

Clifton Park Planning Board Meeting Minutes

May 25, 2004

Those present at the May 25, 2004 Planning Board meeting were:

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

Absent: J. Marzola

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. The Board and those in attendance stood to recite the Pledge of Allegiance. Mr. Bulger thanked Mr. d'Amico for chairing the meeting of May 11, 2004.

Public Hearings:

[2004-027] Deveno, Thomas – Proposed (2) lot subdivision, Settlers Lane – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order and the Secretary read the public notice as published in the Daily Gazette on May 17, 2004.

Mr. Gavin Villaume, consultant for the applicant, explained that the applicant proposes the subdivision of 2.17 acres of land in and R-1 zone within the existing Dutch Meadows subdivision. The lots will be 44,398 SF and 37,961 SF, respectively. The lots will be accessed via a combined drive from Settlers' Lane and will be served by the Clifton Park Water Authority and the Saratoga County Sewer District. Mr. Villaume explained that this application represents a resubmission of a portion of a three lot subdivision that was approved in 2002. Since that subdivision was never finalized and approval lapsed, the applicant now requests reconsideration by the Board.

Mr. Kemper explained that although this project received final approval from the Board on October 24, 2000, the plans were never stamped because a signoff from CK Sanitary was never received. He reported that, as originally proposed, Lot #24 has been deeded to the Clifton Park Water Authority. He asked that the applicant provide revised easement descriptions if easements have changed. Sign-offs will be required from CK Sanitary, the SCSD, and the CPWA. An outside user agreement for the sewer connection must be approved by the Town Board and Jack McDonald.

Mr. Grasso found the subdivision plan acceptable.

Mr. O'Brien, Environmental Specialist, stated that, after reviewing the project, the ECC

offered the following comments. The applicant should consider a different configuration of the building footprint on Lot #20 to reduce the impacts to the Federal Wetlands and the Town of Clifton Park LC Zone. It is not a desirable practice to build a residence with a backyard consisting primarily of LC Zone.

There being no public comment regarding this application, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:45p.m. The motion was unanimously carried.

Mr. Larkin expressed concerns about the impacts to wetlands existing on or adjacent to the proposed subdivision. Though Mr. Villaume explained that site disturbance was not in excess of the allowable 1/10th acre, Mr. Larkin asked that there be minimal soil disturbance and that the proposed residence be located as far as possible from the designated wetland and existing drainage corridors. Mr. Karam agreed with Mr. Larkin's recommendation.

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

Mr. d'Amico offered Resolution #11, seconded by Mr. Karam, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Board recommendations. Ayes: Larkin, Pace, d'Amico, Karam, Russell, Bulger. Noes: None.

Hoffman, Peter – Proposed (2) lot subdivision, Clifton Park Village Road – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order and the Secretary read the public notice as published in the Daily Gazette on May 17, 2004.

Old Business:

Hoffman, Peter – Proposed 33,816 S.F. Proposed 3-story hotel, and 5,217 SF diner, Clifton Park Village Road – Preliminary site plan review and possible determination. The Board considered the proposed subdivision and the site plan concurrently.

Mr. Joe Bianchine, consultant for the applicant, presented this application for the Board's consideration. The subdivision proposal would create lots of 3.23 acres and 2.29 acres, respectively. A three-story hotel is planned for the larger lot; the smaller lot will contain a 5,000 SF diner. Though there are 1.3 acres of designated wetland on the site, the disturbance will be limited to .092 acres. Mr. Bianchine stated that it is his understanding that the Army Corps of Engineers finds the project plan acceptable. The consultant also explained that a traffic study prepared by Creighton-Manning concluded that the proposed access location was acceptable. Zoning requires 167 parking spaces: the applicant has provided 160 regular spaces and 8 handicapped spots. The site will be

served by the Saratoga County Sewer District via grinder pumps to the existing forcemain. Connection will also be made to the Clifton Park Water Authority system. Drainage will be directed to detention basins located in the southwestern corner and northeastern portion of the property. Cross-easements for access, drainage, and parking will be provided. Landscaping will include both foundation plantings and additional evergreen and deciduous trees throughout the site.

Mr. Bianchine presented colored façade renderings of both buildings. The diner appeared to be red brick while the hotel would have a brick surround on the first floor with effis material on the second and third stories. The design is typical for Holiday Inn Express hotels and similar facilities constructed by other hotel chains this area in the Town of Clifton Park.

With regard to the subdivision application, Mr. Kemper requested the addition of the cross access easements to the plans. He offered a number of comments on the proposed site plan, noting that the project last appeared before the Board on April 27, 2004. The following issues identified at that meeting remain to be resolved. Color façade renderings with signage must be provided. An application must be submitted for the project to be included in the Fire Road Water District. Sheryl Reed's comments and those received from emergency service agencies must be addressed. Verification must be provided from the ACOE on the extent of wetlands on the site that have been filled. Board members emphasized the importance of this condition of approval. Additional plantings should be provided along Clifton Park Center Road and plantings should be placed in and around the stormwater management area. Façade renderings must be included for the diner as well as the hotel.

Mr. Kemper reported the receipt of the following comments from Sheryl Reed: "Per the Fire Department correspondence dated 3/3/04, adequate turning radius at the entrance and in the parking lot area must be provided. The location of the fire department connection must be noted. Widening the southwestern corner of the lot for emergency access will be required. Additional hydrants must be provided at the southeastern corner of the lot." Sign-offs will be required from the CPWA and the SCSD. Mr. Kemper observed that the plans still include parking in front of the diner, though the Board requested that this parking be eliminated or relocated. Colored façade renderings with signage for the hotel and diner have not been submitted, though these were requested at both the April 27, 2004 and January 13, 2004 meetings. The Full EAF states that solid waste had been deposited on the site and cleaned up in 1990-91. A copy of the Phase 1 assessment report which verifies this statement must be provided. The Full EAF also states that the project site does not contain any endangered or threatened plant and animal species: verification from DEC and USFWS should be provided.

Mr. Grasso offered comments from the review letters of August 5, 2003, December 29, 2003, and April 19, 2004 that remain to be addressed and provided additional comments on the revised plan. 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. Additional

parking could be constructed when actual need is demonstrated. Such phased construction of the parking spaces should be shown on the drawings. The applicant has expressed an interest to construct all parking as shown and not comply with this request. At the last Planning Board meeting it appeared this was generally acceptable to the Board. The plan should indicate the location of municipal water and sewer connections and letters from the Saratoga County Sewer District and Clifton Park Water Authority indicating the adequacy of their systems to serve the project should be provided prior to a SEQR determination for the project. Though the locations of the connections are shown on the preliminary plans, the required letters from the respective agencies have not been submitted.

Mr. Grasso noted that ingress/egress and utility easements should be provided over those portions of the improvements that are shared by both parcels. Drainage easements over the drainage courses that bisect the site should be conveyed to the Town. Though a drainage easement has been provided over a portion of the drainage course that crosses the site, it should include the entire drainage course. Ingress/egress easements have not been provided and should be shown. 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 report was submitted with the preliminary plan. The following comments resulted from its review:

- The full water quality volumes appear to be less than required. Typically a 90% Rainfall Event number of 1.0 from Figure 4.1 of the DEC guidelines is used for the area. The report and sizing should be adjusted accordingly.
- Since the plan appears to incorporate two separate systems, one for each parcel, the predevelopment calculations should also be for the same areas. The system must also be designed to ensure that pre-existing off-site drainage can be conveyed and managed as well.
- Sections of the storm water detention areas should be provided. Soils information should also be provided.
- Cold climate calculations should be provided in accordance with the referenced manual.
- In accordance with the New York state Storm Water Design Manual an acceptable practice for water quality treatment must include a pretreatment mechanism. This does not appear to be provided. Acceptable practices are detailed in Chapter 5 of the referenced manual and Chapter 6 details the performance criteria required for each acceptable practice. This should be reviewed and appropriate revisions made to the report and plan.

Mr. Grasso explained that, due to the potential conflicts with vehicles entering the site, he recommended that the proposed parking spaces in front of the diner and near the site entrance be eliminated. The plans have not been revised as requested: Clough, Harbour, and Associates continues to recommend the elimination of these spaces.

Mr. Grasso offered the following additional comments. The proposed light pole near the entrance should be moved outside the limits of pavement and at least five feet from the water service. The plan only proposes five deciduous trees for both sites combined and they are only proposed to be 2 ½" caliper. In order to provide an aesthetically pleasing

site consistent with other commercial development in the Town, the number of deciduous trees around the perimeter of the site should be dramatically increased and the minimum size should be 3 ½” caliper. The Full EAF provided for the project states that the site has been used for the disposal of solid wastes and that it has been cleaned up in 1990 to 1991. It is recommended that the Phase 1 Environmental Site Assessment Report be provided for review since it is implied that this document supports the position that no further environmental assessment is warranted. The Full EAF states that the site does not contain any species of plant or animal life that is identified as threatened or endangered. Letters from NYSDEC and USFWS supporting this should be provided.

Mr. O’Brien, Environmental Specialist, offered the following comments on the subdivision application that were prepared by the ECC. 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 No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).
- o The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federally jurisdictional wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone and/or federal wetlands.
- 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.

With respect to the site plan application, Mr. O’Brien reported that the ECC offered the following comments. The applicant must verify with the Army Corps of Engineers (ACOE) that the past filling and grading on the property has not already exceeded the .10-acre threshold. 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. Bulger questioned the need for the parking spaces shown at the front of the diner. Mr. Bianchine explained that the applicant would like the spaces to remain since it makes it easier for handicapped patrons to access the restaurant. Mr. Kemper noted that the applicant must request approval for water service as an outside user: a resolution by the Town Board will be required.

Ms. Margaret Catellier, 26 Royal Oak Drive, expressed her concerns with the potential disturbance of the designated wetlands on the parcel. She supported the ECC recommendation that a 50’ protective buffer be provided along the stream that traverses the property since this stream is a tributary of the DwaasKill.

Board members discussed the project plan at length. Mr. Bulger explained that although a written sign-off from the ACOE has not yet been received, representatives of that agency have found the original delineation acceptable. He no longer considers this an issue. Mr. d'Amico asked for clarification regarding the size of the diner: Mr. Bianchine stated that a revision to the plan had resulted in a small reduction in the building's size. In response to his question concerning traffic flow at the intersection of Clifton Park Village Road and Route 9, Mr. Bianchine stated that the traffic report found that the level of service would be adequate. Mr. Russell and Mr. Karam were concerned with the difficult traffic movements near the entrance to the site. Though Board members proposed several alternatives for parking near the diner, no agreement on a re-design was reached. Members discussed traffic flow in the area, recommending that directional signage be placed to direct exiting traffic south to Fire Road. It was noted that NYSDOT had accepted the findings of the traffic report. Mr. Larkin was interested in increasing the protection for the stream as recommended by the ECC. Mr. Bulger and Mr. d'Amico requested that a full set of colored façade renderings be submitted for review. Mr. Pelagalli advised the Board to be certain to include all the details of building design in the record of approval. Ms. Pace pointed out that approval from Sheryl Reed may require some changes to the entrance drive and diner parking.

Mr. Bulger noted that a Phase I environmental assessment must be prepared and submitted for review. Without this document, a SEQRA determination would not be possible. Since there were a number of issues to be resolved including a revision to the parking lay-out near the diner, wetland protection, and the submission of complete building renderings, Board members chose to withhold action on this project plan. Mr. Bulger thanked the applicant and Mr. Bianchine for working to address Board concerns.

Mr. Bulger moved, seconded by Mr. Karam, to close the public hearing at 8:25p.m. The motion was unanimously carried.

[2003-067] Exxon Mobil Oil Corp. – Proposed 3,900 SF convenience store, 1,152 SF carwash, and 8 gasoline dispensers, Ushers Road at VanPatten Drive – Revised conceptual site plan review.

Mr. Bulger explained to those in attendance that this review was not a public hearing: no comments would be accepted from the audience. He did state that due to the controversial nature of this application, a public hearing would be conducted upon submission of a preliminary plan.

Mr. Rob Spiak, consultant for the applicant, presented a revised plan that attempts to address the Board's recommendations to maintain existing vegetation and preserve the character of the area. He listed the revisions that had been made to the plan. The carwash has been relocated to the south; the entire site has been moved back an additional 18 feet from Ushers Road; a full access is provided on Ushers Road; revised architectural renderings have been prepared. Mr. Spiak noted that the applicant believes that the number of parking spaces is necessary and is reluctant to reduce the number of spaces.

Mr. Kemper reported that this project last appeared before the Board on March 9, 2004. He asked that a detailed planting plan be provided for review. Colored architectural renderings for the convenience store and carwash must be submitted for review: these renderings must include any signage proposed for the project. Photo simulations illustrating what the project will look like on this site must be submitted for the Board to review. Any proposed signage must meet the requirements of the sign law. The site plan should illustrate where the trail will connect with Pierce Road. He reported the receipt of numerous e-mails this afternoon regarding this project. All of the messages asked the Town to consider purchasing this parcel. Most also asked that no more gas stations be permitted in this area of Town. The impact to traffic flow was mentioned in a couple of the e-mails. The next submission should include a detailed landscaping plan and a photo simulation of what the building will look like on the site. The number of pumps should be reduced to improve traffic flow within the site. The amount of parking seems excessive: the applicant should explore the possibility of providing a future expansion should additional parking be warranted. As the project plan develops, it will be necessary to subdivide this site from the other Lands of Country Club Acres.

Mr. Grasso reported that the plans that have been re-submitted have incorporated two of the items noted in the previous review letters of March 2, 2004 and November 4, 2004. Setbacks have been adjusted, though the front yard setback still is insufficient to eliminate maneuvering areas in the front yard setback as required by code. The second item was the addition of the multi-use pathway. He noted that Bohler Engineering submitted a letter dated April 21, 2004 that responded to the comments previously issued. Since minimal additional information has been provided, Clough, Harbour, and Associates recommends that the Board defer the review until the information is submitted.

Mr. Grasso noted that the following comments from the original November 4, 2003 review letter have yet to be sufficiently addressed. The parking requirements should be based on the 3,900 SF "On the Run", therefore, twenty spaces are required plus one at each pump. Nine spaces should be eliminated accordingly.

The draft concept plan proposed access to the site from Ushers Road and Van Patten Drive. Section 208-66-A of the Town Code states that no more than one curb cut shall be permitted unless the Planning Board finds that traffic safety will be improved with the addition of another curb cut. It is recommended that the drive proposed to Ushers Road be eliminated. Full access should be from Van Patten Drive and should be located as far from Ushers Road as possible. The project continues to propose two full access points, one on Ushers Road and one on Van Patten Drive. Although the traffic study indicates that no significant traffic impacts will occur as a result of the project, the study does not address the merits for access management along either roadway or what the optimum access spacing along both roads should be based on generally accepted standards. In order to provide optimum access management along Ushers Road, Clough, Harbour, and Associates continues to recommend elimination of this access point. In addition, the traffic study only evaluates traffic impacts at the date of initial occupancy of the building:

it does not address traffic conditions at any point in the future. Justification for the 50% pass-by credit should be provided based on other similar establishments. The traffic study indicates that the average vehicle delay for left-turning northbound vehicles at the Ushers Road/Van Patten Drive intersection will increase from 33.7 seconds to 45 seconds during the PM peak hour. This level of increase may be considered significant and should be appropriately mitigated.

Mr. Grasso offered several additional comments. Section 208-65.E.1 of the Town Code states that there shall be no parking or maneuvering in the front yard. The plan should be amended to remove the maneuvering areas from the front yard on both Ushers and Van Patten. The plan continues to propose a maneuvering area in the front setback. The site plan should be revised accordingly. Eliminating the maneuvering area from the front yard should allow greater retention of the trees across the north side of the site. The site is well vegetated with oak and white pine. Section 208-66-B of the Town Code states that consideration shall be given to preserving natural and existing vegetation. There is a berm with oaks at the corner of Ushers Road and Van Patten Drive located primarily in the existing right-of-way. It is recommended that this berm be preserved on the site and supplemented with new plantings. A 25' wide buffer area is also required in the side and rear yards in the LI zone and can be existing vegetation. A site landscaping plan shall be submitted which includes plantings between the building and the sidewalk. The tree survey that was to be provided has not yet been submitted for review. It is not possible to discern the type or quality of vegetation to be preserved. This should be provided. The Town Engineer recommends moving the proposed components south to the 25' setback line. This would move the curb cut on Van Patten Drive farther south, preserve the berm on the corner, eliminate any maneuvering areas in the front yard setback, and increase the green space along the site's frontages, thereby reducing the impacts of the development on the suburban character of the area. A lighting plan shall be submitted showing building, canopy, and site lighting fixtures and the foot-candle levels on the site to insure that no glare is emitted beyond the property line. A plan showing the route of the multi-use pathway connection to Pierce Road should be provided.

Mr. O'Brien, Environmental Specialist, stated that the ECC reiterated previous comments. The applicant shall determine the existence of Karner Blue Butterfly habitat on the parcel. A stormwater management plan must be submitted demonstrating Best Management Practices (BMP's) for the containment of surface runoff associated with gasoline stations. The installation of underground storage tanks will need to be evaluated in light of potential high ground water in this area. The applicant will also need to address intended methods for water treatment and disposal of carwash effluent. Consideration should also be given to also address the following impacts:

- Increased traffic congestion caused by this commercial activity.
- Impingements of trail right-of-way.
- The impacts of petroleum spills on surface and ground waters.
- Impacts to the view shed by this project as viewed proceeding east on Ushers Road; specifically the decline of the deliberate Sylvan character of Ushers Road.

Mr. d'Amico voiced his support for the preservation of existing trees on the parcel. Mr.

Spiak reported that there is a mixture of evergreens and deciduous trees and that a tree survey has been prepared that identifies the location of all trees having a greater than 6" caliper. In response to Mr. d'Amico's question regarding information contained in the traffic study, Mr. Spiak stated that the study does include information regarding posted speeds. Mr. Russell encouraged the applicant to save as many trees as possible and add additional plantings to provide additional screening. Mr. Larkin pointed out that the Ushers Road access may be necessary to provide access for tankers that service the site. It is Mr. d'Amico's belief that most vehicles would enter and exit the site from the Ushers Road location. Mr. Karam would prefer a restricted right-in, right-out scenario for the Ushers Road driveway location. He also asked that the building be moved even farther to the south. Mr. Bulger supported the right-in, right-out restriction for the Ushers Road access point and moving the building farther south. He also asked that more details be provided regarding the disposal of wastewater from the carwash and for stormwater management. He recommended that the applicant consider "land banking" some of the parking. He asked that each Board member walk the site prior to the next review.

Mr. Bulger asked that the applicant to prepare more detailed plans for submission for an additional revised conceptual review. Mr. Larkin concurred with this recommendation, noting that the public hearing will likely be "contentious" and encouraging the applicant to provide the most "concrete" plans possible during the conceptual review.

Mr. Bulger admonished those who had conducted the e-mail campaign, stating that he did not "look favorably" on this action that interfered with regular Planning Department tasks.

[2004-015] M & W Foods, Inc. – Proposed exterior alteration, 125 Old Route 146 – Conceptual site plan review.

Mr. Ray Aley, Vice President for Operations for M. & W. Foods, Inc., explained that this application was presented to the Board on April 13, 2004 at which time the Board expressed its dissatisfaction with the addition of the proposed 6' x 8' picture of the Colonel to the building's façade. Mr. Aley reported that the proposed picture has been significantly reduced in size and that this will be the only signage on the restaurant.

Neither Mr. Grasso nor Mr. O'Brien offered any comment on this application.

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. d'Amico moved, seconded by Mr. Larkin, to grant preliminary and final site plan approval to this application. The motion was unanimously carried.

[2002-045] DCG Development Company – Mixed Use PUD 200 units of senior housing, Maxwell Drive and Wall Street – Preliminary site plan review and possible determination.

Mr. Gavin Villaume, consultant for the applicant, Mr. Kurt Woodward, architect, and Mr. Donald MacElroy, representative for DCG Development, were all in attendance at the meeting. Mr. Villaume outlined the revisions that have been made to the plan in response to previous Board comments. The plan now shows the installation of a 5'-wide sidewalk along Wall Street from the project site to the Hannaford grocery store. The driveway locations have been changed to allow for a gated entrance to the easterly portion of the site to allow for controlled access of service vehicles. Parking, with accommodation for van-type vehicles, is provided beneath the living area. Emergency access for the entire building has been provided, though the access drive to the rear of the building will be surfaced with lawn area. The service area has also been relocated to the northeastern side of the building.

Mr. Woodward presented architectural renderings that showed a four-story building faced with plank lap siding with two different patterns and colors. Architectural elements such as the application of masonry and cultured stone veneers will add interest to the façade. Asphalt shingles will be applied to the roof. In response to the Board's request, sketches illustrating the building's placement within existing contours and vegetation were presented.

Mr. Kemper reported that the project last appeared before the Board on February 24, 2004. The main concerns identified at that meeting included the submission of architectural renderings, the installation of pedestrian walkways to Clifton Country Road, and the preparation of a site-specific traffic study. The note that referenced traffic improvements on Wall Street must be removed from the plans. The comments raised by the Clifton Park-Halfmoon Fire District at the previous meeting must be addressed. A note must be added to the plans illustrating the relationship between this site and the overall PUD that was approved by the Town. Sign-offs will be required from the CPWA and the SCSD. Sheryl Reed, Chief of the Bureau of Fire Prevention asked for information regarding the height of the proposed building. She also requested information regarding emergency access proposed for the west side of the structure. Concerns outlined in the March 3, 2004 letter from the Clifton Park Fire Department must be addressed. The plan should indicate whether or not the stormwater from the project will be directed to the basin that will be installed on Town property.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the site plan and stormwater management report for this project. He explained that several comments from the February 19, 2004 letter remain to be addressed. He provided additional comments as well. This site is located in an area that will likely develop into a Town Center. As such, accommodations for pedestrian travel will be extremely important. It is recommended that a sidewalk be constructed across the site's frontage on Wall Street to the existing pedestrian path along Clifton Country Road and along the west side of the building where the future Town road will be located. The plan only shows proposed sidewalk along the project frontage on Wall Street. The sidewalk should be shown to continue to Clifton Country Road. It was Mr. Grasso's position the project should not be required to build a sidewalk along the west side of the building at this time. The size and material of the

proposed water service should be specified on the plan and the proposed method of connection should be indicated. In addition, the size of the existing watermain should be shown on the plan. The applicant should verify that adequate flows and pressure are present in the existing watermain to serve the building.

Mr. Grasso offered a number of additional comments. A manufacturer's cut sheet for the proposed light fixtures should be provided. The plan should also state that there will be no wall-packs on the building. Details of the proposed retaining wall should be provided. Design information for the proposed sanitary pump station should be provided. It should be verified that the trees depicted to remain in the visual impact study are in fact to remain. If these trees are removed it should be reflected in the study. The purpose and need for a gated delivery entrance should be clarified. The outlet elevation of the discharge lines of the building sump pit pumps should be shown on the plan. The top of frames of CB#1 and CB#2 on the plan do not match the elevation given in the stormwater management report. It should be verified that additional fire hydrants are not required. A detail of the emergency access area should be provided and reviewed by the Bureau of Fire Prevention. A detail of the proposed ornamental fencing should be provided.

Mr. O'Brien, Environmental Specialist, stated that the ECC offered the following comments on this application. The ECC has concerns regarding the Emergency Overflow Basin and questions whether or not it has been configured to accommodate any future projects in the area. The trench drains in the garage should direct effluent to the stormwater management system and include an oil/water sediment trap. The applicant should maintain a minimum of 45% greenspace in accordance with the Maxwell Road GEIS calculated for the entire parcel. The greenspace for the project must be calculated for the entire parcel. Any future projects on the parcel must calculate total greenspace including the existing project on the parcel. The applicant should make a concerted effort to preserve the mature vegetation on the parcel: special consideration should be given to preserving the existing pine stands.

Mr. d'Amico expressed his concern for the proposed access because options for future road locations may be limited should this application be approved as presented. He found the architectural renderings "institutional" looking and stated that he would prefer a building that would be more modern looking: he encouraged the applicant to consider varying roof lines and adding features that would add more "warmth" to the façade. Though Mr. Russell believes that the applicant has a reputation for building attractive structures, Mr. Karam agreed with Mr. d'Amico and asked that the applicant to make the building more attractive. Ms. Pace voiced her approval of the building configuration, noting that it appeared that it would accommodate the needs of seniors. Mr. Bulger noted that although the Board can make recommendations regarding building design, the Board has limited ability to regulate the architectural design.

Mr. Kemper asked if the finished floor elevation could be lowered since it appeared that the "underground parking" was at ground level. Mr. Ward, DCG representative, explained that due to seismic requirements and ground water levels, the building could not be lowered. Board members discussed the proposed 45' height of the building. Upon

reviewing the PUD legislation, Mr. Pelagalli recommended that the Board refer the project to Jim Trainor, Town Attorney and the Town Board to determine if the proposed plan is consistent with the Town Board's intent and the local law.

[2004-011] Amedore Homes (Formerly Beck), - Proposed (30) lot subdivision, 1262 Route 146 – Revised conceptual review.

Mr. Gavin Villaume, consultant for the applicant, presented this application that calls for the creation of a (24) lots – a reduction of (6) lots from the plan originally submitted in March, 2004. Proposed lots, ranging in size from 20,000 SF to 28,000 SF, have been configured in a “semi-cluster” layout. The revised plan now includes the accurate delineation of the federally jurisdictional wetlands located on the 25.8 acre parcel, a proposed landscaped berm along Route 146, a single boulevard site entrance, and a proposed connection to the Town's multi-use trail system.

Mr. Kemper reported that this project last appeared before the Board on March 23, 2004. Sheryl Reed provided the following comments: “Remove boulevard at main entrance for emergency access. Provide an additional means of ingress/egress or receive a variance for any subdivision with more than 18 living units.” The Saratoga County Planning Board approved the project conditioned upon the issuance of a NYSDOT curb cut permit. That Board provided the following comments: “It is recommended that the Town request that an open space or cluster design be submitted. The design objectives would be to provide a greater buffer along Route 146 and to preserve the Dwaaskill and wetland areas to the rear of the site. The cluster approach should allow for the elimination of the cul-de-sac.” A cluster layout that preserves the rural character along NYS Route 146 should be submitted. The project is a Type 1 action under SEQR and as such coordinated review is required. If large landscaped areas are proposed within the subdivision, a homeowners' association must be established to maintain these areas. The proposed height of the berm should be indicated on the plan. Comments from Jonesville Fire District and the Trails Committee should be considered.

Mr. Grasso explained that Clough, Harbour, and Associates has reviewed the revised concept subdivision plan for this project and finds that the applicant has revised the conventional subdivision layout. A cluster layout has now been proposed in an effort to preserve some of the environmentally sensitive features of the site. The following comments were prepared by the engineering firm. Although the proposed layout is a marginal improvement over the layout previously proposed, it still is a rather conventional subdivision layout with 20,000 square foot minimum sized lots. Consideration should be given to designing a “true cluster” layout. The revised plan proposes only one access point onto Route 146, which is an improvement over the previous plan; however, because over eighteen lots are proposed from the single point of access, the layout does not comply with the subdivision regulations. The proposed boulevard entrance does not constitute two access points, decreases safety, and increases maintenance responsibilities for the Town. It should be eliminated. Verification of the wetland boundaries is required in order to verify that the maximum allowable density of the site is 24 or more lots. In accordance with the Vischer Ferry Road Corridor Statement

of Findings, any aquifer recharge areas within the site should be identified and afforded proper protection. In addition, a Stage 1B Archeological Investigation should be conducted within areas proposed for development. The locations of existing homes and driveways across from the proposed intersections should be shown on the plan to allow evaluation of the potential impacts of headlights of vehicles entering and exiting the proposed development.

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

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put in place and maintained at the initial phase of site preparation.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.
- No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).
- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federal jurisdictional wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone and /or Federal Wetlands.
- This parcel (subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation and other associated activities. A study describing this impact in detail is available for inspection in the office of the Albany International Airport.

In response to Ms. Reed's comment, Mr. Villaume agreed to eliminate the boulevard-type entranceway.

Mr. d'Amico commented that the berm should shield the back yards of the residences and provide an aesthetically pleasing view from the main highway. He asked that the applicant consider relocating the roadway to an area parallel to the northern property line. This would permit the homes to front on the main highway. Mr. Karam recommended that the applicant consider revising the plan to eliminate the adjoining back yards. Mr. Bulger asked that a conventional plan that clearly showed designated wetlands be prepared in order to accurately calculate an approvable density. Mr. Larkin explained that since the plan does not illustrate a cluster design, he would not support its approval. Mr. Grasso noted that the applicant should supply a future access point to the east.

[2002-034] Donzelli, Daniel – Proposed (4) lot subdivision, Wayto Lane – Revised conceptual review.

Mr. Scott Lansing, consultant for the applicant presented this application for the Board's review. He explained that although the applicant sought approval for five lots last year, he now requests approval for four. The 17.83 acre parcel in an R-3 zone is to be subdivided into lots ranging in size from 3.0 acres to 4.6 acres. Access will be provided by a Town road of approximately 1000 linear feet. The lots will be served by on-site wells and septic systems. Mr. Lansing stated that the applicant may consider applying for approval of an additional lot after the moratorium is lifted.

Mr. Kemper reported that this project last appeared before the Board on October 15, 2004 as a five lot subdivision. The Board's main concerns at that time included the project's close proximity to the railroad tracks and the availability of potable water to serve the residences. Since the project was located in the GEIS study area, the Board was unable to act on the application at that time. The applicant is currently proposing four lots and has supplied well data for the site. Sheryl Reed asked that the location of fire district lines be shown on the proposed subdivision map because she will need to provide the respective fire departments with project information. Verification must be received on whether or not there are any endangered plant or animal species on the lot. Although the applicant is proposing construction of a Town road, the project will serve only four lots. A private drive must be utilized. The applicant should clarify whether or not an additional subdivision will be requested.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed this subdivision plan and offered the following comments. The location of the test pits should be shown on the plan to verify they were conducted in the location of the proposed wastewater disposal systems. The bearings and distances of the stormwater drainage easement should be shown on the subdivision plan. A street light should be provided at the intersection with Old Ashdown Road and should be oriented over the new roadway to aid in its definition. The two 15" HDPE roadway culverts at station 4+65 should be shown on the profile for Sharon Rose Court. It appears these may be in conflict with proposed 12" storm sewer along Sharon Rose Court. A revised Stormwater Management Report addressing all previous comments has not been submitted.

Mr. O'Brien, Environmental Specialist, read the comments prepared by the ECC. This parcel is located in an area where railroad activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation and other associated activities. The ECC reiterates previous comments regarding the proximity of the railroad tracks:

The ECC believes the quality of life for future residents will be impacted by the close proximity of two (2) railroad right-of-ways. Accordingly, maximum visual and sound buffering should be considered as well as possibly reconfiguring the building lots to maximize the separation of the residences from the tracks.

Mr. d'Amico suggested that the applicant consider relocating residences proposed on the western portion of the site to the east, thus increasing distances between proposed homes and the railroad tracks. He noted that this would only be viable if the subdivision remained at the four lots as currently proposed. He was also concerned that the required

distances between wells and septic systems could be accommodated on the lots as they are currently configured. Mr. Karam asked that the applicant be required to include mention of the proximity to railroad tracks in each individual deed. Mr. Larkin asked that water testing be performed in the area adjacent to the railroad tracks since past experience as shown him that hazardous materials are sometimes located in such areas. He also expressed concern about the applicant's admission that approval of an additional lot may be requested upon the expiration of the moratorium. Mr. Bulger noted that the results of the GEIS may prevent further subdivision. Mr. Grasso noted that a determination must be made regarding ownership and maintenance of the access road. Input from the Highway Superintendent will be requested regarding construction and maintenance of a new road.

New Business:

[2004-025] Stewart's Ice Cream Shops - Proposed 11,934 SF retail plaza, Vischer Ferry and Grooms Roads – Conceptual site plan review.

Mr. Tom Lewis, representative for Stewart's Shops, presented this project plan that calls for the development of lands surrounding the existing Stewart's Shop and rental unit at the intersection of Grooms and Vischer Ferry Roads. The proposal includes construction of two buildings of 7,574 SF and 4,000 SF, respectively, on a 1.8 acre parcel that was formerly part of the Lands of Cole. Access to the site will be from both Vischer Ferry and Grooms Roads. The plan shows 61 parking spaces. Connection will be made to the Clifton Park Water Authority system and the Saratoga County Sewer District. Development of the project as proposed would require two area variances from the Zoning Board of Appeals.

Mr. Kemper explained that the Saratoga County Sewer District submitted a comment letter dated May 17, 2004 outlining the requirements of the district and stating that it must determine if adequate capacity remains in the service lines. The applicant should provide information regarding ownership of the plaza. The applicant should explore the feasibility of providing pedestrian access to existing residential developments. A sign-off will be required from SCDPW. This agency reports that there are documented drainage problems in this area. Since this application is in an area that may develop as a "hamlet area" the applicant should explore the feasibility of providing mixed uses within the project site. Variances may be necessary from the ZBA. The project should be situated so that the rear of the buildings is not visible from either Grooms Road or Vischer Ferry Road. Proposed signage for the site should be illustrated on the project plans.

Mr. Grasso explained that the project plan was reviewed by Clough, Harbour, and Associates. He stated that 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 – Subdivision Approval, Site Plan Approval, and possible Special Use Permit; Clifton Park Zoning Board of Appeals - Area Variances; Saratoga County Department of Public Works – Highway Work Permit; Saratoga County Planning Board – Section 239 Referral; Clifton Park Water Authority – Water Connection Permit; Saratoga County Sewer District #1 – Sewer Connection Permit;

NYSDEC – SPDES Permit for Storm Water Associated with Construction Activity.

Mr. Grasso commended the applicant for proposing a development that is in keeping with the small building scale of the area and also for “clustering” the buildings in a consolidated area. The architectural styles of the buildings should be consistent and the buildings should appear residential. Measures to drastically reduce the visibility of the rear of the buildings, including a combination of fencing and landscaping, should be provided. There is a need for pedestrian improvements in the area and the planning of these improvements should include the Wishing Well subdivision and the Coburg Village development. Sidewalks and/or multi-use pathways should be provided. Permitted uses for a B-3 zone are outlined in §208-37 of the town’s zoning code. Other uses may be considered via the issuance of a Special Use Permit in accordance with §208-79. The plans do not specify the use of the buildings other than to state that they are rental units. Conformity with the zoning can not be verified at this time. The applicant should provide a narrative description in greater detail than that provided relative to the use of the structures. The site plans show the sidewalks and parking right up to the buildings with no room for landscaping. This is not in keeping with the character of the area.

Mr. Grasso stated that the proposed construction is located within a B-3 zone. The parcel abuts an R-1 zone to the east. This should be shown on the plan. Section 208-38 of the Town Code specifies the space and bulk requirements for the B-3 zone. Since the nature of the “rental units” is not specified, it is unclear which requirements will apply. The following list summarizes the requirements outlined in this section:

- Residential buildings shall comply with §208-11 of the code.
- Minimum net land area per establishment shall be 40,000 square feet and the minimum width at the building line shall be 150 feet.
- Front yard set backs pursuant to §208-98 take precedence and are not met. The applicant has noted that area variances will be required for front yard setbacks.
- The side yard setback does not permit parking closer than 20-feet to the side property line. Parking along the northern property line is closer than 20-feet and appears to be less than 2-feet from the property line.
- The side yard setback when abutting a residential district is 50 feet.
- For buildings over 35 feet in height the side and rear yard set backs must be increased by two-feet for each foot over 35 feet. The building heights are not specified and therefore compliance with this standard could not be verified.
- The green space requirement of 35% appears to be met on the 1.8 acre parcel; however, the establishments under consideration should also include the existing buildings and parcels. The total green space within the group of establishments should be shown.
- When abutting a residential zone a minimum buffer of 100 feet shall be maintained and supplemented as deemed appropriate by the Planning Board. The 100 foot buffer is not included in the proposed plan

Mr. Grasso offered several additional comments. The draft concept plan proposes access to the site from both Grooms and Vischer Ferry Roads. Section 208-66-A of the Town Code states that no more than one curb cut shall be permitted unless the Planning Board finds that traffic safety will be improved with the addition of another curb cut. We

recommend combining the curb cuts. A lighting plan is shown; however, the proposed foot-candle levels extend beyond the property line. Section 208-40 of the Town Code stipulates that the property margins from the front building line to the rear property line shall be planted with trees and shrubs for a width not less than 10-feet. This requirement could not be met as currently proposed since parking has been proposed within the 10-foot width along the northern property line. The project will benefit from and use reserve capacity within the municipal sanitary sewer and water supply systems that were installed as part of the Vischer Ferry Road Corridor Capital Improvement Plan (CIP). As such, in order to mitigate this project's impact on those facilities the respective mitigation fees should be applied. The method of sewage disposal should be shown.

Mr. O'Brien, Environmental Specialist, read the comments prepared by the ECC. The applicant should consider reconfiguring the pavement plan to reduce the paved surface area between the two (2) buildings. As proposed, the project may have an adverse impact on the surrounding character of the area. Significant vegetative buffers should be employed to reduce this impact.

Mr. Lewis addressed many of the comments. He explained that the Stewart's corporation would retain ownership of all of the parcels. He also stated that the applicant is aware of the drainage problems that exist in the area and that Stewart's will work to resolve them. The applicant will also work to ensure that the backs of the buildings are screened from both roads. Mr. Lewis agreed to include proposed signage for the site on the project plans: the existing sign would be replaced by a larger one that lists all of the businesses located within the plaza.

Mr. Bulger described the "hamlet concept," explaining that increasing the density of development at this corner could encourage residents in the area to use these stores and services rather than traveling to the more congested areas of Town. Since the type of development proposed could reduce sprawl in other areas, Board members were generally in favor of the project and the hamlet concept. Board members agreed with Mr. Bulger's suggestion that a positive recommendation be forwarded to the Zoning Board of Appeals should the applicant seek setback variances.

[2004-026] Nitschke, Edward L. and Mary E. – Proposed (2) lot subdivision, Dubois Lane – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, explained that the applicant proposes to subdivide 9.18 acres of land at the intersection of Garnsey Road and Dubois Lane. Two lots of 6.8 and 2.3 acres, respectively, will be created in this R-3 zone. The lots will share a common access on Dubois Lane and will be served by the Rexford Water District and individual septic systems. The property contains both NYSDEC and federal wetlands. The B-32 NYSDEC wetland and its associated buffer will be left undisturbed. Disturbance of less than 1/10th of an acre of the federal wetlands will be required for the installation of the shared driveway and utility connections.

Mr. Kemper explained that Sheryl Reed requested that the note concerning driveways

over 500 feet in length be added to the plans. Verification should be provided by NYSDEC and ACOE on the wetland disturbance prior to the project moving forward. The proposed house on Lot #1 should be moved away from the wetland and buffer area. Descriptions for the ingress/egress easements must be provided for review.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the concept subdivision plan and offered the following comments. The proposed project appears to be an unlisted action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency appears to be the Town of Clifton Park Planning Board. Building setbacks for the proposed parcels should be shown and should comply with the setbacks required for keyhole lots. The proposed well locations should be shown. The location of both the well and the on-site sanitary systems for the neighboring parcels should be shown or a note provided stating that there are no wells or wastewater disposal systems within 200 feet from the site. Soil investigations including deep test pits and percolation tests should be conducted to determine if the proposed lots can support on-site wastewater disposal systems. In accordance with §179-26, the proposed key-hole lots shall contain the minimum acreage within the inclusion of the area of the driveway access strip. It is unclear if Lot #2 will meet the minimum lot size of 100,000 square feet, 2.3 acres, without including the area of the driveway access strip. Given the extent of wetlands within the site, consideration should be given to the establishment of deed restrictions or conservation easements over the environmentally sensitive features of the site. He emphasized that the land preservation area should incorporate the buffer area.

Mr. O'Brien, Environmental Specialist, offered the comments that had been prepared by the ECC. The applicant must verify the total impact to Federal Jurisdictional Wetlands to determine if a permit will be necessary. The following standard statements should be added to the plot plan:

- No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).
- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put 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. Federal jurisdictional wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone and /or Federal Wetlands.

The applicant should investigate whether or not there is an impact of one (1) acre or more of land disturbance thereby triggering the Stormwater Management Review and Requirements.

Board members found this conceptual subdivision proposal generally acceptable. Mr. VanGuilder agreed to provide a letter from NYSDEC that would list the activities that would be permitted within the buffer area. He also agreed to move the proposed residence on the western most lot farther from the buffer area.

Discussion Items:

Witecki Subdivision

On April 13, 2004 the Planning Board reviewed an application submitted by Mr. Glenn Witecki for approval of a subdivision that was not in conformance with zoning regulations. Indeed, the proposed plan would have required a variance of 60,284 SF from the 100,000 SF zoning requirement. At that time, Planning Board members expressed several concerns regarding the proposed lot size and configuration and agreed that the project was unacceptable as presented. In response to the Board's concerns, Mr. Witecki has re-designed the proposed subdivision. The plan now shows a lot of 45,000 SF and a 55,000 SF area to be retained by Witecki but which will be subject to deed restrictions that would prohibit development. Following an informal discussion, Board members unanimously agreed to positively endorse the revised plan should the Zoning Board of Appeals find the request acceptable.

Hahn Subdivision – Hempstead Commons

Mr. Bulger recommended that the Board formally and finally address the issue raised by Mr. Berthume of Clifton Park Center Road regarding the impact of light from vehicles exiting Hempstead Commons on his property. Mr. Bulger stated that the situation has been observed throughout the development process and the change of seasons. Since it appears that there are no significant impacts to Mr. Berthume's residence, Board members agreed that no remediation measures would be required.

Minutes Approval:

Mr. Karam moved, seconded by Mr. Larkin, approval of the minutes of the May 11, 2004 Planning Board meeting as written. Ayes: Larkin, Pace, d'Amico, Karam, Russell. Noes: None. Abstained: Bulger.