

Clifton Park Planning Board Meeting Minutes February 28, 2006

Those present at the February 28, 2006 Planning Board meeting were:

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

Those absent were: A. Kramer

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

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

Public Hearings:

[2005-008] Maroncelli, Valerie - Proposed hair salon in an R-1 zone, 15 Merrall Drive – Public hearing for Special Use Permit and preliminary site plan review.

The Chairman called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on February 18, 2006.

Ms. Maroncelli, applicant, presented her application for the Board's consideration. She requested permission to install a hair salon in the garage area of the basement of her residence on Merrall Drive. There are no proposed changes to the driveway, parking area, or remainder of the property. No signs will be installed.

Mr. Kemper explained that pursuant to Section 208-10(9)(a)[2] of the Town Code this request for approval of a Special Use Permit must be reviewed by the Planning Board. The main changes to the exterior of the building include changing the garage door to a window and adding on a section of porch and porch roof. He reported that the Planning Department received a phone call from a neighbor concerned with the commercial use in the neighborhood and a large truck that is often parked in the driveway. Though the individual was advised to send a letter or e-mail outlining his concern, no correspondence was received. The Building Department also received a call from this individual. He asked that the Building Department enforce any and all restrictions placed upon the approval by the Planning Board. The applicant has provided a statement informing the Town that there will be no signage and no more than two cars associated with the business will be parked in the driveway. A message was left on the Planning Department voicemail from a nearby resident stating that he/she does not agree with allowing a business in a residential area. The caller also expressed concern that other neighbors would seek approval to operate businesses.

Mr. Grasso did not comment on this application.

The ECC found the project plan acceptable.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:15p.m. The motion was unanimously carried.

In response to Mr. Karam's question regarding lighting and hours of operation, the applicant stated that there would be no change to existing exterior lighting fixtures. The shop would operate Tuesday-Saturday from 9a.m. to 5:00p.m. Mr. Bulger stated that the Town Code permits the operation of a salon in an R-1 zone and it appears that, since vehicles will be parked in the driveway, there will be no impact to traffic within the neighborhood. Ms. Pace asked that the approval be conditioned upon specific hours of operation. The applicant agreed that the salon would operate only between the hours of 8:00a.m. and 9:00p.m. Monday through Saturday. Mr. Pelagalli advised that since the Board had considered traffic impacts, signage, and lighting issues and found no impacts on the existing neighborhood, the granting of a Special Use Permit with the identified conditions would be reasonable.

The Board first considered the Special Use Permit application.

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

Mr. Karam offered Resolution #6, seconded by Mr. Hughes, to grant approval to this Special Use Permit to allow the construction of a hair salon in an R-1 zone conditioned upon satisfaction of the comments offered by Mr. Kemper, that parking for customers be limited to the driveway, and that the hours of operation be limited to 8:00a.m. to 9:00p.m. Monday through Saturday. Ayes: Larkin, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

The Board then considered the site plan application.

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

[2005-051] Rotundi, Anthony - Proposed (2) lot subdivision, 766 Grooms Road – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:25p.m. The Secretary read the public notice as published in the Daily Gazette on February 18, 2006.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that remains generally as presented at the January 10, 2006 Planning Board meeting. The proposed (2) lot subdivision has been designed in accordance with CR (Conservation Residential) standards. The applicant anticipates additional subdivision of the remaining parcel at a future date. The parcel will be served by the Saratoga County Sewer District and the Clifton Park Water Authority.

Mr. Kemper reported that this project last appeared before the Board at its January 10, 2006 meeting at which time the Board found the application generally acceptable. Jim DiPasquale, Director of the Saratoga County Sewer District, provided a memo dated October 3, 2005 that states that "this project is contiguous to the Saratoga County Sewer District boundary (300 feet south of Grooms Road). Submittals for service in compliance with Saratoga County Sewer District's rules and regulations will be required for review and comment." The Saratoga County Planning Board approved the project at its January 19, 2006 meeting. Mr. Kemper asked that the appropriate postal addresses be added to the plans.

Mr. Grasso reported that Clough, Harbour, and Associates found the subdivision plan acceptable.

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

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:27p.m. The motion was unanimously carried.

Mr. Larkin asked about subdivision of the remaining lands. Mr. VanGuilder explained that the 53.6 acre parcel remaining included 32.85 acres of "upland" area and 29 acres of unconstrained land. It would be possible to create nine (9) new residential lots and provide a lot for the existing residence. Future access points along Grooms Road were discussed. Mr. VanGuilder is working with both the ACOE and NYSDEC to determine the most practicable area for wetland crossings.

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

Mr. Hughes offered Resolution #7, seconded by Mr. Russell, to grant preliminary and final subdivision approval to this application conditioned upon the satisfaction of comments offered by Mr. Kemper. Ayes: Larkin, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

[2006-002] Roschinsky, Mark – Proposed transfer of .46 acres from 868 Main Street to 866 Main Street, Jonesville – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:30p.m. The Secretary read the public notice as published in the Daily Gazette on February 18, 2006.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that remains as presented at the January 24, 2006 meeting. He explained that Mr. Myers, Director of Building and Development, has determined that the lot at 868 Main Street will not become a keyhole lot should this application receive approval from the Board.

Mr. Kemper explained that when this project last appeared before the Board on January 24, 2006, the issue raised by Board members and Mr. Pelagalli concerned the zoning classification on the different parcels. It has been determined that the zoning shown of the plan is accurate. The applicant must provide a consolidation deed for review. The Saratoga County Planning Board approved this project at its January 19, 2006 meeting conditioned upon the applicant obtaining a driveway permit from the Saratoga County Department of Public Works.

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

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

Mr. Hughes offered Resolution #8, seconded by Mr. Russell, to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of the comments offered by Mr. Kemper. Ayes: Larkin, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

Old Business:

[2004-051] Cillis Builders – Proposed (12) lot subdivision, Bruno Road – Possible final determination.

This application was withdrawn from consideration at the evening's meeting at the request of the applicant.

[2005-021] Carlson Farm – Proposed (44) lot subdivision, Moe Road – Determination from public hearing held on October 25, 2005 and reconvened on December 13, 2005.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that has been reviewed by the Board on several occasions. When last reviewed by the Board on February 14, 2006, the most significant issue to be resolved concerned affirmation of the wetland delineation by the ACOE. The applicant has since submitted the mapping that

was completed following site investigation by ACOE representatives for review by Clough, Harbour, and Associates. Additional grading along the northern property boundary has been shown on the plan and the applicant has agreed to create additional swales if necessary to prevent drainage to homes along Arbor Lane. Fencing has now been shown on the plan to define restricted wetland areas and stormwater management areas.

Mr. Kemper reported that this project was last considered by the Board on February 14, 2006. The Board chose not to render a determination at that time since the applicant had not received a final sign-off from the ACOE. Mr. Kemper stated that he has discussed this application with John Connell, ACOE regional representative: Mr. Connell has stated that he believes that the wetland delineation is accurate and will provide a jurisdictional letter as soon as possible. Sign-offs will be required from the Clifton Park Water Authority and the Saratoga County Sewer District. Split rail fencing must be placed along the stormwater management area and wetland boundaries. A trail connection must be shown to Arbor Lane. The status of the archeology investigation must be clarified. Mr. Kemper advised the applicant that a penalty will be due for breaking the conservation easement program if the project is approved. He noted that the Board had requested that he meet with the adjoining landowners along Huntwood Drive to determine the best type of screening for the trail. This has not yet been done. He recommended that if the Board renders a decision on this application, it should be conditioned upon such a meeting. The Board also requested that Mr. Kemper contact Rick Kukuk, Highway Superintendent, regarding realignment of the curve on Moe Road. Mr. Kukuk reports that realignment of the curve will not be considered in the foreseeable future – he believes that such a project would not be considered for 10 to 15 years.

Mr. Grasso explained that Clough, Harbour, and Associates offered comments on the proposed project plan. Clough, Harbour, and Associates previously commented on the need for additional grading information along the rear yards of the lots along the northerly property line. The applicant's consultant has agreed to provide additional topographical detail and proposed grading information for approval prior to construction. This appears to be an acceptable condition of approval. The wetlands delineation report and correspondence between the applicant's consultant and the US Army Corps of Engineers relative to the wetlands within the project site has been reviewed based on the information provided: it appears that the project plans adequately represent the extent of waters of the United States and the appropriate jurisdictional agencies, and furthermore, that the plans represent conformance with the Town of Clifton Park zoning regulations. The following comments regarding the Stormwater Management Report were provided:

- A Storm Water Pollution Prevention Plan with erosion and sediment control methods and details should be provided.
- A Construction Phasing/Sequencing Plan should be prepared showing how the site will be developed while limiting disturbance to a maximum of 5 acres at a time. The plan should also include additional temporary erosion control measures including temporary diversion measures, temporary sediment basins, a stabilized construction entrance and designated topsoil and fill stockpile areas.

Consistent with the previous recommendation regarding restricting future subdivision of the Kleinberg/Kazen property, it is recommended that a note be added to this effect on

the plans. Pedestrian/bicycle crossing signs should be provided where the multi-use pathway crosses the public roads.

Mr. O'Brien, Environmental Specialist, reported that the ECC found that although most comment had been addressed, several standard statements should be added to the plan.

Board members discussed the trail location in the vicinity of the cemetery. It was agreed that the trail as represented on the plan was acceptable. The Board recommended that the Historic Preservation Commission provide language for an identification marker that would be placed near the cemetery site. Mr. Bulger asked that the removal of trees be limited and that the applicant work with Clough, Harbour, and Associates to create the best possible drainage for the northern-most properties. Mr. Karam did not believe that this applicant should be responsible for improvements to Moe Road. Other Board members agreed, noting that the applicant had supplied land to the south of the curve that could be used for future roadway improvements. Though Mr. Hughes was concerned about lighting near the cemetery, Board members agreed that additional lighting would not be required. Mr. Bulger stated that screening of the trail segment that connects to Huntwood Drive would be discussed with property owners adjoining it. He thanked the applicant for working cooperatively with the Board to create a desirable project.

Mr. Bulger 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. Hughes offered Resolution #9, seconded by Mr. Karam, to waive the final hearing for this application and to grant preliminary subdivision approval conditioned upon satisfaction of the comments offered by Mr. Kemper, Mr. Grasso, and the ECC. Ayes: Larkin, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

[2005-020] Moe Road Office Complex – Proposed 27,500 SF professional office space in (6) buildings, 509 Moe Road – Preliminary site plan review and possible determination.

Mr. Mike Szemansco, applicant and owner of 509 Moe Road, presented this project plan that was originally considered by the Board on April 26, 2005. The speaker presented a brief description of the project, explaining the plan calls for the construction of six (6) single-story buildings, each 4,500 SF to 4,600 SF in size, for a total of 27,500 SF of office space. The buildings will be residential in character and design, constructed of a masonry base, vinyl siding, and asphalt shingles. The project conforms to B-1 zoning which permits up to 12% coverage of the site, with no single building being greater than 4,800 SF. Stormwater will be managed on site, with swales used to direct water to both eastern and western areas of the site. If built out with maximum parking for medical/dental use, 50% greenspace would be provided. Final greenspace will range from 50%-59% depending upon the medical/dental occupancy rate. Mr. Szemansco explained that the proposed private access drive will be designed with a travel width of twenty-four (24) feet and an intersection radius of thirty (30) feet in accordance with Town roadway standards. The access roadway and innermost parking area entrance are designed to

accommodate the turning movements of fire trucks such that they can readily enter and exit the site. The buildings are situated adjacent to the main access drive, affording direct access by emergency vehicles, with parking areas located to the side and rear. The applicant reported that the lay-out has been accepted by Sheryl Reed, Chief of the Bureau of Fire Prevention. A Traffic Impact Study was completed by Transportation Concepts, LLP and submitted for review. Preliminary recommendations include a site driveway egress stop sign, the re-location of the existing striped crosswalk on Moe Road, opposing turning lanes within the existing median and minor adjustments to the existing school drive/site driveway intersection geometry.

Mr. Szemansco provided additional information regarding site development. The site will be serviced by public water within the Clifton Park Water Authority system and will be connected to the sanitary line within Saratoga County Sewer District #1. Stormwater will be handled on-site within a network of swales and recharge basins that are sized to fully treat and manage the initial water quality volume and retain a 25-year storm. The site is surrounded almost entirely by open woodland vegetation consisting largely of mature evergreens. Supplemental plantings are provided along the northwest property line where it abuts Collins Park and along a portion of the southern property line where a nearby opening in the canopy exists within the adjacent school property. An existing evergreen tree line is situated along the southwest boundary line where an open lawn area currently exists. Wetland delineation was determined unnecessary given that the site is entirely upland.

Mr. Kemper reported that this project last appeared before the Board on April 26, 2005 at which time the major issues of concern were the density of the project and the completion of a traffic study. The applicant will need to provide a sign-off from Sheryl Reed. Sign-offs must also be provided by the Saratoga County Sewer District and the Clifton Park Water Authority. The project is located in the Exit 9 GEIS study area and must conform to the Findings Statement. Colored façade renderings and samples of building materials must be provided with the next submission. Additional plantings must be provided in the front of the stormwater management basin. Cross access easements must be provided. Mr. Kemper reported that the traffic study has been submitted for review.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the plans for the above referenced project and offered the following comments. The first comments related to the proposed stormwater management plan. The stormwater management plan should be designed in accordance with the Unified Stormwater Sizing Criteria as outlined in the New York State Stormwater Design Manual. The water quality volume (WQv) should be captured and treated in accordance with the 90% Rule. Post developed peak discharge rates should be restricted to the pre-developed peak discharge rates for the 1, 10 and 100-year design storms for channel protection (CPv), overbank flood (Qp) and extreme storm (Qf). The consultant should reference the SMP Selection Matrices in order to determine an appropriate method of stormwater treatment based upon site conditions. The time of concentration travel path should be depicted on the drainage area maps. A Stormwater Pollution Prevention Plan with erosion and sediment control methods and details should be provided. Since the project will involve the disturbance of greater than 1 acre of land,

the applicant is required to submit a Notice of Intent (NOI) pursuant to the State Pollution Discharge Elimination System (SPDES). A copy of the NOI should be included in the Stormwater Pollution Prevention Plan (SWPPP).

Mr. Grasso then focused attention on the water report, stating that the report should provide a discussion on pressure and flow data of the existing system and the adequacy of the system to support the proposed development. An evaluation of the water main on adjacent properties and the potential for providing a looped system should be provided. The sewer report should include information regarding the adequacy of the existing sanitary sewer system to accommodate the proposed additional flows. The design and specifications of the proposed grinder pumps should be provided.

Mr. Grasso then commented on the traffic report. The site plan should identify and detail the traffic improvements noted in the traffic study. The study notes that with improvements traffic will continue to operate at very near the 2007 background levels. The one exception is left turns from School Drive onto Moe Road during the PM peak hour. At this location the level of service (LOS) will drop from a D to an E. The study states that "it is likely that mitigation for this impact will be corrected internal to the school campus circulation." It is recommended that the school transportation department be contacted regarding rerouting the left turns to the southern driveway or that mitigation measures be installed at the Moe Road/ School Drive/ site driveway to maintain a LOS D.

Clough, Harbour, and Associates provided a number of other miscellaneous comments. It is recommended that all parking be installed at this time since medical/dental is a proposed use. Pursuant to Section 208-34.D.4 of the zoning regulations, there should be a minimum ten foot wide planted buffer along the rear and side property lines. The width of this buffer should be increased where the property abuts Collins Park and the school. The plan does not indicate a solid buffer along the side or rear property lines. Additional landscaping should be provided around the foundation of each building. Provisions should be shown for maintaining the multi-use path during and after construction in front of the site. Appropriate signs, detectable warning strips, crosswalks, etc. should be provided. A lighting plan should be submitted identifying the pole mounted and building mounted fixtures and heights. No grading should be shown for the stormwater management area within the Moe Road right-of-way. Access to the east and to the north to lands of Donald Greene (formerly Bonar) should be shown in anticipation of a future connection to either Wall Street or Route 146. The retention basin at the east end of the site should be reconfigured to allow for the future connection. An access easement should be provided through the site and over these connections. It is recommended that curbing be provided around the perimeter of all parking areas. The drainage along the southerly property line should be discharged into a swale at a minimum slope of 1% to the retention basin. As shown, stormwater is draining onto the adjacent property. Architectural elevations and building heights should be discussed with the Planning Board to ensure compatibility with the area. The dumpsters should be oriented at a 45 degree angle to facilitate ingress/egress for waste haulers. No parking signs are required in front of the handicapped parking access aisles in accordance with NYS Building Code. The proposed method of bringing the water main across Moe Road through a directional bore should be

detailed on the plans. All gate valves, fittings, etc. should be provided. Profiles for the water and sewer lines should be provided.

Mr. O'Brien, Environmental Specialist, reported that the ECC provided the following comments related to this application. The applicant must retain the existing vegetation to the maximum extent possible to provide adequate buffering to the adjacent residential property to the south. All exterior lighting shall be directional and limited. The applicant must provide a Stormwater Management Plan and Pollution Prevention Plan for review. The applicant should provide a greenspace plan, shading the areas to remain as greenspace. The following standard statements should be added to the plot plan:

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

Mr. Karam questioned the viability of the 25-year storm threshold for the stormwater management plan. Mr. Szemansco explained that the plan adequately provides for pre-development and post-development containment. Mr. Larkin was concerned with clear cutting of the site. The applicant stated that he would like to have "discretion" with site development, noting that he would prefer not to "wall off" the area with trees. In response to Mr. Larkin's query regarding the greenspace calculations, Mr. Szemansco stated that the stormwater management areas had been included in the calculations. Though Mr. Larkin suggested that a connection be provided to the Lands of Greene, the applicant was fearful of creating a "cut-through" for traffic from the school property to Route 146. Mr. Larkin also stated that he found the density proposed excessive: he would prefer a plan that provided for better traffic flow through the site. Mr. Hughes, stating his concern with the proposed density and the number of parking spaces, asked that the applicant consider a reduction in the number and size of the buildings. Mr. Bulger stated that he finds traffic safety a major concern and noted that the applicant may be "forced to reduce the project's density" in order to address the problem reasonably. He advised the applicant to meet with school officials to determine if the proposed configuration would be acceptable: no degradation of the level of service at the intersection would be permitted. Mr. Bulger also advised the applicant to meet with Mr. Grasso and representatives from Clough, Harbour, and Associates to determine the most reasonable location for pedestrian improvements.

New Business:

[2006-006] Oak Brook Commons, LLC – Proposed 5,600 SF apartment building and 924 SF 4-bay garage, US Route 9 – Conceptual site plan review.

Mr. John Gay, consultant for the applicant, presented this application that calls for the construction of a 4-unit apartment building and 4-bay garage at the existing Oak Brook

Commons apartment complex. The speaker explained that Oak Brook Commons, LLC is an upscale apartment project that is located in the Town of Clifton Park and the Town of Halfmoon. The project site currently consists of 52 apartment units located on 13 acres of land in the Town of Clifton Park and 3 garage buildings that provide space for 18 automobiles. The project is served by the Town of Halfmoon Water District No. 6 and by the Saratoga County Sewer District. At present, 52 units have been constructed in the Town of Clifton Park using a lot pattern that was “environmentally sensitive”. Grading was kept to a minimum and tree cover was preserved throughout the project area. The applicant believes that such preservation techniques have made the complex a most desirable place to live. The consultant stated that the proposed apartment building will be located between buildings 1 and 2 and will be situated 100 feet from the stream that traverses the property. The garage is to be located on the south side of the site. It is believed that the applicant received approval to construct 56 units with the Town of Clifton Park in 1993.

Mr. Kemper reported that this project was originally approved in January, 1993. All of the minutes from the meeting of January 12, 1993 (preliminary review) and October 27, 1992 (conceptual review) state that there would be 56 living units in the Town of Clifton Park. The final stamped site plan, however, indicates that there are to be 52 units in the Town of Clifton Park. That plan was stamped by Kevin O’Brien on June 7, 1993. The current plan calls for apartments and a garage. The garage would be an allowable use on the parcel and only site plan review would be required. The apartments are no longer an allowable use in the zone.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the application and offered the following comments. 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 be the Saratoga County Planning Board (Section 239 Referral) and the Town of Clifton Park Planning Board for site plan approval. The Project Narrative states that construction of the proposed four-unit apartment building and four-unit garage will complete a project that was originally approved by the Town in 1993. The applicant should provide copies of overall site plans, correspondence, and legislation that might have been part of the original approval. The concept site plan should include conceptual connections to water and sewer services. The proposed extension of the paved parking area to serve the new apartment building appears to require the relocation of an existing dumpster. The plans should include a new location for the dumpster. The proposed construction will add additional impervious area to the site. The applicant should explain how the increased runoff will be managed. If built as shown, it appears there would be only one means of access for emergency vehicles to reach the proposed apartment building and the building would be close to the existing steep slope. To mitigate this situation, it is recommended the access drive be increased in width to approximately twenty feet and shifted approximately ten feet closer to Building #2.

Mr. O’Brien, Environmental Specialist, reported that the ECC offered the following comments on this application. The following standard statements should be added to the plot 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).
- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

The Town Engineer should verify the adequacy of the current stormwater management system to handle the proposed project. The ECC would also like to remind the applicant that the stormwater management area cannot be included in the greenspace calculation.

Board members discussed the project proposal briefly. Mr. Bulger commented that the proposed garage appeared acceptable. Mr. Larkin noted that the site plan seemed to indicate the construction of an additional 4-unit building in the Town of Halfmoon. In response to Mr. Karam's question regarding the number of approved units, Mr. Bulger explained that although the minutes indicated approval of 56 units within the Town of Clifton Park, the site plan clearly indicated that 52 units were approved in our Town – the additional 4 units were to be built within the Town of Halfmoon. He further explained that stamped plans are viewed as the “more official” record of the decision rendered by the Board. Mr. Pelagalli advised that a ruling from the Code Enforcement Officer may be required and he recommended that Mr. Myers, Director of Building and Development, consult with Mr. Renzi, Town Attorney, regarding the situation to determine whether or not a variance will be required. The Board agreed that the applicant could proceed with the site plan application for the garage.

[2006-007] Draper Construction – Proposed 4,000 SF retail building, NYS Route 146 – Conceptual site plan review.

Mr. Brett L. Steenburgh, consultant for the applicant, presented this application that seeks approval for the construction of a 4,000 SF retail building at 1605 Route 146 on a 1 acre parcel that adjoins the Dunkin' Donut shop. The property is located in a HM (Hamlet Mixed Use) zone. The plan calls for a building with a full basement that will be used for storage, the installation of 20 new off-street parking spaces, and an on-site septic system. The building will be served by the Rexford Water District.

Mr. Kemper stated that the Saratoga County Planning Board approved this project on February 16, 2006 and provided the following comments: “The applicant will need to contact NYSDOT for access into NYS Rt. 146. The staff recommends the use of cross-easements between adjoining properties. This will provide for better access management along the state road and a safer environment for patrons. This project is located in the Hamlet District in the Town of Clifton Park. Hamlet districts provide for a mixed-use traditional neighborhood setting. The town may want to consider having the applicant

shift the proposed building toward the front yard, requiring relocation of the parking lot to the rear of the building. The addition of landscaping, period lighting and monument signs could help to better achieve a hamlet design.” The following comments were provided by Steve Myers in a memo dated February 13, 2006: “Most retail uses are not an allowed use in hamlet mixed use zone. Need further definition of what is proposed for full consideration.” A NYSDOT curb cut permit will be required. Any wetlands on the parcel must be delineated. Mr. Kemper explained that the allowable density under the HM zone is 2,000 SF per acre. To achieve the allowable density the applicant will need to consider the newly adopted amenity zoning requirements for the Town. Colored façade renderings with building materials must be provided as the project moves forward.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed this application and offered several comments. 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 be the Saratoga County Planning Board (Section 239 Referral) and the Town of Clifton Park Planning Board for site plan approval. The project is located in the HM (Hamlet Mixed Use) zone, which does not appear to permit commercial use without a residential unit on the second floor (§208-43.2). Review and determination by the Zoning Enforcement Officer should be obtained. The HM (Hamlet Mixed Use) space and bulk requirements state that the base density for retail use is 2,000 SF per acre. The project is one acre, therefore, 2,000 square feet is permitted if the entire site is all unconstrained lands. Because an additional 2,000 SF of retail space is proposed, it would be subject to the Open Space Incentive Zoning which will require an additional 3.0 acres of unconstrained land as open space (1.5 acres per 1,000 square feet) or \$60,000 (\$30,000 per 1,000 square feet) for the additional 2,000 SF of gross floor area. It is recommended that the building be placed closer to Route 146 and that all parking be located behind the building to meet the intent of the HM-Hamlet Mixed Use zoning.

Mr. O’Brien, Environmental Specialist, reported that, after reviewing the project, the ECC offered the following comments. The applicant should consider shifting the parking area to the rear of the project to enhance the roadside appearance. All proposed lighting shall be directional and limited. The following standard statements should be added to the plot plan:

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

Mr. Steenburgh noted that the proposed retail facility is located between the existing Dunkin Donuts and the Rexford Firehouse, both with parking in the front yards. Concern with aesthetics prompted the project to be designed as submitted.

Mr. Karam recommended that cross-easements be provided between the adjoining

properties. In response to Mr. Hughes' question regarding the proposed use for the building, the consultant reported that the tenant would likely be a "high end liquor store." Mr. Hughes stated the Board should consider the benefit of a "consistent" look for the area. Parking in the front yard may be more desirable than moving spaces to the rear of the building. Mr. Bulger discussed the residential component that seemed to be required by code. Mr. Larkin stated that, if indeed, a residential component was incorporated into the plan, the project would require parking to the rear of the building and that the applicant may have to seek variances for the parking location as presented. Mr. Bulger commented that, although the hamlet mixed use could be reasonably applied in other areas of Town, this location did not appear reasonable for such a use. Board members recommended that the applicant reconsider the proposed project and apply for all necessary variances before resubmitting the application.

[2006-005] 21st Century Park Senior Townhouses PUD, 1315 Route 146 – Referral from Town Board.

Mr. Wayne Wagner, owner of 21st Century Park and applicant provided a brief history of this project, explaining that he has met with Town officials in an attempt to find solutions for the housing shortage for those residents who are "downsizing". He reportedly received encouragement from these officials to design a project for owner-occupied townhouses.

Mr. Tom Andress, consultant for the applicant, presented this PUD application that was referred for Planning Board review by the Town Board on February 6, 2006. The project plan proposes the development of a 10 acre portion of the 23.6 acre parcel owned by Wayne E. Wagner and known as 21st Century Park. The site lies on the northerly side of Route 146, west of Tanner Road. A portion of the site has been developed with commercial buildings. These buildings, located to the rear of the site, house several tenants including Enterprise Rent-A-Car, a daycare facility, corporate offices, and an auto related office/distributor – B&D Automotive.

The plan calls for the development of 10 acres of the parcel situated in the front adjacent to Route 146. The project plan calls for the construction of 68 residential units in buildings ranging from 3 units to 12 units. The development would be deed restricted to at least one member of the unit being 50 years of age or older. The facility would be serviced by a private road network that would be maintained by a homeowners' association. This association would be responsible for maintenance of the roads, driveways, yards, open space, landscaping, and building exteriors. Berming and significant plantings would be installed along Route 146 to screen the site. Each unit would have at least one attached garage. Additional parking would be provided outside the garage and throughout the property.

Public utilities would be provided for water and sewer. The Clifton Park Water Authority lines would be extended through the project and easements would be provided for ownership and maintenance by the Authority. A low pressure grinder pump system would be provided which would connect to the existing low pressure sewer main at Route

146. Individual grinder pumps would be owned and maintained by the homeowners' association and low pressure sewer lines in the road would be dedicated to the Saratoga County Sewer District #1.

Mr. Andress explained that the existing access into 21st Century Park will be improved with a new entrance at Route 146 and a new common access drive that will serve the commercial buildings. The overall parcel will be subdivided to create separate lots for each use on the property.

Mr. Kemper explained that this project was referred to the Planning Board by the Town Board on February 6, 2006. Comment is due back to the Town Board within 60 days. There is a memo from Sandy Roth dated February 9, 2006 identifies several items of concern that he would like to see addressed. Mr. Kemper explained that a memo from Pat O'Donnell, Town Clerk, describes the concerns of the other Town Board members that were expressed at the Town Board meeting. Copies of a memo from Roy Speckhard were also provided to Planning Board members. Mr. Kemper recommended that a traffic study be completed. Sign-offs will be required from the Clifton Park Water Authority and from the Saratoga County Sewer District. Sheryl Reed, Chief of the Bureau of Fire Prevention, provided a memo dated February 28, 2006 that states that "the main concern is the single access off Route 146 shared with existing businesses that are within 21st Century Park – as being not adequate to address emergency services concerns. Also, there is concern about the private road proposed internally for this project." Mr. Kemper recommended that screening be provided between the proposed senior housing complex and the commercial uses on the site.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed this application and determined that it is not consistent with the land uses contemplated in the Corporate Commerce Area GEIS in 2001. As such, it is recommended that a supplemental EIS be prepared and submitted for review and comment. The proposed project appears to be a "Type 1" action pursuant to SEQR, and as such, coordinated review is required. The involved agencies are expected to be the Planning Board, Saratoga County Planning Board, NYSDOT, SCSD #1, CPWA and the Town Board. It is anticipated that a significant environmental impact issue that will need to be addressed involves access and traffic safety. This site was included in the Corporate Commerce Area GEIS in 2001 and, therefore, excluded from the Western Clifton Park GEIS in 2005. At that time, it was anticipated that up to one million square feet of commercial building space could be developed without significant impact to the transportation network if recommended improvements were made to Route 146. It was anticipated that traffic would be funneled to Tanner and Miller Roads and that the intersection of Tanner/Miller and Route 146 would be improved with turn lanes and a traffic signal. In addition, access to Route 146 at the existing 21st Century Park access road would be limited to rights in/rights out only. It is recommended that this project include these access improvements. In accordance with the Corporate Commerce GEIS Findings Statement, a traffic study shall be prepared to identify the traffic impacts of the project and verify that the above improvements will adequately mitigate the impacts. The Corporate Commerce zone (§208-51) states that this zone is primarily for the location of high-technology facilities, office parks, research and

development facilities and headquarters of corporations and organizations. Housing of any type is not permitted. The town Corporate Commerce zone contains approximately 274 acres of which approximately 100 acres are developable without environmental constraints. This project would remove approximately 10 acres from potential corporate commerce development. The area surrounding this project has recently been rezoned to Conservation Residential (CR) which allows residential development at a density of 1 dwelling unit per 3 acres of unconstrained land. If this development density were applied to the proposed senior housing site only 3 dwelling units could be constructed - 6 units with Open Space Incentive Zoning. The application as proposed calls for 68 dwelling units on approximately 10 acres or 6.8 dwelling units per acre. It is not clear from the plan submitted how this proposal relates to the existing building, parking and overall parcel. The applicant should submit the following information in accordance with §208-72 for a Planned Unit Development: survey showing existing site features including contours, buildings, structures, streets utility easements, rights-of-way and land uses within 500 feet; a preliminary site plan as described in Article XVI of the Town Code; information on the intended construction sequences for buildings, parking areas and landscaping; a utilities plan documenting the proposed location, size and quantity of water, effluent and storm drainage facilities; and a completed part one EAF. Municipal water and sewer services were extended to the Corporate Commerce zone to serve the future development. The amount of reserve capacity necessary to serve the proposed project should be documented. Clough, Harbour, and Associates will provide additional comments as the project progresses.

Mr. O'Brien, Environmental Specialist, reported that the ECC offered no comment regarding this application at this time.

Mr. Karam, referencing a previous application that called for a (7) lot commercial subdivision, asked the applicant to explain why that application was not resubmitted for consideration. Mr. Andress explained that the site was located too far from major roadways to be attractive to corporate commerce businesses. Attempts to encourage the development of such businesses have been unsuccessful. Mr. Karam asked that the applicant consider the noise produced by traffic along Route 146 and add substantial plantings and berming to reduce noise for potential residents. Mr. Larkin expressed his approval of plans to provide for senior housing, though he was concerned with the "inconsistency of character" between the senior housing project, corporate development on the site, and adjoining CR (Conservation Residential) zoned properties. His concerns included erosion of the tax base, the project density, impacts to the "view shed," and limited access to the site. He believes the proposed project to be inconsistent with the Findings that resulted from the Western GEIS study and its accompanying zoning legislation. Mr. Hughes stated his concerns with the project location, noting that impacts to traffic flow may be significant. He also stated that he found the project to be inconsistent with the strategies for reducing housing density in the western part of Clifton Park: he sees the project plan as creating an area of incongruous development with corporate commerce uses adjacent to residential housing units.

In response to Mr. Wagoner's comment that development of the parcel as it is zoned is

unlikely, Mr. Grasso explained that the GEIS conducted for the Corporate Commerce zone analyzed the impacts of development of one million square feet of commercial space. He recommended that the preparation of a supplemental EIS to determine how the proposed project would “fit into” the entire area.

Mr. Bulger believes that the Corporate Commerce zone as designated has been a failure. He noted that SEDC and other agencies that have been involved with potential business development have failed to secure tenants or businesses that would be willing to locate to this area. He recommended that since Town officials are responsible for designating land uses have encouraged Mr. Wagoner to pursue this project, the Planning Board should consider the application from a planning perspective. He identified the major issues of concern as traffic safety, accessibility of the site for emergency service vehicles, adequacy of the sewer system, and disturbance of appealing visual vistas. Mr. Speckhard’s comments regarding future impacts to the Corporate Commerce zone if this project is approved should also be considered. Board members discussed the issues of concern at length. All agreed that no reasonable recommendation could be forwarded to the Town Board at this time.

Mr. Karam moved, seconded by Mr. Russell, to authorize Mr. Bulger, Chairman, to prepare a memorandum to the Town Board stating that the Planning Board is unable to offer a recommendation regarding the proposed 21st Century Park Senior Townhouse Planned Unit Development District application at this time. The Town Board may request that the applicant prepare a Supplemental EIS to identify potential impacts of the proposed project and possible mitigation measures. The motion was unanimously carried.

Minutes Approval

Mr. Bulger moved, seconded by Ms. Pace, approval of the minutes as amended by Mr. Larkin. The motion was unanimously carried.

Discussion Items

Shishik Office Building (formerly Phillips) – 653 Plank Road

Mr. Gavin Vuillaume, consultant for the owner, explained that on September 9, 2003, the Planning Board approved construction of a 4,000 SF single-story office building for 653 Plank Road. He reported that the actual building is 3,760 SF with a walk-out basement that was designed as a construction feature and to provide storage space for building tenants. Mr. Michael Klimkewicz, current owner of the building would now like to submit an application for approval to utilize the basement as office space. Nine additional parking spaces would be provided. Mr. Larkin stated that he would not support such an approval, noting that the basement was to be used only as storage for the building’s tenants – not to provide income for the owner. Mr. Karam identified several issues of concern including the building’s location and the number of parking spaces. He stated that former approvals were based upon the site’s limitations. Mr. Bulger explained that although Mr. Klimkewicz could submit a project plan to the Board, the issues of limited

sight distance, parking, and amount of fill would likely result in denial of the application. Mr. Hughes also believes that expansion of the building would not be reasonable.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 10:50p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on March 14, 2006.

Respectfully submitted, Janis L. Dean, Secretary cc: Planning Board Members, Planning Department, Clough, Harbour, and Associates, Supervisor, Town Administrator, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Joel Peller, Town Attorney, Lou Renzi, Town Attorney, Jim Trainor, Town Attorney, Paul Pelagalli, Town Attorney, Department of Parks and Recreation, ECC, Saratoga County Planning Board, Shenendehowa Central School, Clifton Park Water Authority, Fire Districts.

Resolution #6

APPROVAL
Special Use Permit

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on February 28, 2006 there were:

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

Absent: A. Kramer

Mr. Karam offered Resolution #6 and Mr. Hughes seconded, and

Whereas, an application has been made to this Board by Valerie Maroncelli. for approval of Special Use Permit #80586 to permit the operation of a hair salon in an R-1 zone pursuant to Section 208-10(9)(a)[2] of the Town Code;

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on February 28, 2006 in the Town Office Building,

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

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

Now therefore, be it resolved that the application of Valerie Maroncelli. for approval of Special Use Permit #80586 to permit the operation of a hair salon in an R-1 zone

pursuant to Section 208-10(9)(a)[2] is hereby approved conditioned upon satisfaction of the comments offered by Mr. Kemper, that parking for customers be limited to the driveway and that the hours of operation be limited to 8:00a.m. to 9:00p.m. Monday through Saturday.

Resolution #6 passed 2/28/06

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

Noes: None

Steven Bulger,
Chairman

Resolution #7

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 February 28, 2006, there were:

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

Absent: A. Kramer

Mr. Hughes offered Resolution #7, and Mr. Russell seconded, and

Whereas, an application has been made to this Board by Anthony Rotundi for approval of a subdivision entitled Rotundi Subdivision consisting of two (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on February 28, 2006 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 February 28, 2006;

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 Rotundi Subdivision consisting of two (2) lots is hereby granted preliminary and final approval conditioned upon the comments offered by Mr. Kemper.

Resolution #7 passed 2/28/06

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

Noes: None

Steven J. Bulger,
Chairman

Resolution #8

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 February 28, 2006, there were:

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

Absent: A. Kramer

Mr. Hughes offered Resolution #8, and Mr. Russell seconded, and

Whereas, an application has been made to this Board by Mark Roschinsky for approval of a subdivision entitled Land Transfer Between Lot 868 and 866 Main Street consisting of the transfer of .46 acres of land from 868 Main Street to Lot 866 Main Street;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on February 28, 2006 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 February 28, 2006

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 Land Transfer Between Lot 868 and 866 Main Street consisting of the transfer of .46 acres of land from 868 Main Street to Lot 866 Main Street is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper.

Resolution #8 passed 2/28/06

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

Noes: None

Steven J. Bulger,

Chairman

Resolution #9

Preliminary 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 February 28, 2006, there were:

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

Absent: A. Kramer

Mr. Hughes offered Resolution #9, and Mr. Karam seconded, and

Whereas, an application has been made to this Board by Thomas J. Farone and Son, Inc. for approval of a subdivision entitled Carlson Farm consisting of forty-two (42) lots and;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on October 25, 2005 and reconvened on December 13, 2005 and;

Whereas, the Planning Board was established as Lead Agency for this application, and a negative declaration was issued pursuant to SEQRA on February 28, 2006

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 Carlson Farm consisting of forty-two (42) lots is hereby granted preliminary approval conditioned upon satisfaction of the comments offered by Mr. Kemper, Mr. Grasso, and the ECC.

Resolution #9 passed 2/28/06

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

Noes: None

Steven J. Bulger,
Chairman