

Clifton Park Planning Board Meeting Minutes - May 24, 2005

Those present at the May 24, 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; M. O'Brien, Environmental Specialist; P. Pelagalli, Counsel

Mr. Bulger, Chairman, called the meeting to order at 7:05p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Public Hearings:

No public hearings were scheduled for this meeting.

Old Business:

[2004-013] Independent Wireless One – Proposed co-location on CPWA water tower – Preliminary site plan review and possible determination.

Mr. Kemper, Director of Planning, presented this application in the absence of the applicant's representative. He explained that Mr. Gregg Johnson, the Town's legal representative, has provided the Town with a copy of the Stipulation of Settlement that resulted from litigation brought by Independent Wireless One Corporation and Independent Wireless One Leased Realty Corporation following an action by the Zoning Board of Appeals that denied the request to co-locate telecommunication equipment on an existing water tower located within the Knolltop subdivision.

Mr. Kemper stated that the stipulation requires that the Town "promptly issue all necessary site plan approvals, building permits, variances, or other authorizations or approvals necessary for the construction and installation of communications equipment at the Knolltop Water Tank site." He reported that the installation plans were modified by C&S Engineers, Inc. in May, 2005. Modifications to original plans include Independent Wireless One's installation of sound-engineered curtains around the telecommunications equipment to be located within the water tower, construction and installation of a 36 foot long sound-engineered wall along the south and east sides of the existing equipment shelter located on the site, and the installation of external antennas which are designed to match the color of the water tower. Mr. Kemper also reported that the Town will receive \$3,000.00 for its discretionary use in addressing exterior site issues such as landscaping at the Knolltop Water Tank site.

Mr. Bulger explained that the action being taken by the Board at this evening's meeting is basically an approval of the Stipulation of Settlement that resulted from litigation brought by the telecommunication firm identified generally as Independent Wireless One. He noted that Mr. Kemper and he were contacted during the negotiation process and he described the stipulation presented as "the only solution and the best solution" for all parties.

Mr. Pelagalli explained that the Board would be required to authorize Mr. Bulger to sign the stipulation agreement and he recommended that action without reservation, noting that the emissions produced will be minimal and that the current applicant will remediate problems created by NEXTEL. He stated that the Board's action will include a SEQRA determination, site plan approval, and authorization for the Chairman to sign the Stipulation of Settlement.

Mr. Grasso stated that Clough, Harbour, and Associates had prepared no comment letter regarding this application; however, he asked that all cabling equipment match the color of the water tank and that design plans for the 36 foot long sound-engineered wall along the south and east sides of the pre-existing equipment shelter be submitted for review.

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

In response to Mr. Larkin's question concerning the litigation, Mr. Pelagalli explained that once the Stipulation of Settlement is fully executed, the legal suit will be discontinued. Mr. Grasso addressed Mr. Karam's concerns, explaining that the proposed sound attenuation panels should substantially reduce noise from the equipment shelter. He also stated that the project will result in emissions that are significantly less than established limits.

Mr. Pelagalli commended Mr. Johnson for negotiating a legal settlement that offered the Town significant benefit, exacting stricter standards than would have been possible during the Planning Board's normal site plan review process.

Mr. Bulger 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. Karam moved, seconded by Mr. Hughes, to grant preliminary and final site plan approval to this application. The motion was unanimously carried.

Mr. Karam moved, seconded by Mr. Larkin, to authorize the Planning Board Chairman, Mr. Bulger, to sign the Stipulation of Settlement that resulted from litigation brought against the Town by Independent Wireless One Corporation. The motion was unanimously carried.

[2005-013] Edelman, Matt – Proposed 3,984 SF horse barn, 974 Grooms Road – Preliminary site plan review and possible determination.

Mr. Gil VanGuilder, consultant for the applicant, discussed the issues of concern that were raised by the Board regarding this application when it was first presented at the March 22, 2005 meeting. At that time, drainage to the adjoining property was of concern. NYSDEC determined that fill had been improperly placed within designated wetlands and a consent order was issued. Mr. Edelman paid the required fine and, pursuant to NYSDEC directives, has agreed to stabilize the fill material. The property owner has also agreed to follow all NYSDEC recommendations and has placed erosion control measures along the downstream side of the fill area. This is designed to prevent silt from flowing to the neighbor's property. The malfunctioning septic system was also of concern: the problem has been identified and repaired. The system is now operating properly. The conditions associated with the Special Use Permit were described as follows: no more than five students may be on site at any one time, the hours of operation are limited to 9a.m. to 9p.m., and no exhibitions or horse shows will be permitted at the site. Mr. VanGuilder explained that there will be fewer horses housed on the property now than were boarded by the previous owner.

Mr. Kemper reported that this project last appeared before the Board on March 22, 2005 at which time the major issues included the filling of the DEC wetland, drainage to an adjoining property from a malfunctioning septic system, and identification of specific conditions of the Special Use Permit that was issued in May, 1991. At the last meeting one adjoining neighbor stated his opposition to the project. Mr. Kemper explained that the applicant received a consent order from NYSDEC on March 25, 2005 and was ordered to pay a fine and remediate encroachment into the designated wetlands. In response to his question regarding the status of satisfaction of the items in the consent order, Mr. VanGuilder explained that Mr. Edelman is working to complete the required remediation measures.

Mr. Grasso stated that, in his opinion, the NYSDEC order effectively mitigates the drainage issue. Mr. O'Brien, Environmental Specialist, reported that the ECC found the project acceptable.

Mr. Larkin commented that he was concerned that the amount of fill placed on the farm site would cause displacement of water and run-off to the adjoining property. Mr. VanGuilder admitted that the applicant had filled an area of his property but that the installation of silt fencing would significantly reduce the discharge of silt. He noted that there was an existing drainage corridor that crossed the adjoining property and that the water on the applicant's site occurred because of ground water rising rather than direct run-off. Though Mr. VanGuilder was unable to quantify the amount of fill placed on the site, he did report that the area was raised an average of two feet. In response to Mr. Karam's question, Mr. VanGuilder stated that the septic system had been repaired and was operating normally.

Mr. Bulger recalled the comments made by Mr. Karasz, adjoining property owner, at the

last meeting and expressed concern that the drainage from the Edelman property was not just from the front of the site but from the filled area behind the existing barns. Mr. VanGuilder explained that Mr. Edelman had placed fill behind the existing pond and barns and pond in order to create an exercise area for the horses: this area has been graded and stabilized and will not increase run-off to adjoining properties because of adequate percolation permits water to be retained on site. Mr. Bulger stated that he would like to ensure that any proposed elevation changes or building on the property would not impact the neighboring parcel. Mr. Grasso was confident that the proposed site changes would not increase run-off. He stated that the NYSDEC consent order would ensure that all drainage concerns would be addressed. He believed that the Town would be “protected” by the NYSDEC action.

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

Mr. Karam moved, seconded by Mr. Russell, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by Mr. Kemper and full implementation of the conditions of the consent order and stipulation issued by NYS Department of Environmental Conservation prior to the stamping and release of plans by the Planning Department. The motion was unanimously carried.

[2005-021] Carlson Farm – Proposed (44) lot subdivision, Moe Road – Revised conceptual review.

Mr. Gavin Vuillaume, consultant for the applicant, described this project plan that now shows a reduction in lots from the originally proposed 48 to 44. The project plan has also been amended to show a cluster lay-out that “protects environmental areas and maintains the historic character” of the site. Mr. Vuillaume reported that John Scherer, Town Historian, has asked for the opportunity to investigate the historic significance of the property. The applicant now proposes preservation of the existing farmhouse and barns. The plan shows three access points from Moe Road, Englemore Road, and Arbor Lane, respectively. Mr. Vuillaume explained that seven units currently shown in an isolated ACOE wetland area to the eastern portion of the site may have to be relocated if the wetland is determined to be regulated. Mr. Vuillaume reported that the applicant is beginning to consider possible trail links to Huntwood Drive and Arbor Lane. He noted that Clough, Harbour, and Associates preferred a connection to the existing multi-use pathway along Moe Road.

Mr. Kemper explained that this project last appeared before the Board on April 26, 2005. The main concerns expressed at that meeting included the overall density of the subdivision and the historical significance of the barn and the graveyard. The Board requested that the Town Historian attend a future Planning Board meeting to discuss the site’s historical significance. The density has been reduced from 48 lots to 44 lots, though further reductions may be required when a jurisdictional determination from the ACOE on the wetlands in the western part of the subdivision is available. A traffic engineer

should evaluate the sight distance for the project. Sign-offs will be required from the Clifton Park Water Authority and the Saratoga County Sewer District. Mr. Kemper recommended that a trail connection be provided through the access strip in Huntwood Drive because of the link it will provide if the parcel to the east is developed. He noted, however, that it appears that the homeowners at 20 and 22 Huntwood Drive have made improvements on Town of Clifton Park property where the trail would be installed. He recommended that the Town of Clifton Park property where the trail is to be located be staked out so that the homeowners are aware that a trail link is proposed between the two homes. If an archeological study has not been prepared, the applicant must complete a Phase I report. The parcel will be added to the Stoney Creek 1 park district: a note stating this must be added to the plans.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the subdivision plan and offered several comments. The applicant has significantly revised the layout and is now proposing a cluster subdivision. Pursuant to Section 179-37 of the Town's subdivision regulations, a sketch plan of a conventional subdivision layout of the property should be submitted considering the requirements of the subdivision regulations, requirements of the NYSDEC and NYSDOH, and the limitations with respect to soils, topography, wetlands, and other environmental features. The Planning Department shall report its recommendations to the Planning Board, which shall then establish the maximum number of units permitted in the subdivision. In addition, it must be shown the density does not exceed that allowed after the maximum allowable density calculation. The revised conventional layout and calculation should be submitted for review. Even though a portion of the wetlands within the site may be considered isolated and therefore not jurisdictional by the Army Corps of Engineers, they likely provide significant storm-water management benefits and their protection should be included in the proposal. As such, it is recommended that Lots #5, 6, 7, 8, 44 and 45 be eliminated or relocated. If a cluster layout continues to be pursued consistent with Clough, Harbour, and Associates' recommendation, the firm would not support the creation of the two estate lots along Moe Road. More appropriate lot locations are adjacent to Lots #15, 39 and 40.

Mr. Grasso offered several additional comments. Given the preference to have the multi-use pathway in a location to serve more than just this development and given the narrow strip of land on Huntwood, it is recommended that the proposed pathway alignment be significantly altered. The recommended alignment would be from Road "A" to Huntwood Drive along Moe Road and a short spur around the Abraham Moe cemetery. This should result in a total decrease in proposed pathway length from 3,200 feet to 2,700 feet. It is recommended that the rear of Lots #41 through 43 be extended to the northerly limit of the project site and any proposed buffer be protected through deed restrictions. The proposed utilities and any off-site improvements should be shown on the plan. A revised Full Environmental Assessment Form (FEAF) should be submitted addressing comments from the April 20, 2005 review letter. The adequacy of the sight distance at the proposed drive locations should be verified. Access to the stormwater management areas should be provided on future plan submissions.

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

ECC offered the following comments. The ECC recognized and agreed with the applicant's statement on the plot plan regarding the possible unsuitability of several lots for home construction due to the presence of potential ACOE wetlands. The following standard statements should 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.
- 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. Kramer reiterated concerns expressed at the last meeting regarding preservation of historically significant properties. Mr. Vuillaume stated that the barns and farmhouse would be preserved. Mr. Larkin stated that he had traveled Arbor Lane to determine the location of the proposed connecting roadway. He observed that there were large trees in what would apparently be the right-of-way. He asked that the applicant provide boundary markers to establish the exact location of the roadway. Mr. Larkin also noted that ACOE wetland delineations may require the reconfiguration of Road A. Mr. Karam would prefer elimination of the estate lots along Moe Road. Mr. Bulger stated that he would prefer a limited access to Arbor Lane. Both Mr. Karam and Mr. Hughes asked that sight distances be evaluated at the intersection of proposed new roads with existing roadways. Mr. Kramer asked that traffic incident reports for the Moe Road area be submitted.

[2004-051] Cillis Builders – Proposed (12) lot subdivision, Bruno Road – Revised conceptual review.

Mr. Gavin Vuillaume, consultant for the applicant, described this ten lot subdivision that was originally presented to the Board in October, 2004. At that time the Board agreed that the concept plan was generally acceptable. Since that time the NYSDEC and ACOE wetlands have been verified and the applicant has received confirmation that the boundaries are accurate. The number of lots has been reduced to 10. The applicant will seek a permit from NYSDEC for construction of a stormwater management basin and the proposed roadway. Connection will be made via gravity lines to the Saratoga County Sewer system and to the Clifton Park Water Authority system. The plan shows a stormwater management area for the Town of Clifton Park to the west side of Bruno Road and a stormwater management area for the subdivision to the east of the road.

Mr. Kemper offered several comments regarding this project that was last presented to the Board on October 13, 2004. The major issue of concern was confirmation of the mapped wetlands from NYSDEC and ACOE. The Board was also concerned with the documented drainage problems along Bruno Road including flooding and the proposed density of the subdivision. The density of the proposed subdivision has been reduced to 10 lots. Sign-offs will be required by the Clifton Park Water Authority and the Saratoga County Sewer District. Mr. Kemper asked that Lot #1 be either eliminated or reconfigured to ensure that there is sufficient usable yard. Don Clemens provided a memo dated May 24, 2005 that states that he reviewed this proposed 12 lot subdivision. Citing the "episode concerning the barn on Grooms Road," he explained his office has received very negative criticism from the Town Historian due to the demolition of buildings in the Town recently. Since it appears that the intention is to demolish the existing homestead buildings, he suggested that the Town Historian be informed of this proposal as soon as possible.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the revised subdivision plan that has been prepared by the applicant. The following comments from the October 11, 2004 review letter remain to be addressed. A Full Environmental Assessment Form should be provided. The sight distance at the proposed roadway location should be verified. An additional ten foot of right-of-way along the project frontage should be conveyed to the Town of Clifton Park for future trail/bikeway improvements. A drainage easement should be provided to the Town of Clifton Park over the drainage course across Lots #7 and 8 and the future owner of the Parcel Section B should be shown on the plan.

Mr. Grasso offered the following additional comments. The plan proposes a Town Road within the LC Zone. Per the zoning regulations, the construction of a roadway within the LC Zone is permitted provided that the applicant demonstrates that there is no other reasonable means of access available. In addition, approval will be required from NYSDEC for construction within the 100' wetland adjacent area. The Planning Board has consistently established a recommended building setback of fifty feet from the limits of the LC-Land Conservation District to allow adequate area for typical lot development and outside activities. This is not provided for Lot #1. It appears the impacts to the ACOE wetlands are close to the 0.10 acre threshold for requiring a permit and could potentially be greater based upon the final grading plan.

Mr. Vuillaume stated that the sight distance has been verified. It does meet or exceed required standards.

Mr. O'Brien, Environmental Specialist, reported that the ECC reiterated the following comments that were prepared for the October 13, 2004 meeting. The proposed project is located adjacent to an area that routinely floods during heavy rain events. Any additional stormwater management should not be directed to this stream corridor to avoid aggravating an already compromised situation. The proposed stormwater basin on parcel "B" is within the L-C zone. A stormwater basin is not a conforming use within an LC

Zone. The ECC also recommends that Lot #1 be eliminated due to the large amount of L-C zoned land on the parcel.

Mr. Hughes asked if the existing building was historically significant. Mr. Vuillaume stated that he would confer with the Town Historian to determine if the property contains historically important elements. Mr. Littman, Historic Preservation Commission Chairperson, was in attendance at the meeting. She stated that she would request permission to visit the property and assess its historic value. Mr. Kramer echoed Mr. Hughes' concern for the preservation of historically significant properties. Board members discussed the location and radius of the proposed road, asking that it be relocated to the south to reduce impacts to the wetlands. Mr. Karam asked the applicant to screen the back yards from Bruno Road. Mr. Bulger asked that the drainage problems along Bruno Road be considered as the design plan progresses. Board members agreed that there were several issues to be addressed.

[2005-028] Hoffman, Charles – Proposed Parkwood Plaza façade renovation, Route 9 – Preliminary site plan review and possible determination.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application for the Board's consideration. A simple colored sketch of the proposed façade renovation was presented for review. The proposed changes include improvements to the front and side elevations. These consist of new decorative matching brick and two-tone beige EIFS columns at the edge of the canopy, spaced approximately 25' on center. New wood trusses will be installed over existing roofing to create a vertical two-tone beige EIFS wall for tenant signage. New copper standing seam metal roofing will be added and new EIFS soffits and recessed lighting will be installed. The rear elevation will include the new copper standing seam metal roofing over the existing mansard roof, new EIFS soffits, and recessed lighting.

Mr. Kemper reported that this project last appeared before the Board on April 26, 2005 as a discussion item. The Board requested that the applicant make a formal submission. Since the application involved only a façade renovation, Board members agreed to complete the review process in one meeting. Mr. Kemper explained that the applicant has provided a narrative of the proposed changes as well as a colored façade rendering.

Though Mr. Russell recommended that curb stops be placed along the parking spaces that border the building, he found the proposed changes acceptable. All other Board members agreed that the changes would enhance this older plaza.

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

Mr. Bulger moved, seconded by Mr. Hughes, to grant preliminary and final site plan approval to this application. The motion was unanimously carried.

[2005-022] County Waste – Proposed 39,611 SF processing center, NYS Route 9 – Preliminary site plan review and possible determination.

Mr. Joe Bianchine, consultant for the applicant, presented this application that remains generally as presented at the April 26, 2005 meeting. A use variance was granted by the Zoning Board of Appeals on April 17, 2005 to permit the recycling use in an L-I zone.

Mr. Kemper reported that this project last appeared before the Board on April 26, 2005. The major concern raised at that time was that the applicant needed a use variance for the operation to be allowed in the L-I (Light Industrial) zone. This variance was granted by the Zoning Board of Appeals on April 17, 2005. The details of the variance must be placed on the plans. The May 20, 2005 comment letter from Jim DiPasquale, Director of the Saratoga County Sewer District, must be addressed. Colored façade renderings must be provided with the plans that are submitted for stamping. The Saratoga County Planning Board approved the project on April 21, 2005 conditioned upon the Zoning Board of Appeal's approval of the use variance.

Mr. Grasso stated that Clough, Harbour, and Associates found the project plan acceptable, though he asked that minor comments regarding drainage be addressed. Mr. Bianchine stated that he will provide the drainage and stormwater management reports that have been prepared for the site for Clough, Harbour, and Associates' review. The ECC offered no comment.

Board members agreed that the proposed site improvements would significantly enhance the recycling operation and provide benefits for Town residents. Mr. Bulger explained that the comments offered by the Saratoga County Planning Board were minor in nature and would be satisfactorily addressed prior to the stamping of the final site plan.

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. Hughes moved, seconded by Mr. Karam, to grant preliminary and final site plan approval to this application conditioned upon the satisfaction of the comments offered by Mr. Kemper and Mr. Grasso and the placement of additional trees to screen the site from Route 9 if such screening is deemed appropriate by the Planning Board after the recycling processing center is constructed. The motion was unanimously carried.

[2005-006] Rekucki, Mark – Proposed 40,000 SF self-storage facility and 9,000 SF medical office building, Route 9 and Ushers Road – Revised conceptual review.

Mr. Tom Andress, consultant for the applicant, described this project plan that remains generally as presented at the January 25, 2005 meeting. Plans now call for a two lot subdivision and transfer of lands that would result in the loss of .173 acres of land from the Lands of Clifton Storage Associates directly west of the project parcel to the proposed Lot B, creating a 1.92 acre lot that would contain the proposed two-story 40,000 SF self-

storage building. Lot A, a 1.79 acre parcel, bordered by US Route 9 and Ushers Road would contain a 10,020 SF medical office building. Common access and utility easements will be provided. The site will be accessed from Ushers Road with a one way out to Wood Road. The roadway will not be gated as originally proposed. Mr. Address provided colored renderings of the proposed buildings, explaining that the medical office has been redesigned to add additional trim and roof lines, creating additional visual interest and character to the exterior. Substantial landscaping would be provided to the front of the office building to help screen the buildings.

Mr. Address explained that the proposed land transfer and subdivision would create two separate parcels that would meet zoning requirements for area and greenspace.

Mr. Kemper explained that this project was presented to the Board on January 25, 2005. The concerns raised at the meeting included a visual buffer being provided and the appearance of the buildings. Sign-offs will be required by Clifton Park Water Authority and the Saratoga County Sewer District. The applicant must resolve the issue that concerns the installation of the water line and its proximity to the sidewalk. The applicant has provided the Phase 1 Environmental Site Assessment that was performed on the adjoining site. Architectural renderings have been provided. The planting plan should be expanded to show additional plantings around the perimeter of the property and the buildings. The plan should include some understory plantings between the maple trees. Plantings should also be provided in and around the stormwater management area. Details regarding the use variance should be placed on the plans. A sign-off will be required from Sheryl Reed and emergency services agencies. Descriptions for all easements must be illustrated on the plans. Mr. Kemper reported that the application was referred to the Saratoga County Planning Board on May 5, 2005.

Mr. Kemper reported receipt of a letter from Mr. William Engleman, 6 Partridge Plateau, which asked the Board to conduct a public hearing on this application. He has requested the hearing based on several concerns including the potential traffic impacts, building scale and mass, and visual and aesthetic impacts.

Mr. Address briefly responded to Mr. Kemper's comment regarding the sidewalk, noting that the last submission included a preliminary plan for the proposed waterline extension along Ushers Road that incorporated the proposed sidewalk design.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed both the site plan and the subdivision plan for this project. He noted that following comments from the January 20, 2005 letter remain to be addressed. Pursuant to the Findings Statement for the FGEIS for the Wood Road Corridor, the following issues should be addressed:

- Per Finding No. 34, traffic mitigation fees are required to address cumulative impacts of the proposed development. The mitigation fee was reduced through action of the Planning Board in November of 1991. The new fee is \$723.09 per trip generated during the highest peak hour, as defined by appropriate facility codes in the ITE Trip Generation Manual, 5th Edition. The applicant's consultant should submit an analysis of the projected trip generation so that the respective mitigation fee can be assessed.

- A mitigation fee is due for the original review of the DGEIS in the amount of \$74.28 per acre. Based on a 13.9-acre site, the respective mitigation fee is \$1,032.
- Per Finding No. 52, stormwater management for each project shall be in accordance with the NYSDEC Guidelines for Stormwater Management and Design Criteria, and per Finding No. 53, the stormwater management plan shall be designed to maintain infiltration at pre-development conditions based on a 25-year storm event. Because the project will result in the disturbance of greater than one acre, conformance with the new NYSDEC Phase 2 regulations will be required.
- Per Finding No. 67, a visual buffer of approximately 250 feet is recommended to avoid and minimize significant visual impacts to travelers on NYS Route 9. This is not provided, and as such, additional information should be provided to allow for appropriate environmental impact review.
- Per Finding No. 73, a Phase I Environmental Audit shall be conducted and submitted at the initiation of site plan review. This should be included in the next plan submission.
- Per Finding No. 78, the applicant shall contact NYSOPRHP regarding historic sites and archeologically sensitive resources near the project area. Copies of the correspondence should be sent to the Town and to our office for our files.
- It is recommended that NYSDEC be contacted for the possible presence of or impact to habitat of the Karner Blue Butterfly.

Pursuant to ADA guidelines, the number of handicap parking spaces provided for medical facilities should be 10% of the provided parking. It appears three additional handicap parking spaces are required for the medical office. A handicap parking space should be provided for the self storage building. The sight distance at the proposed curb cut location on Ushers Road should be documented on the plan and compared to the required sight distance of the 85th percentile traffic speed using AASHTO or NYSDOT guidelines.

Mr. Grasso offered the following additional comments on the site plan. A portion of the site drainage does not discharge to a proposed stormwater management area. A stormwater management report and SWPPP should be submitted. The “Handicap Parking” and “No Parking” signs should be shown on the plan. Erosion control mat should be used for slopes 3:1 and greater. It should be verified if the one-way access to Wood Road is to be gated. Limits of work and restoration details should be provided for the off-site water extension. All potential obstructions such as trees and utility poles should be identified on the plan. In the absence of the 250’ visual buffer, significant landscaping should be provided along the property frontage. In addition, per Section 208-40 of the zoning code the property margins at the sides from the front building line to the rear property line shall be planted with trees and shrubs for a width of not less than 10 feet. A manufacturer’s cut sheet of the proposed lighting should be provided. All building mounted lights should be shown on the plan. Details of the proposed retaining walls should be provided. The material and color of the wall should be coordinated with the proposed building exterior.

Mr. Grasso offered the following comment regarding the subdivision application. Ingress/egress easements should be provided to Lot A for access to the proposed curb cuts on Ushers Road and Wood Road.

Mr. O'Brien, Environmental Specialist, reported that the ECC reiterated the following comment concerning the site plan. The ECC recommended that the applicant provide adequate landscape buffering and visual screening from Route 9 and Ushers Road. In addition, the ECC requests the following standard statements and comments be added to the plot plan:

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

Mr. O'Brien reported that the ECC offered the following comments regarding the subdivision application. Due to the lot line changes, the resultant greenspace for the parcel containing the storage buildings will be reduced. The 35% or more of the lot's area must be maintained as greenspace as per Town law. The applicant should indicate the greenspace on the plot plan using shading or color. The applicant is asked to clarify the discrepancy in Lot "A" building square footage on the plot plan. This may affect the greenspace calculation. The Trails Committee is advised to seriously scrutinize this proposal for possible connection of the Wood Road trail to the Ushers Road and Van Patten system.

After listening to Mr. Address' presentation, Mr. O'Brien reported that most of the ECC comments have been addressed; however, he asked that the applicant provide adequate landscape buffering and visual screening between the buildings and Route 9 and Ushers Road.

Mr. Larkin asked if sufficient greenspace would remain on the Clifton Storage Associates property following the proposed transfer of .173 acres of land from that parcel to the adjoining property to the east. Mr. Address assured the Board that all zoning requirements would be met. Mr. Karam requested a digitally enhanced photo of the area to determine the visual impacts of the proposed construction from US Route 9 as well as Ushers Road. Mr. Bulger agreed that such a sketch would be helpful. He questioned the necessity for the proposed one-way exit to Wood Road. Mr. Address noted that the steeper slopes along the northern property boundary and the anticipated changes to the Wood Road – Route 9 intersection would make two-way traffic more hazardous. In response to Mr. Russell's concerns, Mr. Address stated that the proposed medical office building would be 30 feet in height and would be faced with brick. Board members found the colored façade renderings acceptable.

Mr. Grasso commented that the Board may ask that the landscaping plan be "flexible" to allow for plantings between the buildings if warranted. He also requested that the applicant investigate the presence of blue lupin on the property to determine the probability of Karner Blue butterfly habitat.

Mr. Bulger recommended that the Board conduct a public hearing for this application since it lies along Ushers Road. Board members agreed.

New Business:

[2005-029] Rekucki, M. J. – Proposed (2) lot subdivision and lot line adjustment, Route 9 at Ushers Road – Conceptual review.

The Board considered this application with the previous agenda item that concerned Mr. Rekucki's application for a 40,000 SF self-storage facility and a 9,000 SF medical office building.

[2005-027] Kain Development, LLC – Proposed lot line adjustment, 1028 Hatlee Road and 171 Hubbs Road – Conceptual review.

Mr. Christopher Malandrino, applicant, presented this project plan that calls for a lot line adjustment between Lot #1028 Hatlee Road and Lot #171 Hubbs Road, creating lots of 20,870 SF and 21,102 SF, respectively. Both lots will meet the required bulk standard and all setback requirements. This minimal land transfer is necessary because of a surveying error that placed the Hatlee Road residence too close to the rear property line.

Mr. Kemper explained that a consolidation deed will need to be submitted for review. He commented that when the foundation was being installed for these houses, a sewer line was struck: a utility easement must be granted along the western property lines to permit service for this line. An additional utility easement must be provided from Hatlee Road to property incorporated in Lot #171 Hubbs Road to permit access to utility lines. Descriptions of the proposed easements must be submitted for review.

Board members found this proposal acceptable. A public hearing will be scheduled.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Karam, approval of the minutes of the meeting of May 10, 2005 as written. The motion was unanimously carried.

Discussion Items:

Tractor Supply

Mr. Kemper presented colored façade renderings that have been prepared for the Tractor Supply retail site on Route 9. Board members found the split-faced block that resembled brick acceptable. They agreed that the fencing must be aluminum tubular fencing: no chain link fencing would be permitted around the product display area.

Mr. Bulger moved, seconded by Mr. Russell, adjournment of the meeting at 9:30p.m. The

motion was unanimously carried. The next meeting of the Planning Board is scheduled for June 14, 2005.

Respectfully submitted,

Janis L. Dean, Secretary