



Planning Board Meeting
April 24, 2007

Those present at the April 24, 2007 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, T. Karam, J. Larkin, S. Pace
J. Russell
A. Kramer arrived at 8:50p.m. during the discussion regarding the application for the subdivision of the Lands of Czub

Those absent were: J. Russell

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.

Public Hearings

Bufe, Art and Ellen - Proposed (2) lot subdivision, 467 Ballston Lake 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 April 15, 2007.

Mr. Steven Lamb, consultant for the applicant, presented this application that was considered by the Planning Board at its March 27, 2007 meeting at which time the Board found the subdivision plan generally acceptable. The consultant briefly described the project proposal that remains as presented at the March meeting. The proposed residence will be served by an individual well and septic system. Access to the new home will be located at the site of the existing “gravel drive” along Ashdown Road.

Ms. Maynard reported that the Planning Department requested that the adequacy of sight distance be verified at the proposed driveway location and that the information be included on the map. Appropriate postal addresses must be provided on the plan.

Mr. Myers, Director of Building and Development, stated that all required variances were granted by the Zoning Board of Appeals.

The project plan was reviewed by the Saratoga County Planning Board on April 19, 2007 when it was decided that there would be no county wide or inter-community impact. The Board commented, however, that the septic system design must be certified to the town building department by a New York State licensed professional engineer. It was suggested that test data be provided at the location of each septic field to determine if suitable soils exist and adequate vertical separation from groundwater can be achieved. The Board also noted that any subdivision that involves a disturbance greater than one acre but less than five acres requires coverage under NYSDEC's General Permit #GP-02-01 and preparation of a Basic SWPPP (including an erosion and sediment control plan). This should be submitted for review. Post construction controls may not be required.

Mr. Grasso reported that Clough, Harbour, and Associates issued the following comment. NYSDOH regulations require a domestic well to be a minimum of fifteen feet from a property line. The plan indicates a minimum of 100 feet. This may limit the siting of a proposed well. In addition, the plan indicates fifty foot setbacks for the side and rear yards. Justification for restricting the setbacks to greater than the minimums allowed in the zoning district should be clarified on the plan.

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

Mr. Ed Buell, 195 Ashdown Road, spoke in opposition to the proposed subdivision, noting that her and his family resided in a home situated on a sixteen acre parcel not far from the Bufe residence. He stated that he was attracted to the area because of its "farm feeling" and for the "space and natural beauty" that surrounded his home. The speaker described a number of "disappointments" that have resulted from the occupancy – and now resubdivision – of the lands that border his property. Mr. Buell identified several issues of concern, including the unsightly look of the Bufe property and the Zoning Board of Appeals decision to permit the subdivision within the Western Portion of the Town that is not in keeping with Code requirements. A copy of Mr. Buell's comments is attached to these minutes.

Mr. Bob Vaniglia, 197 Ashdown Road, described his dream of living in a "rural" environment. He thought his dream had become reality when he purchased a 7 acre parcel on Ashdown Road – a "tranquil and beautiful" setting. He believed that his choice received increased protection when the Town's zoning laws were amended in 2005. He finds the pending proposal objectionable for several reasons. He stated that his well is located in the front of his property – about 80' from the roadway. He is concerned with contamination and deterioration in the quantity and quality of the water that supplies his home. He is also concerned that the neighbors will store abandoned cars and other debris

on the property, creating a “neighborhood eyesore”. He asked members of the Board if they would like to reside next to the Bufe property.

Ms. Tanya Taylor, 187 Ashdown Road, expressed concerns regarding the proposed driveway location, stating that since her arrival in the neighborhood in 1988, there has been a substantial increase in both commuter and truck traffic, creating unsafe conditions. Ms. Taylor reported that a fatal accident had occurred at the Schaubert-Ashdown Road location. She reported that numerous accidents have occurred at this location and stated her belief that an additional driveway will only add to the current problems. She also expressed concern for impacts to wetlands located on the property, noting that septic systems may encroach on wetland areas.

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

In response to Mr. Larkin’s concerns regarding the delineation of wetlands on the proposed building site, Mr. Lamb responded that no delineation had been completed. It was agreed that such a delineation would be undertaken. Mr. Karam asked if the applicant had considered the possibility of providing a shared access to the proposed residence. The applicant explained that there is an existing access onto Ashdown Road. Since Ashdown Road is a county road, the Saratoga County Department of Public Works will be consulted. Mr. Bulger spoke in response to Mr. Buell’s comment regarding the Zoning Board of Appeals’ approval, explaining that the Planning Board is bound by the decisions rendered by the Zoning Board of Appeals. Mr. Karam encouraged the Planning Department to obtain information regarding the number of accidents that have occurred along this portion of Ashdown Road. He also asked that sight distance information at the location of the access for the proposed residence be provided.

Mr. Bufe stated that he is aware of single-vehicle accidents in the area – the result of drivers traveling at unsafe speeds.

Mr. Pelagalli explained that the Planning Board is empowered to enforce legislation enacted by the Town Board. The Zoning Officer is charged with interpreting the zoning code. Decisions rendered by the Zoning Board of Appeals affect the decisions made by the Planning Board. In response to Mr. Buell’s comments regarding the Zoning Board of Appeals’ action that required no notification of adjoining property owners, Mr. Bulger stated his support and encouragement of Mr. Buell’s appeal to the Town Board to change the existing Town law.

Mr. Larkin stated that visual impacts were of concern. Screening of the proposed residence may be required: aesthetics of development were important to the Planning Board. Board members agreed that no decision could be made at this evening’s meeting. The applicant was directed to conduct a wetland delineation. The number of traffic accidents reported in the area will be researched.

Abele Builders – Proposed (24) lot subdivision, 1562 Crescent Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:45p.m. The Secretary read the public notice as published in the Daily Gazette on April 15, 2007.

Mr. Tom Andress, consultant for the applicant, presented this application that has been considered by the Board at its March 8, 2005, November 14, 2006, and March 27, 2007 meetings. He introduced Mr. Ed Abele, applicant, and Ms. Barbara Beale, representative of Chazen Companies and recognized wetland expert, who were in attendance. Summarizing the project proposal, stating that this subdivision application had been submitted to the Planning Board in 2005, he explained that the applicant would like to develop land that had been held by the family for many years. Mr. Andress explained that although lots within the Crescent Estates South subdivision were generally less than ½ acre in size, the proposed lots for this subdivision were all that size or larger. Access to the single-family residential units would be provided by construction of a new roadway that would serve 14 homes. A private drive to the east would serve an additional 8 homes. The properties would all be served by municipal water and sewer services. Describing the amount of delineated wetlands on the site as “significant,” Mr. Andress explained that the site’s drainage pattern moves from east to west: the stormwater management area would be located on the western portion of the site. The ACOE has approved the field delineations. The ACOE has also established guidelines for development: the Town requirements are more restrictive. Mr. Andress noted that the plan now shows 50’ rear yard setbacks and 40’ side yard setbacks to designated wetlands.

Ms. Maynard explained that this project was last before the Planning Board on March 27, 2007 at which time concerns included the number of proposed lots, lot configuration, orientation of lots, access to development, and potential impacts to wetlands and natural hydrology of the site. Board members recommended that a public hearing be scheduled to provide input into the decision-making process. Ms. Maynard noted that the proposed access drive is relatively close to intersection with Lapp Road and that the plan calls for the construction of two unconnected curb cuts out onto Crescent Road. She explained that since a multi-use path will be extending along southern side of Crescent Road, conflict points should be minimized to the greatest extent practicable. She asked that the applicant quantify the amount of fill necessary to construct the project as planned because such addition to the site could result in disruption of the natural hydrology of area, indirectly impacting adjacent properties. The speaker asked that clearing and grading be minimized in order to protect “natural preventative flooding measures”. The applicant was asked to consider development of a trail connection along Southbury Road between the Abele site and existing homes. According to resident of one of the homes - this was formerly a stonedust trail that was maintained by a homeowners’ association until its dissolution. The applicant has agreed to provide additional right-of-way along Crescent Road for future trail development. Ms. Maynard reported that an adjoining neighbor who resides on Archer Drive is concerned that the conservation easement area located on his property which apparently extends into

the Abele site is not shown on the subdivision plan. The consultant was asked to clarify the status of this wetland area.

Ms. Maynard reported that Mr. Myers, Director of Building and Development, provided several comments regarding this application. He commented that since it appears that none of the wetlands are regulated by DEC, the 100' buffer not required. Further investigation to determine the effect this subdivision will have on drainage in the neighboring areas should be required prior to approval: all efforts to ensure the town does not inherit problems from this development should be made. The potential for drainage and other groundwater issues in this area seems great since the proposed homes and roads are often surrounded by if not directly on, what is currently designated a wetland. A Stormwater Pollution and Prevention Plan still has not been submitted for review: this plan may have an impact on the viability of this proposal.

Ms. Maynard reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that information regarding the length, width, and loading for driveways be provided on the plans. A driveway profile should be included on the plans. Proposed street names must be provided to obtain postal verification information.

Mr. Grasso reiterated a number of concerns expressed at the March 27, 2007 Planning Board meeting. Clough, Harbour, and Associates remains concerned over the orientation and relationship between homes for Lots #18 through #22. The proposed layout will result in minimal preservation of vegetation in this area and the rear of the homes on lots #20 through #22 will be "unbuffered" and extremely visible from Crescent Road. It is recommended that Lots #20 and #21 be eliminated and that the house on Lot #22 be reoriented. This would allow a significant buffer to be preserved along Crescent Road. The setbacks to the wetlands appear appropriate and should reduce the potential for incremental impacts. Legal mechanisms (easements, deed restrictions, public open space) and physical mechanisms (fencing, signage, grading, etc.) should be utilized to reduce the potential for disturbance in these areas. Notification to the future homeowners of the limitations caused by the wetlands and risk of problems associated with high groundwater conditions in the area should be guaranteed. The plan lacks provision of a multi-use pathway from the proposed town road to the intersection of Southbury/Crescent Road as previously requested. Additional right-of-way along Crescent Road should be established to provide a minimum of twenty feet of grassed area between the edge of pavement and right-of-way.

Mr. O'Brien, Environmental Specialist, reported that, after review of data presented, the ECC reiterated several comments issued previously. 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 density seems excessive for the site. 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 the water table.

Although the project appears to meet each numeric requirement for the protection of Federal Wetlands, the ECC is concerned that the intensity of the development appears to raise concerns to the ECC that the subdivision will not meet the intent of the Town of Clifton Park Comprehensive Plan; e.g., maintenance, liability, environmental and esthetic issues. The ECC also reiterated that the Commission notes that the proposed design may promote fragmentation of wetlands and lead to failure of the wetland system and its benefits.

Additionally, the ECC made the following recommendation. To address the ECC'S concerns over the potential for excessive vegetation removal, any final plans should detail which areas are to remain undisturbed, including mature vegetation. This is especially important on this parcel due to the hydrology of the area and the existing buffer to the surrounding areas.

Mr. Bill Firsty, 16 Southbury Road, offered several comments regarding this application. He expressed several concerns regarding this development plans that proposes development in close proximity to his family residence in the Crescent Estates South subdivision. The first item of concern was identified as traffic safety. Mr. Firsty explained that during morning and afternoon peak travel times there is significant traffic congestion on Crescent Road. In his opinion, the addition of several homes along the corridor would only increase an existing problem. The speaker's second concern focused on wetlands. He noted that several of the proposed residences appear to encroach on delineated wetland areas. His third concern involved the ability of Okte Elementary School – the local neighborhood school associated with Shenendehowa Central School District – to absorb new students into the building. He believes that the facility is nearing capacity. Mr. Firsty recommended that developers be required donate land for the construction of a new school. He also asked that the purpose of the buffer areas shown on the plans be clarified. Mr. Firsty noted that a lack of maintenance had resulted in the gradual deterioration and ultimate loss of the trail that was originally located directly west of the residences bordering the entrance to Crescent Estates South. In his opinion, trail connections may be viewed as “good or bad” depending upon one's perspective. Mr. Firsty explained that the area slated for development offered a secure habitat for wildlife and he reported that deer frequent his yard. He concluded his remarks by asking if the Board had requested the completion of an EIS to identify potential negative impacts of the development on adjoining property owners.

Mr. Bob and Mrs. Mary Bird, 50 Archer Drive, reported that their property, that directly adjoins the Abele site, receives significant run-off from other properties. Explaining that their property now has standing water in the back yard, they expressed serious concerns about additional water that may be directed to their property as a result of the Abele development. Ms. Bird also asked Board members to consider the traffic problems on Crescent Road. She stated that as an employee of the Shenendehowa School District who works at Okte Elementary School, she was very concerned about the safety of children and other pedestrians using the Crescent Road corridor. She believes that the proposed development will add to existing traffic congestion.

Mr. Bill O'Grady, 52 Archer Drive, described the wetland in his backyard and expressed his fear that the planned development on the adjoining property would increase the water flow to his property.

There being no further public comment, Mr. Bulger moved, seconded by Mr. Karam, adjournment of the public hearing at 8:25p.m. The motion was unanimously carried. Mr. Bulger explained that the public hearing will be reconvened when the applicant submits a revised project plan.

Mr. Grasso asked Mr. Andress to describe the drainage patterns identified on the site. Mr. Andress described the general flow of water as moving generally from east to west across the site. The water would be directed to a stormwater management area located in the northwestern portion of the parcel where it would be directed across Crescent Road and behind Okte Elementary School. Mr. Bulger explained that no project is permitted to impact adjoining properties: the developer can not make a drainage situation worse. He stated that stormwater regulations have become stricter in the last few years, offering protection for existing residents.

Mr. Timpanaro, 16 Longwood Drive, reported that his property is "very wet" and he asked that the Planning Board guarantee that drainage to his property will not increase as a result of the proposed construction. In response to his concerns, Mr. Bulger stated that the Board utilizes the best engineering information available to review and analyze proposals and ensures that all federal, state, and local statutes and code regulations are followed.

Ms. Audrey Sickles, 18 Southbury Road, explained that she was a new resident of the Crescent Estates South area and asked about the status of the trails that were apparently constructed when the Crescent Estates South subdivision was being built. Mr. Firsty explained that the trails were installed behind some of the homes on Southbury Road; however, they were never maintained and over the years were abandoned.

Mr. Andress noted that the Board had requested that he consult with Mr. Rick Kukuk, Highway Superintendent, regarding the installation of a cul-de-sac to serve the homes on the "combined drive": Mr. Kukuk was not in favor of the construction of a town roadway.

Mr. Larkin asked those in attendance who lived along Southbury Road if they would support the development of a trail link behind their homes. Since the trail would be of limited length, its redevelopment does not appear warranted.

Board members encouraged the applicant to address the concerns expressed by the residents. It was noted that as of March 18, 2007, any wetland disturbance of federally jurisdictional wetlands would require review by the Army Corps of Engineers.

Czub, Vivien – Proposed (2) lot subdivision, 527 Miller Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 8:35p.m. The Secretary read the public notice as published in the Daily Gazette on April 15, 2007.

Mr. Frank Palumbo, consultant for the applicant, presented this subdivision application that remains generally as presented at the March 27, 2007 meeting. Utilities will be provided to the new lot by extension of existing lines along Route 146. Final easements will be established in accordance with Clifton Park Water Authority and Saratoga County Sewer District directives.

Ms. Maynard presented comments prepared by the Planning Department. She read comments prepared by the sewer district representative. "Since the proposed sewer hook up would be outside of the Corporate Commerce Sewer District, an outside user agreement must be executed. A \$1,000 hook up fee will be required prior to making the connection. The outside user agreement typically reflects 1½ times the current rate. If the line will serve more than 1 home, ownership of line will need to be clarified and the district may need to be considered for an extension. The applicant was advised to work out an outside user agreement with the Town acting as steward for the Corporate Commerce Sewer District." The driveway and existing easement for the Lands of Capelli to north must be shown on the plan. The applicant must clarify that this parcel is intended to be conveyed to a family member. The applicant should clarify the purpose and grading (if any) required for the area labeled "storm control". The plan should include a site statistics table that lists the zoning district, total lot dimensions, size of lots, setback requirements, and other pertinent data. A standard title block should be used. Sight distance information should be included on the plan. The project will require sign-offs from Clifton Park Water Authority, Town Sewer District, and Saratoga County Sewer District.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the concept subdivision plan for the above referenced project and offered the following comments. The proposed grantee of the utility easement should be indicated and detailed construction plans for the public water main extension should be submitted. NYSDOH approval of the public water main extension will be required. The plan should clarify if the force main will be municipally owned. If so, construction plans for the public sewer extension should be submitted and NYSDEC approval will be required. A zoning data table should be provided.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the data presented, the ECC reiterated its previous comment. The following standard statements must be placed on the plan:

1. 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.
2. 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.

3. The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 8:50p.m. The motion was unanimously carried.

Board members found the proposal acceptable.

Mr. Kramer arrived at the meeting at 8:50p.m.

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

Mr. Larkin offered Resolution #8, seconded by Mr. Karam, to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of the comments offered by the Planning Department and Clough, Harbour, and Associates. Ayes: Pace, Karam, Larkin, Bulger. Noes: None. Abstained: Kramer.

Old Business

Clifton Country Road Associates – Proposed 32,256 SF retail/office building, Southside Drive – Preliminary site plan review and possible determination.

Mr. Tom Andress, consultant for the applicant, explained that this application had been reviewed by the Board at its April 18, 2007 meeting. At that time the Board requested that signage and striping be added to the pedestrian crossing areas and that additional landscaping be added to the area north of Southside Drive between this project and the lands owned by DCG Development Company. These revisions have been made to the plan.

Ms. Maynard offered the following comments on the application that was last reviewed by the Board at its April 18, 2007 meeting at which time the Board found the plan generally acceptable. Since that time correspondence has been received from Saratoga County Planning Board stating that the project has been reviewed and approved. A letter from DCG Development Company expresses concerns regarding the possible impacts of stormwater on their property. Landscaping, rather than the proposed timber retaining wall is recommended to separate the proposed access roads. Colored façade renderings must be included with each set of final plans submitted for stamping. The Board understands that this applicant is committed to modifications of site development that may be required as a result of development on the adjoining parcel. The applicant has agreed to this condition. A landscaping plan that shows substantial screening between this property and the proposed development on the DCG Development site must be included with the plan: trees must be planted between the two properties from the access on Southside Drive to the buildings' southernmost walls.

Mr. Grasso reported that Clough, Harbour, and Associates found the plan acceptable, though he recommended that the landscaping between the properties be designed as “offset rows”.

Mr. Mike O’Brien, Environmental Specialist, stated that the ECC found the plans acceptable.

Mr. Karam 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. Bulger moved, seconded by Mr. Kramer, to grant preliminary and final site plan approval to this application, conditioned upon acceptance of the planting plan by the professional staff. The motion was unanimously carried.

M. J. Rekucki Construction, Inc. – Proposed amendment to site plan approved for 10,000 SF office building on September 13, 2006, 9 Old Plank Road – Preliminary site plan review and possible determination.

Mr. Tom Andress, consultant for the applicant, explained that this project remains as presented at the April 18, 2007 meeting. He presented architectural renderings for the Board’s consideration and stated that the agreement between the applicant and the owner of the church property regarding grading would be submitted to the Planning Department.

Ms. Maynard reported that all comments issued by the Planning Department had been satisfied.

Both Clough, Harbour, and Associates and the ECC found that the applicant had satisfied all issues of concern.

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

One Fairchild Square, Inc. – Proposed parking lot modification, 1 Fairchild Square – Preliminary site plan review and possible determination.

Mr. Tom Andress, consultant for the applicant, presented a revised site plan that illustrated the proposal for the modification of the parking area at the Fairchild Square building. The parking area has been redesigned to make access to the building more convenient. Mr. Andress explained that it is difficult to calculate the total number of parking spaces on the site because not all parking areas are properly striped. The

proposed improvement is viewed as temporary since the applicant is planning future renovation of the building as well as the site.

Ms. Maynard reported that the Planning Department found the proposed parking lot modification acceptable.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the preliminary site plan for the above project and prepared the following comments. The plan appears to be providing for an additional row of eighteen parking spaces “in front of” an existing row of parking in front of the building. The plan appears to provide a single point of access to the new parking spaces. The applicant should provide a second point of access at the other end of the new parking area to reduce conflict at the location of the proposed entrance. Appropriate radii and curbed islands should be installed at the ends to provide circulation control and provide areas for landscaping. The plan indicates that the existing light poles will be relocated, but does not indicate the new locations. This information should be added to the plan. Additional screening trees should be installed in the vicinity of the drywell to provide additional screening to the loading area. The grading plan for the area in front of the building appears to show the proposed grading ending with a 294 contour shown where the existing elevation appears to be approximately 299. There is no indication of how this resulting elevation difference will be made up. The apparent encroachment of parking over the southerly property line should be addressed.

Mr. O’Brien, Environmental Specialist, explained that after review of data presented, the ECC reiterated the following recommendation. Per section 208-64 A (3), of the Town Code, the proposed project should include a tree inventory to ensure that at least fifty percent (50%) of trees, six inches (6”) or more in diameter are preserved. The ECC requests that the applicant determine whether an original tree inventory was created and, if so, that this project should not result in a significant loss of mature trees.

In response to comments made by Mr. Larkin concerning the encroachment along the site’s southern boundary line, Mr. Andress reported that the applicant will remove the parking spaces that extend beyond the property’s boundary.

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.

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 Clough, Harbour, and Associates. The motion was unanimously carried.

Farone, Thomas J. & Sons – Proposed 7,500 SF office use in (2) buildings, Lapp and Crescent Roads – Preliminary site plan review and possible determination.

Mr. Gavin Vuillaume, the applicant’s consultant, provided a brief overview of this project plan, noting that, with the exception of the addition of the sidewalk to the map, it

remains as presented at the March 27, 2007 meeting. Mr. Vuillaume explained that the applicant is aware of existing drainage problems in the area. The project plans have include a drainage plan designed to handle water flow more effectively.

Ms. Maynard noted that the latest plans do not reflect the requested pedestrian connection at the Crescent-Lapp Road intersection or the additional trees along both Lapp and Crescent Roads. She asked that the applicant provide assurance that all stormwater management will be handled on-site. Mr. Steve Myers, Director of Building and Development, noted that “this property directs a significant amount of runoff towards properties on Easton Drive. The existing and proposed contours do not seem to fully correct this issue.” A meeting with him will be required prior to start of construction to review the requirements of the SWPPP and ensure all issues are addressed.

Mr. Grasso, Clough, Harbour, and Associates, stated that this project was granted conditional final approval by the Planning Board on January 25, 2005. All conditions of approval were satisfied and the plans were signed by the Planning Board Chairman on June 8, 2006. No work was progressed and the site plan approval expired under the terms of Section 208-120 of the Town Code. The current submission includes a Grading and Drainage Plan; Dimensional Layout & Lighting Plan; Utility Plan; Planting Plan; Erosion and Sediment Control Plan; Easement Plan and Layout; Site Details and Utility Details. All drawings are dated April 4, 2007. Based on review of the current plans, it appears these plans are the same as the plans approved in January 2005.

Mr. O’Brien explained that the ECC reiterated the following comments. The ECC recommends that the applicant augment the proposed plants in the northwest quadrant of both Lots #132 and #134. The ECC notes that it appears on the map that existing vegetation on the northwest quadrant of Lot #134 will be disturbed or destroyed during construction and the vegetation replacement should be anticipated with the planting plan.

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

Mr. Karam moved, seconded by Ms. Pace, to grant preliminary and final site plan approval conditioned upon the satisfaction of comments offered by the Planning Department, Clough, Harbour, and Associates, the Planning Board, and the Director of Building and Development. The motion was unanimously carried.

Cloverdale Meadows – Proposed (17) lot subdivision, Hubbs Road – Conceptual review.

Mr. Scott Lansing, consultant for the applicant, presented significantly revised concept plans for this project that was originally presented to the Board at its February 13, 2007 meeting. Mr. Scott Lansing, consultant for the applicant, “recapped” the original subdivision proposal that called for the development of 33 single-family lots. The concept plan required the approval of 16 lots pursuant to amenity zoning requirements. The applicant presents a revised plan that includes an inventory of natural

resources found on the site as well as a “conservation of natural resources plan.” A number of photographs presented as a part of the application illustrated the “visual aesthetics,” topography, and gentle slopes found on the property. Approximately 15.6 acres of wetlands – both NYSDEC and ACOE – have been delineated on the property. The existing farmhouse site contains the farmhouse, barn, tool shed, and pond. The overall parcel is approximately 65.73 acres located in the (CR) Conservation Residential zone. Federal or state wetlands total 15.60 acres. Mr. Lansing explained that as a result of significant growth within the Town of Clifton Park, studies were performed creating the Town’s GEIS, Comprehensive Plan, and Open Space Plan to balance development and protect the Town’s valuable resources. It is the “Town’s vision” to “retain the rural, residential, agricultural, and recreational nature” of the Western Portion of the Town. The applicant is proposing the development of 17 units: 16 units in a conservation subdivision and one unit as a homestead lot.

Mr. Lansing explained that after reviewing the conservation and resource analysis report, it was determined that development in the northwestern portion of the parcel would have the least impact on the environment and adjoining properties. By proposing development in that area, the barn and associated outbuildings – with the exception of the house – would be maintained. The scenic vista along Hubbs Road would remain, preserving the rural character of the area. A low-impact design has been applied to the conceptual layout for the purpose of promoting open space preservation and protecting environmentally sensitive areas. The minimum proposed lot size is 25,047 SF. The minimum proposed frontage is 80 feet at the building line and the proposed setbacks are 30 feet front yard, 10 feet side yard, and 25 feet side yard. All frontage and setback requirements for the project will be met. All NYSDEC wetlands will be protected by a 100’ buffer. An additional 50’ buffer will be applied to all ACOE and NYSDEC wetlands. Forested areas will be protected to the greatest extent practicable. Mr. Lansing explained that during the public workshop held to discuss the original proposal, residents of Dutch Meadows were concerned with current drainage issues and expressed concerns that any further development would increase the drainage problems they already experience.

Mr. Lansing stated that a homestead lot has been proposed on the northeastern portion of the site to maintain the rural character of the area and protect open space scenic views. He explained that the Town of Clifton Park zoning law requires that 50% of the development site be designated as permanent open space. Town code also states that, where permanent open space is proposed, it must include 25% of the unconstrained land of the parcel. Designated permanent open space will total 33.13 acres of land: 20.30 acres is labeled as “unconstrained open space” – 40% of the buildable or unconstrained land. Open space areas have been maintained along Hubbs Road to provide a vegetative buffer between the residential lots and existing roadways. Vehicular access to the proposed Cloverdale Meadows will be provided by a single curb cut onto Hubbs Road. The primary infrastructure for the development will consist of approximately 1,463 SF linear feet of pave roadway constructed in accordance with the Town of Clifton Park Highway Design Standards. Water services and sanitary sewer extensions will be provided by extensions of those lines from the Lands of Garry Heflin located south of the

proposed project. Stormwater management and mitigation will be performed on site. Mr. Lansing stressed that the proposed project will provide a desirable balance between growth and conservation in accordance with Conservation Residential zoning.

Mr. Lansing provided the following arguments as rationale for situating the proposed homes on the western portion of the site. The applicant would like to situate the proposed homes at a distance from the existing Dutch Meadows development to minimize impacts to existing residents. The agricultural soils are widely dispersed throughout the development parcel: development on one side of the site or the other will not result in negative impacts to this resources. Should development occur as proposed, drainage from the area can be more easily handled. One development goal is to maintain the “homestead lot” as it exists: the proposed development plan ensures this. Visual impacts will be less should development occur on the western portion of the site.

Ms. Maynard explained that the 33 lot open space incentive zoning request for development of this site was unanimously rejected by the Planning Board in February. The applicant subsequently withdrew the application and now proposes a 17 unit development based upon CR zoning guidelines.

The speaker commended the applicant for submission of a revised application that reflects conservation analysis approach outlined in the code. She explained that code requirements encourage the applicant to identify site resources and design a project that preserves and protects them to the greatest extent practicable. She also commended the applicant’s positive response to public and Planning Board concerns regarding preservation of the historic barn on the property.

Ms. Maynard reported that this property is considered a valuable “Open Space Resource” and that Hubbs Road has been identified as a scenic corridor in Town’s Open Space plan. It is recommended that views from Hubbs Road are a very significant part of the rural landscape and should be protected. It is recommended that development occur on eastern portion of site. The speaker recommended that the applicant consider a cluster design to minimize impacts. The Board may wish to request that a “stub street” be provided in anticipation of development of lands to the west. Future trail connections should also be included as part of the design plan.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the concept subdivision plan for the above referenced project and offered the following comments. The layout has been revised to propose sixteen single-family residential lots and a 17.07 acre homestead lot. The speaker commended the applicant’s consultant on the very detailed and clear presentation of the agricultural, open space, and environmentally sensitive resources both within the project site and on the adjacent properties. Based on review of all the information, Clough, Harbour, and Associates continues to recommend that the proposed development be relocated to the east side of the property. The visual and rural character change to the area, particularly when viewed from Hubbs Road, will be significantly less than if the development is constructed on the west side of the property. If possible, it is recommended that the existing barn be retained. The Town’s Open Space Coordinator should be consulted for possible conservation methods and potential uses. It does not appear the existing farm pond is a jurisdictional wetland area.

As such, consideration should be given to expanding or modifying this feature to provide storm water management for the proposed development. An extension of the proposed public water main to Heidi's Path will be required to provide a looped system. It is recommended that a multi-use pathway from Rolling Meadows to the proposed internal subdivision road. Development of the eastern portion of the site should include particular attention to the drainage along the eastern property line.

Mr. O'Brien, Environmental Specialist, reported that the ECC issued the following comments regarding this application. The following standard statements should be added to the plot plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.
- 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 ECC also advised that the subdivision design must take into account the potential for a high water table on the parcel. Residences should be designed and situated to reduce the potential for water problems in the basements. The Commission further recommended that the proposed sewer and water easements accommodate surface use such as a multi-use trail.

Mr. Larkin spoke to the issue of water pressure, noting that one of the benefits of development of the Rolling Meadows subdivision for existing Dutch Meadows residents was that water pressure would be increased. The consultant will provide data regarding the impacts and/or improvements to the water service for existing residents. Mr. Larkin also stated his support for the development to be located on the eastern portion of the site. Mr. Kramer supported this position, noting that development on the eastern portion of the site would preserve the "beautiful vistas" along Hubbs Road. The speaker spoke in support of the "homestead" lot and commended Mr. and Mrs. Andawaris for their efforts to protect the property by working with the Town to purchase the property if the Town was able to secure development rights. Though Ms. Viggiani, Open Space Coordinator, contacted the Baillargeon family regarding the proposal, the family chose to continue with development proposals.

Mr. Kurt Kienist, applicant, explained that he was trying to keep the owner's goals in mind. The Baillargeon would have a house built on the property. He understands the Board's attempt to preserve the rural character of the area and believes

that the plan presented “would make the most people happy,” while preserving the “sentimental” value of the property and its resources.

Mr. Larkin stated that the “most acceptable lay-out” may not provide for the development of seventeen building lots. He referenced the Greenfield Village Foundation in Michigan as an example of desirable preservation. Mr. Karam would support the family should they wish to maintain the homestead. Mr. Bulger observed that, due to drainage concerns, the residents of Dutch Meadows directly adjoining this property would likely prefer the plan for development to the west. Mr. Larkin commented that there were only two (2) homes impacted by development on the eastern portion of the site. Ms. Pace observed that if the farm area were to be preserved, it would be reasonable to provide contiguous acreage with the farmhouse and barn. Mr. Bulger commented that it would be necessary to know what the project plan would look like should it be located on the eastern side of the property. Such a presentation would provide the Board with information required to make a reasonable decision regarding the location of the proposed development. Mr. Kramer recommended that Planning Board members visit the site.

Omnipoint Communication, Inc. – Proposed co-location of six (6) panel antennas, 21st Century Park – Preliminary site plan review and possible determination.

Mr. Jeff Davis, legal representative for the applicant, presented a brief overview of this application, explaining that all comments issued by Clough, Harbour, and Associates have been addressed. Plans have been revised to reflect requested modifications to the plan.

Ms. Maynard reported that this project was last reviewed by the Planning Board at the March 13, 2007 meeting: the Board found the project generally acceptable.

Mr. Myers, Director of Building and Development, provided a comment that states that upon satisfaction of all Planning Board comments and conditions, a stamped site plan will be provided. This will allow the issuance of the permit and subsequent inspections of all electrical installations and site improvements by Town officials. The applicant must apply for a Building Permit from the Building Department.

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

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

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

Mr. Bulger moved, seconded by Mr. Larkin, to grant preliminary and final site plan approval conditioned upon the satisfaction of comments offered by the Planning

Department, Clough, Harbour, and Associates, and the Planning Board. The motion was unanimously carried.

New Business

McDonald's Restaurant – Proposed redevelopment of existing restaurant site, 829 Route 146 – Conceptual site plan review.

Representatives for the applicant – Owen Speulstra and Chris Bouyea, of Bohler Engineering - presented this conceptual site plan review for the Board's consideration. Mr. Ed Beeler, representative for MacDonald's, was also in attendance at the meeting. The proposed redevelopment of the MacDonald's site calls for a one-way traffic pattern, 100% compliance with ADA requirements, significant landscaping at the front and rear of the site, the installation of new underground utilities, upgrading of the water system, enhancement of the site, and a new restaurant facility. It was noted that the building will be situated within the required 80' setback and that the green space requirement would not be met. Façade renderings were presented for the Board's review.

Ms. Maynard offered several comments prepared by the Planning Department. She stated that integration of adjoining sites should be considered: a pedestrian connection between the MacDonald's site and KFC should be shown on the project plans. Although there are currently 78 parking spaces provided on the site, the redevelopment plan calls for the installation of 61 spaces. Ms. Maynard recommended that the applicant consider a shared parking arrangement with adjoining businesses in an attempt to reduce the number of spaces provided on site. She explained that code required the installation of 42 spaces. The speaker noted that the site has only 22% green area: the applicant might consider modification of the site to provide additional green space.

Mr. Steve Myers, Director of Building and Development, provided comments regarding this application in memo dated April 5, 2007. He notes that the building has two (2) fronts (Route 146 and Park Avenue). There is a strip of land along Maxwell Road that belongs to NYSDOT, between Maxwell and the McDonald's property; therefore, the Maxwell Road side is not a front. Some variances beyond those noted in the analysis table will also be required. Mr. Myers believes that all other variances listed as existing and non-conforming are also required since this is now considered to be new construction.

A memo provided by Mr. Jim DiPasquale, Director of the Saratoga County Sewer District stated that "redevelopment of the site will require a review submittal and construction application for reconnection to the sanitary sewer system." The agency also requests that provisions be taken during the redevelopment to secure the existing Sanitary Sewer lateral from the introduction of extraneous flows. Information will need to be presented to determine appropriate grease trap sizing for the new restaurant.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the conceptual site plan for this project and provided the following comments. The proposed project is an "Unlisted" action pursuant to SEQR, and as such coordinated review is optional. The

involved agencies are the Planning Board and the Saratoga County Planning Board. The project proposes the removal of the existing 3,800 square foot building and construction of a new 5,300 square foot building, a building size increase of 40%. Since the existing structure is being demolished the site should comply with the current zoning requirements with regard to building and parking setbacks and green space requirements. The site has three front yard setbacks and one rear yard setback, as such parking should be located 30 feet from the property line. While it is recognized that McDonald's existed prior to the construction of Maxwell Drive and Park Avenue, and that there are significant right-of-ways on these streets, the existing curb lines should not be pushed closer the property line from what presently exists. The current zoning requires 42 spaces: 1 space for every 75 square feet of customer service area. The proposed plan calls for the construction of 61 spaces however the greenspace area will remain significantly below (24.9%) the minimum 35% required. It appears that if the number of parking spaces provided were consistent with the code the amount of green space provided would approach 35%. The project will be required to conform with the NYS DEC stormwater requirements for redevelopment of the site. A pre-treatment area will be required prior to discharge into the existing drywell system as proposed. It is recommended that new energy efficient light fixtures with cut-offs be installed in lieu of reutilizing the existing lights. Elevations should be submitted for the proposed shed and trash enclosure to be located at the Maxwell and Park intersection.

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

Mr. Kramer reported that he found the façade renderings appealing and Board members found the plan generally acceptable. They advised the applicant to seek approvals from the Zoning Board of Appeals for the required variances. They also asked the applicant to incorporate pedestrian connections into the plan.

Clifton Park Water Authority – Proposed (2) lot subdivision, Route 146 – Conceptual review.

In the absence of a representative of the Clifton Park Water Authority, Mr. Grasso presented this application for the Board's review.

Ms. Maynard reported that the Planning Department found the proposed plan generally acceptable, though she noted that the subdivision plat must be prepared in accordance with all requirements for preliminary and final application procedures listed in the Town of Clifton Park Town code. Plans must also conform to Saratoga County filing requirements.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the subdivision plan for the above referenced project offered the following comments. The proposed project appears to be an "Unlisted" action pursuant to SEQR and as such, coordinated review is not required. Section 239 referral to the Saratoga County Planning Board appears required. A copy of the negative declaration issued by the Clifton Park Water Authority does not reference the subdivision application or the Town of Clifton

Park Planning Board or Saratoga County Planning Board as involved agencies. As such, the Planning Board may wish to accept lead agency status and make a separate SEQR determination. The plan should indicate the grantor and grantees of the respective easements. In addition, the location of the stone driveway should be shown to verify that it is within the proposed easement. The Town should reserve the right to modify the access to the pump station if it so chooses. It should be confirmed if the size of the plan is suitable for filing by Saratoga County.

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

Board members found this proposal acceptable. A public hearing will be scheduled.

Minutes Approval:

The minutes of the April 18, 2007 meeting were not available for approval.

Discussion Items

Panchos – Plaza 8

The owners of Panchos of Clifton Park, a restaurant located in Plaza 8, have requested permission to construct an outdoor seating area. The proposal calls for the construction of a cement slab along the northern wall of the restaurant that will provide space for the placement of up to eight tables. Fencing will enclose the area and umbrellas at each table are proposed to provide shade. Board members found the proposal acceptable, though they asked that the owners provide detailed information regarding the construction of the cement slab, the number of tables that would be accommodated in the outside area, and the type of fencing proposed to enclose the outside eating area.

Mr. Larkin moved, seconded by Mr. Karam, adjournment of the meeting at 11:30p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held on Tuesday, April 24, 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 #8

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 April 24, 2007 there were:

Present: S. Bulger, Chairman, T. Karam, J. Larkin S. Pace,
Mr. Kramer arrived during the discussion

Absent: J. Russell

Mr. Larkin offered Resolution #8, and Mr. Karam seconded, and

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

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on April 24, 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 April 24, 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 Vivien Czub consisting of (2) lots is granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered provided by the Planning Department and Clough, Harbour, and Associates.

Resolution #8 passed 4/24/07

Ayes: Larkin, Pace, Karam, Bulger

Noes: None

Abstained: Kramer

Steven J. Bulger,
Chairman