

# Town of Clifton Park

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## PLANNING BOARD

STEVEN BULGER  
Chairman

PAUL PELAGALLI  
Attorney

JANIS DEAN  
Secretary



## MEMBERS

Michael Hale

Joel Koval

Eric Ophardt

Sandra Pace

Kim Paulsen

Tom Werner

(alternate)Emad Andarawis

## Planning Board Meeting September 15, 2010

Those present at the September 15, 2010 Planning Board meeting were:

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

Those absent were: None

Those also present were: J. Scavo, Director of Planning  
J. Romano, 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.

### Public Hearings:

[2010-030] **Zaccaria, Jennifer** – Proposed (2) lot subdivision, 932 and 934 Route 146 – Preliminary public hearing and possible determination. SBL: 271.-4-13

Mr. Bulger, Chairman, called the public hearing to order at 7:00p.m. The Secretary read the public notice as published in the Daily Gazette on September 7, 2010.

Mr. Tom Andress, consultant for the applicant, presented this application that calls for the subdivision of a 5.3 acre parcel of land located within a B-1 zoning district on the southerly side of NYS Route 146 just west of the Route 146 - Bruno Road intersection. The parcel contains two existing buildings: a 4,800 SF office building and a 4,800 SF day care facility. Twenty-three

(23) (including banked) parking spaces are currently provided for the office building: thirty-three (33) spaces (including banked) are provided for the day care facility. Upon subdivision of the properties, Lot A (932) will be 40,034 SF (.92 acres) with a building area of 58.7% and 41.3 % green space. Lot B (934) will have 26.14 feet of frontage on Route 146, contain 4.4 acres and 84.6% green space. On August 17, 2010 the Zoning Board of Appeals granted several variances that allows for the subdivision of lands. The list of approved variances is included on the subdivision plat. Mr. Andress explained that site development occurred nearly a decade ago when Ms. Zaccaria received Planning Board approval for the construction of two (2) buildings on the parcel. Though the owner would now like to sell, she has been unable to find a purchaser who is interested in both buildings: the proposed subdivision would allow the sale of each respective building. Mr. Andress also explained that each of the buildings is served by a grinder pump. There would be a need for either the installation of two separate service lines or acceptance of the lines by the Saratoga County Sewer District. Mr. Andress reported that Zoning Board approvals assured that the business identification sign along Route 146 would meet setback requirements.

Mr. Scavo noted that Mr. Myers, Director of Building and Development, confirmed that the applicant had received all required variances necessary to subdivide the parcel.

Mr. Scavo provided several Planning Department comments. The consultant must clarify whether or not the buildings were currently serviced by separate laterals to avoid the need for the establishment of a transportation corporation. The speaker noted that a well is shown on Lot A (932): the applicant is asked to clarify whether or not the well is currently used to provide water to one or both of the existing buildings or if connections to the public water system are in use or available. If the water service is shared, a common easement must be provided. Language for the common access easement must be provided with the final plan for review by Planning Board Counsel. The Saratoga County Planning Board has provided a verbal Memo of Understanding that states that no significant county-wide impacts are anticipated. Mr. Andress stated that both buildings are connected to the public water system. Mr. Andress explained that the applicant has agreed that no additional lots may be created; however, the substantial land area to the rear of the parcel may be combined with adjoining parcels for future development. Should such development occur, access through Lots #932 and 934 will be prohibited. Mr. Bulger commented that this restriction must be included as a note on the subdivision plan.

Mr. Romano provided comments prepared by CHA Companies regarding this application. The proposed project appears to be an unlisted action pursuant to SEQRA and as such coordinated review is optional. Involved agencies are anticipated to include the following: Clifton Park Planning Board - Subdivision Review; Clifton Park Zoning Board of Appeals – Area Variances. It appears that all required variances were granted on August 17, 2010. It should be verified that the existing handicap accessible parking spaces are adequately signed.

Mr. Montague, Environmental Specialist, reported that the ECC offered no comment regarding this application.

There being no public comment regarding this application, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:16p.m. The motion was unanimously carried.

Board members supported Mr. Scavo's recommendation regarding the restriction of possible future subdivision of the property and asked that language regarding this restriction as well as applicable easements be submitted for review by Mr. Pelagalli.

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

Mr. Hale offered Resolution #12, seconded by Mr. Bulger, to waive the final hearing for this application and to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, and CHA Companies. Ayes: Ophardt, Paulsen, Pace, Hale, Koval, Werner, Bulger. Noes: None.

### **Old Business:**

[2010-018] Muralidhar Office/Warehouse – Proposed 20,400 SF and 7,980 SF office/warehouse buildings, US Route 9 – Preliminary site plan review and possible determination. SBL: 259.-2-81

Mr. Tom Andress, consultant for the applicant, presented this application for the Board's consideration, explaining that the project plan was last presented to the Board at its June 8, 2010 meeting. The speaker provided a brief history of the parcel, stating that when the property was purchased by Baker in the late 1980's there were no wetland regulations and no designated LC (Land Conservation) zone. Subsequently, however, as NYSDEC regulations were imposed and Town ordinances were adopted, the parcel's useable land area was diminished: over time it was determined that only one (1) acre of upland was suitable for development. After receiving variances for building within an LC zone and NYSDEC approvals, the Planning Board approved the plan as presented. In 2008 the Planning Board reaffirmed the approved plan. Mr. Andress stated that although NYSDEC Phase II regulations have changed the agency's approval of the project plan remains in effect.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, has informed the Planning Department that Mr. Kevin Dailey, legal representative for the applicant, has provided a letter from NYSDEC stating that the permit issued for this project has been extended until October 1, 2010.

Mr. Scavo recommended that the any approvals for this application be conditioned upon sign-off of the storm water management plan by the Town's Chief Zoning Officer and CHA Companies.

Mr. Romano requested that the applicant address all of the technical comments listed in a CHA Companies' letter of May 7, 2008. Mr. Andress stated that a Storm Water Pollution Prevention Plan has been prepared for review.

Mr. Montague, Environmental Specialist, provided the following comments issued by the ECC. In keeping with the recommendations and goals of the Town Comprehensive Plan, the applicant should retain existing vegetation to the maximum extent practical and/or use landscaping and grading to provide visual and auditory buffering between the project and

adjacent roadways or other properties. The applicant shall submit a Storm Water Management Plan for review by the Town's Engineer. Pursuant to Section 86-7 of the Town Code, natural drainage channels should be preserved to the greatest extent practicable. The ECC notes that the project includes extensive paving adjacent to, or in the vicinity of the LC zone, state, and/or federal wetlands. The ECC recommends that the Planning Board require the applicant to incorporate sediment traps and oil water separators with appropriate capacity to limit the migration of vehicular contaminants into these sensitive environments. The ECC notes that sensitive environments exist on properties adjacent to the project site, thus there is a potential for environmental impacts to these areas in the event that the capacity of the storm water management system is inadequate. As such, the applicant's Drainage, Storm Water, and Erosion Control Plans should be protective of these environments, both during construction and occupation of the project: the ECC recommends careful review of these plans by the Town Engineer. The limits of the LC zone and 100 foot buffer zone, DEC wetlands, and federally jurisdictional wetlands shall be identified on the plot plan. The ECC notes that the project may result in intrusion into the LC zone. The applicant must file for an Application for Approval of Work To Be Done in the LC zone with the Town of Clifton Park. The ECC notes that the project may result in intrusion into federally jurisdictional wetland areas. The applicant must avoid intrusion into ACOE wetlands or apply for a Federal Wetlands Permit for disturbances of more than 1/3 acre in total for the project. The Town of Clifton Park should be provided with copies of all related correspondence. The applicant shall take into account designated federal jurisdictional wetlands shown on the most recent NYSDEC wetlands maps for the Town of Clifton Park and identify their location on the project plans. The applicant shall comply with the Town's Hazardous Materials Policy, which can be obtained from the Environmental Specialist. Due to the potential for federal wetlands on this parcel, the applicant will determine the location and extent of disturbance of federal wetlands before a Building Permit is issued. Due to the probability of food and liquid wastes leaking from the on-site dumpster(s) into a storm water catch basin and/or surface water body, the ECC recommends that the applicant enclose the area on an impervious surface with a berm surrounding the dumpster(s) that accept food and liquid wastes. If necessary, the applicant will need to periodically pump out the accumulated wastes within the bermed area to avoid any overflow. Per the Water Resources Investigations Report (01-4104), prepared in cooperation with the Clifton Park Water Authority, this project is located within the Colonie Channel aquifer/recharge area. No underground storage tanks are permitted on this property. During construction, any temporary above-ground storage tanks shall have secondary containment of no less than 110% of the tank volume to prevent releases to the aquifer/recharge area and contractors shall have a spill contingency plan which addresses prevention and cleanup of releases of petroleum and/or hazardous materials. Mr. Montague asked that all storm water details be submitted for the ECC's review and comment. Mr. Bulger directed the applicant to provide all requested documents to the ECC and stated that until all storm water reports were received and reviewed by town officials the Planning Board would not render a decision on the application.

Mr. Werner observed that the "internal traffic situation was rather awkward." Mr. Andress explained that site constraints made it difficult to improve proposed traffic flow: he stressed the fact that there would be no retail uses developed on the site. In response to Mr. Hale's question regarding the applicant's consultation with NYSDEC representatives, Mr. Andress stated that although minor modifications have been made to the storm water

management plan in response to NYSDEC recommendations, the extension of approvals granted applies to the original permit.

[2010-002] **Dunkin' Donuts** - Proposed 2,400 SF restaurant with drive-through, 1208 Route 146 – Revised conceptual site plan reviews. SBL: 270.-2-55

Mr. Scott Lansing, consultant for the applicant, provided a revised site plan and a lengthy written response to the comment letter prepared by CHA Companies and comments issued by Planning Board members at the July 21, 2010 Planning Board meeting. He specifically addressed each item of concern. Mr. Lansing stated that the proposed Dunkin' Donuts shop has been designed to be in conformance with the most recent North Country Common PDD legislation: it is also in compliance with the Statement of Findings adopted for the Vischer Ferry Road Corridor GEIS. The applicant will grant a future reciprocal easement between the project and the adjacent Stewart's property since such an easement may be useful when redevelopment of the Stewart's property is proposed. The consultant reported that the proposed dumpsters have been relocated and that they will be screened from view by solid fencing and landscaping. Per recommendations issued by the Trails Subcommittee, a sidewalk has been included in the project plan and a bike rack will be installed near the store's entranceway. Conceptual utility locations have been shown on the plan, though exact sizes and tie-in locations will be coordinated with the Saratoga County Sewer District No. 1 and the Clifton Park Water Authority once an accurate survey has been completed and preliminary design plans are drawn. The consultant submitted a comprehensive evaluation of the parking on site, stating that it contains a total of 728 parking spaces. If all parking spaces required for existing uses were totaled, a sum of 409 spaces would be required. Approximately 319 spaces would remain available. Mr. Lansing explained that each current use has very different hours of operation and, therefore, it can be concluded that not all parking spaces would be in use at the same time. A table that includes uses, required number of parking spaces for each use, hours of operation, and available parking has been provided for review. A narrative based on the information contained within the table indicates that since uses within the parcel experience differing peak travel times, with the exception of the modified right-in/right-out turn lanes at the existing easterly driveway location, no additional mitigation measures are not warranted. Mr. Lansing noted that the NYSDOT was in agreement with the proposed driveway location and restrictive turn lanes.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, requests confirmation that the proposed development location is located more than 300 feet from a residential zone. A Storm Water Pollution Prevention Plan must be prepared for his review and approval.

Mr. Scavo offered the following Planning Department comments. All applicable Vischer Ferry Road GEIS fees established by the Capital Improvement Plan must be paid. A letter from the NYSDOT dated July 21, 2010 states that that agency has no objection to the location of the proposed restricted right-in/right-out driveway location. The concrete display pads should be removed in their entirety. The area of the existing display pad that will not be incorporated into the new parking lot should be graded and seeded.

Mr. Romano offered the following comments and recommendations that were provided by CHA Companies for the above referenced project. The firm recommended that a cross access

easement be provided to the existing Stewart's as any future development of this parcel will require revised access to Route 146. The applicant's response letter indicates that a cross access easement will be provided. The easement should be included as a condition of approval and should be depicted on future plan submittals. The following additional comments were provided. CHA Companies has reviewed correspondence from NYSDOT indicating that there is no objection to the locations of the proposed right in/right out driveway. The letter indicates that consideration should be given to eliminating the western drive of Stewart's should that site be redeveloped. This recommendation supports the establishment of the cross access easement. CHA Companies recommends additional traffic controls and striping or a reconfiguration of the approaches at the intersection of the realigned access drive east of the Dunkin' Donuts and the existing parking lot.

Mr. Montague, Environmental Specialist, provided the following comments issued by the ECC. Due to the probability of food and liquid wastes leaking from the on-site dumpsters into a storm water catch basin and surface water body, the ECC recommends the applicant enclose the area on an impervious surface with a berm surrounding the dumpsters that accept food and liquid wastes. If necessary, the applicant will need to periodically pump out the accumulated wastes within the bermed area to avoid any overflow. The Storm Water Management Plan shall consider and mitigate the impact of site discharges to the Dwaas Kill. The applicant should reconfigure the placement or provide screening for the front parking lot to mitigate visual impacts from NYS Route 146.

Ms. Paulsen stated that she believes that the Dunkin' Donuts business will result in dangerous "road races" through the existing parking lot during peak travel times. Though Mr. Bulger stated his concern for drivers making illegal left turns into the site as they do at the nearby Cumberland Farms location, Mr. Lansing explained that drivers will usually elect to travel to a "safe, signalized intersection". He will submit detailed plans for the proposed restricted turns into and out of the site. Mr. Ophardt stated his displeasure regarding the applicant's failure to present a plan that showed the site's ingress/egress at a westerly location as previously requested by Board members. Though Mr. Lansing stated that the alternative was not presented because of NYSDOT's approval of the proposed plan and Mr. Romano's comment that the proposed driveway location would allow for a more workable cross-easement with Stewart's, Mr. Ophardt emphatically argued that all options were not considered since alternative designs were not prepared and presented by the applicant's consultant. Board members discussed various locations for site access, though Mr. Howard Carr, property manager for the applicant, stated that the access location provided appeared to be the most reasonable since moving the access to the west would result in conflicting turning movements for drivers exiting the bank and those entering or leaving the proposed site. He explained that the proposed location would discourage drivers from making "illegal lefts" into the site. Mr. Bulger's informal poll of Board members resulted in the following: Ms. Pace, Mr. Koval, and Mr. Hale agreed that the plan as presented was acceptable. Ms. Paulsen, Mr. Ophardt, Mr. Warner, and Mr. Bulger would like the opportunity to consider alternative access plans. Mr. Bulger stated that he believes that although there are no plans for the development of the rear of the North Country Commons parcel or redevelopment of the existing Stewart's Shop and other businesses in close proximity to this site, the submission of alternative driveway locations is important because the entire area is under review by the NYSDOT and the Vischer Ferry Road – Route 146 intersection is one of the busiest ones in the Town.

[2010-024] **Enterprise Rent-A-Car** – Proposed parking lot expansion, 21<sup>st</sup> Century Drive – Revised conceptual site plan review. SBL: 270.-2-2

Mr. Scott Lansing, consultant for the applicant, explained that this project remains generally as presented at the July 21, 2010 Planning Board meeting, though a revised site plan and a detailed “Statement of Findings for the Corporate Commerce Area Narrative” have been provided to the Board. It would appear that proposed development poses few potential negative impacts to existing land and land uses. In response to member’s comments, the site plan now includes a depiction the proposed senior housing development that has been approved for an 8.7 acre portion of the site that fronts on Route 146, proposed parcels to be subdivided from the total acreage, calculations for the total green space provided on each lot, and an area of “grass on gravel” parking. Mr. Lansing views the comments issued by CHA Companies as “minor” and will address the technical issues in the preliminary submission.

Mr. Scavo reported that a memo from Mr. Myers, Director of Building and Development, dated September 7, 2010, stated that “even though it does not appear that there are any regulated wetlands within the project area, the site can be extremely wet.” A full Storm Water Pollution Prevention Plan will be required.

Mr. Scavo reported that the Planning Department has no outstanding issues that would preclude the project from advancing to preliminary site plan review.

Mr. Romano explained that CHA Companies provided the following comments regarding this application. Several comments from the July 19, 2010 letter remain to be addressed and additional comments have been provided. The proposed project is located within the Corporate Commerce Zone for which a Generic Environmental Impact Statement (GEIS) and associated Findings Statement were previously prepared. The Findings Statement has been reviewed by the applicant’s consultant and the prepared narrative indicates how each item in the Statement of Findings applies, is being addressed, or does not apply. The responses provided will continue to be considered as the project progresses. Though the concept plan depicts approximate limits of wetlands, a field delineation should be performed and the limits of the wetlands should be incorporated into a surveyed basemap. The applicant has completed (5) test pits on site to verify the general underlying soil conditions and groundwater depth and the results of these test pits have been included on the concept plan. Additional test pits will be necessary in the locations of the proposed storm water basins as the project progresses.

Mr. Montague, Environmental Specialist, provided the following comments prepared by the ECC. The ECC notes that the project includes extensive paving adjacent to, or in the vicinity of federal wetlands. The ECC recommends that the Planning Board require the applicant to incorporate sediment traps and oil water separators with appropriate capacities to limit the migration of vehicular contaminants into these sensitive environments. The ECC notes that sensitive environments exist on properties adjacent to the project site, thus there is a potential for environmental impacts to these areas in the event that the capacity of the storm water management system is inadequate. As such, the applicant's Drainage, Storm Water and Erosion Control Plans should be protective of these environments during construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer. The northeastern corner of the site is an environmentally sensitive area that includes federal wetlands and forested areas. ECC members do not believe that the proposed modification to the parking

lot is sufficient to address identified concerns. The ECC recommends the easternmost spaces be eliminated.

Ms. Paulsen stated her support of the application, explaining that the project will bring desirable business expansion to Clifton Park. Mr. Koval asked that substantial buffering be provided along the property's eastern boundary line since it is quite open to Tanner Road. Mr. Hale agreed with this recommendation, encouraging the applicant to utilize native vegetative materials to create a more "natural" look. Mr. Bulger asked that the applicant verify that the proposed grass-on-gravel materials are code compliant.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the applicant provide a sidewalk connection between the existing building and Route 146. Mr. Lansing agreed to consult with the property owner regarding this request. Board members discussed various locations for a pedestrian connection, agreeing that a connection to the proposed sidewalk within the approved townhouse development would be most desirable. Board members found the plan generally acceptable.

[2010-004] **Park Dental** – Proposed 9,000 SF dental office, 923 Route 146 – Revised conceptual site plan review. SBL: 271.-2-24

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that remains generally as presented at the March 9, 2010 meeting. He explained that the Zoning Board of Appeals granted three variances at its May 18, 2010 meeting. The first variance was for the maximum building area to be increased from 4,800 SF to 9,000 SF. The second allowed for a reduction in the required front yard setbacks to 25' along Bruno Road and 83 feet along Route 146. The third allowed for a reduction from the required minimum front yard parking setback to 42' from Bruno Road and 112' from Route 146. Mr. Vuillaume explained that the limits of the ACOE wetlands and the stream embankment area have been located on the plan. Sixty (60) parking spaces have been provided on site, though it is the applicant's intent to "landbank" eight (8) – ten (10) spaces. It is the applicant's intent to utilize half of the building for a dental office; the remaining half will be leased as medical or general office space. Mr. Vuillaume reported that soil testing has determined that a majority of the fill material placed on the site must be removed. The applicant may decide to include a basement for the building though this area will not be counted toward leasable area. Sewer and water services will be provided by extensions from existing lines along Bruno Road. The project architect presented sketches of the proposed building, stating that the building will be constructed of brick with a flat roof. Board members asked that the preliminary submission include a colored façade rendering.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, confirmed that all required variances have been granted by the Zoning Board of Appeals. He has advised the applicant that remediation of the site will be required during construction.

Mr. Scavo stated that many of the previous comments and recommendations have been addressed. The final plan should include a note that states the following:

The existing woods to remain shall be staked out prior to commencement of clearing and grading work by the contractor.

Mr. Romano explained that CHA Companies provided the following comments regarding this application. In general, previously-issued comments regarding the concept plan have been adequately addressed. The plan has been revised to include the wetland locations and a revised LC zone: the proposed layout appears to respect the revised boundaries. Test pits should be performed within the limit of the proposed underground storm water management area.

Mr. Montague, Environmental Specialist, reported that the ECC recognized that “some modifications” have been made to the plan. No additional comments were provided.

Board members discussed the recommendation regarding the installation of a sidewalk on the property. Mr. Vuillaume stated that it would be difficult to install a sidewalk along Route 146 since it would likely be located in the state right-of-way. He agreed to provide a 10’ -15’ easement along Bruno Road for future roadway improvements. Board members found the proposed plan generally acceptable.

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

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that was last reviewed by the Board on April 28, 2010. As the consultant explained at that time, the applicant would like to prepare a “Shovel Ready Site” in accordance with the state program that encourages developer’s to obtain as many approvals and permits as practicable in anticipation of site development. Though Board members enthusiastically supported the applicant’s goal, they did ask that additional information be provided with the preliminary submission. Mr. Vuillaume stated that the plan has been refined, a 100’ buffer area along the Northway will remain undisturbed, wetland mapping has been completed, a long form EAF has been prepared, and a narrative entitled “Temporary Sediment Basin Sizing for the Ushers Road Industrial Site” has been submitted. This document states that no impervious roadways, underground utilities, or building structures will be constructed as part of this phase of the project. The site entrance is to be located approximately one tenth of a mile east of Northway Exit 10. The site is predominately an open field with well-established grasslands, though smaller wooded areas exist adjacent to the Northway and along the north and south property lines. Existing drainage is in the northeasterly direction toward Wood Road with flow generally across a broad expanse with no well defined drainage channels. ACOE wetlands have been delineated at the lower elevations of the site along Wood Road: no disturbance of the wetland areas will result from the proposed grading which will alter approximately 25 acres of the site. The narrative includes descriptions of the site, grading details, and specifications for erosion controls. Mr. Vuillaume stated that the proposed plan will be in full compliance with the Statement of Findings for the Wood Road GEIS. He explained that all areas of critical habitat – particularly that of the Karner blue butterfly – will not be disturbed. Construction fencing will protect identified habitat areas from disturbance. There will be no impacts to ACOE or NYSDEC wetlands and grading will comply with all state guidelines. The proposed storm water management basin will be designed and constructed in accordance with all state and local requirements. There will be no negative visual impacts associated with the proposed clearing and grading. Other issues outlined in the Statement of Findings will be addressed during specific site plan review. A letter has been

received from the State Office of Parks, Recreation, and Historic Preservation that states that there are no archeological concerns related to the project. The applicant will seek a waiver from the requirement that clearing be limited to five (5) acres to permit the project to move forward without segmentation.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comment in a memo dated September 7, 2010. The applicant must comply with Part II C.3 of GP-0-10-001 of NYSDEC guidelines for SPDES permits in order to disturb more than five (5) acres of land at one time.

Mr. Scavo provided comments prepared by the Planning Department. The proposed site plan approval calls for the entire disturbed area to be seeded immediately after the grading is completed. It appears that the volume of runoff for both the 10-year and 100-year storm events can be fully contained within the proposed sediment basin. No discharge to the Wood Road culvert is anticipated for either storm. Mr. Scavo explained that the Wood Road GEIS evaluated the cumulative impacts of the potential development of the entire Wood Road Corridor and the included project site. The Findings Statement concluded that the Planning Board must examine the following when determining whether further environmental review will be required for an individual project in the Wood Road Corridor: (1) traffic transportation; (2) Karner blue butterfly & lupine habitat; (3) wetlands; (4) utility services; (5) fire protection; (6) maintenance of visual buffers; (7) Phase I Environmental Audit; (8) cultural resources; and (9) zoning. The applicant has submitted information addressing the above criteria for the Planning Board's consideration. The documentation demonstrates that none of the aforementioned criteria will be adversely impacted by the project and that the applicant has complied with the requirements of the Findings Statement.

Mr. Romano reported that CHA Companies prepared a comment letter regarding this application. 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. Mr. Romano noted that the proposed cul-de-sac to be dedicated to the Town of Clifton Park with access directly onto Ushers Road has been removed from the plan. 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, 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. 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. 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, Environmental Specialist, reported that the ECC offered the following comments regarding this application. 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. 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 sensitive environments exist on properties adjacent to the project site, creating the potential for environmental impacts to these areas in the event that the capacity of the storm water management system is inadequate. As such the applicant's Drainage, Storm Water and Erosion Control Plans should be protective of these environments, during construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer. Even though there might be some minor wetland disturbance, the ECC supports the proposed easement for future trail development.

Mr. Bulger asked Mr. MacElroy, representative for the applicant, to list the requirements necessary for qualification as a "shovel ready" site. Mr. MacElroy explained that applicants must obtain all applicable Town approvals, delineate wetlands, provide a sign-off from SHPPO, and, in general, use "due diligence" to provide potential developers with sites that are nearly ready for construction. Mr. Bulger stated that he viewed the adequate and complete storm water management plan a "critical part" of the approval process. Mr. Hale pointed out that the temporary storm water basins cannot be located in areas where permanent basins will be installed. He supported the plan, noting that there will be a need for rapid site development when Global Foundries determines that it requires products and services. In response to Mr. Bulger's question regarding the completion of the Phase I Environmental Audit, Mr. MacElroy explained that the audit was prepared and submitted during site plan review for the flex space project. Mr. MacElroy stated that during approvals for the SYSCO project within the Town of Halfmoon, NYSDOT assured the applicant that access to Ushers Road for the pending project would be acceptable. Mr. Hale noted that the waiver for the 5-acre minimum clearing limit must be approved by the Town's Chief Zoning Officer. In response to Mr. Werner's concerns regarding buffering, Mr. Vuillaume explained that a 100-foot buffer along the Northway corridor will remain. Mr. Bulger observed that the plan proposes no disturbance of ACOE and NYSDEC wetlands. He explained that other items of concern including traffic, fire safety, utility installation, and zoning would be addressed during site plan review. Ms. Paulsen stated that she supported the state's "shovel ready" initiative and believes that the DCG site is "great location" for future development.

Mr. Bill Koebbeman, 861 Riverview Road, asked about the implications of approval for the 5-acre clearing limit waiver. Mr. Hale explained that some projects require disturbance of more than 5 acres at one time to comply with SPEDES requirements that are established by the NYSDEC. Though the DEC establishes the guidelines, enforcement and oversight is now relegated to local government officials. Mr. Hale noted that the Storm Water Pollution Prevention Plan must be revised when specific site improvements are proposed.

Ms. Margaret Catellier, 26 Royal Oak Drive, requested a definition of "shovel ready" which Mr. Bulger provided.

Mr. Bill Engleman, 6 Partridge Plateau, submitted a letter dated September 15, 2010 for the Board's consideration and offered comment. He asked that the Board schedule a public hearing for this site plan application and requested that the Board issue a positive declaration

pursuant to SEQRA. He complained that there was a “deficiency” of materials for this project that had been requested by the Planning Department, ECC, and CHA Companies in the project file. The speaker explained that the Planning Board had granted the applicant a Special Use Permit on May 12, 2009 to conduct selective timber harvesting on the project site. He stated that the site appears to have been “clear cut” and he asked if the Board had granted approval for such substantial clearing. Mr. Engleman stated that although the application referenced three (3) adjoining parcels owned by the applicant, public notifications to adjoining property owners within 500’ were sent to those surrounding only a single parcel. He asked if the shovel-ready area applied to specific areas of the site, stating that the applicant had provided no documentation regarding the threatened or endangered species that may inhabit the site.

Mr. Koebberman asked if the granting of the requested waiver would establish a precedent for such approvals. Mr. Bulger explained that NYSDEC formerly approved such waiver requests but that recent directives required municipal governments to approve them. Mr. Koval pointed out that the waiver relates to the time of the disturbance rather than the area of the disturbance.

Mr. Russell Ziemba, member of the Save the Pine Bush, requested that the Board require that a public hearing be held on this application. He asked that since the project involved disturbance of more than 10 acres of land that it be considered a Type I action pursuant to SEQRA and he requested that the Board recommend the preparation of a Supplemental EIS to address the issues surrounding protection of the Karner blue butterfly habitat and establishment of a management area. He believes that lands that contain habitat areas and/or threatened or endangered species should not be eligible for the state’s shovel-ready designation.

At Mr. Bulger’s request, Mr. Scavo reiterated the list of items to be examined pursuant to the Statement of Findings adopted following acceptance of the Wood Road Corridor GEIS to determine site-specific compliance with SEQRA determinations. The following items required consideration in the approval process: traffic; Karner blue butterfly protection and management of habitat areas; wetlands; utility services; fire protection; maintenance of visual buffers; the preparation of a Phase I environmental audit; cultural resources; zoning. Board members agreed that the proposed project plan adequately addressed each of the concerns identified in the Statement of Findings.

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

Mr. Bulger moved, seconded by Mr. Hale, to grant preliminary and final approval to this application conditioned upon satisfaction of the comments issued by the Planning Board, Planning Department, and CHA Companies and approval of the waiver of the five (5) acre clearing limit restriction by Mr. Myers, Chief Zoning Officer of the Town of Clifton Park. The motion was unanimously carried.

[2009-019] **Clifton Park Motel** - Proposed three story motel, 45 Old Route 146 – Revised conceptual site plan review. SBL: 272.9-1-27

Mr. Dom Arico, consultant for the applicant, presented this application that has been significantly revised since last reviewed by the Planning Board on October 14, 2009 because of a reduction in the size of the parcel. Due to the lot size reduction, the proposed 101 room 3 story motel has been re-oriented on the parcel. Required grading will cut more deeply into the existing hillside and a multi-tiered retaining wall is proposed along the western property boundary. The site statistics table has been revised to show that 51.9% of the site will be dedicated green space. Mr. Arico stated that all of CHA Companies' technical comments will be addressed.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated September 7, 2010. Emergency vehicle access may require reconfiguration of the entry point and/or relocation of the building. Access is currently extremely limited. A water supply test will be required per Section 508 of the NYS Fire Code to determine the amount of volume available and possible fire pump needs. Required variances were granted by the Zoning Board of Appeals on September 7, 2010.

Mr. Scavo offered several Planning Department comments. The site should be re-evaluated to provide vehicular circulation around the building. Visual impacts of a three-story hotel should be evaluated as part of the SEQRA review process. An updated SEQRA form must be prepared. The adequacy of the turning radius for emergency service vehicles must be verified. Approved variances must be listed on the site plan.

Mr. Romano reported that CHA Companies provided a number of comments regarding this application. The site plan has been significantly revised since the project was last presented to the Planning Board. The project area has been reduced by 0.6 acres and the proposed building orientation with Old Route 146 has been rotated approximately 90 degrees, though the proposed building footprint and the proposed number of rooms have not been modified. In general it appears that the density of the proposed development should be reduced to reflect the reduction of the project area and to respect the constraints of the site. The previous building layout was oriented parallel to Old Route 146. The Planning Board was supportive of this orientation and the associated front yard area variance as the building created a hamlet feel similar to other buildings in the area. The currently proposed orientation does not provide the same benefit and as such the Board should evaluate support of the proposed variances based upon the revised plan. The previous plan preserved a significant portion of the existing slope and vegetation, which had been raised as a significant area of concern by CHA Companies and the Planning Board. The revised plan will require additional areas of the slope and vegetation to be impacted. The plan should be revised to minimize impacts to the slope and vegetation. This will likely require reduction in the scope of the proposed development. The previous layout provided for access to the site by a ladder truck. It does not appear that the revised plan provides acceptable access: the plan should be modified accordingly. Future plan should include a sizable service area adjacent to the building for deliveries, dumpster, transformer, and generator locations. The area reserved for the storm water management area does not appear to be sufficient unless a commitment is made that some of the storage will be underground. This is important, as the plan will require substantial modification as the design is progressed. A note should be added to future plan submittals indicating the required and granted variances.

Mr. Montague, Environmental Specialist, provided the following recommendation that was issued by the ECC. In keeping with the recommendations and goals of the Town Comprehensive Plan, the applicant should retain existing vegetation and/or use landscaping and grading to provide visual and auditory buffering between the project and the Northway.

Addressing the issues of concern, Mr. Arico explained that due to site restrictions the building cannot be relocated. Emergency vehicles can be accommodated at the entranceway. Storm water will be adequately managed on site.

In response to Mr. Ophardt's recommendation that a cross access with the hotel to the north be considered, Mr. Arico explained that such accommodation was not feasible because of the significant slope that separates the two properties. Mr. Ophardt asked whether the applicant had considered constructing sidewalks along the property's frontage to provide connectivity between the hotel and area destinations. Mr. Scavo explained that although the town has received grants from CDTC to evaluate the need for pedestrian amenities within the hamlet area, no studies have been completed to date. Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the applicant provide a sidewalk link along the property's frontage. Mr. Koval observed that the project plan does not reflect the Board's previous comments and concerns. Mr. Arico explained that "economic funding" for this type of development is difficult and that revision of a "prototype" building would be extremely costly. Mr. Koval commented that reconfiguration of the building would be desirable. Board members agreed that an alternative design plan would be preferable to the one presented: Mr. Arico agreed to consider alternative design plans.

[2010-028] **Regal Cinema Renovation** – Proposed renovation of Clifton Park Center Mall to accommodate an updated entrance and theaters, 22 Clifton Country Road – Preliminary site plan review and possible determination. SBL: 272.-1-31.11

Mr. Joe Dannible, consultant for the applicant, described this project plan that calls for the renovation of the existing Clifton Park Center mall by constructing a new mall entranceway, improving parking areas, updating storm water management facilities, re-aligning roadways, updating theater space, and adding new shops. Mr. Dannible explained that the site plan has been revised to address Board comments provided at the August 10, 2010 meeting. Traffic patterns and pedestrian safety issues were reconsidered: it appears that the proposed modifications to traffic patterns are reasonable. A "collector aisle" for pedestrian traffic has been added to the plan. The stamped asphalt surface to be added within the parking area will direct pedestrian flow from the parking lot to the mall entranceway. Storm water management can be accommodated on site without significant change to the site plan.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, has reported that storm water management issues and emergency access issues for the proposed hotel must be addressed.

Mr. Scavo reported that a number of issues identified by the Planning Department have been addressed, though he supported CHA Companies' recommendation that any Board approval be conditioned upon the submission, review, and approval of a Maintenance and Protection of Traffic plan. He explained that prior to the stamping of the final site plan, sign-off by the Planning Department and CHA Companies will be required for any outstanding issues.

Mr. Romano stated that CHA Companies reviewed the following materials relative the above referenced project: Site Plan last revised August 25, 2010 prepared by Environmental Design Partnership, LLP; Stormwater Pollution Prevention Plan dated August 9, 2010 prepared

by Environmental Design Partnership, LLP; Response Letter regarding the Traffic Assessment dated September 1, 2010 prepared by Creighton Manning Engineering, LLP. The firm offered the following comments. In general, previous comments have been adequately addressed. The relocation of the existing access drive and the addition of the pedestrian access through the parking lot are significant improvements from the previous plan. The pavement slope within the limit of the proposed handicap accessible spaces should be verified since it appears that those spaces and the accessible aisle adjacent to the crosswalk from the new mall entrance is at a slope greater than 2%. The storm sewer connection to CB#5 and the sanitary sewer connection to the existing manhole within Clifton County Road should be included within the proposed saw cut line and the limit of disturbance on the Erosion and Sediment Control Plan. A Maintenance and Protection of Traffic plan should be prepared for the work to be completed within the Clifton Country Road right-of-way. The plan should include detour routes and signage for when the entrance from Clifton County Road will be closed. Mr. Romano noted that the applicant's response letter indicates that CME will provide a Maintenance and Protection of Traffic Plan prior to issuance of a Building Permit. This plan should be provided for review as soon as possible. A sanitary sewer lateral is proposed for future use from manhole #2. The crossing of this lateral with the existing 54" storm sewer should be verified. The condition of the existing storm sewer should be verified prior to construction and any damage caused from the sanitary sewer installation should be immediately repaired. Mr. Romano explained that although the response letter indicates that inverts have been added to the plans and that a note was added regarding the condition and repair of existing 54" storm sewer, the note is not apparent on the plan.

CHA Companies offered the following comments on the Storm Water Pollution Prevention Plan dated August 2010:

- The narrative indicates the intended runoff to be captured for the 25% WQ<sub>v</sub> requirement comes from a roof top. It should be noted that the additional impervious area required to be treated comes from the reconstructed parking lot area around the buildings. According to the design, this area is not being captured for treatment. According to Section 9.3.2 B. II in the NYS Storm Water Management Design Manual, the goal of treatment is to treat the "targeted" source of runoff to ultimately meet water quality standards. In this case the "target source" is the parking lot's imperviousness increase. There are pollutants generated on parking lots used by vehicles and pedestrian traffic that will not be generated on a rooftop. The conclusion that capturing runoff from a rooftop to represent the WQ<sub>v</sub> for parking area impervious increases is not a viable option to meet the water quality goals. The intended storm water management practice(s) should treat runoff from the "targeted" source the parking lot area, preferably where the impervious area increases are located. On the plans, the target area appears to be the west parking area oriented north and south west of the building adjacent to Clifton Country Road and the updated entrance to Clifton Country Road.
- According to the NYS Storm Water Management Design Manual 6.3.1, soil infiltration rates of > 5 in/hr require treatment for WQ<sub>v</sub> of 100%, not 25%.
- According to the narrative and analysis, the Stormtech infiltration system overflows onto the parking lot during the 10 year and the 100 year event. The Stormtech infiltration system should both attenuate the storm flows for the impervious increases and have an overflow bypass component to safely pass overflow to the downstream storm sewer connection without surcharge for at least the 10 year storm event. An off line design option with a bypass should be looked at to ensure the system treatment capacity (design criteria) is not exceeded by the parking area runoff
- The storm water management infiltration system should be sized to pre-treat

and treat 100% of the  $WQ_v$  provide extended detention of the  $CP_v$  (1-year) and attenuate the  $Q_p$  (10-year) and  $Q_f$  (100-year) flows.

- The response letter e-mailed August 23, 2010 indicates that the mall roof top can be justified as pre-treatment credit. All pre-treatment or treatment devices must work by volume, vegetative absorption, infiltration or hydraulic dynamics and must be approved by the NYDEC. The rooftop does not provide any of these and therefore is not a viable pre-treatment option.
- Pre- and post-development drainage area maps should be provided that include: delineated drainage areas, flow paths, design outfall points, time of concentration travel paths, existing and proposed drainage and storm water management practices and labels.
- Full plans and details of the storm water management design should be included.
- The Notice of Intent should be signed.
- The SWPPP should include a “winter operation” section that includes: snow management, stabilization measures, stabilizations timings, shutdown procedures, and inspections. The receiving waters section of the SWPPP should include the name, class, and standards of the waterbody the runoff is ultimately discharges to.
- The language in the Controls Section of the SWPPP regarding the use of straw bales for inlet protection should be removed. Straw bales should not be used for inlet protection.
- The use of sediment trap is checked on the NOI. The design and details of the sediment traps should be provided.
- The Erosion and Sediment Control Plans should include the following: a north arrow; sediment trap locations; a sediment fence along the south side of Clifton Country Road.

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

Board members recommended that appropriate signage be provided along the walkway and that “No Standing” signs be posted in the drop-off area. Mr. Ophardt recommended that the pedestrian collector in the parking area be aligned with the cross walk from the parking area to the mall entranceway. Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee described the installation of a proposed trail along Clifton Park Center Road as “high priority” and requested that the applicant provide such a trail or a 15’ wide easement for its future construction. Mr. Bulger commented that such a trail link would be more appropriate when future redevelopment plans are presented.

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

Mr. Koval moved, seconded by Mr. Hale, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, and CHA Companies. The motion was unanimously carried.

[2010-032] **Wit's End Giftique** – Proposed 5,400 SF addition to existing gift store, 1762 Route 9 – Preliminary site plan review and possible determination. SBL: 272.-1-1.4; 6.1

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that calls for the construction of a 5,400 SF addition to the existing Wit's End Giftique store located within Parkwood Plaza which is located in a B-4A zoning district on the westerly side of Route 9, adjacent to and south of the US Post Office. The project plan also includes the installation of 80 additional parking spaces, utility improvements, and storm water management. The applicant proposes land banking forty (40) of the proposed eighty (80) new parking spaces. Mr. Vuillaume explained that the storm water management area installed when Mooradian's Furniture Store was constructed was sized to accommodate the additional flows resulting from the expansion of the gift shop. The speaker presented a colored façade rendering for the Board's consideration.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered several comments regarding this application. The Director affirmed that the parcel lies within the B-4A zoning district. The Building Department will require the storm water containment pond to be fenced. A maintenance agreement with the Town is required since the owner of the Wit's End Giftique will retain ownership of that area. Since both parcels are pre-existing with only 20' of access on a public roadway, a variance pursuant to Section 208-97(2)(a) will be required: the building proposed will become even more nonconforming. As a keyhole lot, the building must be located 50' from all property lines. It does not currently meet this zoning requirement: a variance will be required. The applicant is asked to verify that there will be 37% green area on the parcel after construction.

Mr. Scavo recommended that the applicant file a consolidation deed prior to the issuance of the final stamped site plan.

Mr. Romano reported that CHA Companies reviewed this application and provided the following comments. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency is expected to include the Clifton Park Planning Board with site plan approval required. The proposed parking expansion appears to be located on an adjacent property from the proposed building addition. The owners of the parcels should be indicated on the plans. This includes the existing furniture store as this parcel utilizes the storm water management basin that is located on the parcel of the proposed parking. All existing utility and ingress/egress easements should be clearly identified on the plans. The site statistics table indicates that the greenspace will be 37%. It is not clear if this is for both parcels. The proposed greenspace for each parcel should be provided. The storm water basin shall be planted with trees and shrubs of significant size at maturity that are suitable for temporary flooded condition, promote uptake of nutrients and groundwater and will provide aesthetic value when viewed from the Northway. Use of ash, willow and dogwoods should be considered. Based upon the total number of parking spaces proposed, 4 handicap accessible spaces will be required: the plan currently depicts two accessible spaces.

Mr. Romano offered the following comments on the Stormwater Pollution Prevention Plan dated August, 2010:

- The existing stormwater management area and surrounding drainage area (1.29 acres) should be included in the pre and post development models.
- It should be verified that the required pre-treatment volume prior to infiltration is

provided within the existing forebay. The required pretreatment volume is a function of the infiltration rate of the underlying soil and as such the rate should be provided in the report.

- The Dwass Kill and tributaries are listed as 303D Streams. As such question #13 of the Notice of intent should be checked yes.
- The Notice of Intent indicates that a temporary sediment basin is to be utilized. Calculations and details of the temporary sediment basin should be provided and the location of the temporary basin should be depicted on the plan. It should be noted that infiltration facilities shall not be utilized as temporary sediment basins during construction.
- The anticipated construction time frame includes a winter season. The SWPPP should include a winter operations section that includes snow management, stabilization methods, stabilization timings, shutdown procedures and inspections.
- The Name and Receiving Waters section of the SWPPP should include the class and standards of the Dwass Kill.
- The references to utilizing the storm water management areas as temporary sediment basins in Section III of the SWPPP and on the Erosion and Sediment Control Plan should be removed.
- The proposed silt fence should be located parallel to the contours. Silt fence should be added at the base of the slope in areas of the basin that will be re-graded.
- The Erosion and Sediment Control Plan should depict the proposed construction staging and soil stockpiling areas.

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

In response to Mr. Ophardt's question concerning an existing access easement with the property directly north of the site, Mr. Vuillaume explained that the existing roadway linking the two sites will remain. Should the installation of banked parking spaces be warranted, the existing connection will become incorporated in the parking lot design as a drive aisle. Mr. Hale commented that he believes that the proposed banking of parking spaces is reasonable. Board members found the project plan acceptable, though Mr. Bulger pointed out that a sign-off from Mr. Myers, Chief Zoning Officer, for the storm water management plan would be necessary.

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

Ms. Pace moved, seconded by Mr. Bulger, to grant preliminary and final site plan approval conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, CHA Companies, and a sign-off for the storm water management design from the Chief Zoning Officer. The motion was unanimously carried.

### **New Business:**

[2010-034] **DeLeonardis, Michael** – Consolidation and re-subdivision of two (2) lots, 1858 Route 9 – Conceptual review. SBL: 265.-1-15.11 and 265.-1-15.2

Mr. Kevin Dailey, legal representative for the applicant, presented this application for the Board's consideration. The applicant proposes the consolidation and re-subdivision of several parcels of land that lie within a B-5 zoning district on property located on the westerly side of US Route 9 north of the intersection of Route 9 and Kinns Road. Two of the existing parcels – 265.-1-15.11 and 265.-1-15.2 - lie within the Town of Clifton Park. The two other parcels – 266.-1-23.1 and 266.-1-25 – lie with the Town of Halfmoon. The project plan calls for subdividing the existing 8.08 acre lot into parcels of 2.26 acres and 5.82 acres, respectively. The smaller lot will provide for the construction of a 900 SF office building, a 7,200 SF warehouse, and a 4,500 SF outdoor storage area to serve MVP Construction Company. The existing two-story frame house, attached garage, and one-story frame shed on the larger parcel will be removed and the area rough graded to provide an “adequate basis for future development:” an existing single-story barn on that property will remain. It is anticipated that an area variance will be required for Lot #1. Lot # 1 will be accessed via a 24' wide private drive from Route 9.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated September 7, 2010. Since the proposed access is actually in the Town of Halfmoon, correspondence noting that town's approval of the plan as well as approval from NYSDOT will be required. A full Storm Water Pollution Prevention Plan will be required. The Clifton Park portion of the site lies within the B-5 (Corporate Commerce) zoning district. The proposed use is permitted within this zone. Lot #2 is 5.82 acres. Since the maximum lot size within the zone is three (3) acres, a variance pursuant to Section 208-54A will be required. The green space requirement for parcels within the zone is 50%: Lot #1 does not appear to meet this requirement. Since Lot #1 apparently meets the definition of a keyhole lot, a variance pursuant to Section 208-86 that requires 50' setbacks from all property lines may be required. Parking in the front yard is not permitted per Section 208-54E “unless the Planning Board approves due to the keyhole configuration.”

Mr. Scavo offered the following Planning Department comments. He recommended that coordinated review in accordance with the SEQRA process be conducted with the Planning Board assuming Lead Agency status. He also recommended that a note be added to the plan that states that the building be connected to the Clifton Park Water Authority system within twelve (12) months of its availability at the property line. Mr. Scavo explained to the Board that approval of both a subdivision plat and site plan will be required.

Mr. Romano reported that CHA Companies prepared the following comments regarding this project plan. The proposed project appears to be an unlisted action pursuant to SEQRA and, as such, coordinated review is optional. Involved agencies include the following: Clifton Park Planning Board - Subdivision Review and Site Plan Review; Clifton Park Zoning Board of Appeals – Area Variances; Town of Halfmoon Planning Board – Site Plan Review; NYSDOT – Curb Cut Permit; Saratoga Country Sewer District #1 – Sewer Connection Permit. A portion of the project site, including the proposed curb cut, is located within the Town of Halfmoon. The Town of Halfmoon should be forward a copy of the application for review and approval. The applicant should contact the Code Enforcement Officer regarding the variances that will be required. A wetland delineation and a jurisdictional determination should be provided. The plan depicts 20 feet of fill within a drainage course that is located immediately upstream of the Dwaas Kill. CHA Companies has concerns with the impacts associated with the proposed fill of this

area. It would appear that the layout could be revised or the project area increased to eliminate the need to fill the drainage course. The applicant should investigate the possibility of a sanitary sewer connection to the Dwaas Kill trunk sewer. The need for access management is very important as this area continues to develop. The number of curb cuts associated with the development of the site should be kept to minimum. All proposed curb cuts should include an access easement to the adjacent parcels for potential future connections. The sight distance at the proposed curb cut should be verified. A NYSDOT curb cut permit will be required. Section 208-54 A of the Town Code states the following: “The maximum lot size shall be three acres unless the Planning Board finds that a larger lot size will promote the intent and purpose of this article. In making such determination, the Planning Board shall find that the increased acreage will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts; that the increased acreage would not prevent the orderly and reasonable use of permitted or legally established uses in the district wherein the proposed use is to be located; that the health, safety, welfare or order of the Town will not be adversely affected by the proposal; and that the proposal will be in harmony with and promote the general purposes and intent of this article. In addition to the above standards, the Planning Board shall also consider the character of the existing uses and approved future development in the district and the peculiar suitability of such district for the location of any such proposal; the conservation of property values and the encouragement of the most appropriate use of land; the effect that the location of the proposal may have on the increase of vehicular traffic congestion on public streets and highways; whether the use or structures to be used therefore will cause an overcrowding of land or undue concentration of population; and the physical characteristics and topography of the land.” The Planning Board may wish to require a comprehensive concept development plan for Lot #2 in order to determine the potential impact of the development. The area reserved for the storm water management area appears inadequate based upon the proposed increase in impervious area. An on-site well is proposed. Connection to municipal water supply should be investigated.

Mr. Montague, Environmental Specialist, provided the comments and recommendations prepared by the ECC. The limits of the LC zone and 100 foot buffer zone, DEC wetlands, and federal jurisdictional wetlands shall be identified on the plot plan. The ECC notes that the project may result in intrusion into federal jurisdictional wetlands. The applicant must avoid intrusion into ACOE wetlands or apply for a Federal Wetlands Permit for disturbances of more than 1/3 acre in total for the project. The Town of Clifton Park should be provided with copies of all related correspondence.

Mr. Bulger explained that since there is no definitive plan for future development in the area, the Board must “act with known components” in accordance with zoning regulations. In response to Mr. Werner’s question regarding traffic generation, Mr. Dailey explained that MVP Construction will generate little traffic at the site. Mr. Hale commented that ACOE approvals may be needed. Board members found the project proposal generally acceptable.

[2010-031] **Shooting Stars Childcare, Inc.** – Proposed expansion of existing childcare facility, 609 Route 146 – Conceptual site plan review.

Mr. Tom Andress, consultant for the applicant, has requested that the Planning Board consider the proposed expansion of child care services at the existing Shooting Stars Child Care

Center located at 609 Route 146A. The applicant proposes to add an after school program serving 20 children to its existing service. The children to be served are all students of the Shenendehowa School District and would be dropped off by school bus at the site between 2:30p.m. and 3:00p.m. Mr. Andress explained that he has consulted with school district officials regarding site access. A full size bus was brought to the site to determine if it could maneuver through the site. Though this trial provided proof that such maneuverability was possible, Mr. Andress explained that it is district policy to prohibit buses from entering any site that has parking. Therefore, the bus would stop on Route 146A to discharge passengers. The proposed service is exactly the same as that provided by Shannon's Rainbow, a day care facility that formerly operated at the site. No problems were ever encountered with the drop-off arrangement.

Mr. Scavo stated that Mr. Myers, Director of Building and Development, reported that the proposed use was permitted within the B-3 zoning district. He recommended that "parking be evaluated in the field" due to the unusual lot configuration. Mr. Myers noted that variances would be needed for building and parking setbacks.

Mr. Scavo explained that the project was referred to the Planning Board because of concerns with the movement of buses through the site. The demonstration conducted by the school's transportation department proved that buses could indeed safely enter, move through, and exit the site. He recommended that an updated site plan illustrating all improvements be provided to the Planning Department.

Mr. Romano recommended that the site be restriped and that a pedestrian walk way be provided between the parking area and the building.

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

Ms. Paulsen commented that she believed that there was a definite community need for after-school child care and that the proposed expansion of the existing child care facility would have minimal impact on traffic. Board members found the proposal acceptable.

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

Ms. Paulsen moved, seconded by Mr. Ophardt, to grant preliminary and final site plan approval conditioned upon restriping of the parking area and the submission of an updated site plan. The motion was unanimously carried.

### **Minutes Approval:**

Mr. Bulger moved, seconded by Mr. Koval, approval of the minutes of August 10, 2010 as written. Ayes: Paulsen, Pace, Andarawis, Koval, Werner, Bulger. Noes: None. Abstained: Ophardt, Hale.

Mr. Koval moved, seconded by Ms. Pace, adjournment of the meeting at 11:30p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held on September 28, 2010.

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

**NOTICE OF DECISION****Resolution #12****Preliminary and Final Approval**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on August 10, 2010, there were:

Present: S. Bulger, Chairman, M. Hale, J. Koval, E. Ophardt, S. Pace, K. Paulsen,  
T. Werner  
E. Andarawis, Alternate Member

Absent: None

Mr. Hale offered Resolution #12, and Mr. Bulger seconded, and

Whereas, an application has been made to this Board by Jennifer Zaccaria for approval of a subdivision entitled Subdivision of the Lands of Jennifer Zaccaria consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 15, 2010;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on September 15, 2010;

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

Now, therefore, be it resolved that the final hearing for this application is waived and that the subdivision plat entitled Subdivision of the Lands of Jennifer Zaccaria consisting of (2) lots is granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered provided by the Planning Board, Planning Department, and CHA Companies.

Resolution #12 passed 9/15/2010

Ayes: Ophardt, Pace, Paulsen, Hale, Werner, Koval, Bulger

Noes: None

Steven J. Bulger,

Chairman