



### **Planning Board Meeting** **September 11, 2007**

Those present at the September 11, 2007 Planning Board meeting were:

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

Those absent were: None

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

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m. A moment of silence was observed in remembrance of the September 11, 2001 attack on the World Trade Center. All in attendance stood for recitation of the Pledge of Allegiance.

#### **Public Hearings**

[2007-039] **Roemer and Wilk** – Proposed land transfer, Lots #1 and #3, Hidden Crest Court – 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 September 4, 2007.

Mr. Duane Rabideau, consultant for the applicant, explained that this application remains as presented at the August 14, 2007. He stated that the application calls for a 5.50' x 40.44' parcel to be transferred from Lot #1 Hidden Crest Court to the Lot #3

Hidden Crest Court. The transfer is necessary due to the encroachment of a play area constructed by the owners of Lot #3 onto Lot #1.

Ms. Maynard reported that the Planning Department found the proposal acceptable, though she stated that consolidated deeds must be submitted for review. She also asked that the redrawn deeds be filed as soon as possible at the County Real Property Office.

Mr. Myers, Director of Building and Development, Mr. O'Brien, Environmental Specialist, and Mr. Grasso, Clough, Harbour, and Associates all found the application acceptable.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:18p.m. The motion was unanimously carried.

Mr. Kramer 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. Werner offered Resolution #18, seconded by Mr. Bulger, to grant preliminary and final subdivision approval to this application conditioned upon the submission of consolidated deeds to the Planning Department. Ayes: Kramer, Larkin, Pace, Thorne, Werner, Bulger. Noes: None.

[2007-028] **Devoe, David and Deborah L.** – Proposed land transfer, Waite Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:20p.m. The Secretary read the public notice as published in the Daily Gazette on September 4, 2007.

Mr. Rabideau, consultant for the applicant, presented this application for the Board's consideration. The plan remains as presented at the August 14, 2007 meeting at which time Board members found the plan generally acceptable. Mr. Rabideau explained that the application calls for the reconfiguration of two adjoining parcels under the same ownership to create lots of 22.22 acres and 5.58 acres, respectively. The smaller lot contains an existing residence: a single-family residence is proposed for the larger lot. The new lot will be served by an individual well and septic system. All grading will be outside the LC zone in accordance with ECC recommendations. The required culvert at Waite Road will be installed and maintained as required. The plan illustrates the conveyance of a 15'-wide strip of land along Waite Road as right-of-way for future roadway improvements.

Ms. Maynard reported that since the applicant has adequately addressed all previous comments, the application is acceptable.

Mr. Grasso reported that the only comment prepared by Clough, Harbour, and Associates noted that the applicant is in negotiations with the owner of lands to the south,

identified as the Lands N/F of Perry to resolve the driveway encroachment that became apparent when the formal survey was prepared.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the application presented, the ECC made the following recommendation. The following standard statements must be added to the plot plan:

- The Land Conservation (LC) zone shall be 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.
- 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.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:23p.m. The motion was unanimously carried.

Mr. Bulger noted that the Board's concern regarding grading in close proximity to the designated wetland boundary was resolved by the ECC's determination that the grading as proposed was acceptable. In response to Mr. Larkin's comment regarding the driveway encroachment along the southern boundary, Mr. Rabideau explained that the applicant is working with the adjoining property owner to resolve the issue.

Mr. Bulger 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. Tom Werner offered Resolution #19, 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 and Clough, Harbour, and Associates. Ayes: Kramer, Larkin, Pace, Thorne, Werner, Bulger. Noes: None.

2005-060] **Belmonte Builders** – Proposed (33) lots (Waite Meadows Subdivision), 626 Waite Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:25p.m. The Secretary read the public notice as published in the Daily Gazette on September 4, 2007.

Mr. Dominick Arico, consultant for the applicant, presented this project proposal that has been reviewed by the Board at several meetings. Mr. Jerry Magoolaghan,

representative for the applicant, was also present at the meeting. The proposal remains generally as presented at the meeting of June 12, 2007. Mr. Arico presented a colored rendering of the project site that illustrated wetlands, uplands, possible house locations including clearing limit lines, septic locations, road lay-outs, and the multi-use pathway. Water will be provided by extension of an existing line along Route 146. Storm water management areas have been shown on the plan. The consultant explained that the underdrains will be provided in the road's median area to provide for collection of water run-off and treatment. The ESAB has approved the boulevard entrance design.

Ms. Maynard provided comments prepared by the Planning Department, noting that this application was considered by the Planning Board at its June 12, 2007 meeting. Discussion at that time focused on the boulevard entrance as designed, septic vs. sewer, storm water management design, and open space design. The Planning Board recommended that the applicant consider alternative paving materials for the pavement that was proposed to be striped as part of the boulevard: the applicant agreed to look at viable alternatives that could also hold up to weather conditions and plowing. Ms. Maynard commented that the overall layout and site plan elements are seen to be "in line with" Conservation Residential (CR) zoning requirements by preserving open space and protecting wildlife habitat and corridors. It is recommended that limits of clearing and grading be minimized to the greatest extent possible to protect large stands of trees and meadow areas. A note on plans should list uses for permanently protected and deed restricted open space areas as outlined in §208-16 D 2 of the Town Code. A note must be added to the plan that states that the trail will be constructed at the same time as roads. On-street signage should be placed alongside the roadway to provide direction for those wishing to use to the trail.

Mr. Steve Myers, Director of Building and Development, offered the following comments in a memo dated September 10, 2007. He states that the property involves significant wetlands, steep slopes and areas of poorly draining soils. A full soils report, Storm Water Pollution and Prevention Plan, and grading plan should be provided for review prior to final approval to ensure all the issues are addressed prior to construction.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the subdivision plan for this project and offered the following comments. The Town's standard notes regarding land preservation areas/easements should be included and used to protect the proposed private open space on the respective lots including all lots with federal wetlands to remain. A storm water management report, the Town's standard notes and plans and details for the proposed trails should be included in future plan submittals. Street trees should be proposed as required in the subdivision regulations or a waiver must be requested. The adequacy of the sight distance at the proposed access to Waite Road should be verified and reflected on the plans. Though this comment has been made in several review letters, it has not been addressed. The applicant should contact the Highway Superintendent and Emergency Services Appeals Board regarding the use of a boulevard entrance. Although Clough, Harbour, and Associates does not object to more than eighteen lots on single means of access, this does not conform to current Town standards. It should be determined if the boulevard entrance is still appropriate mitigation for the development of more than eighteen lots from a single point of access. A Storm water Management Report and Storm water Pollution Prevention Plan should be provided for review. Culverts should be provided at all location where a driveway or

roadway bisects an existing wetland to remain. The total wetland impacts should be quantified on the plan. The existing drainage pattern along Waite Road should be maintained. It appears culverts may be required. Street lights should be provided oriented over the proposed entrances onto Waite Road. A number of the proposed finished floor elevations appear to be located at the same elevation of the existing wetlands. It would appear that these elevations should be raised. More detail regarding the lot grading should be provided. As currently depicted, a number of the proposed lots direct run-off directly to the proposed house location. Catch basins should be provided within the proposed cul-de-sacs. The utility plan should depict the inverts of the proposed foundation drain laterals to verify that positive drainage can be achieved. Retaining walls are proposed within the right-of-way of proposed Road 1. Details of the walls should be provided. An engineer's report addressing the proposed water supply should be provided for review. The size of the proposed roadway culverts should be depicted on the plan. The access to the proposed driveways located on the boulevard should be further evaluated. Safe and appropriate access should be provided to each of the driveways. Appropriate signage along the boulevard indicating a divided roadway should be provided. Based upon the proposed grading, a low area is depicted on Lot #7 along Road 3. It appears a culvert will be required to drain the area as currently graded. A number of contours appear to be mislabeled along the west side of Road 3. The proposed depth of burial of the proposed water main and the horizontal and vertical bends should be labeled on the profile. A 1% minimum slope should be provided along the outside edge of the proposed cul-de-sacs. The last plan and profile sheet appears to be incorrectly labeled as a "Sanitary Sewer Forcemain". The proposed limit of work for the proposed off-site water main construction should be clearly defined on the plan. The plan should also include notes regarding the restoration of existing features to be disturbed. Future plan submittals should include standard details.

In response to Mr. Grasso's comments regarding roadway design, Mr. Arico agreed to provide additional details regarding the proposed width of the roadway as well as information regarding its slope and pitch. There will be no trees planted in the boulevard median. Mr. Arico also reported that several soil tests have been conducted on the property: all indicate that the soils are acceptable for the installation of septic systems. Septic designs will be provided with future submissions. Mr. Grasso asked that the applicant provide wetland demarcation such as fencing on lots that include delineated wetlands.

Mr. O'Brien, Environmental Specialist, offered the following comments prepared by the ECC. After review of data presented, the ECC made the following recommendations. The ECC recommends that the deed restricted open space be changed to "dedicated open space" and conveyed to the Town of Clifton Park. The ECC recommends that rather than terminating the trail on the roadway by the Storm Water Management Area, the applicant extend the trail to the main roadway while running parallel to the access road. The following standard statements must 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.
- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federal Jurisdictional Wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone and/or Federal Wetlands.

Ms. Pam Marshall, 5 Fairlawn Court, requested clarification of the “farmette” lots. Mr. Arico explained that the two lots closest to Waite Road are 19.6 acres and 16.05 acres, respectively.

Ms. Carolyn Trzeciak, 631 Waite Road, asked the consultant to locate the proposed access points along Waite Road with relation to existing residences. She expressed concerns regarding the increased traffic, explaining that it is often difficult to exit Waite Road to Route 146. Mr. Bulger responded to Ms. Trzeciak’s question concerning the possible widening of Waite Road to better accommodate traffic by stating that no such plans were considered at this time. Mr. Bulger reported that Town officials recently attended meeting with representatives of the NYS Department of Transportation to discuss possible traffic improvements to the Route 146 corridor. At this time such improvements are not considered priorities by that Department and there are no plans to require or fund upgrades.

Mr. Joseph Archambeault, 601 Waite Road, was concerned that the development would result in increasingly unsafe traffic conditions along Waite Road and at the intersection of Waite Road and Route 146. The speaker was also concerned that drainage from the site would impact his household by producing basement water problems. In response to Mr. Archambeault’s question regarding access to water from the Clifton Park Water Authority, Mr. Arico explained that if the line is available at his home’s building line, existing residents may connect to the system. Mr. Archambeault’s final comment dealt with the impacts to the school system since the subdivision would add a number of students to the already-crowded district.

Ms. Nancy Bellamy, resident of 147 East Side Drive and member of the Emergency Services Advisory Board (ESAB), asked if the project plan would be re-submitted to that Board for re-consideration of the boulevard design. Mr. Bulger asked that the applicant check with Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, to determine if such review would be required.

There being no additional comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:53p.m. The motion was unanimously carried.

Mr. Larkin observed that there appeared to be a significant stream corridor that crossed the Waite Meadows site. In response to his question regarding whether or not the parcel contained lands labeled as flood plain areas, Ms. Maynard stated that it did not appear that there the project was located in an area where flooding would occur. Mr. Larkin asked if the answer “No” to Item #12 under Zoning and Planning Information on the Full Environmental Assessment Form was accurate. Others asked that the applicant consider impacts to intersections in close proximity to the project site, including the intersection of Waite Road and Route 146. In response to Ms. Thorne’s recommendation that the northern most access be moved to the south, Mr. Arico stated that the entranceway had been designed in accordance with the conditions of approval issued by the Emergency Services Advisory Board. Mr. Kramer asked about the distances from this project to Town park areas. Though Ms. Maynard stated that there were no immediate plans for construction of a multi-use pathway along Waite Road, Board members agreed that a 10’ land conveyance along that road for future roadway improvements would be reasonable. Board members found the plan generally acceptable and commended the applicant for developing a desirable plan that conforms to zoning requirements.

[2005-063] **XAR Development** – Proposed (9) lot subdivision, Route 9 and Wood Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 8:03p.m. The Secretary read the public notice as published in the Daily Gazette on September 4, 2007

Mr. Dominick Arico, consultant for the applicant, presented this application that calls for the subdivision of 212.87 acres of land lying in an LI zone in the northeastern portion of the town between Wood Road and Route 9 into (9) lots. Eight of the parcels will provide for the individual site development for uses compatible with LI zoning. The remaining 150-acre parcel containing substantial wetland areas will be preserved as green space. The plan shows a 100’ buffer along U.S. Route 9, an access road that crosses the site from Wood Road to Route 9, and a non-disturbance area along the Northway. The project will be served by extension of the municipal water system and reactivation of an existing line. The applicant proposes connection to a main trunk line that crosses the property by low pressure sewer connections. No cross-easements will be required. Storm water will be managed on site and designed as necessary on a site-specific basis.

Ms. Maynard offered comments provided by the Planning Department. This project was reviewed by the Planning Board at its April 18, 2007 meeting at which time discussion related to the extensive wetlands on site and their protection and the locating of storm water basins within the DEC buffer and designated LC (Land Conservation) areas. Jurisdictional determination letters on wetlands should be submitted from both ACOE and NYSDEC. All correspondence related to wetland designations must be provided to the Planning Department. The Town recommends that storm water management areas be located outside the NYSDEC wetland buffers. The applicant

should clarify whether or not upland areas will be protected. Information regarding the status of the consent decree issued by the EPA should be provided. It is noted that there are several billboards on the property: information regarding their disposition should be provided. Wetlands and land conservation areas should be clearly identified and labeled on plans. The plan's design should conform to the code requirement of one curb cut per lot. Specific access needs may be assessed on a site-specific basis to determine if additional curb cuts would improve traffic safety. Ms. Maynard reported that the Trails Subcommittee recommends an additional 15' right-of-way conveyance for future trail development along Wood Road, particularly to provide for connection to the Zim-Smith regional trail.

Mr. Arico noted that a 20' easement has been provided along Wood Road to provide for future trail development. He stated that, if required, a plan showing the location of storm water basins outside the buffer areas could be provided. Such a plan was not prepared for this evening's meeting. Ms. Bakner, legal representative for the applicant, explained that the applicant and consultant were aware that permitting by NYSDEC would be necessary to install storm water facilities within the buffer areas. Consultation with representatives of NYSDEC has resulted in the understanding that although the cutting of trees was discouraged, the storm water areas could be installed within the buffer areas. Ms. Bakner described NYSDEC's response to the proposed development as positive since a minimal amount of development will occur on such a "huge" site. Ms. Bakner explained that the open space areas will be deed restricted. She noted receipt of a letter from Ms. Kathy O'Brien, NYSDEC representative, who reported that there may be a possibility of establishing a butterfly habitat on land adjoining the Northway. Re-establishment of butterfly habitat on upland areas throughout the site may also be considered. The speaker explained that Creighton-Manning had considered build-out of the project in thirds. The report will be made available for review by Clough, Harbour, and Associates as well as Board members. An archaeological report is currently underway and will be submitted when available. Addressing the issue of existing billboards, Ms. Bakner reported that it is the owner's intention to remove the signs when development lots are sold. The billboards currently provide income that allows for payment of property and school taxes.

Mr. Pelagalli asked for information regarding the leases for the billboards, explaining that it was extremely difficult to obtain releases from such agreements. In response to Ms. Maynard's question regarding site contamination, Ms. Bakner stated that the applicant has complied with all EPA directives and has agreed to restore all disturbed areas. Ms. Maynard asked that all documentation regarding clean up of the site be submitted for review. She also asked that all wetland and LC boundaries be clearly defined on the plan, that access be limited to one curb cut per lot, and that additional right-of-way be provided for future roadway improvements.

Mr. Grasso commended the applicant for having done "a commendable" job of creating a master plan of development that allowed the Board to visualize possible future site development. He asked that the applicant consider the addition of a note to the plan

that establishes a time frame for the completion of both traffic and infrastructure improvements.

The following comment was provided by Mr. Steve Myers, Director of Building and Development. NYSDEC approval will be required for the stormwater practices impacting or discharging to the NYSDEC wetlands: a permit from NYSDEC will be required for that work.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the subdivision plan dated December 19, 2006, the Project Narrative dated August 2007, Full Environmental Assessment Form dated August 21, 2007 and a Traffic Impact Study dated August 22, 2007 prepared by Creighton Manning Engineering, LLP. The review resulted in issuance of the following comments. The initial review letter outlined the SEQR issues related to the project - some of which have been addressed during the preliminary plan submission. The applicant's consultant has indicated that remaining issues will be addressed completely with future submissions. This approach is acceptable, but the Board should withhold making a SEQR determination until all SEQR issues have been addressed and documented. The applicant should understand that future SEQR related issues may affect the layout and density of development or the extent of project specific mitigation. It is recommended that all storm water management areas be located outside of the limits of the LC-Land Conservation Zone/NYSDEC 100' Regulated Adjacent Area. Any work within the LC-Land Conservation Zone will require a variance from the Zoning Board of Appeals. If a variance is sought, it is recommended that the Planning Board assume lead agency status and issue a SEQR determination prior to any decision by the Zoning Board of Appeals. The traffic study remains under technical review and comments will be provided in a separate letter. Utility easements must be extended to the adjoining lots and properties so that there is a common accessibility to all public utilities.

Mr. Mike O'Brien, Environmental Specialist, provided comments prepared by the ECC following review of the application. After review of data presented, the ECC reiterates the following comments with an additional recommendation. If approved, future site plan submittals must include a grading and filling plan as part of this proposal to ensure the proposed wetland impacts are limited. The ECC further recommends that the Town Engineer review the proposed Storm Water Management Systems to make certain they can function in an area with a high water table. The following standard statement shall be noted on the plot plan:

- The Land Conservation (LC) zone shall be 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.

The ECC offered a number of additional comments. Provision should be made for an off-road Wood Road trail connection of the Zim Smith Trail to the Ushers Road Trail. This vital connection links the Clifton Park system to the County Wide Trail System. Any plan for improvement of the parcels should include a plan for the removal and proper disposal of solid waste currently on the property, including the numerous automobile tires. In recognition of the public and environmental benefits of wetlands, the ECC requests the balance of the wetlands be protected from further development by deed restrictions. It is noted that the future use of the parcels is provided for illustration

purposes only. The ECC notes that the cumulative environmental impacts and accessibility of the future use of the subdivided parcels will be highly dependent upon actual future use proposals and will be reviewed when presented. The ECC specifically recommends that the cumulative impact of water flow from the west; i.e. Country Knolls, on the flood plain and wetland character of the site be assessed. The New York State Department of Transportation should be consulted for potential impacts of flooding and drainage flow to Route 9. Future development on this parcel will have cumulative impacts to the area that might be unseen if individual projects are reviewed in a piecemeal fashion.

Ms. Dixie Lee Sacks, Mayor of the Village of Round Lake, offered several comments regarding this application. She stated that since the Village of Round Lake would likely be impacted by increased traffic using Exit 11 to reach the XAR site, she was very concerned about traffic on village streets, particularly Washington and George Avenues. Noting that the entire village is included on the National Registry, she was concerned that the traffic study did not include impacts to its unique character. Another issue of concern was the potential impact to the Colonie Aquifer and water recharge areas. Ms. Sacks reported that area residents were aware that over, the course of many years, the XAR property has been used as a dumping ground for chemicals, tires, effluent, and other possibly hazardous materials. She asked that the Board require that the site be "cleaned up" before granting any approvals. She requested that provision for a link to the Zim-Smith trail be required as an essential element of the project's design.

A resident of Herlihy Road reported that she had witnessed the removal of trees and bulldozing of the property. Although she observed that some trees had been replaced, many of those planted had died. Ms. Bakner explained that the work witnessed by this resident was likely undertaken to comply with a ruling by the EPA to perform restorative work on the parcel. She explained that tree growth is determined by a number of factors including soil conditions and adequate watering. Mr. Bulger commented that the applicant has been responding to directives from appropriate state and federal agencies: the Planning Board defers to their expertise.

Ms. Carol Luse, resident of Round Lake, spoke of the changes to the XAR site that she has observed over a number of years. Stating that she believes that there is "enormous pollution" on the land from debris continuously deposited on the site for more than 40 years, she asked that the issue of contamination be addressed and that restoration of damaged areas be required.

Mr. Bill Engleman, 6 Partridge Plateau, submitted a letter to Board members and offered oral comments as well. A copy of the letter is attached to these minutes. The speaker described the XAR site as one that contains "significant wetlands," that has long been recognized as an environmentally sensitive area and that offers "multiple benefits" to the Town. He recommended Town acquisition of the property that is located above the Round Lake watershed. He outlined several issues of concern including impacts to significant streams that traverse the property, the watershed area, and wildlife. Mr. Engleman also pointed out what he believed to be discrepancies in answers provided by

the applicant's consultant in the Environmental Assessment Form. Listing "nightlighting" issues, impacts to wildlife, trail connections, disturbance of the area's flora, disturbance of stream corridors, and past land disturbance and contamination as items to be considered, he recommended that the Planning Board require preparation of a Supplemental EIS.

Mr. Youssef Ballout, 6 Torrero Drive, read a statement labeled "Testimony by James R. Ruhl of 168 Wooddale Drive, Ballston Lake, NY before the Clifton Park Planning Board concerning XAR Subdivision Proposal...." The prepared statement lists "some of the cumulative impacts on the site which at a minimum should be investigated" before the Planning Board grants approval to the application. The statement provided is attached to these minutes.

Mr. Bill Koebbeman, 861 Riverview Road, recommended that an inventory of contaminants and the location of dumping sites be compiled. He supported the Board's recommendation that all storm water infiltration systems be located beyond the wetland buffer areas.

Ms. Lynn Jackson, 223 Swan Street, Albany, described herself as a volunteer member of the Save the Pine Bush activist group. She asked that the Board designate this application a Type I action that would require the completion of a Supplemental EIS. Such a study would require careful consideration of cumulative development on wildlife habitats. Ms. Jackson also asked the Board to consider "fragmentation" of habitat areas and impacts of development on human health. Encouraging the Board's commitment to preservation of various wildlife species, she urged the Board to request completion of the SEIS.

Ms. Nancy Bellamy, 147 East Side Drive, provided the Board with a copy of a newspaper article dealing with the issue of segmentation. She noted that the Town of Malta requires the preservation of a 300' buffer along the Northway and encouraged the Planning Board to consider requiring such a non-disturbance area. The speaker spoke of the cost of clean-up for contaminated sites and asked Board members to ensure the clean-up of this Wood Road – Route 9 property.

Mr. Tom Andress, consultant for M. J. Reckuki Construction, asked that the applicant provide access to an existing sewer easement on XAR lands. He and his client did not oppose development of the site.

A number of comments were received from the floor. Ms. Sacks asked that the Board require the applicant to consider impacts to Round Lake. Mr. Koebbeman questioned the project's storm water management design and the ability of the proposed design to handle flooding. Mr. Grasso explained that flooding is considered both regionally and site-specifically. Development of the XAR site would be reviewed on a site-by-site basis. Mr. Engleman addressed the project consultant's suggestion that a reputable land conservation agency may become involved in management of

environmentally areas stating that he believed that due to contamination and other issues such groups would likely not be interested in assuming oversight of the property.

Mr. Bill Malloy, representative of Corpus Christi Church, expressed concerns regarding increased traffic flow in the Exit 10 area and at the Route 9-Ushers Road intersection. He also requested information regarding proposed hours of operation, stating that it was his hope that the development would not impact church services.

There being no further public comment, Mr. Bulger moved, seconded by Mr. Larkin, to adjourn the public hearing at 9:15p.m. The public hearing will be reconvened at a later date. The motion was unanimously carried.

Mr. Larkin expressed concerns with impacts to the Colonie aquifer. He asked that any contractual agreements regarding maintenance or reestablishment of the Karner Blue habit be made available for review. In response to his comments regarding the time frame for development, Ms. Bakner explained that the time frame and location of infrastructure improvements such as sewer line extensions and traffic improvements would be dependent upon the order in which the sites would be developed. Mr. Grasso emphasized the importance of establishing a time frame for development. He also encouraged the applicant to provide an easement to Mr. Rekucki, adjoining property owner that would permit connection to existing sewer lines. Mr. Larkin noted that although documents provided by the applicant indicate that projected water use would total 15,000 gallons per day, the projected sewer output would total 10,000 gallons. The applicant's consultant explained that since the proposed uses would include some manufacturing facilities, water would likely be used in production processes that would not necessarily result in discharge to the sewer system. Mr. Larkin asked that the EAF be revised to eliminate apparent discrepancies between the information provided on the SEQRA form and that provided by the consultant at the meeting.

Mr. Werner asked that the traffic report be made available. He also noted that the applicant should consider a reduction in the three (3) access points currently provided along Route 9. Ms. Bakner agreed to reconsider the number of curb cuts proposed. Mr. Kramer requested additional information regarding the re-introduction of the Karner Blue butterfly and its habitat on the property and possible choices for agencies willing to monitor the area. Ms. Bakner stated that the applicant would ask Kathy O'Brien, representative of the NYSDEC wildlife unit for recommendation for reestablishment of the butterfly population. Ms. Maynard agreed that SARATOGA P.L.A.N. may be an agency interested in oversight of a management plan. Though Mr. Grasso recommended that a Phase I environmental study be completed, Ms. Bakner asked that town officials and the Town Engineer review the documentation that exists regarding prior use and restoration of the site to determine if such a report would be necessary. Mr. Bulger commented that he believes that a Phase I environmental review would be reasonable since a number of questions regarding the history of the site remain unanswered. He stated that he believes that the review process is the antithesis of "segmentation" since the Board is comprehensively reviewing the entire 212.87 acres involved in the XAR

development plan. Board members appeared to favor the applicant's conveyance of an a 15' wide right-of-way to the Town.

### **Old Business**

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

Mr. Tom Andress, consultant for the applicant, presented this application for the Board's review, explaining that this application represents a significant reduction in density of a 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 project was last seen by the Planning Board at its August 14, 2007 meeting at which time the project, which includes a reduction in square footage of the facility and additional berming and screening along Route 9 was deemed acceptable. The Board could not render a decision at that time since the required noted 500' notices had not been sent. The notices have now been sent and the Board may approve the project. The Saratoga County Planning Board approved the application, though the applicant was advised to contact NYSDOT to receive a curb cut application for a commercial driveway onto a state highway.

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

Mr. Bill Malloy, communicant of Corpus Christi Church, expressed his concerns regarding traffic and noise that may be generated by the increased development of the County Waste site. Mr. Andress was unable to provide the information the speaker requested regarding the percentage of increase in hauling that would result from the site expansion. Mr. Andress does not expect that the hours of operation will change.

Mr. Bulger explained that Town of Clifton Park officials have little control over site development and conditions of approval since the Town of Halfmoon Planning Board has assumed Lead Agency status for the application and the Halfmoon Building Department will oversee site development.

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.

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

[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 – Possible determination from public hearing held August 14, 2007.

Mr. Kevin Wood, consultant for the applicant, presented the revised project plan for this application that was reviewed by the Planning Board at its August 14, 2007 meeting. The speaker reported that he and the applicant have attempted to adequately address issues identified at the previous meeting. In response to comments, the following items have been added to the plan: additional details regarding site drainage patterns; the slope at the southern most entrance to the site has been reduced from 14% to 12%; additional screening materials will provide visual interest and screening; a swale will be located in the southeastern portion of the site to mitigate erosion.

Ms. Maynard offered comments prepared by the Planning Department. This project was last considered by the Planning Board at its August 14, 2007 meeting at which time the Board discussed the need for additional landscaping, an increased buffer between the proposed building and the ACOE wetlands, and an enhanced building façade. A Storm Water Pollution and Prevention plan and erosion sediment control plan have now been provided for further review. Sign-offs will be required from the Clifton Park Water Authority and the Saratoga County Sewer District. The applicant has provided correspondence from the ACOE that appears to confirm the wetland delineation. The applicant was directed to provide additional information regarding the dates of the ACOE representative's site visit delineation verification. Mr. Pelagalli confirmed the ruling made by Mr. Myers regarding labeling of the parcel as a keyhole lot. It was agreed that the parcel may be considered a land locked parcel with a legal means of ingress/egress agreement rather than a keyhole lot.

Mr. Steve Myers, Director of Building and Development, offered the following comment on this application. The 5' deep retention areas should have aquatic and safety benches for transitions. Due to the limited space and private ownership, fencing of the area is recommended as a safety precaution.

Mr. Joe Grasso, Clough, Harbour, and Associates, offered a number of comments regarding the application. Although there is a hydrant within 400' of the project site, it is recommended that the applicant contact the Bureau of Fire Prevention regarding the need for an additional fire hydrant. It appears the "No Parking" sign for the striped aisle adjacent to the handicap parking space is located in a location that could impede access to the front door. It appears that 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. It should be noted that an easement will be required regardless of the method of installation of the utilities. A note should be added to the plan that there will not be outside storage of refuse or a dumpster located on site. The final site plans should be stamped and signed by a New York State Licensed Professional Engineer. It appears the storm water pipe slopes are incorrectly labeled when calculated with the invert provided. The pipe slopes should be verified by the applicant's consultant.

Mr. Grasso offered the the following comments on the Stormwater Management Report last revised August 18, 2007:

- Pre-development and post-development drainage area maps should be included in the report that depict the time of concentration travel paths.
- The report indicates that “Retention Pond A” is designed as a dry swale and Retention Pond B” is designed as a wet pond. Additional details and discussion on the report should be provided as to how the design will meet the requirements of these practices as described in the New York State Stormwater Design Manual.
- The dry swale should incorporate a pretreatment forebay, 30” of permeable soil over an underdrain that limits the temporary ponding time of the channel to less than 48 hours and a pea gravel diaphragm that provides treatment of sheet flows.
- The wet pond should incorporate a forebay, an irregular shaped 6-8 foot deep pool, an aquatic bench, a safety bench and landscaping.
- The report should include the statement that downstream properties will not be adversely affected by the proposed development.
- The report indicates that four test pits were performed. The results of the test pits should be provided to confirm the depth to ground water and verify the appropriateness of the proposed treatment methods.

Though Mr. Grasso observed that the applicant was “making progress” on the preparation of a viable site plan, the question of ownership and means of connection to the Saratoga County Sewer System remained a serious concern. Mr. Wood explained that Mr. Steven Hoffman, previous owner, has provided an easement for sewer connection and that research regarding the history of that easement is underway in an effort to satisfy the questions of ownership posed by the Saratoga County Sewer District. Mr. Wood also stated that there were options available to the applicant for connection to the County system. These included connection to the existing line on the southern side of Crescent Road or connection to the line at Crescent Road at Lapp Road. Mr. Grasso pointed out that it is important to determine that the line is a public line to ensure uninterrupted service to the site.

Mr. O’Brien, Environmental Specialist, explained that the ECC prepared the following comments after review of this application. After review of data presented, the ECC reiterated the following recommendation. The following standard statements must be added to the plot plan:

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

- 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.

Mr. Bulger explained that there must be a resolution to the sewer issue before the Board could grant final approval: preliminary approval appeared reasonable.

The Board first considered the Special Use Permit application.

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

Mr. Kramer offered Resolution #20, seconded by Mr. Werner, to grant approval to the Special Use Permit that would permit the operation of a public recreational facility in a B-3 zone. Ayes: Kramer, Larkin, Pace, Thorne, Werner, Bulger. Noes: None.

The Board then considered site plan approval.

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

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

[2006-042] **Duell, Richard & Joan** – Proposed land transfer, Schaubert Road – Revised conceptual review.

Mr. Duane Rabideau, consultant for the applicant, presented this project plan that has been significantly revised from the original application that requested approval of a three (3) lot subdivision. He explained that the application that calls for the transfer of 16.36 acres of land from Lot #459 Schaubert Road to Lot #4R. The parcels, currently under the same ownership, will be 3.3 acres and 23.24 acres, respectively. The smaller lot contains an existing residence and utilities: a wood frame barn will be contained within Lot 4R. An individual well and septic system will be designed and installed on the larger lot.

Ms. Maynard provided comments from the Planning Department. The project was last reviewed by the Planning Board November 28, 2006 meeting at which time there was discussion related to the adequacy of sight distance since access to the project site

lies just north of a sharp curve. It is alleged that drivers travel at high rates of speed. A shared access is recommended. Term easement is in place for the property until 2022: applicant must decide whether or not the parcel will remain in the program. If the applicant opts to leave the program, back taxes must be repaid in an amount calculated by the Town Assessor. The speaker reported that because this site is identified as a land conservation parcel in the Western Clifton Park GEIS, it should be considered for open space protection. Since the property lies adjacent to what is to be town owned open space, it is recommended that the Planning Board consider requiring permanent protection of the large swath of wetland area identified on the eastern portion of the parcel. A sample of the ingress/egress easement must be submitted for review.

Mr. Myers, Director of Building and Development, observed that the partial removal of an existing barn as illustrated on the proposed plan satisfies zoning requirements. Improvements to Lot #4R may require other zoning analysis when development plans are proposed.

Mr. Grasso provided the following comments prepared by Clough, Harbour, and Associates. Soil percolation test results and depth to seasonally high groundwater must be noted to verify that the soils can support an on-site wastewater disposal system. Given the multiple curb cuts and the location of the lots on a higher speed curve in close proximity to Ashdown Road, Clough, Harbour, and Associates continues to recommend either one driveway for each lot or the use of a common driveway.

Mr. O'Brien, Environmental Specialist, reported that the ECC found the project plan acceptable.

In response to Mr. Larkin's question regarding future subdivision of the larger parcel, Mr. Rabideau stated that it was his understanding that the applicant is considering future subdivision of the larger parcel. Board members found the application generally acceptable.

[2005-011] **Abele Builders** – Proposed (24) lot subdivision, 1562 Crescent Road  
– Possible determination from preliminary public hearing held on April 24, 2007.

Mr. Tom Andress, consultant for the applicant, presented this application that was last reviewed by the Board on April 24, 2007, commenting that the original subdivision plans were submitted nearly two and a half years ago. ACOE wetlands have been delineated on the site and all information regarding wetland identification has been forwarded to that agency. The plan has been reduced from the original twenty-six (26) lot propopsal to twenty-one (21) lots. Fifteen homes will be located on a public roadway: six others will be accessed via a private drive from Crescent Road. The speaker noted that a traffic study has been prepared by Creighton-Manning Engineering, that the homes along Crescent Road have been reoriented, and that all setback requirements have been respected.

Ms. Maynard offered the following Planning Department comments. This project was last presented to the Planning Board at the April 24, 2007 meeting. She explained

that throughout review of the project, discussion has focused on a number of issues, including the appropriate number of lots, minimizing impacts to wetlands and the natural hydrology of the site, lot configuration, orientation of lots proposed along Crescent Road, access into the development, and concern for traffic impacts - especially during school drop off and pick up times, - trail connections along Crescent Road, and the reconstruction of the former stone dust trail adjacent to site and parallel to Southbury Road. Since there continues to be concern for disruption of natural hydrology of site and the current provision for retention and gradual release of storm water, the following recommendations were listed:

- Establish limits that minimize clearing and grading to extent possible on site, thereby protecting natural preventative flooding measures through minimizing impervious surfaces and keeping natural stormwater management measures in place.
- Install of split rail fencing where appropriate to encourage the protection of the numerous wetlands on the site.

Ms. Maynard recommended that the Board decide whether or not a former trail connection adjacent to properties along Southbury Road should be re-constructed. This trail link has been viewed as important, though residents who spoke at previous meeting appeared ambivalent about its recreation. A 25' wooded buffer should be maintained at along Crescent Road. The comments submitted by the Clifton Park Water Authority must be addressed. Previous comments provided by Mr. Myers, Director of Building and Development, must be satisfied.

Mr. Joe Grasso reported that Clough, Harbour, and Associates reviewed the revised concept plan for the above referenced project as prepared by ABD Engineers and Surveyors, dated March 2007 (last revised 8/21/07) and the Traffic Impact Analysis prepared by Creighton Manning Engineering, LLP, dated July 24, 2007 and offered the following comments. The applicant is proposing to build a multi-use trail along the south side of Crescent Road. To position this trail a safe distance from the edge of pavement (typically ten feet) it appears it will be necessary to impact wetlands. The applicant will be expected to mitigate these disturbances within the scope of this project. During the public hearing several concerns were raised regarding wetlands and drainage problems from residents along Archer Drive. These isolated drainage concerns should be addressed in the preliminary design of the project. Concerns were noted at the public hearing regarding the possibility of traffic back-ups from the Lapp Road/Southbury Road intersection blocking the proposed entrances to this site. The Queue Analysis conducted as part of the Traffic Impact Analysis indicates that queuing is expected to extend to the easterly common drive on limited occasions, and never extend to the westerly proposed town road intersection. As such, Clough, Harbour, an Associates conclude that the proposed access locations are appropriate. The Planning Board should provide comment as to the desirability for plans to include the restoration of the existing trail along the east side of the property behind the lots on Southbury Road. Easements will be required over all public utilities. The width of these easements may need to be increased to thirty feet to allow maintenance and replacement of the utilities. The firm also expressed concerns over the likelihood that privacy fencing will be placed in close proximity to the multi-use fence, clearing will occur along Crescent Road and there will be incremental filling of wetlands remaining in the lots. Measures to address these concerns should be included in the preliminary plans and deed restrictions.

Mr. Grasso commented that he found the re-configuration of the lots acceptable.

Mr. O'Brien, Environmental Specialist, offered the following comments prepared by the ECC. After review of data presented, the ECC reiterated the following comment with additional recommendations. To address the ECC'S concerns over the potential for excessive vegetation removal, any final plans should detail which areas are to remain undisturbed, including mature vegetation. This is especially important on this parcel due to the hydrology of the area and the existing buffer to the surrounding areas. Additionally, although the project appears to meet each numeric requirement for the protection of federal wetland, the intensity of the development continues to raise concerns to the ECC that the subdivision will not meet the intent of the Town of Clifton Park Comprehensive Plan; e.g. maintenance, liability, environmental and aesthetic issues. In sum, the ECC'S assessment is that this subdivision should not be approved by the Planning Board as presented.

Mr. Richard Hartnett, 32 Southbury Road, explained that water run-off creates significant problems for area homeowners. He was concerned that the proposed development would increase the water problems already experienced. Mr. Hartnett was also concerned that the proposed keyhole lots would not be compatible with existing subdivision designs. Mr. Andress explained that the flow of water through the site moves generally from east to west to a culvert that directs flow to property behind Okte Elementary School. Mr. Grasso agreed with Mr. Andress's assessment of drainage flow.

Mr. Tom Swift, resident of the Longwood Drive/Southbury Road area, described traffic congestion at the Crescent Road/Southbury Road/Lapp Road intersection, noting that at peak hours traffic back-ups were usual occurrences. The speaker's other concern was that the additional homes would add to the already crowded school district. He stated that it "was absurd" to propose the construction of additional residences. Such plans would result in the "reduction in the quality of life."

Board members offered comment on the project proposal. Mr. Bulger agreed that the re-orientation of proposed homes along Crescent Road was desirable since there would be a wider buffer area between the homes and the proposed multi-use pathway. Discussion regarding the re-development of a trail behind the homes along Southbury resulted in a consensus that such a trail would be desirable. When asked about the quality of proposed construction, Mr. Abele stated that the development would consist of "nice" three to four-bedroom residences. Ms. Pace agreed that although traffic is at times difficult in the area, the traffic study appears accurate. Mr. Larkin noted that the size of the development has been reduced from twenty-six (26) homes to twenty-one (21). Mr. Bulger stated that he was "comfortable" with the revised lay-out, though he advised the applicant to address all drainage and storm water management issues. Mr. Kramer stated his support of preservation of existing buffers along both Crescent and Southbury Roads. Mr. Bulger echoed his recommendation that the removal of vegetation be limited the greatest extent practicable. Members agreed that the plan was generally 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, offered a brief history of the project that received preliminary approval from the Planning Board at its August 14, 2007 meeting. Since that time, plans have been revised to reflect the Board's comments and recommendations. Vehicular and pedestrian circulation at the Staples/Ruby Tuesday's intersection has been improved. The plan now includes improved signage to direct traffic flow and stamped pavement patterns to indicate pedestrian crossings.

Ms. Maynard provided the following comments. This application was reviewed by the Planning Board on August 14, 2007 at which time the Board established itself as Lead Agency and granted preliminary site plan approval to the application. There was discussion in relation to the close proximity of the service access to the adjacent office and retail building, building placement, and pedestrian connections between adjacent land uses and the Maxwell Drive sidewalk. The Board felt that the pedestrian connection needed to be looked at more specifically near the service area. The revisions to pedestrian connections appear to provide more direct access to area businesses. In response to the speaker's comment regarding the Staples' entrance location that appears to differ between the proposed rendering and the site plan, Mr. MacElroy stated that an updated rendering approved by Staples will be provided. It was recommended that additional windows be added to the façade. Sign-offs from the Clifton Park Water Authority and the Saratoga County Sewer District are required.

Mr. Grasso reported that Clough, Harbour, and Associates found that all previous comments have satisfactorily addressed, though he asked that the landscaping to the east of the building be increased and "supplemented as appropriate."

Mr. O'Brien, Environmental Specialist, stated that the ECC offered the following comments regarding this application. After review of data presented by Mike, the Commission reiterated the following recommendations. 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.

Mr. Bulger remarked that it was his understanding that substantial plantings would be provided between the proposed Staples building and the building currently under construction by Northside Partnership on the adjoining parcel to the east. Mr.

MacElroy, representative for the applicant, agreed that additional landscaping as requested would be provided. Mr. Bulger found the pedestrian improvements acceptable. He did ask that additional “faux windows” be added to the building’s façade to improve its look from the street. Mr. Werner reiterated concerns expressed at the previous meeting regarding traffic flow at the northern access to the site. Mr. Bulger explained that the Board had issued a negative declaration pursuant to SEQRA requirements and had granted preliminary approval at the August 14, 2007 meeting.

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

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

Mr. Gavin Vuillaume, consultant for the applicant, presented this application for revised conceptual review. He explained that the interior lay-out of the proposed townhome development has not changed significantly, though the applicant has addressed concerns regarding site access. The plan has been revised to eliminate the second access to Route 146 and to illustrate an emergency access via installation of a multi-use pathway link to the Sterling Heights subdivision. An electronic gate would provide access to the pathway for emergency vehicles. All documentation regarding wetland delineation has been forwarded to the ACOE.

Ms. Maynard provided the following comments regarding the project plan that was reviewed by the Planning Board at its June 26, 2007 meeting. At that time, discussion focused upon the proposed two points of access along Route 146 and the concept of the “pitch and putt” area. Discussion items also included the calculation of gross square footage. The code currently states that the gross floor area includes all covered and uncovered space. Steve Myers, Director of Building and Development, however, believes that this definition should be changed to reflect state codes that distinguish between “habitable” and uninhabitable” space. The speaker spoke of support the current proposed multi-use connection to Sterling Heights since it not only provided a second means of egress but also offered a valuable connection for current Sterling Heights’ residents and potential townhome owners. The applicant should address the issues of maintenance of the electronic gate and reliability of the infrastructure. Ms. Maynard explained that correspondence from Fire Code of Appeals Board noted that a variance should be applied for more than 18 units on a single access. The Planning Board should determine if the proposed second access meets the intent of the code. Sign-offs from DEC and ACOE are required. Sign-off from the Clifton Park Water Authority and Saratoga County Sewer District are also required. A curb cut permit must be granted by NYSDOT. It appears that the pitch and putt course has been eliminated from the plan and that the existing home will be renovated to serve as a community center. It is recommended that a contribution be provided for path development along Route 146.

Mr. Myers, Director of Building and Development provided written comments that focused on the issue of gross floor area calculations. As discussed, Mr. Myers' interpretation of "gross floor area" includes the garage since the zoning definition does not distinguish between habitable and nonhabitable space as the NYS residential code does. A future change of the current zoning definition to more closely match the state code may be necessary. It is his understanding that the applicant's calculations did not include the garage space. Ms. Maynard noted that until code revisions are made, the definitions included in the current code would apply. Such application may significantly change the project plan.

In response to questions regarding sight distance at the project's intersection with Route 146, Mr. Vuillaume explained that sight distance studies show that town requirements are exceeded.

Mr. Joe Grasso listed the following comments prepared by Clough, Harbour, and Associates. The applicant has yet to obtain a jurisdictional determination of the wetland areas on the west side of the property. Approximate limits continue to be shown for both NYSDEC and Army Corps of Engineers wetlands. The allowable density has been computed based on these approximate limits. Any increase in the size of the wetlands, and correspondence reduction in the area of unconstrained lands, could change the allowable density on the parcel. The applicant should pursue the required jurisdictional determinations as soon as possible. The applicant no longer proposes an entrance to the project on the east end of the parcel. This eliminates a possible conflict with the previously approved entrance to a development on the south side of Route 146. As noted on the plan, the remaining driveway will require sight distance analysis and approval and permits from NYSDOT. Clough, Harbour, and Associates supports the proposed multi-use pathway connection to Sterling Heights. Dual use of the trail for an emergency access connection is also acceptable. A better description of the proposed pitch and putt use should be submitted so all potential impacts can be understood and evaluated. Provisions for a possible alternative access connection to the adjoining lands of Stevens/Symonds are included in the plan. Such a connection could eliminate the need for a curb cut onto Route 146. Furthermore, assuming the adjacent property converts to a commercial use at some point in the future, a vehicular or pedestrian connection between the two properties may be deemed appropriate.

Mr. Grasso provided additional comments, explaining that the traffic study information provided by Creighton-Manning Traffic Engineers indicates that the sight distances at the proposed access exceeds acceptable standards. The applicant was encouraged to consult with NYSDOT regarding the proposed curb cut location.

Mr. O'Brien, Environmental Specialist, provided the following comments prepared by the ECC. After review of data presented, the ECC made the following reiterations and additional recommendation. The following standard statements must be added to the plot plan:

- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federal Jurisdictional Wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking

any land disturbance activities in the LC Zone and/or Federal Wetlands.

- No salts, fertilizers, pesticides or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching or in any other manner which violates the New York State Environmental Conservation Law (ECL).
- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

The ECC recommends that the Planning Board require trail installation along the north side of Route 146 on the existing water right-of-way.

Mr. Bulger registered his disapproval of the proposed electronic gate, citing issues of reliability, maintenance, and responsibility for equipment, though he asked the applicant to solicit comments from Mr. Kukuk, Highway Superintendent. In response to Mr. Larkin's question regarding the proposed clubhouse, Mr. Vuillaume stated that the existing residence on the property – a three-bedroom ranch style home – would likely lend itself to renovation as a clubhouse. The chip-and-putt area formerly proposed has been eliminated from the plan. Mr. Werner recommended that, in light of the recent acquisitions of town land further to the west, the Board consider acquisition of additional right-of-way along Route 146 to provide for possible multi-use pathway connections. Board members viewed such connections as reasonable, though no decision was made regarding the conveyance of land to widen the right-of-way along Route 146, a monetary contribution by the applicant to the Town for future pathway connections, or the installation of a pathway link. Board members reserved further comment until a determination regarding the amount of “habitable” and “uninhabitable” space could be determined since this information would impact the proposed project plan.

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

Mr. Tom Andress, consultant for the applicant, described this revised conceptual site plan that now represents a “comprehensive plan” for the Fairchild Square property. Colored façade renderings were submitted for the Board's review and comment. The project plan presented now illustrates 133,816 SF of building area in six (6) buildings, 527 parking spaces, and 342,044 SF of green space. Access to the site will be provided by curb cuts onto both VanPatten Drive and Ushers Road. Buildings proposed along

Ushers Road will be set back more than 130' from the roadway's center line. A 100' vegetated buffer will be preserved along the western property boundary.

Ms. Maynard offered a number of comments regarding the project plan that has been significantly revised since the July 10, 2007 meeting at which time Mr. Bulger and other Board members explained that review of the Fairchild Square plan would not be conducted until a comprehensive plan for future development was submitted. It was recommended that excess parking spaces be land banked until site use warrants their installation: this concept was acceptable to the applicant. Since the applicant has stated his interest in beginning site development with the building directly adjacent to the Trustco facility and the one adjacent to the Stewart's site along Ushers Road, it is recommended that shared parking with the existing businesses be considered. Pedestrian connections within the site and to multi-use pathway on Van Patten Drive should be illustrated on the plans. Preservation of existing vegetation is encouraged.

Mr. Grasso reported that, after reviewing the project plan, Clough, Harbour, and Associates provided the following comments. The applicant is proposing an additional 95,000 SF of office space and 15,000 SF of manufacturing space in four new buildings. This is a significant increase in development from the previously proposed parking expansion. As such, a Full Environmental Assessment Form should be provided for review. A traffic study should be prepared evaluating the impacts of the proposed development. The analysis should include an analysis of the Ushers Road/Van Patten Drive and Ushers Road/Pierce Road intersections. The study should evaluate the advantages and disadvantages associated with requiring all access onto Van Patten Drive. Clough, Harbour, and Associates continues to recommend that the driveway onto Ushers Road should be limited access and the existing vegetation along that access drive be retained to the greatest extent possible. The proposed plan lacks these features. The proposed parking area on the east side of the multi-use building along Ushers Road appears to result in excessive pavement and poor circulation control. Possible future access to the adjacent Nowicki parcel should be accommodated in the site plan. The existing tree lines and trees over 12" diameter at breast height should be depicted throughout the site and a proposed clearing limit should be established so that proposed visual impacts of the development from Ushers Road and Van Patten Drive can be determined. The plan does not depict a location of a storm water management area. There appears to be a proposed sidewalk along the access drive to Van Patten Drive. It is recommended that this sidewalk be continued throughout the project site. Additionally, signage and a crossing should be provided to the multi-use pathway along Van Patten Drive. The layout for the proposed office buildings does not incorporate areas for deliveries. The applicant should verify that loading docks or designated unloading areas are not required. A table comparing the existing and proposed site statistics should be provided. Future plan submittals should include the following information: proposed utility locations; dumpster locations; site lighting; proposed landscaping; handicap parking and signage.

Mr. O'Brien offered the following comments prepared by the ECC. After review of data presented, the ECC reiterates the following with an additional recommendation. Per Section 208-64 A(3) of the Town Code, the proposed project should include a tree inventory to ensure that at least fifty percent (50%) of trees, six inches (6") or more in diameter are preserved. The ECC requests that the applicant determine whether an original tree inventory was created and, if so, that this project should not result in a

significant loss of mature trees. Additionally, the ECC requests the applicant provide an illustrated plan depicting the loss of existing vegetation and the remaining green space.

Mr. O'Brien, speaking as Director of the Clifton Park Sewer District, stated that the project would require approval from both the Town of Clifton Park Sewer District and the Saratoga County Sewer District.

Mr. Werner spoke in favor of establishing the VanPatten Drive entrance as the main entrance to the site. Pedestrian connections to existing trails and businesses are encouraged. He encouraged a link with the proposed Ushers Woods housing project. Board members supported the preparation of a comprehensive traffic study to identify project impacts. Mr. Kramer found the proposed architectural renderings pleasing. He asked that the applicant work to preserve existing vegetation – particularly the mature trees along Ushers Road and VanPatten Drive – and to maintain the area's current character. In response to questions regarding proposed uses on the site, Mr. Andress stated that the uses would likely be professional office uses or uses appropriate for the light industrial zone. Mr. Larkin observed that the site contains excess parking. Mr. Rekucki stated that the installation of parking spaces will be limited to those necessary to conduct business. Additional parking areas will be "land banked" for future use. Board members found the concept plan generally acceptable, though they noted that issues such as clearing, density, parking requirements, building size, pedestrian connections, and links to other sites would be considered during preliminary review. Submission of a Full EAF was requested.

Mr. Bulger explained that since it was after midnight, Board members could decide if they would stay for review of the last item listed under old business or vote to adjourn the meeting. Board members agreed to review the DCG Development application.

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

Mr. Joe Dannible addressed the issues of concern that were raised during the previous review of the DCG Mall Renovation project that involves the redevelopment of the Dunkin' Donuts site. He noted that the Board expressed concerns regarding two specific issues during the last review of the project: the curb cut location on Clifton Park Center Road and the amount of room provided for the stacking of vehicles at the drive-through location.

Mr. Larkin left the meeting at 12:10a.m.

Mr. Dannible explained that the proposal involves the redevelopment of a 1.6 acre parcel within boundaries of the Clifton Park Center. The new building will provide space for a Dunkin' Donuts franchise as well as space for one or two additional tenants. The speaker noted that 230' of stacking space has been provided for the drive-through facility and that peak hour traffic to the site differs from that of the other mall stores. Several

means of access have been provided to the site, improving traffic circulation. The existing access from Clifton Park Center Road has been maintained. Mr. Dannible also reported that 5,000 SF of the site will become green area, representative of a “new urbanist” look. Pedestrian accommodations to other parts of the site will be installed and the dumpster will be relocated and appropriately screened.

Ms. Maynard reported that this project was last reviewed the Planning Board at its August 14, 2007 meeting at which time there was discussion regarding building placement, traffic delineation, green space, and appropriate accommodation of vehicle stacking at the drive-through window. The plan now includes more pedestrian connections and the number of curb cuts has been reduced. Moving the building to the south-western portion of the lot would allow for better connectivity with the streetscape and provide connection for both those walking and vehicular traffic. Substantial landscaping is recommended to continue to “green” the site as redevelopment occurs. The applicant was asked to provide calculations for the proposed amount of green space area. The speaker asked that the applicant continue “reintroduction of a neighborhood block design” to better direct traffic flow, pedestrian movement, and blend with development to the south. The Saratoga County Planning Board has approved the project plan, though members noted that number of curb cuts into the parking lot should be reduced.

Mr. Grasso explained that Clough, Harbour, and Associates found the project plan generally acceptable, though he asked about the location of the dumpster. In response to Mr. Grasso’s comments, Mr. Dannible explained that the dumpster has been relocated to an area that located between the building proposed in this application and a building proposed for future construction. Mr. Dannible stated that it is the developer’s intention to keep the existing Dunkin’ Donuts business open through-out the redevelopment process: a phasing plan will be submitted for approval. Mr. Kramer asked that the applicant clarify proposed future development to the east. Mr. Dannible explained that such development would likely involve development of one or two pad sites. Mr. Kramer stated that his two concerns with the proposed development were that the applicant provide sufficient space for the stacking of vehicles at the drive-through location and that the design of the proposed new building reflect the upgrades proposed for the mall. Board members agreed that the concept plan appeared reasonable.

The remaining items to be considered under New Business were deferred until the September 25, 2007 meeting due to the ruling that the meeting end at midnight.

### **New Business**

[2007-044] **International Center for Learning** – Proposed (2) lot subdivision, 1585-1587 Route 146, Rexford – Conceptual review.

[2007-045] **Steam Plant** – Proposed 13,335 SF addition to existing facility, 900 Commerce Drive – Conceptual site plan review.

[2007-046] **Tra-Tom Development, Inc.** – Proposed land transfer of multiple parcels, Moe Road – Conceptual site plan review.

### **Minutes Approval**

Mr. Bulger moved, seconded by Mr. Werner, approval of the minutes of the August 14, 2007 as written. The motion was unanimously carried.

### **Discussion Items**

There were no discussion items scheduled for this evening's meeting.

Mr. Bulger moved, seconded by Mr. Pace, adjournment of the meeting at 12:25a.m. The motion was unanimously carried. The next meeting of the Board will be held as scheduled on September 25, 2007.

Respectfully submitted,

Janis L. Dean,  
Secretary

cc: Planning Board Members, Planning Department, Clough, Harbour, and Associates, Supervisor, Town Administrator, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Joel Peller, Town Attorney, Lou Renzi, Town Attorney, Tom McCarthy, Town Attorney, Paul Pelagalli, Town Attorney, Department of Parks and Recreation, ECC, Saratoga County Planning Board, Shenendehowa Central School, Clifton Park Water Authority, Fire Districts.

**NOTICE OF DECISION**

**Resolution #18**

**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 September 11, 2007 there were:

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

Absent: None

Mr. Werner offered Resolution #18, and Mr. Bulger seconded, and

Whereas, an application has been made to this Board by William Roemer and Stephen Wilk for approval of a subdivision plat entitled Land Transfer Between Lot 1 and Lot 3 Hidden Crest Residential subdivision consisting of the transfer of 223 SF of land from Lot 1 Hidden Crest Court to Lot 3 Hidden Crest Court, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 11, 2007;

Whereas, the Planning Board established itself as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on September 11, 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 subdivision plat entitled Land Transfer Between Lot 1 and Lot 3 Hidden Crest Residential subdivision consisting of the transfer of 223 SF of land from Lot 1 Hidden Crest Court to Lot 3 Hidden Crest Court is hereby granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department.

**Resolution #18** passed 9/11/07

Ayes: Kramer, Larkin, Pace, Thorne, Werner, Bulger

Noes: None

Steven J. Bulger,  
Chairman

**NOTICE OF DECISION****Resolution #19****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 September 11, 2007 there were:

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

Absent: None

Mr. Werner offered Resolution #19, and Mr. Kramer seconded, and

Whereas, an application has been made to this Board by David and Deborah L. Deyoe for approval of a subdivision plat entitled Land Transfer – Lands of David and Deborah Lynn Deyoe consisting of the reconfiguration of two parcels located on Waite Road to create parcels of 22.22 acres and 5.58 acres, respectively;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 11, 2007;

Whereas, the Planning Board established itself as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on September 11, 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 subdivision plat entitled Land Transfer – Lands of David and Deborah Lynn Deyoe consisting of the reconfiguration of two parcels located on Waite Road to create parcels of 22.22 acres and 5.58 acres is hereby granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department and Clough, Harbour, and Associates

**Resolution #19** passed 9/11/07

Ayes: Kramer, Larkin, Pace, Thorne, Werner, Bulger

Noes: None

Steven J. Bulger,  
Chairman

**NOTICE OF DECISION****Resolution #20****SPECIAL USE PERMIT****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 September 11, 2007 there were:

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

Absent: None

Mr. Kramer offered Resolution #20, and Mr. Werner seconded, and

Whereas, an application has been made to this Board by Ronald Kuhl for approval of Special Use Permit #80659 to permit the operation of a commercial recreational facility in a B-3 zone pursuant to Section 208-94 of the Town Code;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 11, 2007;

Whereas, the Planning Board established itself as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on September 11, 2007;

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

Now, therefore, be it resolved that Special Use Permit #80659 application to permit the operation of a commercial recreational facility in a B-3 zone pursuant to Section 208-94 of the Town Code.

**Resolution #20** passed 9/11/07

Ayes: Kramer, Larkin, Pace, Thorne, Werner, Bulger

Noes: None

Steven J. Bulger,  
Chairman