

**Planning Board Meeting
August 8, 2006**

Those present at the August 8, 2006 Planning Board meeting were:

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

Those absent were: None

Those also present were: J. Dean, Interim Director of Planning and Board Secretary; 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

[2006-025] Roth, Michael – Proposed (2) lot subdivision, 16 Cherry Lane – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on July 29, 2006.

Mr. Roth, applicant, presented this application that remains generally as presented at the July 11, 2006 meeting. The speaker described the subdivision of 1.1 acres of land that would provide a 22,042 SF lot for the construction of a new home for his daughter and a remaining parcel of 23,277 SF that would contain his existing residence. The revised plan shows the required 40' strip that will provide access to the proposed home. The applicant has agreed to construct the driveway outside the bounds of the existing utility easement. The foundation area will be staked prior to the beginning of construction and, as requested by Clough, Harbour, and Associates, will be verified after construction. The applicant would prefer a 10'-wide driveway rather than a 16'-wide drive as required. Mr. Roth reported that he has already purchased 20 arborvitae plants to extend the existing hedgerow between his property and the Lands of VanVoorst.

Ms. Dean, Interim Director of Planning, read the comments prepared by the Planning Department. This project was last presented to the Board on July 11, 2006 at which time the main concern focused on the required 40' for a keyhole lot. The applicant has reconfigured the lot to provide the 40' width from Cherry Lane to the proposed residence. This revision should permit installation of the driveway without encroachment of the existing utility easement. The Board members asked the applicant to determine the ownership of the existing utility easement. Mr. Roth has forwarded a letter regarding the easement to the Saratoga County Sewer District. To date, Mr. Roth has received no

response from the District and it remains unclear whether or not the depicted easement has ever been filed with Saratoga County. If required by the Board, the applicant may be asked to increase the amount of landscaping between the new lot and Lot #15 Cherry Lane. The assigned postal addresses must be shown on the plan. The plan must include the date and details of the rear setback variance that was granted on June 6, 2006. Sign-offs from the Clifton Park Water Authority and the Saratoga County Sewer District will be required. Mr. Roth submitted a copy of his letter to the Saratoga County Sewer District that states that the property owner would assume responsibility for damage to the driveway in the event that utility lines would need to be repaired. Mr. DiPasquale, Director of the Saratoga County Sewer District, is currently reviewing applications submitted by several municipalities and reports that as of August 3, 2006 he had not had time to comment on Mr. Roth's proposal. Board members received copies of a letter from James and Barbara VanVoorst outlining their objections to the proposed subdivision.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed this application and offered the following comments. It appears that the revised lot layout conforms to the keyhole lot requirements outlined in the Zoning Code. Due to the very limited proposed building envelope, it is recommended that the proposed foundation be sited by a licensed surveyor and verified after construction and prior to issuance of a certificate of occupancy.

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

Mr. James VanVoorst, 15 Cherry Lane, submitted a letter, dated August 1, 2006, to the Planning Board which listed his objections to the proposed Roth subdivision. Speaking before the Board, Mr. VanVoorst was concerned about the reduction in the privacy he and his family have enjoyed for nearly thirty years. Noting that there is very little back yard provided to the new lot, he asked that no swimming pool or other buildings be permitted within the front yard. He was also concerned about a decrease in the value of property. He expressed concern about the change in the character of the neighborhood due to the installation of the driveway and the size and location of the lot. He described the placement of the lot as "unlike any other arrangement of residences in the immediate area." He explained that the proposed driveway/front door location will likely result in new and increased foot and vehicle traffic, especially along the side of his property. He was concerned about the noise and activity that would result from this construction. Mr. Bulger addressed some of the speaker's concerns, suggesting that it may be necessary for Mr. Roth to provide larger caliper plantings to increase the screening between the two properties since the arborvitaes Mr. Roth has purchased will not grow quickly enough to create adequate screening.

There being no additional public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:30p.m. The motion was unanimously carried.

Mr. Larkin was concerned that the proposed house would meet the required lot width at the building line. Mr. Grasso calculated that the lot width would exceed the 100 feet

required by approximately 80 feet. Mr. Russell was concerned about the size of the arborvitae and asked that the applicant consider planting taller ones than the ones he had already purchased. Mr. Roth agreed to plan larger plant materials. Addressing the issue of a reduction of Mr. VanVoorst's property value, Mr. Bulger explained that it is very difficult to determine if resale of a property is diminished by an action of an adjoining owner, noting that property sales have increased throughout the Town. Mr. Pelagalli added that conclusions regarding the diminishment of property values would be "speculative". He also stated that privacy issues could be mitigated by conditions imposed by the Planning Board. Mr. Larkin questioned whether or not the future owners of the property would be permitted to add to the proposed residence. Mr. Bulger noted that the property was "very constrained" – the house would be approximately 2,000 SF: it did not appear reasonable that additions would be permitted. Mr. Bulger also asked that the driveway be located to the east side of the property and that it be located 5 feet from the Roth's property boundary. Mr. Larkin asked that there be no accessory structures, including a pool, placed in the front yard. Mr. Karam supported the request for taller plantings along the property line and asked that the neighbor be included in the decision-making process regarding the types and sizes of plant materials used to extend the hedgerow. Mr. VanVoorst stated that he would prefer that no fencing be installed along the property line because maintenance could become an issue. Mr. Grasso advised Mr. Roth to locate plantings at least 5 feet from the identified utility easement.

Mr. Kramer 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 #19, seconded by Mr. Hughes, to grant preliminary and final subdivision approval to the application conditioned upon satisfaction of the comments provided by Planning Department staff, the addition of a note to the plans that states that no accessory structures, including a swimming pool are to be constructed within the front yard, that the proposed driveway be located on the east side of the residence and be located 5' from the existing Roth property line, that the existing hedgerow be extended with plantings of significant size and approved by the neighbor prior to the issuance of the Certificate of Occupancy, and that the proposed trees be offset 5' from the existing easement. Ayes: Kramer, Larkin, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

[2005-059] **Belmonte Builders** – Proposed (33) lot subdivision (Lands of Boel), Crescent Road – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:50p.m. The Secretary read the public notice as published in the Daily Gazette on July 29, 2006.

Mr. Nicholson, consultant for the applicant, presented this project plan, noting that the applicant will now be known as Legacy Builders, LLC. He provided a brief history of the project, noting that the applicant proposes the subdivision of a 76.65 acre parcel into (32)

single-family residential building lots and one additional lot that would contain the existing home. Approximately 38 acres of land will be protected as permanent open space by deed restriction on private property and dedication to the Town of Clifton Park. Development will require the construction of 4,400 linear feet of public road with two curb cuts on Crescent Road. Water service will be extended from the Southwick Meadows subdivision to serve the project. Individual septic systems will be installed. The speaker reported that National Grid has provided an agreement to allow for the power line crossing. Several stormwater management areas have been provided on site to adequately handle water from a 100-year storm event. A Phase I Environmental Assessment has been completed; a Phase II study is underway. The presence of endangered grasses on the property is being investigated. An 8 foot wide multi-use pathway has been depicted on the plans. Creighton-Manning traffic engineers will be hired to provide sight distance information for the two access points along Crescent Road.

Mr. Nicholson explained that formal wetland delineations resulted in the loss of one "base density" lot. It is the applicant's intent, however, to maintain the 33-lot density for the parcel. The applicant will pay an additional \$30,000.00 to the Town for this benefit. Board members agreed that this proposal would be acceptable since it would comply with the intent of Open Space Incentive Zoning legislation. The applicant's total contribution to the Town for development of lands formerly owned by Boel would be \$360,000.00.

Ms. Dean read the comments prepared by the Planning Department. Coordinated review was undertaken on March 21, 2006 and all involved agencies concurred that the Town Board of the Town of Clifton Park should serve as designated Lead Agency for the action. The Town Board of the Town of Clifton Park assumed Lead Agency status for this application when it considered the applicant's request for additional lots under amenity zoning law. A negative declaration was issued for the project on May 8, 2006. A memo from Mr. Myers, Director of Building and Development, dated July 24, 2006 "strongly recommends that the sewer lines be extended from Southwick Meadows to service the subdivision just as the water line is." The multi-use pathway has been depicted on the plans: construction will be in accordance with Clough, Harbour, and Associates' recommendations. Sign-offs from NYSDEC and the ACOE are required. A Saratoga County Department of Public Works Work Permit must be submitted. Payment of penalties related to the Conservation Easement Program will be required prior to the release of the plans from the Planning Department. Sight distance information must be included on the plan. A written sign-off from National Grid for the power line crossing must be provided.

Mr. Grasso reported that review of the project by Clough, Harbour, and Associates resulted in the following comments and recommendations. A 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. It appears significant grading will occur within the 100' NYSDEC wetland adjacent area. Work within the adjacent area will require approval from NYSDEC. Although Clough, Harbour, and Associates support the dedication of the open space to the Town, the firm is

concerned with the long term maintenance responsibilities to keep the fields maintained as fields or meadows which are important to protect the rural qualities of the site. It is recommended that an HOA be established and the maintenance of the open areas be the HOA's responsibility. The plan continues to depict a ten foot wide multi-use pathway along Crescent Road. Typical multi-use pathways in the Town are eight feet wide and it is recommended that the proposed pathway be 8 feet wide. Although the plan continues the multi-use pathway to VanVranken Road, a connection to the Southwick Meadows Subdivision is not made. A resolution to the conflicts with the proposed pathway and the existing landscaping and wall on the remaining lands of Boel should be included as part of this project.

Mr. Grasso offered several additional comments. The limits of the proposed clearing and grading should be shown on the plan. The vegetation to remain should be clearly depicted. Street lights should be oriented over the intersection of the proposed roadways and Crescent Road. Adequate sight distance along Crescent Road should be verified at the proposed roadway intersections. It is recommended that the deed restriction language for the proposed private open space be the same as the Town uses for proposed Land Conservation Areas/Easements. This language is very restrictive has historically provided the appropriate level of protection for the Town. The building setback lines and clearing limit lines should not encroach into these areas. The private open space should not overlap into the easement to be granted to the Town for access to the storm water management area. The roadway slope of the proposed cul-de-sac should be increased to allow for a 1.0% minimum slope along the outside edge of pavement. The use of class 50 ductile iron pipe for the proposed water main should be verified with the Clifton Park Water Authority. The portions of existing fence located within the proposed open space areas to remain should be depicted on the plan. The site statistics should identify how much of the proposed open space is unconstrained. Proposed street signage should be identified, including street signs, stop signs, dead end signs, etc. It should be clarified if the proposed multi-use pathway can go under the existing guy wire in accordance with vertical clearance standards for bicycles. The proposed curb cuts onto Crescent Road should be saw-cut and keyed into the edge of travel lane rather than paved up to the edge of shoulder. It should be verified that the proposed easement agreement from National Grid has been obtained. A copy of the agreement should be provided to the Town Attorney for review. Foundation drain laterals should be shown for each proposed lot in front of the proposed residences. This will require additional storm drainage structures to be installed. Even though individually designed septic systems may be provided when each lot applies for a building permit, a representative septic system design suitable for all of the building lots should be included in the plans.

Mr. Grasso offered the following comments regarding the Storm Water Management Narrative:

- Test pits should be conducted within the limits of the proposed basins to verify there adequate separation from ground water. The depth of the test pit should be at least three feet below the proposed bottom of basin.

- A storm water pollution prevention plan should be prepared that includes an erosion and sediment control plan. The proposed infiltration basins should not be used as temporary sediment basins during construction.
- The report should verify that the proposed basins provide adequate pretreatment prior to infiltration based upon the percolation rate of the soils. It does not appear as though basin #5 provides any pretreatment.
- The basins should include a backup underdrain and valve per the NYSDEC design manual.

Mr. O'Brien, Environmental Specialist, reported that the ECC offered the following comments on this application. The ECC reiterated its concerns regarding the number of septic systems proposed in the project area. The proximity of public sewer infrastructure provides access to serve the proposed subdivision. The ECC recognizes the fact that this site is outside of the Saratoga County Sewer District #1 Boundary and O&M by the Sewer District may not be accepted; however, alternatives such as Town Sewer Districts and outside user agreements do exist and should be explored. The proposed stormwater basins are shown in the LC Zone. Currently, this is not a permitted use per the Town of Clifton Park Town Code and a variance would be required. In addition, DEC wetland permits would be required for the placement within these areas. The following standard statement should be added to the plot plan:

- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federal jurisdictional wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone and /or Federal Wetlands.
- The ECC also recommends that the applicant place a note on the individual plot plans regarding the LC Zone restrictions to inform prospective homeowners. Lots containing the LC Zone should also have the restrictions noted in the deeds.

Mr. Pelagalli commented that restrictions should not be placed within the deeds but rather filed at the Office of the County Clerk.

Ms. Nancy Bellamy, 147 East Side Drive, Ballston Lake, questioned whether motorized vehicles would be permitted to use the multi-use pathway. Mr. Grasso and Board members explained that the pathways are for pedestrian and bicycle use only – no motorized vehicles would be permitted. Appropriate signage would be placed to prevent unauthorized trail use. Ms. Bellamy also asked if it would be possible for a private resident to install a fence across the pathway to prevent or discourage its use. Mr. Pelagalli explained that the land for the multi-use pathway would be a fee parcel conveyed to the Town – no individual resident would be permitted to install a fence on the pathway.

Mr. Steve Rice, 1712 Crescent Road, stated his support of the goals of the open space

committee. He asked about the “nature of the open space,” questioning whether or not open areas would be accessible by Town residents. The applicant’s response was that accessibility for Town residents would be dependent on whether or not the land was maintained by a private homeowners’ association or conveyed to the Town. The speaker asked that streetlights be limited since he appreciates the “dark, open spaces”. Mr. Grasso stated that the Town requires street lights at each intersection with a major roadway: two would be provided for this subdivision. Mr. Rice asked that the applicant provide screening between the existing house and the first residence along the new street. He also requested that additional plantings be added to the rear of the field at the entranceway. The speaker was also interested in whether or not residents along Crescent Road would be able to tie into the municipal water system being extended to serve the development. Residents were asked to contact the Clifton Park Water Authority. In response to the speaker’s question regarding the length of the multi-use pathway, Mr. Grasso reported that the pathway would terminate at the westernmost roadway access.

Mr. Bill Koebbeman, 861 Riverview Road, expressed concerns regarding the proposed open space that remained part of the residential lots. Mr. Bulger explained that it is the Board’s policy to request that some type of delineation such as plantings or fencing be used to define the boundaries of protected areas.

In response to a question posed by Mr. William Engleman, Partridge Plateau, Mr. Nicholson stated that approximately 67% of the 50% open space area is unconstrained: this amount to approximately twenty-five (25) acres.

There being no additional public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 8:18p.m. The motion was unanimously carried.

Mr. Karam asked that the Board consider the issue of requiring maintenance of the open space areas by a homeowners’ association or requesting that such areas be conveyed to the Town. Mr. Pelagalli explained that if homeowners’ associations have few maintenance responsibilities, interest in the association and its responsibilities diminishes over time. He advised that this project would likely benefit from municipal ownership. Mr. Kramer agreed since it would provide all Town residents access to the open space lands. Mr. Bulger pointed out that maintenance of dedicated open space lands may become financially burdensome to the Town: he recommended that the Town Board consider using funds collected from amenity zoning approvals to fund maintenance of open space areas. Board members generally agreed that this would be reasonable. Mr. Bulger agreed with Mr. Myers’ comment that extension of the sewer system appeared reasonable, though he understood that the district boundaries prohibited such expansion. The applicant has agreed to pursue a means to extend the sewer lines to this project. Mr. Grasso commented that the soils are quite conducive in the area for conventional systems. Generally, Board members found the total density of (33) units acceptable: this total is comprised of (21) base units and (12) amenity units. Mr. Bulger commended the applicant on his willingness to work with the Board and encouraged the consultant to provide the documents and information including sign-off letters from the NYS Office of Parks, Recreation, and Historic Preservation, the ACOE and NYSDEC that remain

outstanding in order to obtain final approval.

Old Business

[2003-004] **DCG Development Co.** – Proposed 142,000 SF light industrial flex space, Wood Road – Possible determination from public hearing held on April 25, 2006.

Mr. James Boglioli, legal representative for the applicant, presented a brief overview of this project that remains generally as presented at the April 25, 2006 meeting. Focusing on SEQRA issues, he explained that in November of 1991, the Planning Board adopted a Findings Statement for the Final Environmental Impact Statement relating to the site plan application of the Northern Distributing Company and the Generic Environmental Impact Statement (GEIS) for future development within the Wood Road corridor. The Findings Statement concluded that no further SEQRA compliance is required if a subsequent site specific action is carried out in conformance with the conditions and thresholds established in the Findings Statement. The Findings Statement provides that the following must be reviewed by the Planning Board to determine if a subsequent site specific action will be in conformance with the Findings Statement's conditions and thresholds: traffic and transportation, Karner Blue and lupine habitats, wetlands, utility services, fire protection, maintenance of visual buffers, Phase I Environmental Audit, cultural resources and zoning. It is the applicant's position that a supplement to the GEIS will not be warranted because this project as presented does not adversely impact any of the criteria noted in the Findings Statement.

Mr. Boglioli reported that the Statement of Findings stated that "for projects within parcels which currently, or at the time of application, contain known or potential Karner Blue butterfly habitat as shown on GEIS drawing W-H-1" the applicant must submit a management plan. In accordance with the Findings, DCG has developed a management plan that will preserve the initial area of approximately .38 acres as well as an additional .53 acres of surrounding area. The plan addresses all five criteria required by the Findings Statement and protects the area in perpetuity through a Declaration of Restrictive Covenants. The plan includes a legal mechanism that will ensure the preserve is maintained in perpetuity, encourages the reintroduction of the butterflies within the preserve area, requires site-specific management techniques such as biannual mowing of grassed areas, calls for the applicant to place \$1,000.00 in escrow with the Town to guarantee that requirements of the plan are fulfilled, and complies with all requirements outlined in the Findings Statement.

Mr. Boglioli explained that the proposed project will not have a significant adverse impact on the water recharge for the water supply for the Town of Clifton Park since it has been designed in compliance with New York State Phase II Stormwater Requirements and the utilization of municipal sewer and water. Approximately 78% of the 36.8 acre site has been designated as green space. The speaker concluded by stating that "DCG has fully complied with the Findings Statement and no part of its project will adversely impact any of the criteria which would require a SEIS (Supplementary

Environmental Impact Statement).

Mr. Gordon Nicholson, consultant for the applicant, presented a brief description of the area that will be preserved as an archaeologically significant site. Mr. Nicholson explained that foundation remains were discovered along the southwestern property line as site preparation began. All significant artifacts have been preserved and the foundation has been recapped in accordance with accepted preservation standards. Mr. Nicholson stated that all identified engineering concerns have been addressed.

Ms. Dean reported that this project received approval from the Saratoga County Planning Board on June 15, 2006 without comment. The Saratoga County Planning Board also approved the clearing and grading application for this site on April 15, 2006. This project has been before the Board on several occasions since submission of the application on January 22, 2003. On April 25, 2006, the Planning Board held a public hearing due to the controversial nature of the application. At that time most of the comments concerned preservation of the Karner Blue butterfly habitat and traffic safety. Lead agency notifications were sent out on June 5, 2006. Responses were received from NYSDEC and the Saratoga County Planning Board: both agencies agreed with the Town of Clifton Park Planning Board as SEQRA Lead Agency for this project. The Board had also required that the applicant prepare a comprehensive traffic study. Significant findings include the fact that a single site driveway with single lanes entering and exiting will adequately service the site; the proposed industrial/warehousing development will not require improvements to the US Route 9/Wood Road intersection. The report estimated that approximately 130-139 vehicle trips would be generated by the site daily. Sign-offs will be required from the Clifton Park Water Authority, NYSDEC, NYSDOH, SCSD, and NYSOPRHP, ACOE. A Phase I Environmental Audit of the property has been submitted. Colored façade renderings must be presented for Board consideration. Sheryl Reed, Chief of the Bureau of Fire Prevention, provided an e-mail dated 8/7/06, identifying several concerns. She asked that the applicant clarify whether or not the water line is on a dead end. She also expressed concerns regarding the turning radius from the access road to the main parking lot. She reiterated previous comments regarding the construction detail for the proposed emergency access road, the gate, and the posting of signs. Ms. Reed also requested that the plan include a maintenance note that states that the access road shall be maintained free of all obstructions such as trees, brush, posts, and snow removal. She is awaiting comments from the Fire Department and will forward them when they become available. The applicant is requested to provide the details and documentation requested and to consult with Ms. Reed regarding issues of concern. The Planning Department is in receipt of copies of correspondence from John Scherer, Town Historian, and Mark Kazmierczak, Chairman of the Town's Historic Preservation Commission to Artie Tompkins, Environmental Specialist for the Environmental Design Partnership, regarding the foundation uncovered during Phase I and II archeological investigations in the area. Their letters state their support of the proposed preservation plans for the foundation ruins and the artifacts discovered at the site and recommend that the proposed plan be accepted and approved as presented. The following comment received from Steve Myers, Director of Building and Development in a memo dated July 24, 2006: "12,000 SF at the southeastern corner of the parcel apparently does not meet the required 25' setback

requirement.”

Mr. Nicholson pointed out that the proposed building at the southeastern corner of the parcel does, in fact, exceed the 25’ setback requirement.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the preliminary plans for the above project, prepared by the Environmental Design Partnership, LLP last revised July 19, 2006, Karner Blue Butterfly Habitat Management Plan prepared by the same dated July 20, 2006, Part 1 of the Full Environmental Assessment Form prepared by the same dated March 10, 2006, Traffic Impact Study prepared by Creighton Manning Engineering, LLP dated May 17, 2006, Phase 1A Cultural Resources Survey prepared by Michael J. Sanders, M.A. dated May, 2006, and Phase 1 Environmental Site Assessment prepared by Hanson VanVleet, LLC dated April 20, 2006. All of the firm’s comments have been adequately addressed.

Mr. O’Brien, Environmental Specialist, reiterated the ECC’s request that several 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.

Board members discussed the proposed Karner Blue butterfly management plan, noting that they appreciated the applicant’s willingness to increase the protected habitat area and provide a detailed management plan. Though Mr. Larkin was concerned that the plan did not provide the 600’ buffer for the habitat area that some experts would recommend or limit the extent of clearing around the northwestern most building, Mr. Nicholson explained that the plan exceeded required habitat protection measures. Mr. Kramer expressed his appreciation to the applicant for the work done to ensure protection of the butterfly habitat and preservation of the historic items found on the site. Mr. Bulger explained that, in his opinion, the applicant has provided satisfactory evidence of compliance with the Town’s zoning code and has provided sufficient information for a determination pursuant to SEQRA.

Mr. Engleman, 6 Partridge Plateau, submitted a letter for the Board’s consideration.

Mr. Karam moved, seconded by Mr. Kramer, to establish the Planning Board as Lead Agency for this application, a Type I action, and to issue a negative declaration pursuant to SEQRA. Ayes: Kramer, Pace, Karam, Russell, Hughes, Bulger. Noes: None. Abstained: Larkin.

Mr. Bulger moved, seconded by Mr. Hughes, to grant preliminary approval to this application conditioned upon the satisfaction of the comments provided by the Planning Department and the ECC. Ayes: Kramer, Pace, Karam, Russell, Hughes, Bulger. Noes: Larkin.

[2002-042] **Assembly of God** – Proposed 3,265 SF church, 635 Englemore Road - Preliminary site plan review and possible determination.

Mr. Gavin Vuillaume, consultant for the applicant, presented this project that was last reviewed by the Board on June 13, 2006. The plan remains generally as presented at that time. Mr. Vuillaume did provide information concerning several issues of concern. He described the soils on the site as adequate for installation of a conventional septic system: a 100% expansion could be accommodated, though such accommodation would not be necessary for the proposed Phase II of the project. The applicant intends to install 29 parking spaces to serve Phase I of the project. Though minimum parking requirements pursuant to the Code would require 59 parking spaces for both phases of development, the applicant proposes a total of 70 spaces. No Parking signs will be posted as required along the entrance drive. The church will consist of a brick exterior.

Ms. Dean read the comments prepared by the Planning Department. This application was last before the Board at the June 13, 2006 meeting at which time the plan was significantly revised from previous submittals. The current plan addresses many of the Board's concerns, though justification for the increased number of parking spaces has not been provided. The Board may wish to require that several spaces be "land-banked" for use when warranted rather than installed during initial construction. The landscaping plan provided appears to be adequate. Additional plantings may be required along the eastern side of the driveway to screen the existing apartment building. Colored façade renderings with samples of building materials must be submitted for the Board's review and approval. To date no such plans have been submitted. A note regarding the hours of construction must be added to the plans. Steve Myers, Director of Building and Development, prepared a memo dated July 24, 2006 that states that the proposed building is a "mixed use A3 & E building. Municipal water is available within 500' of the property line and required. The building will require two-hour fire separations." The plan still indicates that water will be provided by a well to the rear of the property – the issue of water supply must be resolved prior to the issuance of final approval. Water service is available at Hidden Crest Drive – a distance of approximately 1,640 feet.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed this project plan and offered the following comments. The comments from the June 9, 2006 review letter remain to be addressed. Because the amount of new impervious area has increased from

the previous plan, the applicant should provide a new storm water management report for the project. The required and available sight distance should be added to the site plan. The applicant has decided to use an on-site well. This appears acceptable for potable water supply. Fire flow requirements should be reviewed with Sheryl Reed. The applicant is proposing a phased development with a 3,265 SF building being built during Phase I and a 2,700 SF building being added in Phase II. The plan provides a total of 16 parking spaces for the phase I development and an additional 43 spaces are indicated for the smaller phase II building. The applicant should provide justification for the amount of proposed parking. The proposed lights along the access drive should have house side shields.

Mr. O'Brien, Environmental Specialist, reported that the ECC asked that 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.
- 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.
- All exterior lighting should be directional and limited.

In addition, the following statement must be added to the plot plan:

- The proposed project site is in close proximity to the Clifton Park Rod and Gun Club. The applicant must take into consideration the associated sounds, activities and hours of operation of the club. A note should be added to the plot plan accepting these activities.

Mr. Vuillaume stated that the applicant would comply with all the recommendations offered by Clough, Harbour, and Associates, Ms. Reed, Chief of the Bureau of Fire Prevention, the Planning Department, and the ECC.

Mr. Larkin asked that the church be aware of the existence of the Rod and Gun Club facility on Englemore Road. He was assured that church officials were aware of the location of the club and that a note on the plan would indicate the site's proximity to the club.

Mr. Russell moved, seconded by Mr. Larkin, 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 Ms. Pace, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, the ECC, and the submission of colored façade renderings. Ayes: Kramer, Larkin, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

[2006-013] **Jolley Associates** – Proposed Clifton Park Short Stop – 3,213 SF convenience store and site renovation, 2 Clifton Country Road – Preliminary site plan review.

Mr. Rob Spiak, consultant for the applicant, explained that this application has been revised in response to comments presented at the last Board meeting. The carwash has been relocated to the eastern property boundary. An apparent agreement exists with the adjoining property owner – I. T. W. Mortgage Investments, IV, Inc. - to permit access to the building for maintenance purposes. A reduction in the width of travel lanes will also create easier flow throughout the site. Mr. Spiak stated that all comments received from Clough, Harbour, and Associates will be addressed. Façade renderings were presented for the Board's consideration.

Ms. Dean reported that this project was presented for Board consideration on April 11, 2006 at which time the Board identified issues of concern as lack of sufficient greenspace, the location of the carwash along NYS Route 146, the location of the gasoline dispensers in the center of the site preventing safe traffic flow. The Findings Statement for the Exit 9 GEIS recommends that a site contain 45% greenspace: 35% greenspace is required in a B-4 zoning area. The plan now proposes 36.8% green area. Board members may wish to consider requesting that the landscaping plan include larger deciduous evergreens and pines to add visual interest to the site. The speaker also reported that the Board informally discussed this application at the June 27, 2006 meeting. The carwash location seemed more reasonable as does the flow of traffic through the site. Board members asked that the blue canopy above the gas pumps be eliminated. The plans and renderings submitted do not include the dispensing areas and the canopies: the applicant should clarify whether or not these will be of the same color scheme as the building façade. The applicant has provided the colored renderings for review. Mr. Myers provided a memo dated July 24, 2006 that lists the following variances that will be required prior to Planning Board approval: a variance from the 80' setback requirement for gas islands from Clifton Country Road; a variance for the third entrance/exit; a variance for having gas pumps within 50' of the property line. It appears that the applicant has added "elements of visual interest" as requested along the western façade. Board members and the applicant were advised that no approvals would be granted at this evening's meeting since the required variances have not been approved by the Zoning Board of Appeals.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed this application and provided a number of comments. The subject property is located within the Exit 9 GEIS Study Area. If development of the project is deemed to be in conformance with the Statement of Findings, then a negative declaration pursuant to SEQR may be appropriate. The applicant should contribute to the mitigation fees established in the Exit 9 Area GEIS. The Town may wish to negotiate with the applicant and pro-rate the mitigation fees required based on the fact that businesses currently occupy the site. The applicant should consult the Exit 9 GEIS Area Finding Statement and provide the required documentation. In addition, a Full Environmental Assessment Form, which addresses the Exit 9 GEIS Findings statement, should be submitted for review. The plan indicates that 36.8% greenspace is proposed. While 35% is required in the B-4 zoning district, 45% is recommended in the Exit 9 Area GEIS. It should be verified that a tanker truck can maneuver through the site.

Mr. Grasso offered the following additional comments. The proposed car wash is located right on the rear property line (side yard of Pier 1 Imports) and the dumpster enclosure is located 1.0 feet from the same property line. This allows no room for maintenance around the structures without crossing private property. Legal access rights need to be demonstrated or the structures should be set an appropriate distance from the property line to allow maintenance. A stormwater management report and pollution prevention plan should be provided. Pursuant to NYSDEC Stormwater regulations vehicle fueling stations are considered “hot spots” and as such infiltration is not allowed: oil/water separators should be proposed. It should be verified that the proposed tanks and spill prevention plan will comply with all applicable NYSDEC permits and regulations. A detail of the outlet control structure should be provided. The lighting plan should include the proposed lighting levels. A detail for the proposed wall pack should be added to the plans. It is recommended that construction fencing be provided across the two entrances on Clifton Country Road during construction to limit the construction traffic to the stabilized entrance. The size of the existing sanitary sewer lateral should be provided: it is recommended that a minimum 6” service line be provided. It is also recommended that a manhole be provided at the junction of the building service, the car wash service and the existing sewer line. It should be verified that the proposed planter does not restrict the handicap accessible route from the parking space to the front door of the building and that the handicapped accessible parking is most proximate to a public entrance.

Mr. O’Brien, Environmental Specialist, read the following comments 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.
- If hazardous materials will be stored on-site, the applicant must submit a plan addressing handling and storage and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored.

Mr. O'Brien also reported that the ECC reiterated the comment that the greenspace should be increased to be closer to the required 45%.

In response to Mr. Larkin's question regarding the applicant's plans for demolition and site redevelopment, Mr. Spiak explained that all underground tanks and all dispensers will be updated. Though Mr. Larkin recommended that the applicant provide increased green space on the site in response to ECC comments, Mr. Spiak noted that the plans called for the installation of "quality" landscaping. Mr. Hughes voiced support for redevelopment of the site and found the proposed 36.8% greenspace acceptable. Mr. Karam asked that the applicant add additional visual interest elements to the eastern façade: he recommended that strips of colored block be added. He also asked that the adjacent owner be asked to provide for a maintenance easement in perpetuity. Mr. Kramer asked that the sight distance at the southern access remain unobstructed. Mr. Bulger suggested that the Board consider recommending that the Zoning Board of Appeals grant the variances requested by the applicant with the stipulation that such approval is dependent upon an executed easement from the adjoining property owner for maintenance purposes. Members all agreed that such a recommendation was reasonable.

[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 application for Board review. The plan remains generally as presented at the February 28, 2006 meeting, though the applicant has now addressed the issues of concern. Though the plan shows the installation of 110 parking spaces, accommodation could be made for 183 spaces should all the buildings be used for medical and dental offices. Mr. Szemansco explained that the traffic issues raised by the Board have been resolved through the completion of a revised traffic study and consultation with Clough, Harbour, and Associates' representatives. The applicant believes that greenspace calculations are reasonable since the stormwater management areas will be graded and seeded. Board members found the colored façade renderings acceptable.

Ms. Dean reported that this project was last considered by the Board at its February 28, 2006 meeting. The concerns at that time included site density, pre- and post-development containment of stormwater, clear cutting of the site, greenspace calculations that included the stormwater management areas, and traffic safety at the access to Moe Road. The plan remains generally as presented at that meeting. Greenspace is calculated to be

approximately 59% with minimal parking requirements; 50% with medical/dental office uses. Calculations do include stormwater management areas because these areas will be seeded and landscaped.

Traffic concerns have been addressed. A response prepared by Synthesis regarding this issue states that applicant representatives met with representatives of Clough, Harbour and Associates to discuss the revised traffic impact study and information gathered subsequent to completion of the original report. During that meeting an agreement was reached that School Drive LOS for PM left turns will not be adversely impacted when traffic is evaluated 2:30PM peak hour and accordingly, no improvements to School Drive are necessary. Sheryl Reed, Chief of the Bureau of Fire Prevention, requests that the applicant provide accurate postal addresses. The comments submitted by the Clifton Park Water Authority on March 14, 2006 are still valid and sign-off from this agency will be required. Sign-off from the Saratoga County Sewer District will also be required.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the following items relative to the above referenced project:

- Site Plans dated July 12, 2006 prepared by Synthesis.
- Traffic Impact Study last revised March 14, 2006 prepared by Transportation Concepts, LLP.
- Traffic Impact Study Addendum dated April 20, 2006 prepared by Transportation Concepts, LLP.
- Stormwater Pollution Prevention dated June 2006 prepared by Laberge Group.
- Engineer's Report for Sewer System received July 19, 2006 prepared by Laberge Group.
- Engineer's Report for Water System and response letter to Clifton Park Water Authority dated June 9, 2006 prepared by Laberge Group.

After review of these documents, the firm offered the following comments. The proposed parking layout may need to be reconfigured to accommodate the required "No Parking" signs at the handicapped accessible aisles. Temporary sediment basins should be provided during construction. The temporary basins should not be located within the area of the proposed infiltration basin. The fittings required to raise the proposed watermain prior to connection to the existing 12" main along Moe Road should be depicted on the profile. It is recommended that the back tap connection be performed with two vertical 90 degree bends rather than the horizontal bends proposed. The utility profile should show the location of the boring and receiving pits. The boring should be performed without disturbance to the existing multiuse pathway. A construction schedule for the proposed watermain should be submitted to Clough, Harbour, and Associates in order to establish an estimated fee for inspection. The water 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 design and specifications of the proposed grinder pumps should be provided. The IES Lighting Handbook recommends a minimum of 0.2 foot candles within pavement areas. It does

not appear the proposed lighting meets these recommendations.

Clough, Harbour, and Associates offered the following comments on the Stormwater Pollution Prevention Plan dated June 2006:

- Calculations and a summary table should be provided documenting the grassed swales provide the adequate pre-treatment prior to the infiltration basins. Pursuant to the NYSDEC Design Manual because of the rapid infiltration rates present in the underlying soils 100% of the Water Quality Volume should be pretreated prior to the infiltration facility.
- It appears the water quality volume was calculated without including the roof areas because the building drainage is to be treated by drywells. The grading and drainage plan does not depict drywells. Additionally the use of dry wells, even for roof drainage is not permitted without pretreatment.
- It should be verified the proposed bottom of the infiltration basin will have a minimum 3 foot separation from ground water. It does not appear as though the test pits were performed at a deep enough elevation to verify the presence of ground water.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project, the ECC offered the following comments. The ECC reiterated the request that several standard statements 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 recommended that the stormwater management basin not be considered in the greenspace calculations.

Mr. Bulger noted that re-alignment of the entranceway has mitigated the impacts of this development on Moe Road traffic flow. He also believes that the peak hour traffic patterns for the school drive and the office park drive will be substantially different. Areas along the northern and eastern property lines have been provided for future access easements to adjoining properties. A "floating easement" will be provided along the southern property line.

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

[2006-019] **M. J. Rekucki Construction, Inc.** – Proposed 10,000 SF office building, 11 Old Plank Road – Preliminary site plan review and possible determination.

Mr. Tom Andress, consultant for the applicant, explained that this proposal remains generally as presented at the June 13, 2006 meeting. The required setback variances were granted by the Zoning Board of Appeals on June 6, 2006. Public water and sanitary lines will be extended to serve this site. A retaining wall will be installed to the rear of the site. Grading on the church property will occur by agreement with church officials and plantings will be added to the eastern side of the site. A small berm will provide visual interest and an area for landscaping at the front of the site. Mr. Andress explained that there are deeded rights for the driveway that serves the existing two residences to the west.

Ms Dean reported that this application was reviewed conceptually by the Board on June 13, 2006. At that time Board members asked that the building be relocated on site in order to provide parking to the rear as well as the front of the building. Mr. Myers, Director of Building and Development, reported that the Zoning Board of Appeals granted the required parking setback variances on June 6, 2006. As recommended, the plan now shows connection to the existing water service and sewer line: the applicant will be required to sign an outside user agreement with the Town for water service. The project was reviewed and approved by the Saratoga County Planning Board on June 15, 2006 without comment. Future submissions must include a colored façade rendering plus samples of building materials. A detailed landscaping plan must be provided. Ms. Dean reported receipt of a call from a representative of the Methodist Church, owner of adjoining property, regarding the proposed grading plan. It is recommended that church officials be apprised of the project plan and that the applicant work cooperatively with them to achieve mutual goals for parking and building access.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the project plans and offered the following comments. The Town Zoning Law requires that the side property margins be planted with trees and shrubs from the front building line to the rear property line for a width of not less than fifteen (15) feet. This has not been provided. The plantings shown along the westerly side line should be extended to the rear property line and the required planting should be added along the easterly property margin. Mr. Grasso reported that several comments concerned aspects of the proposed grading plan. The top of the swale along the rear of the building is higher than the proposed finished floor elevation. The grading appears to allow runoff to cascade over the proposed 10' high retaining wall. Additional detail of the existing Clifton Park United Methodist Church parking lot should be provided to evaluate the potential impacts of the proposed grading

will have on the property. Additional grading detail is required to determine the conformance with ADA requirements.

Clough, Harbour, and Associates prepared additional comments. An alternate dumpster location located further away from the existing residence should be proposed. The access to the Vandenburg parcel needs to be addressed at this time. The proposed arrangement is unacceptable. Detailed off-site utility plans should be provided. The proposed water main should be extended across the front of the project site. Clough, Harbour, and Associates does not support having the driveway cusp encroaching over the extension of a side property line to the edge of roadway. The driveway should be shifted to the west and the power pole relocated to allow sufficient offset from the driveway. The affect of the proposed trees over the infiltration system should be evaluated. A temporary sediment basin to use during construction should be provided on the erosion and sediment control plan.

In response to Mr. Grasso's comments regarding re-location of the electric pole, Mr. Andress will request a letter from National Grid requesting such approval and an estimate for the cost of moving it.

The following comments related to the Stormwater Management Plan dated July 19, 2006:

1. A test pit and percolation test should be performed at the elevation of the proposed infiltration system. The system is located within a cut between 8'-14'.
2. Details of the proposed pretreatment tank should be provided. Additionally it should be documented that the tank will provide adequate pre-treatment prior to infiltration.
3. We are concerned with the long term maintenance and performance of the proposed system. If not properly maintained the design infiltration rate will be reduced. The system does not have an emergency outlet and as such the entire storm sewer will overflow.
4. The calculations sizing the storm sewer should be provided in the report.
5. The report should document that the proposed drywells are adequately sized to accommodate the drainage areas.

Mr. O'Brien, Environmental Specialist, read the comments prepared by the ECC. 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.

A representative of the Methodist Church located at the intersection of Village Road and Old Plank explained that members of the church received information regarding this application only recently. He listed several concerns: removal of the existing 18' high hill that provided a sound barrier to the northway, truck traffic on Old Plank Road during construction, dangerous traffic conditions for children attending the church day care center, and problems related to office building patrons using the church parking lot.

Mr. Bulger observed that the most significant problem the applicant faced was the issue of grading on or adjacent to the church property and reaching an agreement regarding grading and property use with the church community. He also asked that the applicant attempt to reach an agreement with residential neighbors to the west regarding the access to those properties. Mr. Bulger suggested that the applicant fund any necessary driveway reconstruction. Board members found the application generally acceptable, though they asked that Clough, Harbour, and Associates and the Planning Department review traffic safety issues.

New Business

[2006-028] **M. J. Rekucki Construction, Inc.** – Proposed office and redevelopment, 1766, 1768, 1772 Route 9 – Conceptual site plan review.

Mr. Tom Andress, consultant for the applicant, presented this application that lies in a B4A (Highway Business/Restricted Retail) for the Board's consideration. The project includes demolition of the existing carwash and quick lube facility located on Lots #1766 and #1768 and the incorporation of a portion of Lot #1772 in the proposed redevelopment plan. Both new buildings will contain both office and retail uses and be 25,000 SF and 45,000 SF, respectively. The developer proposes the installation of 251 new spaces including 43 banked spaces and 10 shared spaces with Lot #1772 Route 9. The plan would require several setback variances.

The applicant proposes two access points to the site: one from the existing driveway that serves the Post Office; the other directly from Route 9. Mr. Andress presented colored renderings of the proposed buildings. Upper floors would be used for business offices while lower floors would contain retail uses plus open patios suitable for restaurants. It is the applicant's intent to re-subdivide the properties to accommodate the proposed redevelopment.

Ms. Dean reported that Mr. Myers, Director of Building and Development, provided a memo dated July 25, 2006 that states that the proposed combination office space and retail uses appear to be allowed uses within the B-4A Highway Business/Restricted Retail zone. He identifies several setback variances that would be required should the plan

progress as presented. Ms. Reed, Chief of the Bureau of Fire Prevention, provided a memo dated August 8, 2006 that stated that the applicant must provide adequate access for emergency services to all buildings. The applicant is apparently attempting to develop an “integrated site.” Pursuant to Town code, such a site must contain at least five acres. It appears that this is the reason for incorporating the acreage from the existing self-storage building on Lot #1772. Some clarification of the project intent is required to determine if individual lot requirements for such items as setbacks, greenspace, stormwater management, and parking will be met. Access to/from US Route 9 is directly into a parking area with a long corridor: this has been an issue in areas such as Parkwood Plaza where drivers must back directly into such travel lanes. The number of parking spaces appears excessive, though the actual number of spaces must be based upon final building sizes and uses. Northway buffer areas and screening along Route 9 should be provided. When the approval for the self storage building was considered, drainage from the Aiello parcel was an issue – this should be addressed with any revisions to the existing stormwater management area for the storage facility. The traffic design for the combined Post Office/development site should be considered since stacking area is limited. Clough, Harbour, and Associates’ comments regarding the overlapping of buildings and boundary lines are well taken – detailed plans will be required before adequate assessment of the proposal can be made. This project requires approval from the Saratoga County Planning Board as well as comment from the Saratoga County Sewer District and the Clifton Park Water Authority.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the site plan for this project and offered the following comments. The proposed project appears to be an “Unlisted” action pursuant to SEQR, and as such coordinated review is optional. Involved agencies are expected to include the following: Clifton Park Planning Board – Site Plan Approval; Clifton Park Zoning Board of Appeals-Area Variances; NYSDOT – Curb Cut Permit. The plan should more concisely depict and describe the proposed subdivision. Proposed lot lines should be along parking rows or other features to minimize confusion over parking spaces per lot, setbacks, etc. As it currently appears on the plan, approximately 43 parking spaces for the proposed office/retail building will be constructed on the existing indoor self storage building lot including 10 “shared” spaces. Additionally, the 43 future parking spaces are located an impractical distance from the proposed buildings. Coupled with the extensive side yard variances requested, it would appear the proposed development is too intense for the project site. It would appear that the proposed change and use and density of the project would generate an increase in traffic. These impacts should be evaluated. It should be verified that the proposed greenspace area provided does not include the future parking area. Clough, Harbour, and Associates does not support dead end parking. Increased width of drive aisles for the sole purpose of maximizing the number of parking spaces along their side is not recommended since it results in poor traffic circulation patterns and is not consistent with good parking lot design practices. The square footage total listed in the site statistics does not correspond to the acreage total provided for the lot sizes. It appears a portion of Building #1 is located on 1772 Route 9. With the proposed building so close to the property lines there is a potential for grading impacts on the adjacent properties: it is recommended that a conceptual grading plan be provided. The proposed building height

should be shown on the plan. The B-4A Zoning district has a 35 ft maximum unless additional side yard area is provided. The zoning regulations state that the property margins at the sides from the front building line to the rear property line shall be planted with trees and shrubs for a width of not less than 15 feet. The current building locations can not meet this requirement. The location of the dumpsters should be shown on the plans.

Mr. O'Brien, Environmental Specialist, reported that the ECC requests that the applicant evaluate the history of the property to ensure that it is not tied to greenspace calculations with the Parkwood Plaza subdivisions.

Mr. Bulger viewed the proposed development as a significant improvement over projects such as a Mobil gas station that have been presented previously. He encouraged the applicant to work with the Post Office to improve traffic flow. He also asked the applicant provide the required "green margins" that the code requires. In response to Mr. Hughes question regarding the types of tenants housed within the buildings, Mr. Rekucki stated that he anticipates general professional offices, small retail businesses, and restaurants with patio-type seating areas in building that would present an aesthetically pleasing "streetscape." Board members agreed that the buildings would enhance the Route 9 corridor, though they were concerned with traffic in the area. It was recommended that cross-easements provide interconnections and easier access to parcels in the area. Board members generally agreed that proposed building designs were acceptable and that the proposed redevelopment of the site was desirable.

[2006-029] **Prescott, Joel and Isabel** – Proposed (2) lot subdivision, Riverview Road – Conceptual review.

Ms. Dean explained that this application was presented to the Board on behalf of the Town. The Town proposes the subdivision of a parcel of land along Riverview Road just north of Brian Drive to create lots of 12.41 acres and 6.06 acres, respectively. The smaller lot will be conveyed to the Town of Clifton Park for future development of a "public passive park." Wetland delineations have been completed for the parcel and are depicted on the project plan.

Board members were enthusiastic about the conveyance of open space to the Town and found the concept plan acceptable.

Minutes Approval

At the July 11, 2006 meeting, there was no quorum of those Planning Board members in attendance at the June 27, 2006 meeting: therefore, no approval of the meeting minutes of June 27, 2006 meeting minutes was valid. Mr. Bulger moved, seconded by Ms. Pace approval of the June 27, 2006 minutes as written. Ayes: Karam, Pace, Russell, Bulger. Noes: None. Abstained: S. Hughes, A. Kramer, J. Larkin.

Mr. Bulger moved, seconded by Mr. Russell, approval of the minutes of July 11, 2006 as written. Ayes: Kramer, Pace, Russell, Hughes, Bulger. Noes: None. Abstained: Larkin, Karam.

Discussion Items:

U.S. Foodservice

Mr. Fazio, C. T. Male Associates, has requested approval of a second access for U. S. Foodservice vehicles along Pierce Road. Board members asked that the applicant submit a formal application for review.

Compton Special Use Permit

Ms. Compton, applicant for a Special Use Permit that would allow the construction of a two-family residence in a CR (Conservation Residential) zone, presented the Board with several alternative sketches for the proposed “in-law” addition to her home. Board members also reviewed a letter prepared by the Kozels, adjoining property owners. Board members seemed to find the Comptons proposal acceptable, though they asked that the existing trees planted by the Kozels be protected to the greatest extent practicable and that additional plantings be provided to “strengthen and improve” screening. Fencing should also be considered. Mr. Hughes summarized the discussion by requesting that the Comptons do their best to “attempt to minimize impacts to the Kozels.”

Addison Estates

Amedore Homes has requested a waiver of the required 40’ setback from the wetlands. Development of Lot #31 is limited by the shape of the wetland that restricts the building envelope. The developer asks that the Board approve a reduction in the setback to permit the construction of a home that would meet the side setback requirements but would encroach on the rear setback line. Board members agreed that this amendment to the subdivision plan would require formal review.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 11:30p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on September 13, 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 #19

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 August 8, 2006, there were:

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

Absent: None

Mr. Karam offered Resolution #19, and Mr. Hughes seconded, and

Whereas, an application has been made to this Board by Michael Roth for approval of a subdivision entitled Subdivision Map of Lot 16 as shown on a map entitled "Clifton Gardens Map No. 10" Lands of Michael and Michelle T. Roth consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on August 8, 2006;

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 August 8, 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 subdivision plat entitled Subdivision Map of Lot 16 as shown on a map entitled "Clifton Gardens Map No. 10" Lands of Michael and Michelle T. Roth consisting of (2) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments provided by Planning Department staff, the addition of a note to the plans that states that no accessory structures, including a swimming pool are to be constructed within the front yard, that the proposed driveway be located on the east side of the residence and be located 5' from the existing Roth property line, that the existing hedgerow be extended with plantings of significant size and approved by the neighbor prior to the issuance of the Certificate of Occupancy, and that the proposed trees be offset 5' from the existing easement.

Resolution #19 passed 8/8/06

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

Steven J. Bulger,
Chairman