

Clifton Park Planning Board Meeting Minutes - July 12, 2005

Planning Board

Those present at the July 12, 2005 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, T. Karam, J. Russell, S. Pace

Those absent were: S. Hughes, A. Kramer, J. Larkin

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

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

Public Hearings:

[2005-034] Everitt, David – Proposed (2) lot subdivision, Crescent Road – Preliminary public hearing and possible determination.

Though scheduled for a public hearing, Mr. Kemper explained that since the 500' notifications had not been sent, this project would be considered for revised conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that remains generally as presented at the June 14, 2005 meeting. He explained that the Zoning Board of Appeals approved an application for a 20-foot setback variance for the south side of the proposed lot at its June 21, 2005 meeting. Pursuant to Section 179-26-C of the Town Code, "keyhole- or flag-type lots shall be large enough to contain the minimum lot acreage required by the Zoning Ordinance, without including the area within the driveway strip." Since the Latham Water District requires that a septic system be located at least 300 feet from the edge of the water of the Stony Creek Reservoir, the access strip portion of the lot has been widened substantially to accommodate a large enough area for installation of a septic system. The strip is also being used to install utilities. Mr. VanGuilder explained that the applicant believes that these facts provided adequate justification for the Board to waive the code requirements: he believes that he has met the "spirit" of the code. By strict interpretation of the code, the lot remains deficient by 5,475 SF. Mr. VanGuilder pointed out that the lot line provides both the existing residence and proposed home a level of privacy consistent with lots in the vicinity.

Mr. Kemper reported that this project last appeared before the Board on June 14, 2005 at which time there was concern about the configuration of the lot. Members requested that the applicant speak with the owners of adjoining properties to attempt to gain enough additional land to create a lot that meets zoning requirements. Mr. Kemper noted that a

sign-off will be required from the Latham Water District due to the parcel's proximity to the Stony Creek Reservoir. The Saratoga County Planning Board approved the project on June 16, 2005. A Saratoga County Department of Public Works' Work Permit must be provided. Any wetlands located on the parcel must be identified. The sight distance at the proposed curb cut must be added to the plans

In the absence of Mr. O'Brien, Environmental Specialist, Mr. Kemper read the comments prepared by the ECC. After reviewing the project presented, the ECC reiterates the recommendations made during its previous reviews. The Town of Clifton Park L-C Zone should be delineated on the parcel. The applicant must comply with all the requirements of the Latham Water District. In addition, the ECC recommends that the following standard statement be added to the plot plan:

- This parcel (subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation and other associated activities. A study describing this impact in detail is available for inspection in the office of the Albany International Airport.

Mr. VanGuilder addressed the sight distance issue, stating that it appeared that there was adequate sight distance along Crescent Road at the proposed curb cut location.

Mr. Grasso stated that Clough, Harbour, and Associates reviewed the revised concept subdivision plan for this project and the applicant's June 22, 2005 response letter. He reported that many of the comments contained in the June 14, 2005 comment letter and those raised by the Planning Board have not have been adequately addressed or resolved. The comments from the June 14, 2005 letter were repeated. Additional comments were added as appropriate.

The first comment letter noted that the proposed house location on Lot #1 does not meet the required fifty foot front yard setback: an area variance was required. In addition, the resultant parcel size if the flag portion of the lot was not included needs to be shown, as the minimum lot size shall be met without this being included. The adequacy of the front yard being proposed given the configuration of the lot and restrictions caused by being adjacent to the Stony Creek Reservoir continues to be a concern. The applicant's consultant's response letter states that because of the setback restriction imposed on the property by its proximity to the Stony Creek Reservoir, the area adjacent to the required forty foot wide access strip leading from Crescent Road should be considered in computing the buildable portion of the lot. With this area included in the computation, the buildable area is still approximately 5,500 square feet short of the required area of 100,000 square feet. The June 14, 2005 comment letter also mentioned the limited yard area. Given the 200 foot setback required from the Stony Creek Reservoir, it becomes more important that the fifty foot front yard setback be preserved. Clough, Harbour, and Associates continues to recommend that the applicant attempt to acquire a strip of land from the neighboring Lands N/F of Mincher along the northerly boundary of the back portion of the property. Acquisition of this property would allow for the required front yard setback, a lot size that meets the requirements of the Town Code and a buildable area large enough to accommodate the type of house that is envisioned on this property.

Mr. Grasso explained that once the issues concerning the lot area and setbacks have been resolved, the following comments should be addressed. Soil investigations including deep test pits and percolation tests should be conducted in the area of the proposed wastewater disposal system to verify the adequacy of the soils to accept an on-site wastewater disposal system. Additional clearing and grading detail will be required to adequately review the proposal. All comments issued by the Latham Water District should be provided. The adequacy of the proposed turnaround for use by fire apparatus should be verified. The adequacy of sight distance at the proposed driveway location should be shown.

Mr. Bulger found the lot size to be a “significant” issue, noting that the applicant was faced with a problem because the neighbor to the west will not agree to transfer a portion of his property to the Everitt parcel. Upon viewing aerial projections of the existing Everitt residence and the location of homes on adjoining properties, he stated that the proposed lot looked “too small”: he would not support the application as presented. Considering the fact that the applicant may wish to apply for an additional subdivision in the future, Mr. Bulger did not support a “waiver” of the required lot size. Mr. Bulger did state that he would be interested in the comments offered by neighbors at the public hearing. Mr. Karam supported Mr. Bulger’s position, noting that he found the substandard lot size and the location of the septic system to be serious problems. He stated that he found the substandard square footage of the lot to be of concern because the applicant owned a substantial amount of acreage. He was also concerned with the amount of separation from the proposed residence to the septic system. Board members in attendance agreed that comments received by the public would be an important part of the decision-making process.

[2005-029] [2005-006] Rekucki, M. J. – Proposed (2) lot subdivision and lot line adjustment and proposed 40,000 SF self-storage facility and 9,000 SF medical office building, Route 9 and Ushers Road – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:15p.m. The Secretary read the public notice as published in the Daily Gazette on July 5, 2005.

Mr. Tom Andress, consultant for the applicant, presented both the subdivision proposal and the site plan applications for the Board’s consideration. He provided a brief history of the proposed project, noting that the proposed subdivision calls for the creation of “nearly equal” lots that will contain the self-storage facility and office use, respectively. The proposed storage building will be similar to the one constructed by Mr. Rekucki to the rear of The Only Guitar Shop on Route 9. The consultant noted that this use was approved by the Zoning Board of Appeals on the condition that only office use be permitted on the parcel that directly fronts Route 9 and Ushers Road. An extension of the Clifton Park Water Authority system will be required: lines will be conveyed to that Authority. An easement has been provided along Ushers Road to the Route 9 property boundary to permit the installation of a multi-use pathway that is currently being

designed. A connection to the sanitary sewer system along Route 9 is proposed. Mr. Andress explained that an on-site study of the Karner blue butterfly has been made and that a thorough analysis of available habitat as well as flight patterns has been completed. The consultant also reported that several of the comments issued by Clough, Harbour, and Associates have been addressed. He provided photographs that illustrated how the remaining trees on the project site will be incorporated into the landscaping design. The retaining wall, located approximately 50' from the edge of pavement, will be 7' high and will taper to the base elevation of the site. The addition of trees to the front of the wall will help it become an "architectural feature" of the site, adding depth and aesthetic value.

Mr. Kemper offered several comments regarding the subdivision application. The project last appeared before the Board on May 24, 2005 at which time the Board found that most items of significant concern had been addressed. The Saratoga County Planning Board approved the project on May 19, 2005 with the following comments: "The Town Planning Board should determine, as part of the final approval process, where future driveways onto Ushers Road and Wood Road should be located. The use of a common driveway (with access easements) from each road for access to both lots is recommended." Mr. Kemper noted that the project is located within the Wood Road GEIS Study Area and, therefore, must conform to the Findings Statement. A description and consolidation deed must be provided for the land to be transferred.

Mr. Kemper offered additional comments regarding the site plan. This proposal also appeared before the Board on May 24, 2005 when the major concerns raised by the Board included access to the site and the configuration of the parking lots. At that time, the Board requested that additional plantings be provided. The project will require a sign-off from Clifton Park Water Authority and the Saratoga County Sewer District. Mr. Kemper reported receipt of the following comments from the Jonesville Fire Department.

- A fire hydrant needs to be installed to the rear of the facility to provide a water supply for fire apparatus.

- A Knox-box must be installed at the front entrance of the medical office building.

Mr. Kemper reported that a full EAF was received for the project and was reviewed in depth by Clough, Harbour, and Associates. Additional plantings should be placed around the buildings. The following comments, dated May 23, 2005 were received from Eric Hamilton: "The substantial shoulders on Ushers Road and the Ushers Road sidewalk should provide adequate pedestrian and bicycle access to the site. Although not the ideal solution to the problem, the proposed access to both Ushers Road and Wood Road should improve access between Wood Road and Ushers Road for bicycle traffic."

Mr. Kemper read the ECC comments provided by Mr. O'Brien, Environmental Specialist. After reviewing the subdivision plan, the ECC offered the following comments. The ECC is concerned that Lot "A" will be a substandard lot due to its unusual shape. The applicant should address this concern including meeting greenspace, setback, and access requirements. The applicant should show greenspace on the plot plan of the existing storage area before any lot line adjustments occur. The following standard statement should be added to the plot plan:

- The applicant shall maintain a minimum of 35% greenspace and this greenspace shall be highlighted on the plot plan.

The ECC offered the following comments regarding the site plan. The following standard statements should be shown 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 ECC also noted that highway setbacks and water retention areas cannot be assigned as greenspace.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the revised subdivision plan and the Full Environmental Assessment Form. Some comments from the January 20, 2005 and May 20, 2005 comment letters remain to be addressed. The speaker provided additional comments. 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. (The applicant has provided an estimate of 39.8 trips during the peak hour. This estimate is acceptable. Clough, Harbour, and Associates concurs with the response to question C.12 that the project will not generate traffic significantly above present levels.)
- A mitigation fee is due for the original review of the DGEIS in the amount of \$74.28 per acre. Based on a 3.54-acre site, the respective mitigation fee is \$263. (The previous letter incorrectly referenced the site acreage.)
- 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. (The stormwater report should make reference to the infiltration requirement and clearly document that it is being met.)
- 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. Mr. Grasso explained that based on the comments raised by the Planning Board and additional information being provided by the applicant, Clough, Harbour, and Associates believes that an appropriate level of review is taking place.
- 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. This report remains to be submitted.

- 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 Clough, Harbour, and Associates.

Mr. Grasso offered several other additional comments on the plans. 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. The proposed building heights have been added to the plans. The medical/office building is proposed to have a 37' height with a 10' cupola. Pursuant to section 208-38 of the zoning code the side yard setback shall be increased by 2' for every foot the building is above 35'. The Code Enforcement Officer should determine the building height that should be used to determine the required side yard setback. It appears a plan change or area variance will be required. There is a discrepancy between the ratio of medial and office space as shown on the plan for the parking calculation and the ratio used to determine the peak hour trip generation. The storm sewer design including top of frame elevation, inverts, and pipe slope should be shown on the plan. The engineering firm is concerned with the visual impacts of the proposed 7' high retaining wall to be installed across the Route 9 frontage.

The following comments offered by Mr. Grasso concerned the Full Environmental Assessment Form (FEAF):

- Question A.9 asks if the site is located over a primary, principal or sole source aquifer. Based on hydrogeologic studies conducted in the area, it is believed that an aquifer is known to exist under the project site. The answer, therefore, should be yes. Because the project will not involve underground storage tanks and storm water management in accordance with NYSDEC Phase 2 regulations are being provided, specifically including recharge of storm water, the engineering firm does not feel the project will have a significant impact on the aquifer.

- Question A.11 requests information regarding the basis for the statement that the site does not contain plant or animal life that has been identified as threatened or endangered. A site investigation conducted by Synthesis Architects supports this statement. This should be noted on the form.

- Question B3. asks if the disturbed areas of the site will be reclaimed. It is presumed that all disturbed areas will be reclaimed as pavements, structures, or landscaped areas. This should be so noted.

Clough, Harbour, and Associated asked that the FEAF should indicate that NYSDOH approval will be required for the proposed public water supply extension.

Mr. Grasso read the following comments regarding the off-site utility plan last revised June 22, 2005:

- The notes requested in the June 6, 2005 letter regarding coordination with proposed Ushers Road sidewalk improvements have been added to the plan. The potential conflicts with the proposed utility pole location and the proposed storm sewer system have not yet been clearly addressed.

- The proposed limit of work associated with the watermain extension and the trees to be removed should be clearly identified on the plan.

- A profile of the off-site watermain should be provided.

Mr. Grasso offered the following comment regarding the stormwater management report:

- A post development drainage map should be provided.
- The consultant should reference the SMP Selection Matrices in the report and identify the management method being proposed.
- In order to verify existing soil conditions such as soil type, impermeable layers, high groundwater and percolation rates, test pits and percolation tests should be performed within the limits of the proposed stormwater management area(s) to a depth of two feet below the bottom of the basin(s).
- It does not appear as though an outlet control structure or an emergency spillway is being proposed. The method of discharge to the NYSDOT drainage system should be identified.
- A Stormwater Pollution Prevention Plan with erosion and sediment control methods and details should be provided.
- The report should provide a table documenting the predevelopment and post development discharge rates for all the storm events evaluated.

In response to Mr. Grasso's comments, Mr. Rekucki reported that the proposed retaining wall will be constructed of materials that are earth-tone in color – either beige or tan. He also stated that foundation plantings will be provided and understory plantings will be incorporated into the landscape design.

Dr. James Ruhl, 168 Wooddale Drive, thanked the Planning Board for holding a public hearing for this application and asked the Board to address the “deficiencies” in the long Environmental Assessment Form and proposed site plan. Dr. Ruhl noted that although the Rekucki site is located above the Colonie Channel Aquifer, the applicant responded negatively to the question regarding aquifers on the EAF. Dr. Ruhl expressed concern for the amount of traffic that would be generated by the site and asked that Board require a traffic study to determine if the proposed action will produce traffic safety problems. Dr. Ruhl encouraged the Board to provide a connection through this property to the town-wide trail system and the county-wide Zim-Smith trail. He concluded his comments with a request that the public hearing be adjourned rather than closed.

Mr. Bulger addressed Dr. Ruhl's concerns, stating that full EAF has been revised and resubmitted by the applicant's consultant. He also reported that Clough, Harbour, and Associates found no problems with traffic flow into or through the proposed site. He also advised those in attendance that the Board was working with DCG Development, owner of property to the west of this project site, to establish a trail link to the Zim-Smith multi-use trail. He explained that the Planning Board is “well aware” of pedestrian connections along Ushers Road and noted that the applicant is providing space for the installation of sidewalks and pathways.

Mr. William Engleman, 6 Partridge Plateau, offered two comments regarding the evening's discussion. One concerned the proposed trail location across property owned by DCG Development Company: Mr. Engleman asked that the Board consider impacts to

designated Karner blue habitat. The second comment related to traffic: Mr. Engleman asked that the Board review the proposed access locations. He thanked the Board for holding a public hearing regarding the site plan. The speaker presented Board members with copies of the Findings Statement for Wood Road and asked that items included in the document be addressed in the EAF submitted for this project and that Parts II and III of the assessment form be completed. In response, Mr. Bulger stated that the Board is satisfied with the responses provided in the revised EAF submitted by the applicant's representatives. Mr. Grasso explained that completion of Parts II and III are not required by SEQRA.

Mr. Engleman identified the specific items of concern related to the SEQRA process as the visual impact of the site development on the Wood Road-Route 9 corridor, the lack of sufficient greenspace, and the disturbance of existing or potential Karner blue butterfly habitat. He presented members with a copy of nectar plant species reported to be used by the endangered butterfly.

In conclusion, Mr. Engleman asked that the applicant contact NYSDEC regarding the endangered species habitat, that the Planning Board consider the "sufficiency of the notices" to adjoining property owners for the subdivision application since three owners were apparently not informed of the pending Board action. He also asked that the hearing be adjourned until all residents could consider the information provided regarding this application. A copy of Mr. Engleman's comments is attached to these minutes.

Mr. Jerry McCormick, 8 Torrey Pines, a resident of Country Knolls West, advised the Board that the former Sunoco station was now an Extra Fuel station. He asked that the public hearing be adjourned since a number of interested residents were away on vacation. He noted that trips by tractor trailers to and from County Waste would be increasing and stated that traffic was a major concern for Ushers Road residents.

Pam Marshall, 5 Fairlawn Court, encouraged the Board to consider the traffic impact the proposed project will have on residents, noting that the tractor-trailer truck traffic will significantly impact those entering and exiting the proposed site. She asked that the Board adjourn the public hearing until residents have received more information regarding the placement of the multi-use trail. Ms. Marshall observed that it did not appear that 50% greenspace was provided on the site, particularly since the visual buffer was being moved from the existing self-storage facility to the new site. Mr. Kemper explained that the applicant is required to supply 35% greenspace in a B-3 zone.

Board members discussed the greenspace issue. Mr. Grasso noted that while the 250' buffer from the Northway and NYS Route 9 is recommended by the Wood Road Corridor Statement of Findings, the Planning Board may consider modifying this recommendation during site plan deliberation. He believes that an adequate level of review has been achieved and that the greenspace provided by the applicant is reasonable. Mr. Bulger emphasized the Statement of Findings simply provided direction for the Board – not a strict requirement.

Responding to comments regarding the impact of increased traffic on travelers within the corridor, Mr. Grasso stated that traffic engineers had determined that traffic generated by the site would not significantly impact existing traffic flows. He did not support the public's request for completion of an additional traffic study. In response to Ms. Marshall's comment regarding the slope at the site of the proposed ingress/egress to Ushers Road, Mr. Address reported that the grade was 4% or less on slope in that location. Mr. Karam was concerned about the possible impacts to endangered species should the multi-use trail be located through the Lands of Greene. Mr. Bulger stated that the trail would not impact endangered species habitats. In response to Mr. Karam's question regarding the types of lighting fixtures that would be installed, Mr. Address reported that the pole lights would be 15' high and would face downward. Building lighting would be either "down-lit" or "up-lit" – no undesirable glare will be produced.

Mr. Engleman asked if the greenspace included property within the NYSDOT right-of-way or the stormwater management area. Mr. Address reported that no right-of-way area was included in the greenspace calculation, though the stormwater management area had been included in the calculation.

Mr. Bulger summarized the evening's discussion. The traffic study was deemed sufficient by Clough, Harbour, and Associates: no significant traffic impacts would be produced by the proposed site development. There would be no impact to the identified aquifer. The site investigation conducted concluded that there would be no impacts to endangered species. The visual buffer provided appears to meet the intent of the Wood Road Corridor Statement of Findings. The full EAF has been revised to the Board's satisfaction. He saw no reason to adjourn the public hearing for reconvening at a later date. Mr. Russell disagreed with this position and asked that the hearing be adjourned to allow time for the proper notification of adjoining property owners.

Mr. Bulger moved, seconded by Mr. Karam, to adjourn the public hearing at 9:05p.m. The hearing will be reconvened at a later date. The motion was unanimously carried.

Old Business:

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

Mr. Dannible, consultant for the applicant, presented this application that requests approval of a (42) lot subdivision that was reviewed by the Board at its April 26, 2005 meeting and also at the May 24, 2005 meeting. He asked that at this meeting the Board determine the density, access points, and project design. Mr. Dannible explained that the wetlands have been delineated and accurately depicted on the project plan. Representatives of the Army Corps of Engineers have conducted a site visit: a jurisdictional letter is anticipated. The archeological study is underway. Mr. Dannible explained that there are 33 acres of developable land. The cluster design allows the southern portion of the site to remain as open space and to provide a wildlife corridor. Though generally designed as a cluster, this proposal also included (3) estate lots that the

applicant believes are “in keeping” with other development in the area. A 50-foot wide strip along the property boundary will be conveyed to the Town. Additional plantings will be provided where necessary to screen back yard areas. The consultant explained that clearing will be minimal and deed restrictions will limit additional clearing. The applicant is considering alternative locations for installation of the multi-use pathway since placing it on the north side of Moe Road would require both ACOE and NYSDEC wetland permits.

Mr. Kemper reported that this project last appeared before the Board on May 24, 2005. At that time, the major concerns raised by the Board included determining the density of the project. The completion of a traffic study was also requested. Board members asked that the trail connection to the south be staked out. The Board also requested that John Scherer be present when a public hearing is held. Mr. Kemper contacted Mr. Scherer who has agreed to attend a future meeting. The applicant should clarify the status of the ACOE Jurisdictional Determination since this determination will be required before the Board moves forward on the application. Sign-offs will be required from the Clifton Park Water Authority and the Saratoga County Sewer District. A time frame for completion of the archeological study should be provided. A note stating that the project will be added to the Stoney Creek Park District must be added to the plans. A full EAF must be provided. The trail connection to Huntwood must be illustrated on the plans. A multi-use trail connection to Arbor Lane should also be shown on the plan.

Mr. Kemper stated that he would prefer a trail link that would meander from the Huntwood subdivision through the open space within the proposed project to the Arbor Lane, though he recognized that the Town Engineer would prefer the trail to be located along Moe Road.

Mr. Kemper read the comments prepared by the ECC. As the ECC has concerns about ground water, the following statement should be added to the plot plan:

- The limits of the LC Zone and 100-foot buffer zone, DEC wetlands, and Federal Jurisdictional wetlands should specifically be identified on Lots #2, 24, 25, 26, and 27.
- Any potential Army Corps of Engineers (ACOE) wetlands that are pending a ruling by the ACOE should be noted on the plot plan, specifically Lots #9, 37, 38, 39, 40, and 41. The results of this ruling should be reflected on each plot plan as any ruling may affect the ability to build residences on these lots.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the revised subdivision plan for this project. He listed the several comments from the May 20, 2005 review letter that remain to be addressed. 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. He offered the following additional comments. A conventional subdivision plan and density calculation has been submitted pursuant to Section 179-37 of Town's subdivision regulations. The data on the plan should break down how the amount of developable land area and constrained land areas were derived. It is presumed that the maximum allowable density calculation of 54 lots is accurate. As such, the Planning

Board may wish to determine the maximum allowable density of the site to be 54 lots. The plan shows 42 proposed lots. As previously indicated during the last review, there is concern that the development of the two new estate lots along Moe Road is inconsistent with the intent of the cluster regulations. If these two lots are eliminated, it is believed that the concept plan would be consistent with the intent of the cluster regulations and, therefore, would be acceptable. The engineering firm concurs with the removal of the formerly proposed access to Arbor Lane. The access to stormwater management area #4 should be shown on the plan. The proposed multi-use pathway proposed along Moe Road should be offset from the edge of travel lane a minimum of ten feet. It is recommended that deed restrictions be provided along the northern property lines of Lots #4 through #12 to establish a buffer from the existing homes along Arbor Lane.

Though Mr. Dannible reported that a traffic study had been completed, Mr. Grasso has not yet reviewed the document. Mr. Grasso did request that the applicant provide additional right-of-way along the south side of the curve since the applicant controls property south of the Moe Road right-of-way in addition to the property on the north side of the road. The conveyed land should be dedicated specifically as right-of-way.

Though Mr. Kramer was not in attendance at the meeting, Mr. Kemper read comments that had been forwarded via e-mail. Mr. Kramer listed four concerns. The first centered on the traffic impacts since the proposed ingress/egress is located in a potentially hazardous location. Mr. Kramer also asked that a substantial buffer be provided between the proposed homes and the existing residences on Arbor Lane. He also asked that the farmhouse and cemetery properties be preserved and maintained. Mr. Kramer supported the placement of a trail that would connect the Huntwood subdivision with the proposed development.

Other Board members offered comments. Mr. Karam requested information regarding accident rates at the proposed intersection. He found the trail location as recommended by Mr. Kemper to be the most desirable: Ms. Pace agreed. Mr. Russell suggested that a re-alignment of Moe Road would improve a hazardous traffic situation. He supported the off-road trail location. Mr. Bulger also preferred the off-road trail location. In response to his comments regarding the elimination of the three estate lots, Mr. Dannible noted that those homes would be located within the forested portion of the property and be well screened from the road. He also observed that relocating the estate lots would diminish the historic value of the existing residence. Mr. Bulger supported preservation of the existing farmhouse and barns, citing the historical significance of the property. Mr. Karam prefers the plan as presented. Though Mr. Russell returned the discussion to the issue of Moe Road re-alignment, Board members believed that such an improvement, estimated to cost millions of dollars, was not feasible and would require approval by the Highway Superintendent as well as the Town Board. Mr. Grasso stated that the traffic report would be reviewed and that sight distances and road radii would be evaluated.

Mr. Bulger summarized the Board's conclusions, though he emphasized that three members were absent. Members agreed that the existing farmhouse and barn should be preserved, that the inclusion of estate lots in the design is acceptable, and that the trail

link should be located within the subdivision rather than along Moe Road. Comments from the Town Engineer regarding the traffic report will prove significant in rendering a determination.

New Business:

[2005-038] Gold's Gym – Propose renovation of 20,780 SF roller arena, 1220 Route 146 – Conceptual site plan review.

Mr. Dan Hershberg, consultant for the applicant, explained that Gold's Gym would like to renovate the former Starburst roller arena to create a state-of-the-art gym and health club. The applicant has submitted design plans for interior upgrades as well as façade renderings that illustrate improvements to the building's exterior. The building is currently served by a well and septic system, though plans call for the connection to the Clifton Park Water Authority and the Saratoga County Sewer District services that have recently been extended along Route 146. Lighting will be updated. The 188 parking spaces will remain. The applicant deems the number of spaces "adequate and reasonable" for the proposed use. Mr. J. T. Pollard, architect, described the proposed "mezzanine" that will provide a second level within the building. He proposes residing the entire building and changing the entranceway to include the colors and logo associated with the proposed business.

Mr. Kemper explained that the applicant proposes renovation of the existing Starburst roller rink. Colored façade renderings have been provided by the applicant. Mr. Kemper asked that the plans indicate whether or not the curb cut will be altered. Mr. Kemper explained that Mama's Restaurant currently uses the parking lot during overflow situations. The applicant should indicate if this practice will continue. Mr. Kemper reported receipt of the following comments from Jim DiPasquale in a memo dated July 7, 2005: "Connection to the County sanitary sewer will require submittals to Saratoga County Sewer District in compliance with the District's Rules and Regulations. Information on projected discharge rates and capacity impacts on receiving systems still need to be presented." Mr. Kemper asked if all of the existing parking spaces will be required. A planting plan must be submitted. The Saratoga County Planning Board determined that the project had no significant county wide or inter-community impact at their July 6, 2005 Board meeting, though several comments accompanied the approval. The County Board asked that the applicant submit an application along with an engineer's report to the County Sewer District #1. It was also noted that no details or information regarding the on-site management of stormwater were included with the initial submission. Site drainage should not be directed to the state highway: the County Board recommended that a stormwater management plan should be provided for review. The County Board also recommended the elimination of several parking places and additional green area along the highway.

Mr. Kemper read the prepared ECC comments. After reviewing the project, the ECC offers the following comments. The following statement should be added to the plot plan:

- Construction shall not result in a net loss of greenspace for this parcel. The applicant

shall indicate the change, if any, in percentage of greenspace as a result of the proposed construction.

Due to the extensive paved area on this parcel, the applicant shall submit a Stormwater Management Plan that is designed to reduce existing runoff. Consideration should be given to a reduction of the amount of impervious surface on the parcel.

Mr. Grasso reported that Clough, Harbour, and Associates' review of the proposed site plan resulted in the following comments. The proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such coordinated review is optional. Involved agencies are expected to include the following: Clifton Park Planning Board – Site Plan Approval; Clifton Park Water Authority – Water Connection Permit; Saratoga County Sewer District No. 1 – Sewer Connection Permit; Saratoga County Planning Board – Section 239 Referral; NYSDOT – Work Permit and Driveway review and approval. The subject property is located within the Vischer Ferry Corridor GEIS Study Area. If development of the project is deemed to be in conformance with the Statement of Findings, 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. The Town may wish to negotiate with the applicant and pro-rate the mitigation fees required based on the fact that a business previously occupied this site. It would appear that, at a minimum, the applicant would be subject to fees for Transportation, Sanitary Sewer Service, and Water Distribution. No parking is allowed within thirty feet of the front property line along Route 146. The plan should be revised to meet this requirement.

Mr. Grasso noted that the subject parcel is zoned Neighborhood Business. The greenspace requirement for the zone is thirty-five percent (35%). The concept plan provides 22.5% greenspace. The plan should indicate if the proposed project will increase or decrease the amount of greenspace and measures should be made to increase the quantity and quality of greenspace as appropriate. The proposed curb cut/driveway to Route 146 scales to be approximately forty-five feet wide. The width appears to be excessive and should be reduced to no more than thirty feet unless a three-lane section is provided. The driveway should be designed to NYSDOT standards. The parking lot islands should be curbed to aid in control of circulation in the parking lot. The applicant indicates that the existing light poles in the front parking lot will be relocated to not conflict with the proposed parking plan. The proposed use is allowed in a Neighborhood Business Zone by issuance of a Special Use Permit is further subject to the provisions of Section 208-94.-Recreation Centers. The applicant is required to submit a lighting plan to confirm that the level of lighting at the site will satisfy the requirement of Section 208-94.

Board members discussed the shared parking with Mama's Restaurant. The status of the easement that permits this practice must be submitted and reviewed by Mr. Pelagalli to determine if it will remain effect. Mr. Bulger asked that several parking spaces along NYS Route 146 and along the western property boundary be eliminated to allow for the installation of additional landscaping. Addressing Mr. Russell's concerns about traffic circulation near the entranceway, Mr. Hershberg stated that he will verify the building's proposed uses. Board members generally considered the project plan a "terrific

improvement” that would enhance this site.

[2005-039] Feigenwinter, Travis – Proposed (2) lot subdivision, 629 Kinns Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that calls for the subdivision of 5.20 acres of land in an R-1 zone on the north side of Kinns Road into lots of 3.09 and 2.11 acres, respectively. The larger lot will contain an existing residence. The existing home uses a well and septic system, though the new lot will be served by public water and Saratoga County Sewer District #1. A common ingress/egress and utility easement will be provided to the new lot. No new curb cut will be required, though the frontage of the proposed lot will be 100 feet. Mr. VanGuilder explained that the NYSDEC wetlands have been delineated. The lot does have adequate frontage on Kinns Road.

Mr. Kemper reported receipt of the following comments from the Saratoga County Sewer District in a memo dated July 7, 2005. “Plans for connection will need to be submitted to the Saratoga County Sewer District for review, approval, and permitting.” The Saratoga County Planning Board determined that the project had “No Significant County Wide or Inter Community Impact” at its July 6, 2005 Planning Board Meeting. Additional comments supplied by the Saratoga County Planning Board included the need for approval from the Saratoga County Sewer District, and the recommendation that a common ingress/egress easement be provided. Descriptions for the easement must be provided for review. Any wetlands on the proposed lot must be delineated. The date and firm that performed the wetland delineation should be added to the plans. Sight distance information will need to be added to the plans to ensure its adequacy. In a memo dated July 12, 2005, Sheryl Reed asked that the standard 500-foot driveway note be added to the plan.

Mr. Kemper stated that the ECC offered no comment regarding this application.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the application submitted for this project and offered the following comments. He observed that although the plan does a good job of showing the site’s environmental constraints on the developed portion of the lot, limited information is shown in the area to be developed. Additional detail is required in this area to evaluate the project’s impacts. The portion of Lot #1 along Kinns Road does not meet the 100 foot minimum lot width and as such the lot may be subject to fifty foot setbacks around its perimeter. If these do not apply, the setbacks should not extend into this portion of the lot. The subdivision is an “Unlisted” action pursuant to SEQR, and as such coordinated review is optional. The only involved agencies are expected to be the Planning Board with subdivision approval, CPWA with a water connection permit, and SCSD #1 with a sewer connection permit. The proposed utility locations should be shown on the plan. In addition, the existing septic system should be shown on the plan and the applicant should investigate connecting the existing home to the municipal utilities. If this is not done, an adequate area to accept replacement of the existing tile filed in an unconstrained area should be shown. Depending upon the

findings of NYSDEC regarding the wetland locations, the proposed house on Lot #2 may be within the 100' wetland adjacent area. The Town's standard note regarding driveways of 500' or longer should be added to the plans. A turnaround area should be shown in accordance with the Town's requirements. A note should be added to the plan stating that there should be no new curb cut created from Kinns Road without future Planning Board approval and an easement should be shown over the existing electric utility lines that cross Lot #1.

Board members found this application generally acceptable.

[2005-040] DCG Development Company – Proposed (2) lot subdivision, Southside Drive and Wall Street – Conceptual review.

Mr. Joe Dannible, consultant for the applicant, presented this project proposal that calls for the subdivision of 11 acres of land in an approved PUD: the parcel is located between Southside Drive and Wall Street. The lots created will be of 5.3 acres and 5.7 acres, respectively. The lots will be served by the Clifton Park Water Authority and the Saratoga County Sewer District. Stormwater management will be provided on site and in the adjacent drainage corridor.

Mr. Kemper reported receipt of the following comments from the Saratoga County Sewer District that stated that “connection to the County sewer will require submittals in compliance with the District's Rules and Regulations. Information on projected discharge rates, capacity impacts and the existence of appropriate easements will need to be presented.” Mr. Kemper asked that the site statistics table be revised to indicate that the zoning on this parcel is PUD: reference should also be made to the PUD legislation. Descriptions for all easements must be provided for review.

Mr. Kemper reported that the ECC found this project acceptable.

Mr. Grasso stated that Clough, Harbour, and Associates reported that the proposed project appears to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency is expected to include the Clifton Park Planning Board with subdivision approval being required. He noted that the Short Environmental Assessment Form should reference Route 146 rather than Route 9.

Board members found the conceptual subdivision plan acceptable.

[2005-041] Albarelli/Lemery – Proposed two-family residence in an R-1 zone, 18 Settlers Lane – Special Use Permit and conceptual site plan review.

Mr. Gil VanGuilder, consultant for the applicant, explained that the applicant is seeking approval of a Special Use Permit that will allow the construction of an additional 780 SF of living space to the existing residence at 18 Settlers Lane. The apartment addition will provide housing for the applicant's aging parents who require daily assistance. All zoning setback requirements will be respected and the water and sanitary sewer services that are

currently utilized will serve the proposed addition. The applicants, Bridget Albarelli and Lisa Lemery, have spoken with the property owner at 16 Settlers Lane and report that he finds their proposal acceptable. A narrative submitted with the application states that “it is not our intent for this addition to be a future rental property.”

Mr. Kemper asked that the exterior of proposed addition be designed to match the existing house. In response to Mr. Kemper’s comments regarding adequate parking, Mr. VanGuilder explained that off-street parking will be sufficient.

The ECC offered no comment on this application. Mr. Grasso explained that Clough, Harbour, and Associates found the project plan acceptable.

Board members found this application generally acceptable.

[2004-065] Clifton Park Water Authority – Proposed land transfer, Blossom Hill Court – Conceptual review.

Mr. Kemper explained that this lot line adjustment to transfer approximately 110 SF of land from the Lands of Faro to the Town of Clifton Park is necessary to accommodate the multi-use pathway and access to the CPWA water tank.

Board members found this plan acceptable.

[2005-49] Town of Clifton Park – Proposed (3) lot subdivision, Kinns Road – Conceptual review.

Mr. Kemper explained that the Town of Clifton Park proposes the subdivision of the lands of Country Club Acres, Inc. to allow for the acquisition of the Dwaas Kill Nature area. The subdivision involves the subdivision of property that is bisected by the railroad.

Board members found this subdivision proposal acceptable.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Karam, approval of the minutes of the June 28, 2005 meeting as written. The motion was unanimously carried.

Discussion Items:

Mr. Bulger moved, seconded by Mr. Karam adjournment of the meeting at 11:00p.m. The motion was unanimously carried. The next meeting of the Board will be held as scheduled on August 9, 2005.

Respectfully submitted,

Janis L. Dean, Secretary