

**Town of Clifton Park**  
**Planning Board**



**Planning Board Meeting**  
**June 26, 2007**

Those present at the June 26, 2007 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, T. Karam, A. Kramer, J. Larkin, J. Thorne  
T. Werner arrived at 8:30p.m. during discussion of the Parkland  
Development application

Those absent were: S. Pace

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 7:05p.m. All in attendance stood for recitation of the Pledge of Allegiance.

The first two items on the agenda were scheduled to be heard at the June 12, 2007 meeting. Since that meeting was adjourned at midnight, these applications will be presented at this evening's meeting.

[2007-025] **Dunkin' Donuts** – Proposed 384 SF addition to existing restaurant, 1607 Route 146 – Conceptual site plan review.

Mr. Ron Bova, consultant for the applicant, presented this application on behalf of Dunkin' Donuts. The site plan illustrates the 12' x 32' shed enclosure that has been

added to the south side of the existing Dunkin' Donuts shop. The enclosure houses ground mounted mechanical units that serve the main building. Since the enclosure was constructed over an existing sidewalk, no additional impervious area was added to the site. There will be no additional impacts to the existing storm water management area.

Ms. Maynard provided the following comment, explaining that the shed enclosure was observed during a site visit by Building Inspector. It was determined that the enclosure had been added to the building without benefit of either site plan approval by the Planning Board or the issuance of a Building Permit by the Building Department. Town officials determined that compliance with Town ordinances would require the review and approval of a site plan by the Planning Board. Ms. Maynard recommended that the plan more clearly illustrate the building addition.

Mr. Myers, Director of Building and Development, has stated that full building plans will be required to ensure code compliance.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the concept site plan for the above referenced project as prepared by Bova Engineering, PLLC 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 for site plan review. The applicant appears to be proposing to build an enclosure to cover existing mechanical equipment located at the southwest corner of the existing Dunkin' Donuts building. The site plan submitted, which appears to be an as-built drawing from an earlier project, does little to convey specifics relative to the proposed project. The applicant should provide information relating to the materials that will be used to build the proposed enclosure and how the exterior will be finished.

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

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

[2007-027] **DeMarco-Stone** – Proposed 4,000 SF funeral home, 533 MacElroy Road – Conceptual site plan review.

Mr. Francis Bossolini, consultant for the applicant, presented this application on behalf of Michael DeMarco. The plan calls for the construction of a 4,000 SF funeral home on a 1.59 acre parcel located in a B-3 zone at the northwestern corner of the intersection of Hatlee Road, MacElroy Road, and Main Street, Jonesville. The project plan calls for the installation of 75 parking spaces: two handicapped spaces are included in this total. The following minimum setbacks apply: 80' front yard setback; 20' side yard setback; 30' rear setback; 30' parking area setback. The site will be served by the Clifton Park Water Authority. An on-site septic system will be installed. A single access to the site is proposed approximately 450' west of the Main Street intersection.

Ms. Maynard offered comments prepared by the Planning Department. She explained that the proposed funeral home is an allowable use in a B-3 zoning district. The application should list all intended uses of the site, including whether or not the site will be used as a crematory. Ms. Maynard noted that the MacElroy Road – Main Street – Hatlee Road – Ushers Road intersection is historically significant. She recommended that the architectural design of building reflect the character of the Jonesville hamlet. Explaining that screening of corner would be an important part of site development, she asked that regularly spaced street trees be placed along the road frontages of both Hatlee and MacElroy Roads. Pursuant to code requirements, trees and shrubs must be planted along side property lines from the front of the building to the rear property line at a width of not less than 10 feet. It is recommended that a landscaped parking island and sidewalks be provided. The applicant was asked to consider relocating the building closer to Hatlee Road. The dumpster location and facade renderings must be included with future submissions.

In response to Ms. Maynard's comments, Mr. Bossolini explained that the applicant proposes two viewing rooms. Preparation of bodies will take place in basement. The plan includes provision for installation of a separator that will remove all embalming fluids and chemicals prior to water flowing into the septic system.

Mr. Myers, Director of Building and Development, provided a memo dated June 7, 2007 that states that the proposed uses are permitted in a B-3 zone. A full disclosure of the business operations should be required of the applicant.

Mr. Bossolini stated that the applicant will consider the addition of an island and sidewalks through the parking area, though limited space may preclude such a design. The consultant noted that relocation of the building on the site would require approval of a setback variance by the Zoning Board of Appeals. As currently designed, the project meets code setback requirements.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the site plan for the above project prepared by Ingalls & Associates, LLP and prepared 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 subject property is a corner lot, fronted by Hatlee Road on the east and MacElroy Road on the south. By definition, the lot has two front yards and two side yards. Section 208-38 of the Town Zoning Law prohibits parking spaces nearer to a side property line than 20 feet. Though not dimensioned, the five-space parking area shown along the northern property line appears to violate this ordinance. Per Town Code, required parking for a funeral home is one space for each 60 SF of space available for public use, or 1 space for each 3 seats, whichever is greater. Assuming the whole 4,000 SF building was used for public use, 67 spaces would be required. Based on 225 proposed seats, 75 spaces would be required. The plan proposes 75 spaces, and as such, sufficient parking is provided. The applicant should be prepared

to discuss how overflow parking needs will be accommodated. In addition, the need for space for a progression of vehicles should be discussed. No parking signs shall be installed along the site's frontage. Ordinarily Clough, Harbour, and Associates would not support diagonal parking, but considering the high turn-over nature of the proposed use, it appears diagonal parking is appropriate. Additional sidewalks and pedestrian accommodations should be provided throughout the site. In addition, verification that emergency vehicle apparatus can maneuver through the site should be completed. Test pits and percolation tests should be performed to verify that adequate soil conditions exist to support use of an on-site septic system. Final plans should include street tree planting along the site's frontage at a spacing not to exceed thirty feet.

Mr. O'Brien, Environmental Specialist, offered the comments prepared by the ECC. After reviewing the project, the ECC offers the following comments:

- The proposed funeral home, when constructed, must reflect the character of the neighborhood. Parking should be located out of sight of the roads and the setting should include sidewalks and period street-scape.
- The ECC recommends significant vegetative screening to protect the character of this intersection and the surrounding properties.
- All exterior lighting must be directional and limited.

Mr. Kramer identified three issues of concern. The first involved the disposal of chemicals that may be used on site. In response, the consultant stated that all chemicals will be disposed of in accordance with NYS Department of Health regulations. Plans for overflow parking must be provided to the Planning Department for review by the Board. Plans for arrangement of vehicle processions that are often part of a funeral must be provided to ensure that impacts to neighbors are minimal. Mr. Bulger explained that this is the first application that proposes the construction of a funeral home within the Town of Clifton Park. Though he viewed the proposal as an opportunity to fill a void that exists within the community, he would encourage the applicant to minimize impacts to neighbors. He recommended that the applicant present his plans to the neighbors and seek their recommendations for landscaped buffers, parking, and lighting. Mr. Karam recommended substantial berming to reduce impacts, noting that the older home on the opposite corner may be impacted by the glare of headlights. Mr. Karam also noted that patrons of the Jonesville Store quite often use this parcel as a parking area. He suggested that the applicant consider a "mutually beneficial" parking arrangement with the store's owner. He also recommended that the applicant consider a building design that blends with the character of homes along Main Street and suggested that the applicant seek guidance from the Historic Preservation Commission. Ms. Thorne requested clarification of the anticipated traffic flow through the site. The consultant stated that directional arrows will be used for guidance and employees will be available to monitor parking. Mr. Bulger read the comments prepared by Mr. Werner who is expected to arrive later in the evening. Mr. Werner recommended that architectural designs for the funeral home be submitted for consideration. His main concerns centered on traffic flow around and through the site. He has observed that the parcel slated for development currently serves as an informal parking lot for the Jonesville Country Store. The applicant should clarify whether or not a formal agreement exists that allows for such use. An agreement for

shared parking should be considered. Mr. Werner supported Mr. Grasso's recommendation that calls the applicant to supply a plan for overflow parking as well as a plan for funeral vehicle formation: impacts to adjoining residents should be minimized. Mr. Werner recommended that "positive signing guidance" be provided to direct visitors to the single driveway at the far western side of the parcel since many arriving motorists will be unfamiliar with traffic access. Board members supported the recommendation that a full disclosure of business operations should be required.

Mr. Frank Berlin, Jonesville resident, expressed concerns that the construction of the proposed funeral home will have a "huge impact" on the community, noting that the hamlet is more residential than commercial. It has, through the years, acquired an historic character with a quiet, tree-lined street and quaint residences. He does not support approval of the application. Mr. Berlin was also concerned about contamination of his 16-foot deep well. Noting that funeral homes often require "overflow" parking areas, he stated that the residents of Jonesville should not be required to provide lawn space for a commercial business. The speaker also asked the Board to consider the issue of snow removal, observing that the site did not provide space for such a necessary use. Calling on his experience as a member of the cemetery board, he recommended that the Town consider acquiring land for cemetery space, explaining that it is anticipated that the Jonesville rural cemetery will be "sold out" in 20 years or less.

Mr. Bulger explained that although the funeral parlor is a permitted use on the parcel, the Board will attempt to mitigate all adverse impacts to existing residents.

Ms. Margaret Catellier, 26 Royal Oak Drive, observed that the proposed funeral home presents a "hardship" for adjoining neighbors and asked that the Board to ensure that negative impacts are minimized.

In response to Mr. Larkin's question concerning ownership of the parcel, the consultant explained that Mr. DeMarco has owned the property since July, 2006. Mr. Larkin commented on the current informal parking arrangement that permits patrons of the Jonesville Country Store to park on Mr. DeMarco's property. Upon learning that no formal cross-easement parking agreements are in place, Mr. Larkin stated that it would be "unacceptable" for those visiting the funeral home to park at the Jonesville Country Store. He viewed an overflow parking plan as "necessary". The speaker recommended that the building be relocated closer to the corner and that no parking be permitted along either MacElroy or Hatlee Roads. Glare from headlights should be considered in site development plans: all disturbances to neighbors should be minimized to the greatest extent practicable.

Mr. Bossolini stated that consideration of a plan that relocated the building and required Zoning Board variances would require the applicant's approval, reiterating the fact that the current proposal meets code requirements. Mr. Larkin asked that alternative lay-outs be prepared for the Board's consideration. Mr. Karam addressed the concerns expressed by Mr. Berlin, recommending that the applicant prepare an inventory of wells in the area. The potential for contamination of these wells should be investigated. Mr.

O'Brien reported that it was possible that sewer service may soon become available to the site. Mr. Grasso will review the proposal for waste treatment. Mr. Kramer stated that he would find a parking arrangement with the Jonesville Country Store acceptable: he does not believe that area homeowners should be responsible for "parking enforcement". The Board asked the applicant to address the items of concern.

### **Public Hearings**

No public hearings scheduled for this meeting.

### **Old Business**

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

Mr. Joe Dannible, consultant for the applicant, presented this application that proposes the development of 24 townhomes on a 13.27 acre parcel in an HM (Hamlet Mixed Use) zone. Mr. Michael McPartlon, applicant, provided a brief history of the project, explaining that as originally proposed in June, 2006, the project called for the development of twelve (12) townhouses on a 5.12 acre parcel that adjoined the Sterling Heights subdivision. Upon acquiring an additional property to the west, the plan was revised. The current proposal calls for the construction of twenty-four (24) units in twelve (12) buildings. Mr. Dannible explained that the site contains 2.09 acres of constrained lands. Pursuant to zoning, the allowable density would be 3,000 SF of multi-family residential use per one (1) acre of unconstrained land. The plan proposes a total building area of 30,480 SF: 1,270 SF per dwelling unit. The following minimum setbacks will be respected; front yard – 10 feet; rear yard – 30 feet; side yard – 0 feet (20' adjacent to single-family residential uses). The revised plan now shows that access will be provided by two curb cuts onto Route 146. Approximately 1,900 linear feet of roadway will be required to serve the development. Though Mr. Dannible reported that, based upon studies conducted by Creighton-Manning Traffic Engineers, the western most access exceeds acceptable sight distance standards: the easternmost access has yet to be evaluated. The applicant will work with NYSDOT to achieve an acceptable distance between access points and sight distances. The plan now also includes a "community center" area with a pitch and putt area. Approximately 6.5 acres of open space area has been incorporated into the project design: approximately 2.5 acres will be reserved for storm water management. A multi-use pathway is proposed as a connection to the Sterling Heights subdivision and sidewalks and site lighting have been incorporated into the project design. The parcel is served by public water and sanitary sewer services.

Ms. Maynard offered comments from the Planning Department, reporting that the application was last reviewed by the Planning Board on February 13, 2007. At that time there was concern that the proposed project did not appropriately reflect the Hamlet Mixed Use zoning district "intent" that seems to encourage a "creative mix of uses" linked by pedestrian connections. It was recommended that the applicant consider introducing commercial uses into the proposed plan. The plan now shows two curb cuts

onto Route 146. The Board may wish to consider the aspect of access management and the impact of cumulative curb cuts on Levels of Service along the Route 146 corridor. The applicant should clarify the purpose of the proposed "clubhouse/community center" and indicate if the facility will be used by others than those living within the Parkland community and their guests. A determination regarding the amount of parking necessary to serve this center should also be made. In response to Ms. Maynard's question regarding the potential purchasers of these townhouse units, the applicant explained that the target market were those older residents considering "downsizing". Accurate calculations of constrained lands will be required. Ms. Maynard recommended that the applicant employ the design standards outlined in the Western Clifton Park GEIS. The goal is to create a pedestrian friendly environment. She commented that locating garages to the front of the homes may not be desirable. The speaker recommended that the applicant consider re-orienting units labeled 1 and 2 toward Route 146.

Mr. Steve Myers, Director of Building and Development provided the following comments. The consultant's use of gross floor area does not match the current zoning definition. The GFA is the total area or footprint, not just livable space. Since no dimensions are shown, it can not be determined whether or not this would impact the area calculations provided. He noted that the 2.5 acres designated as open space with golf facilities should be classified in accordance with Section 208-94 as commercial recreation. The lots must meet the 12,000 SF minimum required by zoning.

In response to Ms. Maynard's comment regarding architectural design and the placement of garage space, the applicant provided architectural renderings that illustrated the use of side-load garages.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the project proposal and offered a number of comments and recommendations. He 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. The project is now submitted as a twenty-four unit multi-family development on 13.27 acres. In an HM Hamlet Mixed Use 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 NYSDEC and federal wetlands. It appears 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 and the limits are shown as approximate. The applicant has used an approximate area of the additional wetlands to determine the allowable density of 33,240 square feet, and the proposed development is less than this maximum. A formal jurisdictional determination of all wetlands should be provided. The most recent previous submission included an entrance road on the west end of the site and an emergency access road on the east end of the site. On the current plan the emergency access road has been replaced with a second entrance. This easterly entrance is located directly opposite the previously approved entrance to a development on the south side of Route 146. There is approximately 500 feet separation between the two proposed entrances. Section 86.6 of the Town Code states that "intersections with arterial streets shall be held to a minimum and preferably spaced at least 1000 feet apart." Clough, Harbour, and Associates does not support this second access point. As previously requested, the applicant should submit sight distance calculations for the new intersection locations and consult with NYSDOT regarding the feasibility of putting a new intersection at these

locations. Correspondence from NYSDOT should be provided. Based on the current plans and information provided to date, it would be expected that the project's density would be limited to no more than eighteen residential units until a secondary access connection to Tanner Road is developed. The firm supports the proposed multi-use pathway connection to Sterling Heights. The firm would also support the dual use of the trail for an emergency access connection. A better description of the proposed pitch-and-putt use should be submitted so all potential impacts can be understood and evaluated. Provisions for a possible alternative access connection to the adjoining lands of Stevens/Symonds should be considered. Such a connection could eliminate the need for a curb cut onto Route 146. Furthermore, assuming the adjacent property converts to a commercial use at some point in the future, a vehicular or pedestrian connection between the two properties may be deemed appropriate.

Mr. O'Brien, Environmental Specialist, read the comments prepared by the ECC. The following standard statements must be added to the plot plan:

- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federal jurisdictional wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone and /or federal wetlands.
- 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.

The ECC also requests copies of all correspondence to and from the Army Corps of Engineers regarding wetland impacts and potential mitigation requirements as the project moves to preliminary review.

In response to Mr. Larkin's question regarding restricting sales of the proposed units to seniors, Mr. McPartlon stated that market conditions would determine ownership. The development company would not restrict sales by either age or income. Mr. Larkin recommended that the wetland areas be formally delineated. Mr. Larkin encouraged the applicant to increase the size of the proposed 900 SF "clubhouse" building, though Mr. McPartlon explained that there has been an attempt to keep costs manageable for the proposed homeowners' association. While Mr. Larkin stated his appreciation for the applicant's "profit motive," he explained that the Board was concerned with general benefits of the project for the entire Clifton Park community. He summarized his concerns by stating that he believed that the applicant was attempting to place "too

much” on a parcel: he asked that the applicant consider utilizing HM (Hamlet Mixed Use) development guidelines and minimizing impacts to wetland areas. Mr. Karam discussed the possible connection to the Sterling Heights subdivision as possible means of emergency access, stating that a multi-use pathway connection could provide a possible “emergency only” access to the project. Mr. Pelagalli noted that responsibility for maintenance of such a connection would fall to the HOA. Unfortunately, such associations are often disbanded and maintenance responsibilities are usually then assumed by the Town. He recommended that the Board consider requiring dedication of such a pathway/emergency access to the Town. Mr. Bulger told the applicant that the Board does not favor a second access onto Route 146. Mr. Karam expressed concern with the proposed pavilion area, noting that sanitary facilities should be provided in the building. He also recommended the addition of screening along the multi-use pathway.

Mr. Dannible explained that the development plan was presented in accordance with recommendations provided by the Emergency Services Advisory Board. Mr. Bulger stated that he would discuss these recommendations with members of the advisory committee.

Mr. Werner arrived at 8:30p.m.

Board members discussed various alternatives for site access. Mr. Werner suggested that a connection to Sterling Heights may be possible. Mr. Bulger explained that such a connection had been considered but was not feasible due to the designation of Town-owned property as “parkland” area. The construction of a multi-use pathway was a possibility and one that was recommended during approval of the Sterling Heights subdivision application. Connection to the lands to the west may be a future possibility, though no plans for development of the parcel between the one under review and the property to the west fronting on Tanner Road has been submitted for Board review.

[2007-007] **Firehouse Road Associates II, LLC** – Proposed 6,800 SF mixed use retail space in two buildings, 5 Northside Drive – Preliminary site plan review and possible determination.

Mr. Joe Dannible, consultant for the applicant, presented this application for the Board’s review, explaining that the plan remains generally as presented at the May 8, 2007 Planning Board meeting. The plan will provide for the development of a “mixed use” parcel that will contain both retail businesses and office space. 43 parking spaces are proposed. Access will be from Northside Drive. Though Creighton-Manning Traffic Engineers have approved a full access onto Route 9 from a portion of Northside Drive that currently serves as an emergency access to the site, the applicant will work with Town of Clifton Park officials, NYSDOT, and the Town of Halfmoon to design a workable traffic design. Mr. Dannible reported that the Storm Water Pollution and Prevention Plan has been prepared and that soil boring and test pit reports have been completed. In response to previous comments, the plan now includes a number of revisions. A cross-access connection to the adjoining Chili’s parcel is provided; a pedestrian and handicapped accessible walkway is provided between the sites; the patio

area located at the front of the building has been increased and additional screening has been added; renovation of the existing pylon sign is proposed and new signage will be placed at both the Route 9 entranceway and along Route 146.

Ms. Maynard reported that this project was last considered by the Planning Board at its May 8, 2007 meeting at which time discussion was related to the Route 9 connection and feeling this would be a valuable connection for future Chili's and existing sites. There was strong support for building orientation in line with Route 146 and the establishment of cross connection with Chili's. It was recommended that a more direct pedestrian connection with the landscaped island be provided between the proposed site and Chili's. An architectural rendering must be provided. Landscaping should be provided along the side property line between Chili's. NYS DOT approval will be for access to Route 9 from Northside Drive. Sign-offs are required from the Clifton Park Water Authority and the Saratoga County Sewer District.

Mr. Abele presented architectural design renderings for the Board's consideration, explaining that the attempt was to create classic design with towers incorporated as a distinguishing design feature. In response to Mr. Bulger's comment concerning treatment of the eastern side of the building, Mr. Abele stated that he was "sensitive to the location of the building at the entrance to the Town" and will work to provide an aesthetically pleasing building design.

Mr. Steve Myers, Director of Building and Development, provided the following comments. The application no longer calls for the parcel to be subdivided into separate lots. The application may, therefore, be considered "a group of establishments" which requires 5 acres: 5.1 acres are provided. The required 400' wide building line along Route 146 appears to require a variance since only 350' is available. A variance for the second freestanding sign at Route 9 will also be required. The access for emergency vehicles around the new buildings still appears very restricted especially when considering cars cued in line. At a minimum, Mr. Myers recommended the elimination of the 3<sup>rd</sup> drive thru at the bank. Landscaping variances per Section 208-48 are required. The Storm Water Pollution and Prevention Plan is under review and will be commented on at a later date.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the site plan dated June 6, 2007, the Stormwater Pollution Prevention Plan dated June, 2007, and the Stormwater Management Report dated June 6, 2007 all prepared by Environmental Design Partnership, LLP for the above referenced project. The following comments are offered. The plan continues to depict a full access driveway intersection of Route 9. As previously indicated, Clough, Harbour, and Associates support a rights in/rights out entrance onto Route 9: the plan should be revised accordingly. This access road should be curbed and landscaped accordingly. A detailed signage plan should be provided illustrating how traffic flow patterns will be controlled and conveyed to the motorists. The adequacy of the existing hydrants to serve the proposed parcel should be verified by the Chief of Fire Prevention. It should be verified that the proposed site lighting takes into account the lighting on the adjacent site. The same luminaires, pole heights, lamps, etc. and construction details should be used. Light poles should not be installed over the underground storm water management area. The removals associated with the tie in to

the Chili's site needs to be detailed on the plans. A curbed island should be provided north of the cross-connection. The pedestrian connection to the Chili's site should be handicapped accessible with appropriate dropped curbs. Exterior grease traps should be provided for the proposed coffee shop. Additional detail should be provided for the proposed installation of sanitary manhole #2. The need for an 8" sewer lateral for the bank should be verified. Clough, Harbour, and Associates expressed concern with the adequacy of self cleansing velocities for the sewer flows. Increasing the slope of the sewer to 1.0% minimum is recommended. A vertical curb should be provided along the easternmost pavement edge. A sidewalk should be extended along the side of the four parking spaces in front of the bank. It is recommended that the dumpster enclosure specify black vinyl coated fence posts and hardware to match the slats. The size, materials, details and minimum depth of bury of the water services should be identified on the plan together with the proposed method of connection to the existing system. The site plan indicates that the retaining wall across the front of the site is three feet high but the design grades indicate that it is as high as four feet. Because of the pedestrian environment, fall protection measures should be considered and extensive landscaping placed along the front of the wall to break up its visual impact.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the Stormwater Pollution Prevention Plan dated June 2007 and offered the following comments:

- It should be verified that question #20 of the Notice of Intent is accurately completed. Additionally, question #26 should be completed.
- The infiltration basin can not be used as a temporary sediment basin during construction. Additional measures for treating run-off during construction should be provided.

Mr. Grasso also reported that Clough, Harbour, and Associates reviewed the Stormwater Management Report dated June 6, 2007. The report fails to address storm water impacts from both the existing and proposed development and is not in conformance with NYSDEC's Phase 2 storm water treatment requirements. The following comments should be addressed:

- The report should document how the proposed stormwater management area meets the NYSDEC Phase 2 requirements. The use of infiltration practices requires pretreatment based upon the infiltration rates of the underlying soils.
- The report should discuss the existing outlet control structure and how the existing and proposed stormwater management features will operate.
- The report indicates that additional calculations to support the revised storage volumes will be provided to the Town along with soil testing information prior to final site plan approval. This information is required prior to consideration for preliminary site plan approval.

Mr. Dannible commented that the applicant will work with officials in Clifton Park, NYSDOT, and the Town of Halfmoon to design an acceptable access onto Route 9. Mr. Grasso asked that the all correspondence from NYSDOT and others be provided to the Planning Department and Clough, Harbour, and Associates. He recommended that all approvals provided by the Town of Clifton Park Planning Board be the result of collaborative review and be indicated on the project plan.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project, the ECC reiterated the following comment. The strip across the north side of the property should have some vegetative screening. Mr. O'Brien also stated that the ECC recommended that the applicant verify that green space on the Chili's site not be included as part of the green space calculation for this site. In addition, 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.

Mr. Larkin asked Mr. Dannible to describe the minimal distance between the Starbuck's patio area and the drive-thru lane. Mr. Dannible estimated this distance to be approximately 15 to 22 feet, explaining that the patio area will be situated on a raised curb and surrounded by evergreen hedging and holly plants. Mr. Kramer commented that the site "looked appealing" from Exit 9 and described the architectural design as "classy". Mr. Karam recommended the removal of the proposed retaining wall and encouraged the applicant to grade the site in a fashion similar to the area to the front of the Borders store. Mr. Werner stated that his first impressions of the project plans were positive, though he was concerned with impacts of the access on Route 9 traffic and asked if the Creighton-Manning study had consider cumulative impacts of development within the corridor. Mr. Karam commented that he preferred the use of right-ins/right-outs only at the Route 9 access point. Ms. Thorne found the architectural design desirable, though she noted that there is a Starbuck's shop "just down the road". Mr. Abele responded to her comment by stating that the trend is to provide customers the additional convenience of drive-thru service. Mr. Larkin addressed the concern regarding the third drive-thru lane provided for the bank as expressed by Mr. Myers. Mr. Abele explained that because of the increased use of automatic teller machines, banks require several drive-thru lanes. Mr. Bulger stated that the plan had "come a long way" and that he was pleased with the overall design plan and façade renderings.

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

Mr. Karam moved, seconded by Mr. Werner, to grand preliminary site plan approval to this application conditioned upon satisfaction of the comments offered by the Planning Department and Clough, Harbour, and Associates. Ayes: Kramer, Karam, Thorne, Werner, Bulger. Noes: Larkin.

### **New Business**

[2007-031] **M. Klimkewicz** – Proposed amendment to permit document storage space in an existing professional office building, 653 Plank Road – Conceptual site plan review.

Mr. William Keniry, legal representative for the applicant, reported that this proposal was last presented to the Board on March 13, 2007 at which time the Board recommended that Mr. Klimkewicz submit a formal site plan application for Board review. Mr. Keniry reported that, in accordance with that directive, a formal application was submitted to the Planning Department on June 1, 2007. The speaker read the following note that was included on the approved, stamped site plan as a condition of site plan approval granted in 2003:

The Town of Clifton Park Planning Board granted approval to this site plan conditioned upon the basement floor being utilized for storage purposes only. This restriction will be enforced.

Noting that the current first-floor tenants have no need for the large basement storage area, the applicant now proposes to divide the basement into as many as twenty-five (25) storage areas to be used by area businesses for storage of paper and electronic documents. The applicant believes that such a use is compatible with §208-113B)(2)(a) of the Town Code and current zoning regulations.

Ms. Maynard provided several comments regarding this application. She noted that when the site plan was approved in 2003, one of the conditions imposed by the Board was the restriction that the basement was to be used only for storage purposes. She stated that current parking spaces are provided for current tenant usage. A traffic study prepared by Creighton-Manning Engineering reports that "...sight distance looking left can be increased to at least 500-feet with the removal of five existing trees along the inside of the horizontal curve on Plank Road." The applicant should clarify the number of storage spaces proposed and the potential number of tenants that may be visiting the site. Ms. Maynard recommended that the owner limit hours of access to non-work hours. A means to secure each space from existing tenants or others leasing space should be provided. The applicant should confirm that the exterior entrance serving the basement is separate from rest of the interior of building.

Ms. Reed, Chief of the Bureau of Fire Prevention, provided comment on the application. She stated that upon approval from the Planning Board, the applicant will be required to obtain the required Building Permit to convert the basement area to individual storage spaces.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed this application and offered the following comments. Clough, Harbour, and Associates has no significant concerns for the conversion of the basement of this building to a document storage area. 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 for site plan review. The original site plan was approved conditioned upon the basement floor only being use for document storage purposes only: this request appears consistent with that approval. It should be verified that adequate handicap parking and signage currently exist on the site.

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

Mr. Kramer asked that the applicant ensure that no hazardous materials be stored on the property. Mr. Bulger stated that no desks would be permitted in the basement area. Mr. Karam described the site as a "tough site" and he would not support any additional construction or site development that would require additional parking or negatively impact the stream. He also noted that site access was difficult because of limited sight distance at the entranceway. Mr. Karam also commented that the proposed twenty-five (25) tenants seemed excessive. In response to Mr. Larkin's request for the installation of a street light at the entranceway, Mr. Grasso stated that National Grid would likely reject a request for such placement: he believes that lighting at the site location is sufficient. The applicant addressed other concerns, reporting that although no additional signs would be installed at the site, a sign advertising the availability of storage space may be added to the existing sign. Mr. Bulger did not support the recommendation that access be limited to hours after usual working hours since he did not wish to restrict tenant access. Mr. Bulger commended the applicant on his tenacity, commenting that the application has been refined over time. He voiced his support of the application, though required that the plan include language that restricts the rental space to storage of paper or electronic documents. Mr. Larkin asked that a note be added to the plan that states that no additional parking will be permitted on the site.

Mr. Werner noted that the traffic report provided by Creighton-Manning required the removal of trees in order to achieve acceptable sight distance standards. Mr. Klimkewicz reported that he has reached an agreement with an adjoining property owner regarding the traffic safety recommendation and that the tree removal will be completed irrespective of the action the Board takes on this application.

[2007-029] **Hockey Hut** – Proposed 8,500 SF hockey and ice skating training facility, 1537 Crescent Road – Special Use Permit and conceptual site plan review.

Mr. Kevin Wood, consultant for the applicant, introduced Ron Kuhl, applicant and owner of an existing Hockey Hut facility. Mr. Kuhl explained that he has operated a facility similar to the one he proposes to construct at 1537 Crescent Road for ten years. He explained that the project will provide small ice areas that will allow young skaters to practice and perfect skating maneuvers. His goal is to "train athletes and hockey players." Mr. Wood described the project plan that calls for the construction of a 8,500 SF hockey and ice skating training facility on a 1.88 acre parcel in a B-3 (Neighborhood Business) district on the northern side of Crescent Road between I-87 (the Northway) and the Southbury-Lapp Road intersection. Site development calls for a water service connection to the Clifton Park Water District #1 through an existing main which runs parallel to the southern property boundary. Sanitary sewer service is expected to be through a connection to the municipal sewer system via a force main feeder which currently services adjacent properties along Crescent Road. 34 parking spaces have been provided. A gravel parking area will provide space for "overflow" parking. A pre-

engineered 24' high metal building will house a 4,250 SF rink area, a 2,500 SF hard surface training area, a 390 SF artificial surface puck shooting room, a waiting/changing area, two restrooms, and an office. Mr. Wood reported that in November, 2006 the ACOE delineated two wetland areas on the property: a .04 acre area located along the southerly property line and a .54 acre area located in the northwest corner of the property. The .04 acre area serves as a drainage swale for that portion of the site, with a 20" diameter culvert directing flow from west to east to a manhole along the access road. Two stormwater retention ponds are proposed along the eastern property boundary. All stormwater will be managed on site. Grading and site design will protect identified wetlands.

Ms. Maynard provided comments prepared by the Planning Department. She explained that a commercial recreation facility is permitted as a Special Use within the B-3 district. As such, consideration should be made by the Planning Board as part of their review if the application is deemed appropriate as a use for the Crescent Road - Exit 8 area, compatible with adjacent uses. An ingress/egress agreement must be secured for current private drive to Crescent Road. Sign-off from the Saratoga County Sewer District will be required. Pedestrian accommodation should be considered as part of the design plan. It is recommended that substantial screening be provided the front of the building and as a buffer to of the carwash to the south. As a commercial recreation facility, there should be appropriate lighting of the site during nighttime hours, especially because the building will be located in an area that provides a transition between commercial and residential uses. All lighting should be downward facing and glare and impact to surrounding properties should be minimized. A colored façade rendering should be provided with future submissions.

Mr. Myers, Director of Building and Development, provided the following comments. The site is located in a B-3 Neighborhood Business district. Since the proposed facility is a commercial recreational facility, the granting of a Special Use Permit by the Planning Board is required. Proof of permanent access to Crescent Road must be provided. The requirements of Section 208-94 should be considered due to this parcel's proximity to a residential zone.

Mr. Grasso provided comments prepared by Clough, Harbour, and Associates. 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 and Special Use Permit; Saratoga County Planning Board – Section 239 Referral; Clifton Park Zoning Board of Appeals – Parking Variance. The proposed facility is located in a B-3 (Neighborhood Business) District. The proposed use is categorized as a commercial recreation facility and is permitted in this district as a special use. The applicant will be required to follow the procedure outlined in Section 208.94 of the Town Code to obtain the required permit. As a recreation center, the facility will be required to conform to the provisions of Section 208-94 of the Town Code regarding the outdoor lighting levels that must be maintained around the facility. The concept plan does not appear to include outdoor lighting fixtures. This information, including photometrics, should be included on future plans. The proposed plan and narrative indicate that forty-three parking spaces are required for this facility and thirty-five spaces are proposed. The applicant states that a similarly sized

facility has thirty-four spaces and that this is adequate for the operation. It is recommended that forty-three spaces be shown and nine of those spaces be land banked as greenspace with a note stating that the nine additional spaces shall be constructed upon notice from the Code Enforcement Officer. Retainage Pond "A" on the east side of the building should not extend beyond the limits of the project site. The applicant is proposing that a portion of the proposed parking lot have a gravel surface. In order to provide the most efficient parking layout, reduce maintenance requirements and provide an aesthetically pleasing site it is recommended that all parking surfaces be paved. Landscaped islands should be provided at all ends of parking rows with vertical curbing and landscaping. Landscaping shall be provided between the sidewalk across the front of the facility and the building. The parcel appears to be "landlocked" with access being provided through a private easement along the east side of the property. The applicant should provide legal instruments that verify the rights to use this road for access. A pavement condition assessment will be required in order to determine what improvements may be required.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project plans, the ECC recommended that at least a 50' buffer be maintained between the proposed parking lot and the identified federal wetlands.

In response to comments regarding the proposed number of parking spaces on the site, Mr. Wood explained that the number of spaces provided is consistent with the number of spaces available at the Route 9 facility. The number has been adequate. The maximum capacity of the building will be 40, including adults waiting for children at "cross-over" times. The ice surface is designed to accommodate up to 20 children or 16 adult skaters. The gravel surface indicated on the site plan would be used only for overflow parking.

Mr. Larkin noted that the Special Use Permitting process would provide the Board the opportunity to place specific conditions on the site development. Items such as the number of parking spaces and hours of operation, for example, could be determined by the Board.

In response to Ms. Thorne's question regarding chemicals that may be associated with the ice rink, Mr. Kuhl stated that there are no chemicals mixed with the water used to create the ice. He also identified peak use hours of the facility as between 5:30p.m. and 9:30p.m. Both Mr. Kramer and Mr. Karam voiced their support for land banking parking spaces to retain as much green space as possible on the site. Board members found the project plan generally acceptable.

[2003-004] **DCG Development Co.** – Proposed 142,000 SF light industrial flex space, Wood Road – Request for extension of site plan approval granted September 13, 2006.

Mr. Bulger read a letter prepared by Mr. Nicholson, consultant for the applicant, that requested that the Planning Board grant an extension the development project proposed by DCG Development Co. on Wood Road.

Ms. Maynard explained that, pursuant to Section 208-120 of the Town Code, the Planning Board “may grant the applicant an extension of time within which to comply with the site plan, provided that the applicant has made reasonable, good faith efforts to complete construction and implement the site plan as provided with the aforesaid one-year period, and further provided that such extension shall in no event exceed one year. No further extensions shall be permitted.” The final expiry date of the site plan approval will be September 13, 2008.

Ms. Lynn Jackson, 223 South Swan Street, Albany, spoke of the importance of preservation of the Karner Blue butterfly and its habitat. Describing the management plan provided by DDG Development Company as “absolutely and totally inadequate” for preservation of the endangered species and/or its habitat with little attention paid reintroduction of the species within the Wood Road corridor, Ms. Jackson asked that the Board consider requesting the completion on a supplemental EIS. She explained that area slated for management – a .91 acre portion of the site – was too small to encourage the growth of the butterfly habitat. Its dissociation from other sites containing butterflies was of concern. Also identifying water recharge at the site as an issue of concern, she stated that the Board must take a “hard look” at the project proposal. She urged the Board to deny the request for extension of the site plan approval.

Mr. David Gibson, 107 Longkill Road, stated that in 1991 the Town required the preparation of a GEIS. Though this document was completed, no supplemental EIS documents have been required. Explaining that he believes that DCG’s clearing and grading of the site has resulted in destruction of a large segment of the butterfly habitat that was previously identified at the location, he called for the preparation of a supplemental GIS.

Mr. William Engleman, 6 Partridge Plateau, reported that he has lived in the Town of Clifton Park for forty years. He also stated that his family owns property that adjoins the parcel owned by DCG Development Co. on Wood Road: he has monitored the proposed development of the site for several years. He recommended that the Board consider the issues of wetland impacts and the Karner Blue management plan “thoughtfully and carefully,” and provided comment on previous Board actions. He also presented copies of site plans that, in his opinion, illustrated a decreasing amount of protection for the endangered species. Labeling the currently accepted management plan “meaningless,” he asked that the Board to rescind the negative declaration and site plan approval granted to this project. He asked that the request for extension of site plan approval not be granted.

Mr. Pelagalli offered advice to Board members. He explained that Judge Kramer dismissed the law suit filed against the Town due to a lack of standing by the petitioners. He also explained that a Notice of Appeal has been filed and advised Board members to offer no comment on the remarks made by members of the audience at this evening’s meeting. Mr. Pelagalli commented that the Planning Board had “taken a long, hard look”

this project before rendering its decision and he asked the Board to reject all requests made by those who spoke.

Mr. Youssef Ballout, 6 Torrero Drive, urged the Board to recognize this request for extension of the approved site plan as an opportunity to “re-evaluate” and “re-address” the environmental impacts that the project may produce. He compared the butterfly preservation issues to the historic responses to discussions of the “green-house” effect and noted that the Karner Blue butterfly is important to all community residents. He recommended that the Board deny this applicant’s request for extension of the site plan approval.

Ms. Linda Champagne, 2421 Troy-Schenectady Road, Niskayuna, described herself as “naturalist” and spoke of the heritage of the area. She implored the Board to listen to the “wisdom, concern, and passion” of the members of the audience who provided comment regarding the Wood Road project during this evening’s meeting and to conduct further study to determine if significant and irreversible environmental impacts will result from DCG’s proposed development.

Mr. Bulger moved, seconded by Mr. Karam, to approve the requested extension of the site plan approval for DCG Development Co.’s 142,000 SF light industrial flex space project on Wood Road until September 13, 2008. Ayes: Kramer, Karam, Thorne, Werner, Bulger. Noes: Larkin.

[2002-042] **Assembly of God** – Proposed 3,265 SF church, 635 Englemore Road - Request for extension of site plan approval granted August 8, 2006.

Mr. Bulger explained that Mr. Vuillaume, consultant for the applicant, had submitted a letter requesting that the site plan approval granted by the Planning Board on August 8, 2006 be extended for an additional year.

Ms. Maynard noted that this request was similar to the one presented for the previous agenda item. Pursuant to Section 208-120 of the Town Code, the Planning Board “may grant the applicant an extension of time within which to comply with the site plan, provided that the applicant has made reasonable, good faith efforts to complete construction and implement the site plan as provided with the aforesaid one-year period, and further provided that such extension shall in no event exceed one year. No further extensions shall be permitted.” The final expiry date of the site plan approval will be August 8, 2008.

Mr. Bulger moved, seconded by Mr. Kramer, to approve the requested extension of the site plan approval for the 3,265 SF Assembly of God Church that was granted on August 8, 2006 until August, 2008. The motion was unanimously carried.

### **Minutes Approval**

Mr. Bulger moved, seconded by Mr. Karam, approval of the minutes of June 12, 2007 as amended. The motion was unanimously carried.

Mr. Bulger moved, seconded by Mr. Karam, adjournment of the meeting at 10:55p.m. The motion was unanimously carried. The next meeting of the Board will be held as scheduled on July 10, 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.