

Clifton Park Planning Board Meeting Minutes March 28, 2006

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

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

Those absent were: S. Hughes

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 7:15p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Public Hearings:

[2005-065] Murray, Phyllis – Proposed (2) lot subdivision and lot line adjustment, Crescent Road – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:15p.m. The Secretary read the public notice as published in the Daily Gazette on March 20, 2005.

Mr. Duane Rabideau, consultant for the applicant, explained that this application has been revised since it was last presented for the Board's review on December 13, 2005. The plan now calls for the subdivision of a 1.58 acre parcel of land located at the southeastern quadrant of the Crescent Road-Boyack Road intersection into lots of 33,175 SF and 35,828 SF, respectively. The parcel is located in an R-1 zone. The smaller lot contains an existing residence. Both lots will be served by the public water and sewer utilities. A new driveway from Boyack Road will serve the proposed new residence.

Mr. Kemper stated that this project last appeared before the Board on December 13, 2005. At that time Board members found the plan generally acceptable and advised the applicant to proceed with the application before the Zoning Board of Appeals for approval of the required setback variances. Those variances were received on February 28, 2006. The Saratoga County Planning Board approved this project on February 15, 2005. The Saratoga County Sewer District provided the following comments: "Connection will be made to the Crescent Waste System: their willingness to serve this project will be required." The County Sewer District requests information regarding the status of the 10-foot wide sewer easement that is shown on the plan. A permit will be required from the County Sewer District. Mr. Kemper reported receipt of a letter from James Burns, an adjoining property owner, which expresses dissatisfaction with the proposed subdivision. Mr. Kemper asked that the specific variances that were granted and variance numbers be added to the plans.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the proposed subdivision plan and again asked that all existing and proposed utilities be shown on the plan.

Mr. O'Brien, Environmental Specialist, reported that the ECC reviewed the proposed plan and asked that the following standard statements be added:

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

Ms. Pat Compoli, 3 Boyack Road, spoke in opposition to this application, explaining that when she and her family purchased their home, it was their understanding that the lot now under review was too small to be developed. Ms. Compoli was very concerned that the construction of the new house in the neighborhood would reduce the value of her home and adjoining properties.

Mr. Larry Williams, 5 Boyack Road, asked that the Town Engineer or other Town officials conduct a site investigation to determine if the proposed construction would impact the existing drainage area located to the south of the lot. He is concerned that removal of the trees will create excessive drainage that will flow to adjoining properties.

Mr. James Burnes, 14 Oakwood Boulevard, expressed his concerns regarding the proposed subdivision verbally and by letter to the Board. He explained that Ms. Murray informed her neighbors of plans to build behind her existing home in March, 2005. At that time it was the neighbors' understanding that she would build in accordance with Town zoning regulations. Mr. Burnes was surprised to discover that the subdivision now under consideration was dependent upon the approval of a setback variance that was granted in February, 2006 by the Zoning Board of Appeals. His concerns focused upon the potential diminishment of property values, increased drainage to his property, and the disturbance produced by the construction process. The speaker explained that he currently experiences water leakage in his basement and fears that the removal of trees and construction so near his home will increase the problem. He also noted that the noise and vibration produced by construction vehicles would be disruptive.

Ms. Christine Izzo, 16 Oakwood Boulevard, described the negative "visual and auditory" impacts to her property and neighboring homes that she felt would result should a new home be built on the Murray property. She described the area has an area of older homes

that may not be suitable for a newer, larger residence. Her concerns also included impacts to property values.

Mr. Burnes spoke of his decision several years ago to remain in his childhood home because of the privacy and comfort offered by the area. He believes that the 50' setback requirement established for keyhole lots is a reasonable one that affords adjoining property owners visual protection from other homes.

Mr. Bulger explained that although there are apparently a number of issues regarding this application, the Planning Board is bound by the decisions rendered by the Zoning Board of Appeals. He asked that Clough, Harbour, and Associates investigate the drainage area and provide recommendations for its removal or improvement. Mr. Pelagalli addressed Mr. Burnes' concerns regarding Zoning Board approval, noting that any action could be appealed within 30 days of the filing of the Notice of Decision with the Town Clerk.

There being no further public comment, Mr. Bulger moved, seconded by Mr. Karam, to close the public hearing at 7:40p.m. The motion was unanimously carried.

Mr. Karam questioned the distance of the proposed driveway from the driveway that accessed the Compoli residence. He asked that the new driveway be moved as far to the north as practicable. Mr. Larkin, who was not in attendance at the December 13, 2005 meeting at which other Board members found the application acceptable enough to refer back to the ZBA, observed that the existing lot was not conducive for building because of the required setbacks for a keyhole lot and he expressed his displeasure with the ruling issued by the Zoning Board. He commented on the driveway design and, though he recognized that realignment of the existing driveway may be necessary, he asked that the applicant consider a combined drive that would serve both the existing home and the proposed residence. Ms. Pace spoke in support of an evaluation of the drainage situation. In response to the Board's concerns, Mr. Rabideau explained that the soils in the area appeared to be sandy: it is likely that the drainage problem can be improved. He also stated that since it appeared that adequate sight distance was available at the driveway location, relocating the driveway to the north should not be an issue. Mr. Bulger noted that although Board members may not agree with the decision rendered by the Zoning Board of Appeals, the Planning Board may not act in opposition to the Town Code. Addressing the issue of diminishing property values, he explained that since property values continued to rise, there was little evidence to substantiate the position that the construction of a single home within an existing neighborhood would severely impact market value. Mr. Pelagalli commented that it is not within the purview of the Planning Board to consider the possible reduction in value of surrounding properties.

Ms. Izzo asked if the Board was able to consider the size of the proposed home, its color, or additional landscaping of the lot. Mr. Bulger explained that although the Board was unable to dictate such aesthetic qualities as design, size, and color of the proposed home, the Board was able to request additional landscaping to screen the new building from existing properties.

The Board agreed that further site investigation would be required before rendering a decision on this application. Mr. Bulger suggested that Town officials as well as a representative from Clough, Harbour, and Associates walk the property to determine the extent of drainage problems and, if necessary, to recommend remediation measures.

Old Business:

[2005-060] Belmonte Builders – Proposed (33) lot subdivision (Waite Meadows), 629 Waite Road – Revised conceptual review.

Mr. Dominick Arico, consultant for the applicant, presented this application that has been significantly revised. The project now calls for the development of (33) lots on the eastern side of Waite Road approximately 1,500 feet north of its intersection with NYS Route 146 and approximately 2 miles south of the Waite Road/Route 146A intersection. The development site lies within the CR (Conservation Residential) zone. The speaker explained the conservation subdivision computations. The parcel consists of 125.4 acres. Thirty-three single-family residential lots are proposed: the remaining four lots will be designated open space areas consisting of 52.9 acres. The two lots closest to Waite Road will be developed as “farmette” style lots to maintain the rural character of the Waite Road corridor. Identified constrained areas of the site total 24.18 acres, providing an unconstrained area of 101.25 acres. This would allow the creation of (33) lots. Pursuant to Town Code, 50% of the site, or 50.63 acres, must be retained as open space. The plan now provides 53 acres of open space, thus exceeding the requirement. Zoning also requires that lots served by municipal water and sewer systems be at least 10,000 SF in area. The proposed plan indicates that lots will be a minimum of 60,095 SF. Mr. Arico described the site as undeveloped with areas of dense woods and open brush areas. Wetland areas account for approximately 20% of the project area: an ACOE jurisdictional determination is pending at this time. An existing tributary flows through the site from east to west. This stream will remain undisturbed – the existing drainage pattern will be maintained through culvert piping. The applicant intends to preserve and protect existing wetland areas and drainage corridors and to maintain a significant portion of wooded areas. Proposed Town roadways will be constructed in accordance with all applicable Town Design and Construction Standards. Mr. Arico explained that the proposed boulevard-type entryway has been approved by the ESAB. There is a 150’ separation between the 24’ wide entrance road and 24’ wide exit road. The plan presented illustrated a trail loop through open space located to the eastern portion of the site. Mr. Arico concluded his presentation by stating that the applicant was considering several possible stormwater management plans. The one receiving the most attention at this point involves utilization of the wetland and its adjoining buffer.

Mr. Kemper explained that this project last appeared before the Board on November 22, 2005 at which time the major issue identified by the Board concerned the increase in density on the property through requested amenity zoning increases. He noted that the applicant is no longer pursuing the amenity zoning option. Steve Myers, Director of Building and Development, offered the following comment in a memo dated March 20, 2006: “The redesign of the entrance road as approved by the ESAB and Fire Code

Appeals Board is not correctly represented on submittal. More median crossovers were required including those at the farmettes.” The project is a Type 1 action under SEQRA and, as such, coordinated review is required. A sign-off will be required on the sewer system. Sign-offs must also be provided by NYSDEC and the ACOE on the wetland delineations. Vinyl split rail fence should be used to delineate areas defined as Town Open Space Areas. Plans should indicate if the boulevard entrance will include the installation of trees or will simply be seeded. The speaker recommended that proposed homes to the rear of the subdivision be pulled into the wooded area. Multi-use trails should be incorporated in the subdivision plan. Landscaping should be provided in and around the stormwater management areas. The percentage of protected open space should be calculated on the plans.

Mr. Grasso explained that Clough, Harbour, and Associates’ review of the plan resulted in the following comments. In general the plan does a commendable job at incorporating many of the features required in the CR (Conservation Residential) zoning district and the development guidelines established for the zone. Noteworthy features include a development density consistent with the zone (1 unit per three developable acres), minimization of impacts to environmentally sensitive features (primarily federally jurisdictional wetlands and streams), and a layout that has rural development characteristics (low density visible from existing collector roads and inclusion of two mini-farmstead lots). These characteristics should continue to be developed and strengthened as level of detail on the plans increases. Although permanent open space is being proposed, it appears the required amount has not been calculated correctly. Development within the CR district is subject to a maximum density of one lot per three developable (unconstrained) acres provided 50 percent of the area of the development site is designated as open space. Therefore, 62.7 acres of dedicated open space is required. Additionally, 25% of the unconstrained acreage (101.25 acres) is to be part of the open space (25.3 acres). The breakdown of constrained and unconstrained open space should be provided. The lot lines for the easternmost lots currently extend into the existing woods. It would be very undesirable if these lots were cleared into the woods without the preservation of any of the existing vegetation. Two different approaches that appear to be more consistent with the development guidelines include either siting homes within the woods and preserving significant trees within and between the lots or restricting any development and clearing within the woods. Measures to address the protection of the federal wetlands within the lots should be included in the plans. The buildable land within the two mini-farmstead lots should not include any of the federal wetland areas and these areas should be established with a readily visible feature such as a split rail fence. A detailed description of the allowable and restricted uses of these lots should be provided and the measures necessary to guarantee performance should be discussed with the Planning Board.

Mr. Grasso offered several additional comments. Although Clough, Harbour, and Associates discourages the use of boulevard entrances and instead favors roads of a typical cross-section, the entrance road provided for this project has been designed to address the accessibility concerns of the Emergency Services Board. As long as the road is designed and signed to discourage inappropriate turning movements, it appears

acceptable. The land area between the entrance and exit lanes should be included in the right-of-way but may be counted towards open space. As previously stated, the wetland delineation map should be submitted to both the United States Army Corps of Engineers and NYS Department of Environmental Conservation for a jurisdictional determination. Only after both agencies have reviewed, field verified, and approved the wetland delineation can the exact limits of onsite wetlands and LC (Land Conservation) zoning limits be known. Because the allowable density hinges on these factors, there is risk for the developer in having to make changes late in the design process. All correspondence from these agencies should be copied to the Town and to our Clough, Harbour, and Associates. Provisions for stub streets to adjacent properties may increase the likelihood of additional development being reliant on the proposed access arrangement. This is not desirable because of environmental constraints on many of the adjacent properties: the lack of stub street connections appears acceptable. It may be possible to extend trails from the project site into the adjacent properties at some point in the future. It is Clough, Harbour, and Associates' understanding that the sewer main installed along Route 146 to serve the Corporate Commerce Zone is a 3" diameter low pressure force main. The ability of such a small main to serve full build-out of the 21st Century Park and 33 homes should be verified. It is recommended that a narrative description of the plans for extension of water and sewer to serve the project be submitted. The need for trails within or to the development should be discussed with the Planning Board. Inclusion of these features is specifically noted in the development guidelines. The adequacy of the site distance at the proposed access to Waite Road should be verified and reflected on the plans. It appears that 33 building lots are proposed. This should be reflected in the project information table. The setbacks should be included on the plan and depicted for each lot. Additionally, the CR district requires a minimum 50 foot setback between structures and federal wetlands. A full size plan that includes the following should be submitted: concept utilities, lot areas, and topography.

Mr. O'Brien, Environmental Specialist, explained that the ECC provided a number of comments regarding this project plan following a review of the application. The ECC reiterated comments that had been made previously. The applicant should work with the Open Space Committee to coordinate use of the proposed open space parcels. Due to the potential for federal wetlands on this parcel, the applicant will determine the location and extent of disturbance of such wetlands before a building permit is issued. In addition, the ECC requests that the following standard statements 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 Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone.

The applicant is requested to delineate the LC Zone on the plot plan for future submissions.

Mr. Karam commented on the trail design, noting that since the frontage along Waite Road was limited, the trail through the forested areas appeared more reasonable. Mr. Kemper noted that although there were no trail links in close proximity to the project site, future connections to the Lands of Sammler or to lands to the east may be appropriate. Mr. Magoolaghan expressed concerns regarding the proposed multi-use trail, noting that the length of the trail and proposed wetland crossing may be not be economically feasible in light of the project's reduced scale. Board members appeared to find the overall design plan acceptable. In response to Mr. Bulger's query regarding the status of the jurisdictional letter from the ACOE, Mr. Arico stated that the letter is anticipated within the next 60-90 days.

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

Mr. Gordon Nicholson, consultant for the applicant, presented this application that has been revised since its initial submission. The plan now calls for the construction of 142,000 SF of light industrial flex space on a 36.68 acre parcel in a LI zone. Said parcel is located on the east side of Wood Road approximately 500' north of its intersection with US Route 9. Site development will include construction of one 38,500 SF building, one 32,000 SF building, one 23,000 SF building, and four 12,000 SF buildings. 78% of the site will remain as open space. The NYSDEC wetland and its accompanying buffer have been respected and a jurisdictional letter from the ACOE is expected shortly. There will be no disturbance of the designated wetlands. Site design provides for a single access from Wood Road and 246 parking spaces. Mr. Nicholson explained that some of the buildings may be used for both warehousing and storage, permitting the "landbanking" of some parking spaces. He also stated that connection would be made to an existing force main: a pump station would be installed on site to accommodate not only flows from this project but also those from future development within the Wood Road corridor. The New York State Office of Parks, Recreation, and Historic Preservation has been contacted, though sign-off from that agency is not required because no wetland disturbance is proposed. In response to comments offered by Mr. Kemper and Mr. Grasso, the consultant reported that proposed dumpsters have been relocated to less visible areas of the site. The plans indicate the addition of landscaping along Wood Road. Pursuant to recommendations provided by Mr. Kemper, the off-site grading area has been eliminated from the plan.

Mr. Kemper offered several comments regarding this application, noting that this project last appeared before the Board on February 11, 2003. The project was removed from the March 14, 2006 agenda at the request of the applicant. Sheryl Reed, Chief of the Bureau

of Fire Prevention provided comments in a memo dated March 14, 2006. She asked that the applicant provide a second access point for emergency service vehicles based on the proposed flexibility of the occupancy classifications and the industrial use zoning. She also asked that the applicant clarify the number stories for the buildings and the type of construction that will be used. She stated that she is awaiting comments from the Jonesville Fire Department: these comments will be forwarded to the Planning Department when they are received. Mr. Kemper noted that a letter from Susan Burton and FCPOS, dated March 23, 2006 was copied for each of the Board members. The letter asks that the Board conduct a public hearing for this application. A letter from the Audubon Society of the Capital Region, dated March 14, 2006 also requested that the Board hold a public hearing on this project. A letter from William Engleman, dated March 14, 2006, also offered comment on the application. Mr. Kemper asked that the applicant provided façade renderings for the buildings, that the dumpsters along Wood Road be moved to other locations, and that additional plantings be placed along Wood Road. Sign-offs must be provided from DEC and the ACOE on the wetland delineations and the remediation work. The plan references off site grading. This portion of the project should be eliminated until a signoff is provided from DEC on the butterfly habitat.

Mr. Grasso reported that this evening's presentation and the revised plan prepared by the Environmental Design Partnership apparently addressed a number of the comments and recommendations previously prepared by Clough, Harbour, and Associates. He asked that the applicant and/or consultant prepare a letter of response that clearly addresses each specific item of concern. Mr. Grasso's first comments concerned SEQRA review. The proposed project is located within the limits of the Wood Road Corridor GEIS Study Area. As such, if the proposed project is deemed consistent with the findings of the GEIS, no additional SEQR action may be required. Involved agencies are anticipated to include the following: Clifton Park Planning Board - Site Plan Approval; Saratoga County Planning Board - Section 239 Referral; NYSDOH - Water Supply Extension Approval; NYSDEC - Wastewater Disposal System Approval and SPDES Permit. Submission of a Full Environmental Assessment Form is recommended. Pursuant to the Findings Statement for the FGEIS for the Wood Road Corridor, the following issues should be addressed:

- Per Finding No. 34, traffic mitigation fees are required to address cumulative impacts of the proposed development. The applicant's consultant should submit an analysis of the projected trip generation so that the respective mitigation fee can be assessed.
 - A mitigation fee is due for the original review of the DGEIS in the amount of \$74.28 per acre. Based on a 36-acre site, the respective mitigation fee is \$2,674.
 - Per Finding No. 73, a Phase I Environmental Audit shall be conducted and submitted at the initiation of site plan review.
 - Per Finding No. 78, the applicant shall contact NYSOPRHP regarding historic sites and archeologically sensitive resources near the project area. Copies of the correspondence should be sent to the Town and to our office for our files.
- Per Finding No. 79, the Light Industrial zoning district was amended to allow only uses such as warehousing, fabrication and similar low intensity land uses. Additional information regarding the proposed uses is required to determine if the uses are consistent with those outlined in the GEIS and the zoning regulations

Mr. Grasso then focused attention on the proposed site plan. Pursuant to Section 208-65.E.1 of the zoning regulations, no maneuvering area should be located in the required front yard setback. The locations of the backing areas for the 12,000 SF flex buildings should be adjusted accordingly. Significant work is proposed within the 100' wetland adjacent area and subsequently within the Town's L-C Land Conservation District. The proposed buildings and parking are not permitted uses and a variance appears required. The applicant's consultant should discuss the presence of Karner Blue Butterflies and their habitat within and in close proximity to the site. If significant time has passed since the site's last investigation, additional investigations may be warranted. In addition, the determination of the "Butterfly Habitat Buffer" should be discussed. It appears a portion of this buffer will be impacted. Clough, Harbour, and Associates recommends that the proposed dumpsters along the project frontage be relocated to a less visible area. Light industrial uses require 1 parking space per 500 square feet of gross floor area. Based upon 148,000 SF, 296 parking spaces are required while only 246 are proposed. A note should be added to the plan that no exterior building mounted lights will be permitted. Future plan submittals should show the entire limits of the proposed off-site utility improvements.

Mr. O'Brien, Environmental Specialist, provided the comments that were prepared by the ECC. The applicant must complete a long Environmental Assessment Form (EAF) due to the potential impacts this project may have in the wetlands and the surrounding buffer zones. The current short form references a different project with a larger square footage. The applicant will need to reposition or eliminate some of the proposed flex space to prevent intrusion into the LC Zone. The Stormwater Management areas should not be located in the LC Zone. The applicant should consider alternative methods for handling stormwater that will eliminate intrusion and alteration of the LC Zone and NYSDEC wetlands. Reference should be made on the site plan to accommodate the planned Wood Road multi-use trail plan. The applicant is encouraged to confer with the Trails Committee for further details. After viewing the revised project proposal presented by Environmental Design Partnership at the meeting, Mr. O'Brien commented that a number of the ECC's concerns had been addressed.

Mr. Bulger invited the public to offer comment on this application.

Ms. Margaret Catellier, 26 Royal Oak Drive, speaking as a representative of FOCPOS, explained that the group was unprepared to offer substantial comment regarding the application at this time. In response to her questions concerning the separation of the buildings from the wetlands, Mr. Nicholson stated that revised drawings show that the proposed buildings will be located 10-15 feet from the delineated NYSDEC and/or ACOE wetlands. Ms. Catellier questioned whether or not the project would be developed in phases. Mr. Nicholson expects that the project will be developed in stages.

Ms. Lynn Jackson, representative of Save the Pine Bush, expressed concerns regarding the failure of the Board to hold a public hearing regarding this application. She asked that the Board consider the cumulative effects of development within the Wood Road corridor

on the Karner Blue butterfly and its habitat, explaining that it was extremely important to preserve remaining butterfly populations and nectar sources. She implored the Board to consider the “global implications” of extinction of the species. The speaker also asked that a supplemental or full EIS be completed to determine the impacts of disturbance to the endangered species and other sensitive environmental resources.

Mr. Bulger, referencing the correspondence received from Mr. Engleman, stated that the involvement of Saratoga PLAN and the comments from Clough, Harbour, and Associates concerning this project would support the Board’s decision to reject the request for additional SEQRA review. He noted that the applicant has incorporated protection measures around the cemetery area where most of the butterflies and habitat have traditionally been observed. Mr. Grasso explained that the Full GEIS conducted for the Wood Road Corridor did consider the cumulative impacts of development upon the endangered species.

Mr. William Engleman, 6 Partridge Plateau, stated that he had submitted a letter to the Board on March 14, 2006 in which he requested that the Board conduct a Site Plan Public Hearing regarding this application. He pointed out that information relating to the presence and protection of the endangered species formerly identified on the site was limited since no correspondence from NYSDEC concerning this issue has been presented. He challenged the Board to represent “not only the applicant but also the citizens of the Town.”

New Business

[2006-009] NYCON Construction Corp. – Proposed 9,600 SF Office (2) Buildings, 3 and 4 Rosell Drive – Conceptual site plan review.

Mr. Ed Esposito, consultant for the applicant, presented this application that calls for the development of Lots #3 and 4 Rosell Drive. The parcels are located in a B-1 zone on the northerly side of Ushers Road approximately 2,000 feet west of Northway Exit 10. Lot #3 is a 43,578 SF lot on which the applicant proposes to construct a 5,084 SF professional office building. The site will meet or exceed all setback and zoning requirements. 57.43% of the site will remain as greenspace. 18 parking spaces will be provided. Water service will be provided by the Clifton Park Water Authority and an on-site septic system will be installed.

Mr. Esposito explained that Lot #4 will be designed with a 5,094 SF building that will be of similar design to that planned for the adjoining lot. 74.7% of the 43,945 SF parcel will remain as greenspace. 16 parking spaces will be provided on site. Water will be provided by the Clifton Park Water Authority and an on-site septic system will be installed.

Mr. Esposito explained that the buildings were designed with the existing topography in mind. The one-story buildings would have walk-out basements that would be used only for garage space and storage.

Mr. Kemper offered several comments regarding the project plan. Steve Myers, Director of Building and Development provided a memo dated March 20, 2006 which states that the "B-1 zone requires 100' between curb cuts (208-35A)." Mr. Myers also pointed out that a 25' parking setback needs to be provided and that 50% greenspace is required. Mr. DiPasquale, Director of the Saratoga County Sewer District, provided a memo dated March 27, 2006 that states that since the project is proposed for on-site septic disposal, no review or approval by the Saratoga County Sewer District will be required. A separate planting and site plan should be provided that clearly depicts the features of the site. The proposed planting sizes must be increased to 6-7' high for evergreens and 3-3½" caliper for deciduous trees. The lighting fixtures should be more clearly depicted on the site plan. Stormwater calculations must be provided. Colored façade renderings must be provided. Handicapped and no parking signs should be shown on the site plan.

Mr. Grasso offered comments that had been prepared by Clough, Harbour, and Associates following review of the project plans. The proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such, coordinated review is optional. The only involved agency is expected to be the Planning Board with site plan approval being required. He noted that, in general, the plan lacks sufficient clarity to develop a detailed review. It is difficult to distinguish between the linetypes of existing and proposed features. The plan appears to propose significantly greater development than previously proposed. The impacts of this should be discussed and evaluated by the Planning Board. In addition, a site statistics table should be provided for each of the lots. It does not appear as though the building on Lot #4 meets the required 25 foot side yard setback. Clough, Harbour and Associates are concerned with the accessibility of the four end spaces on Lot #4. As currently configured it appears these spaces would be difficult to pull in and out of. A curbed radius should be provided at each of the driveway entrances. Soil investigations including deep test pits and percolation tests should be conducted in the area of the proposed wastewater disposal system to verify the adequacy of the soils to accept an on-site wastewater disposal system. The septic systems are to be designed by a New York State Licensed Professional Engineer. The location of the proposed stormwater management areas should be shown on the plan. The proposed building uses should be stated on the plan. It should be noted that medical offices require one space per 150 SF. Architectural elevations and building heights should be discussed with the Planning Board to ensure compatibility with the area. The engineering firm recommends that an individual final site plan package be prepared for each site as it proceeds through the site plan approval process.

Mr. O'Brien, Environmental Specialist, offered the following comments that had been prepared by the ECC. 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.

The ECC provided additional comments. The applicant will need to submit a Stormwater Pollution Prevention Plan for review by the Town Engineer. It was recommended that the applicant maintain a minimum of 35% greenspace in accordance with the Town of Clifton Park Code. The Town's Comprehensive Plan encourages tree preservation to the greatest extent practicable; therefore, the ECC requests that the applicant make all efforts to preserve the wooded buffer areas identified on the site plan.

Mr. Larkin observed that implementation of the proposed site plan appeared to require the clearing of significant portions of each site. He asked that the applicant limit tree removal to the greatest extent practicable. Mr. Larkin also commented that quite often space within a walk-out basement is viewed as usable office space. He advised the applicant that such usage would not be permitted. Mr. Espito agreed that there would be no office use of the basement since fire code regulations for office areas would be different than those for a basement used for storage only. He assured the Board that the applicant has no intention of utilizing the basement for office space.

Mr. O'Brien, speaking as a representative of the Clifton Park Sewer agency, stated that it is possible that there is a sewer line along the northern property boundary. If this is the case, it would benefit the applicant to connect to this line: Board members encouraged such a connection. The applicant's consultant agreed to investigate such a possibility. Though members discussed possible trail connections and greenspace on the site at length, it appeared that a trail link to the north of the site would not be feasible. Mr. Karam expressed his approval of the design plan: Board members agreed that the proposed building design was acceptable, though they agreed that each site plan should be prepared and presented separately. Mr. Larkin suggested that in the event the applicant can attach to sewer, the buildings be brought forward and parking be rearranged to the side where the leach fields are proposed, thus reducing impact to mature vegetation and the steep slopes in the rear of the parcels.

[2006-012] Benes, Oldrich and Lois Monroe – Proposed land transfer of 2,520 SF from Benes to Monroe – Conceptual subdivision review.

Mr. Oldrich Benes, applicant, presented this application that calls for the transfer of 3,756 SF of land from the Lands of Royal and Lois Monroe to the adjoining Lands of Oldrich Benes and the transfer of 2,520 SF from the Lands of Benes to the Lands of Monroe. The transfer is necessary because improvements to the Lands of Monroe were inadvertently placed on the parcel owned by Benes. In addition, Mr. Benes needs 40,000 SF of "contiguous" land on a single parcel to meet zoning code requirements. The property is situated within an R-1 zone at the intersection of Mountain Way and Plank Road.

Mr. Kemper reported receipt of comments from Steve Myers that noted that the proposed lot line adjustment was required to obtain the minimum 40,000 SF of "contiguous" land to meet zoning requirement. Correspondence received from the Saratoga County Sewer District reports that "as presented, no involvement of SCSD is anticipated." Mr. Kemper requested that a consolidation deeds be provided for each lot. A grading plan must also be

provided for the project.

Mr. Grasso stated that Clough, Harbour, and Associates prepared the following comments after reviewing the application. The proposed project appears to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency is expected to include the Clifton Park Planning Board with subdivision approval being required. The plan should state if the existing gravel drive that is on the remaining lands of Benes is to be removed. The limits of the proposed clearing and grading, utility locations, and driveway location on the Lands of Benes should be shown on the plan.

Mr. O’Brien, Environmental Specialist, reported that the ECC offered no comment on this application.

Ms. Monroe, one of the applicants, questioned the need for formal subdivision review and Planning Board action. Mr. Pelagalli explained that subdivision regulations apply to all subdivision and land transfer applications. He also stated that such approvals would be important at the time Ms. Monroe’s property is sold since encroachment issues would be resolved.

Board members found the proposed application acceptable.

[2006-011] Weiss, Jeffrey – Proposed 3,000 SF restaurant and retail building. Plank Road and NYS Rt. 146 – Conceptual site plan review.

Mr. Paul Olund, consultant for the applicant, presented this application for the Board’s consideration. He explained that the Board approved a site plan for this parcel that called for the construction of a 6,000 SF building be limited to retail sales on September 15, 2005. The plan has been significantly revised and now calls for the construction of a 3,000 SF building: 2,000 SF will be used for a Dunkin Donuts Restaurant and 1,000 SF area will be used for retail sales. The project will be connected to public water and sewer systems and stormwater will be managed on site. Access to the site will remain as previously approved with a full-access point along the northern property boundary and a right-out only lane nearer Route 146. A drive-thru lane has been provided to from the northern-most entranceway to the rear of the building. The consultant explained that no baking will take place on the premises and the hours of operation will be from 5:00a.m. to 12:00a.m. Two daily truck deliveries are anticipated. The original gas station has been demolished, though the foundation remains. Pursuant to Town Code, 18 parking spaces are required on site – 27 spaces have been provided. 35% greenspace has been provided on site. Mr. Olund reported that the site has been cleared: no trees remain on the site. The applicant will provide substantial “relandscaping” to improve site aesthetics.

Mr. Kemper offered comment on this application. He reported receipt of the following comments from Steve Myers in a memo dated March 20, 2006: “Lot is under required 1 acre in B-4 Zone. B-4 minimum setbacks are not being met.” The following comments were provided from the Saratoga County Sewer District: “A submittal in compliance with

Saratoga County Sewer District's rules and regulations will be required for review and approval. Information on sizing of food handling grease traps will be required. The project will also require approval from the Town of Clifton Park as owner of the former "Phillips Transportation Corporation."

Mr. Grasso reported that Clough, Harbour, and Associates requested that the width of the drive-through roadway be increased to accommodate an additional lane of traffic. A passing lane would be necessary should a patron wish to leave the waiting line.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project plan, the ECC reiterated concerns regarding the status of past spills on the site and the site across the street. The status of any remediation projects must be determined before the project moves forward. In addition, the ECC made the following recommendations. The removal of any underground storage tanks and impacted soil must conform to all applicable laws and regulations. The following standard statements must 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.

The applicant will need to submit a Stormwater Pollution Prevention Plan for review by the Town Engineer. The applicant shall maintain a minimum of 45% greenspace in accordance with the Maxwell Road GEIS, calculated for the entire parcel.

Mr. Kramer expressed concerns regarding parking and traffic safety, noting that Dunkin' Donuts has a substantial customer base. He does not believe that the site will be large enough to accommodate all patrons. Mr. Bulger explained that although the adjoining property owner to the west is unwilling to provide a connection to that property, Mr. Bulger believes that such a possible future connection should be provided on the subject parcel. Mr. Bulger also supports the increased drive-through width to provide an "escape route" for those who need to leave the site before reaching the pick-up window. Mr. Larkin stated that he finds this site inappropriate for a donut shop, citing its limited size and limited stacking area. In response to Mr. Karam's question regarding the location of the right-out only turn, Mr. Olund reported that the right-out only turn would be located as originally approved. Mr. Karam focused attention on the site clearing that has recently been completed. He admonished the applicant for excessive removal of vegetation on the site, noting that the Board had clearly recommended that larger trees were to be retained. Though Mr. Olund countered that many of the trees were of poor quality and condition, Board members were not satisfied with the clearing that occurred. Mr. Bulger advised the applicant that the Board would require the addition of significant landscaping materials to the site. Board members encouraged the applicant to provide for pedestrian access to the site.

Extension of site plan approval granted on

Mr. Kemper explained that Mr. Scott Earl, owner of County Waste, has requested that the Board grant a one year extension to the site plan approval that was granted to the site plan application for the County Waste facility on Route 9. The approval was granted on May 24, 2005.

Mr. Bulger moved, seconded by Mr. Karam, approval of the extension of the approved site plan as requested. Pursuant to §208-120 of the Town Code, the final expiry date of the approval will be May 24, 2007. No further extensions of the site plan approval are permitted. The motion was unanimously carried.

Minutes Approval

Mr. Kramer moved, seconded by Mr. Bulger, approval of the minutes of March 14, 2006 as written. Ayes: Kramer, Pace, Russell, Bulger. Noes: None. Abstained: Karam, Larkin.

Discussion Items

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 10:45p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on April 11, 2006.

Respectfully submitted, Janis L. Dean,
Secretary