

**Clifton Park Planning Board Meeting Minutes  
October 11, 2006**

Those present at the October 11, 2006 Planning Board meeting were:

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

J. Larkin arrived at 7:30p.m. during the discussion of DCG's application for mixed use development at Sitterly Road and Crossing Boulevard

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 7:10p.m. All in attendance stood for recitation of the Pledge of Allegiance. Mr. Bulger called attention to the award that was presented to the Town by the New York State Association of Realtors in recognition of achievements in open space planning and implementation of "smart growth" principles.

**Public Hearings**

[2006-036] **Herba, Frank** – Proposed transfer of .65 acres of land from Herba to Mollnow, 739 Waite Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:12p.m. The Secretary read the public notice as published in the Daily Gazette on October 3, 2006.

Mr. Herba presented his application that calls for the transfer of 0.65 acres of land from F. R. & L. K. Herba, 739 Waite Road to R. H. Mollnow, 733 Waite Road. The parcels are located within the CR (Conservation Residential) zone on the east side of Waite Road south of the Lands of the Eagle Crest Golf Club. The sole purpose of the land transfer is to enlarge the parcel owned by Mollnow.

Ms. Maynard read comments prepared by the Planning Department, noting that this application was submitted on September 6, 2006. Since the meeting of September 26<sup>th</sup> was canceled, the applicant has sent out the required 500' notifications and has requested preliminary approval following tonight's public hearing. The plat should be prepared on a standard sheet and include all the items required for a preliminary submission pursuant to §179-11 of the Town Code. In addition to providing a preliminary plat to a scale not smaller than 50 feet to the inch, the drawing must also include a site statistics table, deed references, the names of owners of all adjacent properties, and contour lines at two-foot intervals. Revised deeds must be provided for review by the Planning Department. The new deeds should be filed as soon as possible at the Saratoga County Clerk's office. Mr. Myers, Director of Building and Development, provided a memo dated September 22, 2006 that states that the resulting Mollnow parcel will "not be a buildable lot." Since the Mollnow parcel currently contains an existing residence and because the applicant's intent is to simply enlarge the existing lot, Mr. Myers found the proposed transfer acceptable.

Neither Mr. O'Brien nor Mr. Grasso offered comment on this application.

In response to Mr. Bulger's question regarding the reason for the land transfer, Mr. Herba explained that Mr. Mollnow has asked for additional lands to provide additional back yard space for family activities.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:16p.m. The motion was unanimously carried.

Mr. Kramer moved, seconded by Mr. Hughes, 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 #24, seconded by Mr. Bulger, 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. Ayes: Kramer, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

[2006-033] **Boni Enterprises, LLC** – Proposed land transfer, Lots #5 and #7 Raven Court – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:18. The Secretary read the public notice as published in the Daily Gazette on October 3, 2006.

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. This application remains as presented at the September 13, 2006 meeting.

Ms. Maynard read the comments prepared by the Planning Department, explaining that the Board reviewed this application at its September 13, 2006 meeting at which time Board members found the plan generally acceptable: both lots will meet the bulk and setback requirements of the R-1 zone. The applicant sent 500' notices on August 31, 2006. Revised deeds must be submitted for review and filed at the County Offices as soon as possible.

Mr. Grasso commented that the applicant should provide cross-easements for utility equipment if necessary. Each lot must meet the required 20,000 SF bulk requirement.

Mr. O'Brien explained that the ECC found this application acceptable.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:22p.m. The motion was unanimously carried.

Mr. Hughes 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 offered Resolution #25, seconded by Bulger, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department and Mr. Grasso. Ayes: Kramer, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

### **Old Business**

[2005-018] **DCG Development Co.** – Proposed 31,400 SF mixed use commercial, Sitterly Road and Crossing Boulevard – Revised conceptual site plan review.

Mr. Gordon Nicholson, consultant for the applicant, presented this application for the Board's review. The proposal remains generally as presented in April, 2005, though the building area has been reduced from 32,900 SF to 32,400 SF. The applicant proposes to construct a mixed use commercial development in two buildings on a 5.19 acre parcel at the intersection of Sitterly Road and Crossing Boulevard. The parcel lies in a B-4 (Highway Business) zone. The buildings will be connected to existing water and sewer utilities. Federally jurisdictional wetlands have been delineated on site and ACOE representatives have visited the site: no permits from that agency will be required. Mr. Nicholson explained that 157 parking spaces are required. 182 spaces have been provided to ensure adequate parking for all proposed uses. Creighton-Manning Engineers have performed a traffic study. Results of that study indicate that with the construction of additional turning lanes on Sitterly Road and Crossing Boulevard, the Level of Service (LOS) at that intersection will improve to a "B". Pursuant to comments issued by Clough, Harbour, and Associates, the applicant has agreed to preserve as much vegetation as possible between the site and the adjoining Twin Lakes apartment complex. The applicant has also agreed to discuss the possibility of a pedestrian connection with the owners of Twin Lakes.

Ms. Maynard reported that the Planning Board reviewed this application on April 12, 2005, noting that the project plan has been revised. The total building area has decreased slightly from 32,900 to 31,400 SF: the number of buildings has been reduced from 4 to 2. Traffic safety issues were the main concern at the April, 2005 meeting. The Board requested the completion of a traffic study: a report has not yet been submitted to the department. The Board requested that the applicant consider a pedestrian connection to the existing apartment complex. Since this complex lies within the Town of Halfmoon and is no longer owned by this applicant, such an amenity may not be feasible. The 10' strip of land along the right-of-way on Sitterly Road to be conveyed to the Town has been shown on the plan. It appears that there are two (2) access points on Crossing Boulevard: Mr. Myers should determine if a variance will be required. The plan includes three "shaded areas". The applicant should clarify whether or not these areas contain wetlands and if disturbance of such wetland is proposed. The plan indicates that grading will occur in the northeastern portion of the development or that a retaining wall will be installed. If easements for grading are required, they should be provided to the Planning Department. Detailed grading plans should be submitted for review by Clough, Harbour, and Associates. All comments issued by the Saratoga County Sewer District must be satisfied. Sign-off from the Clifton Park Water Authority will be required. The Board should consider requesting additional plantings along Sitterly Road and Crossing Boulevard. Mr. Myers, Director of Building and Development, submitted the following

comments in a memo dated September 22, 2006. The parcel slated for development is located in a B-4 zone. The corner lot has two (2) fronts and no rear. Pursuant to §208-46(B), any proposed sign can be not larger than 20 SF. Though Mr. Myers found that all setbacks have been met, he noted that the zone to the east may be residential, but is located within the Town of Halfmoon. The zoning code requires that a 100' buffer be provided to an abutting residential zone. §208-49 requires that if an applicant proposes construction of a "group of establishments," a 400' minimum lot width at the building line is required. Mr. Myers notes that this requirement has not been met. The proposal does meet the five-acre minimum bulk requirement. He also states that the project "appears to be proposed as a shopping center though the 10-acre minimum lot size is not available." Mr. Myers asked that the applicant clarify why the stormwater is not being tied to into the existing system on Crossing Boulevard.

Ms. Maynard addressed the issue of greenspace, explaining that the plan meets the 35% minimum requirement. She recommended that vegetation be retained wherever possible to increase screening and limit amount of impervious surface. It was recommended that the applicant consider limiting the impervious surface onsite in coordination with greenspace improvements. The speaker also recommended that the Board consider an alternate site design that would relocate parking primarily to the side and rear, thus allowing further buffering for Twin Lakes residential area within the Town of Halfmoon. This suggestion was made in accordance with the Town of Clifton Park's zoning code that requires that a 100' buffer be provided to an abutting residential zone. A SWPPP will be required for future submissions. A planting plan must accompany future submissions. A long form EAF should be completed for the project.

In response to Ms. Maynard's comments, Mr. Nicholson stated that all efforts will be made to screen the project from the adjoining residential area.

Mr. Larkin arrived at the meeting at 7:30p.m.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the revised concept site plan for this project and offered the following comments. The proposed layout, access arrangement and amount of parking appear logical and appropriate. A traffic study should be conducted to determine the need for improvements at the intersection of the Crossing Boulevard and Sitterly Road or if signal timing adjustments are required at that intersection or the intersection with Woodin Road. The study should demonstrate that the southerly curb cut will not be impacted by queued vehicles. Because the proposed retail complex appears to be neighborhood business-type uses, the need for pedestrian improvements should be investigated, including, but not limited to, a connection to Twin Lakes, pedestrian crossings at the intersection of Crossing Boulevard

and Sitterly Road, and along Sitterly Road. The loss of vegetation that currently serves as a buffer to Twin Lakes should be evaluated.

Clough, Harbour, and Associates offered the following additional comments relative to the new plan. A three lane section should be provided at the southerly curb cut. The drive on the west side of the gas pump island should be shifted to the east to line up with the opposing drive aisle.

Mr. MacElroy, representative for the applicant, reported that there is an existing sidewalk along Crossing Boulevard. Mr. Grasso recommended that the applicant ensure that the walkway is in good repair. Mr. MacElroy stated that the applicant is awaiting a jurisdictional letter from the Army Corps of Engineers, though Mr. Nicholson explained that the ACOE may not provide such a letter since no permit from that agency is required.

Mr. O'Brien, Environmental Specialist, reported that the ECC reviewed the project proposal and offered several comments. Due to the potential for federal wetlands on this parcel, the Commission asked that the applicant be required to determine the location and extent of disturbance of federal wetlands before a building permit is issued. In addition, the ECC would like to know the history of the wetland disturbance that has occurred on the site and be provided with documentation regarding the jurisdiction of these wetlands. The applicant should address proposed gasoline storage and dispensing due to the close proximity of the Colonie Channel primary aquifer. All exterior lighting will be directional and limited.

In response to Mr. Bulger's question regarding installation of underground fuel tanks, Mr. Grasso responded that such tanks are permitted in the B-4 zone. Mr. Bulger encouraged the applicant to provide as much vegetation as possible between the proposed development and the Twin Lakes complex, though Mr. MacElroy commented that there were existing trees on both sides of the service road. Mr. MacElroy assured the Board that the applicant will attempt to negotiate a pedestrian connection with the current owners of Twin Lakes. Mr. Nicholson pointed out that such a connection would likely be located nearer Sitterly Road than to the north of the property due to significant grade changes along the northern property boundary. Mr. Bulger commented that the proposed road improvements would provide a significant improvement for traffic flow at the Sitterly Road – Crossing Boulevard intersection. Mr. Larkin asked Mr. MacElroy to explain why a pedestrian connection was not considered at the time DCG Development Company sold the Twin Lakes complex. Mr. MacElroy stated that at the time such a connection was not a priority. He also noted that Twin Lakes was located in the Town of Halfmoon. Board members found the project plan generally acceptable.

## **New Business**

[2006-038] **Neison, Linda** – Proposed Special Use Permit for proposed two-family residence in an R-1 zone, 9 Foxfire Bend and conceptual site plan review.

Mr. Karam presented this application on behalf of his wife, explaining that he would present the application and then recuse himself from any Board comment. The application calls for the construction of an “in-law” apartment to provide a residence for Ms. Neison’s mother. The 676 SF apartment will be attached to the existing residence that is situated on a .88 acre lot in the Foxfire Bend subdivision. The required 10’ setback to the west will be exceeded by 1½’. Access to the apartment will be provided by extension of an existing porch. Exterior building materials and windows will match the existing residence.

Ms. Maynard explained that this application is similar to several Special Use Permit applications submitted to the Planning Board in the past several months. Since the applicant proposes to construct the addition within required setback lines and to create unified look with the existing residence, the plan appears acceptable. The proposed design appears to harmonize with existing homes in the neighborhood. The Board may wish to consider requesting the addition of a space to the driveway to provide for adequate on-site storage of an additional vehicle. Mr. Myers, Director of Building and Development, requests that the applicant be informed that the addition must meet all current Building Codes, including applicable fire separation requirements.

Mr. Grasso noted that the project was unique because the proposed addition adjoins a long driveway that accesses the neighboring residence: the expansion will not impact directly on the neighboring house.

Mr. O’Brien reported that the ECC found this proposal acceptable.

In response to Mr. Larkin’s question regarding access to the apartment, Mr. Karam explained that the existing porch would be extended to the new entranceway. A sliding doorway would allow access to the rear yard. Mr. Larkin found the plan acceptable. Other Board members also found the plan acceptable. In response to a question concerning the distinction between an “in-law apartment” and a “two-family residence,” Mr. Pelagalli explained that there is no distinction made by the Zoning Code. Experience has taught that attempting to limit those who live in “in-law” apartments has been unsuccessful. The Board asked that a public hearing be conducted.

[2006-037] **DCG Development Co.** – Proposed 12,600 SF office space, 943 Route 146 – Conceptual site plan review.

Mr. Nicholson, consultant for the applicant, explained that this application calls for the expansion of an office complex that was originally approved in 2001. The plan calls for the construction of 12,600 SF of office space on a 2.2 acre parcel in a B-1 (Business Non-Retail) zone west of the existing office complex. The plan proposes the construction of two office buildings of 6,300 SF and 4,800 SF, respectively, renovation of an existing 1,500 SF residence, an additional access onto Route 146, and connection to

existing utility services along Route 146. The project has been designed to meet the 12% building area requirement. 57% of the site has been designated as “greenspace”. Parking for 115 cars will be provided, bringing the total number of parking spaces for both sites to 228.

Mr. Nicholson explained that the applicant proposes to maintain a residential character for the buildings and is prepared to seek a variance for the 6,300 SF building from the Zoning Board of Appeals. He asked that the Board support a favorable recommendation to that Board. Due to its location, the existing house may also require a setback variance.

Mr. Nicholson addressed some of the comments prepared by Clough, Harbour, and Associates, stating that the applicant would prefer two (2) curb cuts along Route 146 and would consult NYSDOT for necessary approvals. He also stated that the applicant has expressed his willingness to provide a voluntary contribution to be used for future traffic improvements along Route 146 in accordance with payments made by other developers.

Ms. Maynard provided comments prepared by the Planning Department. The applicant apparently proposes the integration of an adjoining parcel with an existing 5.22 acre parcel which currently contains six (6) office buildings. B-1 zoning does permit multiple buildings on a single lot as long as the overall density limitations of the zone are not exceeded. B-1 regulations, however, require that no single building exceeds 4,800 SF: the concept plan includes a proposed 6,300 SF building in addition to a proposed 4,800 SF building and renovation of the existing residence to professional office space. Mr. Myers has also commented on the excessive size of the 6,300 SF building. The applicant should clarify whether or not he will seek a variance from the Zoning Board of Appeals or revise the project plan. The plan indicates that the existing house will be renovated to accommodate professional office uses, though no access, parking, or other information regarding its incorporation into the overall plan is provided. Although the plan indicates that 57% of the site will be maintained as greenspace, the applicant should clarify whether or not this includes the stormwater management area. Zoning regulations encourage the applicant to provide “landscaping in accordance with that similarly associated with residential dwellings, i.e. lawn area, trees, shrubs, and other plantings that would maintain a residential character.” The proposed 228 parking spaces do not appear to satisfy the required 1/150 SF for medical and dental uses as required and the plan indicates that the number of spaces may be reduced even more should the proposed stormwater management basin be expanded. The plan shows two ingress/egress locations along NYS Route 146. If it is the intention of the applicant to combine the lots into one, it may be necessary for the Board to determine that the second curb cut will improve traffic safety. It appears that the required 100-foot distance between the curb cuts could easily be achieved. As the plan moves to preliminary review, sign-offs will be required from the Saratoga County Planning Board, the Saratoga County Sewer District, NYSDOT, and the Clifton Park Water Authority. Plans for connection to existing utility services must be included with future submissions. The standard note regarding the

hours of operation must be added to the plan. Façade renderings will be required for Board review.

Ms. Maynard also reported that correspondence from James DiPasquale, Saratoga County Sewer District Director, states that sanitary sewer service will be granted upon compliance with Saratoga County Sewer District's rules and regulations for new construction. A gravity sewer line serving 939 Route 146 is located in the NYS Route 146 right-of-way, discharging in to the Sewer District's London Square Pump Station.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the conceptual site plan submitted for this project and issued the following comments. The proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such coordinated review is optional. Involved agencies are expected to include the following: Clifton Park Planning Board – Site Plan Approval; Saratoga County Planning Board-Section 239 Referral; NYSDOT - Highway Work Permit. The project site is located in a B-1 Non-Retail Business District. The Town's zoning regulations state that the maximum building size in this district is 4,800 square feet. One of the proposed buildings is 6,300 square feet. As such, the proposed building size must be reduced or an area variance will be required from the Clifton Park Zoning Board of Appeals. The proposed project will result in additional traffic in the vicinity of the project site. As the Board will recall, poor levels of service have been documented in this area (along Route 146 from Vischer Ferry Road on the west to Maxwell Drive on the east) in recently conducted traffic studies. The development along Route 146 in the B-1 and B-2 zones is typically small office buildings or complexes as allowed by the zoning. As a result, the projects individually will generally not have a significant impact on traffic. Construction of many of these small projects over time, however, will continue to have a significant cumulative impact on traffic conditions, as well as the need for greater pedestrian accommodations. In order to address these cumulative impacts on the corridor, other recently approved office projects along Route 146 have provided voluntary contributions of approximately \$1,500 per 1,000 square feet of proposed floor area. Those funds are intended for future highway or pedestrian improvements or long range traffic planning studies for this corridor. In order for this project to mitigate its fair share of the cumulative traffic related impacts, it is recommended that the applicant offer an equitable contribution toward these future improvements or studies. The plan is proposing a second curb cut along the north side of Route 146. The approval of this curb cut will be subject to review by the NYS Department of Transportation. In order to provide effective access management along an arterial highway, Clough, Harbour, and Associates does not support the additional curb cut. An emergency access only curb cut should be considered. Town Zoning Law requires that the side property margins be planted with trees and shrubs from the front building line to the rear property line for a width of not less than fifteen (15) feet. This has not been provided by this plan. The plan indicates that the existing residence will be converted into a professional office, but the plan fails to properly integrate this building into the rest of the site plan. A modified more integrated site plan appears required. Adding on to the existing residence may be a preferred alternative and should be considered. An accurate as-built survey should be used for base mapping.

Mr. Grasso recommended that the applicant consider a connection to the west since, during recent review and approval, the Board requested an easement on the adjoining parcel at 945 and 947 Route 146. He also asked that the applicant provide an “overall schematic” for the Board’s review.

Mr. O’Brien, Environmental Specialist, reported that, after reviewing the project, the ECC offered the following comments. The Commission requests that the Town Engineer explore combining the entrances to reduce curb cuts along an already crowded Route 146. The ECC recommends banking some of the parking due to the fact that the original complex is not fully built out, and all spots may not be necessary until the need presents itself. This would cut back on the amount of impervious surface on the site.

Mr. Larkin stated that he was aware that the existing residence was served by an individual well. Mr. MacElroy explained that all the proposed office buildings would be connected to municipal water systems. In response to Mr. Karam’s questions regarding the integration of the existing house into the office park, Mr. MacElroy stated that the applicant plans to use the same building materials that were used for the original development site. Mr. Bulger focused attention on the proposed 6,300 SF building, stating that the 4,800 SF building restriction was implemented several years ago in an attempt to maintain the residential character of the area. In the past several years, however, the area has been developed with a number of small office parks. He stated that he did not find the 8,000 SF Capital Care building to be excessive and he believes that the proposed 6,300 SF building would better serve some potential tenants. He would support construction of the 6,300 SF building in its proposed location. The Board discussed the implications of permitting larger building sizes in the Route 146 corridor. Mr. Bulger explained that he views the area as one of transition from residential to commercial uses and would encourage the Town Board to consider permitting larger building sizes within the B-1 zone. Though he recommended that the amount of total build-out remain fixed, he would support an increase in allowable building size that would permit flexibility of design and provide additional options for potential tenants. Mr. MacElroy noted that larger buildings require less infrastructure construction, providing a “more efficient use” of land. Mr. Kramer and Mr. Hughes stated their support of such a zoning change. Mr. Larkin stated that although he would consider a recommendation to the Town Board requesting consideration of a larger building size within the B-1 zone, he would not support a variance for this application since the building is “speculative”. He would be willing to reconsider this stance if the Town Board expressed its willingness to review applicable legislation within the coming year. Mr. Bulger concluded the discussion by stating that it appeared that a majority of Board members would support a request to the Town Board for consideration of a larger building size within the B-1 zone.

The Board found the concept proposal generally acceptable.

[2006-035] **Dickinson, Michael** – Proposed (27) lot subdivision, Main Street – Conceptual review.

The legal representative for the applicant presented this application for the Board's consideration. Mr. Harold Berger, project consultant, was also in attendance at the meeting. The project proposal calls for the construction of twenty-seven (27) single-family residences on a 23 acre parcel in a B-3 (Neighborhood Business) zone on Main Street, Jonesville. The proposed homes will be served by existing water and sanitary services and will be accessed by a new roadway from Main Street. Stormwater will be managed appropriately on site. The speaker stated that although the parcel generally contains forested areas and fields, wetlands have been delineated on the property.

Ms. Maynard reported that the parcel slated for development is located within a B-3 zone. Allowed uses include any use permitted within R-1 and R-3 zones: the proposed residential lots are in conformance with zoning requirements. Though all lots apparently meet the 20,000 SF minimum bulk requirement, they are inconsistent in size and oddly configured. The wetland appears to have been delineated on site, though the plan does not indicate whether they are NYSDEC or federally jurisdictional wetlands. Sign-off from the appropriate agency/agencies will be required. It has been the Board's policy to require a 40' distance between a residence and any wetland area: this requirement is not met on several of the lots, including Lots #14, #16, #18, and #25. The Town's L-C zone must be depicted on the plan. Sign-offs from the Saratoga County Planning Board, Saratoga County Sewer District, and Clifton Park Water Authority must be submitted. Stormwater management areas are shown along the southern boundary of the property within the boundaries of several proposed lots. The applicant should clarify the ownership of these areas and how access for on-going maintenance will be provided. The applicant should be aware that there is an existing sewer easement from Crabapple Farm to the sanitary manhole on the proposed new road. This easement crosses Lots #25 and #26: its location must be verified and depicted on the plan. The existing sewer easement shown on the plan crosses Lot #24 at a strange angle: it appears that construction of a driveway would be difficult.

The Planning Department provided additional comments. It is recommended that the residence proposed along Main Street be reoriented to front on that street to "preserve continuity". The Historic Preservation Commission has recommended that this dwelling be constructed in a style fitting with the older historic homes in the hamlet, noting that a Greek revival style would be acceptable and appropriate for this project. The Commission would also like to know if the developer intends to preserve the existing Smith House during and after project completion. Mr. Myers provided a memo dated September 22, 2006 that states that "a subdivision with 18 or more lots requires two (2) entrances per 179-25(H). Property frontage on Main Street is approximately 480 feet. Reconfiguration with two (2) entrances may be viable." The applicant may be required

to seek a variance from the Emergency Services Appeals Board (ESAB). A long EAF will be required.

Mr. Grasso explained that Clough, Harbour and Associates' review of this project plan resulted in the following comments. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include the following: Clifton Park Planning Board - Subdivision approval; Saratoga County Sewer District #1 – Sanitary Sewer Connection Permit; NYSDEC - Wastewater Disposal System Approval, SPDES Permit; NYSDOH – Water Supply System Approval; C.P.W.A.- Water Supply System Approval. The Town Code requires that a subdivision that includes over eighteen residential units provide a second means of access. Clough, Harbour, and Associates does not support the use of a boulevard entrance to circumvent this requirement, since emergency access and public safety are not improved. Review by the Emergency Services Advisory Board should be provided. The applicant should provide a Full Environmental Assessment Form for the project. The form should pay particular attention to the possibility that this parcel may have historical significance. The plan indicates areas of "flagged wetlands." A jurisdictional determination should be provided by both the NYSDEC and Army Corps of Engineers. It is recommended that no homes be located closer than fifty feet to any jurisdictional wetlands to allow adequate yard area. This recommendation would apply to home sites proposed on Lots #14, 16, 17, 18, 25 and 26. Lots #9 and 10 appear to be too narrow to provide reasonable yard areas, and the proposed house shown on Lot 24 is located too close to the existing sewer easement.

Mr. O'Brien, Environmental Specialist, reported that the ECC reviewed the application and provided the following comments. The applicant must determine the jurisdiction of the wetlands indicated on the plot plan. As proposed, Lots #15, 16, 14, and 18 appear significantly constrained by the wetlands on the property. The applicant should reconfigure lots to provide a more function site layout. The ECC has concerns regarding the water table in the area: the applicant should take the appropriate precautions to prevent wet basements. The following standard statement should be added to the plot plan:

This parcel (subdivision) is located in an area where railroad activity occurs. Such activity may include, but is not limited to periodic noise, vibration, odors, extended hours of operation and other associated activities.

In addition, due to the area's proximity to past and current railroad activities, the applicant should conduct a Phase 1 Environmental Site Assessment to check for possible pollutants. The applicant should explore noise control structures along the railroad such as berming or noise walls.

Mr. Karam asked that a note regarding the proximity of the residences to railroad activity be added to the plan. Mr. Hughes agreed that the train noise was a valid concern and supported Mr. Karam's recommendation that the noise be mitigated to the greatest degree practicable. Mr. Karam labeled the plan as "too dense," and recommended that the project be redesigned to eliminate several lots. The lots containing wetlands should be reconfigured to provide adequate distances between residences and wetland areas. Mr. Bulger stated that he would like to see the project reduced to twenty (20) lots or less. Though Board members requested additional plantings along the railroad tracks, Mr. Grasso pointed out that additional vegetation will not provide noise attenuation. Members also recommended that increased insulation be used in construction of the homes to mitigate noise. Mr. O'Brien stressed the need for soil investigations to determine if hazardous substances from the railroad were evident. Mr. Kramer agreed that railroad noise should be mitigated. He also asked that John Scherer, Town Historian, be asked to attend the meeting when this application is next scheduled to discuss the historic significance of the property and possible preservation of the existing house. Describing the property as "a special place in Town," he encouraged the applicant to work with the Historic Preservation Commission to document the historic characteristics of the house and barns. Mr. Larkin commented on the boulevard entrance design, discussing it in relation to the Waite Meadows project submitted by Belmonte Builders and intimating that the substantial open space to be conveyed to the Town by Belmonte Builders may have been a factor in approval of the boulevard entrance. He asked that the applicant consider a cluster lay-out. Mr. Bulger noted that Lot #24 may need to be eliminated. He spoke in favor of asking Mr. Scherer to attend the meeting when this project is again before the Board. The Board discussed emergency access requirements, noting that it may be possible for the applicant to secure an access to Carlton Road. Ms. Pace expressed her concerns regarding the proposed development's proximity to the railway and asked that the applicant mitigate the noise to the greatest extent possible. The applicant was asked to revise the plan in response to Board concerns.

### **Minutes Approval:**

Mr. Bulger moved, seconded by Mr. Karam, approval of the minutes of September 13, 2006 as written. Ayes: Kramer, Pace, Karam, Russell, Hughes, Bulger. Noes: Larkin.

### **Discussion Items:**

### **YMCA – Proposed Revision to Existing Library – Wall Street**

Mr. Barry Relyea, Vice President for Property Management and Development, submitted a letter and accompanying façade rendering to the Board requesting approval of exterior changes to the existing Clifton Park-Halfmoon Library facility located on Wall Street. Board members found the renderings unacceptable in terms of both design and color. They asked that the applicant submit a formal site plan for review. Board members were also concerned about traffic flow through the site and the location of the proposed playground area.

### **DiCocco Subdivision – Ashdown Road**

The Planning Board re-considered the request to amend the above-referenced subdivision as submitted by Gilbert VanGuilder Land Surveyor, consultant for the applicant. When the request was first considered by the Board at its September 13, 2006 meeting, the Board believed that a neighbor had requested preservation of an existing tree line to provide privacy. It was, in fact, the ECC that had made the request during subdivision review of a previous application. Based on the correct information, the Planning Board unanimously approved relocation of the proposed residence on Lot #58 Ashdown Road. The new location would permit the applicant to construct the house further away from the active railroad tracks, thus reducing the impacts of noise and vibration. The location would also permit the house to be constructed at an elevation approximately two feet higher than the original location where water ponds in existing ditches along the tracks. The home may be constructed as shown on “Exhibit ‘A’” that will be included in the project file.

### **Carlson Farm Subdivision, Moe Road – Request for Extension of Preliminary Approval**

On October 10, 2006, Mr. Nicholson, consultant for the applicant, submitted a letter to the Planning Department requesting that the Planning Board consider an extending the preliminary subdivision approval that was granted to the Carlson Farm subdivision on February 28, 2006. Mr. Nicholson’s letter explained that the applicant has been unable to complete the required archeological work. The applicant has recently retained a second firm to complete the necessary studies and secure required approvals. Mr. Karam moved, seconded by Mr. Kramer, to permit the extension of preliminary approval by mutual consent of the Board and the applicant as requested until all

conditions of approval are satisfied. Ayes: Kramer, Pace, Karam, Russell, Hughes, Bulger. Noes: None. Abstained: Larkin.

Mr. Bulger left the meeting at this time.

### **Truck Traffic on Main Street, Jonesville**

Mr. Russell initiated a discussion regarding the increase in truck traffic through Jonesville. He explained that improvements to parcels near the Kinns Road overpass have resulted in an increase in the number of large trucks entering and exiting those areas and traveling through the small hamlet. Mr. Hughes, Mr. Karam and other members of the Board agreed that such an increase in truck traffic was not in keeping with Jonesville's character. Mr. Karam moved, seconded by Mr. Hughes, to authorize the Chairman to prepare a memo to the Town Board asking that contact be made with representatives of the Saratoga County Department of Public Works to determine if truck traffic could be limited either by re-routing or by weight class through the Elnora-Jonesville area. The motion was unanimously carried.

Mr. Karam moved, seconded by Mr. Hughes, adjournment of the meeting at 9:20p.m. The motion was unanimously carried. The next Planning Board meeting will be held as scheduled October 24, 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 #24**

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 October 11, 2006, there were:

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

Absent: J. Larkin

Mr. Karam offered Resolution #24, and Mr. Bulger seconded, and

Whereas, an application has been made to this Board by Frank Herba for approval of a subdivision entitled Map Showing Parcel to be Conveyed to R. H. Mollnow from F. R. and L.K. Herba consisting of the transfer of 0.65 Acres of land from F. R. & L. K. Herba, 739 Waite Road to R. H. Mollnow, 733 Waite Road, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on October 11, 2006;

Whereas, the Planning Board was established itself as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on October 11, 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 Map Showing Parcel to be Conveyed to R. H. Mollnow from F. R. and L.K. Herba consisting of the transfer of 0.65 Acres of land from F. R. & L. K. Herba, 739 Waite Road to R. H. Mollnow, 733 Waite Road is granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered provided by the Planning Department.

**Resolution #24** passed 10/11/06

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

Noes: None

Steven J. Bulger,

Chairman

**NOTICE OF DECISION**

**Resolution #25**

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 October 11, 2006, there were:

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

Absent: J. Larkin

Mr. Kramer offered Resolution #25, and Mr. Bulger seconded, and

Whereas, an application has been made to this Board by Boni Enterprises, LLC for approval of a subdivision plat entitled Land Transfer Between Lots 5 and 7 Raven Court consisting of 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 Lot #5 to Lot #7, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on October 11, 2006;

Whereas, the Planning Board was established itself as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on October 11, 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 Land Transfer Between Lots 5 and 7 Raven Court consisting of 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 Lot #5 to Lot #7 is granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered provided by the Planning Department and Clough, Harbour, and Associates.

**Resolution #25** passed 10/11/06

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

Noes: None

Steven J. Bulger,

Chairman