

**Planning Board Meeting**  
**May 8, 2007**

Those present at the May 8, 2007 Planning Board meeting were:

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

Those absent were: J. Russell

Those also present were: K. Maynard, Director of Planning;  
J. Grasso, Clough, Harbour and Associates;  
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**

[2007-017] **Triller, Michael** – Proposed (2) lot subdivision of the Lands of Ellen Z. Thaler, 483 Miller Road – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:15p.m. The Secretary read the public notice as published in the Daily Gazette on April 28, 2007.

Mr. David Flanders, consultant for the applicant, presented this application for the Board's review, explaining that the proposal remains generally as presented at the April 18, 2007 meeting. The applicant intends to subdivide a 2.5 acre parcel in the R-1 zone on the east side of Miller Road, north of its intersection with Waite Road into lots of .91 acres and 1.6 acres, respectively. The smaller lot will contain an existing residence. The plan indicates that an existing barn - or a portion of that structure - on the property will be removed. Access to the proposed residence will be provided by an additional curb cut onto Miller Road. The consultant noted, however, that the revised plan submitted to the Planning Department on May 4, 2007 now shows that the new home will connect to an

existing pressure sewer line located on the west side of Miller Road. The plan now shows the sight distances along Miller Road at the proposed driveway location as well as the 5' strip of land to be conveyed to the Town of Clifton Park for future roadway improvements.

There being no public comment regarding this application, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 7:22p.m. The motion carried unanimously.

Ms. Maynard reported that the Planning Department prepared the following comments. This application was reviewed by the Planning Board at its April 18, 2007 meeting at which time the Board found the plan generally acceptable. Mr. Flanders has submitted plans that now show that the proposed residence will be connected to the existing sanitary sewer system on Miller Road via installation of a 2' pressure sewer line. Sign-off will be required from Saratoga County Sewer District. Sight distances have been shown on the plan and the 5' strip to be conveyed to the Town has been shown. Appropriate postal addresses must be added to the plan. Ms. Maynard recommended that the Board request information regarding the age and historical significance of the barn that is slated for demolition.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the revised subdivision plan for the above project prepared by David Flanders Associates dated March 1, 2007 (last revised 4/23/07) prepared the following comments. The soil investigation results and location demonstrating adequate depth to restrictive layer and adequacy percolation rate should be added to the plan. Assuming the proposed well location is not down gradient from the existing septic system location or proposed septic system location, a minimum 100 foot separation distance should be shown. If down gradient, a minimum 200 foot separation distance should be shown. The method of water supply for the existing house should be identified on the plan. If the house is served by an existing well, the proposed location of the septic system may be further constrained.

After learning that new residence would be connected to an existing sewer district line, Mr. Grasso stated that comments regarding the septic system installation were no longer relevant. He did request that the applicant provide details regarding the connection to the municipal sanitary service.

Mr. Bulger read the comments and recommendations provided by the ECC. Mr. O'Brien, Environmental Specialist, reported that, after review of data presented, the ECC requested that the applicant identify whether any Army Corps of Engineers (ACOE) wetlands exist on the property.

In response to Mr. Kramer's question regarding the historical significance of the existing barn, Mr. Flanders explained that the barn did not appear to be "historic" in nature. Board members agreed with Mr. Bulger's suggestion that the applicant allow 30 days for the members of the Historic Preservation Commission to conduct a site visit and

to document any elements of historic significance. The applicant who was in attendance at the meeting agreed to this condition.

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. Larkin offered Resolution #9, seconded by Mr. Karam, to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of the comments offered by Clough, Harbour, and Associates, the Planning Department, and the Planning Board. Ayes: Kramer, Larkin, Pace, Karam, Bulger. Noes: None.

### **Old Business**

[2007-009] **International Center PUD** – Proposed amendment to change “Southard House” use from retail to office, 1585/1587 Route 146 – Preliminary site plan review and possible determination.

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

[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 – Revised conceptual site plan review.

Mr. Ed Abele, applicant, presented this project plan that was last reviewed by the Planning Board on February 13, 2007. Describing the proposed project as the “final phase” of this site development, he explained that a substantial amount of engineering work has been completed for the project. A “tasteful” façade rendering will be submitted as part of the preliminary site plan submission. He introduced a marketing representative as well as a representative from Starbucks who were in attendance.

Mr. Gavin Vuillaume, consultant for the applicant, explained that the plan remains generally as presented. He did, however, present two plans for the Board’s consideration. The first showed the buildings as aligned in the original submission. The drive-thru was located along the western wall of the larger building. The second drawing illustrated a re-alignment of the larger building to keep a “straight line” look with the adjoining Chili’s restaurant. The drive-thru would be located on the eastern side of the larger building. Both plans indicated that storm water will be directed to a basin in the northwestern portion of the site

Mr. Abele stated that a traffic report prepared by Creighton-Manning has been submitted for the Board’s review. The report has also been forwarded to the New York State Department of Transportation for review and comment. Mr. Vuillaume summarized the conclusions provided in the document, noting that access to Route 9 was a key component of site development.

Ms. Maynard reported that this application has been presented to the Board only once - at its February 13, 2007 meeting. At that time the Board discussed a number of issues, including building orientation, location of the proposed drive-thru, pedestrian and vehicular connections to adjoining sites, traffic safety issues and site access, parking requirements, and green space. The revised plan shows a pedestrian connection to the site; however, the proposed "possible cross access drive" has been removed from the plan. The cross-easement connection is still recommended by the Department. Based upon the proposed uses and square footage, the number of parking spaces provided on site should be 49: the applicant has provided only 48. The site statistics table should be revised to include code requirements as well as proposed development statistics. The planting plan appears quite extensive, though additional plantings may be warranted around the proposed sign along NYS Route 146, the pedestrian walkway between the proposed site and Chili's Restaurant, and the laundromat shopping center area. Sign-offs from the Clifton Park Water Authority and the Saratoga County Sewer District will be required. NYSDOT approvals will also be required. Approval from the Saratoga County Planning Board was granted on February 22, 2007. The traffic report provided by Creighton-Manning concludes that "the level of service analysis indicates that both of the signalized study area intersections will operate at similar levels of service after the completion of the project as it does prior to completion." The report further states that "it is offered that Northside Drive be opened as proposed (right in/right out, left in). After build-out of the site is complete, the applicant will review the operating conditions and report to the Town and NYSDOT." The applicant should obtain a comment from NYSDOT for proposed road improvements and access. Colored façade renderings must be provided with future submissions.

Mr. Steve Myers, Director of Building and Development, provided the following comments in a memo prepared on May 1, 2007. Previous comments regarding the project plan as a "group of establishments" rather than as development of individual sites remain unaddressed. Mr. Myers asked that clarification regarding previous approvals be provided. He noted that five acres are needed to consider the plan proposal as a "group of establishments:" the original property was 5.1 acres and qualified. The current application involves a 2.2 acre site that would require variance. He notes that the 400 feet of frontage required at building line is not available: a variance may be required. The applicant must ensure that large delivery and emergency vehicles will be able to negotiate the escape lane at bank without going over the island that is restricted by canopy or by driving over dumpster island. Mr. Myer further noted that sign variances will be needed for the multiple freestanding signs proposed. A drive-thru connection to Lot #1 is highly recommended. The storm water management area plan will be reviewed when the plan is submitted. Due to depth of area proposed and lack of space, fencing of the management area may be necessary. A variance may be needed for the landscaped buffer along east side of property. He noted that the traffic study proposed allowing left in movements from Route 9: he recommended that the applicant seek approval from NYSDOT prior to acceptance of that study.

Mr. Grasso reported that Clough, Harbour, and Associates issued the following comments regarding this application. The traffic report indicates that a full access

entrance and rights out intersection is warranted for the access drive to Route 9. The plan appears to depict a full access driveway intersection of Route 9. As previously indicated, Clough, Harbour, and Associates supports a rights in/rights out entrance onto Route 9. If the Valvoline Instant Oil Change driveway was combined with the proposed site drive and their curb cut eliminated, a full access drive could be considered. 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. A storm water management report and pollution prevention plan should be submitted for review. It is recommended that the plan include a cross access connection to the adjacent restaurant in a more logical and useful location and stronger pedestrian connections should be included. The proposed freestanding sign along Route 146 appears to be located within the proposed storm water management area and in conflict with the existing 8" sanitary sewer line. Additionally the existing freestanding sign is located within the proposed storm water management area. A detailed signage plan should be provided illustrating how traffic flow patterns will be controlled and conveyed to the motorists. The proposed building setback should be shown on the plan. The adequacy of the existing hydrants to serve the proposed parcel should be verified by the Chief of Fire Prevention. The proposed site lighting does not take into account and is not consistent with what has been built on the adjacent site. Light poles should not be installed over the underground storm water management area. The landscaping plan lacks sufficient landscaping along the western and southern property lines.

Mr. Bulger stated that the ECC restated a previous comment: the strip across the north side of the property should have some vegetative screening.

Mr. Kramer views a pedestrian connection from the hotel to the proposed Starbuck's coffee shop as "very important". He expressed approval of the location of the patio site which fronts on Route 146. Though he was concerned with the stacking area provided for the drive-thru, the marketing representative stated that the area provided would not detract from the outdoor seating area. Mr. Kramer observed that there may be a traffic safety problem between the two proposed buildings as drivers attempt to enter and exit the sites. The applicant agreed to review the proposed plan. Mr. Karam was concerned with the proposed traffic movements at the Route 9 access point. He stated his support of a right-in, right-out turning movement and encouraged the applicant to continue discussions with Valvoline. Access to Valvoline could be provided from Northside Drive. Mr. Kramer recommended that the applicant provide extensive landscaping on the site to "spruce up" the area. He commented that such enhancement would be in keeping with the "upscale" Starbuck's image.

Board members preferred the revised plan submitted by the applicant that showed the orientation of the Starbuck's/retail building aligned with Chili's restaurant. All supported a cross-access arrangement with the adjoining site. Mr. Abele reported that negotiations with representatives Valvoline are continuing because relocation of the access to the Valvoline service center to Northside Drive would improve traffic movements along the Route 9 corridor. Board members and the applicant discussed the possibilities for site access, noting that the proposed development in the Town of Halfmoon should be considered in the traffic design. Mr. Larkin commented that he would prefer that the drive-thru be located on the west side of the building to eliminate queuing in front of the patio area where the exposure of patrons to noxious fumes could

be a problem. When it was noted that the green buffer to the front of the patio area could be increased, Mr. Larkin supported the plan as proposed.

### **New Business**

[2007-021] **KAR Vermont, LLC** – Proposed subdivision of existing duplex, 737 Grooms Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this subdivision application that requests approval to subdivide a .70 acre parcel located on the northern side of Grooms Road in an R-1 zone. The lot contains an existing duplex which was part of the Wishing Well Cluster subdivision. It is reported that when the structure was built, the required fire-rated walls were built in to allow the tenant wall to ultimately serve as a party wall between two ownerships. The building is connected to public water and sewer. The existing driveway will continue to serve as access to the two units. Since the applicant has had difficulty marketing the property to a single owner, he requests the Board's approval to subdivide the property. Mr. VanGuilder reported that Mr. Myers, Director of Building and Development, has confirmed that the Department of State has confirmed that the construction allows for subdivision.

Ms. Maynard presented Planning Department comment regarding this application. The applicant received a variance from the Zoning Board of Appeals on April 17, 2007 to allow for a side yard setback of 0 feet. This allows for the subdivision along the party wall for the townhouse unit and for separate ownership of the properties. Each property is served by individual utilities. Pursuant to the cluster subdivision regulations, the lot sizes exceed the minimum bulk requirement.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the proposed subdivision plan and offered the following comments. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency is expected to be the Clifton Park Planning Board with subdivision approval being required. The existing parcel is located within the Wishing Well subdivision, which was a cluster subdivision previously approved with a 10,000 square foot minimum lot size. The site is also located within the Vischer Ferry Road corridor GEIS study area which had a minimum density of one dwelling unit per 40,000 square feet. Because the units exist and there will be no change in density, it appears that the subdivision is in conformance with the zoning requirements. It should be verified if mitigation fees were collected for the one original lot or both dwelling units which were ultimately built on the parcel. It is noted on the Short EAF that the Zoning Board of Appeals has granted a variance allowing for a 0' side yard. The variance should be referenced on the subdivision plan. The Application for Subdivision Review states that the existing duplex is connected to public sewer and water. If the individual units are not already on separate services, individual services must be provided and their locations shown on the subdivision plan. Utility easements may be required. As noted on the plan, reciprocal ingress/egress easements must be established for the benefit of both units.

Mr. Mike O'Brien, Environmental Specialist, provided the ECC comments regarding this application. The following standard statements must be added to the plot plan:

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

Additionally, the ECC recommends that the applicant have a 50' buffer between the structure and federal wetlands.

Board members found this subdivision application generally acceptable. A note would state that no additional Special Use Permits allowing construction of a two-family dwelling on the individual lots would be granted. The applicant must show wetland and L-C boundaries on the plan. Mitigation fees will be required if they have not already been collected. The applicant was directed to consult with the Saratoga County Sewer District to determine the best means of establishing separate laterals for the individual residences. In response to Mr. Larkin's question regarding the ECC's comment concerning the required 50' separation between the wetland and the buffer, Mr. VanGuilder stated that the duplex is an existing structure. The Board did request that the land preservation area be shown on the plan and that a note be added stating that no additional fill or grading would be permitted on the site.

[2007-020] **Clearwire US, LLC** Proposed co-location of wireless internet antenna on existing telecommunications tower, 14 Crossing Boulevard – Conceptual site plan review.

Ms. Meredith Smith, representative of Pyramid Network Services, LLC, presented this application that calls for the co-location of telecommunications equipment on the existing tower at 14 Crossing Boulevard. A lease agreement has been signed that would permit installation of antennas at the 105' level of the 145' tower.

Ms. Maynard offered the following comments provided by the Planning Department. The zoning code provides for and even encourages co-location of telecommunications equipment. Since engineering review has determined that the structures are adequate for additional antennae installation, the Planning Board finds the proposal acceptable. The speaker noted that towers typically provide space for up to five different carriers (different frequencies): this would likely be last addition to this tower. The applicant is advised that a Building Permit issued by the Department of Building and Development will be required prior to the beginning of site work.

Mr. Grasso reported that Clough, Harbour, and Associates has reviewed the application packet and plans included with the Clearwire US, LLC application for co-location of antennas and equipment at an existing Crown Atlantic Company telecommunications facility at the KC Canary site. Generally speaking, the proposal appears to be a relatively straightforward co-location on an existing monopole. Clearwire will be the fifth carrier on a 145' monopole designed for multiple users. The visible equipment will include an antenna array located beneath the existing antennas at a height of approximately 105 feet. Mr. Grasso reported that Clough, Harbour, and Associates had no comment on the submitted materials at this meeting: the firm will complete its detailed technical review following this evening's concept review.

Board members found the proposal generally acceptable. In response to a question regarding the color of the antennas, Ms. Smith stated that they would be slate grey in color to match the other equipment on the tower. The applicant was asked to provide information regarding cumulative emissions from the tower and the type of battery utilized.

[2007-022] **Little Falls Lumber Company** – Proposed 30' x 150' bulk storage sheds, 824 Main Street, Elnora – Conceptual site plan review.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that calls for the installation of two storage sheds at the Little Falls Lumber Company's location on Main Street, Elnora. The project proposal calls for the installation of two sheds within a fenced area of the site to provide covered storage for lumber. The use of the adjoining building will not change.

As reported by Ms. Maynard, the Planning Department provided the following comments. The applicant has recently received a Certificate of Occupancy for a retail business at this Jonesville location. Planning Board review was deemed necessary due to the significant expansion of the proposed use. The parcel lies within a B-3 zoning district. Since this parcel provides an "entranceway" to the hamlet area, the Planning Board may wish to encourage the applicant to provide green space to the front of the site to "soften" the look. It was suggested that "regularly spaced trees" be placed along the frontage. Paving and striping should also be considered to improve the aesthetics of the site. Code regulations call for the "property margins at the sides from the front property line to the rear property line to be plated with trees and shrubs for a width of not less than 10 feet." In response to a question regarding utility extensions to the sheds, the applicant stated that security lighting would be the only addition.

The speaker asked that additional landscaping be provided throughout the site and that screening be provided along the existing fence. She reported that Mr. Myers, Director of Building and Development, has observed that several temporary banners have been placed on the site. The applicant is asked to contact the Building Department to determine if permits for such banners or a variance for signage will be required. Mr. Myers has also noted that that the proposed shed construction will require review by the Building Department and the issuance of appropriate permits.

Ms. Maynard noted that lighting has been of significant concern for residents of Jonesville who access Main Street from Kinns Road. A lighting plan must be submitted with the preliminary application. The proposed lighting should be “downward focused”.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the conceptual site plan for this application. The following comments were issued. The proposed project appears to be an “Unlisted” action pursuant to SEQR, and as such coordinated review is optional. Involved agencies are expected to include the following: Clifton Park Planning Board – Site Plan Approval; Clifton Park Zoning Board of Appeals – Use Variance. The proposed use, anticipated occupancy, and type of vehicular traffic should be more clearly defined. The encroachment of the existing building and wood frame barn over the westerly property line should be addressed. Based upon the use variance granted by the Zoning Board of Appeals, it appears that retail sales will occur at the project site. As such, parking, lighting, and handicapped accessibility requirements should be addressed. Any areas of storage of materials not within an enclosed structure should be indicated on the plan. If there will be outdoor storage, vegetative screening may be required. The plan should include the bearings and distances of the property lines and the adjacent land owners should be identified.

Mr. Bulger read the comments submitted by the ECC. After reviewing the project, the ECC offered the following comment. 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.
- All exterior lighting shall be directional and limited.

Board members expressed their appreciation to Mr. Joe Casale, property owner, who was in attendance at the meeting for the site improvements that have already been made. Mr. Larkin emphasized the importance of increasing landscaping and screening on the property and encouraged the applicant to provide a comprehensive planting plan. Mr. Karam stated his appreciation for the recent clean-up of the site and encouraged the applicant to provide substantial screening from adjoining properties. He recommended that the applicant consider installation of a split-rail fence similar to the one that borders the golf course property. The application was deemed acceptable.

**Minutes Approval**

Mr. Bulger moved, seconded by Mr. Larkin, approval of the minutes of the April 18, 2007 meeting as amended. Ayes: Pace, Karam, Larkin, Bulger. Noes: None. Abstained: Kramer

Mr. Kramer moved, seconded by Ms. Pace, approval of the minutes of April 24, 2007 as amended. The motion was unanimously carried.

**Discussion Items**

There were no discussion items presented at this evening's meeting.

Mr. Karam moved, seconded by Mr. Kramer, adjournment of the meeting at 8:50p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on May 22, 2007.

Respectfully submitted,

Janis L. Dean,  
Secretary

**NOTICE OF DECISION**

**Resolution #9**

**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 May 8, 2007 there were:

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

Absent: J. Russell

Mr. Larkin offered Resolution #9, and Mr. Karam seconded, and

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

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 8, 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 May 8, 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 Ellen Z. Thaler consisting of (2) lots is granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered provided by the Planning Department, Clough, Harbour, and Associates, and the Planning Board.

**Resolution #9** passed 5/8/07

Ayes: Kramer, Pace, Karam, Larkin, Bulger

Noes: None

Steven J. Bulger,  
Chairman