

Town of Clifton Park

One Town Hall Plaza
Clifton Park, New York 12065
(518) 371-6054 FAX (518)371-1136

PLANNING BOARD

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Sandra Pace

Kim Paulsen

Tom Werner

(alternate)Emad Andarawis

Planning Board Meeting April 28, 2010

Those present at the April 28, 2010 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, M. Hale, J. Koval, E. Ophardt, S. Pace, K. Paulsen,
E. Andarawis – Alternate Member

Those absent were: T. Werner

Those also present were: J. Scavo, Director of Planning;
J. Grasso, CHA Companies
M. Montague, Environmental Specialist
P. Pelagalli, Counsel
J. Dean, Secretary

Mr. Bulger, Chairman, called the meeting to order at 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance. Mr. Bulger explained that Mr. Andarawis, Alternate Member, would be sitting in this evening for the absent Mr. Werner.

Public Hearing:

[2009-023] **Currier, Gerald** – Proposed (3) lot subdivision, 1117 Route 146A – Preliminary public hearing and possible determination. SBL: 257.-2-9

Mr. Bulger, Chairman, called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on April 19, 2010.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that calls for the subdivision of a 4.4 acre parcel of land lying within both CR (Conservation Residential) and HM (Hamlet Mixed Use) zoning districts on the east side of Route 146A south of its intersection with Schaubert Road. The lots will be served by individual wells and septic systems. Percolation tests have been conducted on the site: the results will be added to the subdivision plan. Applicable notes regarding a potable water supply will also be added. Since the soil conditions are described as “poor” on the site, the number of lots has been reduced from four (4) to three (3) to accommodate the installation of a raised sewage systems that will meet both NYSDEC and NYSDOH design standards.

Mr. VanGuilder provided density calculations for the proposed site development, noting that 4.2 of the 4.4 acres are described as “unconstrained” lands. This would permit the development of a 16,800 SF office building, 8,400 SF of retail space, or 12,600 SF of residential development. The current plan calls for the development of 7,700 SF of commercial space. Though there is no firm commitment for the property’s use, Mr. VanGuilder stated that it would appear most suitable for one or more “small commercial uses”.

Mr. Scavo stated that Mr. Myers, Director of Building and Development, has reported that the subdivision appears to meet the zoning requirements for the HM (Hamlet-Mixed Use) district. He has noted that viable wells and septic designs will be required prior to the issuance of any building permits for new buildings or tenancy of the existing building.

Mr. Scavo read the recommendation offered by Mr. Bill Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee that requests that the applicant provide a 15’ strip of land along the Route 146A frontage. Mr. VanGuilder explained that this strip was illustrated on the plan since it was a condition of approval for another recently approved subdivision plan for Mr. Currier that encompassed these lands as well as adjoining properties.

Mr. Scavo offered a number of comments from the Planning Department. The applicant will be required to pay the Fee for the Western Clifton Park GEIS for each new lot at the rate of \$348.00 per dwelling unit. A \$500.00 parkland fee is due for each new lot prior to release of stamped plans. The use of each lot shall comply with the permitted uses pursuant to Section 208-43.2 of the Town Code. The following note must be added to the plans:

Section 208-43.6, Site Plan Review of the Town Code notes: All buildings and zoning permit applications in the HM District shall be subject to site plan approval. Applications will be considered by the Planning Board in accordance with Article XVI, Site Plan Review and Approval, and the Western Clifton Park Design Guidelines.”

Mr. Grasso reported that CHA Companies reviewed the subdivision plan dated March 2010 prepared by Gilbert VanGuilder Land Surveyor, PLLC and the Engineer’s Report – Sewage System Design dated March 2010 prepared by Harold Berger, P.E. for the above referenced project and provided the following comments. The proposed project has been modified from a residential subdivision to show three new commercial lots in the commercial zone. Any site disturbance on the two new commercial lots should be subject to site plan review prior to issuance of a building permit. Based on CHA Companies’ records of the previous Currier subdivision, the area of the three commercial lots and the remaining lands of Currier

comprise one parcel. As such, the proposed action is a four lot subdivision and the plan should demonstrate that the lot comprising the remaining lands of Currier is developable in accordance with governing rules and regulations. This was not required for the previous subdivision because of the existence of the former use. It would appear that development of the proposed lots will disturb more than one acre of land and as such the project will require coverage under the NYSDEC SPDES General Permit for Construction Activities. If permit coverage is required, a Storm Water Pollution Prevention Plan and Storm Water Management Report should be provided as part of the site plan review. Pursuant to Section 208-43.3.B of the Town Code, the base density calculation for commercial lots within the Hamlet Mixed Use zoning district should be provided. Test pit and percolation test pit results should be provided for the new lots to verify the parcels are acceptable for individual septic systems. If there is no ditch along Route 146A between 24" and 36" deep, additional detail for the proposed culvert and drainage along the highway should be shown. Grading required to provide adequate drainage may involve grading across multiple lots and as such should be addressed now. The proposed septic system for Lot #1 is adjacent to the adjoining property line. The location of any wells on the Lands of Bull within 100' of the proposed septic system should be depicted on the plan. The area lacks public water supply facilities and will require the establishment for individual water supply facilities. The ability of each lot to support development of its own system should be demonstrated prior to subdivision approval.

CHA Companies offered the following comments on Engineer's Report – Sewer System Design dated March 2010. The report indicates the system will be constructed in conformance with the engineering drawings. The septic design plan will be required by the Building Department prior to issuance of a building permit or change in tenancy and should be provided for engineering review.

After hearing Mr. VanGuilder's explanation regarding the reconfiguration of parcels, Mr. Grasso found the three (3) lot subdivision plan acceptable. Mr. Grasso requested that a tabulation of the density calculations – including proposed build-out and maximum allowable build-out - be included on the project plan.

Mr. Montague provided a number of comments prepared by the ECC. The applicant should submit a Stormwater Management Plan for review by the Town's Engineer and the ECC. The applicant is encouraged to consider configurations that place the buildings closer to NYS Route 146A, with the parking lots, service areas, and waste receptacles in the rear of the building and out of view from NYS Route 146A. This is consistent with the Hamlet Mixed Use objectives outlined in the Zoning Code of the Town of Clifton Park. The ECC recommends that the applicant modify the lighting plan to incorporate lighting that is directional and limited.

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

Though Mr. Hale recognizes that the application requires only subdivision approval, he requests that the applicant consider some "hamlet-type" development as the property is marketed and site plans are considered. In response to Mr. Bulger's question regarding the 15' strip of land along the Route 146A right-of-way, Mr. VanGuilder explained that the required conveyance has been illustrated on the preliminary subdivision plan presented for review. Board members discussed various build-out scenarios, noting that more intense development of one parcel could reduce the development potential of others, and asked that the applicant provide assurance that

individual development rights will be protected. Board members found the plan generally acceptable and asked Mr. VanGuilder to address outstanding concerns prior to submitting a plan for final approval.

Old Business:

[2010-007] **Clifton Preserves** – Proposed (5) lot subdivision, 326 Moe Road – Revised concept review. SBL: 259.-2-52

Mr. Chris Meyer, consultant for the applicant, presented a revised subdivision plan for the Board's consideration. The proposal calls for the subdivision of a 14.04 acre parcel of land located within the R-1 zone on the west side of Moe Road north of the Englemore Road intersection that is currently owned by Anthony Vacarelli into lots of 20,000 SF, 31,399 SF, 31,000 SF, 50,531 SF, and 11 acres, respectively. An existing residence is contained within Lot #5: this residence will retain its driveway onto Moe Road. Other properties will utilize a combined drive, limiting the additional curb cuts onto Moe Road to one. Since the new drive will exceed 500' in length, it will be designed to required Town standards. The new residences will connect to existing water and sewer services along Moe Road, though use of grinder pumps will be required to direct sewage flow to the easterly side of the road. The consultant reported that NYSDEC has verified the accuracy of the wetland delineation: documentation of this approval will be forwarded to the Planning Department.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments on this application. Though many of the previous comments appear to have been addressed, the provisions of 208-86D,E, & F of the Town Code should be addressed prior to Planning Board approval. Water table height and separation for basement floors will be verified prior to the issuance of a building permit. Due to the expected need for sump pumps, sump discharges must be clearly shown and approved prior to issuance of a building permit. The applicant is advised that discharge directly to wetland areas will not be allowed.

Mr. Scavo read comments prepared by Mr. Bill Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee that requests that the applicant provide a 15' strip of land along the Moe Road right-of-way and that the applicant construct a trail portion that would connect with the existing trail on the "lower section of the Moe Road trail."

Mr. Scavo offered the following comments regarding this application. The following standard note should be added to the Plans concerning the LC Zone:

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.

Mr. Scavo supported the ECC's recommendation that the deed for Lot #4 should specifically state that no building or structure "shall be built, expanded, or altered and no land shall be expanded or altered for any purpose within the areas depicted as L-C." The following note should be added to the plan:

“The proposed perpetual ingress-egress easements shown hereon shall be used in common by the owners of lot(s) numbered [insert relevant lot numbers per proposed map]. All such easements shall be in effect and binding upon the owners of said lots, their heirs, successors, and assigns and all future owners of said lots, their heirs, successors, and assigns, upon filing of this subdivision plat in the Office of the Saratoga County Clerk.”

Mr. Grasso reported that CHA Companies reviewed the concept subdivision plan last revised April 4, 2010 for the above referenced project as prepared by O.J. Meyer and Son and offered the following comments and recommendations. In general the revised layout appears to be an improvement on the one previously proposed. However, it is recommended that the proposed homes on Lots #2, 3, and 4 be oriented to face the private drive. The Planning Board should consider Section 208-86.E of the zoning regulations which states the following: “To ensure privacy for adjacent lots, a landscaped buffer shall be planted on the keyhole lot wherever deemed necessary by the Planning Board. The buffer shall contain sufficient planting materials as needed to screen the keyhole lot from other existing uses.” It appears the lots are located within a farm field. Significant landscaping appears warranted to meet the intent of the regulations. There is a significant row of trees around the existing home site. This should be preserved in any development of the subdivision. The location of the trees should be depicted on the plan. The location of the proposed water and sanitary sewer services should be depicted on the plan. The proposed method of connection to the existing utilities and the proposed method of crossing Moe Road (if required) should be provided. The limit of existing vegetation and the proposed clearing limits should be depicted on the plan. The name of the existing property owner and bulk zoning requirements should be depicted on the plan.

Mr. Montague stated that the ECC provided the following recommendations regarding this application. The deed for Lot #4 should specifically state that no building or structure shall be built, expanded, or altered and that no land shall be expanded or altered for any purpose within the areas depicted as L-C. The applicant should be encouraged to place the remaining open space that located south of the proposed private drive into the Conservation Easement Program. The plot plan should include the following statement:

“The subdivision is located in an area which may be impacted by aviation activity. Impacts may include noise or vibration. A study describing this impact in detail is available for inspection in the offices of Albany International Airport.”

Mr. Koval pointed out that, pursuant to code regulations, the plan must include 40' strips attached to the town road for each of the keyhole lots. Mr. Hale addressed the issue of the orientation of the proposed new residences, stating that the large sizes of the lots obviated the need for the Planning Board to require that the house be oriented in a particular direction. Board members agreed that although substantial buffering may not be necessary between Lots #2, 3, and 4, a buffer would be desirable between Lots #1 and 2. It was recommended that the applicant preserve the existing tree line on Lot #5. Mr. Ophardt recommended that the proposed driveway be redesigned to eliminate the significant curve. Board members found the proposal much improved over the one originally proposed.

[20007-027] **DeMarco-Stone Funeral Home** – Proposed 3,300 SF funeral home, 533 MacElroy Road – Preliminary site plan review and possible determination. SBL: 259.9-1-17

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

New Business:

[2010-010] **Semenza Homes** – Proposed (3) lot subdivision of the Lands of Evalyon M. Bartlett as Trustee of the Mericle Family Trust, 537 Clifton Park Center Road – Conceptual review. SBL: 271.-4-35.2

Mr. Gil VanGuilder, consultant for the applicant, presented this application for the Board's consideration, explaining that the applicant proposes the subdivision of a 2.93 acre parcel of land located within the R-1 zone on the northerly side of Clifton Park Center Road approximately 1,385 feet west of its intersection with Moe Road. Lot #1 will encompass all existing improvements including the existing house, well, and septic system. Lots #2 and 3 will have new wells and septic systems designed by a NYS professional engineer. There will be no new curb cuts: the proposed new homes will use the existing curb cut and have a common driveway with an ingress, egress, and utility easement. Mr. VanGuilder provided rationale for the request for keyhole lots, noting that the proposed design is "in keeping with neighboring properties" which also were developed as keyhole properties, that the land is 100% useable with excellent soil conditions, and that development of the site will help fulfill the need for affordable housing. It is the developer's intent to preserve as much existing vegetation on the parcel as practicable. If additional buffering between residences is required, it will be provided. Mr. VanGuilder explained that Mr. Myers, Director of Building and Development determined that the "flag" portion of keyhole lots may be included in the gross bulk area of the lot.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, has commented that the subdivision appears to meet zoning requirements, though he recommended that the provisions of Section 208-86E & F of the Town Code be addressed prior to the issuance of Planning Board approval.

Mr. Scavo stated that Mr. Bill Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee requests that the applicant provide a 15' strip of land along the Moe Road right-of-way.

Mr. Scavo then offered Planning Department comments and recommendations. He asked that copies of the draft deeds be submitted to the Planning Board Attorney for review of the common ingress, egress, and utility easements. In general, the speaker agreed with the consultant's assessment that the keyhole lot layout provides less density along the Clifton Park Center Road corridor in the absence of water and sewer services: the roadway is a busy east/west connection through town, providing an alternative for travel on NYS Route 146. A vegetative buffer should be provided between Lots #2 and 3 since the rear of the house proposed for Lot #2 will likely face the front of Lot #3 in order to maintain the 20' separation from the home on Lot #2 to its proposed septic area. The plan should clarify whether or not any clearing or grading is proposed for Lot #1.

Mr. Grasso read the comments and recommendations that were prepared by CHA Companies regarding this project plan. 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 include the Clifton Park Planning Board with subdivision approval being required. Test pits and percolation tests should be performed in the location of the proposed septic systems to verify the adequacy of the underlying soils to support the septic systems. The septic systems should be designed by a NYS professional engineer. Justification for the use of flag lots is required. It appears flag lots are only being used to increase the development potential of the parcel: it does not appear the minimum lot size would be met if the flag portion of the lot was not included. Since it is expected that sidewalks or a multi-use pathway will be developed along Clifton Park Center Road at some point in the future, additional right-of-way should be procured at this time. Given the limited width right-of-way that currently exists, it is recommended that additional right-of-way in fee rather than an easement. The location of well and septic systems on the adjoining properties should be depicted on the plan to verify adequate separation distances from the proposed facilities can be achieved. Additional topographical information is required to determine if a 200 foot separation distance will apply. The portion of the parcel to be developed appears to consist entirely of woods. A proposed limit of clearing should be provided on the plan. The site statics table should reference the 50' minimum setback for all yards of keyhole lots. The driveways to all keyhole lots should be a minimum of 16' wide.

Mr. Montague reported that, after review of the data presented, the ECC recommends that this project be carried out in keeping with the goals of tree preservation as stated in the Town Comprehensive Plan to the greatest extent practicable.

Mr. Chris Semenza, applicant, spoke from the floor, explaining that he is seeking to provide affordable housing and that, economic considerations warrant the development of two (2) new lots.

Mr. Koval stated that although he “generally has no problem” with approving keyhole lots, he believes that the lots proposed for this subdivision are relatively small and that the installation of wells, septic systems, and driveways will impact the available space. Mr. Bulger stated that, although he appreciated the applicant’s economic concerns, economic situations were constantly changing: he explained that the Board must determine the number of lots that would be reasonable regardless of economic impacts. Mr. Hale noted that the area contains a number of smaller lots and that the ones proposed do not appear to be out of character with adjoining properties: he stated his approval of the proposed number lots. Mr. Koval, however, pointed out the existing smaller lots across the road contain homes that are oriented to roadways – both to Clifton Park Center Road and Payne Court within the Clifton Knolls subdivision. He expressed concerns regarding the limited separation between the lots and the visibility from the road. Mr. Semenza addressed the issues of concern, stating that the proposed combined drive will preserve much of the existing vegetation on the site. He also stated that through his experience he has learned that clearing can be limited. Board members appeared to find the proposed subdivision plan generally acceptable.

[2010-009] **City Slices** – Proposed patio enclosure, 7 Southside Drive – Conceptual site plan review. SBL: 271.-3-78

A representative of 3t Arcitects and Jonathan Trager, applicant, presented this application that calls for the expansion of an existing fast food restaurant building located within the Village Plaza Shopping Center adjacent to Border’s. The plan calls for a one-story extension of the building to allow for increased indoor seating capacity. The building addition will require

coverage of an existing grassy area and removal of 4' of the existing patio. The exterior façade will match the adjacent building in both color and construction. The architect presented various facade renderings and elevations for the Board's consideration.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered no comment on this application, though he did confirm that the project meets parking requirements and setbacks. Mr. Scavo also explained that although Mr. Bill Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee requested that the applicant consider installation of a sidewalk on Southside Drive in front of 1-3 Southside Drive, the applicant is not the owner of the property and is, therefore, not responsible for such a site improvement.

Mr. Grasso reported that CHA provided the following comments on the project plan. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency is expected to be the Clifton Park Planning Board with site plan review. Based upon the limited information provided it appears that a building of approximately 2,200 SF is being proposed at the location of an existing patio. The project is located within an existing Planned Development District. Conformance with the PDD legislation should be provided. Mr. Grasso recalled that the outdoor seating/patio area being an important amenity during in the Planning Board's original PDD review and support of the project. As mitigation for the removal of this amenity, the Board may wish to consider requiring a comparable replacement within the project site. The proposed addition will increase the total building square footage. The existing parking should be evaluated based upon the potential increase in demand. A site plan should be provided for review. The plan should include the following: existing and proposed setbacks from property lines, existing and proposed contour elevations, existing and proposed sidewalk, proposed drainage, lighting and landscaping. A Short Environmental Assessment form should be submitted and the remaining items on the Site Plan Application Form should be completed.

Mr. Montague reported that the ECC offered no comment on this application.

In response to Mr. Ophardt's question regarding the amount of patio area that would be lost to the proposed enclosure and expansion, the applicant's architect stated that approximately 4 feet of patio would be removed: the expansion will mostly involve coverage of the existing "grassy area". Though Mr. Ophardt expressed concern regarding the amount of available parking to serve the site, Mr. Bulger noted that Mr. Myers had "signed off" on the issue. Mr. Bulger asked that the designer ensure that the roof line be consistent with the existing architecture. Board members found the project plan generally acceptable.

[2010-011] **DCG Development** – Proposed clearing and grading of 33.7 acres of a 48.8 acre site, Ushers Road – Conceptual site plan review. SBL: 259.-2-74.2, 74.3, 34.1

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that requests approval to clear and grade 33.7 acres of a 48.8 acre site located in the B-4 (Highway Business) zone and situated between Ushers Road and Wood Road, east of Exit 10 of the Adirondack Northway. The economic development site will be constructed in accordance with New York State's Shovel Ready program which encourages developer's to obtain as many approvals and permits as practicable in anticipation of site development. The project will include the construction of two storm water management areas and preliminary grading for a

future town road. There is a Clifton Park Water Authority line adjacent to the site and the Saratoga County Sewer District #1 would provide sanitary sewer service to the site. Approximately one acre of wetland has been delineated on the site. Areas of blue lupine have been illustrated on the plan: no disturbance of these areas will be required for the proposed site preparation.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, reported that a full Storm Water Pollution Prevention Plan will be required prior to any work. The Storm Water Pollution Prevention Plan will limit disturbance to 5 acres or less at one time. He also reported that Mr. Bill Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee requests that the applicant provide an 8-foot wide asphalt trail path to Wood Road.

Mr. Scavo asked that the applicant provide “the environmental documentation from the lupine habitat assessments for the Board’s consideration.

Mr. Grasso stated that CHA Companies reviewed this project proposal and offered a number of comments. The proposed project is located within the limits of the Wood Road Corridor GEIS Study Area. As such, if the proposed project is deemed consistent with the findings of the GEIS, no additional SEQR investigations may be warranted. Involved agencies are anticipated to include the following: Clifton Park Planning Board - Site Plan Approval and Subdivision Approval; Clifton Park Building Department – Storm Water Permit; Saratoga County Planning Board - Section 239 Referral; NYSDOT – Highway Work Permit. Submission of a Full Environmental Assessment Form is recommended. It is also recommended that the applicant’s consultant provide an item by item description of how the project, after both the initial site preparation and after full build out, will comply or not comply with the each of the findings of the GEIS. This will help determine the scope of additional studies required now or in the future. In order to avoid segmentation of the SEQR review of the project, the impacts of full build-out of the parcels should be evaluated based on current development plans. The project includes a new cul-de-sac to be dedicated to the Town of Clifton Park with access directly onto Ushers Road. Since CHA Companies does not believe a new public road connection to Ushers Road has previously been contemplated in this location, and in order to provide access management along Ushers Road and optimize long term efficiency of the Exit 10 Interchange, at this time it is recommended that all access be provided from Wood Road. A meeting should be set up with the Town and NYSDOT to discuss the access issues of the project and need for a traffic study. If it is not the intent to evaluate the potential traffic impacts at this time, the proposed future Town road should be removed from the plan. Based on records held by CHA Companies, the base mapping does not appear to accurately reflect the existing clearing limits along the Northway, and the findings statement called for preservation of a vegetative buffer along the Northway. The plan should depict the currently planned public utility extensions approved as part of the XAR Subdivision so they can be factored into the development plans for the property. The plan depicts an approximate configuration of the existing wetland area. A wetland delineation and jurisdictional determination should be provided. A Storm Water Management Report and Storm Water Pollution Prevention Plan will be required prior to any disturbance on the site that exceeds one acre. Although the plan depicts temporary sediment

basins, permanent water quantity and water quality controls will be required commensurate with any grading activities that have the potential to increase the runoff characteristics of the site.

Mr. Montague reported that, after review of the data presented, the ECC made the following recommendations. The applicant should show the approximate building footprints and connecting roadways. Per Town Code Section 208-64 (A)(3) – “The applicant shall conduct a tree inventory which indicates the location of all trees and other plants with a diameter of six inches or more on the property. The Applicant shall ensure that at least 50% of the trees and other plants or six (6) inches or more in diameter, outside the site improvement areas, are preserved.” Due to the existing blue lupine identified on the plot plan, the ECC recommends that the applicant survey the entire site to determine if further colonies of blue lupine exist. The ECC notes that an aquifer recharge area is present within the project limits: the applicant must design a storm water management system and grading plan that protects the aquifer resource. The ECC notes that the proposed project may have significant environmental impacts and recommends that the applicant complete the SEQR long Environmental Assessment Form for Planning Board and ECC review.

Mr. Vuillaume responded to some of the issues raised by Mr. Scavo, CHA Companies, and the ECC. He explained that, although the applicant will seek NYSDOT approvals, the proposed access onto Ushers Road was recommended by NYSDOT in the late 1990’s. The location is important because it will prevent traffic from moving from Wood Road to Route 9 to Ushers Road. Mr. Donald MacElroy, DCG representative, explained that he will provide documentation from NYSDOT that recommends the access point at the proposed location. Mr. Vuillaume agreed to prepare a long form EAF. Mr. Grasso recommended that the applicant specifically address each item listed in the Statement of Findings for the Wood Road corridor. Mr. Bulger explained that the Tree Inventory will be required and he asked that documentation regarding the status of the blue lupine habitat and site investigations to determine the presence or lack thereof of the Karner Blue butterfly be provided to the Town. Mr. Hale suggested that the applicant submit an application to NYSDEC for a waiver of the 5-acre clearing limit. Mr. Bulger stated his support for the project, explaining that the Ushers Road area is ideal for economic development, particularly for the desirable “spin-off” industries associated with the foundry facility planned for Malta. Board members encouraged the applicant to move forward with a preliminary plan.

[2009-016] **Parkway Music** – Proposed two-story retail building, Route 9 and Biette Road – Conceptual site plan review. SBL: 266.-3-2.10

Mr. Tom Andress, consultant for the applicant, presented this project plan that calls for the demolition of an existing residence and construction of a 13,144 SF two-story retail building for sales and service of musical instruments and rooms for private music lessons. The building will be served by connection to existing municipal water and sewer lines across Route 9. A number of setback variances and relief from the 15’ planted landscape buffer were granted by the Zoning Board of Appeals on September 1, 2009 and April 6, 2010. Although sixty (60) parking spaces are required, fifty-six (56) are provided. It is the applicant’s belief that the proposed number of spaces are more than adequate to serve the business. The proposed parking area to the north of the building is designed to accommodate Parkway Music’s employees while the one to

the south will be used by customers and music students. Mr. Andress will work with representatives of NYSDOT to design an acceptable grading plan for the site.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, reported that all zoning variances have been approved. He recommends that the applicant seek a connection to the parking area that serves the Rusty Nail restaurant and pub.

Mr. Scavo provided Planning Department comments. Since there appears to be a drainage area adjacent to Appliance Giant, he requests that the applicant evaluate site drainage conditions as part of a preliminary plan submittal to determine if the proposed parking area to the south of the proposed building will negatively affect it. A copy of the plan will be forwarded to NYSDOT and the Saratoga County Planning Board for their comments and consideration.

Mr. Grasso provided comments issued by CHA Companies. 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 the following: Clifton Park Planning Board – Site Plan Review; Clifton Park Zoning Board – Area Variances; Saratoga County Planning Board – Section 239 Referral; NYSDOT – Work Permit; Saratoga County Sewer District – Sewer Connection Permit; Clifton Park Water Authority – Water Connection Permit. The acreage of the proposed disturbance land disturbance should be quantified. Disturbance of greater than one acre will require the preparation of a Storm Water Management Report and Storm Water Pollution Prevention Plan. Although the project property is slightly over one acre, additional grading work is proposed off-site and as such it would appear more than one acre will be disturbed during construction. The plan depicts potential cross access connection to the south (Appliance Giant) and the north (Rusty Nail). CHA Companies is supportive of cross-access connections and parking sharing that can be accomplished as part of this project. The parking summary indicates a building size of 12,144 SF while the site plan and application indicates 13,144 SF. Regardless of the square footage utilized in the calculation, the proposed parking will be less than the amount required by code. Additionally, the application indicates that lessons will be provided on site. The nature and number of lessons proposed should be clarified as they relate to the required parking. The grading appears to depict a low area along the northern property line. Additional detail should be provided to verify positive drainage can be obtained. The cover of the proposed culvert under the access drive to Route 9 should be verified. The “Handicap Parking” and “No Parking” signage should be depicted on the plan. The site plan does not depict the location of a dumpster enclosure. Future plan submittals should include additional detail regarding the proposed utility services.

Mr. Montague told the Board that the ECC offered no comment on this application.

In response to the Board’s concern for future uses of the building and less-than-required parking spaces, Mr. Andress explained that the second floor of the 13,000 SF two-story building will likely be used for offices since the elevator is not practical for most retail uses. Mr. Hale encouraged the applicant to seek cross-connections with adjoining businesses. Board members agreed that “overall” they were “pleased with the conceptual plan.”

[2010-012] **Longkill Properties, LLC** – Proposed (2) lot subdivision, 89 Longkill Road – Conceptual review. SBL: 250.-1-1.2

Mr. Gil VanGuilder, consultant for the applicant, presented this application that calls for the subdivision of 3.25 acres of land that lies within the R1 zoning district on the west side of Longkill Road approximately 600 feet north of its intersection with Parkside Trail. The lots will be 1.77 and 1.48 acres, respectively and will be served by a new water line that is proposed to be installed along Longkill Road by the Clifton Park Water Authority and by individual septic systems designed by a licensed NYS professional engineer. To reduce curb cuts along Longkill Road, both lots will have a shared driveway with a common ingress, egress, and utility easements. The ACOE has determined that the wetlands found on the site are non-jurisdictional since they have no connection to a waterway. Mr. VanGuilder explained that the applicant proposes the creation of a drainage swale through the center of the property and the regrading of debris piles that remain as a result of previous excavation of the site.

Mr. Scavo read prepared comments received from Mr. Myers, Director of Building and Development. A wetland crossing permit from the ACOE will be required. A full Storm Water Pollution Prevention Plan may be required even if less than 1 acre is disturbed. The proposed crossing of National Grid power lines may require permits from this agency. Septic designs will require approval prior to building permits. The house on Lot #91 appears to be located on a wetland. Buffers and signage per 208-86 E & F should be addressed prior to approval.

Mr. Scavo read the comments prepared by the Planning Department. The proposed subdivision will create an additional lot from the prior approved subdivision reviewed and approved by the Planning Board. The project reference number was 2008-020 and was granted approval as a three (3) lot subdivision on April 8, 2008. The new lot proposed to be subdivided will require NYSDOH approval since the cumulative effect is five new lots. A note was added to the prior approved plans stating that “Any proposed impacts to the wetlands or the stream as shown thereon must come back before the Planning Board for review:” this note should be included on this subdivision plan as well.

Mr. Scavo read comments prepared by Mr. Bill Mackesey, representative of the Trails Subcommittee of the Town’s Open Space, Trails, and Riverfront Committee. He recommends that the Board consider requesting that the applicant construct a 5’ wide sidewalk to match the trail to the south of this project. He also recommends that the new residences be included in the Longkill #1 Park District.

Mr. Grasso reported that CHA Companies reviewed this application and reported that 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 include the Clifton Park Planning Board with subdivision review. The proposed driveway for Lot #91 crosses the existing wetland and is adjacent to a pond. Future plan submittals should include a grading plan that depicts the limit of the proposed disturbances to the wetlands. It appears a culvert will be repaired under the proposed drive at the wetland crossing. Mr. Grasso expressed concern over the applicant’s proposed regrading of the site, emphasizing the fact that drainage of the entire upstream area must remain uninhibited since the controversial Kain subdivision lies directly west of this property.

Mr. Montague stated that, after review of the data presented, the ECC offered the following recommendation: due to environmental constraints at this location, the ECC does not recommend further subdivision of this parcel.

Board members found this subdivision plan generally acceptable, though Mr. Bulger instructed the applicant to be certain that all drainage from the “entire upstream area” be adequately maintained.

Minutes Approval:

Mr. Koval moved, seconded by Mr. Hale, approval of the minutes of April 13, 2010 as written. Ayes: Hale, Koval, Ophardt, Pace, Andarawis. Noes: None. Abstained: Bulger, Paulsen.

Discussion Item:

[2007-048] **Latham Construction** – Request for one year extension of site plan stamped on June 24, 2009. SBL: 266.3-2-9

Mr. Bulger moved, seconded by Mr. Hale to grant Latham Construction, applicant, a one year extension of a site plan stamped on June 24, 2009. Section 208-120 of the Town Code permits a one year extension of site plan approval to allow the applicant time to comply with the approved plan: the law states that “no further extensions shall be permitted.” The final expiry date of the approved plan will be June 24, 2011. The motion was unanimously carried.

Mr. Bulger moved, seconded by Mr. Hale, adjournment of the meeting at 9:40p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on May 11, 2010. Mr. Scavo reminded Board members that the second meeting in May is scheduled for WEDNESDAY, May 26, 2010.

Respectfully submitted,

Janis L. Dean

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, Lou Renzi, Town Attorney, Tom McCarthy, Town Attorney, Paul Pelagalli, Town Attorney, ECC, Clifton Park Water Authority

