

**Clifton Park Planning Board Meeting Minutes
March 14, 2006**

Those present at the March 14, 2006 Planning Board meeting were:

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

Those absent were: T. Karam

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

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

Public Hearings:

No public hearings were scheduled for this evening's meeting.

Old Business:

[2003-004] DCG Development Co. – Proposed 163,000 SF light industrial flex space,
Wood Road Revised conceptual site plan review.

This item was withdrawn from the agenda at the request of the applicant.

[2005-067] DCG Development Company – Proposed revisions to Clifton Park Center
Mall, 22 Clifton Country Road – Revised conceptual site plan review.

Mr. Donald MacElroy, representative for the applicant, presented revised plans for the
renovation of the existing mall. The speaker presented sketches of the proposed changes
for the north-facing façade. He explained that the vertical elements have been modified
from those initially proposed due to engineering concerns. Inspection of the buildings has
indicated that heavy snow loads may limit the number of vertical elements introduced
into the design, though site inspection continues and engineering options continue to be
considered. Mr. MacElroy expects that DCG Development Company will make
application to the Building Department for work within the center in the near future. A
preliminary submission for site plan review is expected to be prepared in the next few
weeks.

Mr. Kemper reported that there have been no substantial changes to the site plan, though
building elevations have been slightly revised. He explained that the applicant is
appearing before the Board as a courtesy to provide an update on the façade changes and

proposed implementation of the renovations.

Clough, Harbour, and Associates and the ECC found the revisions acceptable. Mr. Kramer asked Mr. MacElroy to define the time frame for mall reconstruction and renovation. Mr. MacElroy explained that DCG Development Company anticipated that renovation of the site would be completed by the 2006 Christmas season. Mr. Bulger viewed the proposed revisions as “minor” and expressed his appreciation for the applicant’s willingness to provide Board members with updates of the re-design process.

[2006-006] Oak Brook Commons, LLC – Proposed 924 SF 4-bay garage, US Route 9 – Preliminary site plan review and possible determination.

Mr. John Gay, consultant for the applicant, presented this application that calls for the construction of a 4-bay garage within the Oak Brook Commons apartment complex. The speaker explained that the garage will be of benefit to several elderly residents. The structure will be designed to complement the apartment units and will be constructed of similar building materials. The garage will be constructed adjacent to the units just east of the Town of Clifton Park – Town of Halfmoon boundary line. The consultant provided photographs of an existing 4-bay garage for the members’ consideration.

Mr. Kemper reported that this project last appeared before the Board at its February 28, 2006 meeting for site plan review for both an apartment building and the garage. The building department is making a determination on what will be required to add the additional apartment building. The garage is presented for site plan review. He noted that façade renderings have been submitted.

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

In response to Mr. Larkin’s question regarding the clearing of trees that was occurring within the Oak Brook Commons area, Mr. Gay explained that the owner was installing angled parking spaces and a small retaining wall to make parking and apartment access easier for some residents. The tree removal and revised parking area was reported to be in the Town of Halfmoon.

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

[2006-001] Gritziv, Walter – Proposed (4) lot subdivision, Vischer Ferry Road – Determination from public hearing held on February 14, 2006.

Mr. Dave Flanders, consultant for the applicant, presented this application that remains

generally as presented at the at the Board meeting of February 14, 2006. The speaker explained that several notes have been added to the plan in response to Board concerns. The standard note regarding the proximity of the development to an existing fish and game club has been added to the plan. This note also includes notification that hunting occurs on adjoining properties. An additional note states that no further subdivision of the properties will be permitted. A letter from Dick Ferraioli, Inc. stating that “the availability of water at 188 Vischer Ferry Road is plentiful” was submitted as evidence that water will be available for the proposed homes. A copy of the driveway permit issued by the Saratoga County Department of Public Works has been submitted to the Planning Department. A jurisdictional determination letter from the NYS Department of Environmental Conservation has also been submitted. An ingress/egress easement will be prepared in accordance with the standard note that appears on the plan. A Stormwater Pollution Prevention Plan was submitted on February 8, 2006.

Mr. Kemper explained that this project last appeared before the Board on February 14, 2006. The two major issues that needed to be resolved were the lack of water on the site and the limited ability for Paul Miller to hunt his property. A NYSDEC Wetland Disturbance Permit must be provided prior to the stamping of the plans. Descriptions for the ingress and egress easement must be submitted for review. A sign-off must be provided from Sheryl Reed. The date and firm that performed the wetland delineation must be added to the plans. A sign-off must be provided on the wetland delineation. A note should be added to the plans stating that this project is in close proximity to agricultural operations and, as such, there may be certain activities associated with that. Sheryl Reed, Chief of the Bureau of Fire Prevention, submitted a memo dated February 13, 2006 that requested the addition of assigned postal numbers to the map. Mr. Kemper explained that there are adjoining agricultural operations that have nuisance permits for shooting deer: a note should be added to the plans stating that the proposed residences are located near those activities.

Mr. Romano reported that Clough, Harbour, and Associates asked that the limits of clearing and grading be shown on the plans. The ECC found the project acceptable.

Mr. Russell asked that the tree line that defines the northern property boundary be preserved: a note regarding this preservation was requested. Mr. Larkin’s concern focused upon the ability of Mr. Miller, adjoining property owner, to continue to hunt on his property as he has for many years. Mr. Pelagalli explained that the law requires that one be 500’ from a residence before discharging a firearm. Mr. Larkin recommended that the proposed residence on Lot #4 be moved as far to the east as possible to increase the distance from Mr. Miller’s property boundary to the home. Mr. Pelagalli discussed Mr. Larkin’s request from a legal standpoint, noting that the discussion involves competing property rights. From his perspective, the right to develop property as zoned would supercede the right of adjoining property owners to continue to hunt as they did traditionally. Mr. Flanders agreed to revise the plan by moving the residence on Lot #4 as far to the east as possible. Though Mr. Larkin stated that he would prefer the house on Lot #4 to be located 250’ from the westernmost property line, he did state that he would accept a house location that was 200’ from that boundary. Mr. Bulger expressed his

appreciation to the applicant for his willingness to cooperate with the Board. Since it has been reported that two dry wells have been drilled on the property, Mr. Bulger recommended that the Board ask that a note be added to the plan that would require the a water flow and potability report be submitted prior to the issuance of a building permit. Mr. Flanders and his client who was in attendance at the meeting agreed to the addition of such a note to the plan.

Ms. Pace moved, seconded by Mr. Russell, 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 #10, 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 and Mr. Grasso, the relocation of the house on Lot #4 as far as possible to the east, and the addition of a note to the plan that states that a water flow and potability report must be submitted to the Building Department prior to the issuance of a Building Permit. Ayes: Kramer, Larkin, Pace, Russell, Hughes, Bulger. Noes: None.

New Business:

No items of new business were scheduled for review at this evening's meeting.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Hughes approval of the minutes of February 28, 2006 as written. Ayes: Pace, Russell, Hughes, Bulger. Noes: None. Abstained: Kramer, Larkin.

Discussion Items

Gold's Gym

Mr. Jay Hopeck, BBL Construction Services, explained that representatives of the Gold's Gym project request permission to install the 20 parking spaces along Route 146 that were to be "landbanked" until their use was warranted. The speaker noted that 152 vehicles were parked in the existing lot this evening. Since the new facility is likely to generate additional business, the applicant anticipates that the reserved spaces will be needed to accommodate all patrons.

Mr. Bulger explained that it has been his experience that businesses require such expansion "sooner rather than later." He supports the installation of additional spaces at this time. In response to Mr. Larkin's query regarding the total number of spaces that would be available on site, Mr. Hopeck stated that 176 spaces will be provided. Mr. Larkin supported the proposal, noting that the amount of paving on the site will not increase and that the landscaping along Route 146 will provide substantial screening of

the building. Mr. Hughes agreed that the new facility would likely result in an increased number of memberships: he would support the increased number of parking spaces. Both Mr. Russell and Mr. Kramer found the proposal acceptable.

Historic Conservation Easement Recommendation

Mr. Kemper explained that the owners of property located at 18 Ferry Drive have requested that the Town Board grant a conservation easement to the property. Mr. Bulger recommended that since Planning Board members were unfamiliar with the conservation easement process, lacked knowledge of the guidelines for granting such an easement, and had no information regarding the property such as photos and/or the percentage of the house that was in a historic condition, the Planning Board would be unable to act on this request. He suggested that the Board refer the application to Mr. Karam, the designated liaison with the Historic Preservation.

Mr. Frank Berlin, 980 Main Street, addressed the Board. He noted that although hunting laws quite clearly state that no firearm shall be discharged within 500 feet of a residence: there is no recommendation that development rights should be influenced by such a law. Mr. Berlin also expressed concern that Planning Board approvals were being granted to projects that would require residential construction in areas of high ground water. Mr. Romano, Clough, Harbour, and Associates' representative, explained that finished floor elevations must be positioned at least one foot above water table levels.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 800p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on March 28, 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 #10

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 March 14, 2006, there were:

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

Absent: T. Karam

Mr. Hughes offered Resolution #10, and Mr. Kramer seconded, and

Whereas, an application has been made to this Board by Walter Gritziv for approval of a subdivision entitled Subdivision of the Lands of Barbara Gruebel consisting of (4) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on February 14, 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 March 14, 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 Subdivision of the Lands of Barbara Gruebel consisting of (4) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso, the relocation of f the house on Lot #4 as far as possible to the east, and the addition of a note to the plan that states that a water flow and potability report must be submitted to the Building Department prior to the issuance of a Building Permit.

Resolution #10 passed 3/14/06

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

Noes: None

Steven J. Bulger,
Chairman