

Clifton Park Planning Board Meeting Minutes February 13, 2007

Those present at the February 13, 2007 Planning Board meeting were:

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

Those absent were: T. Karam

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 and Assistant Director of Planning

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 explained that because a number of those in the audience were in attendance to participate in the amenity zoning workshops scheduled at the end of the meeting, those items would be discussed first under new business.

Public Hearings

Triller, David – Proposed (2) lot subdivision, 636 Clifton Park Center Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on February 6, 2007.

Mr. David Flanders, consultant for the applicant, explained that this application remains generally as presented at the December 12, 2006 meeting. The applicant received the required setback variance from the Zoning Board of Appeals on January 16, 2007. The existing house is located 34' from the center line of Clifton Park Center Road: the required distance is 50'.

Ms. Maynard reported that this project was last considered by the Board on December 12, 2006 at which time the Board asked that the wooded portion of the site be preserved to the greatest extent practicable, that the feasibility of extension of the municipal water line be investigated, and that the adequacy of sight distance along Clifton Park Center Road be verified. The possibility of a common driveway to serve both the existing residence and the proposed new home was dismissed since the existing drive is located on the west side of the house. The new parcel will be served by a drive along the eastern property

boundary. The proposal appears to meet all code requirements. Since Clifton Park Center Road is identified as an important east-west connection as part of the updated Trails Master Plan for the town, the Board may request the conveyance of a 10' strip along the frontage to provide for future multi-use pathway construction. Mr. Myers, Director of Building and Development, reports that the Zoning Board of Appeals approved the required setback variance for the existing house. He provided no additional comment on the application.

Mr. Grasso offered the following comment prepared by Clough, Harbour, and Associates. The Director of Parks, Recreation, and Community Development should be consulted to determine if there are any plans for pedestrian facilities to be extended across the project site's frontage. Mr. Grasso recommended that a 10' strip along the road frontage be secured for possible future roadway improvements.

Mr. O'Brien, Environmental Specialist, reported that the ECC requested the following standard statement 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.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:18p.m. The motion was unanimously carried.

Mr. Bulger supported Mr. Grasso's recommendation for conveyance of a 10' strip of land along Clifton Park Center Road to provide for possible future roadway improvements. Although Mr. Flanders observed that a pathway along the south side of Clifton Park Center Road would be very close to the existing residence, Mr. Grasso explained that the additional land along the right-of-way would provide for necessary grading and construction activities. Mr. Larkin supported the recommendation for the acquisition of additional right-of-way.

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

Mr. Kramer offered Resolution #3, seconded by Mr. Hughes, to waive the final hearing for this application and to grant preliminary and final approval to this (2) lot subdivision conditioned upon satisfaction of the comments offered by the Planning Department and the conveyance of a 10' strip of land along Clifton Park Center Road for future road improvements. Ayes: Kramer, Larkin, Pace, Russell, Hughes, Bulger. Noes: None.

Old Business

[2007-001] Niagara Mohawk Power Corporation – Proposed 36' x 96' pole barn, 723 Pierce Road – Preliminary site plan review and possible determination.

Mr. Bill Dow, representative for Niagara Mohawk, presented this application that remains generally as presented at the January 9, 2007 meeting, though some minor revisions have been made to the plan. These revisions include the addition of evergreen and deciduous trees to the west of the proposed building, additional data in the site statistics table, clearing and grading limit lines, and colored renderings of the three-sided building. No external lighting fixtures will be placed on the building, though lighting will be installed inside the 22' high garage. Interior fixtures will be shielded from direct view from adjoining properties and public right-of-ways. The plans now indicate the location of the drainage swale and the method of drainage via the adjacent swale to the north and a catch basin to the east. Mr. Dow acknowledged that National Grid was aware of the concerns expressed by Ms. Lisa Carey, adjoining property owner to the south, regarding drainage problems and stated that the company will work to improve the situation.

Ms. Maynard offered several comments regarding the application, stating that this project was last before the Planning Board on January 9, 2007. Though the Planning Board found the project generally acceptable, discussion centered on drainage concerns and a possible increase in water flow to the adjacent property to the South. The applicant has addressed many of the issues of concern and has provided a building elevation for the Board's consideration. On February 7, 2007, Mr. Grasso met with National Grid representatives at the Pierce Road site to investigate reported drainage problems and offer recommendations for improving water flow from the site. The Saratoga County Planning Board approved this project at their January 18, 2007 meeting, reporting that no significant countywide or inter-community impact would result from construction of the proposed building.

Mr. Myers, Director of Building and Development, provided a memo dated February 5, 2007 in which he recommends that the stormwater management area along the southern property boundary be re-established.

Mr. Grasso offered the following comments prepared by Clough, Harbour, and Associates. The engineering firm reviewed the revised site plan (last revised 1/16/07), building plans, and elevations as well as a January 19, 2007 response letter from the applicant, Niagara Mohawk Power Corporation. In addition, the firm received a letter dated January 29, 2007 from Walt VanDeLoo, P.E. to Ms. Lisa Carey regarding drainage concerns relative to the project site and the Carey property. Mr. Grasso reported that the following comments resulted from a review of these documents. The above referenced plans and letter appear to adequately address the comments included in the previous review letter. Mr. Grasso reported that on February 7, 2007, he met with representatives from National Grid to discuss the proposed project as well as drainage concerns that were raised by Ms. Carey during initial Planning Board review of this project. Ms. Carey was present during the majority of the site visit and her concerns were discussed. Clough, Harbour, and Associates does not believe the proposed project will result in any significant drainage impacts to the area, though there are drainage improvements on the National Grid property that warrant maintenance to improve drainage in the area: these items may also improve drainage conditions on the Carey property. National Grid has indicated a willingness to perform the following drainage maintenance items, some of

which were also included as recommendations in Mr. VanDeLoo's letter:

- The drainage swale along the southern property line should be cleaned and regraded.
- The outlet control structure and berm of the storm water management area on National Grid's property line should be restored. The swale along the southern property line should be deepened as much as possible. If better conveyance conditions will result, the swale should discharge south of and not through the storm water management area. Additional elevations will be required.

- The drainage facilities should be maintained.

Mr. Grasso asked that these recommendations be included as conditions of any site plan approval. The use of a closed drainage system along the south property line as described in Mr. VanDeLoo's letter is not recommended since such a system is unlikely to improve drainage conditions.

Mr. O'Brien, Environmental Specialist, reported that the ECC provided a number of comments regarding this application. The ECC requests that the boundaries of the wetlands depicted on the plan be flagged and fenced to prevent intrusion during construction of the proposed pole barn. The ECC requests information on exactly what will be stored in this barn. The applicant is advised that hazardous materials including petroleum products cannot be permitted to leach into the ground and surface waters on the site. The following standard statements should be added to the plot plan:

- Due to the potential for Federal wetlands on this parcel, the applicant will determine the location and extent of disturbance of Federal wetlands before a building permit is issued.
- No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).
- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.
- 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.
- Due to the location of this project relative to the Colonie Channel Aquifer/recharge area and the Kinns Road Well, no underground storage tanks shall be constructed on this property;
- During construction, any temporary above-ground storage tanks shall have secondary containment of no less than 110% of the tank volume to prevent releases to the aquifer/recharge area.
- During construction, contractors shall have a spill contingency plan which addresses prevention and cleanup of releases of petroleum and/or hazardous materials.

Ms. Lisa Carey, adjoining property owner, commented that the existing berm between

her property and the National Grid parcel does not contain the water on their site. She reported that she had hired Mr. Walt VanDeLoo, P.E. to investigate the drainage situation and offer recommendations for improving the situation. Mr. VanDeLoo was present at the meeting and asked that the Town Engineer re-consider suggested improvements to the drainage corridor along the National Grid's southern property boundary. Mr. Grasso agreed to consider proposed remediation measures. Mr. VanDeLoo also asked that National Grid provide the Town with a management plan that would provide a strategy for on-going maintenance of the drainage corridors. Though he noted that the Town of Clifton Park does not usually require or enforce maintenance agreements, Mr. Grasso agreed to consider the design plan provided by Mr. VanDeLoo and work with National Grid to minimize drainage impacts to adjoining properties.

Mr. Bulger stated his appreciation to National Grid representatives for working with adjoining owners to improve the drainage problems. He recommended that National Grid provide a copy of its proposed on-going maintenance plan to the Town. He also explained that he would support the issuance of a Building Permit prior to work on drainage improvements since it is likely that drainage work would begin until spring. Board members discussed the drainage situation at length. Mr. Russell stated that he was familiar with the increasing drainage problem on Ms. Carey's property and encouraged National Grid to make drainage improvements and maintain drainage corridors. Mr. Larkin noted that some drainage from the area surrounding the proposed garage would flow to the south, thereby impacting the drainage channel to the north of Ms. Carey's property. Though he recommended that the Board defer any action until a management plan has been accepted, Mr. Pelagalli advised the Board that approval could be conditioned upon the Town Engineer's approval of an effective management plan.

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. Hughes 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, a sign-off from Clough, Harbour, and Associates, and the submission of a copy of National Grid's on-going stormwater maintenance plan to the Planning Department. The motion was unanimously carried.

[2006-041] Mooradian's Furniture – Proposed 30,000 SF furniture store, 1762 Route 9 (Parkwood Plaza) – Preliminary site plan review and possible determination.

This application was withdrawn from this evening's meeting at the request of the applicant.

[2006-022] Parkland Development – Proposed 33,200 SF of multi-family residential use in 14 buildings, NYS Route 146 – Revised conceptual review.

Mr. Gavin Vuillaume, consultant for the applicant, explained that this project has been

significantly revised since it was presented to the Board on June 27, 2007 as a project that called for the construction of (10) town homes on a 5.12 acre parcel. The applicant has now acquired 8.15 additional acres to the west. The proposed project is located in a HM (Hamlet Mixed Use) zone on the north side of NYS Route 146 west of the Sterling Heights subdivision and opposite the recently-approved Brookhaven subdivision. Plans now call for the construction of 33,200 SF of living area in 28 units contained within 14 buildings. The original application called for the construction of a roadway through designated ACOE wetlands. The current plan shows an access to NYS Route 146 in the western portion of the site. There will be no wetland disturbance. Mr. Vuillaume presented proposed building elevations and reported that the project provides a number of desirable amenities including additional open space, increased vegetated buffers, 5' wide concrete sidewalks, street lighting, side-load garages, and, possibly, a community center. Though the roadway is proposed as a private drive, it is possible that the applicant will decide to convey it to the Town. Mr. Vuillaume reported that the applicant plans to market the townhome units to area seniors.

Ms. Maynard offered several comments regarding this application, stating that the intent of the Hamlet Mixed Use zone is to “provide primarily for focused business development to serve adjacent residential hamlets and neighborhood areas and to allow for a creative mix of commercial and complementary residential uses... The allowance for residential uses is intended to foster the creation of places within the Town where one could walk from home to work or to neighborhood business.” In response to her question concerning the applicant’s plan for incorporating such a “mix” of uses within the development, Mr. Vuillaume observed that there are few commercial uses in this area of Town, though the market demand for the construction of single-family residences that would appeal to seniors is strong. He addressed her recommendation for “pedestrian-friendly” development, by stating that the applicant has proposed the construction of sidewalks throughout the project. Multi-use pathway connections with the existing Sterling Heights subdivision to the east and vacant lands to the west would be considered. The speaker noted that with the anticipated residential growth along Route 146, access from currently proposed emergency access across from Brookhaven should be explored. The amount of constrained land should be verified on the site since the project’s allowable density may be impacted. Ms. Maynard recommended that the proposed community center be integrated into the site, that the applicant utilize design guidelines for western part of Clifton Park and that design components that create a pedestrian friendly environment be employed. The Board should consider requesting the conveyance of additional right-of-way along Route 146 for future roadway improvements. As previously recommended, an open space area should be provided in the northwest portion of the site to buffer the adjoining wetlands complex.

Ms. Maynard reported that sign-offs will be required from NYSDOT, Army Corps of Engineers, the Saratoga County Sewer District, and the Clifton Park Water Authority. Mr. Jim DiPasquale, Director of the Saratoga County Sewer District states that “as presented it appears the project will connect to the Corporate Commerce pressure sewer system which discharges to the SCSD gravity sewer installed by the Sterling Heights subdivision. Submittals to SCSD are required for a determination of available capacity.”

Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, submitted a memo to the Planning Department that stated that it would be necessary for the applicant to obtain a variance from the Fire Code Appeals Board for more than 18 living units on a single entry point.

Mr. Myers, Director of Building and Development, reported that the plan as revised appears to meet allowable density. Stormwater issues will be addressed during future review. Stormwater management discharging into wetlands shall not be allowed. Per §208-99, the front setback from Route 146 should be 130' from the centerline. Since the emergency access road crosses wetlands, it may not be viable.

Mr. Grasso explained that this project was originally proposed as a twelve unit two-family development on 5.12 acres in an area zoned HM (Hamlet Mixed Use) zone. The project is now submitted as a twenty-eight unit multi-family development on 13.27 acres. Multi-family dwellings are not one of the permitted uses within this zone. The project has been expanded to include two lots located immediately west of the original 5.12 acre parcel. In an HM zone, residential uses are limited in density to 3,000 gross square feet per acre of unconstrained land. Sizeable portions of the property are constrained by federal wetlands. It appears that the applicant has obtained a jurisdictional determination of the wetland limits on the original 5.12 acre parcel. Additional wetland areas exist on the other two parcels: the limits shown are approximate. The applicant has used an approximate area of the additional wetlands to determine the allowable density of 33,240 square feet. A formal jurisdictional determination of all wetlands should be provided. The original plan included an entrance road located opposite a proposed residential street on the south side of Route 146. The new plan includes a new entrance road located 500 feet west of the proposed road to the south. This will create another cut curb along an already congested section of Route 146. The applicant should submit sight distance calculations for the new intersection location and consult with NYSDOT regarding the feasibility of putting a new intersection at this location. Plans for the relocation should be presented so the Board can weigh the necessary changes to that previously approved project. Correspondence from NYSDOT should be provided. The plan fails to propose any open space even though the project site lies adjacent to open space within an adjacent subdivision (Sterling Heights) that was developed prior to the new Land Conservation Plan and Open Space zoning. It is recommended that the northwest corner of the site be proposed as open space, thereby providing a significant buffer of approximately 300 feet from the large NYSDEC wetland complex. This upland buffer will provide a viable wildlife corridor around the wetland complex. Pedestrian facilities connecting this project to the Sterling Heights subdivision should be provided. The proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such, coordinated review is optional. The project is located within the limits of the Western Clifton Park Land Conservation Plan & GEIS Study Area. If the proposed project is deemed consistent with the findings of the GEIS, limited additional SEQR review may be required. Involved agencies are anticipated to include the following: Clifton Park Planning Board – Site Plan Approval; Saratoga Co. Planning Board – Section 239 Referral; NYSDOT – Work Permit & Curb Cut Review and Approval; Clifton Park Water Authority – Sewer Connection Point;

Saratoga Co. Sewer District #1 – Sewer Connection Point; NYSDEC – SPDES Permit, Wastewater Disposal System Approval; NYSDOH – Public Water Supply Extension Approval.

Mr. Grasso recommended that the applicant consider incorporation some business and commercial uses within the project to meet the intent of the Town Code.

In response to Mr. Grasso's comment regarding traffic congestion, Mr. Vuillaume stated that the applicant has retained Creighton-Manning to conduct a traffic study for the area.

Mr. Mike O'Brien, Environmental Specialist, stated that after reviewing the project, the ECC reiterated the following comments. Since this parcel is heavily wooded, the applicant should incorporate the existing vegetation to the maximum extent possible. The applicant should explore an open space plan with trail connections to the newly built Sterling Heights neighborhood in consultation with the trails subcommittee. In addition, the ECC recommended that a permanent no-cut buffer be created to protect the LC Zone and Federal Wetlands from future encroachment. The ECC requests more information on the proposed Community Center and its possible impacts on sensitive environmental features on the property.

Mr. Larkin focused on comments made by Ms. Maynard and Mr. Grasso regarding the proposed residential use of the site. He supported the recommendation that a "hamlet environment" be fostered by the incorporation of business uses and a community center into the project design. Although Mr. Vuillaume restated his position that the area was not conducive for business development, Mr. Hughes supported his colleagues' recommendation regarding adding business uses to the proposed residential design. Mr. Bulger noted that the application would be referred to the Emergency Services Advisory Board since more than 18 dwelling units on a single access are proposed. He observed that the emergency access as proposed may not be viable because of wetland impacts. Mr. Bulger stated that he recognized that the location may not be appropriate for business and commercial use. He did, however, encourage the applicant to consider a pedestrian connection along Route 146 to commercial uses to the east and a multi-use pathway link to Sterling Heights. Mr. Pelagalli spoke to the issue of ownership, explaining that a condominium development would require the filing of an offering plan with the Secretary of State. Such a plan would also require a subdivision plan to allow for individual ownership of individual units.

Mr. Russell recommended that an emergency access be provided to the Sterling Heights subdivision. Mr. Larkin encouraged the applicant to consider a roadway connection at the northeastern portion of the site to the Sterling Heights subdivision. Mr. Grasso explained that such a connection would likely require Town Board approval since the roadway would be constructed on Town-owned property. Mr. Bulger asked that the applicant consider providing a connection to the parcel to the west of the development Parkland Development parcel. Ms. Pace stated that she would recommend that a community center be considered and developed as part of an initial design plan.

New Business

[2007-008] Tullock, Richard and Kristen J. – Proposed (2) lot subdivision, 105 Dubois Lane – Conceptual review.

Mr. Joseph Bianchine, consultant for the applicant, presented this application that calls for the subdivision of a 6.14 acre parcel located within the CR (Conservation Residential) zoning district at the northeastern quadrant of the intersection of Blue Barns Road and Dubois Lane into lots of 1.78 acres and 4.35 acres, respectively. The larger lot will contain the existing house: a new residence is proposed for the smaller lot. The consultant reported that the new home will connect to the existing municipal water system. A septic system will be designed to serve the proposed residence. Mr. Bianchine reported that no federal wetlands have been identified on the property and no slopes over 20% were observed on the property.

Ms. Maynard read prepared comments, noting that the lot size and appearance appears to be appropriate within the context of immediate area. Calculated in accordance with the Town Code, two parcels would be permitted on property. Sight distance should be verified, particularly in the area of the elevation change that occurs when traveling east on Dubois Lane between Lot #1 to Lot #2.

Mr. Myers, Director of Building and Development, provided comment on this application in a memo dated February 5, 2007. He stated that the plan should reflect two (2) side yard setbacks instead of a rear and side due to the two fronts. He also noted that the subdivision does not meet the three acre minimum for the CR (Conservation Residential) zone and may require a variance.

Mr. Grasso reported that Clough, Harbour, and Associates offered the following comments on this application. The proposed project appears to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. Involved agencies are expected to include: Clifton Park Planning Board – Subdivision Approval; Saratoga Co. Planning Board – Section 239 Referral; Clifton Park Water Authority – Water Connection Point; NYS Health Dept. – Wastewater Treatment System. The parcel is located in a CR (Conservation Residential) zone and is less than ten acres. As such, the subdivision is not subject to the provisions of Section 208-16 regarding the dedication of permanent open space. Additional design information regarding the provisions of public water supply to both lots is required. It is recommended a note be added stating no access from Blue Barns Road shall be permitted. Due to the narrow right-of-way of Blue Barns Road, it is recommended that the conveyance of additional right-of-way long the project site’s frontage to accommodate future roadway, drainage or trail improvements. The plan should state that there are no wells within 200 feet downstream of the proposed wastewater disposal system. A driveway culvert should be shown. There are concerns over the adequacy of the septic system design parameters on Lot #1 and it is recommended that a detailed, stamped septic system design for this lot be provided prior to final subdivision approval.

Mr. O'Brien, Environmental Specialist, reported that after a review of the application, the ECC offered the following comment. Due to the potential for federal wetlands on this parcel, the applicant will determine the location and extent of disturbance of federal wetlands before a building permit is issued.

Board members found this application generally acceptable, though they asked that a note be added to the plan that requires that a stamped septic system design for Lot #1 be provided prior to final subdivision approval. Mr. Bianchine agreed to this condition and to the conveyance of a 10' strip of land across the frontage of the property to provide for future roadway improvements.

[2007-005] Longkill Properties, LLC – Proposed (4) lot subdivision, 93 Longkill Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that calls for the subdivision of 5.69 acres of land into lots ranging in size from 40,069 SF to 1.77 acres. The parcel to be subdivided is located within an R-1 zone on the west side of Longkill Road approximately one mile south of County Route 80. The parcel surrounds Lot #93 Longkill Road – a 38,394 acre parcel that was recently subdivided from the total 6.58 acre lot owned by Longkill Properties, LLC. The applicant proposes to provide public water service to the proposed homes by way of connection to a water line extension that will serve the 16 lot Kain Development, LLC parcel located directly west of the Longkill Properties' land. Individual septic systems will be designed to provide sanitary service to the properties. The plan submitted for review shows the 10' strip to be conveyed along the property frontage to the Town of Clifton Park for future highway improvements. Mr. VanGuilder reported that all lots will meet the 200' lot width at the building line requirement. He pointed out that approximately 1,800 SF of ACOE wetland disturbance will be needed to install the driveway that will serve Lot #1. This disturbance is less than the 1/10th acre regulated by the ACOE and is necessary to achieve adequate sight distance. There are no NYSDEC wetlands located on the property. Although the ACOE is not issuing jurisdictional letters at this time, the wetlands have been verified by representatives on site and Mr. VanGuilder has submitted final maps to the agency.

Ms. Maynard explained that the Planning Board approved a two-lot subdivision at this location on October 18, 2006. This application involves the remaining 5.69 acre parcel. Though the proposed shared driveways appear appropriate, adequate sight distances must be verified. Sign-offs from the ACOE and DOH will be required.

Mr. Myers, Director of Building and Development, has reported that the subdivision plan appears to meet zoning requirements. Details of wetland crossings for Lots #1 and #2 need to be provided: all required approvals and permits must be obtained. All driveways should be a minimum of 16' wide all the way to the houses, and turning areas within 100' of houses should be provided. Lot #4 may need to be expanded if conflicts arise with the power lines and installation of the water and septic since the lot just meets the 40,000SF minimum bulk requirement.

Mr. Grasso reported that Clough, Harbour, and Associates offered the following comments on the proposed subdivision plan. The proposed project appears to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. The site lies adjacent to the Town of Ballston border, and as such, Section 239 county referral is required. This project site lies adjacent to the proposed Kain Development Group, LLC Longkill Subdivision, which has received final approval and will be extending municipal water and sewer within 100 feet of this project site. Connections to these municipal facilities should be a requirement of subdivision approval for any new development of the project site. Public extensions should be a part of this subdivision’s review. The applicable Town of Clifton Park Standard Notes for Subdivisions should be added to the plan, including those applicable to ingress/egress easements. Clough, Harbour, and Associates does not support the location of the driveways that serve Lots #1 and #23 due to the potential impacts to the wetland area. All proposed homes should be set back a minimum of fifty feet from the regulated wetlands. Utility easements for the existing overhead utilities should be provided. The provisions for storm water management should be addressed.

In response to questions concerning the electric utility line that crosses several of the properties fronting on Longkill, Mr. VanGuilder explained that it had apparently been installed many years ago to serve two lots. He will determine whether or not it is still necessary.

Mr. O’Brien, Environmental Specialist, reported that, after reviewing the project plan, the ECC offered the following comments. The applicant must provide the proposed total permanent wetland loss that will result from this project. Due to the scale of the project, a stormwater pollution prevention plan should be drafted and adhered to during the development of this site. The applicant should consider public sewer and water on this site in coordination with the Kain Development to the southwest. The ECC recommends that any development on this parcel should recognize the issues associated with the hydrology of the area. The ECC recommends that the applicant preserve existing trees to the maximum extent possible to maintain the sylvan character of the area.

Mr. Bulger questioned whether or not non-jurisdictional wetlands had been identified on the property. Mr. VanGuilder acknowledged that such wetlands had been flagged. Mr. Bulger advised the consultant that these wetlands must be shown on the plan. Mr. Larkin recommended use of a gabion wall at the southern side of the access to Lot #1: Mr. VanGuilder agreed that such a structure may be useful.

[2007-006] Hanan, James – Proposed (2) lot subdivision, 766 Carlton Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application for the Board’s consideration. The applicant owns 1.66 acres of land on the south side of Carlton Road approximately 180 feet east of its intersection with Torrey Pines. Ownership is currently held in two deeds, though this application calls for the subdivision of the entire property to create an additional building lot of 30,729 SF. The remaining parcel will

contain two residences: the smaller residence – approximately 700 SF in size - is currently considered an accessory to the larger, primary residence and is reputed to have been constructed prior to the establishment of zoning regulations. Mr. VanGuilder reported that the existing house is now connected to the municipal water system: a lateral has been provided for service to the proposed dwelling. Connection will be made to the existing Clifton Park Sewer District line located on Torrey Pines.

Ms. Maynard offered comments prepared by the Planning Department, stating that Mr. VanGuilder's description of the property and the dwellings it contains provided answers to several of the concerns that were identified when reviewing the application. In response to her question regarding the creation of a lot to encompass the existing smaller home, Mr. VanGuilder explained that it would be difficult to create subdivision lines to separate the two homes: they are quite clearly integrated on the site. Sign-offs will be required from both the Clifton Park Water Authority and the Saratoga County Sewer District.

A memo from Mr. Myers requests that the applicant provide clarification regarding the use of the second house on the larger parcel. He recommends that a secondary lot be subdivided out so there are not two residences on a single lot.

Mr. Grasso offered comments prepared by Clough, Harbour, and Associates. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. Involved agencies are expected to include the Clifton Park Planning Board for Subdivision approval. The proposed action would create an otherwise conforming lot that appears to have two existing houses situated on it. The applicant's Application for Subdivision Review and Short Environmental Assessment Form state that the smaller house to the rear of the property is accessory to the primary residence. The Town Code Enforcement Officer should determine if the current use qualifies as accessory, or if a special use exemption is required. The plan should include the applicable Town of Clifton Park Standard Notes for Subdivisions.

Mr. Mike O'Brien, Environmental Specialist, reported that the ECC requested that the following standard statements 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, hours of operation and other associated activities.
- 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.

Though Board members found the subdivision application generally acceptable, Mr. Larkin asked that Mr. Myers, Director of Building and Development, provide a

clarification of the definition of “accessory uses” and issue a definitive ruling regarding the “incompatibility” of two residences on a single lot with existing code requirements.

[2007-007] Firehouse Road Associates II, LLC – Proposed (2) lot subdivision and 6,800 SF mixed use retail space in two buildings, 5 Northside Drive – Conceptual site plan review.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application for the Board’s consideration. The application consists of two actions: the subdivision of 5.1 acres of land at 5 Northside Drive and site plan review for 6,800 SF of mixed use retail space. The subdivision plan involves the separation of the Chili’s site from the remainder of the property to create a 2.2 acre parcel. Chili’s will be situated on the 2.9 acre lot. The plan proposes the construction of a 2,800 SF bank, and 1,800 SF coffee shop, and 2,200 SF of retail space. Access to the site will be provided by a curb cut unto Northside Drive. The applicant is considering the option of making the existing emergency access onto Route 9 a limited right-in, right-out access. Stormwater will be handled on site: the possibility of installation of an underground system is being considered.

Ms. Maynard offered several comments regarding the project plan. She recommended that the applicant consider positioning buildings as adjacent buildings are positioned - directly facing Route 146. This would provide a consistent look for the property. The plan should include a shared parking design and a vehicular connection to the existing parking lot at Chili’s. A pedestrian connection to existing parking at Chili’s site should also be added to the plan.

Mr. Jim DiPasquale, Director of the Saratoga County Sewer District provided a memo that states that the project will need to be submitted to Saratoga County Sewer District for review. Reserve capacity should be determined. Connection must be made per the Sewer District’s adopted Rules and Regulations

Mr. Myers, Director of Building and Development, provided a memo that states that he believes that the project plan should be considered to be a “group of establishments” which requires a 5 acre minimum lot size and 300’ lot width at the building line. Though the lot width requirement is met from Fire Road, it is not from Route 146. A variance appears needed. Access around the buildings appears to be very limited: emergency vehicles may not fit. He recommended that Sheryl Reed, Chief of the Bureau of Fire Prevention, review the plan to determine if adequate access around all of the proposed buildings is provided by the plan.

Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, submitted a memo to the Planning Department that stated that adequate access around all of the proposed buildings for emergency services must be provided.

Mr. Grasso commented that Clough, Harbour, and Associates reported that the proposed project appears to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. Involved agencies are expected to include the following:

Town of Clifton Park Planning Board - Site Plan Approval; C.P.W.A. – Water Connection Permit; S.C.S.D. #1 – Sewer Connection Permit; Saratoga County Planning Board – Section 239 Referral; Town of Halfmoon – Site Plan Approval (for driveway to Route 9); NYSDOT – Work permits and curb-cut approval. The plan proposes to extend Northside Drive to the east and create a full access driveway intersection at Route 9. This intersection would be located on the west side of Route 9 opposite a new driveway proposed for the Shops of Halfmoon retail development in the Town of Halfmoon. Coordination with the Town of Halfmoon and NYSDOT is required. A traffic study of this intersection is warranted, and until further justification is provided, Clough, Harbour, and Associates recommends that this drive be limited to rights-in/rights-out only. If the existing drive to the Oil Change facility is combined into this common drive, additional turn movements may be permitted. Based on the parking requirements put forth in Section 208-99.B of the Town’s zoning regulations, the proposed development would require a total of forty-nine parking spaces. The plan provides for forty-eight spaces on the site, in close proximity to the proposed buildings. The plan also proposes a total of twenty-three parking spaces along the north side of Northside Drive. Due to their location and safety concerns, parking in those areas is not recommended. Storm water management for the existing hotel and restaurant is provided within the project site area. This must be taken into account and the NYSDEC Phase 2 requirements will be applicable. The plan should include a cross access connection to the adjacent restaurant in a more logical and useful location and strong pedestrian connections should be included. What is shown is not appropriate planning.

Mr. O’Brien, Environmental Specialist, reported that, after reviewing the project, the ECC offered the following comments. The proposed greenspace calculation of Lot #2 should not include the stormwater management system. All exterior lighting should be directional and limited. The applicant should consider adding a pedestrian access between the proposed project, Chili’s, and the hotel. The strip across the north side of the property should have some vegetative screening.

Mr. Hughes observed that traffic conflicts may occur at the site because of the location of the proposed drive-thru window. He recommended that applicant consider reconfiguration of the site to allow more visibility of the outdoor patio area, thus “enhancing” the site’s “visual appeal.” The speaker was also concerned about the amount of stacking at the drive-thru windows. Mr. Kramer asked that pedestrian access be provided between all uses on the site. In response to Mr. Bulger’s inquiry regarding screening along the western property boundary, Mr. Vuillaume reported that the applicant had considered either fencing or substantial landscaping. Mr. Larkin expressed his concerns for patrons enjoying the patio area at the proposed Starbucks due to vehicle exhaust. Board members discussed various alternative designs for the site that would best manage the anticipated number of cars utilizing the drive-thru services.

Mr. Grasso asked that the applicant and consultant share the traffic analysis reports with the Town. Mr. Russell suggested that a block wall may be useful in separating the proposed development from the existing laundromat/retail strip mall at the intersection of Fire Road and Route 146.

[2006-046] Cloverdale Meadows – Proposed (33) lot subdivision, Hubbs Road - Public workshop for amenity zoning request pursuant to Section 208-43.16 of The Town of Clifton Park Zoning Code – Referral from Town Board.

Mr. Bulger described the amenity zoning review process, explaining that an applicant may submit a request for a development density increase to the Town Board. The Town Board then refers the request to the Planning Board for review and recommendation. The Planning Board conducts a public workshop to obtain public comment and issues a recommendation for action to the Town Board. He explained that the Town Board is not bound to act in accordance with Planning Board recommendations.

Mr. Lansing, consultant for the applicant, presented this application that calls for the subdivision of 65.73 acres of land in a CR (Conservation Residential) zone on the south side of Hubbs Road, approximately 3,500 feet east of Schauber Road. The project proposal calls for the development of 33 single-family homes within approximately 32.80 acres of the parcel. Mr. Lansing described the applicant's goal as "encouraging sensible growth while maintaining the rural character of the town and the preservation of wetlands and environmentally sensitive areas." Of the total parcel, 15.60 acres are designated ACOE and NYSDEC wetlands. The proposed subdivision will be served by the Clifton Park Water Authority and the Saratoga County Sewer District.

The consultant explained that environmental constraints on the parcel have been evaluated in accordance with Town of Clifton Park zoning law. Lands designated as federal or state wetlands, 100 year floodplains or floodways, or slopes greater than 20% have been omitted from the calculations used to determine the minimum number of building lots. The amount of buildable land would be multiplied by .33 units per acre of unconstrained land, resulting in a base density of 17 units. Pursuant to §208-43 of the code, an incentive bonus may be requested to permit the construction of additional dwelling units. In exchange for the purchase of development rights and provision for a permanent open space conservation easement, the applicant requests approval for an additional 16 lots. The cost to the applicant would be \$30,000.00 per lot for a total payment of \$480,000.00 to the Town.

The applicant proposes a minimum lot size of 18,000 SF. The minimum proposed frontage is 80 feet. The minimum setback required at the rear yard would be 25 feet. The side setbacks would be 10 feet. The remainder of the parcel would be conveyed to the Town of Clifton Park as open space, providing a continuous open space corridor with adjoining lands to the south. Town of Clifton Park Zoning law requires that 50% of the development site must be designated as permanent open space, 25% of the unconstrained land must be part of the designated permanent open space area. 20.23 acres of the 32.93 acres designated as permanent open space are labeled as "unconstrained". Mr. Lansing stated that the project will "preserve existing natural vegetation, create recreational areas, increase drainage corridors, supply buffers to adjoining uses, and protect wetlands and environmentally sensitive areas." Open space areas have been positioned along Hubbs Road to maintain a vegetative buffer between the residential lots and the major roadway.

Proposed infrastructure includes roadways, water supply, sanitary sewer, and stormwater management. Vehicular access will be provided by two curb cuts on Hubbs Road: approximately 2,010 linear feet of paved roadway is proposed. The consultant stated that “the proposed subdivision will not have any significant impact on traffic in the area.” Impacts to wetlands and environmentally sensitive features have been “minimized to the greatest extent possible.”

The project plan proposes a watermain and sanitary sewer extension from the lands owned by Garry Heflin located south of the proposed project. Initial studies show sufficient capacity to provide service to the proposed residences. The water supply system is proposed to include a distribution system to service all domestic and fire flow needs. All stormwater management and mitigation will be performed on site. The subdivision has been designed to follow the natural topography as closely as possible, using existing site topography and drainage features to convey stormwater runoff. Stormwater will be directed toward proposed roadways to the greatest extent practicable, concentrated in roadside swales, collected into catch basins, and conveyed to stormwater drainage areas designed in accordance with all local, state, and federal requirements.

Ms. Maynard reported that this project proposal was discussed at the Town Board on January 8, 2007 at which time it was referred to the Planning Board for its recommendation regarding the proposed development density increase of 16 additional units. Pursuant to Section 208-43.16, the applicant would contribute a cash payment of \$480,000.00, or \$30,000.00 per additional lot, to the Town’s dedicated open space fund account if the increase in density is deemed appropriate. The speaker noted that the parcel offers open space, agricultural, and natural resources and is identified in 2003 Open Space Plan and Western Clifton Park GEIS as a “priority parcel” for preservation. In addition, the parcel is located on the south side of Hubbs Road - a road identified as a scenic road in the Western Clifton Park Environmental Impact Statement. Though the nearest existing trail connection is located at entrance to Dutch Meadows further east along Hubbs Road, Hubbs Road has recently been identified for a trail connection in the town trails master plan. Since the project lies directly adjacent to the recently-approved Rolling Meadows subdivision, there is an opportunity to provide a wildlife habitat corridors and trail connections between open space contained within Rolling Meadows and land along Hubbs Road and to the north of Hubbs Road. The parcel is identified as an “agricultural parcel” with prime farm soils and soils of statewide significance. Ms. Maynard recommended that the applicant consider an alternative design plan that would include a connection of all proposed units with two access points on Hubbs Road. A future link to the parcel to the west was also recommended. It was Ms. Maynard’s opinion that as currently configure, the project does not appear to protect the site’s rural character and open views.

Ms. Maynard reported receipt of a memo from Mark Kazmierczak, Chairman of the Historic Preservation Commission, which reports that “a significant Dutch Colonial Barn” exists on the property slated for development. His memo includes information regarding an ongoing Grant project to identify the extent of former "New Netherland": it includes an inventory of historically significant structures from Southern Saratoga

County south to State of Delaware. One of the major points of the study is to identify the Dutch Colonial Barns spread out throughout this area. The Town's Historic Preservation Commission feels that this barn could be a notable addition to the inventory and requests more time to investigate the structure and its significance as a town resource.

Ms. Maynard recommended that the applicant provide a conservation analysis as required by the CR zoning that looks at the attributes of site such as rural scenic character, agricultural features, historically significant structures, open space connections, and the relationship of the parcel to surrounding properties. The applicant should propose a subdivision that integrates protection of these valuable resources into its design.

Mr. Myers, Director of Building and Development, has stated that the applicant must meet with him prior to construction to discuss the SWPPP after it has been submitted and reviewed. Mr. Myers also offered the following comment: "I would think that the lot calculations would always be rounded down. As a result the maximum allowable density would be $50.13 \times 0.33 = 16.5$ or 16 lots, not 17."

Mr. Grasso reported that Clough, Harbour, and Associates prepared several comments regarding this application. The proposed project is located within the Western Clifton Park GEIS study area and within the CR (Conservation Residential) zoning district. On the "Land Conservation Plan" included within the GEIS, the project site was identified as an "Agricultural or Open Space Resource" parcel. As such, this parcel, either in its entirety or special resources within it, are worthy of special protection. The parcels designated as such are those parcels to be first investigated for purchase as open space or for purchase of development rights. These options should be considered. Unless it can be demonstrated that the project conserves those features, the use of amenity zoning bonuses should not be considered for this parcel. If this can be demonstrated, however, development of the project site may be allowed to proceed, including the application of amenity zoning. Before development of the site with any type of subdivision design is contemplated, the resources that make this parcel worthy of protection should be presented and agreed upon. Currently recognized planning issues include the following: agricultural lands; open field views from Hubbs Road; rural character created by agricultural fields and barns; continuity of open space and wildlife corridors (this should take into consideration adjacent "Agricultural and Open Space Resource" parcels, protected open space areas and unprotected open space areas.) Mr. Grasso recommended that the Planning Board consider each of these items. Based upon the engineering firm's review of the information submitted, it does not appear that the plan adequately protects these important resources. Given the above, if the allowable base density of seventeen lots is confirmed, Clough, Harbour, and Associates would not recommend more lots than this on this parcel. If the development plan is advanced, consideration should be given to clustering no more than seventeen lots on the east side of the site and behind the existing farm buildings which could remain. The plan appears to reflect existing state and federally regulated wetlands areas. It appears that an existing pond and other open water areas are not included in the wetland limits. These areas may also be important environmental resources. Confirmation of the wetlands by NYSDEC and the ACOE should be provided.

Mr. O'Brien, Environmental Specialist, explained that the ECC recommended that the Planning Board evaluate the flag lot design and its impacts on the total number of lots proposed.

Ms. Deborah Emmons-Andarawis, 67 Hubbs Road, provided written comments that listed her concerns with the proposed subdivision. A copy of her comments is attached to these minutes. Ms. Emmons-Andarawis listed "specific grievances" as loss of vista, loss of historic resources, and loss of quality of life.

Mr. Emad Andarawis, 67 Hubbs Road, spoke in support of his wife's comments and identified three items of concern to him. These were compatibility of the proposed use with existing land uses along Hubbs Road, the impact of the proposed development upon the existing scenic views, and the impact of water and drainage to adjoining properties. He described the project scale as "too intense," requesting that the Board limit the development and protect natural resources, scenic vistas, and the current quality of life.

Mr. Bulger commended Ms. Emmons-Andarawis and Mr. Andarawis on the quality of their presentation, noting that they had obviously invested a significant amount of time in research and preparation of the opinions they expressed.

Mr. Vernon Symes, 75 Hubbs Road, explained that he first learned of the proposed subdivision when he noticed surveying ribbons on the property. He asked that the Board consider notifying residents of projects earlier in the process. Mr. Symes reported that he had resided on Hubbs Road for 29 years and he described the proposed development of thirty-three homes as "not fair" to existing residents.

Mr. Glenn Witecki, whose Uncle Chester resides at 87 Hubbs Road, described himself as "in the middle of the issue." Though he recognizes the applicant's right to develop property he owns, he recommended marketing the property "as the resource that it is." He recommended that the developer consider renovating the existing buildings to create a community center and/or providing areas for community gardens. He asked that the residences constructed maintain a "country feel".

Ms. Michelle Bonczkowski, 17 Winkel Way, stated that she was a three-year resident of Dutch Meadows. She was concerned that the proposed development would negatively impact the wetland near her back yard, producing additional drainage onto her property. Ms. Bonczkowski also asked that the Board consider the problems with water pressure that the residents of Dutch Meadows currently experience.

Ms. Sherry Glick, 65 Southbury Road, explained that she grew up at 102 Hubbs Road and that the property slated for development belonged to her grandparents. She reported that the land has not been used for active agriculture for several years and that the fields have become overgrown. She explained that it took "lots of effort" to operate a farm and that to maintain a scenic "viewshed" for others to enjoy. She supports residential development of the property as a means to maintain its cared-for appearance.

Mr. Larry McLaren, 9 Winkel Way, reported that he did not support the applicant's request for approval of an increased development density on property that adjoins his to the north. He noted that residents of Dutch Meadows experience significant drainage problems that may worsen as a result of development. He also asked the Board to protect the land that provides habitat for a number of heron, turkey, deer, and other animals. Mr. McLaren supported "reasonable development" of the land and asked that a 365-day review of the wetlands be conducted since the amount of water contained on the site varies seasonally.

Mr. Paul Baillargeon, reported that his wife inherited the Hubbs Road property from her parents who had resided on Hubbs Road for many years. He explained that much of the wetland and many of the drainage problems that exist in the area resulted from the development of Dutch Meadows. He views the development of homes on the parcel as "progress" and anticipates that the consultant will address all drainage problems.

Mr. Chip Searle, 7 Heidi's Path, described drainage as a "major" concern. He stated that for several years significant ponding of water has occurred between his property and property at 9 Heidi's Path.

Mr. Mark Bonczkowski, 17 Winkel Way, expressed concern regarding increased drainage that would potentially result from the proposed development. He described existing drainage pipe locations and the failure of these installations to adequately handle water flow. Mr. Grasso advised Mr. Bonczkowski to contact the Highway Department.

Ms. Sandra Baillargeon, owner of the property, stated that she had resided in the Town of Clifton Park for more than 60 years and that her parents proudly maintained the land they owned. She now finds that maintenance of the property is impossible and asks that the Town approve the subdivision plan that would bring new families who were able to maintain the property to the area.

Mr. Bulger provided an explanation of the Open Space Incentive Zoning law to those in attendance. He reported that, as a result of the Statement of Findings adopted for the Western Clifton Park Land Conservation Plan and Generic Environmental Impact Statement, the 2003 Comprehensive Plan, and the 2003 Open Space Plan, the Town Board agreed to formulate a zoning code that would be protective of ecological resources and environmentally sensitive areas and preserve important resources such as scenic roads and "diverse residential character." Noting that this application involved a parcel of land that was one of the first identified as a special "agricultural and open space resource" parcel, Mr. Bulger stated that he would find it difficult to approve the increased density request pursuant to the amenity zoning law. He does not support approving a monetary contribution for the acquisition of open space lands for a parcel that is itself a parcel designated for protection and preservation. He will not support the amenity zoning request as presented.

Mr. Russell agreed with Mr. Bulger's position. Mr. Hughes, describing himself as a

member of the Open Space, Trails, and Riverfront Committee, stated that he considers this parcel a “high priority” site and supports its preservation. Though he acknowledged that the property owner has rights to develop the land, he finds that this is a “high priority site” that demands protection. Mr. Kramer stated that the Town of Clifton Park took many years to identify resources within the western portion of Town and implement zoning legislation to protect open space, scenic vistas, agricultural lands, and other elements of life that contributed to the Town’s distinct rural character. He supports the recommendation that the development of this parcel be limited to its base density of 16 or 17 residential units. He recommended that the applicant attempt to preserve the barn and possibly the farmhouse. Mr. Russell recommended that property to the rear of the parcel be developed, thus preserving the open agricultural lands near Hubbs Road. Ms. Pace also supported limited development.

Mr. Lansing described the applicants as “victims of their own maintenance of their own property,” explaining that for many years the owners actively farmed the property, thus providing a desirable “viewshed” that others enjoyed. He asked for the Board’s direction in preparing a viable development plan. Mr. Grasso explained that if the applicant was able to meet all design provisions of the code, the most lots that could be developed on the parcel would be 17. He also explained that there are several options available to the applicant. For example, development rights to the property could be sold either to the Town or to another developer. The applicant could sell the property to a purchaser who would like to continue to farm the land. Mr. Larkin suggested that the applicant consider preparation of a subdivision plan that clusters development in eastern, upland portion of the parcel. He agreed with others that the proposed project plan was unacceptable as submitted.

Mr. Bulger noted that although this Board appears to find this amenity zoning request unacceptable, the Town Board is charged with the final decision regarding acceptance or rejection of the application. Mr. Kramer moved, seconded by Mr. Hughes, to authorize the Planning Board Chairman to prepare a letter to the Town Board recommending that the Town Board reject this applicant’s request for approval to increase the density of a parcel located on Hubbs Road owned by Sandra Baillargeon, by an additional 16 lots. The motion was unanimously carried.

[2005-035] Massaroni Subdivision – Proposed 11 unit residential development, Tanner Road - Public workshop for amenity zoning request pursuant to Section 208-43.16 of The Town of Clifton Park Zoning Code - Referral from Town Board.

Mr. Lansing, consultant for the applicant, explained that this application was originally submitted to the Planning Board as a six (6) lot subdivision in June, 2005. The plan has been significantly revised. The application now requests approval of a nine (9) lot subdivision containing seven single-family residences and two duplexes. The 28.81 acre parcel is located within the CR (Conservation Residential) zone, .36 miles south of Carpenter Way. Mr. Lansing explained that the applicant will utilize the open space incentive zoning provision of the Town Code to increase the allowable density of the site: he provided the rationale for such a request. The proposed project includes the

development of 11 units within approximately 14.05 acres of the 28.81 acre parcel. Of the 11 units, 7 single-family residences and 2 duplex units are proposed. A Special Use Permit application has been submitted to the Building Department for approval of the duplex units within the CR zone. By proposing a conservation subdivision, the applicant believes that the project would promote open space preservation and natural resource protection. The applicant's stated goal is to "encourage sensible growth while maintaining the rural character of the town and the preservation of wetlands and environmentally sensitive areas." Of the total parcel, 8.54 acres have been determined to contain either Army Corps of Engineers or NYS Department of Environmental Conservation designated wetlands. Mr. Lansing reported that the wetlands map had been approved and stamped by the NYSDEC. The parcel is bordered by the existing Falcon Ridge subdivision to the north and the Emerson subdivision to the northeast. The remainder of the bordering properties to the east, west, and south are single family homes and vacant lands.

Mr. Lansing's firm has evaluated the existing environmental constraints found on the parcel. Lands not to be included in the calculation of the minimum number of building lots shall not include federal or state designated wetlands, 100 year floodplains/floodway, or slopes greater than 20%. The number of permissible building lots would then be multiplied by 0.33 units per acre of unconstrained land, resulting in 6.7 units – or 7 units. Pursuant to §208-43 of the Town Code, an applicant may seek approval to increase the development potential of the site. This applicant proposes a conservation subdivision consisting of 11 units which promotes open space and preservation of natural resources through a clustering design. Since the law requires a contribution of \$30,000.00 per additional unit, the total cost to the applicant for the requested amenity would total \$120,000.00.

Mr. Lansing explained that the minimum lot size would be 37,301 SF. The minimum proposed frontage at the building line would be 80'; a minimum 10' side yard setback would be provided; a minimum 25' rear yard setback would be provided. The remainder of the parcel would become permanent Town-identified open space that will provide a continuous open space corridor with contiguous properties. The speaker also pointed out the Town Code requires that 50% of the development site be designated as permanent open space, 25% of which is unconstrained land. Designated permanent open space areas total 14.58 acres. 9.93 acres of that open space would be unconstrained.

Access to the Tanner Road subdivision will be provided by two curb cuts on Tanner Road. The primary roadway will consist of approximately 720 linear feet of paved, private roadway: a combined drive will provide access to the proposed duplex units directly onto Tanner Road. The proposed housing units will be served by extension of the existing water line at Carpenter Way that has adequate water pressure and flows for domestic and fire protection demands. The sanitary sewer service will be extended from the cul-de-sac at Carpenter Way, installed with directional drill methods with an easement to be established between existing and proposed subdivisions. The water and sanitary sewer system shall be designed and constructed in accordance with all local, state, and federal requirements and is proposed for dedication to the appropriate agencies.

Mr. Lansing reports that all storm water management and mitigation will be performed on site.

Ms. Maynard reported that this project originally proposed 5 single-family residential units with a request for one additional amenity unit. The application now includes a total of 7 permitted units, with a request for 4 additional amenity units. On January 8, 2007 the Town Board referred the application to the Planning Board for its recommendation. The applicant has provided an in-depth description of constrained and unconstrained lands, calculations regarding the base density permitted under zoning, and a current amenity zoning request for four additional units that would require a contribution of \$120,000.00 to the Town's land acquisition fund. The project design appears more protective of wetlands than the original project presented for the Board's consideration in June, 2005. The Board should consider whether the proposed duplex lots are designed in accordance with the CR (Conservation Residential) design guidelines. The Board may also consider preserving the NYSDEC wetland corridor along the northern property boundary as a contiguous area rather than dividing it among several property owners. The speaker noted that Lots #10 and #11 have abnormal lot configurations that may provide limited usable rear yards. She recommended that the consultant provide a conservation analysis as required by the CR zoning that looks at attributes of site such as rural scenic character, agricultural uses, heritage features, connections to open space, and the context of parcel within its surroundings. The applicant should work to design a project that protects identified resources.

Mr. Myers, Director of Building and Development, has provided comments regarding this application, advising the applicant that each duplex will require Special Use Permit approval of a The allowable density should be 20.27×0.33 or 6.7 or 6 units. This would again change the amount required for additional units. A meeting with Mr. Myers will be required prior to construction to discuss the SWPPP after it has been submitted and reviewed.

Mr. Grasso presented the comments prepared by Clough, Harbour, and Associates, noting that the maximum allowable density of the project site is 7 units, and that the applicant is requesting an amenity zoning bonus of four units. As such, a total of eleven units are proposed, four of which are included in two, two-family units. The applicant is proposing payment of \$120,000 towards the Town's open space program as the project's "amenity." The Planning Board should evaluate whether amenity zoning should be applied to this project site. Although the intent of the two-family dwellings in the zoning may be to allow in-law apartment type arrangements, the provision for two-family units within the CR (Conservation Residential) zone is permitted, subject to special use permit approval. Of primary importance, the Board should evaluate any negative change in rural character by the allowance of two family units in this area. Impacts may be able to be mitigated through sensitive site planning and architectural design of the houses, but this has not been demonstrated by the plans submitted. The amount of permanent open space proposed is 14.58 acres or 50.6 percent of the total parcel. This satisfies the minimum 50% open space requirement. In addition, 9.93 acres of unconstrained land is included in the open space areas, which is 34% of the total project site area. As such, the 25%

requirement is met. However, there are still substantial amounts of wetlands and regulated adjacent areas not included in the proposed open space areas. It is recommended that the extent of open space areas be extended. The current plan includes 1.35 acres of open space along the Tanner Road frontage. The small area is segmented from the other open space areas proposed for dedication. It is recommended that portions of Lots #1, #2, #3 and #4 along the northerly property line be designated as open space to provide a connection to other open space areas. The entrance to the residential cluster is labeled on the plan as "Proposed Entrance Roadway with Access/Egress Easements." This appears to indicate that this will be a private road and not dedicated to the Town. Although the Town may not wish to accept ownership of a short cul-de-sac serving few houses, each lot shall have a minimum of forty feet of frontage in accordance with Section 179-26C of the Town's subdivision regulations. Lots #1 and #2 are the minimum 80 feet wide and are shown with sixty foot wide houses twenty feet apart. The relationship between these homesites and the existing Habura parcel may not be in keeping with the rural character intent of the zoning. If there is a house on the Habura parcel, it should be shown on the plan. Clough, Harbour, and Associates do not support the route of the force main proposed for the two duplexes. It is recommended that this line be located along Tanner Road and extended to Carpenter Way.

Mr. O'Brien, Environmental Specialist, reported that the ECC had no comment on this application at this time.

Mr. Mike Martin, 15 Carpenter Way, commented that he was opposed to the construction of duplex units since he believes that they detract from the "visual aesthetics" along Tanner Road. He would like to see the single-family look that exists on Carpenter Way and along Tanner Road maintained within Mr. Massaroni's development.

Mr. Hughes, Mr. Kramer, and Mr. Larkin spoke in favor of restricting development to single-family residences. Mr. Larkin asked that a significant setback be provided from Lot #1 to the existing residence along Tanner Road. Mr. Bulger also favored single-family residences rather than duplex units. Mr. Massaroni agreed to limit development to single-family dwellings, thus reducing his amenity zoning request to two additional units for a total contribution of \$60,000.00 to the open space acquisition fund.

Mr. Bulger moved, seconded by Mr. Kramer, to authorize the Chairman to prepare a letter to the Town Board that recommends approval of the amenity zoning request submitted by David Massaroni Builders conditioned upon a revision to the plan that limits the requested amenity increase to two (2) units, requiring a contribution of \$60,000.00 to the Town's land acquisition fund. The motion was unanimously carried.

Minutes Approval

Mr. Bulger moved, seconded by Ms. Pace, approval of the minutes of January 23, 2007

as written. The motion was unanimously carried.

Discussion Items

Jolley Associates – Clifton Park Short Stop

Mr. Mark A. Boorady, PE, representative of Groundwater and Environmental Services, Inc., (GES) explained that his firm is submitting a Remedial Action Plan to the NYS Department of Environmental Conservation to address some impacts that were discovered as a result of the sale of this property. GES proposes a vacuum enhanced groundwater recovery system that will utilize both groundwater extraction pumps to expose the impacts under the water and a vacuum blower to vent the soils. The firm proposes to house necessary equipment in a shed on the property now owned by Jolley Associates. The remediation equipment will require once-a-week monitoring. Though the speaker was not certain of the amount of time required to accomplish remediation, he assured Board members that the shed would not become “a “permanent accessory” on the site. He explained that there is an expiration date on the work permit issued by NYSDEC. He was amenable to an agreement for removal of the shed upon NYDEC’s certification of the decontamination of the site. Board members agreed that the de-contamination of site was necessary and that Jolley Associates should be permitted to proceed with approved site improvements.

Addison Way – Request for Waiver of Setback Requirements

Mr. Frank Foti, who has a contract to purchase property at 51 Addison Way within Addison Estates, explained that he has prepared a number of questions regarding the meaning of clearing and grading limit lines on the proposed subdivision map. Ms. Maynard explained that the setback issue arose when the applicant and the builder requested permission to locate a proposed residence within the required 40’ setback area separating the house from an existing pond on the property that has been designated as an ACOE wetland. Mr. Foti stated that the limits of clearing and grading lines were his most significant concern. Mr. Grasso explained that clearing and grading limits are generally set to provide adequate drainage flows. Following a lengthy discussion regarding plans for lot development and site topography, Board members agreed that clearing and grading to eastern and western property lines as well as to Clifton Park Center Road would be acceptable. Board members were emphatic that the proposed residence be located no closer than forty feet to the pond. The Board suggested that an application for a front setback variance be submitted to the Zoning Board of Appeals: approval of such a variance would allow the location of the house to be moved closer to Clifton Park Center Road, maintaining the 40’ separation to the pond. The Board also agreed that the construction of a deck would be permitted within the clearing and grading limit boundaries.

Sunmark Credit Union – 2 Tower Way

Ms. Christine Frith, Sunmark representative, asked that the Board approve a request for

the installation of a 10' x 14' vinyl-sided, Quaker-style shed at the Sunmark site. The shed would be used for the storage of equipment and trash consisting mostly of paper. Board members found this proposal acceptable and decided that no formal site plan review would be required.

Mr. Bulger moved, seconded by Mr. Kramer, adjournment of the meeting at 11:40p.m. The motion was unanimously carried. The next meeting of the Planning Board scheduled for February 27, 2007 has been canceled. The next meeting of the Board will be held on March 13, 2007.

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, Tom McCarthy, 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 #3

Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on February 13, 2007 there were:

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

Absent: T. Karam

Mr. Kramer offered Resolution #3, and Mr. Hughes seconded, and

Whereas, an application has been made to this Board by David Triller for approval of a subdivision plat entitled Subdivision of the Lands of David Triller consisting of (2) lots, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on February 13, 2007;

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

13, 2007;

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

Now, therefore, be it resolved that the final hearing for this application is waived and that the subdivision plat entitled Subdivision of the Lands of David Triller consisting of (2) lots is granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered provided by the Planning Department and the conveyance of a 10' strip of land along Clifton Park Center Road for future road improvements.

Resolution #3 passed 2/13/07

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

Noes: None

Steven J. Bulger,
Chairman