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PLANNING BOARD

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Michael Hale
Joel Koval

Eric Ophardt
Sandra Pace

Kim Paulsen
Tom Werner

(alternate)Emad Andarawis

Planning Board Meeting
September 28, 2010

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

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

Those absent were: S. Pace

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 would be sitting as a full voting member in the absence of Ms. Pace.

Public Hearings:

[2007-027] **DeMarco-Stone Funeral Home** – Proposed 3,300 SF funeral home, 533 MacElroy Road – Preliminary SEQRA public hearing, final site plan review and possible determination. SBL: 259.9-1-17

Mr. Bulger, Chairman, called the public hearing to order at 7:00p.m. The Secretary read the public hearing notice as published in the Daily Gazette on September 22, 2010.

Mr. Scott Lansing, consultant for the applicant, presented this application that was last considered by the Planning Board at its March 23, 2010 meeting at which time Board members

and CHA Companies provided a number of comments and expressed concerns about the limited number of parking spaces on the site. Mr. Lansing explained that the size of the proposed building has been reduced from 4,000 SF to 3,330 SF. Written responses to issues of concern raised at that meeting have been submitted. Mr. Lansing addressed the some of the most significant issues. Though CHA Companies recommended concrete landing pads for pedestrian connections across the Hatlee Road – MacElroy Road intersection, Mr. Lansing pointed out that there are no sidewalks leading to or from the proposed pads. Since the long-term utilization in a potential sidewalk plan is uncertain, he noted that the cost and benefit of installation of the pads is difficult to justify. In response to concerns regarding the inaccurate contours of the berms provided along MacElroy Road, Mr. Lansing explained that the height of the berms and the planting of substantially-sized evergreens will screen parked cars and prevent the glare of headlights from impacting adjoining property owners and those traveling on MacElroy Road. Proposed planting materials will meet required size requirements. Technical issues and lighting plans have been revised in accordance with CHA Companies' recommendations. A façade rendering was presented for the Board's consideration. Since the Planning Board was particularly concerned with available parking on the site, Mr. Lansing explained that although sixty-two (62) spaces were required per Town Code, the plan shows a total of 105 spaces. An additional 10-15 spaces would be available per a reciprocal parking agreement with the Jonesville Country Store. The speaker noted that there are more than one hundred parking spaces at the nearby Grace Chapel; however, representatives of that church have been unwilling to enter into a written shared parking agreement. Mr. Lansing stated that "No Parking" signs will be installed as required on nearby roadways, valet parking will be available to those attending events, and traffic direction personnel will be employed to manage traffic flow. The existing row of trees along the northern property boundary will be preserved. 38% of the site will be dedicated green space. Underground storm water management facilities are proposed. The applicant will work with the Historic Preservation Commission to construct a building that reflects the character of the Jonesville community.

Ms. Wendy Cimino, representative of the Creighton Manning Engineering firm, briefly reviewed the traffic study that was conducted for this project. She described the methodology employed in the study and presented the conclusions that were reached. The study determined that the LOS (Level of Service) at both the Main Street – MacElroy Road – Hatlee Road intersection and the Longkill Road – Ushers Road intersection currently operated at a "B-C" Level of Service. Construction of the funeral home would result in very little change to these existing operation levels. Minor clearing would be required at the driveway access to improve sight distances. A "sensitivity analysis" that involved increasingly larger numbers of visitors to the site based on the anticipated number of wake and funeral attendees was also performed due to the controversial nature of the proposed use. Ms. Cimino explained that a detailed review of various estimates of visitors to the site failed to change the study results: the impact of the funeral home on existing traffic flow in the area would be minimal.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided a number of comments regarding this application in a memo dated September 20, 2010. Mr. Myers noted that the "detail still does not allow accessibility review." A definitive answer regarding the need for an industrial waste permit should be provided. The memo offered the following comments regarding the Storm Water Pollution Prevention Plan. CB#2 at the

southwest corner appears to discharge to the onsite system as well as offsite: offsite discharge is not allowed. If the expected flow requires an additional discharge, the system should be re-sized to handle all storm water on site. There appears to be flow entering the stormceptor system at two points after passage through CDS units. Details of these connections should be provided. Soil borings were conducted in March, 2009 per the Storm Water Pollution Prevention Plan which is not a high water table time of the year. The water table is shown to be at elevation 89.0, 3.05' below the stormceptor base as required. More detail on the water table elevation at wetter times of year should be provided prior to acceptance of the Storm Water Pollution Prevention Plan to ensure that no conflicts occur since many residents of the area use wells or points for their household water. It seems inconsistent that test holes 8-10' down from existing elevation 98 show no mottling or groundwater yet the water table is noted at elevation 89. Section 6.3 of the Storm Water Pollution Prevention Plan incorrectly states that storm drainage facilities shall be based on a 10 year storm event.

Mr. Scavo provided comment from the Planning Department. A detail of the proposed dumpster enclosure should be provided. Green vinyl coated chain link fence with vinyl privacy slats should be used. The Board may also want to consider requesting the installation of a white solid plastic resin fence. The dumpster enclosure should be required to be in height to completely shield the proposed dumpster. A sample photograph of a solid white resin dumpster enclosure was provided to the applicant. The speaker also noted receipt of a memo dated September 27, 2010 from Mr. Louis Pasquarell, Jr., Chief of the Jonesville Fire District, that stated that although he was "not overly concerned with the Jonesville Fire Department's ability to provide fire suppression to the proposed funeral home, he "had concerns with traffic that the funeral home would generate during high profile wakes and funerals because fire apparatus could have a problem maneuvering past the additional traffic."

Mr. Grasso provided the following comments that were prepared by CHA Companies after review of the preliminary plan. Though Mr. Lansing has argued to the contrary, Mr. Grasso continued to recommend the installation of concrete landing pads for the pedestrian connections across the Hatlee Road/MacElroy Road intersection to provide an area for bicyclists and pedestrians refuge while waiting to cross the street: CHA Companies disagrees with the applicant's conclusion that they should not be required. The contours of the berms along MacElroy Road continue to be inaccurately depicted, and there are no provisions to adequately address the storm water that comes from the culvert crossing MacElroy Road west of the site. Given the limited size of the site, excessively drained soil conditions, and in order to minimize the potential for erosion and siltation; it is recommended that sod be used in lieu of hydroseeding or seeding and mulch of proposed turf areas. The lighting fixtures in the center of the parking area should not have the house side shield option. Those located along the perimeter should have the shields located to reduce spillage toward adjacent properties. The "200H" wattage is not available for high pressure sodium lamps: CHA Companies continues to recommend the use of 100 or 150 wattage fixtures. The footcandle levels do not show levels above 1.0 fc: it is not possible to confirm the uniformity ratio provided with the 200 watt fixtures. It appears that the revised plans have removed all house side shields from the fixtures. It is recommended that the lights along the perimeter have house side shields. Additionally, the proposed wattage should be verified.

Mr. Montague, Environmental Specialist, reported that the ECC issued the following recommendation regarding this application. If hazardous materials will be stored on-site, the applicant must submit a plan for approval addressing handling and storage and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored.

Ms. Pam Marshall, 5 Fairlawn Court, stated that, although she realized that the proposed funeral home was an allowable use within the B-3 zoning district, the use may not be practical at the MacElroy Road – Main Street location. Her concerns centered on the impact of the development on traffic flow. She questioned how funeral processions would be safely directed through the nearby intersections. She stated that the width of the roadways in the center of the hamlet were very narrow and commented that, in her opinion, it would be difficult for emergency vehicles to maneuver through the area should there be a lengthy funeral procession.

Mr. Frank Berlin, 980 Main Street, stated that although it was prudent of the Planning Board to request the preparation of a professional traffic study, that study did not address the unique concerns of the residents of Jonesville. He commented that there is “simply not enough room” for the overflow parking that may be required for high profile wakes and funerals. Explaining that he conducted his own informal survey of traffic generated by the funeral home by observing traffic flow at another site owned by the applicant, Mr. Berlin noted that there were 1.5 people per car visiting that funeral home location. Based on this information, he concluded that the number of parking spaces provided at the Jonesville site would be inadequate for a funeral that attracted a significant number of visitors. He concluded his remarks by stating that “there must be appropriate parking to serve a proposed business.”

Mr. Brian Post, 977 Main Street, commented that although the size of the building has been reduced, the number of those attending some wakes and funerals is not determined by the size of the building. He stated that Main Street and other area roadways are narrow and that there “made even narrower” by mailboxes that border them. He was concerned that traffic would not be well controlled and that drivers would find the substandard Dyer Drive an easy “short cut” to and from the business. He was very concerned that children in the area would be “put at risk” and stated that development of the proposed business at the MacElroy Road – Main Street location would “not be fair to residents of Jonesville.”

Mr. Walt Forney, 8 Dyer Drive, took issue with the location of the vehicle counter that was used as a basis for the traffic study and he stated that he believed that a number of those traveling to the funeral home site would use Dyer Drive as a “short cut.” He expressed concern for the drainage situation along MacElroy Road in the vicinity of a residence owned by Angela Krulls, noting that the development will likely interrupt the existing drainage flow. He stated that the reciprocal parking agreement with the owners of the Jonesville Country Store would not measurably add parking spaces for the funeral home because peak hour operation for the restaurant/store would be the same as peak hour operation of the funeral home. Noting that the roadways in the Jonesville area were considerably more restrictive than those surrounding other funeral homes operated by the applicant, Mr. Forney stated that the “whole issue of concern is traffic.” He believes that the problem is “not fixable.”

Mr. Ron Enfield, 18 Dyer Drive, explained that, as law enforcement professional, he believes that the site development as proposed will jeopardize the safety of those residing on Dyer Drive and the Jonesville area in general. He believes that traffic on Dyer Drive will be increased and that enforcement of the “No Parking” signs will be limited since issuance of tickets to those attending wakes and funerals is not generally an accepted practice.

Mr. Walter Chaikowski, 524 MacElroy Road, stated that he was “saddened” by the proposed development. He asked that the applicant relocate the access drive to the west to minimize the glare of headlights that would be directed to the front of his home.

Mr. Jeff Ogle, 2 Dyer Drive, asked that the driveway location remain as presented. He stated that construction of the funeral home would “change his way of life” since those conversing in the parking lot, the slamming of car doors, the inadvertent activation of vehicular panic alarms, and general noise created by the development would negatively impact his current lifestyle. Citing the probable overflow parking along MacElroy Road and Dyer Drive and the glare of headlights, he described the plan as a “horrible project” and asked that the Board deny approval.

Mr. Enfield reiterated his concerns for the safety of those residing in the vicinity of the proposed funeral home. He asked that the height of the berm be increased to mitigate impacts to adjoining properties. In response to his question regarding the location of lighting fixtures, Mr. Lansing explained that they will be located appropriately throughout the site though there would be no “spillage” from the site to other properties.

Mr. Berlin stated that he had witnessed 11 cars per minute accessing – or attempting to access - the applicant’s Helderberg Avenue site. He encouraged Board members to consider the implications of queuing for that number of vehicles on the substandard roadways in the center of Jonesville.

Ms. Gail Winters, 966 Main Street, stated that she was concerned with site lighting. Mr. Lansing explained that lighting within the parking lot would be provided only when the home was being used. Timers would be installed to limit the amount of lighting on the site during the night and when there were no scheduled viewings or services at the site.

In response to Mr. Post’s concern that emergency service vehicles would be unable to maneuver through the village when a funeral procession was passing by, Mr. Bulger explained that the application had been reviewed by the Emergency Services Advisory Board (ESAB) and that that Board found the project plan acceptable.

In response to Mr. Enfield’s question regarding the location for the lineup of vehicles within the funeral procession, Mr. Lansing stated that space has been provided within the parking lot for the lineup of vehicles to be organized.

Mr. Bill Engleman, 6 Partridge Plateau, asked if impacts of the development on the existing streetscape and character of Jonesville had been considered. Mr. Kazmierczak, Chairman of the Historic Preservation Commission, stated that although comment and

recommendation regarding impacts to the existing streetscape and community character are not within the purview of the Commission, the group did encourage the project architect to design a building that reflected the historic character of the neighborhood. Mr. Kazmierczak explained that members expressed their preference for construction of a Greek revival style building. Mr. Engleman asked if the Historic Preservation Commission considered the scale of the building in comparison to existing buildings within the hamlet. He asked if the building would impact the eligibility of adjacent buildings to be considered for inclusion in the Historic Register. Mr. Kazmierczak stated that the building size was determined by its proposed use: he stated that the applicant has responded positively to recommendations of the committee. He stated that the proposed building would have no impact on the eligibility of adjoining properties to be included in the Historic Registry. Mr. Bulger explained that Ms. Pace, Planning Board liaison to the Historic Preservation Commission, reported that she had worked with Mr. Kazmierczak and the Commission on this application and that she was satisfied that the proposed design was reflective of Jonesville's character.

In response to Mr. Post's concerns regarding the control of funeral traffic through the MacElroy Road – Main Street and Longkill Road – Ushers Road intersections, Mr. Grasso explained that traffic will operate as it does at any intersection through which such a procession passes.

Ms. Marshall stated that since there was very little shoulder area provided along the adjoining roadways, it would be very difficult for emergency vehicles to travel through the area. Mr. Bulger again explained that the ESAB identified no significant issues of concern with the application.

In response to Mr. Hartnett's concern regarding a sidewalk to serve the site, Mr. Lansing explained that a sidewalk connection would be provided.

Mr. Forney reiterated his concerns regarding drainage from the site to adjacent properties. Mr. Bulger explained that Mr. Myers, Director of Building and Development and Chief Zoning Officer, must sign-off on the Storm Water Pollution Prevention Plan before issuing a Building Permit. Mr. Lansing explained that that site has been designed to handle a 100 year storm event and that excess water would be directed to containment facilities located near the MacElroy Road – Main Street intersection.

In response to Mr. Post's comment that the Board should consider the impact of traffic generated by the site development on the 156 Shenendehowa Central School bus trips that occur in the area each day, Mr. Bulger explained that every application is forwarded to the school district for review and comment. The district has indicated that it has no significant concerns regarding the proposed development.

Mr. Ron Winters, 966 Main Street, commented that since the Jonesville Store has approximately 20 parking spaces, the reciprocal parking arrangement that has been established will provide only minimal additional parking for the facility. Mr. Post stated agreed that the reciprocal agreement will provide minimal relief to the parking situation.

Mr. Engleman observed that patrons of the Jonesville Country Store currently park on the parcel slated for development. Mr. Bulger explained that no site plan review is required for such parking and that the issue of enforcement for such parking – if unacceptable to the property owner - lies entirely with that owner.

Since no one else wished to speak, Mr. Bulger stated that he and the Board members were appreciative of the interest shown in the application and the amount of work each participant in the public hearing put into the well-thought out comments. He commented that those who spoke “had done their homework” and he thanked all those who had “played a leadership role” in encouraging public participation in the planning process.

Mr. Jim Shultz, legal representative for the applicant, was granted an opportunity to address some of the issues of concern presented during the public hearing. He stated that the applicant employed “internal traffic controls” and hired individuals to direct processions to the highway. He explained that such businesses often work with county sheriff’s departments as well as the State Police to ensure the safety of funeral attendees. Mr. Shultz stated that valet parking service is always available. He also stated that reciprocal parking agreements would be utilized in an “as needed” basis: no restaurant parking would be permitted should an event at the funeral home be scheduled. The speaker stated that site lighting would only be required when events were scheduled.

There being no additional public comment, Mr. Bulger moved, seconded by Mr. Koval, to close the public hearing at 8:34p.m. The motion was unanimously carried.

Mr. Werner asked Ms. Cimino for clarification regarding the volumes of cars associated with various types of events as described in the Creighton Manning traffic study. Ms. Cimino explained the methodology for estimating the number of cars that would be generated by different “levels” of events. By observing the number of vehicles for several kinds of funerals at other locations owned and operated by the applicant, the firm estimated the number of trips the business would generate. This information was then used to calculate the number trips generated by the Jonesville facility and determine its impact on the community. Mr. Shultz, attorney for the applicant, advised the Board that it was his client’s intent to dissuade clients from using the smaller facility for larger events.

Mr. Shultz provided details of his negotiations with representatives of Grace Chapel noting that pastor of that church had agreed that the church parking lot could be used by DeMarco-Stone if needed when the church was not being used. The pastor and other church representatives, however, refused to put such an agreement in writing. Mr. Bulger explained that the Planning Board much prefers written authorization for such shared parking arrangements.

Mr. Ophardt explained that Mr. Schultz’s commentary regarding the verbal agreement concerning parking arrangements with Grace Chapel “crystallized” the issue of overflow parking for him: he was concerned with the potential safety hazards that might result from people walking from the Grace Chapel site to the funeral home along Hatlee Road. He referenced the Peddler’s Restaurant site on Clifton Park Village Road, noting that although that applicant met code parking requirements, unacceptable parking conditions resulted from the restaurant’s

construction and operation. He provided anecdotal evidence of his concerns by describing his personal observation of those visiting the Emerick Funeral Home on Route 9 who were forced to park along the busy highway and walk in the direction of traffic in violation of the state's Traffic and Safety Law. Without adequate overflow parking capacity, Mr. Ophardt did not support approval of the application. Mr. Shultz noted that the applicant has provided 65% more parking than the number of spaces required by the Town Code.

In response to Mr. Werner's question regarding the number of parking spaces available at other sites operated by the applicant, Mr. Shultz stated that there were approximately 80 spaces at the Rotterdam and Guilderland locations and considerably more at the larger facility in Glenville.

Mr. Koval thanked the applicant for his positive responses to Board concerns, though he stated that he was concerned about the "day-to-day health, safety, and welfare" of those residing in the Jonesville area. His concern focused on the traffic safety issues that would be created by visitors who on occasion would be forced to park on the substandard roadways such as Dyer Drive, MacElroy Road, and Hatlee Road should the proposed parking lot be unable to accommodate all vehicles. Though he could identify "lots of benefits" for the residents of Clifton Park, he found the limitations for overflow parking to be potentially hazardous and undesirable.

Mr. Hale commented that although he viewed funeral homes as an "integral part of a community," he believes that the facility and/or adjoining roadways must have adequate space to accommodate traffic flow and parking needs. He stated that he viewed the reciprocal agreement for parking with the Jonesville Country store as "almost irrelevant" since there were only 20 spaces available for store patrons and the hours of peak operation for both businesses were similar.

Mr. Andarawis was concerned that without enforcement of the posted "No Parking" zones, area residents would "just have to live with the situation."

Ms. Paulsen commented that the parcel slated for development could, per the zoning code, accommodate many uses. Though she sees the need for a funeral home in Clifton Park, she believes that any parking along MacElroy Road "will not work."

Mr. Bulger stated that he had given this application a "great deal of thought" and that although, in general, he viewed the project positively, the location for its development was of serious concern. He read the following prepared statement:

Parking at this site for large wakes and/or funerals continues to be a single biggest challenge for the applicant to address, in my opinion. Though the applicant has made many modifications to the plan to address this issue, there are significant problems remaining.

It is true that the project contains enough parking spots on site as per Town Code requirements, though I am concerned these recommendations are outdated and nor reflective of necessary parking requirements for funeral homes in 2010. There is clearly not enough parking available to adequately handle a

large event that would draw upwards of 125 cars or more. Since this project was first proposed by the applicant, I have personally attended three wakes where there were at least 125 or more cars in attendance, as I took the time to accurately count them myself. So, based upon personal observation, I know that large wakes do happen, and are not rare events.

There is no adequate overflow parking available at the site to handle these large numbers without parking along the neighboring roads, including MacElroy Road and Dyer Drive. I believe the mitigation efforts proposed by the applicant, including shifting bigger funerals to another funeral home in a different town, are neither enforceable by the Town, nor practical based on the variability of turnout.

The proposed parking is likely to increase congestion that will be brought to the intersection of Main Street and MacElroy Road. While a permitted use, the site on which the project is proposed is significantly constrained by its lot size. Although area variances were granted by the Zoning Board of Appeals, the applicant has not adequately satisfied my concerns for public health, safety, and welfare based on their inadequate plans to handle overflow parking situations. The Planning Board, in my opinion, has been charged to review site plan applications on a case-by-case basis, and this necessarily entails the exercise of some discretion. For me, the irresolvable parking issue is a safety issue, and implicates pedestrian and traffic safety for untold patrons of the funeral home for decades to come, the surrounding residential neighborhoods, and the general public. The minimum parking standard in the Town Code is just that – a minimum, and although the application clearly meets that minimum, that doesn't absolve this Board of its duty to exercise discretion based upon our collective experience and based on the entire record before us. In my view, based on more than seven years of experience on this Board, the parcel sought to be developed for this site plan is simply inadequate for the purpose stated. Without a larger lot size, I see no practicable and feasible means for the applicant to pursue to address my concerns. I will, therefore, be recommending and making a negative vote on this application.

Mr. Bulger moved, for the reasons expressed above, seconded by Ms. Paulsen, to deny this application. The motion was unanimously carried.

Mr. Bulger summarized the evening's discussion by stating that although the applicant "has done everything asked of him," the Planning Board does not believe that the "site will work" for the business proposed in the application.

Old Business:

[2009-025] **VanPatten, Ronald Wayne** – Proposed (12) lot subdivision, 621 Englemore Road – Preliminary review and possible determination from public hearing held on May 26, 2010. SBL: 277.-1-54; 277.-1-81.2; 277.-1-82

Mr. Duane Rabideau, consultant for the applicant, presented this application for the Board's review, explaining that a comment response letter has been prepared to address comments issued by CHA Companies and the ECC at the May 26, 2010 Planning Board meeting

and the Clifton Park Water Authority in a letter dated June 9, 2010. The consultant stated that Mr. VanPatten has worked out an agreement with his neighbor, Mr. Belanger whereby Mr. Belanger will not contest the use of an easement through his property provide for emergency access to the Lands of VanPatten. Mr. VanPatten has agreed to install a gate on the easement that would be kept locked. A key for the gate will be provided to emergency service organizations. Mr. Belanger has agreed to convey .90 acres of his property to Mr. VanPatten. This land transfer will allow Mr. VanPatten to reconfigure proposed lot lines, allowing the creation of two additional lots to his subdivision application: the total number of lots, therefore, would be 14. Mr. VanPatten has agreed to allow Mr. Belanger to connect his apartments (three (3) duplex buildings) to the water and sewer lines that he must install. The additional lots will help Mr. VanPatten offset the cost of extending the public utilities that he is bringing to the site. Mr. Lansing explained that the project plans have been revised to address the concerns raised by CHA Companies. The revisions are outlined in the written narrative provided to the Planning Board: the updated plan includes all applicable revisions. Revised plans also reflect the comments and recommendations provided by both the ECC and the Clifton Park Water Authority.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated September 20, 2010. Specific details regarding plan note #3 must be submitted to ensure that variances granted by the Zoning Board of Appeals have not changed. The Storm Water Pollution Prevention Plan is incomplete since no grading plans and temporary sediment basins or controls have been included. The site is directly adjacent to a municipal water source that has not been considered in the plan. The Storm Water Pollution Prevention Plan must be re-submitted for review once it has been completed. Mr. Scavo also reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that the Postal Verification Form be submitted for approval.

Mr. Scavo provided Planning Department comments. He recommended that Mr. VanPatten establish a significant bond to guarantee that the road is constructed to both fire department and emergency services' access standards and that it is properly maintained. The roadway should allow access for normal household deliveries to all the residential lots within and provide access for meter readers, fire inspectors, assessor's office personnel, and other governmental officials and inspectors. An engineer's estimate on the costs for improvements should be provided to the Board to provide a basis for the amount of the performance bond. The Planning Board should consider requiring that the maintenance burden to be levied on respective lots within this subdivision be included as deed restrictions when transfers of title occur. This would ensure continued maintenance of the roadway when Mr. VanPatten no longer owns the property. All lot owners within the development should have a deeded burden to maintain the road. Language within the proposed deeds should be prepared by the applicant's consultant for review by the Planning Board Counsel. Utility easements similar to those provided for the Assembly of God parcel should be provided to both Lobos and Belanger: the easements should be shown on the subdivision plan. Owner Authorization Forms from Lobos, Tryon, and Belanger should be submitted since the proposed subdivision involves lands currently owned by each. Construction vehicles and workers accessing the VanPatten property should utilize the main entrance on Sunny Way: the easement through the Lands of Belanger should be closed off as soon as possible. Mr. Scavo recommended that it be closed within 60 days of Planning Board

approval. A detail of the proposed gate and locking mechanism should be submitted to the fire chief for his sign-off before installation. The Notice of Decision should state the applicant shall have 2 years from the effective date of subdivision approval (the subdivision approval date will commence upon the filing of the Notice of Decision with the Town Clerk's Office by the Planning Board Secretary) to make all necessary improvements. The 50' keyhole setbacks for Lots #13 and #14 should be shown to ensure they are building lots that meet required setbacks. A notation should be added to the plan noting that water laterals are the responsibility of individual property owners: the water lateral shall begin at the water main connection and continue to the residential dwelling unit. The Variances Granted note on page two of the subdivision plan should indicate that variances were granted by the Zoning Board of Appeals at a meeting held on February 2, 2010 as listed in the Notice of Decision dated February 10, 2010. The "Variance Required" notes on the plan should be revised to read "Variance Granted".

Mr. Grasso reported that CHA Companies reviewed the subdivision plan last revised September 7, 2010, and the Storm Water Pollution Prevention Plan and Sanitary Sewer Report last revised September, 2010 for the above referenced project as prepared by Lansing Engineering, PC. Several comments from the May 14, 2010 review letter remain to be addressed: additional comments have also been provided. The proposed private drive will be maintained by Wayne Van Patten until a lot is sold at which time a Homeowners' Association will be created for the purpose of maintaining the road. Until the Homeowners' Association is created, CHA Companies continues to recommend that a bond be established for the purpose of the road construction and maintenance for the access of emergency vehicles, the Clifton Park Water Authority and the Saratoga County Sewer District. It is recommended that the existing access drive across the lands of Belanger be improved to meet the specifications of the proposed private drive. The length of the proposed private drive and the number of lots it serves warrants a second means of access for emergency vehicles. The response letter indicates that that the drive will be improved to support emergency vehicles though the plans do not depict any improvement along the drive. The subdivision is proposing the acquisition of lands from the adjacent properties of Lobos and Tryon. A written acknowledgement regarding the proposed subdivision should be provided from the adjacent property owners. The response letter indicates that the applicant is in the process of obtaining written acknowledgement regarding the acquisition of lands. The plan depicts an existing water service from pump house to the adjacent apartments. The existing service should be connected to the proposed watermain. An easement should be provided for the portion of the service located within the Lands of VanPatten. The response letter indicates that the applicant is discussing this option with Clifton Park Water Authority and the adjacent property owners.

CHA Companies offered the following additional comments. The proposed subdivision has been revised to include a conveyance of 0.90 acres from Lands of Belanger and the creation of two additional building lots. The existing structures on the Lands of Belanger should be depicted on the plan and it should be verified that the lot will meet zoning requirements following the land conveyance. Easements should be provided for the hydrants located outside of the proposed right-of-way. The conveyance of right-of-way connecting Stoney Heights Court and Emmons Drive is consistent with previous recommendations, as this could accommodate a future trail or vehicular connection. A note should be added the remnant parcel north of the right-of-way is part of Lot #12 and is not to be considered a separate building lot. Any future

development on Lot #12, including the remnant parcel, shall be subject to Planning Board review and approval. The location of the right-of-way to be conveyed should be shown on the Layout and Material Plan. The Layout and Material Plan should show the proposed house and driveway locations for Lots #13 and #14. The final Storm Water Pollution Prevention Plan should include a signed Notice of Intent.

Mr. Montague, Environmental Specialist, stated that the ECC offered the following comment after review of the project plan for this application. The limits of the LC zone and 100 foot buffer zone, DEC wetlands, and federally jurisdictional wetlands shall be identified on the plot plan. Pursuant to Section 208-69 of the Clifton Park Town Code, uses within a delineated LC zone are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities within such a designated zone.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the applicant provide a 15' easement along Grooms Road for future multi-use pathway installation or roadway improvements.

Mr. Hale recommended that the applicant provide the extension of the right-of-way that would connect Emmons Drive with Stoney Heights Court since "dead end subdivisions" are not desirable. Mr. Bulger commented that the remnant parcel that links the VanPatten property to Grooms Road should be considered part of the VanPatten holdings and not a separate parcel. It was apparent that the applicant and his consultants had a number of issues to address before resubmitting a revised preliminary plan for review.

New Business:

[2010-035] **Wagner, Daniel** – Proposed 3,000 SF office building, 5 Longkill Road – Conceptual site plan review. SBL: 259.9-1-13

Mr. Duane Rabideau, consultant for the applicant, presented this application that calls for construction of a 2,000 – 2,500 SF building on a one (1) acre parcel of land located in a B-3 zoning district. Said parcel is located at 5 Longkill Road, approximately 100' west of its intersection with Ushers Road. An abandoned house and wood frame garage are currently located on the site: these buildings will be demolished to allow for the construction of the new building that will house an insurance business currently operated by the applicant in Malta and provide 600 – 700 SF of leased space for an additional business. A parking lot for ten (10) cars plus one (1) handicap parking space will be provided. Public water is available at the property line. An on-site septic system will be designed by a licensed engineer in accordance with NYSDOH standards. The Zoning Board of Appeals granted variances for a front yard setback of 18.55' and a reduction in the buffer to residentially zoned property to 50' on October 16, 2007. Mr. Wagner, applicant, stated that usual business hours would be from 8:30a.m. to 5:30p.m. He also estimated that six (6) to ten (10) cars would access the site daily. Mr. Rabideau addressed the comments issued by CHA Companies, explaining that the substantial grade change between this parcel and the Stewart's parcel to the north would likely prohibit a workable cross-access driveway.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated September 20, 2010. Variance #80679 granted by the Zoning Board of Appeals is applicable to this project and covers the proposed building setback. Another variance for the proposed parking within 30' of the property line will be required. An engineered septic system and a Storm Water Pollution Prevention Plan will be required because of the proximity of the proposed development to a NYSDEC classified stream.

Mr. Scavo reported that the Planning Department had no comment on the application at this time, though he did observe that the proposed use of the site was reasonable. He recommended that the applicant prepare an estimate of the cost of installation of the cross-easement access as recommended by CHA Companies.

Mr. Romano reported that, after review of the conceptual project plan, CHA Companies provided the following comments. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include the Clifton Park Planning Board with site plan review and the Clifton Park Zoning Board of Appeals for an area variance. Given the short spacing between the signal at Ushers Road and the four-way stop control at Main Street, access to the proposed site is difficult. A joint access arrangement through the adjoining Stewart's site is highly preferred, and given the non-competitive use proposed, Stewart's may be amenable to a joint access arrangement. This would involve dealing with the grade changes between the two sites, but based on cursory review this appears feasible if the plan is revised accordingly. Assuming the use remains an insurance office, the trip generation may be minimal and is in keeping with the hamlet character of Jonesville and represents a form of smart-growth oriented infill type development. Additional information regarding the proposed use and anticipated traffic generation should be provided. If access onto Longkill Road continues to be pursued, the adequacy of sight distance should be verified, particularly looking left for exiting vehicles and turning left for entering vehicles. Test pits and percolation tests should be performed to determine the adequacy of the existing soils to support an on-site septic system. The plan should more accurately reflect the pavement, signal and grade conditions of the intersection of Ushers Road and Longkill Road and the Stewart's access drive. The plan should also show the following: zoning district boundaries; high water line based on field topography, the limit of existing vegetation, and the proposed clearing limit lines.

Mr. Montague reported that, after review of the project plan, the ECC offered no comment on the application.

Mr. Koval recommended that the applicant consider moving the parking area to the rear of the site to reduce negative visual impacts along the property's frontage. Mr. Hale commented that the installation of a cross-access easement may require relocation of the building and parking area because of grading requirements. Mr. Bulger asked the applicant to seriously consider the cross-easement access request since the site could support a more intense use in the future. He also asked the applicant to consult with the Historic Preservation Commission regarding the building's architectural design and to submit proposed architectural drawing to that Commission for review and comment.

The Realtor who has the property at 5 Longkill Drive listed for sale spoke in support of the application. He explained that the property has been on the market for approximately four (4) years and that the proposed use is the least intense of all considered during that time. He believes that construction of the recommended cross-access may add an unnecessary expense to the proposed project.

Board members found the project plan generally acceptable.

Discussion Items:

394 Vischer Ferry Road – Historic Preservation Easement

Mr. Scavo explained that Ms. Denise Zumbo, 394 Vischer Ferry Road, submitted an application to the Town Board requesting that her property be approved for a Historic Preservation Conservation Easement Designation pursuant to Local Law No. 12 of 1996. The requested duration of the easement would be 25 years. Mr. Kazmierczak, Chairman of the Historic Preservation Commission, explained that the designation would provide the applicant some tax relief and would assure that the “public façade” is maintained for the duration of the easement. He noted that the property is the only remaining Greek revival style residence remaining in the Town of Clifton Park.

Mr. Bulger moved, seconded by Mr. Werner, to authorize the Chairman to recommend that the Town Board approve the Conservation Easement Designation application as submitted. The motion was unanimously carried.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Hale, approval of the minutes of September 15, 2010 as written. Ayes: Paulsen, Pace, Andarawis, Koval, Werner, Bulger. Noes: None. Abstained: Ophardt, Hale.

Mr. Bulger moved, seconded by Mr. Koval, adjournment of the meeting at 10:10p.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