

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

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

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

Those absent were: S. Hughes

Those also present were: K. Maynard, Director of Planning;
J. Grasso, Clough, Harbour and Associates;
M. O'Brien, Environmental Specialist;
P. Pelagalli, Counsel;
J. Dean, Secretary

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

Ms. Maynard reported that the Town has been awarded funding for three grants from the Capital District Transportation Committee (CDTC). Two "SPOT Improvements for Bicycle and Pedestrian Access" projects will provide funds for road crossing improvements at Okte Elementary School and pedestrian crossing enhancements at the intersection of Crescent, Lapp, and Southbury Roads. An additional award will fund the proposed "Exit 9 Land Use & Transportation Linkage Planning Program".

Public Hearings

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

The Chairman called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on November 4, 2006.

Mr. Karam presented this application on behalf of his wife. The plan remains as presented at the October 11, 2006 meeting. Mr. Karam explained that he would present the application and then recuse himself from any Board comment and vote. 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 on Foxfire Bend. 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 reported that this application was last considered by the Planning Board October 13, 2006. The applicant will be required to comply with all submission requirements.

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

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:20p.m. The motion was unanimously carried.

The Board first considered the Special Use Permit application.

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

Mr. Kramer offered Resolution #27, seconded by Ms. Pace, to approve Special Use Application #80623 that would permit the construction of a two-family residence in an R-1 zone. Ayes: Kramer, Larkin, Pace, Russell, Bulger. Noes: None.

The Board then considered site plan approval.

Mr. Bulger moved, seconded by Mr. Kramer, 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.

Ms. Pace 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. The motion was unanimously carried.

Old Business

[2005-021] **Carlson Farm** – Proposed (44) lot subdivision, Moe Road – Final subdivision review and possible determination.

Mr. Gordon Nicholson, consultant for the applicant, presented this application for the Board's consideration. The project plan remains generally as presented at the February 28, 2006 Planning Board meeting at which time the Board issued a negative declaration pursuant to SEQRA and granted preliminary subdivision approval. Due to delays in finalizing the Cultural Resources investigation and avoidance plans with the New York State Office of Parks, Recreation, and Historic Preservation (SHPO) and the Town of Clifton Park Historic Preservation Commission, the applicant requested that the Planning Board extend preliminary approval at its October 11, 2006 meeting. This request was granted. Mr. Nicholson explained that the cultural resource investigation is now complete and he submitted an October 17, 2006 letter from the New York State Office of Parks, Recreation, and Historic Preservation (SHPO). In that letter, SHPO acknowledges receipt of a Phase IB addendum and complete satisfaction of its concerns provided that any demolition of the existing house be pre-approved by the Town's Historic Preservation Commission. A note to that effect has been added to the plans in the vicinity of the house on project sheets #4 and #5. A copy of the archaeological report submitted to SHPO has been copied to the Historic Preservation Commission. Mr. Nicholson also explained that that, in accordance with SHPO's directives, fencing will be installed around the Moe Cemetery. It is expected that the sign-off from SHPO will provide for finalization of the NYSDEC review and approval. Mr. Nicholson explained that the plans presented at this meeting reflect all revisions and additions requested as conditions of preliminary approval.

Mr. Nicholson submitted the following documents for the Board's consideration: a jurisdictional letter from the Army Corps of Engineers; sign-off from the United States Department of the Interior Fish and Wildlife Service; sign-off from the NYS Department of Environmental Conservation Division of Fish, Wildlife, & Marine Resources – New York State Natural Heritage Program; sign-off from the New York State Office of Parks, Recreation, and Historic Preservation; notice of complete application letter from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 5; correspondence from the Town of Clifton Park Historic Preservation Commission.

Ms. Maynard presented comments prepared by the Planning Department, explaining that this project was last before the Planning Board on February 28, 2006 at which time the Planning Board was reluctant to issue final approval without a final sign off from ACOE for the wetland delineation. A final sign-off from the New York State Office of Parks, Recreation, and Historic Preservation was also required. The Planning Board issued a negative declaration for SEQR and preliminary approval for this project at that meeting. On October 11, 2006 the Planning Board approved the applicant's request for an extension of preliminary approval to allow for the submission of comprehensive archeological reports and a sign-off from the State Office of Parks, Recreation and Historic Preservation.

Ms. Maynard reported that the ACOE provided project approval with conditions in a letter dated October 23, 2006. The correspondence indicates that work may be performed without further authorization from ACOE provided all construction activity complies with conditions imposed by the Corps. After reviewing an Addendum Phase IB report, the New York State Office of Parks, Recreation, and Historic Preservation concluded that there no impacts to historic properties would result from development of this project. The office did request that prior to future action for the Moe Farm House and the archeological Lockrow/Carlson House Site, consultation with the town and the agency will be required to determine what additional documentation or archeological excavations may be warranted.

The speaker advised the applicant that the conservation easement penalty must be paid since the property will be removed from the conservation easement program. The applicant was instructed to meet with the Assessor to determine the amount of fees due the Town and the time for payment. The Trails Subcommittee has requested that the trail be constructed at the same time as the road in order to alleviate any future property owner concerns. The developer should be aware that he will be responsible for maintenance until property conveyance is accepted by the Town. Sign-offs from the Saratoga County Sewer and the Clifton Park Water Authority will be required. Interpretive signage for historical resources will be coordinated with the Town's Historic Preservation Commission and Town Historian.

Ms. Maynard noted that Steve Myers, Director of Building and Development, provided the following comments. He described the location of new street intersection with Moe Road in middle of horizontal curve as "poor". He also identified several drainage concerns and stated that a pre-construction meeting will be required with the building department to address issues for SWPPP and general drainage concerns.

Mr. Grasso reported Clough, Harbour, and Associates reviewed the project plans and found that all comments had been satisfactorily addressed.

Mr. O'Brien, Environmental Specialist, reported that the ECC reiterated the following comments made in February, 2006. The ECC recommends that the LC Zone be indicated on the plot plan. The following standard statements should be added to the plot plan:

- 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.

These issues should be addressed prior to the stamping of the final plans. In addition, the ECC recommends that the applicant indicate LC zoning boundaries on each individual plot plan as well as on the overall subdivision plan. Following Mr. Nicholson's presentation, Mr. O'Brien stated that it appeared that all ECC concerns have been adequately addressed by the applicant.

In response to Mr. Karam's question regarding construction of the multi-use pathway connection to be installed on the parcel, Mr. Grasso explained that the path will be an 8' wide paved path that will be accessible by vehicle for maintenance purposes. Final design of the pathway will be dependent upon NYSDEC approvals. Mr. Larkin questioned the amount of tax benefit that had been realized by the previous property owners during the term of the conservation easement. Mr. Nicholson estimated the amount of such benefit to be approximately \$12,000.00. In response to Mr. Larkin's additional question concerning the fee that would be assessed as a penalty for terminating the easement, Mr. Pelagalli explained that Mr. Smead, Assessor, is working to determine the amount to be paid to the town. Mr. Pelagalli also explained that the Town Board would be responsible for determining the amount of payment and the time such payment is required. Mr. Nicholson stated that the applicant is aware that these fees must be paid. Mr. Karam asked about the pathway connection to Huntwood Drive. Mr. Nicholson stated that the plan calls for the planting of landscape materials along the property boundaries. Planning Department staff will be involved working with the applicant and homeowners to ensure that all screening is adequate. Mr. Kramer thanked the applicant for working cooperatively with the Town to create a desirable subdivision. He was particularly pleased that the applicant worked to preserve the historic elements of the site. Mr. Bulger also expressed his appreciation for the applicant's willingness to work with the Planning Board to create a "model" subdivision.

Mr. Bulger explained that the Planning Board established itself as Lead Agency for this application, issued a negative declaration pursuant to SEQRA, and granted preliminary approval on February 28, 2006.

Mr. Karam offered Resolution #28, seconded by Mr. Kramer, to grant final subdivision approval to this application conditioned upon satisfaction of the comments

offered by the Planning Department and the ECC. Ayes: Kramer, Larkin, Pace, Karam, Russell, Bulger. Noes: None.

[2006-013] **Jolley Associates** – Proposed Clifton Park Short Stop – 3,969 SF convenience store and site renovation, 2 Clifton Country Road – Preliminary site plan review and possible determination.

Mr. Rob Spiak, consultant for the applicant, explained that the applicant has attempted to address all of the issues of concern identified at the August 8, 2006 Planning Board meeting. He stated that the applicant believes that the project is in conformance with the Exit 9 GEIS Finding Statement and requests that the Board issue a negative declaration pursuant to SEQRA. The applicant has provided a tanker truck movement plan that shows that there will be adequate maneuvering ability for fuel delivery vehicles. The proposed legal agreement to allow for the construction of the car wash building and trash enclosure has been submitted. Mr. Spiak explained that since this is a revocable agreement, the carwash facility has been relocated to 1.7' from the property line as approved by the Zoning Board of Appeals on October 3, 2006. He noted that the carwash facility will be constructed of split faced block, providing a durable finish requiring little long-term maintenance. A stormwater management report has been submitted for review. Mr. Spiak explained that the existing site lights are to remain with minor relocations of the poles. Canopy lighting will also remain. It is anticipated that the site lighting levels will be consistent with the existing conditions. Other technical issues regarding site redevelopment identified by Clough, Harbour, and Associates have been addressed.

Ms. Maynard reported that this project last appeared before the Planning Board on August 8, 2006. All required variances have been obtained. Though the Planning Board had requested submission of an irrevocable maintenance easement, the applicant submitted a revocable easement agreement. The Planning Board must determine if such an agreement will be acceptable. The Board had expressed concerns regarding the amount of greenspace on the site: the plan currently proposes 36.8% greenspace. The Findings Statement recommends a site contain 45% greenspace: 35% is recommended within the B-4 area. The applicant stated that additional landscaping would be considered, though no additional plantings appear to have been added on this current plan.

Ms. Maynard reported that Steve Myers, Director of Building and Development, provided the following comments. The stormwater report needs to address the ability of

the system to handle a 100 year storm event: the current plan provides for a 25 year storm. The Erosion and Sediment Control Plan incorrectly states that inspections occur every seven days. A pre-construction meeting to clarify required erosion and sediment controls will be required.

Mr. Grasso provided the comments prepared by Clough, Harbour, and Associates.

The firm reviewed the following materials submitted relating to the above referenced project as prepared by Bohler Engineering:

- Preliminary Plan Set entitled “Site Development Plans for Jolley Associates Proposed Convenience Store & Car Wash, 2 Clifton Country Road, Town of Clifton Park, Saratoga County, New York” dated 6/27/06 (last revised 10/03/06).
- Full Environmental Assessment Form dated 10/25/06.
- Exit 9 GEIS Findings Statement Narrative
- Letter from Bohler Engineering, P.C. to the Town of Clifton Park Planning Board responding to the comments included in CHA’s August 2, 2006 review letter and comments raised at the August 8, 2006 Planning Board Meeting.
- Report entitled “Stormwater Management Report, Proposed Commercial Development, Jolley Associates, Inc. Food Store & Gas Station with Carwash” dated October 25, 2006.

The following recommendations resulted from the review. Surface runoff from the northern half of the project passes through an oil/water separator before entering the existing drainage system on Clifton Country Road. Runoff from the southern half of the project appears to discharge directly to the municipal system without passing through an oil/water separator and drainage from a large portion of the southern area leaves the site by sheet flow down the driveway to Clifton Park Center Road. The drainage from the southern portion of the project, which includes the filling area for the underground tanks and is most susceptible to spills, should be routed through a separator before leaving the property. It appears that site disturbance may be less than one acre. If this is the case, coverage under the NYSDEC SPDES Permit may not be required: this should be confirmed and noted on the plans. The drain line from the proposed car wash discharges directly in to the municipal sewer system. The applicant should consult with the Saratoga County Sewer District regarding the possible need for a grit chamber to collect sand and silt before they are allowed to enter the sewer system.

Mr. Grasso provided several additional comments. The responses included in the Full Environmental Assessment Form and the Exit 9 GEIS Findings Statement Narrative appears to address the impacts that might result from this action. The plans continue to

show a perforated pipe along the north side of the property from DMH-2 to DMH-1. The applicant indicated in the response letter that the perforated pipe shown on earlier plans had been revised to solid pipe. The pipe in question might be an oversight and should be confirmed with the design intent. The applicant states in the response letter to be committed to compliance related to any NYSDEC permits for the installation of the proposed underground fuel storage tanks. It is assumed that this will include all required containment facilities to protect against accidental spills. The plans now indicate that 36.8 percent of the site will be greenspace. This exceeds the required 35%. The plans indicate that three variances will be required to build the proposed plan. If granted, these variances should be noted on the plans. The plans indicate that a tree protection fence will be on the adjoining property to the east of the subject parcel. It is unclear if this is a temporary fence to be used during construction or a permanent fence. The plans should include details regarding the fence being proposed.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project, the ECC reiterated a previous request that the following standard statements be added to the plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.
- If hazardous materials will be stored on-site, the applicant must submit a plan addressing handling and storage and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored.

In addition, the ECC recommended that the ECC notes include one that states that the project includes the installation of storage tanks that may be regulated under the state petroleum or chemical storage regulations: it is recommended that the Planning Board require the applicant to provide evidence of registration of these tanks prior to placing them into service. In lieu of meeting the 45% greenspace requirement, the ECC requests that applicant increase the amount of plantings within remaining greenspace areas.

Mr. Sean Crumb, Real Estate Development representative for Jolley Associates, presented colored façade renderings of the proposed convenience store. Mr. Karam stated that he found the renderings acceptable, noting that he particularly liked the

symmetry created by the window design. Mr. Bulger expressed his concern with the revocable maintenance easement provided by the applicant, but stated that since the applicant had received setback variances from the Zoning Board of Appeals and because “minimal dimensions” were required due to the size of the site, he would support the plan as presented. Mr. Russell asked about the shed that currently exists on the property. Mr. Crumb explained that this “remediation shed” will be removed. In response to Mr. Karam’s inquiry regarding the existing Clifton Park Center sign, Mr. Crumb stated that the applicant intends to add landscaping to enhance its appearance.

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

[2005-011] **Abele Builders** – Proposed (24) lot subdivision, 1562 Crescent Road – Revised conceptual review.

Mr. Tom Andress, consultant for the applicant, “re-introduced” this application for the Board’s consideration. The proposed project is located in an R-1 zone on the south side of Crescent Road just west of its intersection with Southbury Road. The property to be developed contains significant wetland areas. Mr. Andress explained that in response to Board concerns, the number of curb cuts onto Crescent Road has been reduced to one main roadway and one common private drive. The applicant currently proposes the development of twenty-four (24) single-family residential lots that will be served by public water and sewer services. The stormwater management plan calls for the creation of a basin in the western portion of the site. Mr. Andress explained that the properties along Crescent Road have now been set 100’ from the centerline of Crescent Road. The applicant is amenable to contributing to the multi-use pathway network. The speaker explained that the project has been designed to maintain a 50’ separation between residences and the wetland boundary for rear yards, though he asked that the Board consider reducing this requirement for side yards to 20 – 30 feet.

Ms. Barbara Beale, representative of the Chazen Companies and wetlands expert, expanded on the wetland delineation aspect of the project, explaining that she had performed the wetland delineation in 2005. Representatives of the ACOE have visited the site and have field-verified the accuracy of the delineation. She reports that the development plan is compliant with the ACOE Nationwide permitting process: a pre-construction notice will be required. The United States Department of the Interior Fish and Wildlife Service has been contacted for project review and comment. Based upon her experience as a representative of the ACOE, Ms. Beale explained that the required 50' rear yard setback appears to be reasonable since families use this area more than side yards. A 20-30 foot side yard setback would seem to adequately protect wetlands since normal family use is limited in these areas. She further explained that the applicant would work with the ACOE during the permitting process to determine what setbacks would be acceptable.

Ms. Maynard offered a number of comments. This project was last reviewed by the Planning Board on March 8, 2005 at which time the Board expressed serious concerns with the layout and density of the project. At that time the Board asked the applicant to explore different options for the road layout and orientation of the lots. She asked that the wetlands be illustrated on the next submission. Issues included the impact the proposed development would have on this area, the significant amount of wetlands on site, and the desire to provide access from both Crescent and Southbury Roads.

Ms. Maynard explained that a wetland delineation report has been completed by Chazen Companies. This report was submitted together with a jurisdictional determination request to ACOE in correspondence dated October 24, 2006. She explained that the Planning Board has established a precedent of requiring a minimal 50' buffer between proposed residences and wetland boundaries. As proposed, residences on Lots #1, 4, 6, 7, 10, 20, 21 do not appear to meet the required separation. Since the site is noted for wetlands and a high water table, it is recommended that the Planning Board request that the applicant utilize measures such as minimizing clear cutting and grading to protect the site's existing hydrology. The current plan proposes two access points along Crescent Road. Ingress and egress to the subdivision could be limited during peak travel times. It is recommended that the applicant consider access to the parcel from Southbury Road. Internal trails should be considered for the site and connection to the proposed multi-use path to be installed along the south side of Crescent Road. Federal TIP funding providing for a multi-use trail to be located along Crescent Road from Moe Road to Dunsbach Road in the Town of Halfmoon has been awarded. The Board should require the conveyance of a 15' strip of land along Crescent Road to provide for future roadway improvements.

Mr. Andress explained that the general drainage patterns move from east to west across the site. He stated that the applicant would consider installing trail connections; however, the applicant has no access to Archer Drive at this time.

Mr. Myers, Director of Building and Development, offered the following comments on the project plan. He described the parcel as “a difficult site that will require extensive erosion and sediment control as well as investigation into the traffic impacts of the Southbury/Lapp Road intersection and light. He also noted that “turning left out of the proposed road at certain time of the day may be impossible.”

Ms. Reed, Chief of the Bureau of Fire Prevention, provided the following comments. For adequate accessibility for emergency services all lots should access the proposed subdivision street, thus eliminating the driveways onto Crescent Road. She stated that if the Planning Board allows the driveway to access the seven (7) lots off Crescent Road, the developer must provide a turnaround point within 100 feet of each structure to provide maneuvering area for emergency service vehicles. The applicant must provide a driveway profile for any driveway over 500 feet in length.

Mr. Grasso stated that Clough, Harbour, and Associates reviewed this application and provided the following comments. The current plan appears to include the following changes from the initial submission in February 2005: the number of new lots proposed has been reduced from twenty-six to twenty-four; two driveway curb cuts have been eliminated along Crescent Road; a single common driveway is proposed to provide access to eight lots (lots 17 – 24). Although the number of lots has been reduced, some of the remaining lots continue to appear to be of a size where incremental impacts to nearby federal wetland areas would occur. On ten of the remaining lots, the proposed house location is situated less than fifty feet from the wetland limits. The Planning Board has typically required fifty feet from a reasonable building footprint, regardless of the wetland being in a rear or side yard. In addition, the proximity to the wetlands indicates a high ground water level that may result in poor basement drainage. Deep test pits should be performed and additional engineering to provide adequate drainage provisions. If this is not feasible or demonstrates high groundwater, some additional lots may need to be eliminated. The sight distance at any new proposed access location should be verified and shown on the plan. Section 208-98 of the Town Code establishes Special Setback Lines along a number of streets and roads in the Town: Crescent Road is included in this listing. The ordinance states that...“no building or part of a building, other than steps, eaves and similar fixtures, shall extend nearer to the center line of the street or road than 100 feet in the case of a building in a residential district or 130 feet in the case of a building in any other district.” It does not appear that the buildings shown on Lots #17 and #22 comply with this requirement. Pursuant to Section 179-27 of the subdivision

code, a certain percentage of open space or park fees should be proposed. This should be addressed with the Planning Board. The proposed project should address pedestrian accommodations, such as development of a multi-use path along the south side of Crescent Road to Southbury Road, additional right-of-way, etc.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project, the ECC offered the following comments. Due to the presence of numerous wetland features throughout the property, the applicant should consider the elimination of several lots to reduce the impacts to the site. The ECC reiterates the comments made in March, 2005:

- The proposed subdivision contains extensive wetlands as indicated in the plot plan. The applicant must verify if these are jurisdictional wetlands and what impact the placement of homes will have on these wetlands.
- The applicant is also advised that the subdivision design must take into account the shallow water table on the parcel and the affect construction may have on existing water levels.

In response to Mr. Russell's concern regarding the proximity of the wetland boundary to the residences on several of the proposed lots, Mr. Address explained that some house locations could be relocated, retaining walls could be installed to define wetland areas, and fencing could be used to discourage encroachment into wetland areas. Board members discussed the hydrology in the area: Mr. Address noted that the high ground water necessitates the use of sump pumps in existing residences along Southbury Road. Mr. Address explained that the intent of this applicant would be to use "creative designs" for grading and house design to minimize water problems for potential home buyers. Mr. Larkin requested information regarding the amount of clearing that would be required for the development as proposed. Mr. Address stated that the amount of clearing would be dependent upon the lay-out of each individual lot. In response to Mr. Larkin's question regarding the amount of fill required, Mr. Address estimated that approximately five feet of fill would be required per lot. Mr. Karam described the proposal as "an intense use of land containing significant wetlands." He believed that finding suitable locations for residences would be problematic. Drainage issues were discussed at length. Mr. Larkin inquired if design standards required specific radii for roadways and private drives. He observed that the required radii for a town road would preclude a roadway installation from Southbury Road, though he suggested that a common driveway from Southbury Road to access several homes would limit number of vehicles accessing Crescent Road. His recommendation was to utilize three common driveways to mitigate traffic impacts to Crescent Road. Mr. Grasso stated that although common drives are used throughout the town to reduce the amount of infrastructure development, such a plan would likely impact the density. He explained that common drives are generally limited

to serving five (5) residences: they do reduce the number of curb cuts on major roadways and impacts to wetlands. Mr. Grasso explained that standards for roadways did not apply to private driveways.

Mr. Bulger identified the main issues of concern as follows: reconfiguration of the lots to achieve the required 50' separation between proposed residences and wetland boundaries; the submission of clearing, grading, and fill calculations; the consideration of access to the parcel from Southbury Road.

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

Mr. Paul Olund, consultant for the applicant, explained that the applicant received a variance from the Zoning Board of Appeals for an exit-only curb cut to the south of the site. This was one of the remaining issues to be resolved. The applicant submitted correspondence from the NYS Department of Environmental Conservation regarding the soil reuse plan for the site: the applicant will be bound to develop the site in accordance with requirements outlined in this letter of November 7, 2006. NYSDEC requires that “any cut soil that is not reused on-site will be sampled to make an off-site reuse determination. The type of samples collected should be in accordance with STARS Memo #1, otherwise, it is understood that all on-site reused soil will either be capped under impervious surface or covered with a clean soil layer. It is also understood that vapor intrusion abatement measures will be incorporated into the design of the new structure built on-site.” The correspondence also notes that continued groundwater monitoring and additional soil vapor investigations associated with the new construction will be required. Mr. Olund assured the Board that the applicant intends to comply with all NYSDEC directives.

Ms. Maynard explained that this project was last before the Planning Board on September 13, 2006 at which time the Board found the project generally acceptable. Members did express concerns regarding debris remaining. The site has now been cleared. The project has received required several variances from the Zoning Board of Appeals. These variances should be listed on the site plan.

Mr. Grasso reported that the applicant appears to have adequately addressed the comments included in the review letter dated September 5, 2006. He recommended that the Code Enforcement Officer confirm that the necessary variances for the final plan have been applied for and granted.

Mr. O'Brien, Environmental Specialist reported that the ECC reiterated its previous request that the applicant provide mature vegetation along the northern boundary of the property to replace those mature trees removed during clearing operations.

Mr. Russell asked that silt fencing be installed around the site during construction to minimize impacts to the adjoining property. He also asked that the catch basins and culverts in the area be cleaned to remove debris that may have collected during the demolition phase of this project.

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

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

New Business

[2006-040] **Diaz, Lionaldo** – Proposed (2) lot subdivision, 629 Kinns Road – Conceptual review.

Mr. Duane Rabideau, consultant for the applicant, presented this concept plan that calls for the subdivision of 5.2 acres of land in an R-1 zone into lots of 2.53 acres, 1.88 acres, and 34,133 SF, respectively. The largest lot contains an existing residence that is served by public water and an on-site septic system. The property, located on the north side of Kinns Road approximately 1,500 feet west of its intersection with Carlton Road. The speaker explained that this property was previously before the Board as a two lot subdivision: the application was submitted by Travis Feigenwinter. The new lots will be served by both public water and sewer. The existing driveway will be used for common ingress/egress and utility installation. The existing sight distance problem at the driveway will be rectified prior to the stamping of the subdivision map. All lots will meet or exceed required setbacks.

Ms. Maynard reported that this project is located on a parcel that was approved for a (2) lot subdivision on August 9, 2005. The property has now been sold and the current owner requests approval of a three (3) lot subdivision. Ms. Maynard noted that the Section 208-86 regarding keyhole lots states that such lots “may be permitted by the Planning Board only in R-1, and R-3 and only in rare instances when required due to unusual conditions of the area.” She asked that the applicant clarify the access location for Lot #3. Wetland delineations should be indicated on the plan. The standard note for the proposed common drive should be added to the plan. A landscaped buffer shall be placed along the property boundaries of the keyhole lot. The sight distance issue must be resolved prior to the stamping of the plans. Since the existing home and two proposed new homes will be tied into public water and sewer, sign-offs will be required by the Clifton Park Water Authority and the Saratoga County Sewer District. All deed restrictions must be included on the plan.

Mr. Grasso reported that Clough, Harbour, and Associates offered the following comments regarding this application. 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; Clifton Park Water Authority – Water Connection Permit; Saratoga County Sewer District #1 – Sanitary Sewer Connection Permit; Saratoga County DPW – Driveway Permit. The location of the existing/ proposed driveway offers limited sight distance to the west along Kinns Road. A note on the plan indicates that existing vegetation will be removed along the north shoulder of the road to improve sight distance to an acceptable level. Based on a field visit, it appears the sight distance may be limited by vegetation as well as the vertical alignment of Kinns Road. The applicant’s consultant should determine through further study the improvements that will be required to obtain adequate stopping sight distance and intersection sight distance at this location. The limits of the base mapping should be extended to include the Nottingham Way North entrance to the Sherwood Forest development located immediately east of the proposed project. This information should be shown to determine if conflicts would exist in this area. The wood frame deck on the existing house on proposed lot number three is shown as being offset approximately 2.1 feet from the rear property line. The plan does not indicate whether a variance was issued to allow construction so close to the property line. This information should be added to the plan.

Mr. O’Brien, Environmental Specialist, offered the following comments that were prepared by the ECC. Due to the potential for federal wetlands on this parcel, the applicant was asked to determine the location and extent of disturbance of such wetlands before a building permit is issued. The applicant should make an effort to retain as much mature vegetation as possible as the project progresses. The applicant shall determine if the project will result in an overall disturbance of one acre or greater since such a disturbance would trigger the phase II stormwater management requirements.

Board members expressed concerns regarding driveway width and requested that the width be increased to accommodate two vehicles. Mr. Rabideau stated that a revised driveway width would be illustrated on future submissions. The Board found the proposal generally acceptable.

[2006-041] **Mooradian’s Furniture** – Proposed 30,000 SF furniture store, 1762 Route 9 (Parkwood Plaza) – Conceptual review.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that calls for the demolition of a portion of an existing retail building within the Parkwood Plaza and the construction of a new 30,000 SF one story furniture store with parking for 117 cars. The site will be served by municipal water and sewer: stormwater management will be provided on site. The 3.32 development parcel is located in a B-4A zoning district. Mr. Vuillaume offered additional details regarding site development, noting that an existing pump station located in the northwestern portion of the site will be removed: the building will be served by an individual on-site grinder pump with force main. A 3,400 SF portion of the existing Wit’s End Giftique building will remain to serves as a

furniture storage structure. Realignment of the existing access road to the car wash is proposed. Stormwater management areas are proposed along the northwestern property boundary. The plan shows that there will be a joint tenant parking easement shared with the existing restaurant. The applicant will provide sufficient landscaping along the Northway boundary.

Ms. Maynard presented comments prepared by the Planning Department, noting that this project includes a portion of and is located within the Parkwood Plaza commercial complex. She explained that although 150 parking spaces would be required per code, the plan shows that 117 spaces are proposed. The applicant reports since that the furniture business generates traffic during weekend daytime hours, there may be potential for shared parking with existing businesses within the complex. The Planning Board may wish to request the land banking a portion of required parking; additional spaces could be installed as warranted. The speaker commented that the building front as proposed faces I-87 creating a highly visible, though possibly awkward arrangement with the current configuration of surrounding buildings. It was recommended that the applicant consider reorienting the building to “front” on the south side, or, perhaps, both the south and west sides. Since the proposed structure will be closer to and more visible from I-87, increased screening along I-87, including the planting of mature trees and bushes, is recommended. The sidewalk connection to adjacent restaurant should remain. Ms. Maynard suggested that the Board may wish to consider this as an opportunity to review traffic flow, ingress/egress, and shared parking as part of an overall integrated site plan.

Mr. Grasso reported that, after reviewing the project plans, Clough, Harbour, and Associates 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; Clifton Park Water Authority – Water Connection Permit; Saratoga County Sewer District No. 1 – Sewer Connection Permit; Saratoga County Planning Board – Section 239 Referral; NYSDOT – Work Permit and Curb Cut review and approval. The proposed plan would result in demolition of a significant portion of the existing Wit’s End Giftique and the construction of a new 30,000 S.F. furniture sales building. The plan indicates that a 3,400 SF portion of the existing gift store would remain and be used for storage in support of the new furniture sales building. Although the B-4A zone has a 30,000 square foot maximum building size cap, it would appear the two buildings satisfy this requirement. This should be confirmed by the Code Enforcement Officer. The site plan appears to be providing a total of 117 parking spaces. This number would include 17 parking spaces that would be “shared” with the adjacent Tuscan’s Grille Restaurant. According to the Town’s parking requirements, the 30,000 SF furniture sales building will require one space per 200 square feet of gross floor area, or 150 parking spaces. The restaurant requires one space per 75 square feet of customer service area or one space per three seats, whichever is greater. Because of the possibility of the restaurant operating at full capacity on a regular basis, it may not be appropriate to recognize the existing restaurant parking spaces as shared spaces that can be counted toward the number required to the furniture sales building. The applicant

should provide data pertaining to the restaurant to determine the number of spaces it requires and therefore, how many spaces could be credited toward the sales use. The current plan identifies a total of ninety spaces that would be available for the furniture business, sixty less than the minimum number required. If the applicant does not believe all spaces are required, it is recommended that these areas be “reserved” and land banked until the need is confirmed. The subject parcel is zoned B-4A Highway Business which requires a minimum 35% greenspace. The plan should indicate if the proposed project will increase or decrease the amount of greenspace and measures should be made to increase the quantity and quality of greenspace as appropriate. If shared parking and access arrangements are proposed, the plan should include measures to better define vehicular circulation patterns between properties as discussed during previous Planning Board reviews of these parcels. Cross access easements should be shown where appropriate.

Mr. O’Brien, Environmental Specialist, presented the comments prepared by the ECC. The ECC questions the volume of parking proposed since this project would be part of a large parking lot that already exists. Perhaps to the east greenspace could be provided instead of designated parking. The 35% greenspace should be designated on the plot plan excluding stormwater. In keeping with the recommendations and goals of the Town Comprehensive Plan, the applicant is encouraged to retain existing vegetation and/or the use of landscaping and grading to provide visual and auditory buffering between the project and the Northway. The design should give consideration to the planned development to the north.

Mr. Russell stated that he found the orientation of the building acceptable since it would be critical for the business to front on the Northway. Mr. Karam encouraged the applicant to provide “an interesting façade” and to provide sufficient screening along the Northway. Mr. Kramer supported the land banking of parking spaces that would not be needed by the business and recommended that both the east and south sides of the building be made as “attractive” and interesting as possible. Mr. Bulger listed the concerns of the Board as follows: traffic flow throughout the site; determination regarding the amount of greenspace on the site and for each individual development parcel; adequate management of stormwater and drainage. Ms. Pace expressed her concerns regarding the orientation of the building, reserving comment until colored façade renderings and a planting plan were submitted for review.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Larkin, approval of the minutes of October 24, 2006 as amended. The motion was unanimously carried.

Discussion Items:

Capital District YMCA

At the October 11, 2006 meeting, Mr. Barry Relyea, Vice President for Property Management and Development for the Capital District YMCA, 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. At that time, Board members found the renderings unacceptable in terms of both design and color. Mr. Relyea presented revised drawings of proposed façade changes. The design has been significantly redesigned to include trees, a fountain and pond area, and fencing. Board members found the proposed façade design acceptable.

Vischer Ferry Fire District

Mr. Bulger explained that the Planning Board was in receipt of correspondence from the Vischer Ferry Fire District that stated its intent to “keep the Planning Board informed” of its plans to construct a new firehouse along Grooms Road. The Board asked that a representative of the District attend a future meeting to provide details of the proposed project.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 10:10p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on November 28, 2006.

Respectfully submitted,

Janis L. Dean,

Secretary

cc: Planning Board Members, Planning Department, Clough, Harbour, and Associates, Supervisor, Town Administrator, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Joel Peller, Town Attorney, Lou Renzi, Town Attorney, Jim Trainor, Town Attorney, Paul Pelagalli, Town Attorney, Department of Parks and Recreation, ECC, Saratoga County Planning Board, Shenendehowa Central School, Clifton Park Water Authority, Fire Districts.

NOTICE OF DECISION

Resolution #27

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 November 14, 2006 there were:

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

Absent: S. Hughes

Mr. Kramer offered Resolution #27 and Ms. Pace seconded, and

Whereas, an application has been made to this Board by Linda Neison for approval of Special Use Permit #80623 to permit the construction of a two-family dwelling in an R-1 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 November 14, 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 Planning Board approves the application of Linda Neison for approval of Special Use Permit #80623 to permit the construction of a two-family dwelling in an R-1 zone conditioned upon satisfaction of the comments provided by the Planning Department.

Resolution #27 passed 11/14/06

Ayes: Kramer, Larkin, Pace, Russell, Bulger

Noes: None

Steven Bulger,

Chairman

NOTICE OF DECISION

Resolution #28

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 November 14, 2006, there were:

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

Absent: S. Hughes

Mr. Karam offered Resolution #28, and Mr. Kramer seconded, and

Whereas, an application has been made to this Board by Thomas J. Farone and Son, Inc. for approval of a subdivision entitled Carlson Farm consisting of (42) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on October 25, 2005 and reconvened on December 13, 2005;

Whereas, the Planning Board was established as Lead Agency for this application and a negative declaration was issued pursuant to SEQRA on February 28, 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 subdivision plat entitled Carlson Farm consisting of (42) lots is granted final subdivision approval conditioned upon satisfaction of the comments offered provided by the Planning Department, Clough, Harbour, and Associates, and the ECC.

Resolution #28 passed 11/14/06

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

Noes: None

Steven J. Bulger,

Chairman