



## **Planning Board Meeting**

August 14, 2007

Those present at the August 14, 2007 Planning Board meeting were:

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

Those absent were: J. Larkin

Those also present were: K. Maynard, Director of Planning;  
J. Romano, Clough, Harbour and Associates;  
M. O'Brien, Environmental Specialist;  
P. Pelagalli, Counsel;  
J. Dean, Secretary and Assistant Director of  
Planning

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Mr. Bulger announced the resignation of Tony Karam who had served on the Board for nearly five years, commenting that Mr. Karam's "insight, analysis, and good-natured humor" would be missed by those board members who served with him as well as those staff members and consultants who worked with him. Mr. Bulger noted that Mr. Karam's honesty and integrity served the Town and its citizens well.

### **Public Hearings**

[2006-035] **Dickinson, Michael** - Proposed (20) lot subdivision, Main Street – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on August 4, 2007.

Mr. Bill Nikas, legal representative for the applicant, and Mr. Scott Reese, consultant, were present at the meeting. The revised plan submitted for consideration reflects a number of changes to the design plan that were made in response to Clough, Harbour, and Associates' comment letters and Board concerns. The plan now shows a parcel of 263,115 SF generally located to the south and west of the site that will be dedicated to the Town of Clifton Park. The plan also includes plans for the installation of a berm on lands to be conveyed to the Town that will be nearly 14 feet high at its apex. A gravel access has been provided to the storm water management area to allow for adequate maintenance. The houses along Main Street will front on that street and deed restrictions will require that they are architecturally compatible with existing homes along Main Street. Preservation of the existing residence will be ensured by restrictive covenant. Mr. Nikas stated that all comments offered by Clough, Harbour, and Associates, with the exception of the required setback for the existing barn, can be addressed. Though the developer will consider options for the barn's future, its demolition would be preferred.

Ms. Maynard offered comments prepared by the Planning Department. This project was reviewed by the Planning Board at its July 10, 2007 meeting at which time the Board found the conventionally-designed layout more acceptable than the alternative cluster design. Minimizing perceived impacts from the adjacent railroad line was also discussed, with members recommending that the berm height be increased to ten feet and that substantial landscaping of the berm be provided. The Smith House is to be protected with a deed restriction and the applicant is amenable to pursuing listing on the local Historic Registry and potential pursuit of term conservation easement for historic preservation for property. Per Board requests, the applicant has "shortened" the lots closest to the railroad tracks to allow the buffer area to be conveyed to the Town. The plan must include a site statistics table that includes the appropriate zoning designation, number of lots, required setback information, the types of utility connections to be installed, amount of wetlands identified on the site, and other pertinent information. A note must be added to the plan stating that the houses for Lots #19 and 20 will front on Main Street and will require architectural review by the Historic Preservation Commission. A restrictive covenant regarding preservation of the existing historic home on the property must be provided. Sign-offs will be required from the Saratoga County Sewer District and the Clifton Park Water Authority. Deed descriptions for the property to be conveyed to the Town must be provided. The sewer easement for the existing line from Crabapple Farm to the sewer line must be shown on the plan. The deed description for that easement as well as the main sewer easement crossing the property must be provided for review.

Ms. Maynard offered several additional comments, stating that a number of additional items that must be included on the plan. General construction notes,

the New York State Department of Health conditions of approval, the standard notes required by the Clifton Park Water Authority, the standard note regarding the planting of street trees, the standard note regarding the hours of construction (8:00a.m. to 6:00p.m. weekdays and 9:00a.m. to 4:00p.m. on Saturdays), Town of Clifton Park Environmental Conservation Commission notes, and the appropriate legend must be included on the plan. The plan must indicate the installation of a street light at the intersection of the proposed new roadway and Main Street. A monument tie table will be required. Pursuant to §86-10 of the Town Code:

The Town of Clifton Park desires to protect its environment and preserve its character and determines that trees are an important natural resource. In order to ensure this intent, the town desires to keep clearing of trees to a minimum. Therefore, the only trees that can be removed from a construction site are those necessary for approved construction to be completed. In addition, the town wishes to preserve those trees determined to be of historical significance. Trees so designated to be preserved must be marked and protected to avoid injury during construction.

Clearing and grading limits should be indicated on the plan to ensure that there is a usable back yard for each lot. The Board may wish to consider recommending that clearing limit lines are indicated on Drawing No. C-2 – particularly for the lots located on the western portion of the parcel to ensure that mature trees are preserved. The plan should indicate whether or not an identification sign is proposed. If such a sign is to be installed, it should be located on land to be dedicated to the Town of Clifton Park. The applicant should be advised that a construction estimate for infrastructure improvements will be required in order to determine the amount required for a Letter of Credit or maintenance bond to ensure completion of the project in accordance with approval conditions. An inspection escrow account must also be established. The applicant should clarify the status of the requested Phase IA. Screening should be provided for each parcel, particularly for Lots #17, 18, and 19.

Mr. Steve Myers, Director of Building and Development, provided the following comments on the application. He noted that the proposed project was designed with twenty-one (21) lots, though only eighteen (18) are to be located on the cul-de-sac. As such, the application does not appear to require a variance from the Zoning Board of Appeals. He has observed that the land to be conveyed to the Town is unusable wetland and has no usable access other than at the storm water management area. The applicant and/or consultant must ensure that sewer and water laterals are not installed in driveway areas. Laterals, clean outs and curb stops must be shown on the final plot plans. Mr. Myers recommends that the proposed berm behind Lots #1, 2, 3, and 4 needs to be reviewed for adverse effects on adjacent properties, including the railroad, and consideration should be given to the fact that it is being built over a sewer easement. Several comments regarding the Storm Water Plan were provided:

Lots appear graded towards wetlands.

Access road around management area must be at least 16' wide and able to support construction equipment (50,000 lbs.).

Micropool outlet location at elevation 495 must be shown.

No post construction controls such as operations and maintenance manual with SWPPP (50% design capacity).

No details – construction phasing, description of temporary and permanent measures.

Pools do not appear to meet the necessary length to width ratio.

No discussion of aquatic or safety benches at the pools.

Mr. Myers requires that a meeting with the Director of Building and Development be arranged prior to construction. He reported that details noted on Erosion & Sediment Control plan were not included with submission.

Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, provided comment on the application. She asked that the applicant provide a proposed street name for postal verification information.

Mr. Joe Romano, provided numerous comments from Clough, Harbour, and Associates regarding the preliminary plan presented for approval. The cover sheet should include a table with project data such as acreages, setbacks, utilities, proposed open space, etc. The existing site plan should include a map reference for the date of the wetland delineation and who conducted the delineation. Additionally the plan should be stamped by a licensed surveyor. The Subdivision Plan prepared by Bolster and Associates Professional Land Surveyors should have a title block and drawing number that is consistent with the rest of the plan set. The proposed road names and postal addresses should be included on the subdivision plan. The radius of the proposed road's tie into Main Street appears to be too small. A detail of the tie in to the existing pavement should be provided. There appears to be an easement proposed on Lot #7 that is not labeled on the subdivision plan. Additional grading detail at the connection to Main Street should be provided. Based upon the limited information provided, it does not appear as though this area will adequately drain. Catch basins should be provided within the proposed cul-de-sacs. All storm structures located outside of the right-of-way should be incorporated into a drainage easement to the Town. A more detailed grading plan of Lots #13 and #17 should be provided to verify that the existing drainage through these lots will be maintained. The grading of the proposed cul-de-sacs should direct the drainage to the outside edge of pavement. The grading plan should include the proposed utilities. The grading plans should indicate the lowest proposed finished floor elevations on each lot and verify adequate separation exists from the seasonal high ground water table. Spilt rail fencing should be added along the proposed Town lands. The inverts of the culvert across Main Street should be provided to verify the direction of flow. The two inverts into the sediment forebay of the storm water management area should be combined into one inlet. The discharge of the storm water management area should be depicted on the grading plan. A street light oriented over the proposed curb cut from Main Street should be provided. It should be verified that the existing barn to remain will meet the required setbacks with the creation of the new Town Road. The proposed driveway for Lot #20 should be located a minimum of 75' away from the proposed Town Road. The proposed street signage should be shown on the plan. The proposed berm along the railroad tracks should have a rounded top a minimum of 10 feet wide. The berm grading can encroach within the proposed property lines to accomplish the 10' width

while maintaining the height of the berm. The grading plan should show the proposed top of frames and invert elevations of all storm sewer structures. The proposed foundation drain laterals and inverts at the house locations should be shown on the plans. An easement should be provided in all locations where the proposed watermain is within 10' of the right-of-way limit. The existing sanitary manhole at STA 4+50 should not be located within the proposed curbing. The proposed sanitary sewer manhole located within the eastern cul-de-sac should be extended to the outside of the cul-de-sac to avoid the need for a road crossing if the sewer is to be extended in the future. The plans indicate a sump in the proposed sanitary manholes. A sump should not be provided. The manholes should provide concrete benching allowing for the flow to be maintained through the structure. Catch basin #18 should not be located directly at the end of the driveway of proposed Lot #7. The proposed crossing of the sanitary sewer and the outlet of the stormwater management area should be at 90 degrees. The plan should indicate to whom the proposed utility easement will be granted. The proposed watermain should be ductile iron pipe. The Bureau of Fire Prevention should be consulted regarding the proposed hydrant spacing. There appears to be significant spacing between the proposed hydrants including the first hydrant being located 900' into the subdivision. The proposed tees for the hydrant connections should indicate the size of the hydrant lead. Based upon the profile of Road 1, it does not appear as though the sanitary sewer laterals will maintain the minimum 18" separation from the proposed watermain and maintain sufficient cover. The profile should label all that all utility crossings maintain 18" minimum separation. The cul-de-sacs should be graded to provide 1% minimum slope along the outside edge of curb. The centerline slope should be increased to achieve this requirement. The SWPPP report referenced on the Soil Erosion and Sediment Control Plan should be provided for review. The Soil Erosion and Sediment Control Plan should depict how the project will be constructed without disturbing more than 5 acres at one time during the lot development. If a waiver will be requested from NYSDEC, this should be indicated on the plan with a note that more than 5 acres shall not be disturbed until a waiver is granted. Construction details should be provided.

Clough, Harbour, and Associates offered the following comments on the Stormwater Report dated July 25, 2007:

- A table should be provided in the report documenting the required water quality volume and provided water quality volume in both the forebay and micropool.
- Calculations should be provided documenting the adequacy of the size of the proposed closed drainage system and roadway culvert. The closed drainage system should be sized based on a 10 year storm using the Rational Method and Manning's Equation. A Storm Sewer Sizing Drainage Pattern Map should be provided showing drainage area boundaries and time of concentration travel paths.
- The report should identify the ownership and maintenance responsibilities for the proposed stormwater management area.
- The pond routing should begin at the permanent pool elevation, not at the pond bottom.
- The outlet of the micropool depicted on the subdivision plans does not appear to correspond with the outlet modeled in the report.
- Details of the stormwater management area should be

provided that include detailed grading of the rip-rap pilot channel, landscaping and benching.

- The report should be stamped and signed by a NYS Licensed Professional Engineer and contain the statement that downstream properties will not be adversely affected by the proposed development.

Mr. Romano stressed the importance of re-grading of the berm, the appropriate spacing of fire hydrants, the inclusion of construction details on the plan, and the accuracy of storm water management proposals.

Mr. O'Brien, Environmental Specialist, reported that, after review of data presented, the ECC recommended that the following standard statements 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 these wetlands.

This parcel (subdivision) is located in an area where railroad activity occurs. Such activity may include, but is not limited to periodic noise, odors, vibration, extended hours of operation and other associated activities.

Mr. Ed Grogan, legal representative for Mrs. Lois Smith who will retain a life estate and reside in the existing home until her death, asked that the Board require that the barn on the property be preserved.

Ms. Margaret Catellier, 26 Royal Oak Drive, requested information regarding the separation of the proposed residences from the wetland areas. Mr. Reese reported that the 50' separation recommended by the Board would be respected.

There being no further public comment, Mr. Bulger moved, seconded by Mr. Kramer, to close the public hearing at 7:28p.m. The motion was unanimously carried.

In response to Mr. Werner's question regarding the location of the berm and its end before Lot #5, Mr. Reese explained that there is substantial existing mature vegetation to the rear of that lot. Board members discussed options available to the developer regarding razing, relocation, or approval of a setback variance for the barn. Mr. Nikas, describing the barn as a "liability," stated that though the barn could be preserved until Mrs. Smith's death, the applicant would prefer its demolition. He noted that the barn is currently used only for storage. Mr. Nikas reported that the condition of the barn would not allow its relocation. It is the developer's plan to demolish the barn upon Ms. Smith's death. Mr. Pelagalli advised that a setback variance from the Zoning Board of Appeals may be required, though he would respect the determination rendered by Mr. Myers, Director of Building and Development. Mr. Bulger stated that he supported preservation of the barn and directed the applicant to obtain a sign-off from Mr. Myers or approval from the Zoning Board of Appeals. Though Mr. Bulger commented that the three page letter from Clough, Harbour, and Associates was the longest he had seen for any application, he viewed many of the issues of concern as "minor details" that the applicant could easily address. Mr. Kramer and Ms. Thorne voiced their support of conditioned preliminary approval, though Mr. Werner stated that, in his opinion, some of the comments prepared by Clough, Harbour, and Associates were significant. In response to Mr. Pace's question concerning the berm, Mr. Reese described its proposed construction, noting that the 10' high earthen berm would provide considerable mitigation for train track noise.

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

Mr. Bulger offered Resolution #16, seconded by Mr. Werner, to waive the final hearing for this application and to grant preliminary approval subdivision approval to this application conditioned upon satisfaction of the comments provided by the Planning Department, Clough, Harbour, and Associates, and the Planning Board. Ayes: Kramer, Pace, Thorne, Werner, Bulger. Noes: None.

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

Mr. Bulger, Chairman, called the public hearing to order at 7:45p.m. The Secretary read the public notice as published in the Daily Gazette on August 4, 2007.

Mr. Kevin Wood, consultant for the applicant, presented this application for the Board's consideration. Ron Kuhl, applicant and owner of an existing

Hockey Hut facility, was also in attendance. Mr. Wood explained that in response to comments, concerns, and recommendations provided at previous Board meetings, the plan has been revised to show the realignment of parking spaces and a re-sizing of retention ponds. The applicant's ability to access the site has been assured by documentation provided by the applicant's legal representative. 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. 26 paved parking spaces have been provided. A gravel parking area will provide "overflow" space for 18 vehicles. 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 storm water retention ponds are proposed along the eastern property boundary. All storm water will be managed on site. Grading and site design will protect identified wetlands.

Ms. Maynard offered comments prepared by the Planning Department. This application was considered by the Planning Board at its June 26, 2007 at which time the Board found the project generally acceptable, though issues of concern included an executed ingress/egress agreement, pedestrian accommodations to existing and proposed pathway/sidewalk links and area destinations, submission of an appropriate lighting plan, preparation of a colored façade rendering, verification of the adequacy of proposed parking, and the additional of substantial landscaping. In lieu of installation of a trail connection at the front portion of site, it is recommended that the applicant contribute the financial equivalent of such trail construction to an escrow account for future construction that would complement the proposed Crescent Road trail or link to future development on the Hoffman property to the north.

Ms. Maynard noted that the Saratoga County Planning Board approved this project without comment on June 21, 2007. The Saratoga County Sewer District provided a memo dated June 11, 2007 that states the following:

A pressurized grinder pump system serves several properties on the north side of Crescent Road. The line discharges to a gravity manhole in the Lapp Road right-of-way. A review of the sewer district's files and permits does not provide information on the location or ownership of the line. There is also no evidence of easement documents being filed. A review of information on the line should be conducted prior to additional services being approved.

Additional comments were listed. The site plan should include a site statistics table and include information regarding the date of wetland delineation and the

name of the firm that conducted that delineation. The narrative provided with the preliminary submission states that “in November, 2006, the ACOE delineated two wetland areas on the property.” Verification of the boundaries as well as all correspondence regarding the presence of wetlands on the site must be provided to the Planning Department. Sign-off will be required from Saratoga County Sewer District and Clifton Park Water Authority prior to stamping of plans. A total of 26 parking spaces are now shown on the plans with an additional 18 proposed to be land banked and constructed as needed in the future. A façade rendering has been submitted for building. The Board may wish to consider requesting the addition of architectural elements that would enhance the building’s exterior. The applicant is asked to minimize clearing and grading limits in an effort to provide additional buffering between the building and the ACOE wetlands identified on site. The plan should, at a minimum, include the metes and bounds of the parcel based upon completion of a professional survey. The plan must include a site statistics table that includes the appropriate zoning designation, required setback information, the types of utility connections to be installed, amount of wetlands identified on the site, and other pertinent information. It is recommended that additional landscaping and a variety of planting be added - especially to the front of site. A detailed landscaping plan must be prepared and must include botanical names as well as the common plant names. The applicant should consider adding “understory” plantings beneath the proposed red oaks that line the frontage in order to add visual interest. Plantings along the building’s façade should be increased. The landscaping plan should be separate and distinct from the lighting plan. The applicant has submitted a number of documents including a copy of the purchase agreement for the property, a construction schedule, and a letter prepared by attorney Robert E. Molloy that states that the owner of the property, Stephen Hoffman, has the ability to “grant the necessary easement for ingress and egress as part of the conveyance of the parcel.” A completed Owner Authorization form has also been submitted by Jean Hoffman.

Mr. Myers, Director of Building and Development, provided comments regarding this application. A full Storm Water Pollution and Prevention Plan is required. Deeded permanent access to site should be verified. §208-86 states that keyhole lots shall not be created for any use other than single family dwellings. Variances will be required for building setbacks.

Mr. Romano offered the following comments prepared by Clough, Harbour, and Associates after review of the site plan for the Hockey Hut project prepared by Kevin J. Wood, P.E. was last revised July 24, 2007. In general, the plans lack sufficient detail and clarity to be considered for preliminary approval. The plan should be based upon an existing boundary and topographic survey with contours at 2’ minimum intervals. The location of the federal wetlands should be accurately depicted on the plans based upon a field survey. A Storm Water Management Report should be prepared that meets current NYSDEC standards. The report should discuss the proposed treatment of the water quality volume, the extended detention of the 1-year 24 hour storm event and peak flow attenuation of the 10 and 100 year events. A Storm Water Pollution Prevention Plan should be

prepared that includes a detailed Erosion and Sediment Control Plan. It is unclear based upon the proposed grading how drainage will be conveyed to the proposed storm water management areas. Clough, Harbour, and Associates is concerned with the potential for significant erosion along the edge of pavement without curbing and a closed drainage system. The applicant should contact the Bureau of Fire Prevention regarding the need for a fire hydrant. Clough, Harbour, and Associates expressed concerns with the proposed 14% grade of the southern access drive: the grading of this area should be revised to reduce the slope. Additional layout information including, drive aisle width, parking space dimensions, pavement radii, and setbacks should be provided on the plans. Additional details of the proposed sanitary sewer service connection to the existing line and depth of burial should be provided. All correspondence from the Saratoga County Sewer District should be provided for review. A "No Parking" sign is required for the striped aisle adjacent to the handicap parking space. If the future parking spaces are deemed required, an additional handicap parking space will also be required to meet ADA guidelines. The applicant should consider installing the additional handicap parking space at this time. A limit of clearing and grading should be depicted on the plan. It appears easements will be required to connect to the existing sanitary sewer and water systems. The location of the easement should be shown on the plan. Although the 6" high light pole base may be adequate when protected by the proposed wooden fence, one of the proposed light poles appears to be unprotected. As such, a higher pole base may be warranted. If a dumpster will be used, its location and proposed enclosure should be indicated on the plans. Additional site details including an asphalt pavement section, concrete sidewalk section, handicap ramp, catch basin detail, storm sewer piping, and water service detail should be provided.

Mr. O'Brien, Environmental Specialist, explained that, after reviewing data presented, the ECC recommended that the following standard statements be placed on the plot plan:

The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.

All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.

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

No salts, fertilizers, pesticides or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching or in any other manner which violates the New York State Environmental Conservation Law (ECL).

All outdoor lighting shall be directional and limited.

Ms. Nancy Bellamy, 147 East Side Drive, noted that the ice arena at the Commons often has large snow piles outside. She questioned whether this facility would have such accumulations of ice and asked if there would be impacts to wetland areas. Mr. Kuhl reported that there would be much smaller piles of ice than those at the Commons' facility and that there would be no impact to wetlands since no chemicals are used in the water.

There being no further public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:56p.m. The motion was unanimously carried.

Ms. Thorne requested additional landscaping between the carwash facility and the proposed building. Mr. Werner expressed concern for the minimal 35' separation between the proposed driveway and the existing carwash access. The slope at the proposed southern-most access to the site was also of concern.

Mr. Wood responded to several of the issues raised by Ms. Maynard and Clough, Harbour, and Associates. He reported that the plans were based upon a survey completed by the Environmental Design Partnership and that the wetlands were flagged at that the time that survey was prepared. The speaker reported that the required Notice of Intent has been submitted to the NYSDEC and that a permit for storm water management has been issued. Mr. Romano asked that a copy of the permit and the Storm Water Pollution and Prevention Plan be provided for review. Though Mr. Wood explained that erosion would be adequately controlled, Mr. Romano stated that it was difficult to determine where the flow lines were and recommended that additional details be added to the plan. Required setbacks have been met.

Mr. Bulger summarized the discussion by stating that there were a number of issues to be resolved including the preparation of a more detailed and professionally-prepared plan, submission of wetland and storm water management information, detailed erosion and sediment control plans, improved landscaping plans, and lighting plans. Emphasis was placed upon additional screening for the site. Though the applicant contends that disturbance will be limited to less than one acre, the Director of Building and Development and Clough, Harbour, and Associates should determine if a Storm Water Pollution and Prevention Plan will be required. The Board took no action on this application.

[2005-035] **Massaroni Subdivision** – Proposed (9) lot subdivision, Tanner Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 8:10p.m. The Secretary read the public notice as published in the Daily Gazette on August 4, 2007.

Mr. Scott Lansing, consultant for the applicant, provided a brief history of this project, explaining that the applicant had received approval from the Town Board for an additional two (2) single-family residences under the amenity zoning law on May 21, 2007. The project plan now calls for the a (9) lot subdivision on a

28.81 acre parcel located within a CR (Conservation Residential) zone approximately .36 miles south of Carpenter Way. Of the total parcel, 8.54 acres have been delineated as ACOE wetlands. A proposed new roadway of 720 linear feet will be constructed to serve seven (7) new homes. The other two (2) homes will be accessed via a combined drive from Tanner Road. Mr. Lansing explained that the lots will be served by connection to the Saratoga County Sewer District and the Clifton Park Water Authority. Lots will range in size from 26,000 SF to 61,000 SF. 19.85 acres of land will be conveyed to the Town of Clifton Park as open space. The minimum lot width of 80' at the front building line will be provided and following required setbacks will be respected: 30' front yard; 10' side yard; 25' rear yard.

Mr. Lansing provided information regarding the calculations related to the open space incentive amenity, stating that of the 28.81 acre parcel, a total of 8.54 acres contain constrained lands. Base density would permit the construction of seven (7) homes. The Town Board has approved an amenity zoning request for an additional two (2) lots for which the applicant will contribute \$60,000.00 - \$30,000.00 per lot. The permanent open space provided totals 20.63 acres – or 72% of the parcel. The unconstrained permanent open space amounts to 12.36 acres – or 60% of the proposed permanent open space area. The total wetland disturbance totals .088 acres.

Ms. Maynard provided comments prepared by the Planning Department. This project was reviewed by this Board at its February 13, 2007 meeting as an open space incentive zoning request at which time the Planning Board discussed the appropriateness of four (4) duplex units within the western part of town. Mr. Massaroni offered to reduce the request to two (2) additional amenity units. Board members discussed the recommendation that wetland areas be contained within the boundaries of town-owned land rather than being divided among several different lots. The Planning Board issued a positive recommendation for an requested 2-unit increase that would require a \$60,000 contribution to the Western Clifton Park Open Space Protection Fund. The Town Board approved the request of two additional units at its May 21, 2007 meeting. The project has now returned to the Planning Board for subdivision review for approval of a total of (9) residential lots. Although Ms. Maynard recommended that the applicant consider installation of a of shared driveway for Lots # 8 and #9, the applicant's consultant explained that such a design would not be workable: Clough, Harbour, and Associates concurred that due to site conditions, installation of a shared driveway at this location would be difficult. The speaker observed that the wetlands were now contained mostly within continuous proposed town owned open space. It was recommended that further consolidation of portions of DEC wetlands within Lots #1, 2, 5, and 7 be considered. The applicant was also advised to minimize clearing and grading. The LC zone should be more clearly delineated on the plan. Sign-offs from the Clifton Park Water Authority and Saratoga County Sewer District will be required. Should the applicant propose a Town road, written approval from Town Highway Superintendent must be provided. If a private roadway is to be constructed, a detailed plan must outline

the means of maintaining it in accordance with Town standards. Sign-offs from the ACOE and DEC must be submitted to the Planning Department.

Mr. Myers, Director of Building and Development, provided a number of comments regarding this application. Due to the amount of wetlands present on this property, it is expected the water table in this area to be close to the ground surface. This, combined with the presence of poor draining soils (SWPPP §2.3) will limit the options to be used by the Storm Water Pollution and Prevention Plan. It should also be noted that the town storm water laws that will be in effect prior to any construction at this site do not allow the use of “pocket ponds” (SWPPP §5.3) for treatment. When a high water table is present, such “ponds” are not a viable option. The storm water management areas are to be maintained by the town, though no access to them appears to be provided for this purpose. Although aquatic benches and their associated plantings are discussed in the storm water plan, there is no mention of any safety benches for the management areas: they should be present. Some of the design values in the management plan are only for a 10-year storm. The town’s laws currently require systems be designed for 2 & 10 year storm flows and for storage of 2, 10 & 100 year storms, if appropriate. This will be changed by the town’s new laws which again will be in effect by the time of construction for this project. The new laws will require storage for the 100 year storm. Considering the amount of wetlands adjacent to this development such a design seems appropriate. The basins do not appear to meet the 1.5 length-to-width ratio required by the design manuals. Discharges to wetlands will require permits from NYSDEC and ACOE to ensure that the method and water quality meet their requirements. The town’s laws will also require a 200’ buffer for all drainage leading to the Dwaas Kill. SWPPP §6.4 states the wetlands discharge to the Dwaas Kill: the buffer should be increased as a result. §6.4 also discusses how the basin is being classified as a dam. This is probably due to the high banks that are being constructed with the excavated material. Since the town has no interest in maintaining dams, more land area for the storage volume should be provided to eliminate this classification. Once again, proper safety benches instead of steep berms would eliminate this issue. In the thermal pollution section of the SWPPP, it discusses how no storm water will be released so as not to affect downstream plant and animal life. In contradiction, §6.3 and §6.4 of the SWPPP discuss release of the water. The construction phasing plan should be submitted for review. §10 of the SWPPP states the Town of Ballston shall be responsible for maintenance. Open space, if to be deeded to the town, is mostly wetlands and unusable.

Ms. Maynard read the comments submitted by Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention. Ms. Reed’s memo dated August 14, 2007 to the Planning Board states that “Emergency Services are not in favor of the approval of the ‘private road’ for the proposed seven (7) lots because of maintenance concerns.” She asks that written approval for the private drive be provided by the Superintendent of Highways. Should the roadway be approved as a “private roadway,” she requests that a written detailed plan explaining how the roadway will be maintained in accordance with the Town Code.

Mr. Romano reported that Clough, Harbour, and Associates reviewed the preliminary subdivision plan for this application, the Sanitary Sewer Report dated July 20, 2007, the Water Supply Report dated July 20, 2007, and the Storm Water Pollution Prevention Plan dated July 20, 2007 for this project. The following comments and recommendations were provided. It is recommended that a multiuse pathway be provided along the alignment of the proposed forcemain connection to Carpenter Way. The multiuse pathway should connect to the existing pathway that connects Carpenter Way to the Emerson Subdivision. The applicant's consultant should investigate the potential for extending the proposed water system to the existing water main along Carpenter Way. The proposed road name should be indicated on the subdivision Plan. The subdivision plan depicts an existing wood shed on proposed Lot #1. The plan should indicate if the shed is to remain or be removed. A catch basin should be provided in the center of the cul-de-sac. The hydrant proposed within the cul-de-sac should be extended to the outside edge of pavement on Lot #4. A street light should be provided and oriented over the new road. A NYSDEC permit will be required for any work within the 100' regulated wetland adjacent area. The Grading and Drainage Plan should depict the proposed inverts and top of frames of the storm sewer system. A gravel access drive should be provided around the proposed storm water management area. The proposed grade along the outside edge of the cul-de-sac should be a minimum of 1.0%. The proposed method of crossing Carpenter Way for the forcemain crossing should be indicated on the plan. The proposed limits of work for the installation of the off-site water main should be included on the plans. An additional note addressing the restoration of pavement and lawn areas disturbed during the installation of the water main should be added to the plans. The phasing depicted on the Erosion and Sediment Control Plan does not include the off-site water main or off-site forcemain disturbances. The following comments concerned the Storm Water Pollution Prevention Plan dated July 20, 2007. The report indicates the Town of Ballston will take over maintenance responsibility of the storm water management areas. This should be revised to the Town of Clifton Park and the ownership and maintenance responsibilities for the water quality basin should be further discussed. It is not recommended that the Town take ownership over this basin that only treats drainage from Lots #8 and #9. It should be verified that the pond routings begin at the permanent pool elevation, not at the pond bottom. The time of concentration flow for the path depicted for drainage area #2 on the Existing Conditions Plan does not appear to extend to the actual beginning of the flow path. It should be verified that the existing conditions model was developed using the appropriate flow path length. The Notice of Intent states that the water quality basin is design to treat 135 acres, this should be revised to 1.35 acres.

Mr. O'Brien, Environmental Specialist, offered comments prepared by the ECC. The ECC has concerns regarding the potential for a high water table on the site. The applicant must design and place the homes with this significant issue in mind and recommends that the applicant place a comment to that effect on each individual plot plan. The adjacent area on the NYSDEC wetland is incomplete. The LC zone must follow the edge of the NYSDEC wetlands. As indicated, Lots #5, #6 and #7 have significant constraints and may not be able to be developed. The applicant should reconfigure based on actual LC zone bounds. The following standard statements should 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. Uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone.

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 are 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 in place and maintained at the initial phase of site preparation.

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

Ms. Margaret Catellier, 26 Royal Oak Drive, asked if a trail connection would be viable. Mr. Bulger explained that the Board would determine if such a connection would be required as a condition of approval.

Ms. Nancy Bellamy, 147 East Side Drive, asked if a “gated community” was proposed and if access would be restricted. Mr. Bulger stated that the plan now indicates that seven (7) proposed residences would be accessed by a private drive. Though it will not be gated, Mr. Bulger explained that residents could agree to abide by certain restrictions.

There being no additional public comment, Mr. Bulger moved, seconded by Mr. Kramer, to close the public hearing at 8:25p.m. The motion was unanimously carried.

Board members discussed the trail connection issue, agreeing that disturbance of the wetlands to the northeast to construct a trail segment that would serve only seven (7) residences did not seem reasonable. Following a brief discussion focusing on “trail plan strategy,” the Board agreed that construction of a trail segment along Tanner Road would be more reasonable. To this end, the Board requested conveyance of a 15’ strip of land along Tanner Road for future roadway improvements. The Board also considered the private road – Town road issue, agreeing that a Town roadway would be desirable. In response to Mr. Bulger’s concerns regarding comments regarding the proposed storm water management plan, Mr. Romano stated that the issues raised by Clough, Harbour, and Associates were minor in nature and could be quite easily addressed by the applicant. Mr. Lansing noted that the roadway has been designed in accordance with Town roadway standards.

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

Ms. Thorne offered Resolution #17, seconded by Mr. Kramer, 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, Thorne, Werner, Bulger. Noes: None.

### **Old Business**

[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. Gavin Vuillaume, consultant for the applicant, presented this application that has been reviewed by the Board at several meetings and that remains generally as presented at the June 26, 2007 meeting. Mr. Vuillaume noted that the revised plans now show the location of the curb cut along Route 9 that is currently used only as an emergency access. Traffic movements at this intersection will be limited to right-in/right-out maneuvers only. The proposed opening of the existing emergency exit has been approved by the NYS Department of Transportation in a memo dated June 14, 2007, though the agency advises that both the Town of Clifton Park and the Town of Halfmoon must be in agreement on the proposed modifications. A free-standing sign is proposed for the Route 9 access point. Recommended sidewalk connections have been shown on the project plan. The applicant submitted colored façade renderings for the Board's consideration.

Ms. Maynard offered comments on this application, explaining that this project was last presented for review at the June 26, 2007 meeting at which time the Board issued negative declaration pursuant to SEQRA and granted preliminary site plan approval. Issues to be resolved prior to the granting of final approval for the project included approval of the access proposed on Route 9 and the submission of adequate storm water management plans. The architectural renderings presented at that meeting and enhanced for this meeting were deemed acceptable by Board members. Information regarding required variances has been added to the project plan. The speaker stated that the proposed right-in/right-out access is now illustrated on the plans. Pursuant to NYSDOT comments, written acceptance by the Halfmoon Planning Board must be provided. The applicant reports that the Halfmoon Planning Board will consider this application as well as a request for signage at its next meeting.

Ms. Maynard reported that a memo prepared by Sheryl Reed, Chief of the Bureau of Fire Prevention, asked that the plan indicate that the proposed buildings 911 addresses will be assigned as follows: the building closest to Northside Drive will be 1 Northside Drive; the building located closer to Route 146 will be 5 Northside Drive.

Mr. Myers, Director of Building and Development, provided the following comments. Access around the bank still appears limited for emergency equipment. The 7 parking spaces in the southwest corner of the site may conflict with through traffic and traffic that may be queued at the drive-through window. Only 20' is allowed for two-way traffic east of the bank. An approved variance application will again be heard by the Zoning Board of Appeals at its August 21, 2007 meeting since the application was incorrectly noticed. The provided documentation is not clear in its representation of how the storm water management system will be modified. Further explanation and review of the Storm Water Pollution and Prevention Plan will be required, including the role of the subsurface storage and basin modifications. A meeting to discuss the completed plan will be required prior to construction with the Director of Building and Development. It is assumed the property owners will maintain the storm water management area since there does not appear to be any mention otherwise. The system appears to take in water from along Route 146: this should be addressed. The status of an existing storm line passing through the basin from the Fire Road Plaza must be clarified.

Mr. Romano stated that Clough, Harbour, and Associates reviewed the site plan last revised July 24, 2007 and the Stormwater Management Report dated July 2007 for this project. The following comments from the June 25, 2007 review letter remain to be addressed. A detailed signage plan should be provided illustrating how traffic flow patterns will be controlled and conveyed to the motorists. The removals associated with the tie in to the Chili's site need to be detailed on the plans. A curbed island should be provided north of the cross-connection. 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. Review of the Storm Water Pollution Prevention Plan dated June, 2007 resulted in the following comment: it should be verified that question #20 of the Notice of Intent is accurately completed. Additionally, question #26 should be completed. The following additional comments were provided. The erosion and sediment control plan does not address how storm water will be handled during construction. Temporary sediment basins or sediment traps should be implemented. The storm water management report states the required water quality volume but does not indicate the volume provided.

Mr. O'Brien, Environmental Specialist, reported that the ECC issued the following comments regarding this project plan. The following standard statements shall 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. O'Brien also stated that the ECC requested a clarification and/or illustration of the green space calculation. It should be investigated whether this parcel's existing green space was used to calculate the percentage green space for adjacent projects.

Board members focused upon the reasonableness of permitting site access at Route 9. Mr. Werner commended the applicant for working to resolve traffic issues. He found the proposed right-in/right-out design at the Route 9 access point acceptable, though he recommended that the identification sign at this location be one-sided to discourage illegal traffic maneuvers. He also recommended that appropriate signage be installed throughout the site to provide direction for motorists. Mr. Bulger referred to a letter from NYSDOT that contained a comment regarding re-striping of the existing left turn lane at the southbound Fire Road approach to Route 146. Though this recommendation was contained within the traffic report prepared by Creighton-Manning for this application, it was determined that this intersection lies within NYSDOT's jurisdictional boundaries, beyond the limits of the proposed development site. In response to a comment from a member of the audience regarding traffic safety along the Route 9 corridor, Mr. Bulger stated that the Board would accept NYSDOT recommendations. Ms. Pace asked that the applicant provide information regarding the amount of green space on the property: Mr. Vuillaume replied that 40% of the site will be designated green space.

Ms. Bellamy, 147 East Side Drive, asked if storm water management areas could be included in green space calculations. Mr. Bulger explained that, as is commonly the case, these areas are included in the green space calculation for this site. Board members agreed that the proposed site lay-out and proposed building would be an attractive addition to the Exit 9 area. Mr. Kramer commented that this was a "nice project" that would provide a pleasing entrance to the Town.

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

[2007-023] **Maxwell Drive PUD** – Proposed (40) unit condominium development, Maxwell Drive and Plank Road – Referral from Town Board.

Mr. Gavin Vuillaume, consultant for the applicant, presented the proposed project plan, explaining that the applicant was seeking a positive recommendation from this Board to the Town Board.

Mr. Bulger explained that, in response to Planning Board comments and recommendations offered at the meeting of June 12, 2007, the applicant has submitted a revised plan for consideration. The Board's role is to determine the appropriateness of the proposed development along the Maxwell Drive corridor. He noted that, should the Town Board approve the PUD legislation, specific site plan issues would be addressed at a later date by the Planning Board.

Mr. Vuillaume explained that the buildings along Maxwell Drive will be oriented along that road to create a pleasing "streetscape": access from Maxwell Drive will be provided. Buildings will be moved as far away from the Bear Brook as possible to minimize environmental impacts. The plan now shows the buildings located 120'-150' from the stream, though Mr. Vuillaume noted that grading would be closer to the stream bed. Units with walk-out basements may be designed to blend with the site's topography. The speaker explained that storm water management areas have been located beyond the wetland boundaries and the designated L-C zone. A 25' no-cut buffer has been shown along northwestern boundary line to provide screening for residents along Via da Vinci.

Ms. Maynard offered comments prepared by the Planning Department, stating that this application was reviewed by the Planning Board at its June 12, 2007 meeting upon referral from the Town Board for review of a proposed zoning change from current R-1 and B-1 designations to PUD. She reported that the Planning Board described the project as a "nice transition" between commercial uses and residential neighborhoods. Traffic and environmental issues, particularly impacts to the Bear Brook, access, and minimizing impacts to adjacent existing residences were discussed in detail. Orientation of the proposed housing units was also considered. It was recommended that the applicant consult with members of the Emergency Services Advisory Board regarding the number of units served by a single access, though the plan now allows for access to several units from Maxwell Drive. Referencing the revised application, the speaker explained that adoption of legislation requiring an increased buffer to impaired streams and associated tributaries may impact this project proposal. The applicant was advised to avoid impacts to the creek and its buffer areas. The applicant must provide written documentation regarding the designated ACOE wetlands on the parcel. Additional screening along the western boundary is recommended. Consistency of design is recommended: the structures proposed for the southern portion of the site should also front on Maxwell Drive. Sidewalks and street lighting should be complementary.

Mr. Myers, Director of Building and Development, provided the following comments. It appears the 100' buffer is from the creek centerline: it should be from the creek's high water mark. The buffer needs to be applied to the wetland as well as areas regulated by NYSDEC. Town law is going to require a 200'

separation from the creek high water mark by the time this project starts which will eliminate many of the units both north and south of the creek. It appears the storm basins are being placed in the current town land conservation zones. Significant slopes and very small (<20') rear yards appear on the plan. A great deal of soil disturbance will be required to develop the proposed number of units.. Significant erosion is highly likely and undesirable near the Bear Brook. Proximity to the Bear Brook will require major consideration since it is a tributary to the Dwaas Kill - a protected stream. Traffic studies should be completed prior to further action. The proposed one-way exit at Plank Road is very close to Maxwell Drive and has limited sight distance. Mr. Myers stated that additional comments will be provided following review of a more complete submission.

Mr. Romano reported that Clough, Harbour, and Associates reviewed the concept site plan for the above referenced project and issued the following comments. A more significant buffer should be proposed along Plank Road and the northern portion of Maxell Drive. Clough, Harbour, and Associates is concerned with the privacy of homes that have rear yards facing Maxwell Drive. The elimination or relocation of these buildings is recommended. The proximity of the proposed access onto Plank Road to the intersection of Maxwell Drive is of concern. It would appear that significant grading adjacent to the slopes of Bear Brook Creek would be required for construction of the proposed concept. It is recommended that a conceptual grading plan be prepared that depicts the proposed limit of clearing and grading to determine the potential impacts of the project. A very limited vegetative buffer is proposed between the proposed condominium complex and the adjacent residential lots. Documentation regarding the visibility of the building during all seasonal conditions should be provided. The analysis should include photo simulations of the buildings during "worst case" scenario settings. The simulations should include both winter and nighttime scenarios when the proposed buildings will be the most visible from the adjacent residential development. The Planning Board should evaluate the need for sidewalks and street tree plantings along the site's frontage. Future plan submittals should include the proposed utility locations.

Mr. O'Brien, Environmental Specialist, stated that the ECC made the following recommendations regarding this application. Due to the proximity of the project to the LC zone, the ECC recommends an additional 50 foot area be given between the LC zone and structures to provide ample space for yards and to prevent encroachment. The proposal must incorporate robust storm water management facilities to prevent negative impacts to the existing trout stream. Extra care should be taken at this location to prevent loading to this stream of salt, sediment, thermal pollution, fertilizers, and other contaminants. The possible wetlands on the parcel, if determined to be DEC wetlands, will require a 100 foot buffer and will significantly alter the proposed project. The ECC is concerned with the grades involved with the project especially to the south. Excessive grading will result in the loss of numerous trees and could impact an area far larger than the proposed project illustrates. A detailed grading plan with the extent of impact must be provided early for review. The applicant should help develop a firm surface on the present sewer and right-of-way in anticipation of a future multi-use pathway. Mr. O'Brien noted that the sewer line along Bear Brook Creek continues to be problematic and that the Town is currently under a

consent decree with DEC to avoid sewage spills into its waters. Work is on-going to improve the situation.

Mr. Matt Duddy, 74 Via da Vinci, described the proposal as “the right project in the wrong place.” He stated that traffic safety would become a serious issue should the proposed number of housing units be approved. He noted that he was aware of the zoning districts when he purchased his home nearly three years ago. He now believes that the applicant has presented no evidence of a “hardship” that would necessitate approval of the requested zoning change. The speaker also observed that the parcel provides significant screening and acts to modulate noise from Maxwell Drive and surrounding land uses. He asked that the Board reject the proposal since the townhouses proposed were not in keeping with the character of the surrounding neighborhood.

Mr. Pelagalli explained that hardship was not an issue of concern. Approval of the proposed PUD legislation requires Town Board action. He reported that, in his experience, the Town Board carefully weighs the potential benefits of proposed development with impacts to adjoining properties.

A resident of Tallow Wood Drive stated that the area is “saturated” with development and asked that the Board reject the proposed plan.

A resident of Via da Vinci, described a natural “ridge” that exists between the rear of the homes lining Via da Vinci and the proposed townhouse development. He found the proposed units to be “too dense” and “too close” to existing residences and asked the Board to find the proposal unacceptable.

Mr. Bulger identified the issues of concern as the impact of the access to Plank Road on traffic safety, the Emergency Services Advisory Board’s position on the number of residential units served by a single access, the proximity of the project to the Bear Brook and the potential for disturbance of an environmentally sensitive stream corridor, and the project’s proximity to the existing residences on Via da Vinci.

In response to Ms. Bellamy’s question regarding additional review by the ESAB, Mr. Bulger responded that such review was encouraged since site access was a major concern.

In response to Ms. Thorne’s question regarding proposed sidewalks, Mr. Vuillaume stated that the current plan shows that sidewalks will be installed along Maxwell Drive, though no walkways are currently proposed in the interior of the site. An audience member stated that sidewalks would be a welcomed addition to the area because attempts to cross Maxwell Drive are often extremely hazardous. Both Mr. Kramer and Ms. Thorne supported the development of sidewalks and the prudent placement of a pedestrian crossing in a safe location along Maxwell Drive. Board members discussed a number of concerns with the project plan including traffic safety issues due to the close proximity of the proposed access to the intersection of Plank Road and Maxwell Drive, impacts to the environmentally sensitive Bear Brook stream and contiguous corridor, compatibility of the proposed development density with existing residential

neighborhoods, and acceptance of the project design by the Emergency Services Advisory Board. The installation of an adequate buffer between the proposed development and the existing homes on Via da Vinci was of particular concern. After briefly discussing the appropriateness of the proposed development on the site, Board members agreed to provide a “qualified” recommendation to the Town Board.

Mr. Bulger moved, seconded by Mr. Kramer, to issue a “qualified” recommendation for approval of the proposed Planned Unit Development. While Board members agreed that with the general development concept that would provide a desirable housing option for the community’s aging population, they encouraged the Town Board to consider its potentially significant impacts such as adequate buffering between the proposed residences and existing homes along Via da Vinci, density, impacts to the Bear Brook stream corridor, traffic safety, and acceptable access for emergency service vehicles. The motion was unanimously carried.

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

Mr. William Keniry, legal representative for the applicant, and Mr. Klimkewicz, applicant, were present at the meeting. Mr. Keniry explained that the proposal remains as presented at the June 26, 2007 meeting. The applicant requests Planning Board approval to create rental spaces for the storage “documents and other office-related materials” in the basement of an existing 4,000 SF office building. Both Mr. Keniry and the applicant believe that the request is consistent with the restriction imposed at the time of initial site plan approval that states that “the basement floor will be utilized for storage purposes only.” They also believe that the proposed use is compatible with §208-113B(2)(a) of the Town Code and current zoning regulations.

Ms. Maynard provided comments prepared by the Planning Department. The following note was proposed by the applicant:

The application of Michael Klimkewicz and Ryan’s Property, LLC to amend the site plan dated May 30, 2007 for real property located at 653 Plank Rd to allow for the creation of a public storage area in the basement is hereby approved, upon the condition that the nature of the materials stored shall be limited to document and other office-related materials, and that the storage of hazardous materials shall at all times be prohibited.

Though the language supplied by the applicant appears appropriate, the Board may wish to limit the number of proposed storage spaces to be installed.

Though Mr. Myers, Director of Building and Development, provided no comment on this application, Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, notes that the applicant will be required to obtain a building permit for the proposed conversion of the basement area to storage space.

Mr. Grasso reiterated the comments prepared by Clough, Harbour, and Associates at the June 26, 2007 meeting. 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.

Board members found the proposal acceptable, agreeing that the proposed modifications would not result in a substantial increase in traffic along Plank Road. In response to questions from the Board, the applicant stated that 25 units were proposed. The applicant does not anticipate that the storage facility would result in more than 1-2 cars at any one time using available parking spaces.

Mr. Werner 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.

Ms. Thorne moved, seconded by Mr. Kramer, to grant preliminary and final approval to this request conditioned upon the addition of the following note to the site plan: "Basement storage will be limited to public storage of paper documents and other office-related materials. Storage of hazardous materials shall at all times be prohibited." The motion was unanimously carried.

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

Mr. Joe Dannible, consultant for the applicant, presented the proposal for modification of the restaurant site for the Board's review, explaining that the project remains generally as presented at the July 10, 2007 meeting. The applicant proposes the installation of thirty-three (33) additional parking spaces at the 99 Restaurant site: a total of ninety-eight (98) spaces will be available for restaurant patrons. Variances for greenspace and a side yard area setback for parking were approved by the Zoning Board of Appeals on December 6, 2006. Justification for the proposed site revisions includes improved traffic safety and providing a more reasonable parking arrangement for patrons. Mr. Dannible explained that underground infiltration systems will be installed to manage storm water.

Ms. Maynard reported that this project was last seen by Planning Board at its July 10, 2007 meeting at which time the board found the project generally acceptable. She recommended that the applicant investigate the possibility of shared parking with site improvements being proposed to south. The Use and Occupancy permit issued by NYSDOT must be provided to the Planning Department prior to the release of stamped plans. It was recommended that the

applicant provide substantial landscaping to screen the new parking spaces from Clifton Park Center Road. The Saratoga County Planning Board approved this project at its July 18, 2007 meeting with the following comment: "the applicant should be encouraged to provide additional buffering to screen the parking lot expansion."

Mr. Myers, Director of Building and Development, provided comments regarding this application. The 20 percent factor of safety for the subsurface drainage system will be negated with this proposal. The increase in the system should equal the added area or approximately 175 LF of chamber (using the 63.5 SF per LF). The current system takes 34,456 SF into 650 LF of chamber. Increasing the drainage area by a third ( $11,000/34,456 = 32$  percent) and only increasing the system by 5 percent ( $37/680 = 5$  percent) does not seem appropriate. Increasing the chamber length by 32 percent or 217 LF would also seem more reasonable. The designation S.M.H. on the plans is confusing. Is it a "storm manhole" or "sanitary manhole"? The associated pipes appear to connect to the storm system but often dead end. They could be connections to the subsurface system, but do not appear to be in the area of the system. Drainage from off-site appears tied into the storm system. The consultant must provide clarification.

Mr. Romano stated that Clough, Harbour, and Associates offered two comments regarding this project application following review of the site plan and the storm water management memo submitted by the applicant. The proposed landscaping continues to be insufficient for the proposed expansion and will provide minimal aesthetic improvement and/or screening. The proposed overhead utility line is located approximately 3' from the edge of the proposed pavement. It should be verified with the utility company that adequate vertical separation exists between the utility line and the proposed improvement.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the data presented, the ECC made the following recommendations. The applicant should be required to adhere to the minimum green space requirements for this area. The plan should be redrawn at 35%. The ECC notes that the GEIS recommends 45% green space in this area. The applicant should consider possibilities for using the area designated as "asphalt pavement" on the western property boundary to meet the green space requirement. 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.

The applicant should provide additional plantings on the leased property along the northeastern border of the project as screening to the parking lot from the adjacent highways.

Mr. Kramer supported the expansion plan, noting that area restaurants require adequate parking for customers. Mr. Bulger asked that the applicant provide increased buffering along the southeastern property boundary. Mr. MacElroy stated that additional landscaping would be provided. Board members also asked that the "upper loop" of paved area be removed if such removal would not interfere with access to either the restaurant or Pier I. The consultant will seriously consider this request.

Mr. Kramer 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.

Ms. Thorne moved, seconded by Mr. Werner, to grant preliminary and final approval to this request conditioned upon satisfaction of comments offered by the Planning Department and Clough, Harbour, and Associates. The motion was unanimously carried.

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

Mr. Owen Speulstra, consultant for the applicant, explained that the application remains generally as presented at the July 10, 2007 meeting. In response to comments received at that meeting, however, the plan now shows a cross-access between the MacDonald's parcel and the adjoining parcel occupied by KFC. The requested striping along Maxwell Drive as well as additional landscaped areas have been illustrated. In response to Ms. Maynard's questions concerning consultations with NYSDOT representatives regarding the installation of plantings within the NYSDOT right-of-way, the consultant reported that although NYSDOT is amenable to approving additional landscaping, though only areas where minimal snow plow and salt damage are likely. Raised beds and trees will not be permitted.

Mr. Myers, Director of Building and Development reported that all necessary variances were granted by the Zoning Board of Appeals on July 17, 2007. A Storm Water Pollution and Prevention Plan should be provided since the area of disturbance equals more than one acre. It is not expected the disturbance will be 10 SF less than an acre as noted. The stone apron is to be 50' minimum - not 30' as shown. Access from other points to the site must be barricaded. A meeting with the Director of Building and Development will be required prior to the start of construction.

Mr. Romano explained that Clough, Harbour, and Associates reviewed the revised site plans for the above referenced project as prepared by Bohler Engineering and Bohler Engineering's July 25, 2007 letter to the Town of Clifton Park Department of Planning responding to previous comments and

recommendations. The comment letter included the following comments. The revised plans appear to have adequately addressed all prior comments. Clough, Harbour, and Associates continues to believe that the Route 146 frontage can be significantly enhanced through the use of additional trees and planting beds located within the NYSDOT right-of-way. The applicant should continue to negotiate with DOT to allow these additional plantings with the understanding that they will be maintained by the applicant. The thirty-one junipers shown squeezed into the four-foot wide space between the front property line and the proposed curb have a slim chance of surviving winter plowing and salting operations. It is recommended that they be integrated into an attractive landscape bed with the existing crabapple trees.

Mr. O'Brien, Environmental Specialist, stated that after review of data presented, the ECC made the following recommendations. The following standard statements should be added to the plot plan:

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

Board members found the plan acceptable, though members agreed that additional signage should be installed to direct traffic from the site to Route 146.

Mr. Kramer 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.

Ms. Thorne moved, seconded by Ms. Pace, to grant preliminary and final approval to this request conditioned upon satisfaction of the comments offered by the Planning Department and Clough, Harbour, and Associates. The motion was unanimously carried.

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

Mr. Gavin Vuillaume, consultant for the applicant, presented this project plan for the Board's review, providing a brief history of the review process and outlining revisions to the plan that have been made in response to comments from the Board and Clough, Harbour, and Associates. Soil testing has been conducted in the area proposed for installation of the storm water management area,

NYSDOT has been contacted regarding permitting for the curb cut onto Route 146, a lighting plan has been prepared for review, and a connection to the parcel to the west has been indicated on the plan. Mr. Vuillaume explained that the parcel to the west may lose five (5) parking spaces should the connection be made.

Ms. Maynard offered a number of comments prepared by the Planning Department. This project considered by the Planning Board at its June 12, 2007 meeting at which time there was discussion related to the need for cross access with adjacent site, the need for curb cut out onto Route 146, and installation of adequate but limited lighting to avoid impact on adjacent residences. The applicant has agreed to install additional landscaping materials to improve screening, to minimize the clearing of existing vegetation, and to install lighting fixtures that would minimize glare emanating from the site. The speaker explained that a "floating easement" for the adjacent property to the west was required by the Planning Board as a condition of approval for that project. A note on the sit plan for that development states: "an ingress/egress easement over this property will be granted to the adjoining owners of this site. The purpose of the easement is to promote interconnectivity between commercial sites. The final location of the easement will be determined when an adjoining property undergoes site plan review with the town. The location of the easement must be acceptable to the owner of this site. All costs associated with the site improvements necessary to implement the connection will be the responsibility of the adjoining owner benefiting from the easement." The applicant's consultant reported that although the owner of the adjoining property has been contacted, there was little interest in providing the cross-easement. The applicant was directed to speak with the owner of 945-947 Route 146 again. If necessary, Town officials will intervene. A curb cut permit from NYSDOT must be provided. The detailed lighting plan presented at this meeting will be reviewed. It is noted that the wattage has been reduced to 400. House shields will be required. Photos of an existing office building at 939 Route 146 was presented as a façade rendering of the proposed building. Sign-offs will be required from the Clifton Park Water Authority and the Saratoga County Sewer District.

Mr. Romano reported that Clough, Harbour, and Associates has reviewed information submitted for this application and offered the following comments. The plan lacks photometrics of the existing and proposed lighting as previously requested and raised as a significant concern during the conceptual review. The plan does not propose an appropriate tie-in to the access drive on the adjacent property. Curbed and landscaped islands with appropriate radii should be provided.

Mr. O'Brien reported that, after review of the revised project plan, the ECC withdrew its previous recommendation of a fence to delineate the wetland boundaries. However, the ECC recommends that the following standard statements 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).

- All exterior lighting shall be directional and limited.

Board members recommended that the applicant pursue approval of installation of a connection to the property to the west, agreeing that such a connection was significant. Members approved of the façade renderings since the buildings will be compatible with those built on the parcel to the east. Though Mr. Werner expressed concern with the number of curb cuts onto Route 146, no changes to the plan were required.

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

Mr. Bulger moved, seconded by Mr. Kramer, to grant preliminary and final approval to this request conditioned upon satisfaction of the comments offered by the Planning Department and Clough, Harbour, and Associates. The motion was unanimously carried.

[2007-024] **PVC Industries** - Proposed 25,000 SF addition to existing building, 107 Pierce Road – Revised conceptual site plan review.

Mr. Francis Bossolini, consultant for the applicant, reported that the outstanding issues with the Building Department have been resolved. The applicant has worked to address issues raised during the June 12, 2007 meeting. Though code requirements call for the installation of 106 spaces, the applicant believes that 70 will be sufficient to serve facility needs. Excess spaces will be “land banked” until their use is warranted.

Ms. Maynard offered comments prepared by the Planning Department, explaining that when the project was presented at the June 12, 2007 meeting, discussion focused on the two additions that were constructed without benefit of site plan review or issuance of Building Permits. These additions were not constructed in compliance with Fire Code requirements: resolution of the code violations were to be satisfied before Planning Board review of the project was scheduled. A note has been added to the plan that states that the additions will be removed. The Board expressed concern for the amount of clearing that would be required along Pierce Road and the subsequent loss of screening. It was recommended that parking islands be added to the lot. The applicant explained that the project will be designed to minimize impacts to existing buffers and limit paved parking spaces to those necessary for employee use. No changes in proposed parking or in reducing the loss of screening along Pierce Road are shown on plans. In response to questions regarding the necessary number of parking spaces, the consultant explained that since the business employs 80 workers, the necessary parking spaces required would be 70. The revised concept plan that was presented at the meeting indicates that the additional spaces required

by code will be land banked until there use is warranted. Since the plan now indicates that storm water management system will be placed under the parking lot, the buffer to Pierce Road may be extended an additional 50 - 60 feet. It is recommended that the applicant provide a 15' wide strip along Pierce Road for future road improvements.

Mr. Myers, Director of Building and Development offered several comments regarding this application. He reported that no permits would be issued until non-compliant additions are removed from the site, though he stated that Planning Board review could continue as needed. A full Storm Water Pollution and Prevention Plan will be required. The plan should provide documentation pursuant to §208-65B to ensure that 60 percent maximum coverage is not exceeded. It appears the required green space is met by 0.8 percent.

Mr. Romano read the comments prepared by Clough, Harbour, and Associates. Documentation should be provided and shown on the plan that an ingress/egress easement exists for the existing roadway into the Northway 10 Industrial Park. The plan fails to adequately protect vegetation within the site that provides important vegetative screening of the site's use. Vegetation within the building setback areas should be preserved to the greatest extent possible and supplemented where necessary. More accurate limits of vegetation to remain and the adequacy of the vegetation to provide screening should be evaluated. It is recommended that the building addition be shifted to the south to allow a minimum of fifteen feet of green space between the driveway and the building, except within loading areas. The applicant has calculated parking requirements for the Light Industrial portion of the business based on square footage. The town Zoning Law prescribes an alternate calculation based on the number of employees anticipated to be in buildings on the maximum working shift, with direction that parking shall be provided for the larger number. The plans should include the employee based calculation to confirm that sufficient parking is being proposed. The following additional comment was provided. The two handicap accessible parking spaces are insufficient to serve the proposed 106 parking spaces: an additional three accessible spaces are required.

Mr. O'Brien, Environmental Specialist, explained that, after reviewing this application, the ECC made the following recommendation. The ECC requests that the applicant provide a drawing illustrating the available green space for the project excluding the storm water management area. The green space should be 40% or more of the site.

Board members found the revisions to the plan acceptable. It was agreed that the number of parking spaces in excess of those needed could be "land banked" and that a 10' strip of land would be required to provide for future roadway improvements.

[2007-028] **Devoe, David and Deborah L.** – Proposed land transfer, Waite Road – Revised conceptual review.

Mr. Bob Wolkow, consultant for the applicant, presented this subdivision plan for review. The plan remains generally as presented at the June 12, 2007 meeting, though he explained that since that time, the ECC has approved the

grading plan. All comments prepared by Clough, Harbour, and Associates will be addressed. Sight distances at the proposed access location will be verified. Retaining walls have been proposed to keep drainage from flowing to the LC zone.

Ms. Maynard explained that the Planning Board's discussion at the June 12, 2007 concerned the site grading that would be required to construct the residence on the property and the limited distance from the new residence to designated wetland areas. Since that time, the applicant and his consultant have met with the ECC. The ECC has determined that grading work may be completed as proposed. Ms. Maynard also mentioned that the Board may wish to consider a 50% open space dedication since the project involves a parcel of more than 10 acres. A 15' strip of land along Waite Road is requested for future roadway improvements.

Mr. Myers, Director of Building and Development reported that the applicant must clarify whether or not the wetland flows towards the Dwaas Kill. If so, the 200' buffer may be required.

Mr. Romano stated that Clough, Harbour, and Associates reviewed the subdivision plan for the above referenced project and the grading plan prepared by Ruscinski Hall Architecture. The following comments were provided. The need for driveway culverts should be identified on the plans. The existing driveway on Lands N/F of Perry south of the subject property appears to encroach on the subject property. The applicant should consider taking action to remedy this situation. The adequacy of sight distance should be verified at the new driveway location.

Mr. O'Brien, Environmental Specialist, reported that the ECC recommended that the following standard statements shall be added to the plot plan:

- 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 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.

The Board found the application acceptable.

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

Mr. Joe Dannible, consultant for the applicant, presented this application. The project proposal remains generally as presented at the July 10, 2007 meeting, though the plan set now includes site detail sheets including a grading and utilities

plan, planting plan, erosion and sediment control plan, and detail sheet. The speaker addressed several of the comments and recommendations received at the previous meeting. He explained that pedestrian connections have been indicated on the plan: these connections, constructed of stamped pavement materials, are to be located between the proposed Staples building and Maxwell Drive. Cross-walk striping will be provided along the access to Southside Drive and between the curbing at the entrance to the Panera/Ruby Tuesday's site. Land-banking of excess parking spaces is proposed. A shared access with the development on the lands of Windsor Development is not possible. Speaking to comments previously offered by Clough, Harbour, and Associates, Mr. Dannible noted that pedestrian connections have been provided as requested, parking for 251 vehicles is provided on this property and adjoining parcels, and green space totals 17,000 SF. The dumpster will be shared with adjoining businesses. All other technical comments will be adequately addressed by the applicant. Colored façade renderings were presented for the Board's review.

Ms. Maynard offered several comments regarding this project proposal that was reviewed by the Planning Board at its June 26, 2007 meeting at which time the board found the project generally acceptable. Discussion was related to required parking for the site, the less-than-required 100' distance between ingress and egress for this and adjacent site, and integration of the site into the Exit 9 area. In response to the comment regarding the separation of access points, the consultant stated that the plan now proposes a nearly 70' separation between the access points: it is doubtful that more separation can be achieved. It is recommended that the applicant provide additional landscaping along property boundaries. A memo submitted by the Saratoga County Sewer District states that a project review submittal will be required illustrating floor plans, utility plans, and a site plan that shows existing or proposed easements. A construction permit application for sanitary sewer service must be completed. Sign-off from the District as well as the Clifton Park Water Authority will be required. A colored façade rendering must be supplied with future submissions.

Mr. Myers, Director of Building and Development, asked the applicant to explain why the overflow is directed onto town land and to provide information regarding the ownership of the land the basin is now located on. A maintenance agreement with the town may be required. Mr. Myers was unable to discern a property line between the basin and the Lands of the Town. Details of the overflow weir and the full area of the Lands of the Town should be provided since the town appears ultimately responsible for the overflow from the basin. The location of the construction entrance is not correct. No sediment control measures were noted at site.

Mr. Romano explained that Clough, Harbour, and Associates reviewed the site plans dated July 26, 2007, the Existing Storm Water Management Facilities Evaluation dated July 2007, and the Storm Water Pollution Prevention Plan dated July 2007 for the above project and offered the following comments. Clough, Harbour, and Associates continues to remain concerned with the access shared with the Ruby Tuesdays. Stop signs should be provided for all movements

exiting the site to allow for the entering traffic to flow freely. Additionally, there is concern with the location and orientation of the proposed crosswalk at this entrance. It would appear more appropriate for the crosswalk to be located at the south side of the entrance drive and be oriented perpendicular to the drive aisle. The plan depicts only 79 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. The existing sidewalk along the southern property line should include handicap accessible ramps at the proposed access drive crossing. The curbing proposed for the southern curb cut should not be located on top of the existing sanitary sewer manhole. A stop sign and striping should be provided at the southern exit drive. The Existing Storm Water Management Facilities Evaluation does not address how the additional run-off will be treated in conformance with the NYSDEC Phase II Regulations. The erosion and sediment control plan does not address how runoff will be treated during construction. A temporary sediment trap should be provided prior to discharge into the closed drainage system. Future submittals should include the following information: proposed building height; "No Parking" signs for the handicap accessible aisles; dumpster location. Mr. Romano stated that the revised storm water management plan as presented at this meeting appears to satisfactorily address technical concerns.

Mr. O'Brien, Environmental Specialist, reported that the ECC asked that the following standard statements shall be added to the plot plan:

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

Board members discussed several issues of concern. Though the number of parking spaces provided on site appears reasonable for the proposed use, members were concerned that future uses would require additional parking areas. Mr. MacElroy stated that the building would not be suitable as a restaurant which, in his opinion, would be the one use that would require significantly more parking spaces. The storm water management plan as presented appeared acceptable. Though members expressed concerns regarding safety at the access point on Southside Drive, it does not appear that it can be relocated to meet the code requirement. The most significant issues identified concerned the "traffic flow"

problem and pedestrian connections. Mr. Werner asked that the applicant evaluate conflicting turning movements at the Staples-Ruby Tuesday's access. Ms. Thorne asked that further consideration be given to the location of the proposed sidewalk in light of the opening of the new elementary school. It was recommended that an analysis of traffic in the area at peak time be submitted for Board review.

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

Mr. Bulger moved, seconded by Mr. Kramer, to grant preliminary site plan approval to this application conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, and the Planning Board. The motion was unanimously carried.

### **New Business**

[2007-039] **Roemer and Wilk** – Proposed land transfer, Lots #1 and #3, Hidden Crest Court – Conceptual review.

Mr. Wolkow, consultant for the applicant, presented this application that calls for the transfer of 223 SF of land from the Lands of Wilk, 1 Hidden Crest Court to the Lands of Roemer, 3 Hidden Crest Court. The transfer is requested because the play area constructed by the Roemers encroaches on the property owned by Wilk.

Ms. Maynard requested that the applicants supply an owner authorization form for the Wilks. Samples of consolidated deeds must be provided for review. The applicant is encouraged to file the revised deeds as soon as possible at the Saratoga County Real Property office.

Neither Mr. Romano nor Mr. O'Brien offered comment on the application.

Board members agreed that a transfer of land was reasonable.

[2007-042] **Fowler, Peter**- Proposed (2) lot subdivision of the Lands of Peter Fowler and Julie M. Priddle, - Conceptual review.

Mr. Wolkow, consultant for the applicant, presented this application that calls for the subdivision of a 7 acre parcel of land in the CR (Conservation Residential) zone on the southerly side of Riverview Road approximately ½ mile east of the intersection of Crescent and Riverview Roads. Lot #1, a 3.16 acre parcel, will contain the existing home, septic system, and well. An area variance of 5.4 feet will be required for the left side yard since a 10' side yard is required. Lot #2 will access from Riverview Road via an existing driveway. A new home is proposed for the 3.85 acre lot. The proposed home will be served by an individual well and septic system. Mr. Van Guilder reported that the Code Enforcement Officer has determined that Lot #2 is not a keyhole lot. The speaker stated that Lot #2 contains 727 SF of constrained land: this land is identified as federally jurisdictional wetland.

Ms. Maynard offered comments regarding this subdivision proposal. She noted that there is an existing shared driveway off of Pine Grove Lane directly adjacent and parallel to the proposed driveway and recommended that the applicant use the existing access rather than install a separate driveway. The speaker recommended that the applicant consider locating the home closer to Riverview Road in order to maintain “a larger portion of contiguous open space.” The standard note for driveways more than 500’ in length must be added to the plan.

Mr. Steve Myers, Director of Building and Development, provided the following comments. A variance for existing house setback will be required. Lot #2 as configured is not a keyhole lot, though it will require the driveway to be built to the emergency vehicle standards.

Mr. O’Brien, Environmental Specialist, reported that the ECC asked that 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.

Board members found the application acceptable, though it was recommended that the applicant pursue a shared driveway arrangement with those who currently utilize Pine Grove Lane.

[2007-040] **Levine, Dr. Andrew** – Proposed renovation of an existing professional office building to a dental office, 983 NYS Route 146 – Conceptual site plan review.

Mr. Francis Bossolini, consultant for the applicant, presented this application for review. The project plan calls for the renovation of an existing real estate office to a dental office building. The applicant plans to remove an existing garage, construct a 1,180 SF addition to the easterly side of the building, relocate the existing driveway, install sufficient parking spaces to the rear of the parcel, and add landscaping. Mr. Bossolini reported that application has been made to the Zoning Board of Appeals for approval of the several variances required to update the site. He stated that the applicant will address all comments and recommendations provided by Clough, Harbour, and Associates.

Ms. Maynard offered a number of comments regarding this application. Pursuant to Town Code requirements, buildings slated for redevelopment along the Route 146 corridor should be compatible with surrounding residential dwellings. A colored façade rendering of the proposed structure must be provided with future submission to ensure that design is appropriate. The location of the proposed parking area seems appropriate, though it is recommended that the applicant consider a shared parking arrangement with the dental office located to the east since this may limit the number of spaces needed on site. The consultant should provide a detailed lighting plan that includes cut sheets of the proposed fixtures and specifications to ensure that there will be minimal impact to adjoining residential properties. Substantial screening is recommended along the western property line. The applicant should clarify whether changes to existing water and sewer connections are proposed. The dimensions of the lot should be added to the plan. A curb cut permit from NYSDOT will be required. The Town requests that a voluntary contribution for future traffic studies and/or road construction for the Route 146 corridor. Mr. Jim DiPasquale, Director of the Saratoga County Sewer District reports that records indicate that this property is not to the County sewer system. He notes that the proposed dental office will need to comply with NYSDE regulations for discharge of dental facilities.

Mr. Steve Myers, Director of Building and Development, reported that necessary variance applications will be heard at the August 21, 2007 Zoning Board of Appeals meeting. Storm water pollution prevention measures need to be discussed with Director of Building and Development prior to construction. No sediment control measures were noted at the site.

Mr. Romano offered a number of comments prepared by Clough, Harbour, and Associates after review of the concept site plan. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. Involved agencies are expected to include: Clifton Park Planning Board – Site Plan Approval; Saratoga Co. Planning Board – Section 239 Referral; NYS Department of Transportation – Highway Work Permit. The proposed plan appears to be adding significant impervious area to the parcel. This will result in increased runoff. Future submissions should include a grading and drainage plan that will be used to evaluate the need for on-site storm water management. The proposed site is located along a section of NYS Route 146 that is subject to special front-yard setbacks as put forth in Section 208-98 of the Town Code. The special front-yard setback required is 130 feet. The applicant notes that the required front yard setback is seventy feet and a variance will be required. The Town Code Enforcement Officer should determine the front-yard setback that will be required for this project. The plan should show the existing/proposed laterals to the municipal water and sewer systems. The applicant should provide architectural renderings/elevations to confirm that the proposed building will satisfy the requirements of Section 208-33.D of the Town Code. The applicant should provide a landscaping package to satisfy the basic requirements of Section 208-33.C of the Town Code. The applicant will need to obtain an area variance in order to have parking located in the side-yard setback area. The applicant will need to have the proposed driveway reviewed and approved by the NYS Department of Transportation. The plan should include any driveway culverts that may be needed to maintain drainage along the front of the site.

Mr. O'Brien, Environmental Specialist, stated that, after review of data presented, the ECC requested that the following standard statements shall be added to the plot plan:

- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained during all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.
- 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.

Board members emphasized the importance of the submission of a grading and drainage plan, limited site lighting, and substantial landscaping to enhance the site. The submission of colored façade renderings was also requested. In general, Board members found the plan acceptable.

[2007-041] **DCG Development** – Proposed 9,300 SF mixed use commercial retail building, Clifton Country Road – Conceptual site plan review.

Mr. Joe Dannible, consultant for the applicant, presented this application for the Board's review. The plan calls for the redevelopment of the existing Dunkin' Donuts facility located on a 1.5 acre parcel in a B-4 (Highway Business) zone in the northern portion of Clifton Park Center. The applicant proposes construction of a 9,300 SF mixed-use commercial building with drive-thru service prior to the demolition of the existing building to ensure uninterrupted operation of the existing business. The project will utilize existing one-site sewer, water, and storm water infrastructure. Mr. Dannible explained that the existing curb cut will be relocated approximately 100' to the west in an "attempt to slow traffic."

Ms. Maynard provided comment on the application, noting that as redevelopment of the mall site continues, it is critical that each project contribute to the overall design goals. She pointed out that the project offers a "great opportunity" for shared parking arrangements. Placement of the building is important: as proposed, the site will not encourage pedestrian traffic. Relocation of the building to the southwestern portion of the lot would allow for better connectivity with the streetscape and provide connection for both those walking and vehicular traffic. Substantial landscaping of the site is recommended to add visual appeal. The applicant is urged to consider the "reintroduction of blocks" to delineate traffic patterns and direct pedestrian movement. The Saratoga County Sewer District offered the following comment: "mixed use building submittals and applications for tenants will need to be presented to determine if pretreatment is required. It appears that the current Dunkin' Donuts discharges to a private sewer of undetermined ownership that flows to a line owned by Windsor

Development. Discharge to sewers on Clifton Country Road will require review by Clifton Park Sewer District.”

Mr. Myers, Director of Building and Development, indicated in a memo dated August 3, 2007 that a Storm Water Pollution and Prevention Plan will be required for project. It appears variances will be needed for building and parking setbacks.

Mr. Romano reported that Clough, Harbour, and Associates reviewed the concept site plan for the above referenced project to replace the existing Dunkin Donuts store in Clifton Park Center with a mixed use building to include a new Dunkin Donuts and provided the following comments. The proposed project appears to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. Involved agencies are expected to include: Clifton Park Planning Board – Site Plan Approval; Saratoga County Planning Board – Section 239 Referral; Town of Clifton Park Highway Dept – curb cut review. The safety of the access arrangement is of concern. The proposed plan includes the replacement of an existing curb cut on the south side of Clifton Park Center Road with two new curb cuts. The westerly curb cut is located only slightly offset from the exit from the Dunkin’ Donuts Drive-Thru. Vehicles exiting from the drive-thru will be in conflict with vehicles trying to enter the site from Clifton Park Center Road and vehicles trying to exit the site from the front of the proposed building. The second new curb cut is proposed opposite the driveway that currently exists between the Pier One building and the Ninety-Nine Restaurant. Without signalization, this location has the possibility of creating conflict between the opposing driveways. It appears that both of these conflicts could be avoided by leaving the existing curb cut where it is and not building the new ones. The plans indicate there will be room for 3-4 cars to stack along the east side of the proposed building when using the Dunkin’ Donuts Drive-Thru. Based on actual observations of the volume of business enjoyed by similar stores, this level of stacking does not appear adequate. Because of the existing traffic light on Clifton Country Road, it is very likely that much of the store’s business will enter the site from the entrance on the south side of the site. Without adequate stacking, vehicles could back-up through the driveway on the south side of the building and onto the major entrance from Clifton Country Road. In addition, vehicles exiting the drive-thru will be at a poor approach angle to view cars in the cross-access aisle.

Mr. O’Brien, Environmental Specialist, explained that after review of data presented, the ECC made the following recommendations regarding this application. The applicant should increase the use of vegetative plantings to increase the quality of the green space in this part of Town. The following standard statements should be added to the plot plan:

- 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 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.

The Commission also recommended that proposed landscaping be complimentary to the existing landscape areas along Clifton Country Road adjacent to Clifton Park Center.

Ms. Thorne described the current Dunkin' Donuts site as being "a sea of asphalt," and she asked that more green space be added to the area. Mr. Werner asked that the access location be evaluated. Board members found the project plan generally acceptable, though they asked that the stacking lane for the drive-thru be lengthened.

[2007-043] **County Waste** – Proposed amendment to approved site plan - 1927 Route 9 – Conceptual site plan review.

Mr. Joe Bianchine, consultant for the applicant, explained that the previously approved site plan has been revised. The truck garage has been reduced in size from 58,000 SF to 50,350 SF, the access road has been relocated, and the berm along U.S. Route 9 has been increased. The speaker reported that the Town of Halfmoon approved the project plan on August 13, 2007.

Ms. Maynard explained that this application represents a modification of existing approved site plan. The Town of Clifton Park has concurred with the Town Halfmoon's assumption of Lead Agency for this application: it is assumed that that its Board will render the SEQRA determination for the project. The Town of Halfmoon will oversee the project's construction to ensure compliance with site plan approvals.

Mr. Jim DiPasquale, Saratoga County Sewer District Director, provided a memo dated August 13, 2007 that states that "the Saratoga County Sewer District is working with County Waste to complete dedication of a previously constructed 'off-site' sewer line. A review of on-site facilities and proposed discharges will need to be completed."

Board members found the application acceptable.

Mr. Romano stated that Clough, Harbour, and Associates reviewed the revised site plan for the above referenced project and noted that the current plans include a number of revisions to the previously approved site plan. The plans were prepared by ABD Engineers & Surveyors and are dated May 2003 (last revised July 24, 2007). Since the Town of Halfmoon is also reviewing the proposed project plan, Mr. Romano reported that the comments presented were also included in the review letter prepared for the Town of Halfmoon Planning Board. The current plans do not appear to vary significantly from the plans last reviewed (plans last revised 5/06/05). The previous plans included a total of eleven (11) revisions: the current plans include seventeen (17) revisions. The last five revisions appear to include updating of the plan to include completed work not related to this action, a reduction in the size of one of the proposed buildings, revisions to the size of some storm drains, the noting of a variance granted by the

Town of Clifton Park Zoning Board of Appeals and revisions to address comments received from the Saratoga County Sewer District No.1. The current plans include a thirteen percent reduction in the size of the new buildings being proposed (from 58,000 SF to 50,350 SF), a revision to the entry drive that now requires vehicles to access the facility from the rear of the site rather than along the frontage and the addition of a berm along the Route 9 frontage to further conceal the facility. The current plans appear to include positive changes and would not cause us to change the positive recommendation expressed in our previous letters.

Mr. O'Brien, Environmental Specialist, reported that the ECC made the following comment. The ECC recommended that the Planning Board coordinate with the Town of Halfmoon Planning Board during review of the project to assure that mitigating measures are taken to protect sensitive environmental areas such as the Dwasskill and Colonie Channel Aquifer.

Board members found the project generally acceptable.

[2005-020] Moe Road Office Complex - Proposed 27,500 SF professional office space in (6) buildings, 509 Moe Road – Request for extension of site plan approval

Mr. Bulger moved, seconded by Mr. Kramer, to grant the requested extension pursuant to §208-120 of the Code of the Town of Clifton Park. The final expiry date of the site plan approval will be August 8, 2008. The motion was unanimously carried.

### **Minutes Approval**

Mr. Bulger moved, seconded by Ms. Pace, approval of the minutes of July 10, 2007 as written. Ayes: Kramer, Pace, Werner, Bulger. Noes: None. Abstained: Thorne.

### **Discussion Items**

#### **YMCA – Playground Area**

Board members had no objection to the proposed playground installation at the former library facility. The applicant should ensure that there will be no disturbance of the wetland.

Mr. Bulger moved, seconded by Mr. Kramer, adjournment of the meeting at 12:10a.m. The motion was unanimously carried. The next meeting of the Board will be held as scheduled on September 11, 2007.

Respectfully submitted,

Janis L. Dean,  
Secretary

8/14/07

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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 #16**

**Preliminary 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 August 14, 2007 there were:

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

Absent: J. Larkin

Mr. Bulger offered Resolution #16, and Mr. Werner seconded, and

Whereas, an application has been made to this Board by Michael Dickinson for approval of a subdivision plat entitled Subdivision of the Lands of Michael Dickinson consisting of (21) lots, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on August 14, 2007,

Whereas, the Planning Board established itself as Lead Agency for this application and a negative declaration was issued pursuant to SEQRA on August 14, 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 the subdivision plat entitled Subdivision of the Lands of Michael Dickinson consisting of (21) lots is hereby granted preliminary subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, and the Planning Board.

**Resolution #16 passed 8/14/07**

Ayes: Kramer, Pace, Thorne Werner, Bulger

Noes: None

Steven J. Bulger,  
Chairman

**NOTICE OF DECISION**

**Resolution #17**

**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 August 14, 2007 there were:

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

Absent: J. Larkin

Ms. Thorne offered Resolution #17, and Mr. Kramer seconded, and

Whereas, an application has been made to this Board by David Massaroni for approval of a subdivision plat entitled Tanner Road Subdivision consisting of (9) lots, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on August 14, 2007,

Whereas, the Planning Board established itself as Lead Agency for this application and a negative declaration was issued pursuant to SEQRA on August 14, 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 the subdivision plat entitled Tanner Road Subdivision consisting of (9) 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 #17 passed 8/14/07**

Ayes: Kramer, Pace, Thorne Werner, Bulger

Noes: None

Steven J. Bulger,  
Chairman