



Planning Board Meeting
July 10, 2007

Those present at the July 10, 2007 Planning Board meeting were:

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

Those absent were: J. Larkin, J. Thorne

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

[2007-026] **Country Club Acres, Inc. (Boni)** – Proposed re-subdivision of Lots #34,35,36,37 Blue Barns and NYS Route 146 – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:10p.m. The Secretary read the public hearing notice as published in the Daily Gazette on June 30, 2007.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that remains as presented at the June 12, 2007 meeting. The plan proposes the re-subdivision of single-family residential lots that were approved as part of the Country Club Acres subdivision – one of the first residential subdivisions in the Town of Clifton Park and the

region. The newly-created lots will be 18,257 SF, 18,228 SF, and 18,243 SF, respectively. The proposed driveway location and percolation test information have been added to the plan. Water will be provided by the Clifton Park Water Authority. Individual septic systems will be installed as designed by a licensed, professional engineer. In response to comments issued by Clough, Harbour, and Associates, the consultant will provide documentation to verify that percolation tests were performed in accordance with NYSDOH requirements.

Ms. Maynard offered several comments regarding this application. The project was reviewed by the Planning Board on June 12, 2007 at which time members found the proposed re-subdivision generally acceptable. The Planning Department received comments from property owners at 31 Country Club Lane and an e-mail from the owner of 40 Fairway Lane. Mr. and Mrs. Robert Goodwin, 31 Country Club Drive, reported that the site of the proposed "new lots" is very wet for nine months out of the year. Mr. Goodwin reports that he has maintained a portion of the property for nearly forty years, removing brush, poisonous vegetation, and creating a more aesthetically pleasing environment. Noting that the Country Club Acres area has been identified as a special historic community, he believes that new home construction would be inappropriate for the area. Mr. Goodwin fears that water problems will be increased by the construction, stating that the proposed Lot #30 has a high water table and constant surface water. Mr. Mark Cole, 40 Fairway Lane, states that he "lives down the hill" from the proposed development. He is concerned that run-off from the properties will impact his home since no storm drains are currently located on the properties. He asks that the Town deny approval of the proposed re-subdivision of land. Ms. Maynard recommended that clearing and grading limits be established to ensure that vegetation on the properties is preserved to the greatest extent practicable. An ingress-egress easement must be established since access will be restricted to Country Club Lane. Sign off from Clifton Park Water Authority will be required. The Saratoga County Planning Board approved this application at its June 21, 2007 meeting and determined that there is no significant countywide or intercommunity impact. A comment was added to the approval notice, however, that recommended that the Planning Board consider acquiring additional right-of-way along NYS Route 146 as part of this approval for future road improvements that may be required at the intersection.

Mr. VanGuilder responded to several of the comments, explaining that the proposed "shallow bed" septic systems will require two feet (2') or less of fill and will likely not significantly alter existing drainage patterns. A grading plan will be provided for each lot. Ingress-egress easements for the new lots will be established. Mr. VanGuilder noted that there had been a previous conveyance of right-of-way and recommended that an easement be provided should future roadway improvements be required. Board members appeared to find this recommendation acceptable.

Ms. Maynard read the comments prepared by the Environmental Conservation Commission. Due to the potential for Federal wetlands on this parcel, the applicant will determine the location and extent of disturbance of federal wetlands. 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. Grasso reported that Clough, Harbour, and Associates reviewed the revised subdivision plan for this project as last revised on June 21, 2007 and offered the following comments. Test pits and percolation tests have been performed in the areas of the proposed on-site septic systems to verify the adequacy of soils. The results have been added to the plan and show minimally acceptable soil conditions. The applicant's consultant should verify that the percolation tests were adequately pre-soaked and performed in accordance with NYSDOH requirements. The applicant should add to the plan the Standard Town of Clifton Park note regarding the design of individual septic systems and note the depth to seasonally high groundwater or mottling. A 50% expansion/replacement area should be identified if not already included in the area of the "Proposed Septic Area". The proposed locations for connection to the municipal water system should be shown on the plan and confirmed by the water department. The subject property is situated within Western Clifton Park GEIS Study Area. The applicant should verify that all findings statements have been complied with.

Mr. Mark Cole, 40 Fairway Lane, reported that his residence was located "downhill" from the proposed development and that he is extremely concerned that the additional run-off produced by the construction will increase the drainage problems he already experiences. He told the Board that his family currently operates three (3) sump pumps in an effort to maintain a dry basement. Commenting that construction by the applicant on an adjacent lot has resulted in the removal of most of the trees from that parcel, Mr. Cole asked that existing vegetation between his property and the proposed homes be preserved.

Mr. Robert Goodwin, 31 Country Club Drive, explained that he and his family currently experience water problems and he is fearful that the proposed building will result in more water flow to his property. The speaker also commented that properties in the area have been identified as part of a "special historic community". He believes that this historic character will be diminished by the construction of modern homes. In response to Mr. Bulger's comments regarding the cause of the existing water problems, Mr. Goodwin stated that he believes that both ground water and run-off from other properties contribute to the problem.

Ms. Nancy Bellamy, 147 East Side Drive, stated that it has been reported that Mr. VanPatten, original developer of the Fairway Estates subdivision, encouraged the preservation of existing trees whenever possible. She recommended that the applicant consider "saving the green" along the Route 146 corridor.

In response to Mr. Cole's statement that the NYS Route 146-Blue Barns Road intersection has been identified as the "7th most dangerous intersection in New York State," Mr. Bulger explained that the Planning Board will not permit access from the corner lots to the main roads. Access to the properties will be provided by a combined driveway from Country Club Lane.

There being no additional public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:35p.m. The motion was unanimously carried.

In response to Mr. Karam's question regarding the amount of wetland identified on the properties, Mr. VanGuilder explained that though the area appears to be well drained, he will investigate the possibility of wetlands on the parcels. Mr. VanGuilder explained that one proposed residence will be oriented toward Country Club Lane: the other two homes will face Route 146. Mr. Karam expressed concerns regarding the preservation of trees and vegetation on the lots. Mr. VanGuilder explained that although the applicant intends to preserve as much vegetation as possible, he is willing to add additional plantings and/or provide fencing to provide adequate screening. Mr. Bulger recommended that the applicant preserve at least a 15' buffer along the eastern property boundary that abuts the Cole property and that run-off from the properties be minimized to the greatest extent possible. The 15' buffer area should be identified as a designated "no-cut" land preservation area. Mr. Karam suggested that the applicant work with the Maddalones, adjoining property owners, to determine if they would like the applicant to provide plantings on their property.

Board members and members of the audience discussed drainage problems in the area and the need for maintenance of existing culverts and drainage areas. Mr. VanGuilder will determine if NYSDOT may be responsible for maintenance of some of the drainage areas.

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 offered Resolution #14, seconded by Mr. Werner, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, and the Planning Board. Ayes: Kramer, Pace, Karam, Werner, Bulger. Noes: None.

Old Business

[2007-030] **Clearwire US, LLC** - Proposed co-location on existing telecommunications tower, 287 Ushers Road – Preliminary site plan review and possible determination.

Ms. Meredith Smith, representative of Pyramid Network Services, LLC, explained that this application, calling for the co-location of wireless broadband internet equipment owned by Clearwire, US LLC on an existing Crown-Atlantic telecommunications tower located at 287 Ushers Road, remains as presented at the June 12, 2007 meeting.

The Planning Department, Clough, Harbour, and Associates, and the ECC all found the project proposal acceptable.

Mr. Werner 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. Kramer moved, seconded by Mr. Karam, to grant preliminary and final site plan approval to this application. The motion was unanimously carried.

[2004-047] **Kain Development** – Proposed (16) lot subdivision, Longkill Road – Final review and possible determination

Mr. Ed Vopelak, consultant for the applicant, presented this project plan that remains generally as presented at the June 12, 2007 meeting for the Board's review. The speaker presented the recently-completed tree survey for the parcel for the Board's consideration, explaining that more than 1,300 trees 8" or larger in diameter at breast height were located outside the land preservation areas and the area to be cleared for the roadway. In response to Board comments, the language for all land preservation areas has been used consistently on all plan sheets, fencing has been illustrated along the retention basin, and standard details for the multi-use pathway have been included on the plans. Mr. Vopelak reported that one "typical house sketch" shows the proposed house encroaching on the 50' buffer area and he offered several alternatives for resolution of the problem. These included reducing the size of the house, relocating the house to the rear of the lot, or a waiver from the Planning Board from the 50' setback requirement. Board members agreed that the most reasonable resolution of the problem would be to reduce the size of the proposed home. The proposed driveway to Ms. Wassenaar's residence has been shown on the plans as has the land to be transferred to Wassenaar. Mr. Vopelak stated that, in his opinion, the two issues to be resolved could be identified as follows: the Board's decision regarding the time frame for reviewing grading and tree preservation on a site-specific basis and the appropriate placement for fencing on the site. As requested by the Board, a Phase IA archeological assessment has been prepared and was presented to the Planning Board at this evening's meeting.

Ms. Maynard provided several comments regarding this application. This project was last presented to the Planning Board at its June 12, 2007 meeting. Discussion at that time related to clearing and grading, discussion of the 50' land preservation area that provides a 50' buffer between existing and proposed homes, the request for a tree survey, storm water management, and trail construction. The Planning Board requested that a tree survey be completed, though there was discussion regarding how the tree survey

analysis would be utilized. The Board considered several options. The Planning Board could look at lots as currently designed, approving clearing and grading limit lines and identifying trees to be preserved. Alternatively, Planning Department staff members, representatives from Clough, Harbour, and Associates, and Building Department officials could provide direction on a lot-by-lot basis regarding the installation of fencing, site grading, and tree removal. It appeared that the Board members preferred that option that required members of the professional staff to determine the limits on clearing and grading for each lot. Lots of particular concern would be presented to the Board for review. Ms. Maynard stated that Land Preservation Areas must be labeled consistently on the final plans to avoid confusion. The Phase IA archeological survey presented will be reviewed, although it is understood that no additional site investigation of the parcel was recommended. Fencing should be extended to further protect wetland buffer areas. The speaker noted that one house was shown to be within 50' setback and recommended that the Board determine the best means to resolve the encroachment issue.

Mr. Steve Myers, Director of Building and Development, requested a meeting with the applicant and/or the consulting engineer regarding the Storm Water Prevention and Pollution Plan. He provided several comments regarding this document:

- Section 9.0 of the introduction incorrectly refers to the "Town of Colonie Department of Public Works".
- More access roads have not been added for maintenance of retention areas: the area is 300' long and access to only one end is not acceptable.
- Many of the proposed homes have limited backyards.
- Changes to site grading should be provided.
- Corrections to notes cited in ESC2 have not been made.

Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, requested that appropriate postal addresses be added to the plan.

Ms. Maynard read the comments prepared by the ECC. The Commission reiterated their previous recommendations. The following standard statements should be added to the plot plan:

- Federal jurisdictional wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in 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.
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The ECC strongly requests that the applicant perform a mature tree inventory. Based on those results, the Planning Board may consider increasing the number of trees required to be replaced to offset losses due to cutting and extensive backfilling that is proposed. Additionally, the ECC notes that "land conservation" and "land preservation" are used synonymously and interchangeably by the applicant, especially noted on Sheet SP. Project documentation should be modified so that correct terminology is used consistently throughout.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the application and offered the following comments. The building setback lines should be revised to reflect the limitations of siting the principal buildings at least fifty feet from the isolated and contiguous wetlands, and should not extend into areas designated as "land preservation areas". Because the "land preservation areas" will be established by deed restrictions and notations on a subdivision plan, they will not be established as "easements" and their naming convention should be consistent. Any reference to "land conservation easement" should be revised to "land preservation area". The "Land Preservation Area Notes" are correct and can remain, as these are the Town's standard notes that apply to either deed restrictions or conveyance of easements. Any non-standard setback lines should be established with bearings and distances or other dimensions so that they can be easily established in the field before or following construction. The subdivision plan must reflect that all wetlands to remain are to be included in the land preservation areas. In order to clearly show all the land preservation areas, an additional sheet may be warranted. The wetlands to be disturbed within lot #12 are shaded, whereas the legend indicates these areas are not to be disturbed. This should be clarified. It is our understanding that a tree survey has been completed on the project site and that detailed site plans depicting all clearing and grading will be submitted at the time of application for a building permit on each respective lot. The review and approval shall be by the Planning Board. This process must be dictated on the subdivision plans and in the deeds for each lot. Future plan submissions should include the complete plan set. The applicant's consultant should verify that fall protection measures have been provided for the retaining wall along Parkside Trail. Additional details of the proposed multi-use pathway should be provided that include a section and signage and striping of the crossing of Longkill Road.

Mr. Bulger addressed the apparent confusion created at the last meeting with respect to Comment #9 of the response document prepared by the Planning Board prior to the issuance of preliminary approval. Quoting language contained within the comment, he explained that the land preservation measures will apply to all jurisdictional and non-jurisdictional wetlands. The 50' restriction applies to the distance required between the primary residence and non-jurisdictional wetlands.

Ms. Gayle Wassenaar, 85 Longkill Road, describing herself as "livid" as she listened to statements made by applicant and the consultant, identified several items of concern. She reported that she had requested that plantings or fencing be placed along

her western property boundary to protect the privacy she has experienced since purchasing her property. She stated that the location of the driveway that was proposed to serve her home was unacceptable and asked that paving be extended to the existing driveway area and that the existing trees along the driveway be preserved. The speaker identified an area to the west of her property and recommended that the designated land preservation area boundary line be continued to the north. She recommended that the Town engineer review the grading plan for the roadway. The proposed western boundary line for her lot should be flagged in the field. Ms. Wassenaar also explained that since she operates a home business and because the sump pump in her basement runs nearly continuously, she requires assurance that no interruption of utilities occurs during the development process. The pet fence that has been installed to protect her pet must be relocated. The second set of utilities that was installed by Tolan Construction to serve her residence must be relocated without interruption of service. She would like the opportunity to review the project plan to determine if proposed tree removal near her property is acceptable. If relocation of her mailbox is required, she would like the developer to be responsible for its re-installation. Speaking a "global perspective," Ms. Wassenaar stated her appreciation for the Board's requirement that a 50' setback be provided to discourage encroachment on wetlands. She concluded her comments by requesting that the Board require a sign-off from Mr. Myers regarding the storm water management plan.

In response to Ms. Wassenaar's request to review proposed clearing of trees near her property, the applicant agreed to flag all trees slated for removal prior to construction. Mr. Kramer stated that he found Ms. Wassenaar's requests reasonable and asked that the applicant work to resolve all issues.

Ms. Nancy Bellamy, 147 East Side Drive, stated that she was a member of the Saratoga County Water Quality Committee. She asked if there would be monitoring of the designated land preservation areas to ensure that homeowners respected the established boundaries. Mr. Pelagalli explained that the Building Department will be responsible for resolving complaints since, in this instance, the Town would be granted enforcement powers. He stated that it would be the responsibility of adjacent property owners to monitor property use. Mr. Bulger noted that land preservation area restrictions would not only be listed on the final plat but would also be incorporated in individual property deeds.

Mr. Bob Vawter, 10 Hearthside Drive, asked about maintenance of the storm sewers. It was explained that storm sewers are maintained by the Town.

Mr. David Gibson, 107 Longkill Road, stated that he appreciated the Board's willingness to permit individuals to offer comment on the application. Stating that he also appreciated Mr. Bulger's recognition of the site as "important," he commented that the application should have received a positive declaration pursuant to SEQRA from the Board in order to determine the full extent of negative impacts of the development on the environment. Presenting pictures of the trees and wetlands on the site, he stated that such an area "should have received comprehensive review." He believes that Comment #9 as

discussed at the previous Board meeting is clear: without the establishment of the 50' non-disturbance area around "ephemeral" wetlands, they will be destroyed. He implored the Board to protect significant wetland areas.

Mr. Scott Dochat, 22 Hearthsides Drive, requested clarification of the proposed 50' land preservation area. Mr. Bulger explained that no clearing and grading would be permitted within this protected area in order to reduce impacts to existing neighbors and the "sensitive water table." Clearing and grading will be permitted within 50' of the non-jurisdictional wetlands, though no residence may be located within that area.

Ms. Margaret Catellier, 26 Royal Oak Drive, described those problems her family has experienced because her home was built in a wet area. She asked that the Board protect existing residents and future residents from such trouble.

In response to Mr. Gibson's question from the floor regarding the Board's plans to consider LEED alternative plans for development as Malta has recently initiated, Mr. Bulger explained that he is not aware that any such review is under consideration. Ms. Maynard stated that an alternative energy committee has recently been established by the Town Board.

Mr. William Engleman, 6 Partridge Plateau, stated that he has not had the opportunity to study the tree survey and, therefore, is unable to attest to its accuracy. He did note, however, that no wildlife study was required – a fact he considers "sad and tragic". He stated that the neighbors have completed such a study: that study has been ignored by the Planning Board. Mr. Engleman distributed pictures of a spotted salamander, explaining that the subdivision plan approved by the Board does not protect several animal species. Speaking of the importance of vernal pools, he explained that the lack of protection afforded these areas will result in the drastic reduction of amphibian populations.

Mr. Bulger stated that it appears that the applicant either has or is willing to address Ms. Wassenaar's concerns and that he is satisfied that the Board has provided protections for adjoining property owners and environmentally-sensitive areas. Mr. Karam asked that the applicant address Ms. Wassenaar's concerns. He stated that he believes that the Board has worked diligently to protect neighbors and natural resources.

Mr. Bulger explained that the Planning Board reviewed this project at its June 13, 2006 meeting at which time the Board waived the final hearing for the application, established itself as Lead Agency and issued a negative declaration pursuant to SEQRA.

Mr. Bulger offered Resolution #15, seconded by Mr. Karam, to grant final subdivision approval to this application conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, and the Planning Board. Ayes: Kramer, Pace, Karam, Werner, Bulger. Noes: None.

[2006-005] **21st Century Park Senior Townhouses PUD**, 1315 Route 146 – Revised conceptual review.

Mr. Wayne Wagner, applicant, provided the Board with a brief history of the 21st Century PUD as well as the pending application. He explained that the Town Board approved the PUD amendment on February 12, 2007. Mr. Tom Andress, consultant for the applicant, presented this application for the Board's consideration, noting that this is the first Board review for consideration of the site plan. The speaker explained that, in response to Board concerns, the applicant employed Greenman-Peterson Engineering consultants to conduct a traffic study. The firm concluded that the proposed development would not appreciably impact the Level of Service along the Route 146 corridor. Mr. Andress did admit that "the side roads do not work well" and that the study did not factor in the fact that the condominium community will restrict residency to those aged 50 and over who may have slower reaction times. Mr. Andress explained that the applicant is committed to a monetary contribution that would be dedicated to future traffic studies or road improvements. Mr. Andress recognizes that the project plan requires refinement and he reported that he is currently preparing a more detailed project plan. Mr. Jim Fitzgerald, project manager, explained that the applicant is now seeking "constructive direction" from the Planning Board.

Ms. Maynard offered comments regarding the application. This project was last seen by the Planning Board on December. Discussion related to concerns for traffic safety, proposed access issues, emergency access, construction of a private roadway to serve the development, and integration of the proposed use with the existing commercial structures on the site. The Planning Board provided a positive conceptual recommendation to the Town Board in relation to the zoning change for the PUD amendment. The Town Board adopted the proposed PUD amendment allowing for the senior targeted town homes on February 12, 2007. The project has now returned to the Planning Board for site plan review. Ms. Maynard reported the Planning Department's receipt of a traffic study completed for the project by Greeman-Pederson Engineering. Discussion of traffic improvements has included access to Tanner Road along an existing easement held by the property owner and applicant and the installation of a traffic light at Tanner/Miller Road intersection. Ms. Maynard commented that the traffic study does not include information current accident rate, discuss the background growth rate that is will produce an increase in cumulative traffic along Route 146, or propose any improvements along the corridor. The study does not consider that senior drivers will be entering and exiting the site. The Planning Board, Town Board, and staff are concerned with the safety of those entering traffic traveling at a rate of 55 MPH at this location and the cumulative impacts of growth in the area. The report should clarify whether or not the study considers impacts of the recently-approved 24-unit Brookhaven Subdivision located to the east. It is recommended that the Board recommend that long-term planning for the Route 146 corridor be undertaken to provide a comprehensive view of the impacts of cumulative growth and provide recommendations for traffic improvements.

Ms. Maynard offered several additional comments regarding the project plan. She recommended that the applicant consider usable open space on the parcel, possibly

providing provisions for trail development through the site or to adjoining parcels. Though the current plan provides for the installation of a berm along Route 146, the speaker recommended that a more extensive berm and increased landscaping be provided along Route 146 to enhance screening and provide some noise mitigation from the highly-trafficked corridor. Though the project is not “technically” located in western Clifton Park, it was suggested that the applicant consider designing a project that includes green space along Route 146. The applicant was also asked to consider integrating the existing commercial uses with the proposed residential development. Though it is recognized that uses are likely to change over time, a trail connection between appears reasonable at this time. The Board may wish to consider requesting additional right-of-way along Route 146 for future trail development or road improvements. Clough, Harbour, and Associates or the NYSDOT may provide some guidance for such a conveyance. Water and sewer are to be supplied by the Corporate Commerce Water and Sewer Districts, respectively. Projected capacity and usage were determined during preparation of the Corporate Commerce GEIS. With a change from commercial space to residential use, the applicant must provide a new estimate of capacity needed to serve the development and calculate impacts on overall capacity.

Mr. Myers, Director of Building and Development, recommended that the Fire Prevention Appeals Board review the project plan to determine if emergency access is acceptable.

The ECC recommends that the applicant verify the absence of federal wetlands on the parcel.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed this application, including the traffic impact study prepared by Greenman Pedersen, Inc. dated May, 2007, last revised July 5, 2006, and offered the following comments. The following comments from our previous review letters have not been addressed. The application, as proposed, is not consistent with the land uses contemplated in the Corporate Commerce Area GEIS in 2001. As such, a supplemental EIS or at a minimum expanded Full Environmental Assessment should be prepared and submitted for review and comment. The proposed project appears to be a “Type 1” action pursuant to SEQR, and as such, coordinated review is required. The involved agencies are expected to be the Planning Board, Saratoga County Planning Board, NYSDOT, SCSD #1, CPWA and the Town Board. Known environmental concerns that have been raised so far by the Town Board and Planning Board include traffic and access, impact on build-out of the Corporate Commerce zone, demand on sewer capacity, visual impacts and impacts to federal wetlands. A Full Environmental Assessment Form and narrative description of how the above issues have been addressed and how the findings statement has been complied with should be provided. This site was included in the Corporate Commerce Area GEIS in 2001 and, therefore, excluded from the Western Clifton Park GEIS in 2005. At that time, it was anticipated that up to one million square feet of commercial building space could be developed without significant impact to the transportation network if recommended improvements were made to Route 146. It was anticipated that traffic would be funneled to Tanner and Miller Roads and that the intersection of Tanner/Miller and Route 146 would be improved with turn lanes and a traffic signal. In addition, access to Route 146 at the existing 21st Century Park access road would be limited to rights in/rights out only. It is recommended that this project include these access improvements. A traffic study should be prepared. A traffic study has been prepared, though no significant changes to

the access arrangement have been made. No direct access to Tanner Road has been provided. A second curb cut onto NYS Route 146 is proposed and is intended to be right-out only and serve as a secondary emergency access. Although an emergency access only drive may be warranted, Clough, Harbour, and Associates does not support the development of additional paved drives off NYS Route 146. The following additional comments on the traffic impact study have been provided:

- The study does not discuss how the site generated trips were estimated. The methodology and a summary table of the site generated trips should be provided.
- The study does not account for the fact that the development is restricted to seniors who may require greater longer gaps in traffic and have slower reaction times.
- The study concludes that the impact of the proposed development on the adjacent roadway network is generally expected to be minimal. Clough, Harbour, and Associates disagrees. Although the project may not cause significant changes in the level of service for many approaches, that is because many of the approaches at Miller Road, Tanner Road, Waite Road and the existing access to 21st Century Park currently operate at a level of service "F", which denotes excessive delays (greater than 50 seconds) and is the poorest rating. After completion of the development, delays will increase to as high as 242 seconds. In addition, the report demonstrates that the proposed project will result in increases in delay times by as much as 22%. Except for the highest traveled intersections in the Exit 9 commercial corridor, the Town of Clifton Park has routinely supported no greater than modest traffic delays (levels of service "D" or better). Unless all increases in delay caused by the development were less than 5%, w these increases appear significant and worthy of mitigation.

Mr. Grasso offered several additional comments. The plan does not appear to appropriately tie into existing improvements associated with the business uses on the property. The applicant should submit the following information in accordance with §208-72 for a Planned Unit Development: survey showing existing site features including contours, buildings, structures, streets utility easements, rights-of-way and land uses within 500 feet; a preliminary site plan as described in Article XVI of the Town Code; information on the intended construction sequences for buildings, parking areas and landscaping; a utilities plan documenting the proposed location, size and quantity of water, effluent and storm drainage facilities; and a completed part one EAF. The highlighted information has not been provided. Municipal water and sewer services were extended to the Corporate Commerce zone to serve the future development. The amount of reserve capacity necessary to serve the proposed project should be presented. No additional information has been provided. Although the proposed berms may provide screening towards the development as you approach the site from the east, the plan lacks any measures that would provide screening as you approach the site from the west. Additional berming should be considered along the western property line.

Board discussion focused upon traffic issues. Mr. Bulger referenced a discussion with Tom Werner regarding pending applications and potential development along the Route 146 corridor, including approved improvements for Glenridge Road. He supported the Town Board's establishment of a Transportation Improvement District that would require a comprehensive review of the Route 146 area. He noted, however, that such a study and subsequent development plan would "take quite a while." Mr. Wagner addressed the Transportation Improvement District concept, stating that he would be

willing to contribute funds for future studies and/or roadway improvements, though he would like the senior townhouse project to move forward. Mr. Bulger commented that although the Board will work cooperatively with the developer, traffic safety is of paramount concern and the Board will not permit a project to proceed if traffic hazards are apparent. He suggested that the Planning Board provide a formal recommendation to the Town Board for approval of a Transportation Improvement District. Mr. Kramer supported such a concept, stating that he found the proposed "integrated approach" reasonable. Mr. Karam stated that he would not support approval of the project until traffic safety issues are addressed. Mr. Bulger summarized the evening's discussion by listing the issues of concern: appropriate screening along the Route 146 corridor; maximizing the open space on the site; verification of adequate capacities for water and sewer services. He labeled traffic safety the most important issue of concern. Mr. Bulger stated that he would facilitate a meeting with representatives of Clough, Harbour, and Associates, himself and Mr. Werner as Planning Board representatives, and Town officials to identify major issues of concern and determine the direction for further study and/or mitigation. Mr. Andress and the applicant agreed to continue to refine the plan in preparation for preliminary review.

[2006-035] **Dickinson, Michael** - Proposed (20) lot subdivision, Main Street – Revised conceptual review.

Mr. Bill Nikas, legal representative for the applicant, and Mr. Scott Reese, consultant, were present at the meeting. Mr. Nikas described plan revisions that have been made in response to Board comments and concerns. The parcel along Main Street has been divided into two lots, both fronting on Main Street. Access to the storm water management area has been provided from the cul-de-sac. Berming has been indicated to the rear of Lots #1, 2, 3 and 4 to provide a buffer to the railroad tracks. The consultant presented a cluster design for the Board's consideration. Though this plan provides a larger open space area along the site's western boundary, the proposed homes would be located much closer to the railroad tracks. An additional one acre of open space would be gained.

Ms. Maynard provided comments from the Planning Department. This project was reviewed by the Planning Board on June 12, 2007 at which time discussion included the number of lots on a cul-de-sac, long term protection of the Smith House, the recommendation that houses along Main Street front on Main Street and that these residences reflect historically appropriate building types, and a request that the applicant consider visual and sound mitigation measures for the properties bordering the railroad tracks. The completion of a Phase IA archeological review was recommended. Ms. Maynard noted that the applicant has provided a concept cluster subdivision with proposed minimum lot size of 20,000 SF that offers a greater sense of open space and appears generally more in keeping with the hamlet current land use. It is recommended that public ownership of storm water management area be illustrated on the plans.

Mr. Steve Myers, Director of Building and Development observed that the cluster plan does not show the proposed storm line. This line and other storm water management

issues should be addressed in future submissions. The applicant should clarify whether or not the cluster option requires that the entire storm water area to be deeded to town.

Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention has noted that Lots #19 and 20 should have access from Main Street. If access were provided from proposed roadway, the subdivision would be considered over the 18 lot maximum development permitted on a cul-de-sac.

Ms. Maynard read the comments provided by the ECC. The following standard statements shall be added to the plot plan:

- 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.
- Federal jurisdictional wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in federal wetlands.

The following additional comments were provided. The proposed storm water management areas should be subdivided out and given to the Town to be left to grow and create additional buffering from the railroad. Access will need to be carved into the proposed subdivision to allow for the maintenance of the proposed storm water management area. The ECC recommends possible mitigation along the railroad tracks for safety, noise control, and visual screening. It is suggested that a combination of berms, and appropriate walls or barriers be placed between backyards and the railroad tracks.

Additionally, the Commission noted that it was not clear which project layout was presented to the Commission for review – the Concept Plan shown on Sheet C-1 dated May 21, 2007 or the Concept Cluster Plan shown on Sheet C-2 dated June 20, 2007. Comments regarding the Concept Plan concerned the proximity of the structures proposed for Lots #6 and #7 to the Army Corps of Engineers (ACOE) wetlands. The ECC recommends that construction and/or planting details be provided for the berms along the railroad tracks. The ECC also commented on the Concept Cluster Plan. The Commission expressed concern with the proximity of the structure proposed for Lot #14 to the Army Corps of Engineers (ACOE) wetlands. The ECC notes that Lots #16, 17, and 18 are in extreme proximity to the existing railroad tracks. Therefore, the ECC sees no advantage, and numerous disadvantages, to the Concept Cluster Plan as provided.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the revised subdivision plan and Full Environmental Assessment Form and offered the following comments: a review of the wetland delineation report and jurisdictional determination letters from NYSDEC and ACOE finds the information shown on the plan to be accurate. The plan indicates that a 24 foot wide Town Road is proposed. The Town's standard roadway section is 28 feet wide with two foot wing wedge curbs on both sides, providing a total pavement width of 32 feet. If a cluster subdivision design is proposed, use of a 22 foot wide road with two foot wing wedge curbs is permitted. In addition, in a cluster subdivision the front yard setback of fifty feet is typically reduced to thirty feet. Because of the relatively shallow building area on some of the lots (lots #6, #7, #8, #9, #10 and #11), it is recommended that the classification as a cluster subdivision be applied. Cluster subdivisions typically provide more open space than the 10% required in the subdivision regulations, so this should be considered. The conceptual layout of the proposed water main, storm sewer, and sanitary sewer system is unacceptable: acute crossing angles are not permitted. Catch basins shall be placed opposite each other at every other lot line, thereby providing a location for a foundation drain connection. Utility easements should be provided from the terminal manhole in front of lot #8 to the east to allow future extension of the sewer main and water main. A catch basin should be provided at the common rear property corner of lots #19 and #20. The proposed method of preservation of the existing wetlands should be shown. It is recommended that the use of a "land preservation area/easement" be employed, as this is commonly used in the Town and the Town has specific notes that are added to the subdivision plan. The Board raised significant concern about the need for screening and berming along the railroad tracks. The berm depicted on the plan, although only conceptual in nature, appears minimal and discontinuous. A gravel access road around the storm water management area should be provided for maintenance.

In response to Mr. Karam's question regarding the benefits of a cluster subdivision, Ms. Maynard explained that such a design provided a larger, contiguous open space area and allowed smaller lot sizes that appeared to be more in keeping with those along Main Street. Mr. Kramer stated that he found that proposed residences in the cluster subdivision plan were placed too near the railroad tracks. He observed that the conventional lay-out was in keeping with other subdivisions in the area. Ms. Pace asked the applicant to clarify the means for "finishing off" the berms. The applicant's representatives replied that the areas would likely be seeded. Shrubs and larger trees are usually not recommended because of maintenance issues. Mr. Karam stated that he would prefer the installation of a 10' berm and recommended that the five (5) homes closest to the railroad be constructed of sound-proof materials. He asked that the consultant add a note to the plan that states that the subdivision is located in close proximity to the railroad tracks. He preferred the conventional design plan. Mr. Werner stated his preference for the conventional lay-out and recommended that fencing be provided along the railroad right-of-way. Mr. Bulger found the 10' berm with fencing behind appeared to provide an adequate boundary and recommended that the applicant consider the installation of split-rail fencing. He asked the Board to consider "shortening" the lots in order to permit dedication of the berm and fencing to the Town. Board members supported a deed restriction that would preserve the existing Smith residence.

[2006-037] **DCG Development Co.** – Proposed 12,600 SF office space, 943 Route 146 – Preliminary site plan review and possible determination.

This item was withdrawn from this evening's agenda at the request of the applicant.

[2007-018] **McDonald's Restaurant** – Proposed redevelopment of existing restaurant site, 829 Route 146 – Preliminary site plan review and possible determination.

Mr. Own Speulstra, consultant for the applicant, presented this application for the Board's consideration. Mr. Chris Bouyea, consultant, was also in attendance at the meeting. The plan remains generally as presented at the April 24, 2007 meeting. An application for required variances from the Zoning Board of Appeals has been submitted.

Ms. Maynard reported that this project was last considered by the Planning Board on April 24, 2007 at which time the main issue of concern centered on the number of parking spaces and the configuration of those spaces. The speaker noted that the plan now included a sidewalk connection along Maxwell Drive: she recommended that the applicant consider adding a landscaped "bump out" at southern point of parking lot to ensure pedestrian safety and prevent parking within that area. The applicant was encouraged to consider using pavers or stamped concrete to define the striped crosswalk and provide a warning for drivers. A similar pedestrian connection should be provided between the McDonald's site and the adjoining KFC property. The consultants agreed to construct such a link and will contact KFC to determine if such a connection will be permitted. Ms. Maynard recommended that since the site will not meet the 35% green space requirement, the landscaped areas on the site should be enhanced. It was recommended that the applicant contact NYSDOT to obtain a use and occupancy permit that would permit the planting of landscape materials on state-owned land. Applicable GEIS fees will be required.

Mr. Myers, Director of Building and Development, reports that several variances are pending. All variances must be approved by the Zoning Board of Appeals prior to site plan approval. An engineering assessment of existing storm drainage system and/or plans for improvements must be submitted prior to the issuance of a building permit.

Ms. Maynard reported that the ECC recommended that the following standard statements be added to the plan:

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

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the site plan for the above project offered the following comments. The applicant continues to propose parking in excess of the code requirements. Because the project green space remains significantly below the 35% requirement, it is recommended that land banking of excess parking spaces be considered until a definite need for the spaces can be demonstrated. Clough, Harbour, and Associates continues to recommend that new energy efficient light fixtures with cut-offs be installed in lieu of reutilizing the existing lights. The proposed inlet protection detail is not an acceptable practice. The details provided in the New York State Standards and Specifications for Erosion and Sediment Control should be provided. The proposed area of disturbance labeled on the site plan does not correspond to the limit of disturbance labeled in the Erosion and Sediment Control notes. It does not appear as though the proposed 12" culvert under the proposed asphalt walkway to Maxwell Drive will maintain acceptable cover based upon the information provided: additional detail of this area should be provided. In addition, the condition of the existing storm sewer to remain should be verified. The location of the proposed "No Parking" signs in front of the handicapped access aisles will impede wheelchair use and should be relocated. The inlet to the grease trap should be on the opposite end of the outlet and protected with appropriate baffling. PVC SDR-26 or cast iron should be used for all grease trap fittings to withstand the heavy use by grease removal techniques. No landscaping is proposed and no landscaping is shown to be removed: this should be clarified. The Planning Board expressed previous concerns over the need for additional landscaping which has not been addressed.

In response to Mr. Grasso's comments regarding the number parking spaces provided, Mr. Bouyea reported that Ed Beeler, McDonald's representative, has stated that the site requires the 60 parking spaces since it is anticipated that an increased number of customers will visit the site because of the indoor children's activity center. It was also noted that green space on the site will increase. Mr. Bouyea addressed Mr. Grasso's comment regarding the installation of new lighting fixtures, stating that the applicant would prefer to re-use the fixtures on the site because they are fairly new and appear to be functioning well. Mr. Grasso agreed to re-consider this comment.

Mr. Bulger requested clarification of the proposed "double drive-thru" lane, observing that there appeared to be only one pick-up window. Mr. Bouyea explained that the dual access is controlled internally and has reportedly worked well in other locations. Mr. Karam asked that substantially more landscaping be provided on site. He finds the proposed number of parking spaces acceptable. Board members agreed that the project plan was generally acceptable. No decision will be rendered until all variances have been granted by the Zoning Board of Appeals.

New Business

[2007-032] **Gaidys, Lois** – Proposed (6) lot subdivision of the Lands of the Estate of Frank J. Pickett, 136 Vischer Ferry Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application for the Board's consideration. The original project plan submitted to the Planning Department called for the subdivision of 22.53 acres of land on the west side of Vischer Ferry Road, approximately 1,600 feet south of Taylor Drive, in the CR (Conservation Residential) district. The consultant reported that federally jurisdictional wetlands have been verified by the ACOE. The jurisdictional wetlands represent 1.97 acres of the site - all of the constrained land on the site. Given the current density allowance of one living unit per three acres of unconstrained land, the maximum allowable number of lots is seven (7). The proposal is to create six (6) lots with 11.13 acres of permanently restricted, unconstrained land, or 54%, of the total unconstrained land. The homes will be served by individual wells and septic systems. Mr. VanGuilder explained that upon learning of the fact that no keyhole lots would be permitted in the CR (Conservation Residential) zone, the project plan has been revised. The speaker explained that although the original project design called for the construction of a common driveway to access to all parcels, the plan presented this evening calls for construction of a private roadway. Sight distance information has not been provided to date, though Mr. VanGuilder will verify its adequacy with future submissions. Board members received copies of the revised plan for their review.

Ms. Maynard provided comments prepared by the Planning Department, explaining that it had been determined that keyhole lots were not permitted in the CR (Conservation Residential) zone. Mr. Steve Myers, Director of Building and Development has provided confirmation of this fact. The site statistics table must contain information regarding the proposed amount of open space and specify the method to be used for its preservation.

Ms. Maynard reported that Ms. Sheryl Reed, Chief of the Bureau for Fire Prevention, provided the following comments. The plan must include the driveway note regarding the width of the driveway as well as the weight requirement for fire apparatus. The design plan must also include an adequate turn around location for emergency services at the end of the proposed driveway.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the subdivision plan and offered the following comments regarding the initial subdivision application. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. Involved agencies are expected to be the Clifton Park Planning Board for subdivision approval; Saratoga County Planning Department for Section 239 referral; Saratoga County DPW for a curb cut permit. The project site is located within the CR (Conservation Residential) zoning district which limits development to one lot per three developable (unconstrained) acres. It appears there are 20.56 acres of unconstrained land, therefore, the maximum density would be 7 lots. Although the proposed density is in conformance with the requirements, the process of the calculation should be modeled after that used by Lansing Engineering or the Environmental Design Partnership for other similar projects. There is concern with the relationship of the proposed development, including septic system, to the isolated wetlands. A detailed grading plan is recommended. Section 208-86 of the Zoning Code states that "Keyhole lots may be permitted by the Planning Board only in Residential Districts R-1 and R-3..." Additionally, it does not appear as though proposed Lot #1 has frontage along a right-of-way. A revised concept subdivision plan should be prepared.

The proposed disturbance limits and acreage should be depicted on the plan to determine whether a full Storm water Pollution Prevention Plan and Post Construction Storm Water Control Plan will be required. The existing dirt driveway should be removed and a driveway off the proposed private drive should be provided to Lot #2 and Lot #3. Details of the proposed private common drive should be provided. A curvilinear alignment should be considered and the hammer-head turn-around should be able to be incorporated into the last driveway. An access agreement over the proposed private common drive should be provided for the proposed lots. The adequacy of sight distance should be verified at the proposed driveway location. Soil investigations must be conducted in the areas of the proposed wastewater disposal systems. If the proposed method of open space preservation will be the use of deed restrictions, then Land Preservation Areas shall be established and the Town's standard notes regarding the restrictions of use should be shown on the plan.

Mr. Grasso provided the following additional comments. The proposed plan was initially submitted to the Town as the Pickett Subdivision. A comment letter, dated June 25, 2007 was prepared relative to the plan submitted at that time. Some of the comments included in that letter have been addressed in the current submission. The following comments have not been addressed and remain valid concerns. Clough, Harbour, and Associates is concerned with the relationship of the proposed development, including septic systems to the isolated wetlands. A detailed grading plan is recommended. The proposed disturbance limits and acreage should be depicted on the plan to determine whether a full Storm water Pollution Prevention Plan and Post Construction Storm water Control Plan will be required. Details of the proposed private common drive should be provided. A curvilinear alignment should be considered and the hammer-head turn-around should be able to be incorporated into the last driveway. An access agreement over the proposed private common drive should be provided for the proposed lots. The adequacy of sight distance should be verified at the proposed driveway location. Soil investigations must be conducted in the areas of the proposed wastewater disposal systems. If the proposed method of open space preservation will be the use of deed restrictions, then Land Preservation Areas shall be established and the Town's standard notes regarding the restrictions of use should be shown on the plan.

The ECC provided the following comments. The ECC requests the applicant more clearly identify what is being considered as jurisdictional and non- jurisdictional wetlands. Currently the plan shows hatching interchangeable to both. The ECC requests that the applicant indicate the proposed location of storm water retention facilities on the plan to more clearly represent what land will be impacted by this project. The following Statement should be added to each individual plot plan:

This parcel (subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation and other associated activities. A study describing this impact in detail is available for inspection in the office of the Albany International Airport.

The ECC requests that the applicant clarify on the plan whether the existing wood frame house is to remain or be removed. The ECC recommends that the applicant consult with the Open Space/Trail Committee regarding this project.

Upon learning that the parcel slated for subdivision was an existing wooded lot, Mr. Karam asked that the trees along Vischer Ferry Road be preserved to the greatest

extent practicable. Board members asked that the applicant and consultant prepare plans in accordance with the design and construction standards contained in the Town Code for private roads. The adequacy of sight distance along Vischer Ferry Road at the proposed access must be verified.

[2007-033] **One Fairchild Square** – Proposed 10,000 SF office building, 5,000 SF office building and parking lot modification, 1 Fairchild Square – Conceptual site plan review.

Mr. Tom Address, consultant for the applicant, described this conceptual project plan as the “first portion of an overall site expansion”. He explained that not all of the parking modifications approved earlier in the year were constructed: the applicant now proposes the construction of a central parking area that would provide more convenient access to all areas of the building and the addition of parking to the east near the proposed 10,000 SF building. A 5,000 SF building is proposed for the northwestern portion of the site along Ushers Road.

Ms. Maynard provided comments. She recommended that an access arrangement provide for access for the entire site onto both Ushers Road and Van Patten Drive. Straightening of the existing roadway is not recommended since the existing design appears to be an effective traffic calming device, forcing drivers to “pay attention and drive slowly.” It is recommended that the building proposed along Van Patten Drive be integrated with the existing Trustco bank site: a shared parking arrangement should particularly be considered. Trail connections and pedestrian accommodations should be provided to both Ushers Road and Van Patten Drive. The project plans should reflect current site conditions including the removal of the parking area along the southern property boundary. The plan should clarify future plans for the area included in the “pavement to be removed area.” Possible relocation of the proposed 5,000 SF building should be considered to preserve the wooded buffer and provide for more integrated site development.

Ms. Maynard reported that the ECC prepared the following comments. 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. Grasso reported that Clough, Harbour, and Associates reviewed the conceptual Site Plan for this project and prepared the following comments. The proposed project is appears to be an “Unlisted” action pursuant to SEQ, and as such coordinated

review is optional. The Planning Board is expected to be the only involved agency with site plan approval being required. The preparation of a Full Environmental Assessment Form is recommended. The following was comment made in the review letter for the previously approved parking lot modification application:

There are two important site planning issues associated with this site that we feel are worthy of mention. First, the site currently contains significant mature existing trees that have been sensitively avoided by previous development of the site, and the existing vegetation provides significant screening of the building and parking areas from both Ushers Road and Van Patten Drive. Any existing trees to be removed should be clearly identified. Secondly, the proposed modifications do not connect the existing service access road that extends with Ushers Road to the parking areas that are accessed from Van Patten Drive. This is a significant positive element of the plan as proposed, as it will reduce the amount of traffic using the service drive off of Ushers Road, thereby providing improved access management. Any future development proposals for this site should retain these elements.

The plan lacks any detail with respect to existing vegetation or vegetation to be removed throughout the site. The plan proposes a new office building in close proximity to Ushers Road with principal access off Ushers Road. The plan proposes a connection between internal parking areas and access roads to the access road off Ushers Road. Significant plan changes to address previous concerns are recommended. The proposed office building near Van Patten Drive is shown touching the re-aligned access road. Because this access road will see significant traffic serving additional development to the west it is recommended that a significant landscaped area a minimum of twenty feet wide along its length. There are no proposed sidewalks shown on the plan. Clough, Harbour, and Associates believes that the site plan has not been designed in keeping with the character of the area that includes individual commercial lots appropriately screened from view from public roads with carefully planned site layouts that preserve significant existing vegetation. Because of the potential for additional development and subdivision in the future, municipal water and sewer facilities should be provided throughout the site.

Although Mr. Andress presented several project proposals for site development, Mr. Bulger interrupted the discussion at this point, stating that he would not support continued review of the project until the applicant supplied a comprehensive plan for the site. Board members agreed that preparation of plans for an "integrated site" for Planning Board review would be required before the Board considered any expansion or modification of the site.

[2007-034] **99 Restaurant** – Proposed parking lot modification, 22 Clifton Country Road – Conceptual site plan review.

Mr. Joe Dannible, consultant for the applicant, presented this application that proposes the construction of thirty-three (33) additional parking spaces along the north and east sides of the existing 99 Restaurant. Variances for side yard parking setbacks and green space were granted by the Zoning Board of Appeals on December 5, 2006. The applicant was granted a Use Occupancy Permit Lease Agreement from the NYS Department of Transportation for the area of parking spaces on NYS Department of Transportation lands. The project is located south of the Exit 9 entrance ramp to the Northway (I-87) in a B-4 (Highway Business) zone. The existing 99 Restaurant is a 6,300 SF building. There are currently 65 parking spaces provided on the site: 49% of the site is identified as green space. The plan proposes the installation of an additional 33

parking spaces on the site, bringing the total to 98. Green space will be reduced to 32.2% of the site. Six parking spaces will be removed to accommodate the proposed driveway.

The correspondence accompanying the concept submission dated June 20, 2007, states that the previous storm water management design for this facility proposed a storm water management system designed to accommodate an impervious surface area of approximately 1.0 acres. The impervious surface actually constructed was less than the 1.0 acre originally approved. The current parking expansion results in a total impervious area of approximately 1.0 acre, equal to the original approved impervious surface and the storm water management system designed to accommodate it. It is anticipated that no additional storm water management facilities should be required at this time.

Ms. Maynard offered several comments. She explained that the Exit 9 GEIS study recommended that impervious pavement be restricted to necessary parking. The proposed increase in parking can be seen to be inconsistent with Exit 9 GEIS, general planning principles, and storm water management policies. It is recommended that a comparable amount of green space be created in exchange for increase in parking and that employee parking be located to overflow area. Though the speaker recommended that the applicant consider a shared parking arrangement with Pier 1, the applicant's consultant explained that this is not a feasible alternative. It was noted that the proposed parking is on separate parcel from restaurant.

Mr. Steve Myers, Director of Building and Development, asks that the applicant and/or consultant discuss the stormwater management plan with him prior to the issuance of a building permit.

Ms. Maynard read the comments provided by the ECC. 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. Grasso reported that Clough, Harbour, and Associates reviewed the site plan for the above referenced and offered the following comments. In general, Clough, Harbour, and Associates does not support the encroachment of private site development improvements into public right-of-ways due to the future restrictions imposed on utility, drainage and highway improvements. It was understood that this site was originally included in the green space for the original development of Clifton Country Mall and when the site was developed with the 99 Restaurant the need for shared parking with the Mall was clearly understood, planned, and implemented. The plan indicates that variances have been granted for parking setback, planting buffer and green space. The variances should be listed individually with the limits that were established. The current

plan does not appear to include a dumpster. An “Existing Service Area” is shown on the east side of the building. If the dumpster is located in this area it should be noted on the plan and appropriately screened from view. The proposed plan will result in a total of ninety-eight parking spaces. The plan should include a calculation supporting the need for this number of spaces. The proposed plan will add significant impervious areas to the site. The applicant should submit documentation to confirm that the existing storm water management system is adequate. The proposed landscaping is insufficient for the proposed expansion and will provide minimal aesthetic improvement and/or screening. The proposed project appears to be an unlisted action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include: Clifton Park Planning Board – Site Plan Approval; Saratoga County Planning Board – Section 239 Referral; NYSDOT – Highway Work Permit.

Mr. Karam stated that since it is apparent that circumstances surrounding mall development are changing, he supports the proposed parking lot modification plan. Mr. Bulger supported this idea, noting that the proposed modifications reflect the “bigger picture” for development and enhancement of the mall: he finds the project proposal acceptable. Mr. MacElroy substantiated this statement, explaining that the parking was necessary due to continued demand and to provide parking for the future expansion of Clifton Park Center. Mr. Werner commented that he was concerned that the proposed modification would require the removal of two mature trees on the site. Mr. Kramer reported that he is a frequent patron of the 99 Restaurant and realizes that the proposed site modification is necessary. Both Mr. Karam and Mr. Bulger requested that the applicant provide substantial landscaping on the site. The Board found the plan generally acceptable and asked that the applicant provide the Use Occupancy Permit approved by NYSDOT.

[2007-035] **Staples** – Proposed 20,400 SF retail store, Maxwell Drive Extension and Southside Drive – Conceptual site plan review.

Mr. Joe Dannible, consultant for the applicant, explained that the applicant – DCG Development Company – proposes the construction of a 20,400 SF retail store on a 1.82 acre parcel of land in a B-4 zone – Lot #3 of the company’s Maxwell Drive development plan. The site is located at the northeastern quadrant of the Maxwell Drive Extension and Southside Drive intersection adjacent to and directly behind Ruby Tuesday’s and Panera Bread. Describing the parcel as part of a “somewhat of an integrated site,” Mr. Dannible explained that storm water will be directed off-site to an existing storm water management basin located on the corner of Route 146 and Maxwell Drive. The site will be serviced by public sewer and water. Access to the site will be provided by an existing shared-access curb cut on Maxwell Drive and a proposed curb-cut on Southside Drive. Staples will utilize an existing dumpster pad that currently serves the adjoining restaurants. Though the store would require 112 parking spaces per zoning code, the applicant proposes 83 spaces. Additional spaces would be available through a shared parking arrangement with the businesses located along Route 146. Addressing the Board’s request for a shared access arrangement with the developers of 7 Southside Drive, Mr. Dannible stated that such a design would not be possible because of the slope between the properties and the traffic flow approved for Windsor’s project.

Ms. Maynard explained that the applicant has received approval for a number of variances from the Zoning Board of Appeals. These include the following:

- 30' side yard parking setback area variance along the northern property line
- 25' front yard parking setback area variance on future public road
- 30' rear yard parking setback area variance along the eastern property line
- 10' front yard parking setback area variance on southern future public road
- 40' front yard building setback area variance on southern future public road
- 30' front yard building setback area variance on future public road
- 30 rear yard building setback area variance on eastern property line
- 10' side yard building setback area variance on northern property line.

Ms. Maynard explained that the building setback variance of 40' from required 80' along Southside Drive had been received previously. It was recommended that the building be slightly relocated to the 40' setback line already approved to allow for connection to adjacent properties and permit the building to have at least one side of the building fronting the roadway. Mr. MacElroy, representative for the applicant, however, rejected this idea since the design presented has been approved by Staples. Describing the area slated for development as "town center," the speaker recommended that access to the site be provided onto Maxwell Road and that connection be made to adjacent parcels developed by Windsor Development.

The ECC provided the following comments. The proposed storm water hook-up should be evaluated by the Town Engineer to verify capacity and proper function. The ECC acknowledges that the 35% green space meets code; however, the ECC notes that the GEIS recommends 45% green space in this area. Further, it should be investigated whether this parcel's existing green space was used to calculate the percentage of green space of adjacent projects. 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.

Mr. Grasso provided comments prepared by Clough, Harbour, and Associates. The proposed project is appears to be an "Unlisted" action pursuant to SEQR, and as such coordinated review is optional. Involved agencies are expected to include the following: Clifton Park Planning Board – Site Plan Approval; Clifton Park Zoning Board of Appeals – Parking and Building Setbacks. Clough, Harbour, and Associates has concerns over the vehicular circulation pattern of both proposed curb cuts and their relationship to the adjacent properties. The access shared with the Ruby Tuesdays should include stop signs for all movements exiting the site to allow for the entering traffic to flow freely. Provisions were made for the eastern access to be shared with the recently approved

retail/office project. The site plan should depict the site plan to the east and the shared access. The plan depicts only 83 parking spaces, while 102 spaces are required by code. Justification for the reduction in parking should be provided. While it is understood that the applicant may not want to construct parking that may not be warranted, the additional parking spaces required to satisfy the code should be land banked so they can be constructed if required in the future. Additionally, it should be verified that the green space requirement will be met if the land banked spaces are constructed. A report should be prepared documenting that the existing storm water management area is appropriately sized to accommodate the proposed increase in impervious area and that the additional run-off will be treated in conformance with the NYSDEC Phase II Regulations. Future submittals should include the following information: proposed building height, "Handicap Parking" and "No Parking" signs, proposed utility locations, and dumpster location.

In response to Mr. Grasso's comment regarding the amount of parking provided on site, Mr. Dannible stated that the plan provides for the installation of eighty-three (83) spaces. The green space provided includes calculations "in accordance with [a previous] Maxwell Drive South land swap agreement." Mr. Grasso noted that he had been in attendance at a meeting facilitated by Town officials to discuss and encourage a shared access with the adjoining Windsor development. Mr. Dannible explained that such a shared access was not feasible due to a number of factors including a significant difference in elevation between the sites and the traffic flow pattern around the 7 Southside Drive retail-office building. Mr. Werner noted that the distance between curb cuts along Southside Drive may be an issue to be resolved.

Mr. Bulger agreed that the proximity of the proposed curb cut to the one approved for Windsor Development to serve 7 Southside Drive is an issue to be addressed, stating that safe access to the site was a major concern. Pedestrian connections to businesses to the north and east must be provided. The use of textured materials to define crosswalks was recommended. Board members were generally in favor of the project, though they recommended that pedestrian connections to adjoining properties be included in the project design.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Kramer, approval of the minutes of June 26, 2007 as written. Ayes: Kramer, Karam, Werner, Bulger. Noes: None. Abstained: Pace.

Discussion Items

Tanglewood – Autumn Glen – Request for reduction of no-cut buffer

Mr. Jerry Magoolaghan, representative for Belmonte Builders, presented this request for a reduction in the width of a designated no-cut buffer area for the Board's consideration. The speaker explained that Lot #5 of the Autumn Glen subdivision requires the preservation of a 30' no-cut buffer along the eastern property boundary. The potential owner of Lot #5 has requested that the no-cut buffer area be reduced to 20' and has agreed to add several evergreens to provide screening between the properties. The

adjoining property owner has agreed to this proposal since existing trees along the boundary are deciduous. Mr. Magoolaghan stated that the trees to be planted would be 5' – 6' in height. Board members agreed that this request was reasonable and they approved of the proposed reduction of the required no-cut buffer.

DeMarco-Stone Funeral Home

Ms. Maynard explained that the applicant for the proposed funeral home at the intersection of Main Street, MacElroy Road, and Hatlee Road had submitted an alternate plan for the Board's consideration. The plan shows the relocation of the building to the east - nearer the roadway intersection. Board members found the plan acceptable and expressed their willingness to consider the benefits and disadvantages of both project designs.

Mr. Bulger moved, seconded by Mr. Karam, adjournment of the meeting at 12:35a.m. The motion was unanimously carried. The next meeting of the Board will be held as scheduled on August 14, 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 #14

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 July 10, 2007 there were:

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

Absent: J. Larkin, J. Thorne

Mr. Karam offered Resolution #14, and Mr. Werner seconded, and

Whereas, an application has been made to this Board by Boni Builders, Inc. for approval of a re-subdivision plat entitled Subdivision of the Lands of Lots #34, 35, 36 and 37 Country Club Acres, Section 1, consisting of (3) lots, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on July 10, 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 July 10, 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 Subdivision of the Lands of Lots #34, 35, 36 and 37 Country Club Acres, Section 1, consisting of (3) lots is hereby granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, and the Planning Board.

Resolution #14 passed 7/10/07

Ayes: Kramer, Pace, Karam, Werner, Bulger

Noes: None

Steven J. Bulger,
Chairman

NOTICE OF DECISION

Resolution #15

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 July 10, 2007 there were:

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

Absent: J. Larkin, J. Thorne

Mr. Bulger offered Resolution #15, and Mr. Karam seconded, and

Whereas, an application has been made to this Board by Kain Development Group, LLC. for approval of a subdivision plat entitled Longkill Subdivision consisting of (16) lots, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on February 14, 2006 and reconvened on April 11, 2006;

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 June 13, 2006;

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

Now, therefore, be it resolved that the subdivision plat entitled Longkill Subdivision consisting of (16) lots is hereby granted final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, and the Planning Board.

Resolution #15 passed 7/10/07

Ayes: Kramer, Pace, Karam, Werner, Bulger

Noes: None

Steven J. Bulger,
Chairman