

**Clifton Park Planning Board Meeting Minutes
May 10, 2005**

Those present at the May 10, 2005 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, S. Hughes, T. Karam, A. Kramer, J. Larkin
J. Russell

Those absent were: S. Pace

Those also present were: J. Kemper, Director of Planning; J. Grasso, Clough, Harbour,
and Associates; P. Pelagalli; Counsel

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Public Hearings:

[2005-017] Unter, Paul – Proposed (4) lot subdivision, MacElroy Road and Trethorne Drive – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on May 5, 2005.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that was reviewed by the Board on April 12, 2005. The project calls for the subdivision of 23.7 acres of land in an R-3 zone into (4) lots ranging in size from two to ten acres. Both water and sewer services will be provided from the proposed Trethorne Drive. Wetland areas have been delineated and verified. Descriptions of easements as requested by Mr. Grasso will be provided with the final submission. Mr. Vuillaume stated that a note will be added to the plan stating that no Building Permits will be issued until Trethorne Drive is constructed and utility services have been extended to MacElroy Road. Additional land along MacElroy Road will be conveyed to the Town to provide for future roadway improvements and the construction of the multi-use pathway.

Mr. Kemper reported that this project appeared before the Board on April 12, 2005, at which time the Board found the subdivision proposal generally acceptable. The standard note for Land Preservation Areas should be added to the plans. A sign-off will be required from Sheryl Reed, Chief of the Bureau of Fire Prevention, for approval of the roadway design. Sign-offs must be provided by the Saratoga County Sewer District and the Clifton Park Water Authority. Descriptions for the ingress/egress easement must be provided for review. A note should be added to the plans stating that the existing vegetation on Lot #2 should remain to help screen the rear of the proposed house from MacElroy Road.

Mr. Kemper read the comments provided by the ECC because Mr. O'Brien, Environmental Specialist, was unable to attend the meeting. The applicant should take appropriate measures to protect the proposed residences from high ground water on the property. The following standard statements should be added to the plot plans:

- No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).
- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed this subdivision plan and prepared a number of comments. The proposed project is located within the Western Clifton Park GEIS study area, but because it only involves the subdivision of four lots it is not subject to the existing moratorium. As proposed, it does not appear the project would be in conformance with the draft Findings Statement due to lack of measures to permanently protect open space and limiting density to one lot per three buildable acres. The applicant is proposing water and sanitary sewer connections from Phase II of the Fairways Woods subdivision that has not yet been constructed. Additionally, the frontage of Lot #4 is entirely located on the proposed Trethorne Drive. Building permits should not be issued until Trethorne Drive and associated utilities are constructed. The common ingress/egress and utility easement should extend continuously to Lots #2 and #3 together with a note stating that there should be no additional curb cuts created on MacElroy Road and Trethorne Drive. Drainage easements at least thirty feet in width should be provided at the culvert inlet located on Lots #1 and 4. Bearings and distances for the extended ingress/egress utility easement have not been provided on the plan. The culverts previously shown on the plan have been removed: clarification is required. There is a proposed multi-use pathway being developed by Van Patten across this property's frontage on MacElroy Road. This project should provide sufficient right-of-way to accommodate that improvement. The pathway shown is not a minimum of eight feet wide and is not a minimum of ten feet from the road as previously recommended by the Town Engineer.

Mr. Kemper read the comments prepared by the ECC. The ECC reiterated previous comments. The applicant should take appropriate measures to protect the proposed residences from high ground water on the property. The following standard statements should be added to the plot plans:

- No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

After reviewing the revised plans prepared by the applicant for this evening's meeting, Mr. Grasso found that most of his concerns had been addressed. In response to his question regarding the conveyance of additional right-of-way for trail development, Mr. Vuillaume stated that the applicant was willing to convey the amount of land necessary to develop the multi-use trail link.

Mr. Michael Murphy, 686 MacElroy Road, asked if utility lines would be continued from the proposed subdivision along MacElroy Road to the west. Mr. Grasso explained that the Fairway Woods subdivision will bring water and sewer lines from NYS Route 146A to MacElroy Road. Mr. Kemper explained that a project proposed for lands on the northern side of MacElroy Road will extend lines even closer the Mr. Murphy's property.

There being no further public comment, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 7:18p.m. The motion was unanimously carried.

Mr. Karam questioned whether the design of the private drive would permit access for emergency service vehicles. Mr. Kemper reported that Sheryl Reed, the Chief of the Bureau of Fire Prevention, has approved the proposed roadway design. Mr. Bulger observed that although substantial wetland areas had been delineated on the parcel, there would be sufficient room for useable back yards.

Mr. Karam, 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. Hughes offered Resolution #10, seconded by Mr. Kramer, to waive the final hearing for this application and to grant preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso. Ayes: Larkin, Kramer, Karam, Russell, Hughes, Bulger. Noes: None.

[2005-019] Miller, Derek – Proposed two-family residence in an R-1 zone, 471 Vischer Ferry Road – Public hearing for Special Use Permit, site plan review, and possible determination.

Mr. Bulger called the public hearing to order at 7:20p.m. The Secretary read the public notice as published in the Daily Gazette on May 5, 2005.

Mr. Miller presented his application that remains generally as presented at the April 26,

2005 meeting. The requested additional notes have been added to the plan and a Saratoga County Department of Public Works curb cut permit has been secured.

Mr. Kemper offered comment on this project last appeared before the Board on April 26, 2005 at which time the major issue was the preservation of the existing pine tree buffer that borders the Clifton Common. The applicant agreed to mark all of the trees that he wanted to remove: that has been done. The utility connection must be illustrated on the plans. A copy of the Saratoga County Department of Public Works work permit has been provided. The language to be placed in the deeds regarding the preservation of the trees should also be added to the plans. Mr. Kemper reported that the ECC found that all environmental concerns have been addressed.

Ms. Lois Pasquarell, 475 Vischer Ferry Road, asked that the Board require the applicant to place a fence along the property boundary. In her opinion, this would reduce the noise from activities conducted at Clifton Common. Mr. Bulger explained that such installations are generally the responsibility of individual homeowners and are not generally required as a condition of approval. Mr. Pelagalli pointed out that state statute does not provide the basis for requiring such site improvements, though he noted that some circumstances – such as the separation of a commercial use from a residential use - may justify the need for a means to separate the two uses. He did not believe this situation warranted such a condition of approval.

There being no further public comment, Mr. Bulger moved, seconded by Mr. Karam, to close the public hearing at 7:26p.m. The motion was unanimously carried.

Mr. Bulger stated that the issue of the tree line was significant. Several members had driven passed the site to observe the tree line, and all Board members agreed that the trees should remain as a buffer. Mr. Miller stated that, although he had considered “thinning” the double staggered row of evergreens that are located along the rear property line, he was willing to abide by Board recommendations.

The Board first acted on the Special Use Permit. Mr. Karam moved, seconded by Mr. Hughes, to establish the Planning Board as Lead Agency for this application and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Bulger offered Resolution #11, seconded by Mr. Russell, to approve this Special Use Permit application that will allow the construction of a two-family residence in an R-1 zone conditioned upon the preservation of the existing evergreen trees. Ayes: Larkin, Kramer, Karam, Russell, Hughes, Bulger. Noes: None.

The Board acted upon the site plan application. Mr. Kramer moved, seconded by Mr. Hughes, to establish the Planning Board as Lead Agency for this application and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Bulger moved, seconded by Mr. Karam, to grant preliminary and final site plan approval conditioned upon the comments offered by Mr. Kemper, Mr. Grasso, and the

preservation of the evergreen trees along the rear property boundary. The motion was unanimously carried.

Old Business:

[2005-023] Stewart's Ice Cream Shop Corporation – Proposed 6,600 SF of rental space in two buildings, Grooms and Vischer Ferry Roads – Preliminary site plan review and possible determination.

Mr. Tom Lewis, representative for Stewart's, presented this revised project proposal. He explained that all issues of concern, including the adequate handling of site drainage and the installation of additional plantings, have been addressed. All engineering comments provided by Clough, Harbour, and Associates will be satisfied.

Mr. Kemper explained that this project plan was last presented for Board consideration on April 12, 2005 at which time the location of the multi-use pathway was of major concern. The location has since been determined as a result of an on-site meeting with company representatives and Clough, Harbour, and Associates. Trees should be placed along the rear of the buildings so that the view of the exterior siding is minimized. Handicap and no parking signs should be shown on the plans. The number and size of plantings along Vischer Ferry Road must be increased.

Mr. Kemper reported that the ECC offered the following comments on this application. The ECC is concerned with the capacity and overflow disposal of the stormwater collection system on the proposed project site. The Town engineer should verify the proposed system is adequate. The impacts of stormwater discharge on adjacent properties must also be examined by the Town Engineer.

In response to the comments provided by the ECC, Mr. Grasso stated that the stormwater management design for this project is adequate. He also reported that Clough, Harbour, and Associates reviewed the revised site plan for this project and offered the following comments. Additional grading information is required in the vicinity of the multi-use path and the existing drainage ditch along Vischer Ferry Road. From the limited detail provided, it is not possible to determine if adequate area is provided to maintain the ditch in its current location. The maximum side slopes of the ditch between the road and the trail should be one on three (vertical to horizontal) with at least two foot transitional aprons at 2.0%. A full set of final plans clearly showing the proposed improvements under Phase 2 work should be submitted for final review.

Mr. Lewis reported that the buildings would be constructed of brick on three sides. The back of the buildings will be faced with T-111 siding. Mr. Bulger reported receipt of a letter from adjoining property owners that expressed concern about the glare from the sign that has recently been installed at the site. He reported that the applicant has agreed to reduce the wattage of lights used to illuminate the sign. Mr. Kemper noted that a multi-use pathway segment has been installed from the new subdivision street known as Heavenly Way to the Stewart's curb cut on Grooms Road.

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

Mr. Hughes moved, seconded by Mr. Kramer, 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.

[2004-061] Daigle, Howard – Proposed (5) lot subdivision, Vischer Ferry Road – Possible determination from preliminary public hearing held on January 11, 2005 and possible determination.

Mr. Matt Brobston, consultant for the applicant, presented this revised subdivision plan for the Board's consideration. He reported that the plan has now been revised because individual wells will be used to supply water to the proposed residences. This was necessary because property owners along Vischer Ferry Road would not provide necessary easements for the extension of municipal water systems. Installation of lines within the existing right-of-way is not possible because of the steep slopes and large trees that border the roadway. With this exception, the subdivision plan remains generally as presented previously.

Mr. Kemper stated that this project last appeared before the Board on January 11, 2005. Though at that meeting the applicant was proposing to extend water service to the project, plans now show the use of individual wells. The project is a Type 1 action and coordinated review will be required. He asked that the applicant identify the property owners who are unwilling to provide necessary easements for the water line extension. He also asked the applicant to provide information regarding the cost associated with such easements. The following comment was provided by Sheryl Reed in a memo dated May 10, 2005: "Add a driveway note to the plans. Lot #1 is a proposed location and could place the residence more than 500 feet from Vischer Ferry Road."

Mr. Kemper reported that the ECC reiterated the following comments. The applicant should add the following standard statement to the plot plan:

- 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 applicant should remove the reference to the "Hidden Crest" subdivision in the Sportsman Club statement referring to the noise associated with discharge of firearms.

Mr. Grasso stated that after reviewing the revised subdivision plan, Clough, Harbour, and Associates found that previous comments have been adequately addressed. The proposed off-site water improvements have been removed from the plan because the applicant was unable to obtain the required off-site easements for construction of the main. The engineering firm continues to recommend that the proposed lots still be served by an

extension of municipal water supply. If no other viable option exists, the water main should be routed down the existing right-of-way. Mr. Grasso recommended that the subdivision not be approved as currently proposed.

Board members discussed the issue of the water service extension. Mr. Grasso explained how the Capital Improvement Plan that was adopted following the Vischer Ferry Road Corridor GEIS provided funding for extension of the water system to Coburg Village. Though Mr. Brobston reported that the applicant found the water system extension to be “extremely costly,” Mr. Bulger stated emphatically that the Town supports extension of the existing utility lines. Commenting that the applicant has been responsive to Board comments and recommendations, he agreed to help facilitate negotiations and asked the applicant to allow time for resolution of the easement issues. Mr. Kemper reported that the Clifton Park Water Authority has agreed to fund the difference in cost between installation of an 8-inch line and the recommended 12-inch service. Mr. Grasso asked the applicant to provide the Town and Clough, Harbour, and Associates with any information he has regarding construction specifications and estimated costs. Mr. Russell supported the water line extension since it would benefit not only this applicant but also other Town residents.

[2004-011] Amedore Homes (Formerly Beck), - Proposed (24) lot subdivision, 1262 Route 146 – Possible determination from preliminary public hearing held on March 8, 2005.

Mr. Gavin Vuillaume, consultant for the applicant, explained that the project design remains as presented at the March 8, 2005 Planning Board meeting. In response to concerns identified at that meeting, Mr. Vuillaume reported that the applicant will establish a homeowners’ association that will assume responsibility for maintenance of the common open space. The southern portion of the site that contains a NYSDEC classified stream will be conveyed to the Town. Emergency service agencies have approved the proposed temporary second access that will provide access from NYS Route 146 to the proposed Skybrook Drive. Mr. Vuillaume commented that the second access will likely not be necessary for long since pressure is substantial for development of the adjoining properties to the west. Although the applicant proposes fencing along Route 146 and the subdivision entranceway, proposed fencing on residential properties within the subdivision has been replaced with trees. Mr. Vuillaume explained that the NYSDEC has determined that wetlands to the south of the site are not NYSDEC jurisdictional lands. They will, however, be considered federally jurisdictional wetlands. The most significant issue to be resolved concerns sanitary sewer service. The applicant is considering connection via grinder pumps to the existing trunk to the north of Route 146, though connection to the service line between the proposed subdivision and the Oakhurst subdivision to the south may be possible.

Mr. Kemper offered a number of comments regarding this application that was last considered by the Board on March 8, 2005. The major issue to be resolved was the maintenance of the emergency access drive. The berm also had to be moved back to accommodate a multi-use path along Route 146. The public hearing was adjourned at the

last meeting. Details for the multi-use path stream crossing must be provided. Mr. Kemper observed that it appears that the multi-use path does not connect to the existing path. Clarification still needs to be provided on the maintenance responsibilities for open space areas within the subdivision. This project will be added to the Stoney Creek 2 park district: a note stating this should be added to the plans. Coordinated review was initiated on March 22, 2005 and all agencies concur with the Town of Clifton Park acting as lead agency for this application. Plantings need to be placed in the rear yards of Lots #17, 18, 22 and 23. The strip of land that contains the multi-use path should be deeded to the Town of Clifton Park. The layout of the turnaround still needs to be finalized. Should the applicant become an outside user of the Corporate Commerce Zone Water District, an agreement will need to be signed with the Town Board for this parcel to be served with public water. The number of plantings needs to be specified on the planting plan. A detail must be provided on the plans for the split rail fence and the fence must be shown on the plans. Signage is required for the emergency access drive: sign details must be included on the plans. A letter must be provided from NYSDEC regarding the extent of wetlands on the site. Maintenance of the road and berm still need to be finalized: project approval should not be granted until these issues are resolved. The standard tree note should be revised to indicate that 2 additional trees per lot are required, bringing the total to 4 trees per lot – and of 3-3.5” caliper. The standard note for aviation activity should be added to the plans. The Saratoga County Planning Board approved the application on April 21, 2005, conditioned upon the applicant receiving a curb cut permit from NYSDOT. The comment letter from that agency advised that a map note be provided regarding the future extension of Tisdale Lane and future abandonment of its current hammerhead terminus and that an easement to the Town be provided over that portion of Lot #24 for both the hammerhead and access to future Town lands. The letter also stated that “the Town’s acquisition of nearly eleven acres of open space through a cluster subdivision design meets the ordinance’s intent of providing public access and also protecting natural resources like the Dwaas Kill. Such a conveyance may serve as a beneficial link to further protection as surrounding lands are developed.” A width should be specified on the multi-use path detail. Sheryl Reed provided a memo dated May 10, 2005 that requires that postal verification be provided and that a note reflecting all conditions of the Fire Code Appeals Board variance be added to the plans.

Mr. Kemper reported that the ECC requested that the following standard statement be added to the plot plan:

- 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.

Mr. Grasso offered several comments that were prepared by Clough, Harbour, and Associates. The firm does not support sewer service to all of the proposed lots by a low pressure sewer system with individual grinder pumps. All proposed lots should be served by gravity sewer services that should tie into an extension of the gravity main along the Dwaas Kill just east of the project site. A gravity sewer trunk line was extended along the

Dwaas Kill under Contract #51 to serve all areas that border the Dwaas Kill, including the project site. If off-site easements cannot be obtained, a dry sewer system should be provided to allow a future connection. This issue should have been discussed and resolved during the conceptual review of the project. A jurisdictional determination should be made by NYSDEC regarding the wetlands on site, as this may impact the limits of the LC (Land Conservation) zoning district. A right-of-way (rather than an easement) should be granted to the town between Lots #7 and 8 for the proposed multi-use pathway. Test pits should be performed along the proposed roadway to determine ground water levels and the presence of poor soils. An Engineer's Water Supply Report including a DOH Form 348 should be provided. The plans and report should also be submitted to NYSDOH for review and approval.

Mr. Grasso offered a number of additional comments. The house numbers as determined by the Chief of Fire Prevention should be added to the plans. The proposed grading should be revised so that concentrated runoff does not flow over the curb of the road, risking freezing along the curb line. Concentrated runoff behind Lots #13 through 16 should be picked up by an end section or catch basin or routed around the end of Tisdale Lane. The sheet flow from the property to the west heading towards the end of Tisdale Lane should be directed around the end of the road. Foundation drain laterals should be provided for each lot. These should be shown on both utility and the grading plans. A catch basin should be provided in the rear of Lots #17, 18, and 23 to allow back yard runoff to be collected before flowing towards the road. This will allow more flexibility with individual lot grading. Wing wedge curbing and the proposed closed storm sewer should be extended to the end of Tisdale Lane to allow an orderly extension in the future. The hammer head turnaround should be constructed to allow the removal and restoration of the sides when the road is extended. The SWPPP should contain a construction phasing plan limiting disturbance to less than 5 acres. It appears appropriate that hydrants be added at STA 8+00 of Tisdale Lane and STA 7+50 of Skybrook Way. Exact locations should be determined by the Chief of Fire Prevention. A detail of the multiuse pathway crossing of the Dwaas Kill should be provided. In addition, detailed grading plans for the multiuse pathway should be provided. The flow velocity should be added to the storm sewer sizing table. The storm water management basin access road should continue around the east side of the basin to allow access to the sediment forebay. The landscaping plan should include the stormwater basin plantings and the planting schedule should include the quantity of the plants proposed. The stub street north of Lot #1 should be included in the proposed right-of-way and not shown as a separate parcel. It should be noted on the plans that it is for a future road continuation.

Though Mr. Grasso described most of his concerns as "minor technical comments," he cautioned the Board to delay approval until the means of connection to the sewer system has been determined. Research will be conducted by the Planning Department to determine if easements to the Oakhurst subdivision were provided as a part of that approval.

Board members appeared to prefer the applicant's proposal to plant trees on the proposed residential parcels rather than the split-rail fencing that was initially proposed.

[2006-009] Diamond Development Co. – Proposed 23,000 SF retail tractor sales building with 20,000 SF display area, NYS Route 9 – Preliminary site plan review and possible determination.

Mr. Gavin Vuillaume, consultant for the applicant, presented the revised site plan for this application that was before the Board on February 23, 2005 and April 12, 2005. He provided Board members with a copy of the Tractor Supply Company's list of equipment and maintenance products that would be stored in the outdoor display area. Items on the list include lawn and garden equipment, fencing materials, pet and livestock equipment, and miscellaneous products such as Go Karts, bagged feed and fertilizer, and drainage tiles. The company does not rent equipment. Mr. Vuillaume stated that the entire display area will be fenced with black chain link fencing. Split rail fencing will be placed along the western property boundary to prevent the display of products on lands along the northway. A note will be added to the plan stating that additional plantings will be added to the rear of the parcel if required by the Planning Board. A lighting plan has been submitted to Clough, Harbour, and Associates for review and comment. Two pole lights will be installed along the display area. Details of the off-site sewer improvements will be submitted. Though colored façade renderings were not available, Mr. Vuillaume presented photographs of the existing facility in Saratoga Springs for the Board's consideration and reported that the building would be of standard brick construction that will be compatible with the existing credit union building.

Mr. Kemper explained that this project was last considered by the Board on April 12, 2005. The size and the number of the plantings should be increased on the plans. Color façade renderings with building materials must be included with the plans. The applicant has provided a narrative on the types of items that will be developed in the outside storage area. A letter from NYSDOT still needs to be provided. The split rail fencing to be added along the rear of the parking lot must be shown on the plans.

Mr. Kemper read the prepared comments provided by the ECC. The proposed greenspace must be 35% or greater for the entire parcel including the parcel with the Credit Union. The ECC requests that all greenspace should be clearly delineated on the plan through the use of shading. The existing stormwater basin must be evaluated to make sure it can handle this proposed use. In keeping with the Town Comprehensive Plan, the applicant is encouraged to retain existing vegetation and/or buffering between the project and the Northway. The ECC recommends that because of the significant storage of materials, the applicant should utilize four-season buffering.

Mr. Grasso reported that Clough, Harbour, and Associates' review of the revised concept site plan resulted in the following comments. At the last Planning Board it was recommend that split rail fencing be installed along the limit of vegetation that borders the Northway: this has not been added to the plans. Due to the potential for glare from off-site areas, the use of wall-pack style fixtures that are "non-cut-off" styles is not recommended. Rip-rap should be installed at the inlets to the stormwater management basin. Design information for the proposed sanitary sewer service should be provided. It

appears that significant erosion could occur around the existing catch basin that discharges to the stormwater management area from the sheet flow off the proposed parking lot: erosion control measures should be provided.

In response to Mr. Karam's concern regarding signage on the rear of the building, Mr. Vuillaume did not believe that such signage was proposed. Mr. Vuillaume assured Mr. Russell that the site provided for adequate maneuverability of tractor trailers. The consultant explained that the split rail fencing would be placed 10 feet from the paved area to the rear of the property. Mr. Bulger asked that the rear of the building be constructed of brick due to its high visibility from the Northway. He also asked that curbing be placed between the parking lot and the stormwater management area. Though Mr. Larkin was concerned that products may be displayed outside the designated display area, Mr. Vuillaume explained that spaces have been reserved for trailer storage: no other products will be stored beyond the designated area. Board members agreed that a colored façade rendering must be submitted for their approval. The Board, upon seeing the photo rendering with the black "vertical post iron fence" surrounding the display area, agreed that the fencing should not be of chain link, but rather of the same type depicted in the photo.

Mr. Karam moved, seconded by Mr. Bulger, 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. Hughes moved, seconded by Mr. Kramer, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by Mr. Kemper, Mr. Grasso, and the submission of colored façade renderings for the Board's approval. The motion was unanimously carried.

[2005-016] Figueroa, Ralph – Proposed (2) lot subdivision, 154 Vischer Ferry Road – Revised conceptual review.

Mr. VanGuilder, consultant for the applicant, presented the revised proposal for this application that was last presented to the Board on April 12, 2005. At that time, the applicant proposed the "resubdivision" of nearly 19 acres of land on the westerly side of Vischer Ferry Road approximately ¼ mile south of Taylor Drive. The project is identified as a "resubdivision" because the Board granted approval for a two (2) lot subdivision in July, 2004. The proposed subdivision plan that was submitted for Planning Board consideration showed lots that conformed to R-3 zoning regulations. Mr. VanGuilder explained that the plan has again been revised because the applicant wishes to preserve the tree line. Lot #1 would require an area variance from the Zoning Board of Appeals. Access to all lots will be from a single common drive from Vischer Ferry Road. Water will be supplied by on-site wells and individual septic systems will be installed. ACOE wetlands, generally located along Vischer Ferry Road, have been delineated on the property. In accordance with established Planning Board policy, proposed residences would have back yards with at least 50 feet of separation from the wetland boundaries.

Mr. VanGuilder introduced Mr. and Mrs. Figueroa, applicants, who presented their rationale for the proposed subdivision configuration. Noting that the required variance would amount a mere "2/10ths" of an acre, Mr. Figueroa explained that it would allow the existing tree line to remain and would ensure a single ownership of the trees. Both Mr. and Mrs. Figueroa believe that the existing tree line creates a natural division line between the existing home and proposed new lots. Though it is expected that the Figueros and their children would own the properties for the foreseeable future, they would prefer the evergreen trees to be a part of the largest lot in hopes that the owner would be dedicated to their proper maintenance. Though the couple recognized that deed restrictions could be imposed as a method of protecting the trees, they believed that such restrictions would not be as effective as maintaining the trees on a single lot. Mrs. Figueroa pointed out the current plan is reasonable since access to the proposed lots will be provided from the existing driveway.

Mr. Kemper explained that this project last appeared before the Board on April 12, 2005, at which time the Board informed the applicant that they would not support a variance application. Though the applicant revised the subdivision layout to conform with the zoning law, the plan presented at this meeting would again require an area variance from the Zoning Board of Appeals. Mr. Kemper asked that septic tank expansion areas be shown on plans. Sheryl Reed's memo of May 10, 2005 states that postal verification information must be provided.

Mr. Kemper told the Board that the ECC reiterated previous comments, recommending that the applicant take appropriate measures to protect the proposed residences from high ground water on the property. The location and extent of the ACOE wetlands should be indicated on the individual plot plans.

Mr. Grasso noted that the Town Board has adopted the Findings Statement for the Western Clifton Park GEIS study area. The proposed three lot subdivision would not comply with those findings as currently proposed, but it appears the project may be grandfathered due to the application having been submitted prior to adoption of the findings. Per the Findings Statement, all projects of ten acres or greater should be designed as conservation subdivisions. If conservation design concepts were applied, development would be limited to one lot per three acres with permanent protection of open space resources. If conservation design concepts were not applied, the development density would be limited to one unit per ten acres. The soil investigations conducted verified marginal soil conditions for on-site wastewater disposal systems. Test pits should be provided in each proposed wastewater disposal system location. Fifty percent expansion/replacement areas should be shown and the size of the system verified based on the marginal soil investigation results. It appears that the lots as currently proposed do not provide sufficient space for an adequately sized wastewater disposal system including the fifty percent expansion/replacement area.

In response to Mr. Larkin's question regarding the ages of the children in the family, Mr. Figueroa stated that the children were nine, six, and two. Mr. Figueroa assured the Board that although the subdivision was proposed in anticipation of future needs for his family,

he stated that it was not his intention to “move out tomorrow.” Mr. Larkin stated that he appreciated the owner’s intention to preserve the “aesthetics” of the property, but he did not support what he considered to be a “self-imposed” hardship: he would not recommend approval of area variances. Following a lengthy discussion that included the revelation that the existing residence was listed for sale, Board members agreed that they would not support Zoning Board approval of the requested variances. An informal canvass of members resulted in a unanimous rejection of the proposed subdivision proposal.

[2004-034] Weiss, Jeffrey – Proposed 6,000 SF retail building, NYS Route 146 and Plank Road – Revised conceptual site plan review.

Mr. Gavin Vuillaume, consultant for the applicant, explained that this project was last before the Board on July 21, 2004. The plan calls for the construction of a one-story building served by a single access on Plank Road. The applicant is pursuing a connection with the property to the west. The applicant proposes the installation of 30 parking spaces: an additional eight spaces will be landbanked until their use is warranted. 35% greenspace will be provided when the site is entirely built out. A number of area variances were approved by the Zoning Board of Appeals on July 20, 2004. Stormwater will be directed to an underground management system.

Mr. Kemper offered several comments regarding this application that was last presented to the Board on July 21, 2004. Color façade renderings with building materials must be submitted with future submissions. This proposal was originally submitted as a 6,000 SF professional retail building with over 35% greenspace for the July 21, 2004 board meeting, at that meeting the board expressed concerns with greenspace. The applicant is now proposing a retail building of 6,000 SF that can hold up to 4 different tenants with a total of 32.8% greenspace. The size of the plantings must be increased. The Saratoga County Planning Board approved the project on July 15, 2004. Sign-offs will be required from Saratoga County Sewer District and the Clifton Park Water Authority. The applicant must determine if portions of the building will be used for retail purposes.

Mr. Kemper presented the comments prepared by the ECC. The project is proposed on the site of an old gas station; therefore, all underground storage tanks should be identified and removed. The ECC has concerns regarding the status of past spills on the site and the site across the street. The status of any remediation projects must be determined before this project moves forward. The removal of any underground storage tanks and impacted soil must be accomplished with all applicable laws and regulations. Consideration should be given to moving the building to the front of the parcel and locating the parking in the rear with proper landscape screening to enhance the street side appearance.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the revised concept site plan for this project. He offered the following comments. A number of area variances for parking and building setbacks have been granted by the Zoning Board of Appeals. In accordance with §208-99 of the town’s zoning code, the minimum parking spaces for a retail establishment is one parking space per 200 square feet of gross floor area. Although only 30 spaces are required, the plans are designed to accommodate 38 vehicles. The firm

recommends that the additional spaces be land banked and only constructed if deemed required by the Code Enforcement Officer. The plans indicate eight feet of exposed foundation at the north west corner of the building. An elevation of the west side of the building should be provided and a landscaped buffer should be added to the plans. The proposed off-site sanitary sewer connection should be shown on the plan. It appears the location of the dumpster enclosure will make it difficult for a truck to access. "Handicap Parking" and "No Parking" signs should be shown on the plan. The proposed lawn drains do not appear to be connected to the stormwater management system. A stormwater management report and pollution prevention plan should be provided. The plan does not appear to address water quality treatment. Percolation tests should be performed in the area of the infiltration system. Because the site was a former gas station the potential of existing contaminated soils should be investigated. The plan proposes 32.8% of green space while the minimum required is 35%. The proposed site lighting should be shown on the plan. Additional landscape screening should be provided around the dumpster enclosure and a detail of the enclosure should be provided.

In response to Mr. Larkin's question regarding the use of the building, Mr. Vuillaume stated that the building will be limited to retail sales: there will be no restaurant use. Mr. Kramer would prefer that a connection be made to the Northway Nine parking lot to improve traffic flow. Mr. Russell advised the applicant that the basement could be used only for storage. Mr. Bulger explained that, pursuant to the Exit 9 GEIS, the Board has set to have 45% greenspace as a "goal" to be achieved for each project site. Board members do recognize, however, that this site is difficult to develop because of its limited size and they asked that the applicant provide reasons for the request for approval of less than 45% greenspace on the parcel. Mr. Bulger views this proposal as a redevelopment of an "eyesore" and sees the construction of a small retail facility as a positive change. Mr. Pelagalli commented that because there is neither quality nor quantity of vegetation existing on the site, the Board could reasonably support less greenspace area. Mr. Larkin asked that earlier aerial photographs be provided for the Board's consideration. Mr. Kramer views this parcel as one that is included in the "gateway to Clifton Park:" it should be reviewed with this in mind. Mr. Bulger explained that the Statement of Findings that resulted from the Exit 9 GEIS provides the Board with some discretion for the amount of greenspace required: he believes that this is a special situation and that the applicant's development proposal is reasonable. Mr. Pelagalli recommended that Board approval must clearly indicate the reasons for supporting the minimal greenspace for this application. In response to Mr. Hughes' question regarding buried oil tanks or contamination of the site as a result of its former use, Mr. Bulger stated that thorough remediation of the site was conducted by SUNOCO. Mr. Russell favored a permanent easement with the property to the west to create better traffic flow. In response to Mr. Kramer's question concerning the location of the identification sign, Mr. Vuillaume pointed out its proposed position in the southeastern portion of the site.

Though the Board would prefer at least 42% greenspace, Board members found the project generally acceptable. If the greenspace percentage cannot be changed, the Board is likely to request that the amount of landscaping materials be significantly increased.

New Business:

[2005-024] Morton, Catherine – Proposed two-family residence in an R-1 zone, 45 Parkwood Drive – Special Use Permit – Conceptual review.

Mr. Kemper presented this application on behalf of the applicant who was unable to attend this evening's meeting. This applicant seeks approval of a Special Use Permit that would allow her home at 45 Parkwood Drive in the Crescent Estates subdivision to be used as a two-family dwelling. Ms. Morton proposes to rent out the basement portion of her raised-ranch residence. No changes are proposed for the building's exterior.

Mr. Kemper explained that a previous application requesting a similar approval in this neighborhood had been denied by the Board. Board members discussed the implications of the requested approval on the surrounding neighborhood since the homes in Crescent Estates are smaller homes. Following a lengthy discussion focusing on the change in neighborhood character from single-family residences to two-family homes, Board members agreed that members should work to create some "working guidelines" for Special Use Permit approvals. They will consider this application after receiving comments from adjoining property owners at the public hearing.

[2005-025] DiCocco, Americo – Proposed (2) lot subdivision, Ashdown Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this subdivision plan that calls for the subdivision of 4.39 acres of land in an R-3 zone into lots of 91,202 SF and 100,009 SF, respectively. The owner originally purchased a 3.9 acre parcel in 1992: more recently an adjoining .5 acre parcel was purchased. On April 19, 2005, the applicant received an area variance for the smaller lot from the Zoning Board of Appeals. The proposed lot has been designed as a "keyhole" lot with a separate access onto Ashdown Road. Both the existing residence and the proposed residence will be served by individual wells and septic systems.

Mr. Kemper reported that the application was referred to the Saratoga County Planning Board on April 20, 2005. The applicant received an area variance for the size of Lot #4 on April 19, 2005. He asked that topographic information be added to the plans.

Mr. Kemper reported that the ECC asked that the following statement should be added to both the plot and individual lot plans:

- This parcel (subdivision) is located in an area where railroad activity occurs. Such activity may include, but is not limited to periodic noise, vibration, extended hours of operation and other associated activities.

Mr. Grasso reported that Clough, Harbour, and Associates offered the following comments on this application. The proposed project is located within the Western Clifton Park GEIS study area. As proposed, it does not appear the project is in conformance with the statement of findings due to lack of measures to permanently protect open space and

limiting density to one lot per three buildable acres. The existing parcel is only 4.39 acres: a minimum of six acres is required to allow permit a subdivision in accordance with the findings. A one time single lot exception is allowed under the proposed zoning, however, this is only permitted for lots greater than ten acres and the newly created lots must be initially owned by a family member. Deviations from the adopted statement of findings would require preparation of a supplemental environmental impact statement. Other options available to the applicant appear to be the following:

- An increase in the size of the project site such that the density is no greater than one lot per three developable acres.
- A transfer of development rights from another parcel within the study area.
- A purchase of one development right. The value of the development right as currently proposed is \$30,000. Any purchase of development rights requires Town Board approval. In order to adequately evaluate the environmental constraints of the site, much greater information is required such as existing topography, drainage courses, wetlands, etc.

Mr. Grasso offered additional comments. An area variance for Lot #4 being less than the 100,000 SF minimum area was granted by the Zoning Board of Appeals on April 19, 2005. 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. The names of the adjacent property owners should be added to the plan.

After listening to Mr. VanGuilder's presentation, Mr. Grasso found that since this application had been submitted to the Zoning Board of Appeals before the Town Board acceptance of the new zoning regulations, the Statement of Findings does not apply. Mr. VanGuilder agreed to conduct soil investigations.

Board members found the proposed subdivision generally acceptable. Mr. Karam asked that the plan include a note regarding the proximity of the property to the railroad tracks.

[2005-026] Tedeschi, Nancy – Proposed (2) lot subdivision, Riverview Road – Conceptual review.

Mr. Gil VanGuilder presented this application that requests approval of a two lot subdivision on a parcel on the northerly side of Riverview Road east of the village of Vischer Ferry. A speaker explained that a single-family residence is currently under construction on Lot #1. A well has been drilled on this lot and a septic system has been designed. NYSDEC wetlands have been delineated on the property, though the owner is requesting a review of one flag location. A general permit from NYSDEC allowing the reduction the buffer area from 100 feet to 50 feet is requested. Area variances would be required for the frontage on both proposed lots.

Mr. Kemper provided several comments regarding the proposed project plan. He noted that the property lies within the Western Clifton Park GEIS area and does not conform to the Statement of Findings. The proposed lot lacks a usable rear yard. A variance will be required for the frontage for the keyhole lot. He asked that the applicant clarify when DEC will make a determination on the wetland area. Descriptions will need to be

provided for the ingress/egress easement. Mr. Kemper noted that the 15.3 acre parcel was created as part of a subdivision granted in 1989. It would appear that the frontage was limited to preclude further subdivision of the lot.

Mr. Kemper reported that the ECC provided the following comments. The applicant should review this project as the ECC is concerned that the proposed subdivision creates an unbuildable lot, in particular Lot #2, which is in close proximity of the LC zone and has a high potential of encroachment. The site location map does not identify the location of the project.

Mr. Grasso offered a number of comments on the subdivision proposal. The proposed project is located within the Western Clifton Park GEIS study area. As proposed, it does not appear the project would be in conformance with the Findings Statement due to lack of measures to permanently protect open space and limiting density to one lot per three buildable acres. The buildable area should be quantified on the plan. A one time single lot exception is allowed under the proposed zoning for lot lots greater than ten acres. However, the newly created lot must be initially owned by a family member. Although it appears the one time exception is permitted, compliance with the findings should be recommended. The project would not comply with all of the other recommendations of the GEIS due to density over one lot per three developable acres and lack of respect for the existing wetlands and buffer area. The subdivision is an "Unlisted" action pursuant to SEQR, and as such coordinated review is optional. The involved agencies are expected to be the Planning Board with subdivision approval and the Zoning board of Appeals with area variances being required. Lot #1 does not meet the required 40' of frontage for a keyhole lot and Lot #2 does not meet the required 200' minimum width at the front building line. 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. Clough, Harbour, and Associates is very concerned with lack of area for expansion/replacement of the wastewater disposal systems. Depending upon the findings of NYSDEC regarding the wetland locations, the proposed house on Lot #2 may be within the 100' wetland adjacent area. The Town's standard note regarding driveways of 500' or longer should be added to the plans. The site location map should indicate the site location and site topography should be added to the plan.

Board members discussed several issues of concern. Mr. Larkin expressed concern over the amount of usable back yard for the proposed Lot #2 and Mr. Karam concurred that there should be a greater distance between the residence and the L-C zone boundary.

Mr. Scott Ronda, vendee for the proposed new lot, explained that the proposed residence would be more than 100 feet from the home currently under construction. He also stated that NYSDEC would be re-evaluating the wetland boundary on Lot #2: it is likely that additional back yard area would be provided. He also noted that as Counsel to the Stillwater Planning and Zoning Boards, he was aware that the Saratoga County Planning Board preferred the use of combined driveways.

Mr. Bulger stated that he would not support approval of the subdivision application

because the proposal does not meet the intent of the recently-adopted Statement of Findings for the GEIS study area. He would not support a positive recommendation to the Zoning Board of Appeals.

Mr. Bulger moved, seconded by Mr. Larkin, to recommend that the Zoning Board of Appeals deny any variances requested by the applicant that would be required prior to subdivision approval. The motion was unanimously carried.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Kramer, approval of the minutes of April 26, 2005 as written. Ayes: Kramer, Karam, Russell, Hughes, Bulger. Noes: None. Abstained: Larkin.

Discussion Items:

Mama's

Mr. VanGuilder, consultant for the applicant, explained that the Zoning Board granted approvals to this business which is located on Route 146 to permit a commercial use closer to the roadway than zoning permits. The owner would now like to construct a permanent bar area in an area that has been used as an outdoor patio. The seating capacity would be reduced from 20 to 14. Mr. VanGuilder presented architectural renderings of the proposed addition that would be designed to complement the existing structure: a green metal roofing material would be used for the project.

Since the Board views the proposed changes as significant, they asked that an application be filed and that formal site plan review be scheduled.

Beebe and Grossman Law Office

The owner of this office building located on Vischer Ferry Road has requested approval to add an additional 600 SF of space to the second floor. Proposed changes also include a covered entranceway. Board members were unable to determine if the changes would be significant and requested that the applicant provide additional information. The building's historic significance should be considered and parking issues must be addressed.

Christ Community Reformed Church

Church representatives have requested approval to place angled parking along the existing entrance drive. Since this driveway fronts on NYS Route 146, Board members were reluctant to grant such approval.

Mr. Bulger moved, seconded by Mr. Karam, adjournment of the meeting at 10:30p.m. The motion was unanimously carried. The next meeting of the Planning Board is

scheduled for May 24, 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 #10
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 May 10, 2005, there were:

Present: S. Bulger, Chairman, S. Hughes, T. Karam, A. Kramer, J. Larkin
J. Russell

Absent: S. Pace

Mr. Hughes offered Resolution #10, and Mr. Kramer seconded, and

Whereas, an application has been made to this Board by Paul Unter for approval of a subdivision entitled Subdivision of the Lands of Paul R. and Theresa M. Unter consisting of (4) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on MY 10, 2005 and;

Whereas, the Planning Board was established as Lead Agency for this application, a Type I action, and a negative declaration was issued pursuant to SEQRA on May 10, 2005, 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 that the final subdivision plat entitled Subdivision of the Lands of Paul R. and Theresa M. Unter consisting of (4) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso.

Resolution #10 passed 5/10/05
Ayes: Larkin, Kramer, Karam, Hughes, Russell, Bulger

Noes: None

Steven J. Bulger, Chairman

Resolution #11

APPROVAL

Special Use Permit

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 May 10, 2005 there were:

Present: S. Bulger, Chairman, S. Hughes, T. Karam, A. Kramer, J. Larkin, J. Russell

Absent: S. Pace,

Mr. Bulger offered Resolution #11 and Mr. Russell seconded, and

Whereas, an application has been made to this Board by Derek P. Miller for approval of Special Use Permit #80543 to allow the construction of a two family residence in an R-1 zone pursuant to Section 208-10,B(9) and 208-79 of the Town Code;

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on May 10, 2005 in the Town Office Building,

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

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

Now therefore, be it resolved that the application of Derek P. Miller for approval of Special Use Permit #80543 to allow the construction of a two family residence in an R-1 zone pursuant to Section 208-10,B(9) and 208-79 of the Town Code in an R-1 zone is hereby approved.

Resolution #11 passed 5/10/05

Ayes: Larkin, Kramer, Karam, Russell, Hughes, Bulger

Noes: None

Steven Bulger,
Chairman