

**Planning Board Meeting
September 13, 2006**

Those present at the September 13, 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: K. Maynard, 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 7:20p.m. All in attendance stood for recitation of the Pledge of Allegiance. Mr. Bulger welcomed Ms. Kate Maynard, Director of Planning to the position and her first Board meeting. He also noted that the Open Space Report Card, a pamphlet highlighting the Town's open space goals and achievements has been made available to all in attendance.

Public Hearings

[2006-029] **Prescott, Joel and Isabel** – Proposed (2) lot subdivision, Riverview Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:22p.m. The Secretary read the public hearing notice as published in the Daily Gazette on September 3, 2006.

Mr. Grasso presented this application that calls for the subdivision of 6.06 acres from an 18.47 acre parcel in the CR (Conservation Residential) zone on the west side of Riverview Road just north of Brian Drive. The parcel is currently owned by Joel V. B. Prescott and Isabel Barrett-Prescott, though it is the intention of the Town of Clifton Park to purchase the property as part of its open space acquisition plan in the near future. Clough, Harbour, and Associates prepared the subdivision plan and delineated the wetlands on the property.

Ms. Maynard reported that this project was last considered by the Board on August 8, 2006 at which time the Board found the proposed subdivision acceptable. One question raised at that time, however, concerned the potential use of the property. Ms. Jennifer Viggiani, Open Space Coordinator, has prepared a memo that outlines the plans for a future passive town park that would possibly include a walking nature loop from Riverview Road to the waterfront, water trail destination with a boat landing and dock for non-motorized boats, fishing access, and interpretive signage. The Town sent out the required 500' notification to adjoining property owners on August 28, 2006. Though the

Town is aware that Clough, Harbour, and Associates prepared the plan, the plan should also indicate that this firm prepared the wetland delineation and include the date of that delineation. It is the Town's intent to purchase the 6.06-acre property from the Prescotts for \$200,000.00 as soon as possible.

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

Mr. Peter McLetchie, 631 Riverview Road, asked that the Board define the term "passive park". Mr. Bulger explained that the term refers to an area reserved for open space and walking trails rather than for such things as tennis courts, soccer fields, and playgrounds.

Mr. Ted Bagwell, 627 Riverview Road, asked if the Board was aware of development plans for the parcel. Mr. Bulger explained that although walking trails and water trail destinations have been considered by the Open Space, Trails, and Riverfront Committee, no plans for development of the parcel have been approved. Mr. Bulger recommended that Mr. Bagwell contact Jim Romano, Co-Chair of the Committee to obtain more information.

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

Mr. Hughes offered Resolution #20, seconded by Mr. Karam, to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of the comments offered by the Planning Department. The motion was unanimously carried.

[2006-021] **Longkill Properties, LLC** – Proposed (2) lot subdivision, 93 Longkill Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:32p.m. The Secretary read the public hearing notice as published in the Daily Gazette on September 3, 2006.

Mr. Duane Rabideau, consultant for the applicant, presented this application that remains generally as presented at the July 11, 2006 meeting. He reported that representatives of the Army Corps of Engineers have visited the site to verify wetland delineations: the applicant awaits a jurisdictional letter.

Ms. Maynard offered the comments prepared by the Planning Department. This application was reviewed by the Board on July 11, 2006 at which time the Board described the project as "straightforward". Sign-off from the he ACOE will be required and all New York State Office of Parks, Recreation, and Historic Preservation requirements must be met. The plan should indicate that any future residences will be required to connect to water and sewer services being extended to the area by Kain

Development. The plan should also include the standard note regarding connection of the existing residence to the Clifton Park Water Authority at the time water is available at the property line. The Board supported Clough, Harbour, and Associates' recommendation that additional right-of-way be provided along the entire width of the lot to provide for installation of a trail: conveyance of such a strip has not been shown on the plan. The Board should determine the appropriate width of the requested strip. This application was approved by the Saratoga County Planning Board at its June 15, 2006 meeting with the comment that a curb cut permit would be required for a new driveway on a county road. Subsequent to receipt of the notice of decision from the County, the Planning Department received a call from Ted Serbalik, Director of the Saratoga County Department of Public Works, who explained that this portion of Longkill Road is now under the jurisdiction of the Clifton Park Highway Department: curb cut approval should be obtained from this department.

Mr. Grasso reported that Clough, Harbour, and Associates' review of this application resulted in the following comments. The applicant has added the approximate location of the existing septic system to the plan. It appears there is approximately forty-five feet of separation between the existing septic system and the existing well. The New York State Department of Health requires 100 feet of separation between these components. The July 6, 2006 review letter recommended that development of the subdivided lot be required to connect to the municipal water and sewer systems to be installed for the Longkill Subdivision. Because of the inadequacy of the separation distance for the existing lot, it is now recommended that the existing residence be required to connect to these improvements as well. An easement will be required over the overhead electric service serving the existing house. Clough, Harbour, and Associates also recommends that ten feet of right-of-way extending across both lots be granted to the Town to extend the proposed trail to the north. It is the firm's position that the trail could probably be built without having to take down the existing maple trees.

Mr. O'Brien, Environmental Specialist, reported that the ECC found this application acceptable.

Mr. William Engleman, 6 Partridge Plateau, noted that in June, 2006, the Planning Board granted approval to a proposed sixteen (16) lot subdivision that adjoins this parcel to the west. He asked that the Board consider if drainage from the proposed Kain Subdivision was considered during review of this application. He also asked if the Board had considered the potential impacts the Carlson subdivision may have on the Kain parcel. Mr. Bulger stated that the Board had considered all possible impacts to and from adjoining properties.

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

Board members supported Clough, Harbour, and Associates' recommendation that the existing residence be required to tie into the municipal sewer when the line is available at the property line. Though Mr. Larkin recommended that such a connection be made prior

to the commencement of development of the remaining lands, Board members agreed that establishing a two year time frame for such a connection was more reasonable. Board members supported the recommendation that the conveyance of a 10' strip along the property's frontage be provided to the Town. Mr. Rabideau explained that the applicant was unwilling to provide such a conveyance because of the existing maple trees, wetland disturbance, and terrain. Board members agreed that such a conveyance would be condition of approval and that any future trail link would be designed to avoid the cutting of the mature trees.

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

Mr. Kramer offered Resolution #21, seconded by Mr. Karam, to waive the final hearing for this application and to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of the comments provided by the Planning Department, Clough, Harbour, and Associates, the requirement that the existing residence connect to municipal sewer services within two (2) years of availability at the property line, and that a 10' strip of land along the parcel's frontage on Longkill Road be conveyed to the Town. Ayes: Kramer, Larkin, Pace, Karam, Russell, Hughes, Bulger. Noes: None

[2002-002] **Rolling Meadows** - Proposed (44) lot subdivision, 675 MacElroy Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:45p.m. The Secretary read the public hearing notice as published in the Daily Gazette on September 3, 2006. Mr. Larkin recused himself from any comment and/or vote on this application and left the meeting room.

Mr. Michael Dussault, consultant for the applicant, presented a brief history of this project that has been reviewed by the Board on several occasions. The speaker described the project site and the proposed connections to the existing Dutch Meadows subdivision at Denhelder Drive and Winkel Way and the proposed access point on MacElroy Road. The area slated for development was described as containing meadows, woods, NYSDEC, and ACOE wetland areas. Connection to existing municipal sewer and water services is proposed. The applicant is considering construction of a central pump station with a 4" force main to the Fairway Woods subdivision. Two stormwater management areas are proposed. The current proposal calls for approximately 4,700 linear feet of roadway and the construction of thirty-eight single-family homes. Each lot will be a minimum of 10,000 SF with a minimum frontage of 60 feet. Front yards setbacks will be 30'; rear yard setbacks will be 25' and side yard setbacks will be 10'. 44.1 acres of open space will be provided, totaling 55% of the project site. The open space area will consist of both wetlands and uplands.

Mr. Dussault provided information regarding open space calculations, noting that wetland

delineations resulted in the determination that 55 acres of the site may be labeled as unconstrained land. The base density for the site totals nineteen units, though amenity zoning permits the applicant to construct 38. The total contribution required from the developer for approval of the increased density will be \$570,000.00. The speaker explained that community benefits of the proposed development include the installation of an additional access to the Dutch Meadows subdivision, increased water pressure for existing Dutch Meadows residents, a substantial open space dedication to the Town, and funds for Town acquisition of additional open space parcels. He assured the Board that all of Clough, Harbour, and Associates' comments will be addressed and the applicant will work with the Town to achieve goals established by the Trails Committee.

Ms. Maynard reported that this application was last before the Board on December 13, 2005 when the Board held its first public workshop pursuant to §208-43.16 of the Town's Zoning Code. Since that time, the Town Board has conducted coordinated review pursuant to SEQRA, established itself as Lead Agency, and issued a negative declaration on May 8, 2006. The Town Board at that time also approved the applicant's request to increase the density up to a maximum of twenty-one additional units for the property in exchange for open space benefits for the Town. That approval requires the applicant to pay \$630,000.00 in the designated Western Clifton Park Open Space Incentive Zoning Fund which will be used by the Town to acquire lands and interests to lands in Western Clifton Park. The Town understands that due to the delineation of additional wetland areas on the project site, the revised plan now shows thirty-eight (38) lots rather than the original forty. The consultant should clarify on the plans if the number of base density lots has changed. All calculations regarding constrained and unconstrained lands and associated density must be included on each revised plan. The hours of construction must be listed on the plan. Accurate postal addresses must be shown on the plan. Sign-offs from both the Clifton Park Water Authority and Saratoga County Sewer District are required. Adherence to all comments provided by the NYSDEC will be required. Correspondence from the Army Corps of Engineers dated April 29, 2005 requests that the applicant provide additional information to that agency. The applicant should clarify if such information has been provided and submit copies of responses to the Planning Department and Clough, Harbour, and Associates. The plan should indicate that this project will be incorporated into the adjoining park district. It has been the Board's consistent policy to require that larger subdivisions provide either contributions toward or partial construction of the multi-use pathway network: the Board may wish to consider requesting the same of this applicant. A trail segment providing a link to Veteran's Park may be a possibility. 500' notices were sent on August 24, 2006.

The Planning Department received a memo from Steve Myers on August 30, 2006, that requests the addition of the following note to the plans: A Stormwater Pollution Prevention Plan (SWPPP) in compliance with NYS Department of Environmental Conservation (DEC) State Pollutant Discharge Elimination System (SPDES) General Permit GP-02-01 will be required prior to any soil disturbance. Compliance with the permit will be required for the entire duration of the project including the construction of all the residences.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the following materials as submitted by Lansing Engineering, PC relative to the above referenced project: Rolling Meadows Residential Subdivision Plans, dated 8/23/06; Water Supply Report, dated 8/23/06; Stormwater Management Report dated July 2006. The following comments from previous review letters remain to be addressed. The name of the person or firm responsible for the freshwater wetland delineation should be identified on the plans set. 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 zone limits be known. All correspondence from these agencies should be copied to the Town for their records. Due to the project's proximity to the Town park land and recreational fields, it is recommended that a multi-use pathway be provided to these areas.

Mr. Grasso offered the following additional comments. The site statistics should be expanded to include the calculation of constrained and unconstrained lands, maximum allowable density calculation, number of proposed amenity zoning lots, amount of required and proposed open space, unconstrained open space, etc. to verify conformance with the zoning requirements. An overall 1"=100' scaled subdivision plan prepared by a licensed land surveyor should be provided and should include proposed open space areas, wetlands, etc. Any non-standard setback lines must be described on the subdivision plan. Street signs should be shown and appropriately called out. The proposed low pressure sewer system should be designed to allow abandonment of the existing 2" low pressure sewer main already in place. Easements will be required wherever the proposed public sewer main or water main, including hydrants, is within fifteen feet of private property. The proposed road names should be shown on the Subdivision Plans and the Layout, Materials and Grading Plan. The subdivision plan should indicate if the proposed stormwater management areas are to be dedicated to the Town. Additionally, drainage easements should be provided to the Town where facilities are located outside of the proposed right-of-way. Many of the proposed building lots do not have what is considered a useable rear yard. Slopes of 3:1 begin almost immediately (within five feet) outside the proposed foundation limits. It is recommended that the grading be revised to allow for a more level rear yard. Clough, Harbour, and Associates is concerned with the long term maintenance responsibility of the proposed CDS water treatment unit by the Town. An alternate and more conventional means of water quality treatment should be investigated or the infrastructure redesigned to eliminate the need for water quality treatment in those areas. The firm is also concerned with the proximity of Stormwater Management Area #2 to the existing residences along Denhelder Drive. It is recommended that a buffer of approximately 50' be provided from the rear property line and the stormwater management area. A street light oriented over the proposed intersection with MacElroy Road should be provided. A construction phasing plan should be developed depicting how the site disturbance will be limited to five acres at a time. The sediment and erosion control plans should provide temporary sediment basin locations location and inlet protection. The pump station detail references 98 Smith Road. A site specific design of the pump station should be provided. The pump and alarm

elevations should be provided on the detail. The following comments related to the Stormwater Management Report dated July 2006:

- Test pits should be performed with the limits of the proposed stormwater management areas to determine the ground water elevation.
- Drainage Area #4 is not labeled on the Post Development Drainage Area Map.
- The operation of the emergency spillway of Stormwater Management Area #2 should be verified. It appears the spillway would discharge to a catch basin that would be flooded if the emergency spillway was in use.

Mr. O'Brien, Environmental Specialist, reported that after review of the data presented, the ECC noted that Lot #13 encroaches on the LC Zone. The ECC recommends that the applicant reposition the house.

Mr. Joe Stockbridge, 12 Denhelder Drive questioned whether or not the applicant owned property to the north of the proposed subdivision. Mr. Heflin, applicant, stated from the audience that he owned no property north of the proposed subdivision. Mr. Stockbridge expressed concerns about "filling" of several of the lots that may result in increased drainage to his property. Mr. Dussault stated that the engineering firm would review the application to determine if additional swales could be installed to control water flow. In response to Mr. Stockbridge's request for preservation of the existing tree line, Mr. Bulger explained that the Board would support such preservation. Mr. Bulger also explained that new development may not impact adjoining properties.

Mr. William Engleman, 6 Partridge Plateau, asked that the applicant provide the total number of acres being conveyed to the Town as open space. This amount was estimated to be 44.1 acres or 55% of the site. The speaker also asked the consultant to clarify the amount of disturbance that would impact the Cooley Kill. The consultant estimated that such disturbance would amount to approximately .04 acres: a little less than 200 linear feet.

There being no additional public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 8:12p.m. The motion was unanimously carried.

Mr. Karam expressed concern about the location of the proposed stormwater management areas – particularly the area labeled as Stormwater Management No. 2 that is located directly behind existing residences on Denhelder Drive. He suggested that the applicant consider locating the area in between two of the proposed new homes. In response to Mr. Bulger's concerns regarding the area of usable backyards, Mr. Dussault stated that the rear yards will provide at least 50 feet of usable yard area. There will be at least 50' of yard area from proposed homes to the edge of delineated federal wetlands. In response to Mr. Hughes' comment that Lots #32 and #33 were oddly configured, Mr. Dussault agreed to consider ways to modify the design. Though Board members discussed possible locations for the multi-use pathway, including connections from the back of this subdivision and along MacElroy Road, it was decided that the a meeting with Town officials, members of the Open Space, Trails, and Riverfront Committee, and the

applicant would be the best way to determine which location is most suitable. Mr. Bulger noted that the developer of Fairway Woods was not able to develop the pathway as expected because of the unwillingness of property owners along MacElroy Road to provide necessary easements. Negotiations are on-going. Mr. Bulger commended the applicant for his willingness to work with the Town to create a viable subdivision that respects the area's CR (Conservation Residential) zoning.

Old Business

[2006-017]**Compton, Erika** – Special Use Permit for proposed two-family residence in a C-R zone, 21 Lee Avenue, Rexford – Determination form preliminary public hearing held on June 13, 2006.

Mr. Shawn Compton, applicant, presented this application for the Board's consideration. He explained that, pursuant to Board requests, an architect had prepared several design alternatives that attempted to address the family's needs. The one alternative that best met those needs was the one originally presented that placed the proposed "in-law" apartment along the property's eastern boundary. The Comptons also contacted an arborist and submitted a letter that addressed the issue of the trees that line the eastern property boundary.

Ms. Maynard explained that this application was first presented to the Board on May 23, 2006 at which time Board members found the plan generally acceptable. At the public hearing that was held and closed on June 13, 2006, the adjoining property owners, William Kozel and his wife, Cindy Sawyer-Kozel, stated their opposition to the application for a number of reasons. These included the proximity of the proposed addition to their residence, the potential for the "in-law" apartment to become a rental unit, the possible reduction in the value of their home, and destruction of existing trees along the property border. As a result, the Board asked that the Comptons consider alternative locations for the "in-law" apartment. The Comptons provided several building options that were presented as a discussion item at the August 8, 2006 meeting as well as a letter from an arborist that addressed the issue of tree preservation. The Kozels have provided copies of correspondence to each Board member that again states their opposition to the Comptons' plan. Mr. Myers, Director of Building and Development, has provided an e-mail exchange that he had with the Kozels. He has also stated that he visited the properties on Lee Avenue to determine if measurements on plans provided by Mr. VanGuilder accurately reflected the site conditions. He found that all measurements Mr. VanGuilder's drawings "reasonably corresponded" to the ones he made. He stated that he "found no reason to believe that the drawings presented by the Comptons are inaccurate." He also noted that the Building Department does not normally get involved in property line issues. The Board should consider the fact the area has changed from an R-3 zone to a CR zone: side yard setbacks have been reduced from 25 feet to 10 feet: the Comptons' proposal meets this requirement.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the following materials relating to the above referenced project: Project Narrative (undated) as prepared

by Erika Compton discussing the Compton's plans to add a "mother-in-law" apartment, great room and attached three-car garage to their house; the letter from Fred Breglia-ISA Certified Arborist to Erika Compton regarding existing trees located between the Compton property and the Kozel property; the letter dated July 7, 2006 from the Comptons to the Kozels; the letter dated July 18, 2006 from the Kozels to the Comptons; the architectural floor plans A thru F as prepared by Engineering America Company. Clough, Harbour, and Associates offered the followings comments. The subject property is located in a CR (Conservation Residential) zone. The proposed two family use is allowed in this zone by Special Use Permit. The side yard setback required in this zone is ten feet. Although a site plan has not been submitted, the existing side yard is refuted to be approximately thirty-nine feet. Building of the proposed 24 foot wide addition would reduce this setback to approximately fifteen feet, exceeding the required ten foot minimum. Based on the floor plans provided, it appears the existing house is 36 feet wide 24 feet deep, covering approximately 864 square feet. The applicant is proposing to add a 480 square foot apartment; a 576 square foot great room; an 864 square foot three-car garage and a 144 square foot mud room. These additions would add approximately 2064 square feet to the existing house and a 240 percent increase over the existing footprint. Under the alternative preferred by the owner, the frontage of the house would increase from 36 feet to 84 feet. At the last Planning Board meeting, the Board requested that alternatives be presented. These should be reviewed with the Board. At the June 13, 2006 Planning Board meeting the applicant was requested to submit information regarding the existing septic system and its ability to accept additional flows. This information has not yet been submitted. The preferred alternative would add an additional full bath room, one lavatory with sink and toilet and a kitchen area.

Mr. O'Brien reported that the ECC found this project acceptable.

Mr. Karam addressed the issue of the septic design. Mr. Compton stated that the design plans call for four bathrooms. When the final plans are drawn, the existing septic system will be analyzed to determine if it has sufficient capacity for the increased usage. Mr. Karam also noted that he was comfortable with the measurements provided by the Comptons, since Mr. Myers had verified boundary lines established by Mr. VanGuilder. He also noted that no professional documentation had been provided by the Kozels to support the concerns they have expressed. Mr. Bulger supported this position, explaining that the Board relies on professional recommendations. Mr. Larkin recommended that the Kozels employ the services of a professional surveyor to determine exact property lines should they still be doubtful of the location of the property line.

Ms. Kozel, 23 Lee Avenue, stated her opposition to the proposal, noting that the Board had not carefully considered damage to her family's existing tree line.

Mr. Larkin recommended that the Comptons ensure that the snow fencing used to delineate the construction area be placed within ten feet of the property boundary. He also suggested that the Comptons be the ones to ensure that the fence is maintained in that position until construction is completed. Hours of construction will be limited.

The Board first considered approval of the Special Use Permit application.

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

Mr. Karam offered Resolution #22, seconded by Mr. Russell, approval of the Special Use Permit that would permit the construction of a two-family residence in a CR (Conservation Residential) zone conditioned upon satisfaction of the comments provided by the Planning Department, a note on the plan that states that the applicants will be responsible for maintenance of the snow fence that delineates the area throughout the construction process, that a note be added to the plan indicating the hours of construction be limited, and that the capacity of the septic system be verified to assure adequate capacity for the addition. Ayes: Kramer, Larkin, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

The Board then considered site plan approval.

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

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

[2006-027] **Clifton Park Food Group** – Proposed renovation of existing Denny’s Restaurant to IHOP Restaurant, 611 Plank Road – Preliminary site plan review and possible determination.

Mr. Tony D’Adamo, consultant for the applicant, presented this application that calls for the renovation of an existing 6,100 SF Denny’s restaurant into an IHOP restaurant. Though significant changes will be made to the interior, exterior changes will be limited to upgrades for handicapped accessibility and improvements to the entranceway. The applicant intends to address all of the issues identified by Clough, Harbour, and Associates. Parking on the site appears adequate. Mr. D’Adamo has contacted the State of New York, owner of the northern most parking area on the property and will pursue a “use in occupancy” permit from the State. IHOP representatives have been made aware of an on-going sewer problem in the area and have agreed to empty the grease trap every three months rather than on the current yearly schedule. The speaker also reported that the owner is committed to upgrading the look of the site through increased maintenance and additional landscaping.

Ms. Maynard explained that this application was originally presented to the Board on July 11, 2006. The applicant was asked to address several issues including upgrading handicapped accessibility, increasing and redefining landscaping, and providing an executed easement for parking that is located on an adjoining property. It is

recommended that the applicant consider improvements to traffic circulation within the site and a connection to the adjacent state property/Best Western parking area by further delineating the ingress/ egress location between the sites. Further extension of an existing striped crosswalk from the adjacent Best Western to the rear property line of Denny's should also be considered to provide a safer pedestrian connection between the sites. The Saratoga County Planning Board approved this project on July 20, 2006, though that Board commented that 'the applicant should take this opportunity to improve the internal traffic circulation at the site.' Mr. Myers reported that the property has the following "pre-existing nonconformance in the following areas: 18.2% greenspace rather than the required 35%; two fronts (Plank Road and Old Route 146) – the 80' setback from Route 146 has not been met; the side parking setback on the south side is 8 feet, though 20 feet is required; the side parking on the north side shows that nearly all the parking spaces are located on state-owned property." Mr. Myers commented that the building setback cannot be practically modified to meet requirements. Attempts to meet parking setbacks may result in insufficient parking for the restaurant. Parking which is offsite should be addressed to avoid future issues. Mr. Myers also asked that green space be increased. The applicant has submitted a copy of a letter forwarded to New York State Department of Transportation requesting that that owner of 611 Plank Road be granted a temporary easement for use of adjoining state land for a parking lot. The author of the letter should provide any response from the Transportation Department to the Town. On September 11, 2006, Ms. Maynard and Ms. Dean met with the applicant's consultant, Anthony D'Adamo, on site to discuss possible improvements. Mr. D'Adamo agreed to consult with the owner to consider improvements to traffic circulation between the site and the adjacent Best Western parking lot. Possible improvements may include providing landscaped parking islands, replacement of overgrown vegetation with more attractive planting materials, the addition of plantings to screen the dumpster area, pedestrian striping from the hotel parking lot to the IHOP location, and the incorporation of a more contemporary look for the restaurant.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed this application and offered the following comments. The site lacks any existing or proposed landscaping improvements between Plank Road and the existing building. The plans should include landscaping along the frontage on New Plank Road and within islands created within the existing parking lot. The plan includes "Off Site Parking" along the north side of the property. The applicant has provided documentation indicating that these parking spaces are located within the right-of-way of what was once State Route 146 (S.H. 8137). The State discontinued maintenance of this portion of the road in May, 1960 and maintenance became the responsibility of the Town of Clifton Park. The Town counsel should be consulted regarding the status of the present ownership of this property and the steps that must be completed by the applicant to continue using parking spaces located in the right-of-way. A hold harmless agreement may be required. The lighting fixtures shown on the plans, and existing at the site, are floodlight style fixtures that cause light spillage and excessive glare from off-site areas. All proposed site lighting fixtures, including any building mounted fixtures, shall be sharp cut-off downlit style fixtures and appropriately detailed on the plans.

Mr. O'Brien reported that, after reviewing the project, the ECC offered the following comments. The following standard statements should be added to the plot plan:

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

Mr. Karam described the site as "tired" and encouraged the applicant to provide as much landscaping as possible to improve its look. Ms. Pace commented on the lighting, asking that the fixtures be designed to reduce glare and focus light into the site. Mr. Grasso asked that details of the proposed lighting be submitted for review. Mr. Pelagalli advised that if an agreement cannot be reached with the State regarding the parking area, a hold harmless agreement as recommended by Clough, Harbour, and Associates may be required.

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

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

[2003-004] **DCG Development Co.** – Proposed 142,000 SF light industrial flex space, Wood Road – Final site plan review.

Mr. James Boglioli, legal representative for the applicant, presented this application that remains generally as presented at the August 8, 2006 meeting when the Board established itself as Lead Agency for the application and issued a negative declaration pursuant to SEQRA. The Board also granted preliminary site plan approval at that meeting. Mr. Vuillaume, consultant for the applicant, reported that the applicant has addressed all of the outstanding issues identified by the Board. The emergency access road has been revised to satisfy all of Ms. Reed's comments, the turning radii has been increase to meet required standards, and details concerning the locking mechanism at the emergency access point have been provided. Mr. Vuillaume provided colored façade renderings for the Board's consideration.

Ms. Maynard reported that the Board established itself as Lead Agency for this project and issued a negative declaration pursuant to SEQRA on August 8, 2006. Most of the comments and recommendations provided by the Board have been satisfied. It appears

that the minor issues of concern such as addition of the ECC notes to the plan, increased turning radii, and construction details for the emergency access road have been addressed by the applicant. Sign-off from the Clifton Park Water Authority and the Saratoga County Sewer District will be required. Colored façade renderings must be attached to the final site plan. The applicant should clarify the status of the project with the State Office of Parks, Recreation, and Historic Preservation. The Board may wish to consider requesting a 5'-10' strip of land along Wood Road to allow for multi-use pathway development. This is particularly important because of the site's proximity to the Zim-Smith trail.

Mr. Vuillaume reported that the applicant would be willing to convey a 10' strip along Wood Road for additional right-of-way. Mr. Grasso explained that the strip would not affect the setbacks for this project. Mr. Artie Tompkins, consultant, reported that both a Phase I and Phase II environmental assessment had been completed. He anticipated no problem in obtaining approval from the New York State Office of Parks, Recreation, and Historic Preservation.

Mr. Grasso reported that all comments issued by Clough, Harbour, and Associates have been addressed.

Mr. O'Brien, Environmental Specialist, reported that the ECC found the application acceptable.

Board members found the project acceptable. Mr. Hughes requested that an historic marker be placed near the old foundation that was discovered last month. Mr. Karam asked that fencing be used to delineate the easement around the cemetery site. Both Mr. Karam and Mr. Bulger stated that found the proposed Karner blue management plan acceptable.

Mr. Bulger moved, seconded by Mr. Karam to grant final approval conditioned upon satisfaction of the comments provided by the Planning Department. Ayes: Kramer, Pace, Karam, Russell, Hughes, Bulger. Noes: None. Abstained: Larkin.

[2005-059] **Belmonte Builders** – Proposed (33) lot subdivision (Lands of Boel), Crescent Road – Determination from preliminary public hearing held on August 8, 2006.

Mr. Mike McNamara, consultant for the applicant, provided a brief description of this subdivision proposal that remains generally as presented at the August 8, 2006 meeting. He reported that 57% of the project area will be deed restricted open space. The project will be serviced by the Clifton Park Water Authority and individual septic systems. The speaker described the proposed stormwater management system that includes closed storm systems within the roadways as well as three stormwater management areas. The management design will comply with all NYSDEC regulations.

Ms. Maynard reported that this project last appeared before the Board on August 8, 2006 when a public hearing was conducted. The Board closed the public hearing at that time. Issues of concern included the connection of the multi-use pathway to the Southwick

Meadows project, sign-offs from NYSHOP, NYSDEC, and the ACOE, ownership of open space areas, connection to the Saratoga County Sewer District, and easements to cross lands owned by National Grid. The revised plans address most of these concerns. Connection to the Southwick Meadows multi-use trail network should be required. The Board may wish to discuss Mr. Myers' second request for connection of this project to the existing sewer system. The applicant has requested that the Town accept the conveyance of open space lands. This would appear to be a reasonable request since there is little land for a Homeowners' Association to oversee and since such a conveyance would permit use of the open space for all Town residents. The plan should show preservation of an existing tree in the open area just south of Crescent Road. Board members may wish to consider requiring the planting of "matching" trees placed along the entrance drives. Additional plantings to the north of Lots #9 and #14 may be required. The trail should terminate at the easternmost edge of the loop road at its intersection with Crescent Road. A note regarding the hours of construction must be added to the plan. A note should also be added to the plan stating that the subdivision will be incorporated into the Stoney Creek II Park District (or that a new district be established for Southwick Meadows and this development). Consultation with park officials may be required to determine which alternative is most desirable. Board members may wish to consider the most effective way to preserve areas labeled "open space area – private ownership." A copy of the executed easement for crossing of the National Grid property will be required prior to the stamping of the plans.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the revised preliminary subdivision plans dated June 22, 2006 (no revision date), a letter to Clough, Harbour & Associates LLP dated August 22, 2006 responding to the August 3, 2006 comment letter, and supplemental storm water management calculations, all prepared by Environmental Design Partnership LLP. Additionally, the firm reviewed a letter report dated August 15, 2006 from Creighton Manning Engineering, LLP to Belmonte Builders regarding "Sight Distance Evaluation, Boel Subdivision, Crescent Road, Town of Clifton Park." With the exception of the following outstanding items, the applicant appears to have adequately addressed the comments included in previous review letters:

- 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.

Mr. Grasso recommended that any approval of the Board be conditioned upon completion of the above items. In addition, the applicant has suggested a portion of the funds to be paid to the Town for the amenity zoning increase (12 lots x \$30,000/lot or \$360,000) be allocated toward routine maintenance of the proposed open space. It should be noted that these funds are to be used for the purchase of development rights or purchase of open space by the Town within the Western Clifton Park GEIS study area so that the maximum build-out of the study area will not exceed 2,500 residential units. As

such, Clough, Harbour, and Associates does not support the recommendation, unless the existing amenity zoning fee is increased to cover such additional expenses.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project, the ECC offered the following comments. The current LC Zone disturbance will require a variance per the Town of Clifton Park Town Code. 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. The standard note for proximity to aviation patterns must be added to the plan. The ECC would like to see clarification regarding the ownership and maintenance responsibilities for the land designated as open space. This project should be required to accommodate a future connection to the Saratoga County Sewer District #1. The ECC request the Planning Board consider the installation of dry sewers in anticipation of a cost effective and efficient solution for future connection with municipal sewers when they become available.

Board members commended the applicant for working within the confines of the new CR (Conservation Residential) zoning. Members discussed the necessity for a variance from the Zoning Board of Appeals for the proposed location of the stormwater management basin within the designated L-C zone. Mr. Myers will be consulted to determine if such a variance is warranted. Board members did not support the installation of dry sewer lines because of the cost of such an installation and the fact that they may never be utilized. Mr. Larkin requested that the applicant provide trees that will match the existing tree slated for preservation. It was determined that tree markers would be an appropriate way to define the boundary of protected areas since the site is heavily forested. Mr. Bulger recommended that the subdivision be placed in an existing park district or that a new district be established to incorporate this property as well as the Southwick Meadows project. Mr. Pelagalli pointed out that park districts are approved by the Town Board.

Mr. Bulger explained that the Town Board had issued a negative declaration for this application on May 8, 2006 during its review of the amenity zoning application.

Mr. Hughes offered Resolution #23, and Mr. Russell seconded, to waive the final hearing for this application and to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates and the ECC. Ayes: Kramer, Pace, Karam, Russell, Hughes, Bulger. Noes: Larkin.

Mr. Bulger thanked the applicant for his willingness to work with the Board to create a desirable project that clearly reflected the goals of the CR (Conservation Residential) zoning.

[2005-060] **Belmonte Builders** – Proposed (33) lots (Waite Meadows Subdivision), 626 Waite Road – Revised conceptual review.

Mr. Dom Arico, consultant for the applicant, presented this application that has been reviewed by the Board on several occasions. The plan has been revised since the last submission and now includes a boulevard entranceway, two large “farmette” lots near Waite Road, thirty-one single-family residential lots, and long multi-use pathway. Deed restricted open space has been incorporated into individual lots and open space areas to be conveyed to the Town have been depicted on the plan.

Ms. Maynard reported that this project was last presented to the Board on June 27, 2006. Since that time, the plan has been revised in response to Board comments and engineering recommendations offered by Clough, Harbour, and Associates. The project plan now seems to more clearly reflect the goals of the CR (Conservation Residential) zoning. The “farmettes” at the development entrance appear to provide an aesthetically pleasing transition from the surrounding rural landscape to the neighborhood lots, the proposed trail loop provides recreational opportunities for residents, and the lay-out redesign provides additional land for homeowners while protecting land preservation areas. Mr. Myers, Director of Building and Development, has commented that the developer must seek to have the variance that was previously granted by the Fire Code Appeals Board modified since the lay-out has changed. Ms. Reed provided a memo dated September 13, 2006 that reiterates this request. The applicant should ensure that there is capacity in the existing sewer line to service this project. Establishment of a park district and open space ownership are issues for discussion. A complete preliminary submission will result in more detailed comments and recommendations, though the Board may want to request the submission of a revised EAF and plans for coordinated review.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the concept subdivision plan and offered the following comments. The revised concept plan still does a commendable job at incorporating many of the features required in the CR (Conservation Residential) zoning district and the zones development guidelines. Noteworthy features include minimization of impacts to environmentally sensitive features (primarily federal wetland and streams), and a layout that has rural development characteristics. These characteristics should continue to be developed and strengthened as level of detail on the plans progress. It appears that the density calculations and requirements for open space have been correctly calculated. Because 33 lots are now proposed, the project will not require any amenity zoning density increases. In order to avoid landlocked open space parcels, Clough, Harbour, and Associates continues to recommend that open space parcels be connected to allow interconnected open space and appropriate access by the Town. Measures to address the protection of the federal wetlands within the lots should be included in future plans. It is the firm’s 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 adequacy of the site distance at the proposed access to Waite Road should be verified and reflected on the plans.

Mr. O'Brien, reported that the ECC offered the following comments on the project plan. The following standard statements should be added to the plot plan:

- Federal jurisdictional wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in Federal wetlands.
- 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 ownership of the open space surrounding the "farmettes," concluding that an open space corridor that could provide future connections to adjoining lands. Mr. Larkin recommended that each "farmette" lot contain at least five acres to ensure the owners' ability to raise animals. Board members found this revised concept plan generally acceptable.

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

Mr. Paul Olund, consultant for the applicant, presented this application for the Board's review. He explained that this 3,000 SF proposed Dunkin' Donuts shop and retail facility remains as presented at the May 9, 2006 meeting. The planting plan has been revised in response to comments issued by Clough, Harbour, and Associates. Lighting details have been provided and signage has been shown on the plan. The standard notes required by the ECC have been added to the plan. Mr. Olund reported on that status of the site clean up process, stating that the large pile of debris remaining on the site will be removed as soon as the applicant receives approval for its disposal in an approved location. No sign-off from NYSDEC has been received to date.

Ms. Maynard reported that this project proposal was last considered by the Board on May 9, 2006. At that time the Board expressed concerns regarding the condition of the site. Although the applicant's attorney has provided correspondence stating that all site debris will be removed from the site by September 30, 2006, the applicant has apparently stopped work on the site and no information has been received from NYSDEC regarding the status of the debris and its removal. Steve Myers has reported the following: Variance #80505 was granted on September 13, 2004 for this property when a 6,000 SF building was proposed. The new proposal is for a 3,000 SF building and the designer has brought

to my attention that he feels the variances should still apply. Below are my findings when comparing the 2004 variance to the current proposal. Variances covered by #80505 are 1 acre minimum (has .773) and need 30' setback from Route 146, has 33'. The variances still needed are:

- Front setback from Plank Road (need 130', has 125', variance granted to 125', still need 3' variance)
- Only one entrance and exit allowed – plan shows two exits
- 35% greenspace required – previous plan showed 31.85 %, do not know if this submission is different
- Per §208-48: 15' wide area of plantings along sides of building not met (west side or rear of building)
- Front parking setback, need 30', has 21' proposed, variance granted to 23', need 2' variance
- 80' front setback along Route 146 not met (64' present)

The applicant is advised to consult with Mr. Myers to determine if these variances will be required and should file the required applications with the Building Department. The revised plan appears to address the concerns regarding traffic flow. In addition to colored façade renderings, the Board may wish to consider requesting samples or design details for the “typical guardrailing” shown along the southwestern corner. Sign-offs from the Clifton Park Water Authority and Saratoga County Sewer District will be required.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the revised plans for this application and offered the following comments. In addition to the significant improvements made to the landscaping package being proposed, it is recommended that the three Serviceberry trees along the west side of the property be replaced with three Northern Red Oaks and that three Thornless Honeylocust trees be provided at a fifteen foot spacing among the Austrian Pines proposed along N.Y.S. Route 146. The Site Statistics table should be completed to include figures relating to parcel area and required and proposed green space. The plans should include details of the lighting fixtures being proposed. Appropriate signage including “Right Turn Only” and “Do Not Enter” in accordance with MUTCD requirements for the one way out drive should be provided.

Mr. O'Brien reported that, after reviewing the project, the ECC offered the following comments. 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.

In addition, the ECC recommends that the applicant include in the planting plan the addition of mature trees along the northern boundary of the property to replace those mature trees removed during clearing operations.

Mr. Bulger stated that the applicant must receive approval for all necessary variances and provide the sign-off from NYSDEC prior to the issuance of a negative declaration pursuant to SEQRA and/or any decision by the Board. He explained that it was possible for the Board to grant a waiver for the number of curb cuts provided to Plank Road. Mr. Russell expressed concerns regarding the condition of the site, observing that the pile of stumps and other debris has remained on the site for a long period of time. Mr. Hughes agreed, stating that the condition of the site is a “bad reflection on the Town.” Mr. Karam requested that the applicant provide a time frame for the clean-up of the site and install erosion control measures to prevent the continued flow of water and sand to the adjoining property. In response to Mr. Kramer’s question regarding the stacking capacity on the site, Mr. Olund reported that there was room for at least ten vehicles. Mr. Bulger directed the applicant to address Board concerns as soon as possible.

[2006-019] **M. J. Rekucki Construction, Inc.** – Proposed 10,000 SF office building, 9 Old Plank Road – Preliminary determination.

Mr. Tom Andress, consultant for the applicant, presented this application that was last before the Board on August 8, 2006. The project plan remains generally as presented at that time, though Mr. Andress addressed several of the Board’s concerns. He provided members with a copy of an executed agreement between Mr. Rekucki and the Clifton Park United Methodist Church that outlines ten items Mr. Rekucki will be responsible for during construction of the proposed office building. Mr. Andress noted that the agreement calls for Mr. Rekucki to install a double lamp lighting apparatus on the parking lot light to illuminate the Clifton Park Methodist lot. Item number 8 of the agreement requires the applicant to request a reduction in the speed limit on Old Plank Road to 15 miles per hour. Though the Board noted this request, it is unable to take any action to satisfy it.

Mr. Andress addressed other issues of concern. Due to the slopes along Old Plank Road to the west of the building site, the driveway access provided across this site that provides access for the residential neighbors must remain. Pursuant to comments from the Clifton Park Water Authority, the water line that serves the site will be extended beyond the driveway entrance. The dumpster area has been incorporated into the building design. The utility pole will not be relocated.

Ms. Maynard stated that this project was last presented to the Board on August 8, 2006 at which time the Board identified several items of concern. The most important of the items was the church’s approval of the proposed grading plan and parking arrangement. Prior to this evening’s meeting, the applicant had apparently not yet reached an agreement with the church regarding grading and other issues. A review of the document submitted at the meeting will be reviewed.

The Board was also concerned with the driveway easement that crosses the front of the property. The applicant's response to this concern appears acceptable. The third concern was the electric utility pole which the Board recommended be relocated. This issue has now been addressed. Minor comments such as the one regarding the signing of the outside user agreement with the water authority will be included at a later date when the major issues of concern have been resolved. It is recommended that the applicant work with adjacent landowners to provide for cross access. The Saratoga County Planning Board reviewed and determined at its Planning Board meeting on August 17, 2006 and determined that there is no significant countywide or inter community impact associated with the project. A comment was made that concurs with staff that cross access easements should be provided to adjoining parcels.

Mr. Grasso offered the comments prepared by Clough, Harbour, and Associates. The following comments from our July 28, 2006 review letter remain to be addressed. If it is the intent for the access to the Vandenburg parcel to remain, an ingress/egress easement will be required. A map and description should be provided to the Planning Department for review. Proof of filing will be required prior to issuance of stamped plans. Detailed off-site utility plans should be provided. The proposed water main and low pressure sewer main should be extended across the front of the project site. The proposed water service should come of the water main near the end of the main to discourage stagnant water in the main. Public water supply and wastewater disposal system approvals will be required by NYSDOH and NYSDEC, respectively.

Mr. Grasso offered the following additional comments. Approval from the Saratoga County Sewer District #1 will be required for the proposed sewer extension and commitment of service. Horizontal bends should be provided along the off-site watermain prior to the connection to the 12" main along Clifton Park Village Road. Profiles should be generated for the proposed public utilities. The limits of pavement replacement appear incorrect for the work required. A pavement transition detail should be provided. The temporary sediment basin to be used during construction should not be located within the proposed infiltration area. A detail of the proposed dumpster enclosure should be provided. A cut sheet of the proposed site lighting should be provided for review. The firm is concerned with the runoff from the western retaining wall impacting the adjacent residence. The runoff from the top of the wall should be directed to the drywell. Documentation of the agreement between the applicant and the Church regarding the grading should be provided.

Mr. Grasso offered the following comments regarding the Stormwater Management plan:

- The NYSDEC Stormwater Management Design Manual requires the pretreatment of runoff prior to infiltration. The volume of pretreatment is based upon the infiltration rate of the underlying soils and the required

water quality volume. The report should document that the proposed pretreatment tank provides the required pretreatment.

Mr. O'Brien, Environmental Specialist, reported that the ECC offered the following comment. 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.

Mr. Karam commented that he found the agreement with the adjoining church reasonable and that the issue concerning the relocation of the utility pole appeared to be resolved. Board members found the plan generally complete.

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

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

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

Mr. Tom Andress, consultant for the applicant, explained that this project plan, originally considered by this Board in February, 2006, has been reduced to 50 townhouse units. The plan proposes improvements to the existing entrance drive from NYS Route 146 and the installation of an emergency entrance drive to the west. Mr. Andress emphasized the fact that Mr. Wagner is attempting to address the Town's need for affordable senior housing.

Ms. Maynard reported that this project has been referred for a second time by the Town Board to the Planning Board for its recommendation. The Town Board expressed concerns regarding traffic impacts to Route 146 and the surrounding transportation network as well as concerns that sight distances may not be adequate. Though the applicant has revised the project plan to meet many of the concerns expressed by the Board during the previous review, overall

ingress/egress to the site remains an issue. Emergency services access is of particular concern. The PUD district is designed to allow for innovative site design that allows flexibility within a site layout and a mix of uses that work together coherently. It is not readily apparent when reviewing the site plan how the proposed design ties in with existing commercial use on the site.

Consideration of appropriate connections among the proposed plan and existing commercial uses is requested. Amenities to serve the proposed townhouse development as well as existing commercial uses such as a loop trail should be considered. Ms. Reed provided the following comments in a memo dated September 13, 2006: Provide design detail needed on proposed "private roadway". Provide details on proposed emergency access roadway – include design, signage, and gates. Maintenance of the private roadway and access road need to be ensured. Emergency services has strong concerns with Private Roadways. Specifically the roadway is built to a smaller road profile including smaller turning radii and width. They feel that they will have limited or no access to proposed structures. Maintenance of the roadway for general repair and snow removal is also a main concern. The 911 system addressing does not recognize "private roads" and addressing will be difficult because Route 146 addresses will have to be used. Ms. Reed requested the applicant to determine if the state would grant a curb cut for the proposed access road. She also asked if maintenance of the "private roadway" and "access road" would be included in the deeds for enforcement purposes. Ms. Maynard explained that this project was referred by the Town Board on August 21, 2006. Comment from the Planning Board is requested within 60 days of this date.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the sketch plan provided. Although the proposed density of the project has been reduced from 68 units to fifty units, the following comments from the February 27, 2006 letter have not been addressed. The application, as proposed, is not consistent with the land uses contemplated in the Corporate Commerce Area GEIS in 2001. As such, a supplemental EIS or at a minimum expanded Full Environmental Assessment should be prepared and submitted for review and comment. The proposed project appears to be a "Type 1" action pursuant to SEQR, and as such, coordinated review is required. The involved agencies are expected to be the Planning Board, Saratoga County Planning Board, NYSDOT, SCSD #1, CPWA and the Town Board. Known environmental concerns that have been raised so far by the Town Board and Planning Board include traffic and access, impact on build-out of the Corporate Commerce zone, demand on sewer capacity, visual impacts and impacts to federal wetlands. This site was included in the Corporate Commerce Area GEIS in 2001 and, therefore, excluded from the Western Clifton Park GEIS in 2005. At that time, it was anticipated that up to one million square feet of commercial building space could be developed without significant impact to the transportation network if recommended improvements were made to Route 146. It was anticipated that traffic would be funneled to Tanner and Miller Roads and that the intersection of Tanner/Miller and Route 146 would be improved with turn lanes and a traffic signal. In addition, access to Route 146 at the existing 21st

Century Park access road would be limited to rights in/rights out only. It is recommended that this project include these access improvements. A traffic study should be prepared. The area surrounding this project has recently been rezoned to Conservation Residential (CR) which allows residential development at a density of 1 dwelling unit per 3 acres of unconstrained land. If this development density were applied to the proposed senior housing site only 3 dwelling units could be constructed or 6 units with Open Space Incentive Zoning. The application as proposed calls for 50 dwelling units on approximately 10 acres: five units per acre. The plan does not appear to appropriately tie into existing improvements associated with the business uses on the property. The applicant should submit the following information in accordance with §208-72 for a Planned Unit Development: survey showing existing site features including contours, buildings, structures, streets utility easements, rights-of-way and land uses within 500 feet; a preliminary site plan as described in Article XVI of the Town Code; information on the intended construction sequences for buildings, parking areas and landscaping; a utilities plan documenting the proposed location, size and quantity of water, effluent and storm drainage facilities; and a completed part one EAF. Municipal water and sewer services were extended to the Corporate Commerce zone to serve the future development. The amount of reserve capacity necessary to serve the proposed project should be presented. Additional comments from Clough, Harbour, and Associates will be forthcoming as the project progresses.

Mr. O'Brien reported that the ECC offered no comment on this application.

Mr. Andress addressed traffic safety concerns, explaining that the applicant is committed to providing up to \$250,000 for necessary traffic improvements. He stated that he would seek approval for the second access and that the proposed entranceway would be designed to Town standards.

Board members discussed traffic safety issues at length. Mr. Bulger explained that NYSDOT controls this highway: any improvements would be reviewed and approved by that agency. Though Mr. Andress commented that senior housing would not create significant traffic volume at peak hours, Mr. Russell stated that it has been his experience that Route 146 is very busy most times during the day. Mr. Karam and Mr. Hughes both expressed concerns regarding the ability of elderly drivers to safely enter and exit the site. They asked that the applicant provide accident reports for this portion of the Route 146 corridor. Board members recommended that the applicant consider a land transfer with the property owner to the east in order to establish a connection with Tanner Road. Mr. Hughes spoke to Ms. Maynard's recommendation that the PUD be developed in a comprehensive manner that allows differing uses on the property to function cohesively. Mr. Bulger noted that at their August 21, 2006 meeting, Town Board members were concerned with traffic issues, the adequacy of the proposed \$250,000.00 contribution to cover the cost of all required road improvements, and the ability of one main access and one emergency access to adequately serve the

site. Mr. Bulger summarized the Board's concerns by recommending that the applicant conduct a traffic study and that the Emergency Services Advisory Board (ESAB) provide comments on the proposed project. Mr. Larkin focused on the concept of compatibility of uses within a PUD and advised the applicant to consider other options for development if the project in this location is not viable. Board members agreed to request that the Town Board extend the time frame for the Planning Board's recommendation in order to allow time enough for the applicant to conduct a traffic study and receive comment from the ESAB. Mr. Pelagalli advised that the Planning Board may wish to consider whether or not the proposed project is consistent with the Town's Comprehensive Plan, the Western GEIS study, and existing land uses in the area.

New Business

[2006-032] **U. S. Foodservice** – Proposed access drive, 755 Pierce Road – Conceptual review.

Mr. Joe Michaels, consultant for the applicant, presented this application for Board review. He explained that the requested second access to the site for employee parking was approved in 2002 when the Planning Board approved a significant expansion to the existing facility. The new access will be located to the east of the existing truck entrance. Vegetation removed will be replaced with several eastern white pines.

Ms. Maynard reported that the proposed access drive was reviewed by the Board during review of an application submitted in 2002 for a significant expansion of the facility. At that time the Board required that a traffic study be completed to determine if off-site improvements would be required. Documentation of the adequacy of the sight distance was also requested at that time. Ms. Reed requested that the ingress/egress point be accessible for emergency service vehicles: her sign-off will be required. The details of the proposed curbing should be provided on the plan. Mr. Kukuk, Highway Superintendent, received copies of the proposed plan and finds it acceptable. The applicant should clarify the purpose of the proposed access in light of the fact that other previously approved parking improvements are not desired at this time. 500' notification information was sent on August 24, 2006.

Mr. Grasso reported that Clough, Harbour, and Associates provided the following comments on this application. 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 Clifton Park Planning Board with site plan approval being required. Based on a site visit, sight distance is limited at the location of the proposed access driveway. A note on the plan indicates sight distance south of the proposed drive is 400 feet. The existing entrance drive is located on a horizontal curve and at the crest of a vertical curve and the proposed driveway is located approximately 350 feet north of the existing driveway. It

appears sight distance from the new driveway does not extend past the intersection of the existing drive. Based on a 50 mph design speed, 425 feet of stopping sight distance is recommended for vehicles on Pierce Rd. and 555 feet is recommended for vehicles turning left out onto Pierce Road. As such, it is recommended that the availability and adequacy of sight distance be verified in the field and all sight distance requirements clarified on the plans. Although the plans call for a limited sight distance sign being proposed south of the proposed entrance, due to the sight distance restrictions, consideration should be given to entering the employee lot off of the existing access drive approximately 150 feet from Pierce Road.

Mr. O'Brien reported that the ECC offered no comment on this application.

Upon learning that the proposed entranceway was for employee access, Mr. Grasso found the proposal acceptable. Mr. Grasso also explained that separate entrances for truck access and employee access to the site are desirable. Board members found the plan acceptable. Since 500' notices have been sent, the Board was able to act on this application.

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

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

[2006-033] **Boni Enterprises, LLC** – Proposed land transfer, Lots #5 and #7 Raven Court – Conceptual subdivision review.

Mr. Duane Rabideau, consultant for the applicant, presented this application that calls for the transfer of 1,746 SF of land from Lot #7 to Lot #5 and the reciprocal transfer of 1,745 SF of land from a Lot #5 to Lot #7.

Ms. Maynard explained that this application involves lot line adjustments for two of three lots created on Raven Court in 2005. The plan will increase the side yard lot depth for Lot #7 and seemingly provide more useable back yard space for each property owner. Both parcels meet the minimum 20,000 SF bulk requirement. The Department finds the proposal acceptable. 500' notifications were sent out on August 31, 2006.

Mr. Grasso reported that Clough, Harbour, and Associates offered no comment on this application.

Mr. O'Brien reported that the ECC offered no comment on this application.

Board members found the application acceptable and recommended that public hearing be scheduled.

[2006-034] **Parkside Covenant Church** – Proposed 9,500 SF church, 14 Jarose Place – Conceptual site plan review.

Mr. Tom Andress, consultant for the applicant, provided a brief history of this project, reporting that Ms. Jarose, original owner of the property that now includes the Sunset Woods development provided land for Parkside Community Church as well as the subdivision. Due to financial constraints, the parish community was not able to build the church as originally approved on November 13, 2002. The plans now call for the construction of a 9,500 SF church on the 5.45 acre parcel originally proposed for its development. The church proper has been redesigned and the entranceway relocated to face Jarose Place. 130 parking spaces will be installed, though based upon the requirement of 1 space per 4 seats, 71 spaces are required. A 25' no-cut buffer has been provided to the west.

Mr. Paul McCart, Pastor, presented colored façade renderings of the proposed church. He also explained that the church's link with the Evangelical Covenant Church has offered his congregation the financial support necessary to construct the facility on Jarose Place. Mr. McCart noted that residents of Jarose Place are well aware that the church will be located on the street: some are parishioners.

Ms. Maynard explained that Parkside Community Church received Planning Board approval on November 13, 2002. Since this approval has expired, the applicant has resubmitted a proposal that significantly expands the scope of the project. The building size has been increased from 6,300 SF to 9,500 SF and parking has been increased from 81 spaces to 130 spaces. The fencing and vegetative buffer along the western property boundary that was a required condition of the previous approval is not shown on the current plan. Though an increased lawn area has been provided to the north, the increased parking area along Jarose Place appears to intrude on the neighborhood since the existing "woods to remain" will be cleared. The site plan will require approval from the Saratoga County Planning Board as well as sign-offs from the Clifton Park Water Authority and the Saratoga County Sewer District. A Special Use Permit was granted by the Planning Board on May 29, 2002 to permit the construction of a 6,300 SF church within a residential zone. §208-79G(3) of the Town Code requires that "any amendment or modification will be limited to a 25% expansion of the improved area subject to the special use." It should be determined whether or not the initial Special Use Permit must be reconsidered. Colored façade renderings must be submitted for Board review.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the site plan for this project and offered the following comments. The proposed project is 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. Although the application indicates the project is a modification of an previously approved site plan, the modifications appear to be significant. The building size has increased from 6,300 S.F. to 9,500 S.F. The number of parking spaces provided has increased from 81 to 130 and significant clearing and grading is now proposed behind the Lands of McCart. Justification of providing parking significantly above the code requirement should be provided. Clough, Harbour, and Associates is concerned with the proposed clearing for the stormwater management area behind the Lands of McCart. During the original approval of the project the Planning Board raised concerns of impacts to the adjacent residences. The currently proposed plan appears to increase such impacts. The proposed utility locations should be provided on the plan. The previously installed sanitary sewer stub should be utilized to eliminate the need for an open cut across a Town road. A revised Stormwater Management and Pollution Prevention Plan should be provided. A map revision date should be provided.

Mr. O'Brien reported that the ECC offered no comment on this application.

Board members found the project plan acceptable and recommended that as much parking as deemed reasonable by the parishioners be installed to prevent cars from parking on Jarose Place. Plans should address the concerns of the adjoining property owners to the west.

Minutes Approval

Mr. Bulger moved, seconded by Ms. Pace, approval of the meeting minutes of August 8, 2006 as amended. The motion was unanimously carried.

Discussion Items

DiCocco Subdivision

Mr. Duane Rabideau, consultant for the applicant, presented this item for discussion, explaining that the applicant requests that the Board modify the tree row preservation restriction placed on the two lot subdivision approved on December 13, 2005. The request for relocation of the proposed residence is made to place the house further away from existing railroad tracks and to place it further from an area where water ponds. Since it was the Board's understanding that preservation of the tree was requested by a neighbor, members asked that a letter of approval of the changed plan be submitted by that neighbor.

Addison Estates

Mr. Grasso explained that Amedore Homes, developer of Addison Estates has requested waiver from 40' setback from restricted area for Lot #31. He explained

that the lot has a section of wetlands running through the middle of the property in addition to a 40' setback to the restricted area. The shape of the wetland and setback significantly restricts the building envelope. The developer has asked that the Board waive the required 40' setback for a portion of the site. Board members agreed that approval of a waiver of the 40' setback for Lot #31 would be acceptable.

Dunkin' Donuts

Mr. Bulger explained that the owner of the Dunkin' Donuts shop located on Route 146, Rexford requested approval to construct a canopy to the rear of the building. Due to the unapproved construction that has occurred at the site, Board members will require the owner/applicant to submit a formal site plan for Board approval.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 12:45a.m. The motion was unanimously carried. The meeting of the Planning Board scheduled for Tuesday, September 26, 2006 has been canceled. The next Planning Board meeting will be held on Wednesday, October 11, 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.

NOTICE OF DECISION

Resolution #20

Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on September 13, 2006, there were:

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

Absent: None

Mr. Hughes offered Resolution #20, and Mr. Kramer seconded, and

Whereas, an application has been made to this Board by the Town of Clifton Park for approval of a subdivision entitled Subdivision Plan of Portion of Lands Owned by Joel V.B. Prescott and Isabel Barrett-Prescott consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 13, 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 September 13, 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 Plan of Portion of Lands Owned by Joel V.B. Prescott and Isabel Barrett-Prescott consisting of (2) lots conditioned upon satisfaction of the comments offered by the Planning Department.

Resolution #20 passed 9/13/06

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

Noes: None

Steven J. Bulger,
Chairman

NOTICE OF DECISION

Resolution #21

Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on September 13, 2006, there were:

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

Absent: None

Mr. Kramer offered Resolution #21, and Mr. Karam seconded, and

Whereas, an application has been made to this Board by Longkill Properties, LLC for approval of a subdivision entitled Subdivision of the Lands of Nancy M. and Jeffrey B. Carlson consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 13, 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 September 13, 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 of the Lands of Nancy M. and Jeffrey B. Carlson consisting of (2) lots is granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered provided by the Planning Department, Clough, Harbour, and Associates, the requirement that the existing residence connect to municipal sewer services within two (2) years of availability at the property line, and the conveyance of a 10' strip along the parcel's frontage on Longkill Road.

Resolution #21 passed 9/13/06

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

Noes: None

Steven J. Bulger,
Chairman

NOTICE OF DECISION

Resolution #22

APPROVAL

Special Use Permit

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on September 13, 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 #22 and Mr. Russell seconded, and

Whereas, an application has been made to this Board by Erika Compton for approval of Special Use Permit #80598 to permit the construction of a two-family dwelling in a CR zone pursuant to Section 208-79 of the Town Code;

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on June 13, 2006 in the Town Office Building,

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

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

Now therefore, be it resolved that the application of to permit by Erika Compton for approval of Special Use Permit #80598 to permit the construction of a two-family dwelling in a CR zone conditioned upon satisfaction of the comments provided by the Planning Department, a note on the plan that states that the applicants will be responsible for maintenance of the snow fence that delineates the area throughout the construction process, that a note be added to the plan indicating the hours of construction be limited, and that the capacity of the septic system be verified to assure adequate capacity for the addition.

Resolution #22 passed 9/13/06

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

Noes: None

Steven Bulger,
Chairman

NOTICE OF DECISION

Resolution #23

Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on September 13, 2006, there were:

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

Absent: None

Mr. Kramer offered Resolution #23, and Mr. Karam seconded, and

Whereas, an application has been made to this Board by Belmonte Builders for approval of a subdivision entitled Subdivision of the Lands Now or Formerly of Garry and Faith Boel consisting of (33) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was

advertised and was held on August 8, 2006;

Whereas, the Town Board was established itself as Lead Agency for this application, a Type I action, and a negative declaration was issued pursuant to SEQRA on May 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 of the Lands Now or Formerly of Garry and Faith Boel consisting of (33) lots is granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered provided by the Planning Department, Clough, Harbour, and Associates, and the ECC.

Resolution #23 passed 9/13/06

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

Noes: Larkin

Steven J. Bulger,
Chairman