

## **Clifton Park Planning Board Meeting Minutes - September 15, 2005**

Those present at the September 15, 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; 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. The Chairman announced that both the Hiltbrunner and Tyll subdivision applications were removed from consideration at this evening's meeting.

### **Public Hearings**

[2005-046] Hiltbrunner, Arthur P. and Sharon G. – Proposed (2) lot subdivision, 84 Longkill Road – Preliminary public hearing and possible determination.

This application was withdrawn by the applicant from consideration at this evening's meeting.

[2005-048] Nash, George – Proposed land transfer between 10 and 12 Burning Bush Boulevard – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:18p.m. The Secretary read the public notice as published in the Daily Gazette on September 7, 2005.

Mr. George Nash, applicant, presented this application for the Board's review. The plan remains as presented at the August 9, 2005 meeting. The proposed transfer of .03 acres from the Lands of Elicia Lacey to the Lands of Nash is necessary because of an inadvertent driveway encroachment.

Mr. Kemper reported that this project last appeared before the Board on August 9, 2005 at which time the Board found the proposal acceptable. A consolidation deed must be submitted for review.

Neither the ECC nor Clough, Harbour, and Associates offered comment on this application.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:21p.m. The motion was unanimously carried.

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

Mr. Bulger offered Resolution #24, seconded by Mr. Kramer, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by Mr. Kemper. Ayes: Kramer, Larkin, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

[2005-045] Vedder, Jeffrey and Country Club Acres – Proposed lot line adjustment, 742 Carlton Road – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:22p.m. The Secretary read the public notice as published in the Daily Gazette on September 7, 2005.

Mr. Dave Flanders, consultant for the applicant, presented this application that calls for the transfer of .244 acres of land from the Lands of Country Club Acres, Inc. to the adjoining Lands of Vedder.

Mr. Kemper reported that this project last appeared before the Board on August 9, 2005 at which time the Board found the proposed lot line adjustment acceptable. Mr. Kemper asked that a note be added to the plans stating that a park may be located next to this parcel in the future. The existing sewer line easement must be shown on the plans.

The ECC offered no comment on this application.

Mr. Grasso stated that Clough, Harbour, and Associates would recommend that the sewer easement existing on the property be indicated on the plan. Though Mr. Flanders was unaware of the existence of such an easement, he agreed to depict any and all easement information provided to him by Country Club Acres, Inc. and/or Town officials.

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

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

Mr. Kramer offered Resolution #25, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso. Ayes: Kramer, Larkin, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

[2005-044] Peller, Joel and Debra A. Spellman – Proposed (2) lot subdivision, Clifton Park Center Road – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:28p.m. The Secretary read the public notice as published in the Daily Gazette on September 7, 2005.

Mr. Dave Flanders, consultant for the applicant, presented this application that proposes the subdivision of 7.2 acres of land into lots of .92 acres and 6.3 acres, respectively. The smaller lot contains an existing residence and shed and is served by an on-site well and septic system.

Mr. Kemper reported that this project was last reviewed by the Board on August 9, 2005 at which time the Board found the application generally acceptable. Mr. Kemper asked that a note be added to the plans regarding the need for an endangered species habitat investigation prior to future subdivision of the remaining lands. Sight distance information must be included on the plans.

The ECC and Clough, Harbour, and Associates found the project acceptable.

Mr. Bill Engleman, 6 Partridge Plateau, questioned the reasons for requiring site investigation to determine the presence of Karner blue butterflies or endangered species habitat. Mr. Kemper explained that adjoining property owners had contacted NYSDEC regarding the possible existence of an endangered species or habitat on the property.

There being no further public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:32p.m. The motion was unanimously carried.

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

Ms. Pace offered Resolution #26, seconded by Mr. Karam, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by Mr. Kemper. Ayes: Kramer, Larkin, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

[2005-033] Tyll, Arthur – Proposed (3) lot subdivision, NYS Route 146A – Preliminary public hearing and possible determination.

This application was withdrawn by the applicant from consideration at this evening's meeting.

[2004-021] Mawad, Gretta – Proposed land transfer, NYS Route 9 – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:36p.m. The Secretary read the

public notice as published in the Daily Gazette on September 7, 2005.

Mr. Kevin Dailey, legal consultant for the applicant, presented a brief history of this site and prior proposals submitted for its development. He explained that Ms. Mawad purchased an adjoining parcel from NYSDEC and an additional parcel from the Lands of Greene. All properties have been transferred to Mackey. The current application should be considered a “lot line adjustment” that will provide for the consolidation of all parcels. The site plan application originally presented by the applicant has been withdrawn from consideration.

Mr. Kemper reported that this project last appeared before the Board for site plan approval. He asked that a consolidation deed be submitted for review. He observed that the Lands of Green to be annexed to the Lands of Mawad are largely un-developable. Since the density of the site plan was determined to be too intense for this parcel, it is unlikely that it would be approved if re-submitted at a future date.

Mr. Dailey explained that the consolidation requested satisfied the contingencies included in the sale of the property from Mawad to Mackey. He reported that there are no plans to re-submit the site plan application for a warehouse facility on the property.

Mr. Grasso commented that Clough, Harbour, and Associates found the application acceptable for “use in completing the desired transfer of property.”

Mr. Kemper reported that the ECC found the application acceptable.

Mr. Bill Engleman questioned the benefit of consolidation of lands since a large portion of the acquired parcels are unusable. Mr. Kemper explained that there was some usable area that would benefit site development and that existing site improvements are located on the adjoining parcels.

There being no additional public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:42p.m. The motion was unanimously carried.

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

Mr. Karam offered Resolution #27, seconded by Ms. Pace, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by Mr. Kemper. Ayes: Kramer, Larkin, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

Old Business

[2005-016] Figueroa, Ralph – Proposed (3) lot subdivision, 154 Vischer Ferry Road – Revised conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this revised subdivision application. The subdivision proposal originally submitted in March, 2005. At its April 12, 2005 meeting, the Planning Board found the application unacceptable because Lot #3 did not meet zoning requirements. The applicants chose to submit an application to the Zoning Board of Appeals for approval of an area variance. Mr. VanGuilder explained that on August 16, 2005, the Zoning Board denied the Figueroas' application primarily because they felt that the ownership of the tree row in front of the house was not adequate justification for granting the variance. Zoning Board members asked the applicant to consider adding "an appendage" to the lot to bring it into conformance with the 100,000 SF area requirement. The plan now under review reflects an appendage that is 8' wide and 1170' long. Mr. VanGuilder reported that septic systems and expansion areas have been engineered by Lansing Engineering, P.C. and both house and septic locations have been adjusted to provide a minimum 50' separation from the proposed homes to the wetlands. The applicant would place Land Preservation Area restrictions against filling or grading of the wetland area, though the areas will continue to be mowed.

Mr. Kemper explained that this project last appeared before the Board on May 10, 2005 at which time the Board required the applicant to apply to the Zoning Board of Appeals for an area variance. The applicant was denied the variance on August 16, 2005. The applicant has provided a small strip of land along the western property line to get the necessary acreage for the lot, though it is obvious that the strip of land does not meet the intent of the zoning code.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the revised subdivision plan and offered the following comments. The applicant appears to have adequately addressed prior concerns regarding the ability of the proposed lots to allow adequate room to place required septic systems. The applicant states that the preliminary design of the required systems is based on the data obtained from percolation tests performed in the area of the proposed systems. The applicant's consultant confirmed that there is room on the proposed lots for the houses, the septic systems and the required separations.

The second issue of concern involves the configuration of Lot #3. The applicant is required to have a minimum lot size of 100,000 S.F. Lot #3 as it appeared on the previous plan included 90,997 S.F. This would be approximately 9003 S.F. short of the required 100,000 S.F. At their August 16, 2005 meeting, the Zoning Board of Appeals denied an application for an area variance. The applicant states in his August 24, 2005 letter that the ZBA asked the applicant to consider adding "an appendage" to Lot #3 to bring it into compliance with the 100,000 S.F. area requirement. The applicant chose to implement this advice by appending a strip of land eight feet wide by 1170 feet long along the southerly boundary of the original parcel. The addition of this narrow strip of land, eight feet wide and nearly a quarter mile long that is segmented by the Niagara Mohawk property, does nothing more than create the area necessary for the lot to conform to the zoning regulations. The applicant had created a subdivision map dated April 18, 2005 that included a more reasonable 130' x 70' addition to the southwest corner of Lot #3 that

brought the lot into conformance and provided future owners with a piece of land that could be used and enjoyed. It is recommended that the applicant consider the solution put forth on the April, 2005 plan. In addition, the current subdivision map appears to include dimension labels that are remnants from earlier versions of the map. The 542.78' and 512.29' dimensions along the northerly property line and the 673.15' and 486.89' dimensions along the southerly line should be removed from the drawing if they do not apply.

Mr. Kemper reported that the ECC reiterated previous comments. The Commission requests that the applicant take appropriate measures to protect the proposed residences from high groundwater on the property. It was also recommended that the location and extent of ACOE wetlands should be indicated on the individual plot plans.

Mr. Bulger expressed his displeasure with the lot configuration as presented since it does not increase the lot's usable area. Both Mr. Karam and Mr. Hughes found the design unacceptable, noting that the applicant has not worked with the Board to create viable building lots. Although the applicant has conformed to the letter of the law, the resultant lot does not meet the intent of the law since the redrawing of Lot #3 does not result in reasonable use of the land. In an informal canvass, the Board unanimously rejected the plan as presented. Mr. Larkin recommended that the plan be revised in accordance with Planning Board recommendations.

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

Mr. Dan Hershberg, consultant for the applicant and Mr. Jay Hopeck, BBL Construction Company representative, presented this application on behalf of the applicant. Mr. Hershberg outlined the revisions that have been made to the site plan since its original Board review on July 12, 2005. Pursuant to comments issued by Clough, Harbour, and Associates, the project plans have been forwarded to the Clifton Park Water Authority and the Saratoga County Sewer District for review and comment. Plans have also been forwarded to NYSDOT for approval of a work permit. Mr. Hershberg explained that the applicant will consider payment of negotiated pro-rated mitigation fees. Though the plan now shows a 3' high landscaped berm along Route 146, the applicant would like to maintain existing parking along that roadway. Landscaped islands have been added to the parking area to increase the amount of greenspace on the site. The driveway entrance has been reduced in width to conform to NYSDOT standards. Building-mounted lighting has been added to the building on the west, south, and east sides and new pole lights have been provided within the parking area to illuminate dark areas. Additional landscaping has been provided. Mr. Hershberg reported that the applicant has been unable to negotiate an acceptable access easement agreement with adjoining property owners. Handicapped spaces have been moved closer to the building's entrance. Mr. Hopeck explained that the building is in poor condition: a "full rehab" will be required. Investigation is currently underway to determine if asbestos was used during initial construction.

Mr. Kemper explained that this project was considered by the Board on July 12, 2005 at

which time the major issues concerned the number of parking spaces and the agreement with Mama's restaurant to provide shared parking. Additional landscaping was requested around the front of the building and along Route 146. The applicant agreed to provide photographs of a similar facility at the next meeting. Sign-offs must be provided by the Saratoga County Sewer District, the Clifton Park Water Authority, and NYSDOT. The following comment was received from Derek Miller, Acting Director of Building and Development on August 31, 2005: "I understand BBL proposes to raze the entire building in order to construct a new facility. A new facility would be required to meet the current zoning law and building code in all regards." The Jonesville Fire District submitted a memo on September 1, 2005 that reads as follows: "A Fire Hydrant needs to be installed at the northeast corner of the building where the water line enters from Route 146. A seconded access/egress entrance point to the rear of the structure is needed for apparatus placement." The fire district representative also requested that a Knox Box to be installed at the front of the building for after hour's access to the building in the case of an emergency. The size of the plantings in the planting schedule must be increased. Handicap and No Parking Signs must be illustrated on the plans. All signage must be removed from façade renderings submitted for stamping. Sheryl Reed, Chief of the Bureau of Fire Prevention submitted a memo dated September 15, 2005 that requests the placement of a fire hydrant at the northeast corner of the building and the installation of a second access/egress entrance point to the rear of the structure.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the revised project plan and offered several comments. The comments included in the July 11, 2005 review letter have been addressed to varying degrees of adequacy. Mr. Grasso reviewed the changes made to the earlier plan, though he explained that there are revisions that Clough, Harbour, and Associates believes still need to be made. The first two items in the July 11, 2005 review letter concerned SEQRA and the project's status relating to the fact that it is located within the Vischer Ferry Corridor GEIS Study Area. Both of these items remain open and must be addressed and completed as the project advances. Since the plan provides for extensive berming and landscaping along the frontage, the need for the thirty foot setback has been mitigated.

Mr. Grasso offered several other comments. At the previous Board meeting, the applicant was asked to determine if the proposed project will increase or decrease the amount of greenspace and to provide measures to increase the quantity and quality of greenspace as appropriate. The greenspace has been increased to 23.9%. This increase, together with the extensive landscaping that has been added, adequately addresses the initial concern. The width of the proposed driveway has been reduced to approximately thirty feet (30'). This reduction in width appears adequate. The driveway remains subject to final approval from the NYS Department of Transportation. Though the islands shown on the revised plan are curbed, Clough, Harbour, and Associates believes that more can be done to improve the entry-way. It is recommended that the three islands that include one parking space be enlarged to include the parking space in the island area and that an additional deciduous tree be added to each island. A mark-up showing the recommended improvements was forwarded to the applicant.

Mr. Grasso noted that the revised plan provides for what appears to be a new four-headed light pole to be added in the parking area on the west side of the building, and “new building mounted security lighting” to be added to the outside of the building. It is assumed that this new pole and fixtures will be of current standards including down light style cut-off fixtures. The two out-dated poles and fixtures that are called for to be relocated in the front of the building should be replaced to match the new equipment being added. The applicant should provide manufacturer’s catalogue cuts or details for all proposed new lighting. All site lighting located adjacent to property lines should include house side shields to reduce glare and offsite light migration. The plans should include a note stating that no wall packs are permitted. Additional landscaping should be added along the northwest corner of the parking lot to screen the parking lot from eastbound traffic on Route 146. Access management is very important along this section of Route 146 and has been discussed during the recent site plan review for the Mama’s restaurant expansion. Measures to allow the future removal of curb cuts should be investigated. To allow flexibility for future cross access connections, it is recommended that an easement be established to the Mama’s restaurant site to the east. The size of all deciduous trees should be increased to be 3” to 3-1/2” caliper.

Mr. Karam commented on the number of parking spaces, noting that although 103 are required, 188 are provided on the plan. Mr. Hopek explained that his client selected this site because of the number of parking spaces provided and he believes that the removal of pavement may create parking problems. Mr. Bulger asked that the applicant provide information regarding parking needs on comparative sites. Mr. Karam noted that his experience as a member of Gold’s Gym is that the parking lots are rarely filled to capacity: he would prefer that the applicant remove some of the existing pavement. Mr. Hughes supported a reduction in parking area and increased greenspace. Mr. Karam requested that the proposed exterior colors be reduced in intensity.

Board members discussed the traffic layout and encouraged the establishment of cross-easements with adjoining properties to improve access and traffic flow through the site.

Mr. Bulger identified the following as concerns that must be addressed prior to the release of the plans: the establishment of an easement to provide access to adjoining properties, the submission of colored façade renderings, increased landscaping, the removal of several parking spaces, and approval from Sheryl Reed for emergency vehicle access. Board members described the issues as minor and believed that they could easily be addressed by the applicant.

Mr. Karam moved, seconded by Ms. Pace, 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. Kramer moved, seconded by Mr. Karam, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso and the establishment of a 24’ “floating easement” to the south or east of the parcel. The motion was unanimously carried.

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

Mr. Scott Lansing, consultant for the applicant, presented this application for the Board's consideration. The project remains generally as presented at the June 28, 2005 meeting. The consultant provided responses to Board concerns that were identified at that meeting. Based upon the amount of unconstrained land – 13.95 acres – the applicant would be entitled to develop five (5) lots. The applicant continues to seek approval for six (6) lots. He is attempting to contact landowners in the Town who would be willing to transfer development rights. The applicant proposes the conveyance of 8.17 acres of land to the Town as open space. This land is contiguous with the open space land conveyed to the Town in connection with the Falcon Ridge subdivision. Mr. Lansing observed that the lot sizes exceed the 10,000 SF minimum required by new zoning regulations. The proposed lots will be served by municipal utilities. The water line will be extended south along Tanner Road. The sewer is to be extended via directional drill methods within an easement to be established between the existing Falcon Ridge subdivision and the proposed new subdivision. A stormwater management plan will be designed in accordance with current regulations.

Mr. Kemper reported that this project last appeared before the Board on June 28, 2005. The Board identified the issues of concern as the provision of adequate buffers and details for the water and sewer connections. Sign-offs will be required from the Clifton Park Water Authority and the Saratoga County Sewer District. A shared access drive should be utilized for Lots #1 and 2. The application requests approval of six (6) residential lots. Since this is an increase of one lot from the allowable density, Town Board approval is required. Mr. Kemper reported receipt of a memo from Sheryl Reed on September 15, 2005 that asked that the applicant clarify whether or not the proposed road will be a Town road. She also asked that the plans specify placement of the hydrant to the site.

Mr. Grasso reported that Clough, Harbour, and Associates found that the revised subdivision plan adequately addresses the technical comments included in the previous review letter. Mr. Grasso believes that any outstanding technical issues can be resolved during final design of the project.

Mr. Grasso noted that the first item included in the June 27, 2005 review letter concerned the fact that this project was located within the Western Clifton Park GEIS Study Area and that the project is not compliant with the density requirements included in the Statement of Findings. The applicant was provided with a listing of the options that could be employed to bring the project into compliance. The applicant indicates that he "is in the process of contacting landowners in the town for the transfer of development rights necessary to do so." The applicant should be aware that the proposed subdivision can not be granted final approval until the transfer of development rights is fully completed and such a transfer requires the approval of the Town Board.

Mr. Kemper read the comment that was 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.”

Mr. Kemper expressed his concern with the proximity of the proposed residence on Lot #3 to the existing residence. Mr. Bulger requested the elimination of Lot #3; this recommendation was supported by Mr. Karam. Mr. Hughes believed that proposed driveway would negatively impact the existing residence. Mr. Larkin commented that the Board discussion was “ahead of the process” because the applicant must present the proposal for the required amenity to the Town Board for its review, possible public hearing, and approval. Board members concurred that unless the density is reduced, the applicant must obtain Town Board approval before continuing through the planning process.

[2004-004] Wilton Development LLC – Proposed renovation of existing 15,000 SF building and 760 SF addition, Crescent Road – Conceptual review.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that was originally presented as a 7,000 SF building, carwash, and six (6) gasoline dispensers. The plan now calls for the renovation of the existing retail building and a 760 SF addition to the façade on the 4.14 acre parcel located in a B-3 zone on the south side of Crescent Road approximately ¼ mile west of the I-87 Exit 8 interchange. The speaker explained that Planet Fitness would lease a large portion of the building. A Dunkin’ Donuts outlet would be located on the east side of the building. Sufficient stacking for vehicles queued for drive-up window service is available at this site. The existing access to Crescent Road would be eliminated and a right-out to the existing Park and Ride lot would be provided. 100 parking spaces are provided. The site contains 52% greenspace.

Mr. Kemper reported that this project was considered by the Board on January 27, 2004. The major issues raised by the Board concerned the elimination of the curb cut onto Crescent Road and the need for possible variances. The revised plans show that the curb cut onto Crescent Road has been eliminated. Sign-offs will be required from Saratoga County Department of Public Works, the Clifton Park Water Authority, and the Saratoga County Sewer District. Architectural renderings must be provided with the next submission

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the revised concept site plan for this project. The current site plan and the uses proposed vary greatly from the concept that was originally presented in January, 2004. The convenience store, gas pumps and car wash that were initially proposed have been replaced with a fitness center and Dunkin’ Donuts store that retain the current building. The following comments relate to the revised plan. The proposed project appears to be an unlisted action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include: Clifton Park Planning Board - Site Plan Approval, Special Use Permit (Commercial Recreation Facility); Saratoga County Sewer District – Sewer Connection

Permit; Saratoga County Planning Board – Section 239 referral.

Mr. Grasso explained that the parcel is located in the B-3 Neighborhood zoning district. The Dunkin' Donuts store and bank are allowed uses in the district. The fitness center is allowed per a special use permit, subject to the provisions of Section 208-94 of the zoning regulations. The revised plan does not include direct access onto Crescent Road. This is viewed as a significant improvement over the previous plan. Adequate access appears to be available from the existing Town road on the west side of the site. The applicant should contact NYSDOT regarding design of the proposed exit from the Dunkin' Donuts drive-thru onto the NYSDOT access road. The applicant should develop means of pedestrian access between the existing CDTA Park and Ride and the proposed Dunkin' Donuts store. The existing base map contours should be updated to more accurately reflect existing conditions, especially in the area of the Park and Ride facility. It was recommended that landscaped berms be created along the property frontage.

Mr. Kemper read the following comments prepared by the ECC. The following standard statements should be added to the plot plan:

- All 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 also asked that the applicant examine the stormwater management system to ensure that it is operating properly.

Ms. Pace found the project plan acceptable, commenting that the elimination of the access to the site and the proposed traffic flow would enhance the site. Board members agreed that the plan would improve the existing retail center.

[2001-019] Clifton Storage Associates (formerly the Lands of Baker) – Proposed 27,800 SF office/warehouse, Route 9 – Preliminary site plan review and possible determination.

Mr. Kevin Dailey, legal representative for the applicant, and Mr. Tom Andress, consultant, presented this application. Mr. Dailey explained that in response to a January 7, 2005 recommendation from the Town Engineer, the applicant was required to contact New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) regarding historic sites and archeologically sensitive resources near the project area. NYSOPRHP asked the applicant to conduct a Phase I study of the area. Due to inclement weather and the limited availability of consulting archeologists, the requested study was only recently completed. The Phase IA Literature Search/Sensitivity Assessment and Phase IB Archaeological study have been forwarded to NYSOPRHP in Waterford. A sign-off from the agency is anticipated. Addressing other issues of concern, Mr. Dailey explained that the site contains 13.9 acres with 3.2 acres of “upland area”. Variances for work within the L-C zone were received from the Zoning Board of Appeals. A NYSDEC

permit remains in effect until 2007. Silt-fencing has been installed to protect wetland areas.

Mr. Andress explained that most of the Planning Board concerns have been addressed. A stormwater management report describing drainage patterns has prepared. Grading limit lines have been established. A traffic-generation reported has been submitted.

Mr. Kemper explained that this project was last reviewed by the Board on January 11, 2005. At that time the applicant was asked to show the septic system on the Lands of Ruggles on the site plan. The current ACOE wetland determination is only valid until November. The applicant must secure a NYSDOT curb cut permit. Erosion control measures must be placed on the site. The Saratoga County Planning Board reviewed the project on January 20, 2005 and determined that the project had no significant county-wide or inter-community impact. A cost estimate for the well to be located on the Lands of Ruggles must be provided for review. A note referring to the variance that was granted must be added to the plans. Mr. Kemper reported receipt of an e-mail from Lou Pasquarell, Jr., Chief of the Jonesville Fire Department, that listed several concerns regarding fire protection for the site. The following comments were received from Sheryl Reed on September 15, 2005. Access to both buildings for emergency services must be provided. Water must be available for fire protection. A second ingress/egress to the site for emergency services must be installed.

Mr. Grasso noted that the applicant has addressed many of the engineering concerns identified throughout the review process. He believes that all outstanding issues can be resolved satisfactorily during preparation of the final site plan. Referring to the recommendations regarding visual buffers included in the Wood Road Statement of Findings, he stated that the applicant has met the intent of the findings by providing an adequate buffer along Route 9.

Mr. Kemper read the comments prepared by the ECC. It was recommended that the applicant reduce the intensity of the project in lieu of the sensitive environment throughout the site. The area of impervious surfaces should be designed to reduce total run-off from the site. All run-off will need to be contained via oil/water separators and sediment traps prior to discharge to surrounding water bodies (wetlands, streams). The site will require careful review by the Town Engineer to determine if on-site sewage is possible. The high water table may make it difficult to have a functional septic system and a public tie in would be required. The applicant should submit a stormwater management plan for review by the Town Engineer and the ECC.

In response to Mr. Karam's question regarding the ECC's recommendation for oil/water separators, Mr. Grasso explained that new stormwater management regulations will adequately address ECC concerns.

Mr. Engleman, Town resident, commented from the floor that he believed that this project proposal does not comply with the Statement of Findings for the Wood Road corridor, particularly with regard to impacts to endangered species habitat and maintenance of the integrity of the L-C zone. He also believed that the project does not

comply with the recommendation provided by the ECC.

Mr. Bulger explained that the Board relies on the Town Engineer and Town staff to provide professional expertise and guidance when rendering decisions. He explained that the applicant was granted a use variance by the Zoning Board of Appeals and that all approvals do comply with the Statement of Findings. Mr. Grasso stated that Part I of the long EAF had been completed: Parts II and III are completed by the designated Lead Agency when a SEQRA determination has been issued.

In response to Mr. Larkin's request for information regarding the veracity of Mr. Engleman's comments, Mr. Pelagalli stated that the Board's preparation of SEQRA documents was appropriate.

Board members found the site plan application acceptable, though a sign-off from Sheryl Reed will be required before a stamped plan is released by the Planning Department.

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

Mr. Bulger moved, seconded by Mr. Karam, to grant preliminary and final site plan approval for this application, an unlisted action, conditioned upon satisfaction of the comments offered by Mr. Kemper, Mr. Grasso, and Board members. The motion was unanimously carried.

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

Mr. Gavin Vuillaume, consultant for the applicant, explained that this project was last considered by the Board on June 28, 2005. At that time the Planning Board members were concerned that the proposed restaurant use would require more parking than was available on the site. The applicant has now agreed that the building will be limited to retail uses. Ingress and egress will be provided near the northern boundary line: a right-out only will be located near Route 146. The speaker reported that the owner of the adjoining Northway 9 office building has been reluctant to provide a cross-access or easement to the applicant. Though the property will be constructed with a walk-out basement, Dr. Sauklau, owner, assured the Board that the basement would be used only for storage.

Mr. Kemper explained that this application last appeared before the Board on June 28, 2005. The main concerns raised by the Board included the amount of parking to be provided at the site and the ingress/egress arrangements. The applicant has provided a written statement agreeing to the condition that permits only retail uses. Colored façade renderings must be provided for the Board's review. Mr. Vuillaume presented such a rendering that the Board found acceptable. Mr. Kemper asked that samples of the exterior wall color and building materials be included with the final plans.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the preliminary site plan submitted for this project: he offered the following comments. Noting that a one-way, right turn, exit only drive on to Plank Road remains on the south side of the site, he stated that this driveway was needed to facilitate emergency vehicles and delivery trucks to exit the site. The driveway may be eliminated when and if the access road connects with the property located to the west. The grading shown on the current plan does not provide for a future connection to the property to the west of the subject parcel. The grades proposed in the parking area on the south side of the building should be revised so that the grade on a driveway connecting the two properties would not exceed ten percent. The number of parking spaces provided, including the land-banked parking, will support the proposed additional retail space at this site.

The plan currently shows land-banked parking along the parking lot fronting on both Plank Road and Route 146. It is recommended that all the parking shown along the south side of the parking area on the south side of the building be designated as land-banked parking. The curb proposed along the south side shown should be moved back from Route 146 to provide a larger transition area. The plan identifies doors exiting the lower level of the north end of the proposed building. The applicant should identify what use will occupy the lower level of the building. According to code, outdoor exits must have a paved sidewalk leading away from the building.

Though the ECC provided no new comments for this meeting, applicable standard statements should be included on the site plan.

Mr. Karam asked that the right-out only exit to the south be moved as far south as possible. Due to its close proximity to Route 146, approval from NYSDOT would be required. In response to Ms. Pace's question regarding the walk-out basement, Mr. Vuillaume presented building elevations that illustrated block construction, lower-level entry door, and outside stairway to the lower level. Mr. Karam asked that the number evergreen plantings on both the north and south sides of the property be increased.

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

[2004-047] Kain Development Group, LLC – Proposed (18) lot subdivision, Longkill Road – Revised conceptual review.

Mr. Frank Fazio, consultant for the applicant, presented the plan for this application that has been revised since its initial submission in September, 2004. The plan remains generally as presented last year with (18) single-family residential lots in an R-1 zone.

Lots range in size from 20,078 SF to 56,337 SF. The applicant proposes connection to existing municipal water and sewer services and a Town roadway that will access Longkill Road. Though the plan shows the access serving an additional (2) existing lots, Mr. Fazio reported that the proposed roadway could be moved to the north to maintain the development's compliance with the zoning regulation that limits the number of lots on a cul-de-sac to (18). In response to comments prepared by the Clifton Park Water Authority, a 16-inch water main will be installed along Longkill Road with a connection at Woodstead Road. The hydrant has been relocated to the property boundary between Lots #4 and 5.

Mr. Fazio addressed a number of comments prepared by Clough, Harbour, and Associates. He reported that the wetlands have been delineated on the site: a jurisdictional letter is anticipated. In response to the recommendation regarding consideration of a cluster layout, the consultant stated that the developer believes that a conventional subdivision is better suited to the site. Though the Town Engineer was concerned about the close proximity of the proposed house sites to the wetlands, Mr. Fazio stated that the wetlands on Lots #12 and 13 have been determined to be isolated and do not impact the lots. The house on Lot #16 can be oriented more to the west to provide a suitable back yard. Responding to the concern about routing of proposed water mains, a note has been added to the plans that states that the water main connection will be made to the end of the 16-inch water main at the intersection of Woodstead Drive and Longkill Road. The property line between Lot #5 and 6 has been adjusted to provide a larger side lot for Lot #5. The proposed retention basin will be dedicated to the Town. Several minor technical comments have been addressed.

Mr. Kemper reported that this project last appeared before the Board on October 13, 2005. The Board requested that a cluster layout be considered and that an ACOE wetland delineation be completed since a signoff from the ACOE on the wetland delineation must be submitted. The comment letter from the Clifton Park Water Authority has apparently been addressed. Sign-offs will be required from the Saratoga County Sewer District and the Clifton Park Water Authority. A multi-use trail should be illustrated on the plans. The applicant will evaluate the existing right-of-way to determine if a multi-use pathway could be placed within the existing right-of-way. A Saratoga County Department of Public Works work permit will be required. The Saratoga County Planning Board approved the project on October 21, 2004. Mr. Kemper noted that because the project is a Type 1 action, coordinated review is required. Lots #16 and 17 do not provide adequate separation to the wetland area. These lots must be eliminated or a adequate amount of separation must be provided. A catch basin must be provided in the center of the cul-de-sac. Copies of letters from David Gibson, Bill Mackesey and Maureen Sheridan were provided to Board members.

Mr. Grasso read the comment letter that was prepared by Clough, Harbour, and Associates. Mr. Fazio previously commented on a number of issues listed by the engineering firm. Although the general subdivision design is acceptable and in conformance with the Town's subdivision regulations, a cluster layout should be considered. A number of lots have short rear yards that back up to other lots. This

typically results in poor lot arrangements that compromise privacy. It appears that the same number of lots and less roadway could be created with 100 foot wide lots and a generally “T” configured road layout that bisects the site. The close proximity of the proposed house sites to the wetlands on Lot #16 is of concern. The plan should better define property ownership arrangement that will result at the entrance to the proposed development. It appears the applicant is proposing to establish an ingress/egress easement over the existing lands now or formally of Wassenaar (Parcel 2). For the roadway to be dedicated to the Town, the roadway right-of-way must also be dedicated to the Town. The proposed easement would not be acceptable. The applicant is proposing to create eighteen (18) new lots and provide access to Wassenaar Parcel 1 and Lands n/f of Galeassi from the proposed access road. This creates a situation where a total of twenty (20) residential units are serviced by a single dead-end street. Dead-end streets servicing more than 18 residential units are not permitted in the Town of Clifton Park (paragraph F of Section 86-6 of the Town’s Construction and Design Standards). The parcel identified as the proposed location for the storm water retention basin appears to extend along the entire length of the access road to Longkill Road. The plan should clarify if the intent is to dedicate this entire parcel to the Town. Any easements associated with the existing overhead transmission line that crosses the entrance road should be identified on the drawing. A portion of the existing driveway of Parcel 1 Lands of Wassenaar is located on the proposed Lot #1. The proposed property line should be revised to eliminate any encroachments. All proposed easements should be shown on the plan. Utility easements shall be a minimum of 30’ in width. Under Section 179-27 of the Town of Clifton Park Zoning Regulations the Owner is required to dedicate “park land” or “open space” to the Town. If this offer is not made, or the land offered not useable for a public purpose, the Board can require, as a condition to approval of the plat, that the owner pay to the Town a fee per lot included in the plat. The plan does not identify lands of this nature to be dedicated to the Town.

Mr. Kemper reported that the ECC reiterated a previous comment that recommended that extensive buffering be retained along existing property lines to reduce potential impacts to surrounding residences. In addition, the ECC asked that the following standard statements be added to the plan:

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

Mr. Bulger addressed comments to those members of the audience who were in attendance because of this application, explaining that the Board was reviewing this application as a revised concept plan. No public comment would be received. A public hearing will be scheduled at a later date at which time residents would be permitted to express their comments and concerns. Mr. Russell observed that the existing driveway that serves the Lands of Wassenaar should be replaced by a Town road since such a road would make access to all lots easier for residents and emergency vehicles. Mr. Larkin asked that the need for a future connection to the north to lands within the Town of Malta be investigated. Mr. Karam asked that the proposed homes be located as far from the wetlands as possible. He also asked that as much vegetation as possible be preserved to create an adequate buffer to existing homes. Mr. Bulger approved of the conventional layout design. The applicant was directed to meet with the Emergency Services Advisory Board for approval of additional lots on a cul-de-sac.

#### New Business

[2005-050] Mohnen, Volker – Proposed (2) lot subdivision, Riverview Road – Conceptual review.

Mr. Dave Flanders, consultant for the applicant, presented this proposal that calls for a subdivision of 11.49 acres of land in an R-1 zone on the east side of Riverview Road into lots of 8 acres and 3.45 acres, respectively. An existing house is located on the larger parcel: a single-family residence is proposed for the smaller parcel. The proposed lot will be served by an on-site well and individual septic system. A driveway access will be provided to Riverview Road.

Mr. Kemper's only comment was that the 100-year flood plain should be labeled as Town of Clifton Park Land Conservation zone.

Mr. Kemper reported that the ECC had no comment on this application.

Mr. Grasso reported that the only comment from Clough, Harbour, and Associates was that access to the proposed residence may be difficult during a significant storm event.

Board members found this application generally acceptable.

#### Minutes Approval

Mr. Bulger moved, seconded by Mr. Karam, approval of the minutes of August 9, 2005 as written. Ayes: Larkin, Pace, Karam, Russell, Hughes, Bulger. Noes: None. Abstained: Kramer.

Mr. Bulger reported that the Planning Board meeting scheduled for September 27, 2005 has been cancelled. The meeting originally scheduled for October 12, 2005 has been re-scheduled to October 6, 2005.

Mr. Bulger moved, seconded by Mr. Russell, adjournment of the meeting at 10:35p.m. The motion was unanimously carried.

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

Resolution #24  
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 September 15, 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 #24, and Mr. Kramer seconded, and

Whereas, an application has been made to this Board by George Nash for approval of a subdivision entitled Survey of the Lands of George E. Nash and Sharon L. Nash consisting of the transfer of .03 acres of land from the Lands of Elicia Lacey to the Lands of Nash;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 15, 2005 and;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on September 15, 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 Survey of the Lands of George E. Nash and Sharon L. Nash consisting of the transfer of .03 acres of land from the Lands of Elicia Lacey to the Lands of Nash is hereby granted preliminary and final approval conditioned upon

satisfaction of the comments issued by Mr. Kemper.

Resolution #24 passed 9/15/05

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

Noes: None

Steven J. Bulger,  
Chairman

Resolution #25

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 September 15, 2005, there were:

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

Absent: None

Mr. Kramer offered Resolution #25, and Ms. Pace seconded, and

Whereas, an application has been made to this Board by Jeffrey Vedder for approval of a subdivision entitled Lot Line Adjustment Between the Lands of Country Club Acres, Inc. and the Lands of Jeffrey D. and Lisa M. Vedder consisting of the transfer of .244 acres of land from the Lands of Country Club Acres, Inc. to the Lands of Vedder;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 15, 2005 and;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on September 15, 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 Lot Line Adjustment Between the Lands of Country Club Acres, Inc. and the Lands of Jeffrey D. and Lisa M. Vedder consisting of the transfer of .244 acres of land from the Lands of Country Club Acres, Inc. to the Lands of Vedder is hereby granted preliminary and final approval conditioned upon satisfaction of the comments issued by Mr. Kemper and Mr. Grasso

Resolution #25 passed 9/15/05

Ayes: Kramer, Larkin, Pace, Karam, Hughes, Russell, Bulger  
Noes: None

Steven J. Bulger,  
Chairman

Resolution #26  
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 September 15, 2005, there were:

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

Absent: None

Ms. Pace offered Resolution #26, and Mr. Kramer seconded, and

Whereas, an application has been made to this Board by Joel P. Peller for approval of a subdivision entitled Subdivision Plan for a Portion of the Lands of Debra A. Spellman and Joel P. Peller consisting of the subdivision of 7.2 acres of land into (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 15, 2005 and;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on September 15, 2005, and

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

Now, therefore, be it resolved that the final hearing for this application is waived and that the final subdivision plat entitled Subdivision Plan for a Portion of the Lands of Debra A. Spellman and Joel P. Peller consisting of (2) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments issued by Mr. Kemper and Mr. Grasso

Resolution #26 passed 9/15/05  
Ayes: Kramer, Larkin, Pace, Karam, Hughes, Russell, Bulger  
Noes: None

Steven J. Bulger,  
Chairman

Resolution #27  
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 September 15, 2005, there were:

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

Absent: None

Mr. Karam offered Resolution #27, and Mr. Bulger seconded, and

Whereas, an application has been made to this Board by Gretta Mawad for approval of a subdivision entitled Lands of Greene to be Transferred to Gretta M. Mawad consisting of the transfer of 1.6 acre of land from the Lands of the State of New York to Gretta M. Mawad and a transfer of .527 acres of land from the Lands of Greene to the Lands of Gretta M. Mawad;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 15, 2005 and;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on September 15, 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 Lands of Greene to be Transferred to Gretta M. Mawad consisting of the transfer of 1.6 acre of land from the Lands of the State of New York to Gretta M. Mawad and a transfer of .527 acres of land from the Lands of Greene to the Lands of Gretta M. Mawad is hereby granted preliminary and final approval conditioned upon satisfaction of the comments issued by Mr. Kemper.

Resolution #27 passed 9/15/05

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

Noes: None

Steven J. Bulger,  
Chairman