

**Clifton Park Planning Board Meeting Minutes
December 14, 2004**

Planning Board Meeting

Those present at the December 14, 2004 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, A. Kramer, J. Larkin, J. Marzola, S. Pace, J. Russell

Those absent were: T. Karam

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. He reported that John Marzola has decided not to seek reappointment to the Planning Board. The Chairman expressed his regret that Mr. Marzola would no longer be a part of the Board and thanked him for his years of dedicated service to the citizens of the Town. Mr. Marzola read his letter of resignation, stating that he believes that the Planning Board serves citizens with professionalism and fairness and he considered himself "extremely fortunate" to have had a part in the Town's planning process. Board members and all in attendance stood for recitation of the Pledge of Allegiance.

Public Hearings:

[2004-060] France, John – Proposed transfer of .384 acres of land from the Lands of Frank J. and Denise C. Volpe, Schaubert Road – Preliminary public hearing and possible determination.

The Chairman called the public hearing at 7:20p.m. The Secretary read the public notice as published in the Daily Gazette on December 4, 2004.

Mr. VanGuilder, consultant for the applicant, presented this application, explaining that the properties involved in this proposed land transfer are mostly located in the Town of Ballston. Mr. France, the applicant, owns a 30-foot wide strip of land that serves as access to other land that he owns. He has entered into an agreement to purchase the southerly 50 feet of Lot #1 of the Subdivision of the Lands of Frank J. and Denise C. Volpe. The purpose of the transfer is to widen the access strip owned by the applicant, providing the space necessary to improve site drainage.

Mr. Kemper reported that the Saratoga County Planning Board reviewed the application on November 18, 2004 and determined that there would be no significant county wide or inter community impact. He asked that the applicant clarify whether or not a new driveway is proposed for the 50' strip. Mr. VanGuilder reported that there will be no new

driveway or expansion of the existing driveway.

Mr. O'Brien, Environmental Specialist, reported that the ECC offered no comment on this application. Mr. Grasso stated that Clough, Harbour, and Associates found the plan acceptable.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:25p.m. The motion was unanimously carried.

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

Mr. Bulger offered Resolution #30, 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. Ayes: Kramer, Larkin, Pace, Marzola, Russell, Bulger. Noes: None.

Old Business:

[2004-039] Country Club Acres – Proposed (2) lot subdivision, Ushers Road and VanPatten Drive – Determination from public hearing held on October 13, 2004.

Mr. Rob Spiak, consultant for the applicant, explained that this proposal remains as presented at the October 13, 2004 public hearing. Though the subdivision was originally associated with a site plan application from Exxon-Mobil for the construction of a convenience store and gas station, that project has been withdrawn from consideration. The applicant currently has no development plans for the parcel.

Mr. Kemper stated that the project last appeared before the Board on October 13, 2004 at which time the public hearing was closed. He explained that a decision must be rendered by the Board within 62 days of the close of the public hearing, or the application will be automatically approved. The major issue left to be addressed is the provision for a cross access easement with the adjoining parcel. This access easement was provided on the plans that were submitted at the last meeting. The Saratoga County Planning Board approved the project on September 16, 2004 without comment. If a site plan is submitted in the future on either of the parcels created, the Planning Board will require that a shared access drive be provided from Ushers Road. A notation regarding this condition should be added to the plans. Though Mr. Karam was not in attendance, Mr. Kemper reported that he had sent an email stating that he supported approval of the 2-lot subdivision on the corner of Van Patten Road and Ushers Road because he believes that that the applicant has met all zoning requirements.

Mr. Grasso reported that Clough, Harbour, and Associates found that all previous comments had been adequately addressed. Mr. O'Brien, Environmental Specialist, stated that the ECC asked that a note be added to the plan stating that the parcel is located in

close proximity to an identified aquifer.

Mr. Bulger observed that the cross-easement that was agreed to as part of the Exxon-Mobil application will remain as a condition of this approval. Mr. Grasso noted that the easement agreement appears to “favor the larger parcel.” Board members found the plan acceptable. Mr. Bulger informed the Board that the public hearing regarding this application had been closed at the October 13, 2004 meeting.

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

Mr. Bulger offered Resolution #31, seconded by Mr. Larkin, to waive the final hearing for this application and to grant preliminary and final site plan approval conditioned upon satisfaction of the comments offered by Mr. Kemper. Ayes: Kramer, Larkin, Pace, Marzola, Russell, Bulger. Noes: None.

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

Mr. Rob Osterhout, consultant for the applicant, presented this application that was previously before the Board on April 27, 2004. He explained that the plan remains as previously described, though revisions have been made to the building plan in response to Board comments regarding sound containment.

Mr. Kemper reported that this project last appeared before the Board on April 27, 2004 at which time the one major issue raised by the Board was the noise impact on adjoining neighbors. The applicant provided written statements from adjoining property owners at their facility in Plattsburgh stating there was no problem with noise emanating from this facility. The Board granted preliminary approval and issued a negative declaration at the April meeting. More detailed colored façade renderings with building materials must be provided. The applicant assured the Board that once a vendor is chosen for the building a more detailed rendering will be provided. A note must be added to the plans stating that no dogs will be allowed in the exterior kennels from 10 p.m. to 7 a.m. Sign-off will be required by the Saratoga County Planning Board and the Saratoga County Sewer District. The Town of Halfmoon will be holding a public hearing on December 21, 2004 on the abandonment of the town road.

Mr. Grasso stated that Clough, Harbour, and Associates’ review of the final site plan for this project resulted in the following comments. The applicant is proposing to access the site from an abandoned section of Old Route 9 located in the Town of Halfmoon. As of the date of this meeting, it was Mr. Grasso’s understanding that the Town of Halfmoon continues to own this abandoned roadway. It is further understood that the applicant has approached the Town of Halfmoon with a proposal to purchase the abandoned right-of-way from the Town. The Town of Halfmoon has set a public hearing for December 21, 2004 to initiate this process. The granting of final site plan approval for this project is not

recommended until such time as the applicants can demonstrate that they have acquired the right to use this property to access the site. The applicant has added notes to the plan regarding the hours of operation and the frequency with which animal waste will be removed from the site. Waste is proposed to be removed on a weekly basis. This frequency should be monitored to determine if it is adequate to keep odors from becoming a nuisance to adjoining property owners.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project, the ECC recommends that prior to an approval the applicant provide the Town of Clifton Park with the results of an underground storage tank survey.

In response to Mr. O'Brien's comment, Mr. Osterhout stated that the applicant will treat or remove any tank that may be uncovered during construction in accordance with NYSDEC guidelines. He explained that site investigation and test pit results revealed no evidence of underground storage tanks on the property or any soil contamination.

Mr. Larkin, citing previous information provided by the applicant indicating that items that are located on the adjoining Noradki property that could imply the existence of underground tanks on the Adirondack Lodge parcel, expressed his concerns regarding such a possibility. He suggested the use of a GPR (Ground Penetrating Radar) system to determine if such storage tanks remained on this property, stating that it was possible that he could arrange for such a "non-invasive" search. Mr. Osterhout was unable to agree with this proposal without approval from his client. Mr. Grasso explained that decisions regarding the possible location of underground storage tanks are based on information contained within a Phase I Environmental Assessment Form. He asked that a copy this document be submitted to the Planning Department and Clough, Harbour, and Associates for review. If the additional study and site investigation is indicated, the Board may require the applicant to conduct additional research.

Board members believed that the applicant has worked diligently to comply with Board recommendations: they agreed that the granting of final site plan approval was reasonable.

Mr. Marzola moved, seconded by Ms. Pace, to grant final site plan approval to this application conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso, the submission of a Phase I Environmental Report that concludes that no further site investigation is indicated, and a voluntary site inspection with the GPR (Ground Penetrating Radar) equipment as referenced by Mr. Larkin if the property owner agrees to such an investigation. The motion is unanimously carried.

[2004-057] North, Alan – Proposed 4,380 SF office building, 662 Plank Road – Preliminary site plan review and possible determination.

Mr. VanGuilder, consultant for the applicant, presented this application on behalf of his client. The proposal calls for the renovation of an existing single-family residence into professional office space. The plan remains generally as presented at the November 9,

2004 Planning Board meeting. Mr. VanGuilder noted that issues raised by Board members concerned stormwater and building access. Stormwater will be retained on site: two dry wells will be installed in the parking lot to allow for total on-site recharge. The building will be totally accessible for the handicapped. Small dumpsters will be secured in a shed and moved to the edge of Plank Road for scheduled pick-up.

Mr. Kemper explained that this project last appeared before the Board on November 9, 2004. He recommended that the number of plantings provided around the parking lot be increased. He also asked that details be provided for the No Parking and Handicap Zone signs. The Saratoga County Planning Board reviewed the application on November 18, 2004 and it was determined there was no significant county wide or inter-community impact. Façade renderings including samples of building materials must be provided with the next submission.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the preliminary site plan for this site plan and offered the following comments. Though the firm assumed that the water and sewer laterals would be installed by directional drilling to eliminate stream and wetland impacts, this should be clarified on the plan. The proposed project is also within the limits of the Exit 9 GEIS study area. Given the already developed nature of the site and limited proposed site work, it appears from the information provided that the project is in conformance with the Statement of Findings. The proposed dumpster location and enclosure should be shown on the plan. The proposed 8" HPDE pipe beneath the driveway should be increased to a 12" diameter and end sections provided. A significant amount of topographic mapping and design information that was shown on the concept plan has been omitted from this plan. Included in this information are the sewer and water tie-ins and easements that were shown connecting to Abele Boulevard. This information should be shown on the final plans.

Mr. O'Brien stated that the ECC's concerns have been addressed.

Mr. Bulger stated that he found written descriptions of the proposed changes to the façade acceptable since the project involved the renovation of an existing building. Mr. North briefly described the proposed changes to the building: Board members found the project plan acceptable.

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

[2004-055] New York Development Company – Proposed (22) lot subdivision, Vischer Ferry Road – Revised conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented a revised conceptual subdivision proposal to the Board. He briefly described the changes that were made to the project plan. The plan still calls for (22) lots: 21 lots on a cul-de-sac accessed from Vischer Ferry Road and one 1.75 acre lot containing an existing residence. Lots have been reduced in size to provide for the conveyance of 13 acres to the Town to provide protection for the drainage corridor and provide open space for Town residents. Mr. VanGuilder acknowledged the receipt of comments from Clough, Harbour, and Associates, though he noted that the access point on plan proposed by the Town Engineer would not meet the required sight distances along Vischer Ferry Road. In response to the Board's recommendation that the existing residence be removed, Mr. VanGuilder stated that the applicants find the property too valuable to reduce the number of lots: his clients have attempted to meet the intent of Board comments. He noted that the multi-use trail/emergency access has been shown on the plan. This connection to the Wyncrest subdivision is intended to provide the necessary second access to the development while minimizing the disturbance of adjoining wetland areas.

Mr. Kemper reported that this project last appeared before the Board on October 26, 2004 at which time the major issues of concern included: the pond being incorporated into the design, provision for two points of access, and the preparation for comparison purposes of a true cluster design. The project is a Type 1 action under SEQRA: coordinated review is required. The project is adjacent to the Vischer Ferry Road GEIS study area: appropriate mitigation fees will be assessed. Mr. Kemper received the following comments from Jim DiPasquale at the Saratoga County Sewer District: "Information on accessing existing sewer lines and impacts on available system capacity needs to be submitted in compliance with the District's Rules and Regulations for review, construction, and acceptance of flows." A Saratoga County Department of Public Works work permit will be required. The application was referred to the Saratoga County Planning Board on October 7, 2004. On November 16, 2004 that Board requested that the time frame for review be extended because the application was deemed incomplete. Mr. Kemper commented that the proposed layout does not take into account the features of the site that make it unique. The existing residence should be removed and a cluster layout designed to accommodate the pond and other unique features on the site. Walking trails and other recreational amenities should be added to the plans. The stormwater management area should be incorporated as part of the design of the subdivision rather than placed in the back corner of the subdivision. The proposed road is placed immediately adjacent to the neighboring property. Site distances should be illustrated on the plans. A NYSDEC wetland delineation will need to be performed. If the existing house is to remain, a minimum of 5 acres should be provided since it is likely that farm animals will be present on the lot. Sheryl Reed submitted a memo dated December 14, 2004 that asked the applicant to provide detailed information regarding the width, design loading, proposed gate, and signage required for the proposed emergency road.

Mr. Kemper reported that Tony Karam, Board member submitted the following comments via email. "After reviewing the "revised" conceptual layout of the proposed subdivision, my position is that it appears that the "revised" conceptual layout continues to have the same density as the original conceptual layout and has not incorporated the

natural surroundings offered by the site as was discussed during our last Planning Board meeting. In essence, the current layout sets aside the natural pond and surrounding lands to the town, without benefiting the new development. This revised conceptual plan does not, in my opinion, work in cohesion with the surrounding natural elements offered by the site. Also, I am concerned about the existing residence on the property and whether or not it is going to actually exist upon completion of the project. I would request that the applicant work with the town engineer and town planner to come up with an alternative layout which would address the above issues. In general, the revised layout still does not incorporate the unique characteristics of this site. These features should be incorporated into the subdivision plan and the density reduced.”

Mr. Grasso stated that Clough, Harbour, and Associates reviewed the revised project plan and offered a number of comments. Due to the location of the entrance road against the southerly property line, the road may adversely impact the existing parcel on Vischer Ferry Road immediately south of the project site. This lot would become a corner lot and would be subject to front yard setbacks on two sides, thereby potentially reducing the desirability of this lot. It is recommended that the proposed entrance road be located further to the north along Vischer Ferry Road with the existing homestead being incorporated into the subdivision. If there is a concern over sight distance, additional quantitative justification should be provided. Mr. Grasso presented a sketch that showed a recommended revised entrance road location. While it is recognized that a direct connection to the existing development to the north might not be desired by the applicant at this time, it is recommended that the proposed subdivision include provisions (sixty foot right of way) that would allow this to occur if deemed required in the future. The multi-use path connection that could also be used for emergency access is a desirable feature of the revised plan. In accordance with the subdivision regulations, subdivisions over eighteen lots require two means of access. The Emergency Services Board will need to determine if a variance is required and appropriate. The proposed plan should include provisions for a trail along the south side of the wetland area extending from the east side of Vischer Ferry Road to the easterly edge of the subject property north of the proposed storm water management Area. This trail should be terminated such that it can be extended to the east in the future.

Some of the lots are less than the 20,000 square feet required in the R-1 zoning district. As such, it appears that cluster subdivision provisions will be sought. Although the revised plan includes significant open space along the pond and drainage corridor which is a significant improvement over the previous plan, the plan continues to lack other creative design principles sought in cluster designs. Alternative layouts should continue to be explored. Mr. Grasso presented a second sketch that showed an alternative layout that the Board may consider. The layout includes the following features not provided in the current proposal:

- A reduction in the number of lots backing up to open space from ten lots to four lots
- Provides greater setback from Vischer Ferry Road
- Provides more curvilinear road alignment
- Provides significant more open space along the public road right-of-way, thereby allowing multiple trail access points

- Integrates homestead lot into subdivision
- Provides possible future right-of-way to Wyncrest subdivision
- Increases amount of open space
- Reduces the total number of lots from 21 to 18

Mr. Grasso offered several additional comments regarding the proposal. The minimum right-of-way width for cluster subdivisions is sixty feet; however, a fifty foot right of way appears to be shown. A copy of the Town's typical section for cluster roadways has been forwarded to the applicant.

The following comments included in the prior review letter should be addressed in future submissions as they apply. The proposed method of water and sanitary sewer provisions should be shown on the plans. It should be noted that gravity sewer does not exist on Vischer Ferry Road. Jurisdictional determination letters on the wetlands should be submitted from both the ACOE and NYSDEC. It is recommended that the entire LC-Land Conservation zoned areas be dedicated to the Town as open space. Such a strip will lie adjacent to other open space created as part of the Wyncrest subdivision. The crossing of the L-C zone with a Town road is permitted in the zoning regulations and does not trigger the need for a variance. A 25' drainage easement should be provided to the Town of Clifton Park over the stream along the northern property boundary. Future plan submittals should include the following: lot acreage, existing contours, proposed house and driveway locations, and the Land Conservation Zoning District Boundary.

Mr. VanGuilder offered responses to many of the comments presented by the Planning Director, the Town Engineer, and Board members. He believed that the 10' wide pathway connection to the subdivision to the north was adequate since the Wyncrest subdivision was totally built out. He found the proposed trail link "quite doable" because the area has been actively farmed: it would be feasible to construct a trail within the L-C zone with no disturbance to the wetlands. The applicant would like to maintain conventional lot sizes because such lots are deemed more marketable. An enhanced "curvilinear" alignment of the street could be achieved; however, such realignment would result in the reduction of open space. Mr. VanGuilder explained that the applicants were amenable to eliminating Lot #21, allowing for a planted buffer that would blend with the proposed open space area.

Mr. O'Brien, Environmental Specialist, reported that the ECC provided the following comments. The Commission reiterated its comment that 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. The appropriate note should be added to the plan. The ECC also reiterated the comment requiring the applicant to perform soil tests to insure pesticide residue levels do not exceed state and federal guidelines. The applicant should consider consolidation of Lots #10, 11, and 12 into two (2) lots to avoid impact and encroachment of the L-C zone. As proposed, Lots #10 and 11 contain a portion of L-C zoned land. The applicant should indicate this zone on the individual plot plans along

with limitations associated with L-C zones.

Mr. Bulger agreed with the comments prepared by Mr. Karam, noting that there has been no change to the proposed density. Mr. Kramer reported that he visited the site and found the pond contained therein to be a “jewel” that the town should protect. Agreeing that the elimination of Lot #21 would be of benefit, he encouraged the applicant to provide walking trails through the designated open space areas. Responding to Mr. Larkin’s concerns regarding emergency access, Mr. VanGuilder explained that Ms. Reed found the emergency access acceptable. Mr. Larkin recommended that split-rail fencing be added along the pathway/access area. Mr. Kemper explained that the Planning Board must find the project viable before referring it to the Emergency Services Advisory Board. Mr. Larkin pointed out, and Mr. Bulger agreed, that a 10’-wide pathway connection provides much less separation between parcels than the 60’-wide right-of-way provided within the Wyncrest subdivision. Mr. Grasso commented that the pump station that now provides the second access to Redfield Acres will soon be abandoned by the Clifton Park Water Authority. Maintenance of the secondary access will likely be eliminated. The importance of a 60’ wide connecting roadway from Wyncrest to the proposed subdivision would be increased. Mr. Larkin observed that the lot to the south would be severely impacted by this development should the roadway be positioned as proposed. Mr. VanGuilder agreed to consider moving the roadway to the north. Mr. Russell commented that he found no “substantial” changes to the project plan. Mr. VanGuilder stated that he was unsure what revisions to pursue. He noted that the lay-out proposed by Clough, Harbour, and Associates was not viable because of the limited sight distance along Vischer Ferry Road and because the only viable location for the stormwater management area was the southeastern corner of the site.

Mr. Kemper explained that the maintenance of open space that backed to several residences was of concern and he asked that the applicant better incorporate open space into the project design. Mr. Larkin suggested that parking for trail access be provided in the area that was currently identified as Lot # 21. Mr. Bulger identified several of the Board’s concerns and asked the applicant to revise the project plan to incorporate some of the recommendations proposed at this meeting. Relocation of the roadway access from Vischer Ferry Road, provision for a 60’-wide right-of-way from the Wyncrest subdivision to the proposed subdivision, maintenance of proposed open space, and the elimination of Lot #21 are all viewed as priorities by the Board. Mr. Grasso explained that access on Vischer Ferry Road is controlled by the Saratoga County Department of Public Works.

New Business:

[2004-064] Dunkin’ Donuts – Proposed amendment to existing site plan, Route 146 – Conceptual site plan review.

Mr. Ron Bova, consultant for the applicant, presented this application for the Board’s consideration. His client, Carlos Tiexeira, currently owns the Dunkin’ Donuts parcel as well as the adjoining parcel to the north. The applicant proposes the addition of a 10’ x

18' freezer, a generator, and a 20' x 40' office to the existing donut shop. The proposed addition will require the relocation of the 15' wide drive-thru lane along the north side of the building. In order to maintain landscaping and the side lot line setback, approximately 165 feet of the side lot line is proposed to be relocated approximately 16 feet to the north. This relocation will require a land transfer from the adjoining parcel to the north that is also owned by the applicant. The application also includes a request for approval of driveway on the vacant parcel.

Mr. Kemper reported that site plan approval was originally granted to this project on December 11, 2001. He stated that following a complaint concerning the site, Don Clemens, Director of Building and Development, and he visited the site. At that time it was determined that the site plan had been expanded beyond what was approved. These expansions included the extension of the parking lot, the placement of a storage structure on the parcel, and the addition of a curb cut on Balltown Road. Following the site visit, the applicant was instructed make an application for approval of an amended site plan to the Planning Board. This is the application currently under review. NYSDOT has also visited the site and issued a letter to the owner instructing him to remove the second curb cut. If the Planning Board deems the proposed changes to the plan acceptable, a land transfer will also be required. Mr. Kemper reported the receipt of a letter from John Ericson, representative of the Rexford Fire District, dated December 14, 2004 which stated: "We wish to voice objections to the extension of the Dunkin' Donuts property usage. Without any announcement to the adjacent property owners, Rexford Fire District (RFD) the owner of Dunkin' Donuts encroached on our property by extending an existing parking area beyond their property and about 15 feet into our lands covering trees that had been planted approximately 10 feet in from the property line When I discussed this with Carlos Tiexeira on 9/2/04 he apologized and said he would replace the trees and make amends to this area. He also stated he would immediately have his surveyors layout the boundary. I wish to note that when he first moved in I discussed the boundaries with him and provided a certified property plan for his information. Within a few days of our talk on 9/2/04, I noticed he had the canopy/garage set up. This was extending on to our property. At this time I read in the paper he had been given a citation and I could not expect any corrective work. During the past weeks his limousine and tractor have been moved farther onto our property and the trees are no longer in sight. The boundary markers that I had pointed out have been removed and/or buried under fill. I am writing this in haste to send to you prior to the meeting tonight."

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the site plan and offered the following comments. He explained that the project proposal has been submitted on two separate drawings. One drawing appears to involve additions to the existing Dunkin' Donuts store, while the second appears to depict site work on the adjacent property to the north. Since it is very difficult to reference the drawings to each other and get a full appreciation or understanding of the work being proposed, the applicant should submit one consolidated drawing that includes all work being proposed. The plan should include all information required by the Town's zoning regulations. If the Dunkin' Donuts lot does not have sufficient area to accommodate the parking necessary to support the site's uses, additional area should be included within the Dunkin' Donuts

parcel. The existing Dunkin' Donuts store currently has access by means of a single driveway on Balltown Road. Although two driveways were originally proposed for the Dunkin Donuts, only one access was supported by the Town Engineer, the Town Planning Board and the NYSDOT. The plans appear to propose a second point of access from a new driveway located approximately 180 feet north of the existing driveway. In order to provide effective access management, Clough, Harbour and Associates continues to not support development of a second access point until it would be necessary to support additional development in the area. Any proposed access modifications will need to be reviewed and approved by the New York State Department of Transportation. The intended use and the anticipated length of time that the temporary metal storage shed/carport that has been erected on the site is to be utilized should be identified. The applicant has submitted technical detail regarding plans for storm water management. These details will be reviewed after a revised site plan is provided. The storm water management analysis fails to identify if compliance with the new NYSDEC Phase 2 regulations is proposed. 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; Saratoga County Planning Board – Section 239 Referral; NYSDEC – SPDES Permit for Storm Water Associated with Construction Activity; NYSDOT-Work permit and driveway permit.

Mr. Mike O'Brien, Environmental Specialist, reported that, after reviewing the project, the ECC recommends that the applicant submit a decipherable plan showing the overall proposed project.

Though Board members agreed that the project plan as presented was not clear, Mr. Bulger initiated the discussion regarding the encroachment onto the adjoining fire district property. He explained that Mr. Tiexiera had constructed a carport without benefit of Planning Board approval or a Building Permit. Mr. John Ericson, representative of the Rexford Fire District, described the changes made to the Dunkin' Donuts site as "just ugly," noting that trees planted on the fire district property had been destroyed and that the carport installed on the property and the limo stored at the site encroached on the fire district property. He provided photographs of the area for the Board's consideration.

Mr. Bova explained that an additional curb cut was installed at the site, that the parking lot had been expanded, and that the carport was installed with one pole situated on the fire district property. He reported that his client did not realize where the property line was and mistakenly placed site improvements too close the neighboring site. He additionally pointed out that the applicant now owns the parcel directly to the north of the Dunkin' Donuts: it is possible that a land transfer may be required in order to provide the setbacks necessary for the proposed improvements to the site. No cross-easement agreements are currently in effect for these abutting lots: the applicant, however, is seeking approval for an access from Route 146 to the vacant lot.

Mr. Larkin commented that he believed that there was no basis for approval of a curb cut for the second unimproved lot since there was no pending site plan before the Board. He

also noted that it was important for the Board to know what type of business the Board “would be designing for.” Mr. Tiexiera apologized for the site improvements that were made without Town approval. He stated that he has closed the second curb cut that he had installed without permission onto Route 146 and that he has been working diligently with the town officials and NYSDOT to correct the situation. Mr. Grasso explained that NYSDOT coordinates its review with the Town before issuing a curb cut permits. Following a lengthy discussion, the Board determined that no decision could be made. Mr. Bulger explained that the Board is particularly concerned about site plan violations. He instructed the applicant to prepare a plan that would illustrate current site conditions and another that depicted the proposed changes to the site. Board members did agree to allow Mr. Tiexiera to install a generator on the property to insure uninterrupted service to his customers.

[2004-062] Hornfeck, John – Proposed (4) lot subdivision, Blue Barns Road – Conceptual review.

Mr. David Flanders, consultant for the applicant, presented this application for the Board’s consideration. The proposal calls for the subdivision of a 9.83 acre parcel on the east side of Blue Barns Road in an R-3 zone into lots of 92,000 SF, 114,600 SF, 109,700 SF, and 111,900 SF, respectively. Water service will be provided by the Rexford Water District and individual septic systems will be installed on each lot. All lots will be accessed by a common drive from Bradt Road.

Mr. Kemper reported that he had received the following comment from Sheryl Reed dated December 14, 2004 that asked that the typical driveway note be placed on the plans per Section 73-19 of the Town Code. Lot #4 does not have the required amount of SF. Lot lines should be readjusted or a variance for lot size will be required. Descriptions must be provided for the ingress/egress easement. The appropriate setback lines for keyhole lots must be shown on the plans. A sign-off will be required from the Rexford Water District. Perc tests must be performed on the site. The applicant should determine whether or not there are any ACOE wetlands located on the parcel.

Mr. Grasso stated that the project plan has been reviewed by Clough, Harbour, and Associates. Several comments were prepared regarding the project plan. The project site is located within the limits of the Western Clifton Park GEIS study area. Because the subdivision is for four lots, the proposed subdivision is exempt from the moratorium. Given the proposed density of four lots, the subdivision is not consistent with the Draft Land Use Plan and recommended zoning regulations included in the Draft GEIS currently under review by the Town Board. If it was determined that there were no constraints on the property, based on the recommended density of one unit per three developable acres, the maximum allowable density would be three lots. Soil investigations including deep test pits and percolation tests should be conducted in the area of the proposed wastewater disposal systems to verify the adequacy of the soils to accept on-site wastewater disposal systems. The location of any wells or septic systems within 200 feet of the project site (if downslope) should be shown to verify acceptable separation distances. The sight distance at the proposed common driveway location

should be verified. The consultant should also discuss if this is the optimum location for a curb cut based on sight distance constraints. Access onto Blue Barns Road will require a curb cut permit from Saratoga County Department of Public Works. The New York State Route designation that is shown on the plan appears incorrect. Lot #1 does not provide the 200 foot lot width at the minimum front yard setback line. As such, it may be considered a keyhole lot and subject to the keyhole lot restrictions including fifty foot setback from all property lines. The Town's standard notes for keyhole lots and driveways over 500 feet should be added to the plans and adequate turning areas should be provided. Portions of Blue Barns Road have roadside drainage ditches. If ditches are present in this area, an adequately sized drainage culvert should be provided. Because the development of the site will involve the disturbance of greater than one acre, compliance with NYSDEC's Phase 2 storm water regulations will be required. The proposed methods of compliance should be provided in a storm water management report and/or storm water pollution prevention plan, as may be applicable. The final plan should show the location of the existing water main and design for the individual water services. Five foot contours should be interpolated from USGS topography and shown on the plan to determine the adequacy of the proposed home locations, evaluate potential impacts to adjacent properties and to determine the need for additional investigations into the adequacy of water pressures for the lots. The size of the project site should be shown on the plan. The plan should state if there are no wetlands within the limits of the project site or in areas that would impact the location of the wastewater disposal systems. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. Involved agencies are expected to include the following: Town of Clifton Park Planning Board – Subdivision Approval; Rexford Water District – Water Connection Permit; Saratoga County Planning Board – Section 239 Referral; Saratoga County Dept. of Public Works – Curb Cut Permit.

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

Mr. Bulger and Board members found the project plan acceptable and asked the applicant to address the issues raised by Mr. Kemper and Mr. Grasso.

[2004-063] Christ Community Reformed Church – Proposed (2) lot subdivision, 1010 Route 146 – Conceptual review.

Mr. Gil Van Guilder, consultant for the applicant, explained that Christ Community Reformed Church proposes to subdivide a 23,956 SF lot that contains an existing single-family residence from the 9.4 acre parcel currently under church ownership. The purpose of the subdivision is to separate the home from the remaining church property since the residence is no longer used as a parsonage. The residence is currently served by the Clifton Park Water Authority and the Saratoga County Sewer District. No changes to either the existing residence or the church are proposed at this time. Mr. VanGuilder acknowledged that the residence is currently incorporated in the PIR zone that surrounds the church; however, Mr. Clemens, Director of Building and Development, has recommended that the proposed lot containing the residence is characteristic of adjacent

properties. It is his belief that the proposed lot should be governed by R-1 zoning regulations.

Mr. Kemper found this proposal acceptable.

Mr. Grasso stated that Clough, Harbour, and Associates reviewed the subdivision plan and recommends that the location of the sewer service be investigated to verify that it is within the limits of the proposed lot. The proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such, coordinated review is optional. Involved agencies are expected to include only the Town of Clifton Park Planning Board for subdivision approval.

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

Board members found this project proposal acceptable, though Mr. Bulger asked that Mr. VanGuilder obtain a letter from Mr. Clemens clarifying the PIR-R-1 zoning situation.

Discussion Items

Northpark Mobil

Mr. Randy Brenner has requested approval to place a drive-up cash machine within Plaza 8 on Crescent Road because there is no bank located within this small shopping center. The machine to be installed measures 42" x 58" and is 5' in depth and will be placed on two adjoining parking spaces. The machine will be protected on each side by bollards. No cameras are included in the cabinet. Mr. Brenner anticipates approximately 30 transactions per day.

Board members did have some concerns regarding this proposed installation. Mr. Russell and Mr. Kramer were concerned with security. Mr. Kramer asked that the plan included a camera that would record those who use the machine. Mr. Russell asked that the installation be delayed until he is able to conduct some research. A majority of the Board agreed that Mr. Brenner could install the cash machine when Mr. Russell was satisfied that adequate security measures would be provided. Ms. Pace was concerned that this would establish a precedent that would result in the proliferation of such machines throughout the Town.

Minutes Approval

Mr. Larkin moved, seconded by Mr. Kramer, approval of the minutes of November 23, 2004 as written. Ayes: Kramer, Larkin, Pace, Marzola, Bulger. Noes: None. Abstained: Russell.

Mr. Marzola moved, seconded by Ms. Pace, adjournment of the meeting at 10:30p.m. The motion was unanimously carried. The next meeting will be held as scheduled on

January 11, 2005.

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 #30
Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on December 14, 2004, there were:

Present: S. Bulger, Chairman, J. Larkin, A. Kramer, J. Marzola, S. Pace, J. Russell

Absent: T. Karam

Mr. Bulger offered Resolution #30, and Mr. Kramer seconded, and

Whereas, an application has been made to this Board by John France for approval of a subdivision entitled Land Transfer Between the Lands of Lot #1 Subdivision of the Lands of Frank J. and Denise C. Volpe West Side of Schauber Road and the Lands of France consisting of the transfer of a fifty foot wide strip of land from the Lands of Volpe to the Lands of France;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on December 14, 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 December 14, 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 Land Transfer Between the Lands of Lot #1 Subdivision of the Lands of Frank J. and Denise C. Volpe West Side of Schauber Road and the Lands of France consisting of the transfer of a fifty foot wide strip of land from the Lands of Volpe to the Lands of France is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper.

Resolution #30 passed 12/14/04
Ayes: Kramer, Larkin, Pace, Marzola, Russell, Bulger
Noes: None

Steven J. Bulger, Chairman

Resolution #31
Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on December 14, 2004, there were:

Present: S. Bulger, Chairman, J. Larkin, A. Kramer, J. Marzola, S. Pace,
J. Russell

Absent: T. Karam

Mr. Bulger offered Resolution #31, and Mr. Larkin seconded, and

Whereas, an application has been made to this Board by Country Club Acres, Inc. for approval of a subdivision entitled Subdivision of Lot 2: Subdivision of a Portion of the Lands of Country Club Acres, Inc. consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on October 13, 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 December 14, 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 Lot 2: Subdivision of a Portion of the Lands of Country Club Acres, Inc consisting of (2) lots, is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper.

Resolution #31 passed 12/14/04
Ayes: Kramer, Larkin, Pace, Marzola, Russell, Bulger
Noes: None

Steven J. Bulger, Chairman