Management Design Manual, a Storm Water Management and Pollution Prevention Plan, including both water quality and quantity controls are required. This should be included in the preliminary plan submission. Due to the potential conflicts with vehicles entering the site, it is recommended that the proposed parking spaces to the front of the diner and in front of the entrance be eliminated. The project's traffic study was revised to include the traffic associated with other recently approved projects in the immediate area. The traffic study, together with the requested revisions, were submitted and reviewed by the NYSDOT. A letter from the NYSDOT dated February 19, 2004 noted that the study accurately concluded that the proposed development did not have a significant impact on the state highway system. As such, no mitigation appears warranted. However, it should be noted that the traffic study illustrates there will be a decrease in the level of service (increase in average vehicle delay) due to the proposed development. The need for traffic improvements that will provide no decrease in level of service due to new development should continue to be reviewed as projects are planned in this area.

Mr. O'Brien, Environmental Specialist, reported that the ECC provided the following comments. The applicant must verify with the Army Corp of Engineers (ACOE) that the past filling and grading on the property has not already exceeded the .10-acre threshold. The proposed stormwater retention basin on the southeast side of the property should have riprap or some other energy dissipation device indicated on the plot plan. The Town of Clifton Park LC Zone should be indicated on the plot plan 50' from the high water mark on each side of the stream.

Mr. Michael Cleary, representative of Carey Development Group, responded to the comments offered by Mr. Kemper, Mr. Grasso, and the ECC. He first stated that he does not see a need to remove any parking spaces: it is his belief that the spaces near the diner's entranceway are necessary for handicapped accessibility. He stated that the ACOE will not provide sign-off letters. He added that a wetland delineation was provided to this agency last year, and that John Connell, a regional director for that agency, had accepted the plan presented. A jurisdictional approval letter has been forwarded to the engineering consultant.

Mr. Bulger noted that the Town has contacted Mr. Connell and that it is his understanding that Mr. Connell will submit a report to the Town based on recent site investigation reports. In response to Mr. Cleary's contention that there was minor disturbance of the site and that there may be wetland indicators below the 7 to 8 feet of clean soils deposited on the site. He stated that the alleged filling of the site remains a serious issue to be resolved. Mr. Cleary persisted in his argument that the ACOE had provided a sign-off for this project in the form of a jurisdictional letter. Mr. Bulger explained that since the information regarding the illegal site disturbance had been presented later in the review process, he believes that it is reasonable to conduct additional site investigations and seek assurance from the ACOE that site disturbance has

not been excessive. At Mr. Cleary's insistence, Mr. Bulger listed a number of documents that substantiated his belief that illegal filling had occurred. He cited the issuance of court appearance tickets, certificates of conviction, and several photographs.

Though Mr. Cleary explained that the "economic ramifications" of a delay in the approval process were "vast," Board members defended their position and steadfastly maintained that the ACOE determination would be required prior to the rendering of any determination on the application. The Board also asked that the existing letter from the ACOE be made available to the Planning Department. Though there was a discussion regarding the possible issuance of a positive declaration of significance pursuant to SEQRA, Mr. Cleary rejected this proposal. Mr. Pelagalli explained to the applicant that at this point, since the applicant has not submitted a complete preliminary plan, there is no time frame for the Board to render a determination on the application. Mr. Address agreed to consult with the Town and the ACOE in an effort to resolve all identified issues of concern.

[2003-039] Capital District YMCA – Proposed 3,720 SF addition to existing facility, 1 Wall Street – Preliminary site plan review and possible determination.

Mr. Nicholson, consultant for the applicant, presented this project plan for the Board's review. He explained that the original application called for an expansion of 5,000 SF that would have resulted in the disturbance of approximately 6,500 SF of land situated in the 100-foot buffer adjacent to a NYSDEC wetland. The revised plan now shows an addition of 3,720 SF to be added to the front of the building and the existing vestibule area. The architecture will be compatible with the existing design style and construction materials.

Mr. Kemper reported that this project was presented to the Board on June 24, 2003 at which time the main issue was the proposed encroachment into the LC Zone. Since that meeting the applicant has received variances from the Zoning Board of Appeals that would permit reduced front and side yard setbacks. These approvals permit the addition to be relocated to the area now shown on the site plan. He stated that he was in receipt of comments from Sheryl Reed that indicated that the current approvals for the temporary trailer which houses the daycare facility will soon expire. If the new addition would be used for the daycare, removal of the trailer would be required. Façade renderings and descriptions of the proposed building materials must be provided to the Board.

Mr. Grasso offered the following comments prepared by Clough, Harbour, and Associates. The construction of the proposed addition would bring the overall size of the facility to 47,220 S.F. Based on the requirement that one parking space be provided for each 200 square feet of gross floor area (recreation establishments, exhibit halls and other similar places of assembly), a minimum of 237 parking spaces would be required. The site statistics table notes that there are currently 275 parking spaces available, though only 230 spaces are shown on the plan. Future submissions should identify the location of the additional existing spaces and what provisions are proposed to provide the required number of spaces. The pavement layout of the Wall Street cul-de-sac does not appear to

be in accordance with Town standards. Proposed modifications are also planned in this area. Any modifications should seek to improve the layout of the cul-de-sac and access drive. The need for a sidewalk along Wall Street accessing the site should be addressed as part of the site plan application. Future submissions should include all requirements listed in § 208-115 of the Town's zoning regulations, including, but not limited to, the following: information relative to increase water usage and sanitary sewer flows associated with the proposed addition and their impacts to the existing infrastructure and details for utility connections.

Mr. O'Brien, Environmental Specialist, reported that the ECC offered no comment on this application.

Mr. Nicholson reported that, although some spaces were inadvertently omitted from the project plan, there are 274 existing parking spaces on the site. This number appears to be sufficient. Mr. Barry Relyea, Vice President of the Capital District YMCA explained that the addition was not designed as a day care facility since the YMCA is considering purchase of the existing library should plans for a new library be approved. He indicated that the agency would be pursuing approval of a year-long extension for the temporary building. Mr. Nicholson explained that the sidewalk in front of the YMCA would be improved and would connect with the existing sidewalk that serves the area. The cul-de-sac design will take other area projects into consideration.

Mr. Marzola 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 carried.

Mr. Larkin moved, seconded by Mr. d'Amico, to grant preliminary and final site plan approval to this application conditioned upon the submission of colored façade renderings and the satisfaction of the comments offered by Mr. Kemper and Mr. Grasso. The motion was unanimously carried.

[2003-053] MaMa Vee's, Inc. – Proposed 303 SF addition, NYS Route 146 – Revised conceptual site plan review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that calls for a 303 SF addition to the existing 2,388 SF restaurant. He explained that the new fire code for commercial kitchens necessitates changes to the cooking area of the building. As part of the updating process, the applicant/owner would like to enlarge the kitchen to add to its efficiency. The consultant reported that, in response to comments from Clough, Harbour, and Associates issued for the August 12, 2004 Planning Board meeting, the applicant submitted a request for approval of a variety of variances to the Zoning Board of Appeals. On March 2, 2004, the Zoning Board granted the following variances:

- An area variance of 13% to allow for a green space of 22%
- An area variance of 83 feet to allow for a front yard setback of 47 feet from the centerline of Route 146
- An area variance of 8 feet to allow for a side yard setback of 12 feet on the west side

- An area variance of 2 feet to allow for a side yard setback of 18 feet on the east side
- An area variance 20 feet to allow parking 0 feet from the side yard setback
- An area variance of 13,066 SF to allow for a lot size of 26,934 SF

Mr. VanGuilder reported that the front landscaping has been enhanced with the addition of new plantings and mulch. The missing siding on the building will be replaced, the debris from the rear of the site will be removed, and the dumpsters will be screened. He indicated that there are 84 seats provided for restaurant use: this number includes those outside seats that are used only seasonally. The number of parking spaces provided on site is adequate to serve the restaurant, though Mr. VanGuilder explained that the applicant has an existing agreement with the owner of the adjoining Starburst property that allows patrons to park in that lot.

Mr. Kemper reported that this application was last presented to the Board on August 12, 2003 at which time the Board identified the major concerns as poor maintenance of the site, lack of greenspace, and poor traffic circulation within the site. A sign-off must be provided from Saratoga County Sewer District. The Saratoga County Planning Board approved the project on August 21, 2003. A number of variances were received from the Zoning Board of Appeals on March 2, 2004: the specific variance application numbers should be referenced on the plans. A final sign-off must be received from Sheryl Reed and emergency services. Additional plantings should be provided on the site.

Mr. Grasso reported that the revised concept site plan for this project was reviewed by Clough, Harbour, and Associates. With the exception of adding a listing of the variances received from the Zoning Board of Appeals on March 2, 2004 and revising the green space requirements, the plan appears identical to that previously reviewed. Several comments from the August 5, 2003 letter remain to be addressed. There are concerns over the existing access arrangement and encroachments of parking on the adjacent property. The proposed expansion will exacerbate an existing problem. Mitigation appears warranted. The existing handicapped parking spaces have not been designed in accordance with ADA requirements. Modifications to bring them into compliance should be made part of the site plan application. During the course of a visit to the site, two dumpsters were observed along the south edge of the existing parking area behind the existing building. An enclosure should be provided for the dumpsters. Additionally, discarded equipment related to the restaurant business was seen in the overgrown area at the rear of the lot. If no longer used, this equipment should be properly disposed of.

Mr. O'Brien, Environmental Specialist, reported that the ECC had no comment on this application.

Mr. VanGuilder explained that his client recognized that improvements need to be made to the property. Discarded equipment and furnishings will be removed and the owner will work improve the overall appearance of the site.

Mr. Karam and Mr. Larkin both expressed concern about traffic circulation on the site, noting that the pavement narrows to 12 feet along the western side of the building. The

Board asked for comment regarding accessibility from Sheryl Reed. Mr. Larkin asked for clarification regarding the continuing operation of a non-conforming use. Mr. Pelagalli explained that a non-conforming use should not aggravate existing site deficiencies. Mr. Karam encouraged the applicant to “clean-up” the site. Mr. Bulger asked Mr. VanGuilder to consider possible alternatives for improved traffic flow through the site. Mr. d’Amico asked that the applicant to formalize parking and access agreements with the adjoining property owners.

[2003-070] Klimkewicz, Michael – Proposed two-family residence in an R-3 zone, 865 NYS Route 146A – Special Use Permit – determination from public hearing held on November 25, 2003 and preliminary site plan review.

Mr. Nicholson, consultant for the applicant, presented a brief description of this application for the Board’s review. The variances granted by the Zoning Board of Appeals for this project are included in the minutes of the November 25, 2003 meeting. Upon approval of the Special Use Permit, the applicant proposes to design and install an adequate septic system.

Mr. Kemper reported that the project appeared before the Board on November 25, 2003 at which time the Board conducted a public hearing. The applicant waived the 62-day determination requirement on January 23, 2004. When façade renderings were submitted to the Board as a discussion item on February 24, 2004, members concluded that those renderings were unacceptable. Revised façade renderings have been submitted for the Board’s consideration. Variances that were received from the ZBA should be noted on the approved site plan.

Mr. Grasso offered several comments prepared by Clough, Harbour, and Associates. The proposed project appears to be an unlisted action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include: Clifton Park Planning Board -Site Plan Approval; Clifton Park Zoning Board of Appeals – Area Variances and Special Use Permit. The plans indicate the following variances being required: front yard - to allow a 16-foot front yard as opposed to the 50-foot per §208-11; front yard building setback from centerline of Route 146A – to allow a 65-foot setback as opposed to the 100-foot setback required per §208-98; number of structures per lot – to allow two structures rather than the one permitted. The proposed plans do not include provisions for water and sewer. The adequacy of the existing facilities to provide water and sanitary service for the proposed plan should be reviewed and verified prior to allowing a use other than that for which it was originally designed. The driveway to the parcel extends onto the neighboring parcel. An easement should be obtained or the driveway configuration will need to be revised.

Mr. O’Brien, Environmental Specialist, reported that, after reviewing the project plan, the ECC had no comment on this application.

Mr. Bulger questioned the authority of the applicant to submit this application for the Board’s approval since he is no longer the owner of the property involved in the

submission. Mr. Nicholson stated that he was working for Mr. Klimkewicz. Mr. Pelagalli agreed that it would be necessary to clarify ownership issues, noting that the identified applicant may have no means to complete the proposed property improvements.

Mr. d'Amico and Mr. Pelagalli discussed the implications of the approval granted by the Zoning Board of Appeals that permitted two principle structures on a single parcel. While Mr. Pelagalli believes that Town code permits approval of a two-family structure via the granting of a Special Use Permit for one of the buildings on this parcel, Mr. d'Amico argued that Town code would limit development on a parcel to (2) dwelling units. He views approval of this application as an "abuse of the code" and does not believe that "turning the property into rental property" is appropriate.

Mr. Larkin suggested that the Town Board may wish to consider revising the code to make its meaning more clear. Mr. Nicholson presented colored façade renderings in response to his questions regarding renovation of the existing furniture showroom.

Mr. d'Amico believes that the determination issued by the Zoning Board of Appeals allows the Planning Board the opportunity to approve or deny the requested Special Use Permit. Mr. Bulger disagreed, stating that the Zoning Board action requires the Planning Board to act positively on this application. He believes that the question of ownership must be resolved.

New Business

[2004-019] DCG Development, Co. – Soil disturbance plan, Wood Road Conceptual review.

Mr. Gordon Nicholson, consultant for the applicant, presented this application on behalf of DCG Development Company. The proposal calls for the clearing and grading of approximately 12.75 acres of land on a 36 acre light industrial parcel that was previously designated as an Empire Zone. Mr. Nicholson described the stormwater management plan including the erosion and sedimentation control devices that will be installed on site and monitored during construction, the location of the existing tree line, and the proposed limits of clearing and grading. The consultant explained that since the developer has ready access to fill material, he would like to prepare the site for the planned improvements. He noted that a reclamation bond will be provided to the Town. He also reported that the development company is working cooperatively with the Saratoga County Sewer District to relocate the existing pump station.

Mr. Kemper reported that this project last appeared before the Board on February 11, 2003 as a conceptual site plan review for warehouse flex space. The Saratoga County Planning Board determined that the project had no significant county wide or inter-community impact at its April 15, 2004 meeting. He recommended that the clearing limit lines should be moved away from the ACOE and NYSDEC designated wetlands and the Blue Lupine areas. He reported receipt of letters from David Gibson of the Audubon Society of the Capital Region and Leland Lakritz expressing their concerns over the

Empire Zone designation. He also said that he had received letters from DEC and US Fish and Wildlife service regarding the Karner Blue and Frosted Eflin habitat that had previously been identified on this site. Mr. Kemper also asked that the construction entrance be relocated to the east.

Mr. Grasso asked that the applicant review the Statement of Findings from the Wood Road Corridor GEIS to ensure that the clearing and grading was in conformance with all requirements. He also asked the applicant to provide a stormwater management plan.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project plan, the ECC offered the following comments. The applicant must submit a Stormwater Pollution Prevention Plan for review by the Town Engineer and the ECC prior to commencing any work on the site. The following standard statements should be added to the plot plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place 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.

The ECC is concerned about the potential dissipation of Karner Blue Butterfly habitat.

Mr. Nicholson explained that since 1994 DCG Development Company has employed two (2) independent consultants to monitor the endangered species habitat areas. Though both consultants report that a natural succession of plant growth has overtaken much of the butterfly habitat area, the original area has been protected.

Mr. Bulger recommended that the protection boundaries be expanded and that NYSDEC be involved in the project before any determination is made on the proposed flex space site plan. Mr. Nicholson agreed to move the clearing limit lines farther away from designated habitat areas. He also stated that the existing tree line will not be disturbed.

Mr. Engleman, Town resident, asked if the Board would conduct a public hearing on this application, noting that a number of other agencies and groups would like to be involved in the approval process. Mr. Bulger stated that the Board would conduct a public hearing during the site plan approval process for proposed warehouses and storage facilities.

Mr. Karam commented that since the applicant has agreed to increase the distance of the proposed disturbance area from the endangered species habitat, he finds the project plan acceptable. Mr. Larkin agreed, noting that since the applicant is working with NYSDEC, the project should move forward. He also added that he was an "avid sportsman" who encourages the protection and preservation of natural resources.

Mr. Bulger 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 carried.

Mr. Larkin moved, seconded by Mr. Marzola, to grant preliminary and final site plan approval to this application conditioned upon the comments provided by Mr. Kemper, Mr. Grasso, and Mr. O'Brien. The motion was unanimously carried.

[1996-038] Wicks, Carol and R. J. – Proposed 3,000 SF duplex and 6-8 car garage, Vischer Ferry and Clifton Park Center Roads – Preliminary site plan review and determination.

Ms. Wicks, applicant, presented her application for the Board's consideration. The project calls for the construction of a 3,000 SF duplex and a 6-8 stall garage. A single driveway will be provided on Clifton Park Center Road. All setback requirements will be respected. Ms. Wicks said that landscaping will be maintained along eastern and southern property boundaries and additional plantings will be provided along Vischer Ferry Road. Board members were presented with a colored façade rendering of the proposed duplex and structural details of the garages.

Mr. Kemper reported that a Special Use Permit was granted for this site on July 16, 1996 to allow for construction of a two-family residence. A signoff will be required from the Clifton Park Water Authority. The Saratoga County Sewer District work permit must be provided prior to the stamping of the plans. He explained that the applicant should be aware that plans are currently underway for the reconstruction of Vischer Ferry Road and that a traffic signal at the Vischer Ferry and Clifton Park Center Roads is planned. The applicant should provide additional right-of-way along the Vischer Ferry Road side of the project. Mr. Kemper asked that samples of the building materials to be used for the garages be submitted. Plantings may be required to screen the property from Vischer Ferry Road and from adjoining properties.

Mr. O'Brien, Environmental Specialist, reported that the ECC asked that the following standard statements should be added to the plot plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place 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.

A number of adjoining property owners were in attendance at the meeting. Mr. Scott Powell, 455 Vischer Ferry Road, expressed his concern regarding the potential future use of the garage facility for commercial uses such as a car repair shop. Ms. Peggy Hendricks, 640 Clifton Park Center Road, voiced her concern regarding the number of garage bays, the potential for commercial use, and the traffic impact created by development so close to the intersection. Mr. Chuck Travis, 458 Vischer Ferry Road, added his concerns to those of his neighbors, though he noted that the improvement

would not affect his residence. Mr. Steve Hart, 648 Clifton Park Center Road, stated that he was concerned that water draining from the improved lot would negatively impact his property.

Mr. Grasso commented that the curb cut would be acceptable since the driveway location is located further from the intersection than the existing Town Hall driveway. He also addressed the drainage issue, recommending that the Wicks install gutters on the garage and direct water flow to a sub-surface dry well. Mr. Bulger explained that the Board would require the addition of a note to the plan and a deed restriction that would prohibit any commercial use of the garages. He commented that he appreciated all comments from the neighbors.

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

Mr. Larkin moved, seconded by Ms. Pace, to grant preliminary and final site plan approval to the application conditioned upon the addition of note to the plan that states that the six garages to be constructed will never be used for commercial purposes and satisfaction of the comments offered by Mr. Kemper. The motion was unanimously carried.

Minutes Approval

Mr. d'Amico moved, seconded by Mr. Marzola, to approve the minutes of the April 13, 2004 Planning Board meeting as written. Ayes: Pace, d'Amico, Marzola, Russell. Noes: None. Abstained: Bulger, Karam, Larkin.

Discussion Items

Mr. d'Amico announced that he had received information concerning a land use seminar that will be held in Albany on May 20-21, 2004. He noted that the variety of topics to be discussed would be of interest to Planning Board members. Information regarding registration and subjects to be discussed will be available at the Planning Department.

Dr. Veglio, 3 Robinwood Drive and Jim Reale, 7 Robinwood Drive, asked to speak to the Board regarding the development of Quinn Medical Park that has recently been constructed on a parcel that adjoins residences on Robinwood Drive. Dr. Veglio stated that he was never notified of the proposed development and would like a fence placed to screen a portion of the Quinn Medical site. He contends that the view from his back yard has deteriorated since construction began and that debris often blows into his yard. He would like the Board to encourage the developer to install additional fencing to mitigate the problems. Mr. Bulger explained that the developer has developed the site in accordance with approved, stamped plans and that the Board no longer has authority to request such changes. He suggested that Dr. Veglio discuss the problems with Mr. Paul Terry, representative of the development company, to determine if the company is willing

to address Dr. Veglio's concerns. Mr. Reale's concerns focused on the site lighting. He stated that although neighbors had previously received assurances that the lights would be turned off during the night, they remain on. Mr. Bulger said that he would contact the project developers to encourage their adherence to approval conditions.

Mr. Kemper presented a drawing of the proposed sign proposed for the entranceway of Countryman Estates. Board members found the plan acceptable.

Mr. Kemper presented the approved site plan for the 3,600 SF building recently constructed by Stewart's at the intersection of Vischer Ferry and Grooms Roads. The developer now believes that additional parking spaces are warranted and requests approval to install additional spaces along Grooms Road. Board members found the proposal acceptable as long as appropriate and substantial screening is provided along the Grooms Road boundary.

Ms. Pace moved, seconded by Mr. Larkin, adjournment of the meeting at 11:35p.m. The motion was unanimously carried.

Respectfully submitted, Janis L. Dean, Secretary