

Clifton Park Planning Board Meeting Minutes

June 22, 2004

Those present at the June 22, 2004 Planning Board meeting were:

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

Those absent were: None

Those also present were: 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. Board members and the public stood for recitation of the Pledge of Allegiance. Mr. Bulger announced that the July meeting has been postponed from its originally scheduled July 13, 2004 date to Wednesday, July 21, 2004.

Public Hearings:

[2004-026] Nitschke, Edward L. and Mary E. – Proposed (2) lot subdivision, Dubois Lane – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order. The Secretary read the public hearing notice as published in the Daily Gazette on June 14, 2004.

Mr. Gil VanGuilder, consultant for the applicant, explained that, in response to comments and recommendations issued on the conceptual submission, the applicant has revised the proposal that calls for the subdivision of 9.13 acres of land at the intersection of Garnsey Road and Dubois Lane into lots of 6.18 and 2.95 acres, respectively. The lots will share a common access on Dubois Lane and will be served by the Rexford Water District and individual septic systems designed by a professional engineer. 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. Van Guilder noted that the residence for Lot #1 has now been relocated to the east of the 350 foot elevation line, thus providing greater distance between the proposed home and the wetland buffer area. He explained the computation process used to establish the area of Lot # 2. By including the "front" lot area adjacent to Dubois Lane that is approximately 150' x 245' and the rear portion of the lot that is approximately 300' x 250', he concludes that that total lot area is 105,000 SF, meeting the intent of the zoning ordinance that requires buildable lots in this area to be at least 100,000 SF.

Mr. Kemper explained that this project last appeared before the Board on May 25, 2004

at which time the Board found the project generally acceptable. Mr. Van Guilder was to contact NYSDEC to determine what uses would be allowed in the LC Zone. The date and firm that performed the wetland delineation should be placed on the plans. Test pits and perc tests must to be performed before the plans are stamped by the Planning Department. The clearing limit lines should be depicted on the plans. A sign-off must be provided from the Rexford Water District. Descriptions for the ingress/egress easements should be submitted for review. The total wetland disturbance should be depicted on the plans. Sheryl Reed submitted a memo dated June 22, 2004 that requested that the note regarding for driveways over 500 feet in length be added to the plan.

Mr. Grasso asked that the land preservation areas be depicted on the plans.

Mr. O'Brien, Environmental Specialist, reported that all ECC comments were satisfactorily addressed.

There being no public comment regarding this application, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:21p.m. The motion was unanimously carried.

Mr. Bulger noted that although there are a few "minor" issues to be resolved, he believed that all conditions could be met prior to the stamping of the plans. Mr. Marzola asked that the use of the NYSDEC wetlands be restricted. Mr. VanGuilder explained that no cutting of trees would be permitted in the designated wetland areas. A sign-off from NYSDEC will be required prior to the release of plans from the Planning Department.

Mr. Larkin 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. Marzola offered Resolution #14, seconded by Mr. Russell, to waive the final hearing and to grant preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso. Ayes: Larkin, Pace, d'Amico, Karam, Marzola, Russell, Bulger. Noes: None.

Old Business:

[2003-055] Hoffman, Peter – Proposed (2) lot subdivision, Clifton Park Village Road – Preliminary public hearing and possible determination from public hearing held on May 25, 2004.

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

The Board reviewed these applications concurrently.

Mr. Bianchine, consultant for the applicant, presented revisions to this project plan that

were made following the last Planning Board review. He noted that the Phase I environmental documentation, letters from NYSDEC and the US Fish and Wildlife Service, and descriptions of the cross-easements had been submitted for review. Pursuant to Board comments, several parking spaces have been eliminated from the area in front of the diner. Colored architectural renderings were presented. The hotel will be constructed as a standard Holiday Inn Express, with brick façade surrounding the first floor and effis material on the second and third floors. The diner will be off-white with tan trim: the roof will covered with red tiles.

Mr. Kemper stated that this project last appeared before the Board on May 25, 2004 at which time the most significant issues raised included the submission of color renderings with samples of building materials, addressing emergency access concerns raised by Sheryl Reed, providing a Phase 1 Environmental Site Assessment for the property, and receiving notification from USFWS and NYSDEC on the presence of endangered species on the site. The comment letter dated May 26, 2004 from Jim DiPasquale, Director of the Saratoga County Sewer District, to ABD Engineers must be addressed. The two parking spots on the northeast corner of the diner should be eliminated to allow for better access into the site. Color façade renderings accompanied by samples of proposed building materials for the hotel and diner were requested on January 13, 2004, April 27, 2004, and May 25, 2004. The renderings for the diner that were presented to the Board at the May meeting were not acceptable and the applicant was advised to provide revised drawings with the current submission. The requested renderings were not provided with the submission: they were received by the Planning Department on June 21, 2004. Letters have been provided from USFWS and ACOE indicating that there are no endangered species on the site. A Phase 1 Environmental Site Assessment has been provided to the Planning Department. A sign-off must be received from CHA on the stormwater management plan. It appears that there is not adequate room to allow for snow removal on the project. Snow removal plans should be provided. Mr. Kemper explained that he received the following comments from Sheryl Reed, Chief of the Bureau of Fire Prevention, in a memo dated June 22, 2004: "Per the fire department correspondence dated March 3 2004, the applicant must provide an adequate turning radius at the entrance and within the parking lot area. The SW corner of the parking lot must be widened for emergency service access." These issues were mentioned during the April 17, 2004 and May 25, 2004 meeting. A letter from Bill Engleman, resident, dated May 25, 2004 outlined his concerns with the project.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the preliminary site plan for this project and issued the following comments. During the last review, the engineering firm requested that the plan indicate the location of municipal water and sewer connections. Letters from the Saratoga County Sewer District and Clifton Park Water Authority were requested that indicated that the systems were adequate to serve the project. This information should be provided prior to a SEQR determination for the project. Though the locations of the connections are shown on the revised plans, no letters from the respective agencies have been submitted. Ingress/egress and utility easements should be provided over those portions of the improvements that are shared by both parcels and these easements should be shown on the subdivision plan.

Mr. Grasso reported that a copy of a storm water management report has been submitted. Although Clough, Harbour, and Associates have not had sufficient time to complete the technical review, the report appears to address the drainage impacts in accordance with town and NYSDEC standards. Some of the parking spaces in front of the diner have been eliminated, marking a significant safety improvement over previous submissions. If any more spaces can be eliminated, the two handicapped spaces at the northeast corner of the diner should be eliminated. The Full EAF provided for the project states that the site has been used for the disposal of solid wastes and that it was been cleaned up in 1990 to 1991. It is recommended that the Phase 1 Environmental Site Assessment Report be provided for review that supports the position that no further environmental assessment be conducted.

The following additional comments were provided by Mr. Grasso. The location of the "No Parking" signs should be shown on the plans. The handicapped accessible ramps do not have level landing areas at the top and therefore do not comply with ADA requirements. Most grease traps have side inlets as well as end inlets. If the grease trap specified has side inlets, the 90 degree elbow should be eliminated and the side inlet utilized. The water service for the hotel should utilize the long hydrant lead for the hydrant, thereby drastically reducing the length of dead end water main. There is a concern over the lack of snow storage areas between the two buildings and along the guide rail/retaining wall along the wetlands. Elimination of some of the parking spaces in the center island is recommended. A detail of the masonry dumpster enclosure should be provided. There have been problems with building mounted lights being installed that were not called for on site plans. It is recommended that a bold note be added to the plan that states: "No Building Mounted Lights Not Shown on These Site Plans Shall Be Installed". Inverts for the proposed stormwater management oil water separators should be provided. Storm sewers systems with slopes less than 0.5% are not recommended unless capacity and self-cleansing velocity calculations are provided. It appears as though a light pole base will be in conflict with the retaining wall.

Mr. O'Brien, Environmental Specialist, reported that the ECC found the project acceptable.

Mr. Bulger noted that the public hearing was closed on May 25, 2004. 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. Bulger stated that he would like Clough, Harbour, and Associates to review the proposed lighting plan to ensure that it is consistent with other commercial properties that have recently received Board approval. Mr. Karam commented that the buildings were architecturally pleasing. Mr. Russell observed that some motels in the area serve guests that drive unusually large vehicles. Though he was concerned that it would be difficult to maneuver such vehicles through the site, Mr. Bulger pointed out that the applicant met code requirements and that Ms. Reed would require assurance that larger emergency

vehicles could access the site. Mr. d'Amico stated his preference for two-way traffic around the diner: Mr. Karam agreed that two-way flow would be acceptable. In response to Mr. Gurvis' request that plantings in front of the retention basin be low-growing perennials and that larger shrubs and trees be located to the back of the basin to allow for snow storage, Board members agreed that such a landscaping plan would be acceptable. Board members also agreed that elimination of the two northern most parking places to the front of the diner would add to the safety of those entering and exiting the site: the two spaces to the south of the diner entrance will remain.

Mr. Karam offered Resolution #15, seconded by Mr. Marzola, to waive the final hearing for this application and to grant preliminary subdivision approval conditioned upon satisfaction of all the comments offered by Mr. Kemper and Mr. Grasso. Ayes: Larkin, Pace, d'Amico, Karam, Marzola, Russell, Bulger. Noes: None.

Ms. Pace 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. Bulger moved, seconded by Mr. d'Amico, to grant preliminary site plan approval to this application conditioned upon satisfaction of all the comments offered by Mr. Kemper and Mr. Grasso. 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. Caponera, the applicant's legal representative, explained that this is Exxon's fifth appearance before the Board and that substantive revisions have been made based upon comments offered at the previous meetings. Mr. Jim Giarusso, engineering consultant for the applicant, listed the changes that have been made to the site plan. Parking has been reduced from the previously proposed 30 spaces to 23 spaces. Three "land banked" spaces are shown on the plan should they be warranted in the future. A right-in/right-out cut is proposed onto Ushers Road from the eastern side of the parcel. Mountable curbing will allow large tanker trucks and delivery vehicles to use this exit. This ingress/egress has been approved by Creighton-Manning traffic engineers. The other driveway will be located on VanPatten Drive across from the bank access. Restriping of VanPatten Drive may be necessary to create adequate stacking lanes. A plan that illustrates existing site conditions and a proposed site plan that shows tree locations have been submitted. The number of pumps has been reduced: the applicant now proposes six pumps or twelve fueling stations. The entire site has been moved to the south to preserve the suburban character of the area. The architectural plans are more in keeping with adjoining residential areas. The revised proposal increases the site greenspace from 48.8% to 50.7%. Mr. Giarusso emphasized the fact that development to the front of the site has been shifted a total of 36' to the south from the original submission. The proposed multi-use pathway to Pierce Road has been added to the plan. A lighting plan is currently in preparation. Landscaping will be preserved to the rear of the site and

additional landscaping will be provided along the perimeter of the building. The trash enclosure will be located in the rear of the site. Mr. Giarusso concluded by stating that the proposed plan permits traffic to flow smoothly through the site.

Ms. Wendy Cimino, consultant from Creighton-Manning, addressed the comments prepared by Clough, Harbour, and Associates. She explained that the full-access driveway onto Ushers Road has been replaced by a limited access drive that allows only right-turn ingress and egress from the project site. This reduces the number of conflict points at the site driveway intersection with Ushers Road. Since the number of fueling positions has been reduced from 16 to 12, the trip generation calculation has been reduced by 30%. She stated that this reduction will offset the increase in delay associated with additional vehicles turning left from VanPatten Drive onto Ushers Road. Allowing for limited access from Ushers Road will reduce the impact to VanPatten Drive associated with the project while maintaining direct access to and from the site for vehicles traveling eastbound on Ushers Road. She stated that the location of both proposed site access driveways exceeds the minimum intersection spacing recommended by industry standards. Though a shared driveway through the adjoining parcel east to Pierce Road was suggested by Board members, Ms. Cimino pointed out that such an option may not be viable because of the topography and eventual use.

Mr. Kemper explained that this project last appeared before the Board on May 25, 2004. At the conclusion of the last meeting the applicant was going to perform a detailed tree survey and address the traffic concerns raised by Clough, Harbour, and Associates. The number of fueling stations that are proposed on the revised site plan must be clarified. The limits of the proposed subdivision should be clearly identified. He asked if it would be possible to face the building towards Pierce Road. The clearing limit lines should be depicted on the plans to help clearly identify the trees that to be preserved. A detailed landscaping plan should be included with a preliminary submission. Any signage proposed for the site must meet the requirements of the sign law. In addition to the letters that have been added to the record at previous meetings, he reported the receipt of three additional letters. The first was submitted by Jim Ruhl; the second by the Friends of Clifton Park Open Space; the third from Mr. and Mrs. Smith. Mr. Kemper explained that Mr. Ruhl's letter contained a petition signed by more than 100 residents of Exit 10 asking that the public hearing date be postponed until at least September to ensure that as many people as possible have an opportunity to comment on the project.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the revised concept site plans for this project and offered the following comments. The plan appears to address many of the concerns previously presented with respect to parking reduction, moving the site development to the south, and pedestrian access across the project frontage. The engineering firm continues to be concerned with the proposed access arrangement and mitigation of traffic impacts. Though Mr. Grasso noted that the location of the proposed site access driveways satisfy NYSDOT's minimum driveway spacing guidelines, the site access driveways' proximity to the intersection of Van Patten Drive and Ushers Road may negatively affect traffic operations and safety in the area as traffic volumes increase over time. Access management guidelines published by the

Transportation Research Board (TRB) and Institute of Transportation Engineers (ITE) provide recommended driveway spacing that relates to the function of the road being accessed (i.e., arterial, collector or local), the amount of traffic generated by the land use and the type of access proposed (full-access or right-turn-only access). These guidelines indicate that the full access driveway to Van Patten Drive should be spaced a minimum of 330 feet from the intersection of Ushers Road and Van Patten Drive. These guidelines also recommend a minimum distance of 330 feet between the right-turn-only driveway access to Ushers Road and the intersection of Ushers Road and Van Patten Drive. The proposed access locations are less than the recommended distances for maintaining the long-term utility of the roadway system. The proposed site access to Van Patten Drive is located within a transition area for the left-turn lane approaching Ushers Road. The preferred driveway location to Van Patten Drive from an access management perspective would place the access opposite Fairchild Square and south of the transition taper. In the event that site conditions make this access location unfeasible, it is recommended that the left-turn median on Van Patten Drive be extended to provide full width at the site access.

The proposed site access driveway to Ushers Road is located approximately 250 feet from the intersection of Ushers Road and Van Patten Drive, and approximately 275 feet from the intersection of Ushers Road and Pierce Road. These intersection spacing conditions indicate that access management strategies should be applied to provide for a cross-access connection to the adjoining property in conjunction with future development of that parcel. If other visual and vegetative clearing impacts associated with the rights in/rights out driveway were considered acceptable to the Board, this strategy would permit the proposed right-turn-only access to the Mobil site as a temporary driveway. The recommended long-term access management strategy would eliminate all direct access to Ushers Road, providing inter-parcel connections for both properties to Van Patten Drive and Pierce Road. The Board should consider the fact that development of a temporary or permanent access onto Ushers Road will result in the additional clearing of approximately six trees between 7" and 13" diameter and two trees over 26" diameter. A review of the layout of the temporary (recommended) right-turn-only access to Ushers Road indicates that the design does not accommodate the turning movement of single unit trucks entering the site from Ushers Road. This driveway design also does not accommodate the turning path of tractor trailer trucks (such as for fuel deliveries) exiting the site. If these truck movements are not intended to be allowed at the Ushers Road access, then on-site truck circulation and signing should be indicated on the plan. Otherwise, the access layout should be modified to accommodate these vehicle types. If the access to Ushers Road continues to be pursued, the design should be modified to create a greater angle of deflection to discourage noncompliance with the right-turn-only restriction, especially for entering vehicles. The traffic control signing for the right-turn-only access should include additional "No Left Turn" signs placed at the near right corner and far left corner of each restricted direction in accordance with the New York State Manual of Uniform Traffic Control Devices (Section 213.2). The proposed driveway widths (35') exceed the recommended access width of 24 feet, based on the NYSDOT standards for driveway access. The proposed width also exceeds NYSDOT's maximum permissible width, which is 30 feet. The driveway width should be revised to 24-feet, unless mitigating circumstances can be demonstrated. No mitigation for the traffic

impacts associated with the project discussed in the last review letter and deemed significant by the Planning Board have been presented. As such, this issue remains outstanding.

The site plans plan should specifically indicate the trees to remain: these should be shown on a conceptual grading plan. In addition, the proposed location of the stormwater management area should be shown on the plan as it could greatly impact the grading limits. The plan has not been revised to provide landscaped areas around the building which was specifically requested by the Planning Board.

Mr. O'Brien, Environmental Specialist, explained that the ECC reiterated several comments made at the May 18, 2004 meeting:

- The installation of underground storage tanks will need to be evaluated in light of potential high ground water in this area.
- The applicant will need to address the intended method for water treatment and disposal of carwash effluent.
- 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 should be evaluated

The ECC also recommended that any new proposed lighting should be directional and limited.

Board members discussed this project proposal at length. The major focus was the proposed ingress/egress points. Mr. d'Amico recalled comments that were made during deliberations regarding the VanPatten warehouse application and asked if the Board would consider requiring a combined access from this parcel and the adjoining property onto VanPatten parcels to Ushers Road. Though Mr. Bulger believed that the Board should consider this application on its own merits, Mr. Larkin noted that if a retail use were to present a proposal for the adjoining VanPatten land, it may be prudent to consider establishing an easement that would provide a connection between the Exxon convenience store and an adjoining business. This could allow for an ingress/egress point on Pierce Road. Mr. Bulger commented that although he approved of the curb cut as presented on Ushers Road, he would ask for more definition of the right-in/right-out limitation to ensure safety. He found the mountable curbing acceptable. Mr. Karam also supported the curb cut onto Ushers as presented, though he expressed his concern with the mountable curbing, fearing the materials used would deteriorate over time. He recommended the applicant consider widening the curb cut to accommodate larger vehicles such as tankers.

Mr. Russell asked that the canopy shielding the gasoline dispensers be lowered. Mr. Giarusso explained that the canopy must be 14 1/2 feet high to meet fire safety regulations. Mr. Bulger stated that the Board would require the submission of a detailed lighting plan to ensure that the lighting is as minimal as possible. Mr. Russell also addressed the issue of moving the driveway to the east to accommodate an additional business. In response to his concerns, Mr. Taylor, real estate representative for Country Club Acres, stated that there are no development plans for the adjoining parcel. He noted

that a cross access may, in fact, result in the removal of existing trees and vegetation. Mr. Bulger supported the establishment of a cross-easement agreement that would permit a possible future interconnection between the parcels. Mr. Taylor stated that such an agreement was possible: if not warranted by the next application, it would remain unused.

Mr. Marzola encouraged the applicant to preserve as many trees as possible on the site. Though Board members, Mr. Giarusso, Ms. Cimino, and Mr. Grasso discussed several alternative locations for ingress/egress to the site as well as possible changes to the proposed pump and convenience store locations, lot configuration and traffic concerns appeared to make the proposed plan the most viable. Mr. Karam encouraged the applicant to design the building with a residential appearance, suggesting that “false” windows be placed along the block walls would contribute to such a look.

Mr. Bulger addressed the concerns of those individuals who signed the petition that was delivered to the Board. He explained that although the Board is sensitive to the comments offered by the public, he believes that an August hearing would be reasonable. He also asked that one or two spokesmen be appointed to speak on behalf of neighborhood interests. In response, Mr. Valle stated that he intended to speak at the public hearing, but that he would speak for himself: he believes that Board should recognize all those who wish to comment on the application. Ms. Ruhl stated that she would discuss the Board’s comments with her husband. Mr. Pelagalli advised that since Mr. Clemens, Director of Building and Development has determined that this project is an acceptable use within the L-I zone, the Planning Board cannot rule otherwise. The Special Use Permit standards included in the Town Code should be used as the basis for meaningful discussion. He explained that public statements and comments in opposition to the project must be supported by qualified professionals since arguments must be able to withstand court challenges. Mr. Valle commented that members of the civic group he is associated with have expressed concerns regarding site aesthetics, driveway locations, and landscaping – issues that may be addressed during the planning process.

[2003-042] Winfield LLC – Proposed Capital Care Office Development – Proposed 7,873 SF building, 942 Route 146 – Preliminary site plan review and possible determination.

Mr. Gabe Conti, Bette & Cring, project coordinator, noted that the project name has been changed. The application should now reference New Pediatric Office. Mr. Conti also described the building construction, presenting a colored architectural rendering for consideration. The building will be vinyl-sided with a brick façade. He also reported that the applicant has agreed to contribute \$11,000.00 to the Route 146 traffic fund that was established by the Board to fund traffic studies or highway improvements in the area.

Mr. Matt Brobston, consultant for the applicant, described revisions to the project plan. He explained that the overall layout of the building and the site has been revised to eliminate the dead-end parking area. Cross access easements have been shown to the property east of the site. All property line data is shown on the plans. The re-design of the site layout has decreased the distance from the parking areas to the proposed building.

Since there will be no use connection between the two buildings, no additional sidewalks were added. Handicap ramps have been shown on the revised plan. Technical engineering issues are being addressed and a revised lighting plan will be submitted. The stormwater management plan will be completed per comments issued by Clough, Harbour, and Associates.

Mr. Kemper offered several comments regarding this application, noting that this project last appeared before the board on May 11, 2004. The main concerns raised by the Board at that meeting included the orientation of the building, cross access easements, building elevations, and stormwater management. The consultant met with the Mr. Grasso and Mr. Kemper and revised the project plan to reflect many of the Board's comments and concerns. The comment letter from the CPWA to Frank Palumbo, dated May 12, 2004, must be addressed. The quantity and size of the plantings on the planting plan must be increased. Lighting and stormwater management plans must be submitted. The following comments from Sheryl Reed of May 22, 2004 must be addressed: a turn around for emergency service vehicles must be provided and a hydrant must be added to the southeast corner of the rear parking lot.

Mr. Grasso reported that Clough, Harbour, and Associates has reviewed the site plans for the Capital Care professional office project. Several comments from previous comment letters have not been addressed. Other recently approved projects in this area have provided cross-access easements across the drives parallel to Route 146 in an attempt to minimize curb cuts and establish service roads. Provisions for cross access should be included in the development plans. An access easement is shown to the property to the east. Such an easement should also be provided to the property to the west and further to the rear of the site. This flexibility could be covered in a general note on the plan. A handicap ramp should be provided at the curb line in front of the proposed building. The locations of the handicapped accessible parking sign and "No Parking" signs should be coordinated so as to not obstruct travel. Though a handicap ramp has been added, the location does not allow for placement of the "No Parking" sign.

Mr. Grasso commented on the stormwater management plan. The existing site drains to a stormwater recharge basin at the center of the site. As proposed, this recharge basin will be eliminated and the site will drain to a smaller recharge basin with a proposed overflow onto the adjacent property. This design appears questionable. A stormwater management report that describes current stormwater recharge should be provided. A stormwater management report remains to be submitted. The plans should clarify whether or not the existing building will be serviced by the new water line and the location of the proposed water service should be shown on the plan. Additional detail should be provided for the lighting design including layout, heights, photometrics, etc. A revised lighting plan must be submitted. An engineer's report for the proposed sanitary sewer connection should be submitted. The report should include a discussion on cleansing velocities of the proposed service. A minimum caliper of 3" for all deciduous trees is required.

Mr. Grasso commended the applicant, stating that it is unusual to find an applicant who willingly revises plans to the extent requested by the Board and the Town Engineer.

Mr. O'Brien reported that all ECC concerns have been addressed by the applicant.

Ms. Pace was appreciative of the applicant's efforts to revise the site layout: she found the new plan much more desirable than the one previously presented. Mr. Bulger also expressed his appreciation to the applicant for working to create an acceptable project plan.

Mr. Kemper reminded Mr. Brobston that colored façade renderings accompanied by samples of building materials must be submitted with the final plans and that cross easements must be supplied to both east and west property boundaries.

Mr. Karam moved, seconded by Ms. Pace, 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.

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

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

Mr. Gavin Vuillaume, consultant for the applicant, presented this proposal that has been revised since it was last presented for Planning Board consideration. The subdivision plan now shows 24 single-family residential lots. A planted berm will be developed along Route 146: no residence will be placed closer than 200 feet from the highway. He also explained that federally jurisdictional wetlands have been delineated on the site and that a determination from the ACOE is anticipated in the near future. The limits of the Town's L-C zone, the proposed stormwater management area, and the proposed connection to the Town of Clifton Park's multi-use pathway system have been illustrated on the map.

Mr. Kemper reported that this project last appeared before the Board on May 25, 2004 at which time the Board members commented that the plan did not resemble a cluster layout. Land should be deeded in the vicinity of proposed Lots #3, 4, or 5 for a possible future roadway. The height of the proposed berm should be indicated on the plan. The existing plantings along Route 146 should be preserved to the greatest extent practicable. Those responsible for maintaining the common areas should be identified. The applicant should clarify whether or not a homeowners' association is proposed. A list of the plantings for the common area must be provided. Due to the project's high visibility, amenities that will preserve the character of this area should be incorporated into the subdivision. As the project moves forward, construction details for the multi-use pathway must be finalized. The ACOE wetlands to be disturbed should be illustrated on the plans. Sheryl Reed's comments regarding the number of units on a single access must be addressed. On May 22, 2004 she advised that the applicant must provide a second means of ingress/egress or get a variance from the Fire Code Appeals Board.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the revised concept subdivision plan for this project. The proposed “cluster” plan has not been revised in response to previous comments and by the Planning Board that the layout does not represent true “cluster” design that meets the intent of the open space subdivision legislation. Several comments remain to be addressed. The firm does not support more than one access onto NYS Route 146. Any access proposed onto Route 146 should be reviewed on a corridor-wide basis: the plan continues to propose over eighteen lots and, therefore, the layout does not comply with the subdivision regulations. The applicant may wish to request a waiver of this requirement by the Planning Board and the Emergency Services Board. In accordance with the 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. A stub street for future connection to the lot to the east is recommended.

Mr. O’Brien, Environmental Specialist, reported that the ECC offered the following comments. The impacts of any future improvements in the widening of Route 146 should be considered in the design of the buffer zone. The ECC again asked that several standard statements 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.
- 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

Though Mr. Larkin commented that the greenspace was appealing, he noted that the applicant had not presented a “cluster” layout. Mr. Vuillaume explained that the applicant seeks approval for larger lots because of the size of the proposed homes. Though he is concerned with the number of lots on a single access, Mr. Bulger will await the decision of the ESAB. Board members found the project generally acceptable.

New Business:

[2004-031] Figueroa, Ralph – Proposed (2) lot subdivision, 154 Vischer Ferry Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that calls for the subdivision of 18.98 acres of land in an R-3 zone into lots of 4.05 acres and 14.9 acres of land, respectively. The larger lot contains an existing single family residence; a single family home is proposed for the new lot. Both lots will be served by individual wells and septic systems. The existing well along Vischer Ferry Road will serve the proposed lot: a new well will be drilled to supply water to the existing residence. The existing gravel driveway on Vischer Ferry Road will be relocated to become part of a shared driveway that will provide access to both residences along the northern property line. Mr. VanGuilder acknowledged that there may be ACOE wetlands on the site: these will be delineated. The consultant reported that sight distance information indicates that the distances are adequate and meet DOT standards.

Mr. Kemper provided comments on this concept plan. He asked that any NYSDEC or ACOE wetlands be delineated on both parcels. Documentation regarding the quantity and quality of water out of the existing well should be provided. Timing for the relocation of the driveway should be provided. Test pit and perc test information must be provided. The sight distance along Vischer Ferry Road should be depicted on the plans. The standard note for aviation activity, the farm note, and the notes regarding lots with wells and septic systems should be added to the plans. Descriptions for the ingress/egress easement must be provided for review. The site statistics table should be revised to indicate the correct setbacks from Vischer Ferry Road. The Saratoga County Planning Board approved this project on June 17, 2004.

Clough, Harbour, and Associates reviewed this subdivision plan. Mr. Grasso offered the following comments. The proposed project appears to be an “Unlisted” action pursuant to SEQR, and as such, coordinated review is optional. Involved agencies include the Town of Clifton Park Planning Board for subdivision approval. Soil investigations including deep test pits and percolation tests should be conducted in the area of the proposed wastewater disposal system to verify the adequacy of the soils to accept an on-site wastewater disposal system. Any existing wells or wastewater disposal systems within 200 feet from the proposed well or wastewater disposal system must also be shown to verify required separations. The sight distance at the proposed driveway location should be verified. In accordance with §179-8 of the subdivision code, future submissions should include contours at five foot intervals. This is necessary to determine the adequacy of the separation distances referenced in the previous comment.

Mr. O’Brien, Environmental Specialist, reported that, after reviewing the project, the ECC offered the following comment. Due to the potential for federal wetlands on this parcel, the applicant will determine the location and extent of disturbance of federal wetlands before a building permit is issued.

Board members found the application acceptable, though Mr. Larkin asked that the plan be revised to show the correct size of Lot #2.

[2004-0] Thomas J. Farone & Sons – Proposed 6,000 SF office space in two (2) buildings, Lapp and Crescent Roads – Conceptual site plan review.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application for the Board's consideration. He explained that this project proposal is being submitted based on approvals granted for a Special Use Permit by the Zoning Board of Appeals in September, 1988. This approval allowed the construction of two professional office buildings located on the northwestern quadrant of the Crescent and Lapp Roads in an R-1 zone. The total area to be developed is 1.59 acres: Lot #1 contains .78 acres; Lot #2 contains .81 acres. The proposed building areas are 2,800 SF and 3,200 SF, respectively. Each lot will have 18 parking spaces. Lot #1 will have 16,948 SF of green area, amounting to 50% of the site. Lot #2 will have 28,654 SF of green area for a total of 81.3% of the site. Sanitary service will be provided by the Saratoga County Sewer District No. 1 and water service will be provided by the Clifton Park Water Authority. The plan also shows a 10-foot strip along Lapp Road that will be dedicated to the Town for future highway improvements. Two proposed storm water management basins are included in the plan: one is located north of Crescent Road to the west of the proposed larger building and the other is located along the western property boundary.

Mr. Kemper offered several comments regarding this application. He reported that a special use permit was granted for this parcel on September 20, 1988. The following comments were received from the Saratoga County Sewer District: "Sewer service will be dependent on the existence of adequate capacity within the Saratoga County Sewer District #1's system. Project review, commitments to serve, construction, and approval to discharge to SCSD #1 will require compliance with the Sewer District's rules and regulations." A NYSDOT curb cut permit has been provided. The date of approval for the original Special Use Permit should be added to the plans. A detailed landscaping plan should be provided. A sign-off must be provided by the Clifton Park Water Authority. The clearing limit lines should be depicted on the plans. Details on the dumpster enclosure must be provided. Handicap and no parking signs must be shown on the plans. The water service will be provided by the Clifton Park Water Authority, not the Town of Clifton Park. The applicant should explain why two stormwater management basins are provided. Colored façade renderings with samples of building materials must be provided for review. The sight distance along Lapp Road should be depicted on the plans. The Saratoga County Planning Board approved this project on June 17, 2004 with the following comment: "County approval is based on the site plan dated June 2, 2004 showing all future access to Lapp Road.

Mr. Kemper explained that Don Clemens, Director of Building and Development submitted the following comments on June 22, 2004:

The construction of these offices, although allowed by an old special use permit, will be a non-conforming use under current zoning and should be reviewed carefully to protect the adjacent residential properties. There are a few concerns that I would like to make the

board aware of.

- Water flows from this site at this time towards Easton Drive and should be carefully looked at. Post construction run off should be addressed to make sure that this problem is taken care of.
- The proposed storm sewer line to be run along Easton Drive should include the reshaping of the ditch line and to accept basement drains from the new homes. The existing ditch is inadequate and water runs into the street which causes ice buildup in the winter.
- Care should be taken that either a privacy fence or adequate vegetative screening be planted to provide buffer to existing residential properties along Easton Drive.
- The proposed location of the dumpsters would seem to be a potential problem for the adjacent residential properties. Since refuse pickup at commercial sites is typically done in the early morning hours this could be very disturbing to the neighbors.

Mr. Grasso reported that Clough, Harbour, and Associates has reviewed the site plan submitted 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 involved agencies are expected to include: Clifton Park Planning Board - Site Plan Approval; Clifton Park Zoning Board of Appeals – Special Use 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 Stormwater Associated with Construction Activity.

It appears as though a Special Use Permit has been granted for the proposed project. It should be verified that the currently proposed project is consistent with the permit that was granted. In addition, the project site should continue to provide a transition zone between the commercial nature of the Exit 8 – Crescent Road commercial corridor and the immediately adjacent residential uses to the west. It doesn't appear that the proposed site plan will provide transitional zone benefits consistent with the residential zoning of the site. The dead-end parking area proposed for the office buildings is not an advisable design. The dead end configuration presents problems for automobiles that need to turn around if no spaces are available, and can cause problems for emergency vehicles attempting to access this building or needing to exit this site quickly to respond to another emergency call. It is recommended that the applicant explore the possibility of moving the 2,800 SF building to the north to allow for one spared parking area for both buildings. If it is the intention of the applicant to maintain the site as two separate parcels, a public sewer extension will be required. In addition, an ingress/egress access easement should be provided for the 3,200 SF building. The structures on the adjoining parcels should be shown on the plan. A portion of the proposed storm sewer encroaches on an adjoining parcel. It should be located within the project limits or an easement should be obtained.

Mr. O'Brien, Environmental Specialist, reported that the ECC recommends that consideration be given to a reduction in the width of the proposed driveway to the minimum standard to decrease the amount of impervious surface of the property for stormwater management purposes.

Mr. Bulger suggested that the applicant preserve the existing trees along Crescent Road. Mr. Larkin commented that adjoining residents would probably prefer that the buildings be moved as far as possible from their properties. Though Mr. d'Amico was concerned that each site would be required to meet all zoning requirements independently, others assured him that cross easements will require shared responsibilities and offer protections for each parcel.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Karam, approval of the minutes of June 8, 2004 as written. The motion was unanimously carried.

Ms. Pace moved, seconded by Mr. Larkin, adjournment of the meeting at 11:00p.m. The motion was unanimously carried. The next meeting of the Planning Board has been scheduled for Wednesday, July 21, 2004.

Respectfully submitted, Janis L. Dean, Secretary cc: Planning Board Members, Planning Department, Clough, Harbour, and Associates, Supervisor, Town Administrator, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Joel Peller, Town Attorney, Lou Renzi, Town Attorney, Jim Trainor, Town Attorney, Paul Pelagalli, Town Attorney, Department of Parks and Recreation, ECC, Saratoga County Planning Board, Shenendehowa Central School, Clifton Park Water Authority, Fire Districts.

Resolution #14

Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on June 22, 2004, there were:

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

Absent: None

Mr. Marzola offered Resolution #14, and Mr. Russell seconded, and

Whereas, an application has been made to this Board by John Nappi for approval of a subdivision entitled Subdivision of the Lands of Debra Nitschke-Shaw, Trustee of the Edward J. Nitschke and Mary E. Nitschke Family Trust, consisting of (2) lots:

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 22, 2004 and;

Whereas, the Planning Board was established as Lead Agency for this application, an

unlisted action, and a negative declaration was issued pursuant to SEQRA on June 22, 2004, and

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and the final subdivision plat entitled Subdivision of the Lands of Debra Nitschke-Shaw, Trustee of the Edward J. Nitschke and Mary E. Nitschke Family Trust is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso.

Resolution #14 passed 6/22/04

Ayes: Larkin, Pace, d'Amico, Karam, Marzola, Russell, Bulger

Noes: None

Steven J. Bulger, Chairman

Resolution #15

Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on June 22, 2004, there were:

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

Absent: None

Mr. Bulger offered Resolution #15, and Mr. Larkin seconded, and

Whereas, an application has been made to this Board by Carey Construction for approval of a subdivision entitled Proposed Subdivision Plan Motel and Diner – Clifton Park Village Road and Old Plank Road consisting of (2) lots:

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 25, 2004 and;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on June 22, 2004, and

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and the final subdivision plat entitled Proposed Subdivision Plan Motel and Diner – Clifton Park Village Road and Old Plank Road is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso.

Resolution #15 passed 6/22/04

Ayes: Larkin, Pace, d'Amico, Karam, Marzola, Russell, Bulger

Noes: None

Steven J. Bulger, Chairman