

Clifton Park Planning Board Meeting Minutes

June 28, 2005

Those present at the June 28, 2005 Planning Board meeting were:

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

Those absent were: None

Those also present were: J. Kemper, Director of Planning; J. Grasso, Clough, Harbour,
and Associates; M. O'Brien, Environmental Specialist; P. Pelagalli, Counsel

Mr. Bulger, Chairman, called the meeting to order. All in attendance stood for recitation
of the Pledge of Allegiance.

Public Hearings:

[2005-008] Diamond Development, LLC – Proposed (2) lot subdivision, NYS Route 9 –
Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:12p.m. The Secretary read the public
notice as published in the Daily Gazette on June 20, 2005.

Mr. Joseph Dannible, consultant for the applicant, presented this application that calls for
the subdivision of 6.14 acres of land in a B-4A zone on the western side of Route 9 north
of the intersection of Route 9 and Clifton Park Village Road. The 4.82 acre parcel will
contain the proposed Tractor Supply Company retail store. No site plan has been
presented for the 1.3 acre parcel. Both lots will be served by public water and the
Saratoga County Sewer District. The subdivision will create the need for the
establishment of a parking easement from the Tractor Supply Company to the proposed
Lot #1750.

Mr. Kemper reported that this project was previously presented to the Board on February
23, 2005. At that time, the Board found the proposal generally acceptable. Mr. Kemper
asked that the applicant indicate the possible access for proposed Lot #1750 and observed
that an easement may be required. Mr. Kemper stated that postal addresses must be
verified by Sheryl Reed. He asked that the site be identified on the site location map.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the revised
subdivision plan and have found that all previous comments have been adequately
addressed. He did recommend that the demolition of the existing buildings be indicated
on the final plan.

Mr. O'Brien, Environmental Specialist, stated that, after reviewing the project, the ECC reiterated the following comments. The ECC again requests that all greenspace should be clearly delineated on the plot plan using shading. Additionally, the ECC recommends that each lot shown should contain the 35% or more of greenspace. The following standard statements should 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.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:19p.m.

Mr. Russell asked about the removal of the existing house and commercial building that exist on the site. The consultant explained that removal of the house will occur as part of the Tractor Supply site development. Mr. Karam asked that the lot lines be revised to provide a larger development area for proposed Lot #1750 and a reduction in the amount of cross-easement area. Though Mr. Kemper noted that cross-easements are a usual part of integrated site plans, Mr. Bulger encouraged the lot line modifications. He discouraged an additional curb cut onto Route 9.

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

Mr. Bulger offered Resolution #15, seconded by Mr. Karam, to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso and adjustment of the proposed property boundary to the south and east. Ayes: Kramer, Larkin, Pace, Karam, Hughes, Russell, Bulger. Noes: None.

[2004-055] New York Development Company – Proposed (21) lot subdivision (Oronacha Farms), Vischer Ferry Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:25p.m. The Secretary read the public notice as published in the Daily Gazette on June 20, 2005.

Mr. Scott Lansing, consultant for the applicant, presented this application that calls for the subdivision of 26.95 acres of land in an R-1 zone on the east side of Vischer Ferry Road, north of its intersection with Greenlea Drive. Mr. Lansing explained that the property contains an existing farmhouse and accessory buildings: the parcel was formerly used for farming activities. The applicant now requests approval of a (21) lot subdivision. The minimum lot size is 15,000 SF. The following setbacks have been established: 30' front yard setback; 10' side yard setback; 25' rear yard setback. Each residence will be

served by the Clifton Park Water Authority and the Saratoga County Sewer District No. 1. Mr. Lansing explained that 12.86 acres of land will be dedicated to the Town as open space and that a multi-use pathway that also serves as an access for emergency services will be installed from Redfield Park to the new street. The consultant addressed the previous comments made by the Town Engineer, Mr. Kemper, and the Planning Board. He reported that the applicant has now provided additional landscaping along Vischer Ferry Road to improve screening of the proposed homes, eliminated one lot to the southeastern portion of the site, reoriented lots toward the new road, and added picnic benches along the connection to the Wyncrest subdivision.

Mr. Kemper reported that the project last appeared before the Board on February 23, 2005. At that time, the Board expressed concerns with the number of lots, the maintenance of the open space, and the types of park features to be added around the pond. The applicant has reduced the project by eliminating one lot, added park benches and picnic tables around the pond, and agreed to deed the open space to the Town. The project is a Type 1 action under SEQRA and coordinated review will be required. This process may be initiated if the Board finds the layout as presented acceptable. The project will be subject to the Vischer Ferry Road CIP Fees. A Saratoga County Department of Public Works work permit must be provided: the applicant should provide verification from that Department that it is satisfied with the layout of the road. The project site is all sand with no established lawn at this point in time. He therefore recommended that a note be added to the plans stating that topsoil will be added to these areas. This project will be added to the Wyncrest Park District: a note stating this must be added to the plans. A note must be added to the plans stating that the vegetation on the south side of the entrance extending into Lot #1 must remain. The purpose of the identified planting easement must be clarified. A NYSDEC Wetland permit must be provided for the proposed multi-use path and roadway. The plans must show the trail connection out from the proposed roadway to Redfield Park. Clough, Harbour, and Associates must provide a sign-off on the proposed retaining wall. The silt fence must be continued along the multi-use path area. The multi-use path detail shows an 8 foot wide path: the applicant should provide evidence that the path width is acceptable to the Fire Code Appeals Board. All other conditions of the variance must be added to the plans. A planting plan must be provided that outlines the number of plantings.

Mr. Kemper reported receipt of letters from Robert Allison via email on June 27, 2005 and June 28, 2005. Copies of the letters were provided to Board members. Mr. Allison asked that the letters be included in the record for the public hearing. Mr. Kemper explained that Mr. Allison's main concern was that the proposed trail is not located in the center of the paper street, though he also requested the addition of vegetative buffering along the trail. A letter was submitted by Richard Zahnleuter on March 25, 2005: copies of that letter as well as recent correspondence were also provided to the Board members for their consideration. His main concerns included extension of a trail to Belmonte Lane and inclusion of the proposed subdivision in the Wyncrest Park District. The debris located along the stream corridor will need to be removed prior to the dedication of the open space: a note stating this must be added to the plans.

Mr. Kemper also reported receipt of the following comments from Eric Hamilton, Chairman of the Town's Trails Committee on June 28, 2005. Mr. Hamilton stated his support of the proposals put forward by Rick Zahnleuter in his letter of June 22, 2005, though he recognized that the eastern end of the proposed trail connection would be on Town owned land. He stated that he "realizes that the Town's record of providing a connection between a new development and an "established" neighborhood is dismal at best. However, if this connection could be facilitated, future generations would be grateful."

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the preliminary subdivision plans for the above referenced project prepared by Lansing Engineering, PC, dated June 8, 2005; Water Supply and Sewer Reports dated June 7, 2005; and Stormwater Pollution Prevention Plan dated June 8, 2005. He reported that the plans and reports are generally complete from a preliminary plan submission perspective and can be considered for a public hearing and preliminary plan review by the Planning Board. However, because of many outstanding minor technical items the firm does not recommend formal action by the Planning Board at this time. The preliminary plans incorporate many of the suggestions made in the last review letter and those of Planning Department staff and Planning Board. One recommendation made in the last review that has not been incorporated into the plans is the development of a multi-use pathway either around the pond or extending behind Lots #13 through 9 along the stream outletting from the pond. Approximately 900 feet of multi-use pathway has been incorporated into the plans. The Planning Board may wish to evaluate the need of additional pathways as part of this project.

Mr. Grasso offered the following additional comments. The plans should clearly identify this as "Cluster Subdivision". The site statistics should include total site area as well as the anticipated disturbed area including lot development and any wetland impacts. The site statistics indicated 22 lots: 21 are shown. The number of off-street parking spaces should be verified based on the number of lots. An existing conditions/demolition and removals plan should be included in the plan set. If the Planning Board determines that a multi-use pathway is not required at this time behind Lots #13 through 9, a possible future pathway should be identified. The sight distance at Vischer Ferry Road should be added to the plans. The radii at Vischer Ferry Road should be able to accommodate truck turns. The possible future road right-of-way to Wyncrest should line up with the existing stub street within that subdivision. Details should be provided for the modifications to the outlet of the pond. The multi-use pathway connection to Wyncrest needs to be able to support a 50,000 lb. fire apparatus and have a gravel base sixteen feet wide. The connection to the 20" water main on Vischer Ferry Road should be by a 20" x 8" tapping sleeve and valve. All side (lateral) hydrants should be served by an 8" x 8" x 6" tee instead of a reducer.

Mr. Grasso reported that a number of technical comments must be addressed. The Grading and Erosion Control Plan should show drawing scale, phasing, sediment basin design calculations, rip-rap details and sizing calculations, temporary seeding areas for interim disturbances, inlet protections, tree protection, and limits and quantifications of

disturbance (clearing and grading). AASHTO recommends a K-value of 37 for 30 mph sag curves yet only 33.33 is provided at station 96.79. Many pipes are shown at the minimum pipe slope of 0.50%. The 10-yr. hydraulic grade line should be shown and verified that no surcharge will occur. The profile of the sewer under the pond outlet should indicate 18" minimum vertical separation. Material notes should be provided for the proposed sanitary sewer improvements. A manhole connection detail should be provided for the connection of the low pressure sewer laterals to the manholes. An outlet detail should be provided for the detention ponds and a ladder appears required for the basin outlet structure. The following comments related to the Stormwater Pollution Prevention Plan:

- Need 2-yr. storm design and routing data.
- Show volume comparison of 1.2" first flush vs. 1 yr. 24 hr storm event. Use greater value for water quality.
- Cn values in report do not match on plan. Cn values for 1/3 to 1/2 acre lots are typically 55-56 for type A soils.
- Pre and post-developed drainage areas do not match in totals acreage.
- The Tc for existing basins depict sheet flow with dense grass, however the Cn calculation depicts 50-75% grass cover. To use this you would need a good condition grass cover greater than 75%. Use Cn of 39 instead of 49 in Cn calculations.
- Show verification of capacity for culvert of existing pipe with increased flows due to development.
- Road drainage system to be designed for ten year storm. Show HGL on profiles and give pipe velocities for ten year storm. Pipe velocities shall be greater than 3 feet per second.
- Show roughness coefficient for pipe material.
- Give runoff coefficients, Tc, and drainage areas for pipe calculations.
- Include methodology and software of pipe design.

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

Mr. Richard Zahnleuter, 52 Redfield Park, summarized issues he raised in a letter to Board members dated June 22, 2005. He asked that the land that is part of the proposed subdivision that will be conveyed to the Town, including the pond, wetland areas, and adjoining open space be incorporated into the Wyncrest Park District. He also asked that land to the east of the subdivision and a small parcel currently owned by VanPatten that abuts Belmonte Lane be included in the Wyncrest Park District. Rationale for such action included preservation of the natural characteristics of the pond and surrounding lands and the creation of an east-west trail link that would connect trail systems to the west with Belmonte Lane and the pools, schools, library, and neighborhoods to the east. Mr. Zahnleuter favored the construction of a multi-use pathway along the top of the ravine from the proposed emergency access and trail to the east. He asked that the Board condition approval on the completion of such a trail segment, citing comments by Board members in support of a trail system throughout the review process. The speaker noted that the Town of Clifton Park's Master Plan outlines strategies for expanding pedestrian and bicycle transportation facilities throughout the Town.

Ms. Michele Buselli, 25 Redfield Park, asked about the need for a 16-foot wide access trail that will be installed on a parcel that adjoins her property. Mr. Grasso explained that the multi-use pathway will also serve as an emergency access route to the Oronacha Farms subdivision. This will require the paved portion of the trail to be 8 feet wide with 4-foot wide gravel strips on either side. Ms. Buselli also asked about the proposed gated access. Mr. Kemper stated that the pathway would be secured by bollards or by a locked gate, though pedestrian and bicycle access to the pathway would be provided. Ms. Reed, Chief of the Bureau of Fire Prevention, will determine the mechanism best suited for emergency access. Mr. Buselli observed that there was substantial vegetation on the Oronacha site that provided privacy for the residents of Wyncrest: she was concerned that installation of the trail would require the clearing of many trees. Mr. Lansing stated that clearing will be limited to the greatest extent practicable, though he acknowledged that some clearing would be required to construct the trail. Speaking of the “long-term” effect of the proposed development, Ms. Buselli asked if the proposed pathway/emergency access could become a town road. Mr. Bulger explained that Ms. Reed has found the emergency access as designed by the applicant’s consultant to be an acceptable alternative to a roadway. This appears to be an acceptable solution to the second access requirement and one that should adequately serve the development in the future. He also noted that the applicant has reduced that number of lots within the subdivision. Ms. Buselli asked that the emergency access from Wyncrest not be used for construction vehicles. Board members agreed that this was a reasonable request. Ms. Buselli expressed concerns about the condition of the fence that separates the Oronacha property from the homes on Redfield Park. Her concerns focused on the removal and/or proper maintenance of the fencing. Mr. Bulger explained that the Board will consider the best option for the fencing and will consult with park district representatives to determine if it should be repaired or removed. In response to Ms. Buselli’s question regarding maintenance of the ponds, Mr. Kemper explained that the pond will be maintained by the Town or by the park district that is assigned jurisdiction for the area.

Ms. Mary Bucca, 29 Redfield Park, asked that the trees to the north of the stream be preserved and that the fencing be repaired and maintained since it provided a barrier along the steep slopes that border the ponds. She stated her opposition to the installation of a trail along the northern edge of the pond because of the steep slopes. The speaker was also concerned about the adequacy of fire hydrants and water pressure within the proposed development. Mr. Lansing stated that reports have indicated that adequate pressure and coverage is available to the proposed residences. Mr. Kemper explained that a sign-off from the Clifton Park Water Authority is required.

Mr. Ken Constable, 27 Redfield Park, spoke as a Wyncrest Park District representative, explaining that the Wyncrest Park District would willingly accept the residents of Oronacha Farms into the district. He supported Mr. Zahnleuter’s request for the installation of a multi-use pathway that would provide links with other subdivisions and connections to community services. Mr. Constable asked the Board to consider the need for parking along the ponds. His last comment concerned the notification information that was provided via certified mail to property owners within 500 feet of the project

boundaries. He stated that the letter provided little information about the proposed project and was quickly dismissed by many who received it.

Mr. Lamb, 34 Redfield Park, agreed with the comments offered by his neighbors. He asked if the developers could provide a path or some type of access to the picnic area.

Mr. Tim Coll, 2 Clare Court, asked that pathways be provided to prevent pedestrian or bicycle travel on roadways. Board members agreed that the short trail segment planned for the new town roadway was reasonable.

Board members focused their discussion on the issue of the multi-use pathway. Mr. Karam asked that the Board consider the development of a trail around the ponds – he was concerned about the “intrusion” into the pond area due to the limited land area and steep slopes. Mr. Lansing discussed the proposed pathway, noting that a minimal portion of the trail would utilize the proposed roadway. In his opinion this was reasonable, since it reduced the need for Town maintenance and provided additional privacy for homeowners since the trail would not run behind proposed residences. Mr. Kemper recommended that stone dust paths be provided from the trail to the picnic area and park benches. Upon hearing that the depth of the ponds was perhaps 10-12 feet deep, Mr. Hughes expressed his concern for the safety of those walking near the ponds. Though Mr. Zahnleuter noted that the Board had previously discussed trails around the ponds, Mr. Lansing explained that the sharp grade along Vischer Ferry Road would prevent the installation of a “looped” walking trail. Mr. Kemper explained that the applicant has provided a substantial trail link that provides connection to areas to the east and west of the project. Mr. Bulger agreed that the applicant will be responsible for development of a significant trail connection: responsibility for additional trail development should be limited. In response to Board members’ inquiries, he also explained that CIP fees could not be used for trail development. In response to Mr. Hughes question regarding the cost of the construction of a link from this development to the east through lands currently owned by VanPatten, Mr. Grasso estimated that such construction would cost approximately \$55,000. Board members discussed several alternative locations for placement of a trail, though no agreement was reached. Mr. VanGuilder, original consultant for the applicant, explained that NYSDEC would prefer that the 100’ buffer surrounding the ponds be returned to its natural state. He stated that the property lines along the ponds were established to respect the buffer area. He noted that any work within the buffer would require NYSDEC approval. Mr. VanGuilder explained that crossing the ravine between the proposed subdivision and Belmonte Lane would be impractical due to the steep slopes and required stream crossings. Mr. Bulger suggested that a meeting of all interested parties, including the applicant, representatives of the Wyncrest Park District, and NYSDEC officials, may be helpful in determining the best location for and method of construction for trail development within the Oronacha subdivision.

Mr. Bulger noted that there were several issues to be addressed. He, therefore, recommended that the public hearing be adjourned. Mr. Karam identified parking for those people who would like to enjoy the ponds as an item of concern. Mr. Bulger stated

that the Board will consider alternative trail designs to determine the best location for its installation. Ms. Pace pointed out that given the topography that surrounds the ponds, trails may be inappropriate, diminishing the beauty of the area surrounding the ponds. Both Mr. Karam and Mr. Bulger agreed that the applicant has been most responsive to the Board's concerns: they expressed their appreciation for the applicant's willingness to revise plans in accordance with Board comments. The Board agreed that coordinated review could be initiated.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the public hearing at 8:45p.m. The motion was unanimously carried.

Old Business:

[2005-037] E. J. Prescott – Proposed 500 SF pole barn, 198 Ushers Road – Preliminary site plan review.

Mr. Rod Dubois, representative for E. J. Prescott, presented this application for the Board's consideration, explaining that a new product requires enclosed storage. The company would like to install a 50' x 10' pole barn on lands owned by the Fortune Construction Company in an area currently used for product storage. The pole barn will be constructed of metal sheathing on three sides with a canvas cover to the front.

Mr. Kemper explained that this project plan was presented to the Board on June 14, 2005 as a discussion item: the Board determined that formal site plan review would be required. Mr. Kemper asked that colored renderings of the storage facility along with samples of building materials be provided.

Mr. Grasso approved the project after learning that the facility would be constructed on existing pavement and would add no additional lighting to the site.

Mr. O'Brien reported that the ECC had no comment on this application.

Mr. Bulger asked that the canvas used to shield the front of the pole barn be neutral in color and that there be no signage or logo stamped on the material. He also asked that the materials used on the building's three sides be similar to the existing warehouse buildings. Board members agreed with these approval conditions.

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

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

2005.

This item was withdrawn from this evening's agenda at the request of the applicant.

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

Mr. Paul Olund, consultant for the applicant, presented this application that has been revised since it was last presented to the Board on May 10, 2005. The project plan now shows a two-way "full service" ingress-egress from Plank Road to the north of the site and a one-way entrance to the south. The dumpster location has been moved to the northern property boundary to allow for better traffic circulation through the site. The proposed four-tenant facility has been reduced to two tenants: a retail outlet and a restaurant. The plan shows a proposed 1751 SF restaurant with a seating capacity of 69. This use would require 38 parking spaces. The applicant will attempt to preserve as much existing vegetation as possible and will provide additional plantings to enhance the property. An off-site sewer connection will provide service to the Saratoga County Sewer District #1 and water service will be provided by the Clifton Park Water Authority. A stormwater management report has been provided: on-site underground storage is proposed. The consultant reported that the site would contain 35% greenspace with paving of the eight "landbanked" spaces.

Mr. Kemper offered a number of comments regarding this application. The project last appeared before the Board on May 10, 2005. One of the major concerns raised by the Board at that meeting was the amount of greenspace. Board members requested that the greenspace be increased to approximately 42%. The board also expressed concerns with parking, the uses proposed for the buildings, and the establishment of cross access easements between this parcel and the one adjoining. Mr. Kemper reported that although Mr. Vuillaume had stated that the applicant would explore the cross access easements and that the buildings would include a mix of retail and office uses, no restaurant use had been previously proposed. Mr. Kemper explained that preliminary approval was not possible at this evening's meeting since the applicant had not sent the required 500' notification information. The speaker asked that increased detail must be added to the façade renderings that were provided for the last meeting. Sign-offs must be provided by the Clifton Park Water Authority and the Saratoga County Sewer District. The purpose of the stairs on the north side of the building must be clarified. The method of calculating greenspace should be submitted and should indicate whether or not landbanked parking spaces were included. The quantity and sizes of the plantings must be increased. A stormwater management report must be submitted.

Mr. Grasso, Clough, Harbour, and Associates, asked that the justification for the one-way in access proposed to the south of the site. He asked that the applicant obtain a recommendation and sign-off from Sheryl Reed, Chief of the Bureau of Fire Prevention. He expressed his reluctance to approve a project that appeared to call for "overbuilding" on a minimal site. He was concerned that the lack of cross-access easements and the grade changes between this parcel and the parcel to the west would pose serious parking

problems and traffic flow difficulties if a restaurant use was approved for a portion of the building.

Mr. O'Brien, Environmental Specialist, reported that the ECC offered the following comments regarding this application. The Commission 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. In addition, the ECC recommends that the following standard statements should be placed on 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.

The ECC further recommends that the proposed greenspace must be 35% or greater for the entire parcel and that all greenspace be clearly delineated the plot plan using shading.

Board members were mainly concerned with traffic safety issues. Mr. Karam and Mr. Hughes both commented that the proposed one-way in to the south of the site was impractical. Mr. Karam reiterated previous requests for a cross-easement with the property to the west. The applicants, owners of the site, reported that the adjoining property owner was not amenable to establishing a cross-easement. They also stated that it was their understanding that the curb cut to the south was to be an exit rather than an entrance. Board members agreed that this was more reasonable, though Mr. Grasso found it unacceptable. Mr. Russell, citing other restaurant development within the Town, expressed concern that the parking would not be sufficient for the proposed restaurant use. The applicants countered that since the retail business would be a low-volume mattress store, the parking would likely be sufficient. Board members did not agree. Mr. Larkin was particularly concerned that the change of use would create "different traffic dynamics" that would impact traffic safety. Mr. Kramer commented that the site – a gateway to the Town – was now an eyesore. He was pleased that the applicants were working to improve the site, but asked that the building façade and site development be aesthetically appealing. Mr. Bulger explained that the Board would not support development that could potentially create a problematic situation. He asked that the plan be revised to show the proper curb cut alignment and a reasonable use for the site. Recognizing the constraints of the site, he did support the proposed 35% greenspace allotment. Since the parcel lies in close proximity to NYS Route 146, Mr. Grasso explained that NYSDOT recommendations regarding the proposed curb cuts would be required.

Revised conceptual review.

Mr. Scott Lansing, consultant for the applicant, “re-introduced” this application, originally submitted in 2002, that calls for the development of (44) single-family residences on an 80.5 acre parcel on the north side of MacElroy Road. He explained that the project has been designed as a cluster subdivision, with the following setbacks: 30’ front yard; 25’ rear yard; 10’ side yard. Connection will be made to the Clifton Park Water Authority via the existing Dutch Meadows system and the Saratoga County Sewer District #1 via the recently-approved Fairway Woods subdivision. Pockets of wetlands that have been delineated on site preclude development of approximately 14 acres of land: these protected lands, generally located to the west of the site will be conveyed to the Town of Clifton Park. The consultant reported that his client is aware of new zoning applicable to parcels within the western portion of the Town and recognizes the costs that will be incurred with development of the acreage as proposed.

Mr. Kemper stated that this project last appeared before the Board on October 15, 2003, at which time the project was at the preliminary review phase though no public hearing was held. The project was then subject to the moratorium established by the Town Board. A table should be placed on the plan that indicates the amounts of constrained and buildable land, respectively. The number of units cannot be determined without this information. Mr. Kemper reported the receipt of two letters from Joe Stockbridge. The letters were copied for each Board member and are attached to these minutes. Any DEC or ACOE permit approvals should be provided to the Planning Department for review. The applicant was asked to submit information regarding the status of these approvals. The applicant should explore the feasibility of connecting this subdivision with Veterans Park via a board walk or multi-use path. Mr. Kemper explained that Eric Hamilton provided a memo dated June 28, 2005 that stated that “it would be desirable to include a trail separated from the travel lane on the access road from the subject development to MacElroy Rd. This would connect the neighborhood [with the proposed trail along MacElroy Road between the latest proposed VanPatten development and Elk’s Road] to Veterans Park.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the project plans and offered the following comments. The project was last presented to the Planning Board as a cluster subdivision in accordance with the former R-3 Agricultural-Residential zone. The project site was included in the Western Clifton Park GEIS Study Area and was subject to the recent moratorium. The project site is now covered by the new CR-Conservation Residential zone and development of the site will require conformance with the Statement of Findings. Although the project site was not identified as a special Open Space Resource parcel within the GEIS due to the previously proposed subdivision, portions of the project site are important for open space planning because it can provide a continuous uninterrupted open space corridor running from north to south which ties in with the Town’s MacElroy Road park lands. As long as no plan changes result in development further west, the protection of the open space on the west side of the site should meet the regional open space objectives of the Town.

The plans should indicate the amount of “unconstrained land” as defined in the zoning regulations. From the information provided, it appears that approximately 66 of the 80.5 acres are unconstrained. If this is confirmed, the base density of the parcel will be 22 lots. Because 44 lots are proposed, the proposed density is not in accordance with the new zoning. If the Board finds that an increase of the development density on this property is appropriate, options available to the applicant to achieve the increase in density include the following: a transfer of one development right from another parcel within the study area; a purchase of one development right. The value of the development right as stipulated in the new zoning is \$30,000. Any transfer or purchase of development rights requires Town Board approval.

The engineering firm had previously expressed concern over the new Town Road proposed from MacElroy Road and the impacts associated with its crossing of the wetland corridor. The access was discussed and seemed amenable to the Planning Board. From an engineering standpoint, the proposed access arrangement appears acceptable.

Mr. Grasso reported that the following comments from previous review letters remain to be addressed. The name of the person or firm responsible for the freshwater wetland delineation should be identified on the plans set. The wetland delineation map should be submitted to both the United States Army Corps of Engineers and NYS Department of Environmental Conservation for a jurisdictional determination. Only after both agencies have reviewed, field verified and approved the wetland delineation can the exact limits of onsite wetlands and LC-Land Conservation zone limits be known. All correspondence from these agencies should be copied to the Town for their records. Due to the project’s proximity to the Town park land and recreational fields, it is recommended that a multi-use pathway be provided to these areas. Water supply for the project is proposed by extension of the water system from the Dutch Meadows residential subdivision. This area of the Town has a history of marginal water pressures. A letter should be provided from the Clifton Park Water Authority stating that they are willing and capable to serve domestic and fire flows for the proposed project. Hydrant flow and pressure tests should be provided near the proposed points of connection to identify the existing static water pressures, available flows, residual pressure during the flow tests and projected fire flows at 20 psi. The report should estimate minimum static pressures at the highest elevations on the project site. Sanitary service for the project is proposed by privately owned grinder pumps and a low pressure sanitary forcemain. The location and entity who owns the receiving sewer is not clear. A letter should be provided from the Transportation Corporation that they are willing and capable to accept and treat wastewater flows for the proposed project. Analysis should be provided demonstrating that the receiving sewers have capacity to accept flow from the proposed project in addition to existing flows.

Mr. O’Brien, Environmental Specialist, state that the ECC reiterated the request that the proposed road crossing of a wetland be done in a manner to prevent any restriction of the watercourse flow. In addition, the ECC made the following recommendations. The following standard statements should be added to the plot plan:

a. The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federal jurisdictional wetlands have also been

identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone and /or Federal Wetlands.

The ECC would like to see the multi-use trail on MacElroy Road for safer access to park lands.

Mr. Larkin offered several comments regarding this application. In response to his request that the several lots to the east of the site near the access to MacElroy Road be eliminated because of the proximity of wetlands and steep slopes, Mr. Lansing explained plans call for grading of the slopes and protection of wetlands. Mr. Larkin expressed his concerns regarding traffic flow, stating that the proposed development would encourage travelers to take advantage of a “short-cut” from Hubbs Road to MacElroy Road. He also pointed out that this project, combined with the Fairway Woods subdivision, would produce significant traffic along MacElroy Road. He encouraged the Board to require the completion of a traffic study. Mr. Karam asked that traffic signage be provided at the intersections of the proposed roadways with the existing roads within the Dutch Meadows subdivision. Mr. Larkin was also concerned with the water pressure within the Dutch Meadows and the impact on that the proposed development may have on existing homes, noting that the project would “double” the number of residences on a single line. Mr. Russell supported Mr. Larkin’s concern, stating that existing residents should not be negatively impacted by new development. Mr. Larkin reiterated his concern regarding water pressure and the recommendation regarding a new water tank that was presented by Mr. Stockbridge in his letter to the Board. Mr. Grasso explained that the proposed water tank location was not viable.

Mr. Bulger addressed members of the audience, explaining that there are a number of issues that the applicant must address prior to public hearing that will be held upon submission of a complete preliminary application. Mr. Larkin concluded the discussion by noting that the applicant’s request for the development of (44) units rather than the (22) units that would be permitted by new zoning legislation would require approval of the Town Board.

New Business

[2005-036] Galick, Steve and Becky – Proposed (2) lot subdivision, 355 Miller Road – Conceptual review.

Mr. Dave Flanders, consultant for the applicant, presented this application that calls for the subdivision of a 56 acre parcel in an R-1 zone on the east side of Miller Road opposite the entrance to the Settlers Hill subdivision into lots of 1.884 acres and the remaining lands. The smaller lot will contain the existing farmhouse, barn, and out buildings that are currently occupied by the applicants. The home is served by the Clifton Park Water Authority: an individual septic system is utilized. Though the proposed subdivision plan did not illustrate the remaining lands owned by Galick family members, Mr. Flanders acknowledged that the parcel contains substantial wetland areas. Mr. Flanders addressed the items of concern included in Clough, Harbour, and Associates’

review letter. He noted that access to the larger parcel would likely be limited to the 60' stub provided at the boundary with the Oaks subdivision. He argued that since the new lot is being created for a member of the Galick family, mitigation fees should not be assessed. He explained that since a multi-use trail is located to the north of the proposed subdivision, the conveyance of a ten foot strip for future roadway or pathway improvements should not be required.

Mr. Kemper requested that any wetlands delineated on the parcel be illustrated on the subdivision map. He also asked that future plans for the larger lot be identified. The septic system for the existing house should be shown on the plan.

Mr. Grasso reported that Clough, Harbour, and Associates' review of the subdivision plan for this project resulted in the following comments. The proposed subdivision will create a new lot that could be developed without further Planning Board review, the access to which could be impacted by a wetland and LC-Land Conservation corridor that crosses Miller Road. It is recommended that this be investigated at this time to verify that the remaining lands can be developed with a single family residence. Previously a 53-lot subdivision was proposed for the project site. If it is the applicant's intent to further subdivide the parcel, the potential points of access should be investigated at this time. Based upon our field investigation, the only potential new town road access would be directly across from Aster Drive. The proposed subdivision may prevent this from ever occurring, potentially reducing the development potential of the properties involved. Sight distance should be checked at any future driveway location.

The subject property is located within the Vischer Ferry Road Corridor GEIS Study Area. If development of the project is deemed to be in conformance with the statement of findings, then a negative declaration pursuant to SEQR may be appropriate. The applicant should contribute to the mitigation fees established in the Vischer Ferry Road Corridor GEIS and Capital Improvement Plan. Estimates of the C.I.P. fees are as follows:

- Transportation 1 Trips x \$268/Trip = \$ 268
 - Sanitary Sewer 1 EDU's x \$3,314/EDU = \$ 3,314
 - Water Distribution 1 EDU's x \$1,728/EDU = \$ 1,728
 - GEIS Preparation 1 EDU's x \$310/EDU = \$ 310
 - CIP Preparation 1 EDU's x \$ 49/EDU = \$ 49
- Total: = \$ 5,669

Miller Road is identified in the Town of Clifton Park Trails Master Plan as a road recommended for pedestrian improvements. In order to accommodate these or other roadway improvements required to address the cumulative impacts of development in the area, it is recommended that a conveyance of an additional ten feet of right-of-way along the project's road frontage be provided. The entire parcel to be subdivided should be shown on the map. The approximate location of any existing wastewater disposal systems should be shown.

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

acceptable.

Mr. Grasso encouraged the Board to consider requiring the applicant to add a note to the map that would state that future access to the larger lot will be restricted as a result of this subdivision. Due to extensive wetlands and sight distance issues along Miller Road, it is possible that the only access will be from the Oaks subdivision located east of the site. Board members discussed this recommendation at length, but decided that any determination regarding a road location would be deferred until an application for subdivision of the larger parcel is submitted. Board members found the concept plan generally acceptable. In response to the applicant's request for relief from assessed CIP fees, Board members agreed that, pursuant to Resolution #308 of 1993, the applicants would be exempt from this requirement since "no mitigation costs shall be assessed to those..... who make any application for a subdivision of property to family members for purposes of building a single family residence for use as the family's primary residence."

[2005-035] Massaroni Builders – Proposed (6) lot subdivision, Tanner Road – Conceptual review.

Mr. Scott Lansing, consultant for the applicant, presented this application that calls for the subdivision of 29.35 acres of land in a CR zone on the east side of Tanner Road. Regulated wetland areas total 15.28 acres, leaving a 14.07 acre buildable area. The applicant proposes the construction of four single-family residences on a common drive. Two additional units are to be located in the southwestern portion of the site. All lots will be served by the Clifton Park Water Authority and the Saratoga County Sewer District.

Mr. Kemper offered several comments regarding this application. The project will require a sign-off from Clifton Park Water Authority and from the Saratoga County Sewer District. Mr. Jim DiPasquale, Director of the Sewer District, provided a memo dated June 27, 2005 that stated the following: "The project as proposed would be a grinder pump system which would discharge to the 20 lot subdivision which discharges to the 17-lot Emerson Subdivision which ultimately discharges to the to a gravity system on Stratford Drive. The project will need to be submitted to Saratoga County Sewer District in compliance with the District's Rules and Regulations. Capacity of receiving sewers will need to be established as well as potential for service to surrounding properties." The plan should clarify the whether or not the statistic for regulated wetland includes the ACOE wetlands. Mr. Kemper asked that a shared access drive be utilized for Lots #1 and 2.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed this application and offered the following comments. The proposed project is located within the Western Clifton Park GEIS study area and the new CR-Conservation Residential zoning district. The project site is not identified on the Land Conservation Plan as an Agricultural or Open Space Resource parcel worthy of special protection. As such, development of the project site may be considered appropriate by the Planning Board. As proposed, it does not appear the project is in conformance with the Statement of Findings and new zoning due to lack of measures to permanently protect open space and limiting density to one lot

per three buildable acres. The existing parcel is 29.35 acres, and the plan indicates that 15.28 are regulated wetlands and 14.07 acres are “buildable area”. It should be confirmed that the 14.07 acres constitute “unconstrained land” in accordance with the new zoning regulations. If this is confirmed, the base density of the parcel will be 4.7 lots which would be rounded to five lots. Because six are proposed, the density is not in accordance with the new zoning. The applicant may wish to reduce the proposed density to five lots. If the Board finds that an increase of the development potential of the property by one lot is appropriate, options available to the applicant to achieve the increase in density include the following:

- A transfer of one development right from another parcel within the study area.
- A purchase of one development right. The value of the development right as stipulated in the new zoning is \$30,000. Any transfer or purchase of development rights requires Town Board approval.

Mr. Grasso provided the following additional comments. The project site lies immediately adjacent to the Falcon Ridge subdivision which has a large open space area that was conveyed to the Town of Clifton Park. Because the environmentally sensitive areas of the project site are contiguous with these open space lands, it is recommended that they be conveyed to the Town as additional open space. The minimum lot sizes proposed shall be in accordance with the zoning regulations. The proposed method of water and sewer service should be identified. Based on the soil investigation results, it doesn't appear the lots are suitable for on-site wastewater disposal systems. It is assumed that the lots will be served with municipal utilities.

Mr. O'Brien, Environmental Specialist, reported that the following comments were prepared by the ECC. Given the extent of wetlands on this parcel and the high water table that is in some location less than 12 inches below the surface, this property seems unsuitable for residential home development. The ECC believes that extensive review and analysis of the aforementioned concerns should be conducted before this project moves forward. The ECC also recommends that wetlands be consolidated under one parcel to the greatest extent possible.

Mr. Bulger asked that the amount of unconstrained open space be verified and that the buffer areas be clearly shown on the project plan. In response to Mr. Bulger's question regarding the ability of adjoining property owners to tie into the water service extension, Mr. Lansing believed that this would be a possibility. The sewer connection details were not available. Though the Board found the project plan generally acceptable, Mr. Bulger asked that members consider the options available to the applicant in order to secure approval of the sixth building lot.

Discussion Items

Windsor Development – Amendment to Southside Plaza site plan

Mr. Bob Miller, corporate representative, presented this site plan amendment that calls for the upgrading of the building known as Southside Plaza. The applicant proposes the installation of awnings and decorative lighting to enhance the building's façade. In

addition, a total of 696 SF will be enclosed to create a “lobby area” near the elevators and provide shelter from inclement weather. The speaker provided colored renderings for the Board’s consideration. Board members agreed that the proposed changes to the building would improve its appearance and add convenience for those patronizing the businesses contained within the structure. It was the consensus of the Board that the project proposal did not represent a “significant change” to the site: no formal site plan review would be required.

Chelsea Place

Mr. Joe Dannible, consultant for applicant Charles Hoffman, requested permission to clear and grade a 1.03 acre parcel behind the existing medical office building on Chelsea Place. Board members found the applicant’s proposal acceptable. No formal site plan review will be required.

[2004-034] Weiss, Jeffrey – 6,000 SF office building, NYS Route 146 and Plank Road.

Mr. Paul Olund, consultant for the applicant, returned to the dais to request Planning Board approval of demolition and grading of the site. He explained that the first priority for the applicant was the removal of the existing building and proper grading of the site in anticipation of building construction. Mr. Grasso asked that a certified assessment of the site be submitted to ensure that all underground fuel tanks had been removed in accordance with specified guidelines. Mr. Kemper stated that an escrow account would be required to ensure that all reseeded is completed. Board members asked that the trees to remain be tagged prior to any site work and that Mr. Kemper approve the project proposal.

Minutes Approval

Mr. Bulger moved, seconded by Mr. Larkin, approval of the minutes of the June 14, 2005 Planning Board meeting as written. The motion was unanimously carried.

Mr. Bulger moved, seconded by Mr. Hughes, adjournment of the meeting at 11:05p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on July 12, 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 #15
Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on June 28, 2005, there were:

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

Absent: None

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

Whereas, an application has been made to this Board by Diamond Development LLC for approval of a subdivision entitled Tractor Supply Company – Preliminary Subdivision Plan consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 28, 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 June 28, 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 Tractor Supply Company – Preliminary Subdivision Plan consisting of (2) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso.

Resolution #15 passed 6/14/05

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

Noes: None

Steven J. Bulger, Chairman