

Town of Clifton Park

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PLANNING BOARD

ROCCO FERRARO
Chairman

PAUL PELAGALLI
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JANIS DEAN
Secretary



MEMBERS

Emad Andarawis
Michael Hale
Joel Koval
Eric Op
Kim Paulsen
Tom Werner

(alternate) Eric Prescott

Planning Board Meeting **May 23, 2012**

Those present at the May 23, 2012 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, J. Koval, E. Ophardt, K. Paulsen,
T. Werner
E. Prescott – Alternate Member

Those absent were: M. Hale

Those also present were: J. Scavo, Director of Planning
R. Milano, M J Engineering
P. Pelagalli, Counsel
J. Dean, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:05p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Mr. Ferraro announced that at its May 14, 2012 meeting, the Town Board appointed Mr. Eric Prescott to the position of alternate member to this Board, succeeding Mr. Andarawis who has become a full voting member. In welcoming Mr. Prescott, Mr. Ferraro commented that the new appointee formerly served on the Zoning Board of Appeals and that he looked forward to his participation on this Board. Mr. Prescott will be sitting as a full voting member of the Board at this evening's meeting in Mr. Hale's absence.

The Chairman reminded Board members that the Town Board would be honoring Ms. Pace for her dedicated service to the Town at its June 4, 2012 meeting and he encouraged members to attend.

Mr. Ferraro announced that the Town Board approved a resolution to schedule a public hearing regarding the Town of Clifton Park Town Center Draft Plan at its June 4, 2012 meeting. The public hearing is scheduled for 7:05p.m.

Board members were reminded that the Local Government Planning and Zoning Workshop sponsored by the Capital District Regional Planning Commission and other agencies is scheduled for June 20, 2012 at the Hudson Valley Community College campus in Troy. The focus of the workshop will be on stormwater management and mitigation as well as Green Infrastructure requirements. The plenary session will include a presentation by the Stormwater Coalition of Albany County whose members will role-play a Planning Board review of a typical proposed subdivision. Attendance at the meeting will meet state and local requirements for continuing education for Planning and Zoning Board members.

Public Hearings:

[2012-011] **Reid, Corey** – Proposed (2) lot subdivision of the Lands of Mario and Ida Bucciero, 511 Waite Road – Preliminary public hearing and possible determination. SBL: 270.-1-68

Mr. Ferraro called the public hearing to order at 7:08p.m. The Secretary read the public notice as published in the Daily Gazette on May 16, 2012.

Mr. Reid, applicant and consultant, presented this application that calls for the subdivision of 10.56 acres of land lying within the CR (Conservation Residential) zoning district with frontage on both Waite and Miller Roads. The subdivision will result in a lot of 3.01 acres on which the applicant proposes the construction of a new single-family residence. The larger parcel of 7.55 acres containing an existing residence is to remain under the ownership of Mario and Ida Bucciero. The new lot will be connected to an existing sewer line along Miller Road and will be served by an individual well. Access to the new lot will be via a driveway onto Miller Road. The applicant seeks approval pursuant to Section 208-16E(2)(c) of the Town Code which allows for a one-time single-lot family exemption. While most of the criteria for approval pursuant to this Section have been met, the law states that "all principal building setbacks should be 50 feet." Mr. Reid intends to meet this requirement by either relocating the garage to a location behind the house or reorienting the proposed residence. Mr. Reid addressed the issue of limited road frontage, explaining that although the town requires that all properties have at least

40' of frontage on a town road, Section 179-30 of the Town Code states that "where the Planning Board finds that because of unusual circumstances of shape, topography or other physical features of the proposed subdivision or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with these regulations, it may waive certain requirements of these regulations so that substantial justice may be done and the public interest secured..." The applicant asks that the Board employ this section of the code to approve the frontage on Miller Road which is 2.6' short of the required 40'.

Mr. Scavo stated that Mr. Myers, Director of Building and Development, in a memo dated May 10, 2012, reported that there are apparently federally jurisdictional wetlands located on the property.

Mr. Scavo read comments provided by the Planning Department. Approved postal addresses must be added to the plan. The Notice of Decision should reflect the granting of a waiver from the 40' minimum frontage requirement per Section 179-30 of the Town Code. The speaker stated that pursuant to this section, "where the Planning Board finds that because of unusual circumstances of shape, topography, or other physical features of the proposed subdivision or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with these regulations, it may waive certain requirements of these regulations so that substantial justice may be done and the public interest secured..." In granting changes and modifications, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so changed and modified." Mr. Scavo stated that previous comments offered at the March 27, 2012 meeting have been satisfied. The speaker reported that comments offered by the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee have been forwarded to all Planning Board members.

Mr. Milano, M J Engineering and Surveying, P.C., reported that the firm reviewed the preliminary subdivision plan submitted. Although many of the comments issued in the previous letter have been satisfied, the following items remain. In accordance with Section 208-16E(2)(c) of the Town Code, all principal buildings shall have a minimum setback of 50' from all property lines. Proposed topography for the site should be provided to ensure positive drainage away from all structures. The proposed driveway location should be indicated on the plan. The limits of disturbance should be indicated on the plan.

Mr. Milano offered the following additional comments. The current plan has been revised since the original submission dated February 15, 2012: the revised plan does not reflect this. Any revisions to the plan should be clearly noted in the revisions box and the revision date should be indicated. The proposed well and sanitary sewer should be indicated on the plan. A note should be added to the plan to indicate that a final sign-off from Saratoga County Sewer District #1 is required prior to the issuance of a building permit. It is recommended that the applicant install sections of split rail fencing near the wetland boundary and that restrictions for conservation of natural areas be incorporated into the deed.

Mr. Koval commented that he would rather see existing vegetation remain and the wetland boundary marked with a small "sign or signs". He found it unreasonable to request that a wooded area should be disturbed to provide for the installation of split-rail fencing.

Mr. Malary, 476 Miller Road, questioned the accuracy of the proposed address – 498 Miller Road. Mr. Reid explained that postal addresses are assigned in accordance with emergency services' requirements and approved by the local postal authorities. In response to Mr. Malary's questions regarding proposed elevation changes and drainage, Mr. Reid stated that it will be necessary to bring fill to the site. An existing culvert will be extended to the southern property boundary and a culvert will be installed under the driveway to handle drainage from the Jones' property that lies on the opposite side of Miller Road.

Though Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the applicant provide a 15' easement along the property frontage, Mr. Scavo reported that there is an existing 15' right-of-way to allow for road improvements or multi-use pathway installation.

There being no further public comment, Mr. Ferraro moved, seconded by Mr. Werner, to close the public hearing at 7:24p.m. The motion was unanimously carried.

Mr. Koval stated that he supports the 2.60' waiver of the frontage requirement as provided by Section 179-30 of the Town Code. Ms. Paulsen stated that she saw no need for the installation of split-rail fencing to define wetland and/or buffer boundaries since the edge of forested land served as a boundary line. Mr. Koval stated that the wetland boundary "warranted some type of indicator," though he would approve some type of "discreet" signage. Mr. Ferraro stated his support for some type of markings along the boundary of the protected area and requested that restrictions in the property deed limit activities such as tree cutting and other types of land disturbance in the designated wetland area. In response to Mr. Werner's question regarding the use of a standard sign to designate disturbance limits, Mr. Scavo stated that there were no such signs available. He did suggest, however, that the applicant use ACOE wetland designation signs that could be attached to trees with aluminum nails.

Mr. Ophardt moved, seconded by Ms. Paulsen, 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. Koval offered Resolution #8 of 2012, seconded by Mr. Andarawis, to waive the final hearing for this application and to grant preliminary and final subdivision approval pursuant to Section 208-16E(2)(c) of the Town Code that allows for a one-time single-lot family zoning exemption for properties lying within the CR (Conservation Residential) zone and Section 179-30 that permits the Planning Board to "waive certain requirements" of the regulations contained therein, allowing a 2.60' variance from the 40' road frontage requirement. Approval was also conditioned upon installation of markers that would indicate the boundaries wetland and buffer areas, incorporation of restrictions for tree cutting and land disturbance beyond the designated wetland boundaries within the property deed and satisfaction of all issues outlined in the final comment letter prepared by the Planning Department. Ayes: Ophardt, Paulsen, Andarawis, Prescott, Werner, Koval, Ferraro. Noes: None.

Old Business:

[2012-013] **Stewart's Shops Corp.** – Proposed 470 SF addition to existing store, 923 Riverview Road – Preliminary site plan review and possible determination. SBL: 269.-3-21

Mr. Chuck Marshall, real estate representative for Stewart's Shops Corp. presented this application for the Board's consideration. The plan remains generally as presented at the April 25, 2012 meeting. Stewart's Shops Corp. proposes to construct a 10' x 35' building addition to the easterly side of the existing store and add a 7'9" x 15'6" freezer unit to the rear of the building. Exterior lighting will be replaced with LED lights. Mr. Marshall reported that, as requested by the Trails Subcommittee, a bike rack will be installed in the grass area near the existing fire hydrant. The building is located within the HM (Hamlet Mixed-Use) zone on the northeasterly quadrant of the intersection of Riverview and Grooms Roads.

Mr. Scavo reported the Mr. Myers, Director of Building and Development, reported that all of his concerns have been addressed adequately by the applicant.

Mr. Scavo stated that all Planning Department concerns have been addressed. He explained that the application was forwarded to both NYSDOT and the Saratoga County Planning Board for review and comment. He reported that in a phone conversation with a NYSDOT representative, the representative stated that the department viewed the proposed changes as "minor modifications" to the site that would have no impacts on the state highway. The Saratoga County Planning Board found that there would be no significant county-wide impacts as a result of the proposed site improvements. Mr. Scavo noted that although the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee requested that Stewart's provide an easement along Riverview Road for future roadway improvements or trail development, the applicant is reluctant to provide the easement at this time. Mr. Lewis, real estate representative for the Stewart's company has assured him, however, that the company will cooperate fully with the town when an easement or land conveyance is required for trail construction.

Mr. Milano reported that all previous comments issued by M J Engineering and Surveying, P. C. have been addressed.

Mr. Ophardt asked that the bike rack be placed in a location closer to the store's entranceway to make it more convenient for bicyclists. It was agreed that the "undulating" rack would be installed at the northwesterly corner of the site where an existing picnic table is shown on the site plan.

Mr. Ophardt 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. Andarawis moved, seconded by Ms. Paulsen, to grant preliminary and final site plan approval to this application conditioned upon installation of a bicycle rack in the northwesterly

corner of the site and satisfaction of all issues outlined in the final comment letter prepared by the Planning Department. The motion was unanimously carried.

[2011-036] **Rusty Nail** – Proposed addition to an existing restaurant and parking lot expansion, 1781 Route 9 – Preliminary site plan review. SBL: 266.3-2-8

This application has been presented to the Planning Board on two previous occasions: the initial application was considered by the Board at its November 9, 2011 meeting; it was reviewed again at the March 27, 2012 meeting. Mr. Wayne Beale, applicant, Mr. Dom Arico, consultant, and Mr. Scott Townsend, architect, were in attendance at the meeting. The consultant explained that implementation of the proposed plan will require the realignment of Biette Road since the parcel currently containing the restaurant business is too small to accommodate expansion. He reported that both the Town Board and Highway Superintendent have approved the abandonment of the northerly portion of Biette Road. He explained that on February 21, 2012, the Zoning Board of Appeals approved a number of variances that would allow the plan to be submitted to the Planning Board for site plan approval. Mr. Arico presented the revised plan for the Board's review, explaining that the plan remains generally as presented at the November 9, 2011 meeting. The applicant proposes site enhancements that would increase the building area to approximately 6,300 SF and provide 2,500 SF outdoor patio space. An adjoining parcel to the north of the existing building has been combined with the Rusty Nail property to provide for access to the restaurant and its expanded parking area. Mr. Arico reported that he is working to add site details to the plan and has prepared photometric materials including fixtures to be installed along the perimeter for the Board's review. Mr. Arico explained that Mr. Beale, applicant, has entered into a contract with Mr. Hoffman, adjoining property owner, to establish a 5 year lease of a 178' x 135' area that will be used as a parking area for 62 cars: the total number of parking spaces on the site will be 142. 22% green area will be provided on site. Mr. Townsend presented proposed building elevations for the Board's consideration.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated May 10, 2012. A full Stormwater Pollution and Prevention Plan will be required due to the extensive site work required to complete the proposed improvements. He notes that the occupancy load of the expanded building and patio area totals over 200. Though proposed additional parking appears to bring available spaces to 132, that number remains "well below" what is necessary. Mr. Myers observed that the proposed additional parking lot does not appear to be paved and, as such, its acceptability is questionable.

Mr. Scavo read comments prepared by Ms. Sheryl Reed, Fire Marshal, which were provided in memo dated May 23, 2012. Ms. Reed notes that the occupancy load for the proposed building under the New York State Building Code is in excess of 200 people and that the application proposes 68 parking spaces. She is concerned that inadequate parking for patrons may force them to park along Biette Road – a substandard town roadway. Since the carriageway is only 14' wide at its narrowest point, emergency vehicles would be unable to pass a vehicle parked on the shoulder. Ms. Reed explains that just south of the proposed building there is a gated emergency access point into Turf Trailer Park which lies within the Town of Halfmoon. She points out that "it is essential for life safety purposes to provide adequate access for

emergency services.” She requires that **both sides** of Biette Road **for its entire length** shall have NO PARKING – FIRE LANES posted per code. The applicant should clarify whether or not there will be live entertainment and/or a stage on the proposed patio area. The existing hydrant location must be shown on the site plan.

Mr. Scavo offered the following comments regarding this application. A detail showing the new road alignment and cross section with the proposed easement for the relocation of Biette Road as a full service public right-of-way over private land will be required. Approval from NYSDOT will be required prior to preliminary site plan approval. Per Section 208-115 of the Town Code, a north arrow must be included on the plan. A landscaping plan must be included with the preliminary plan set and must include common name, botanical name, height, and caliper of the vegetative materials to be installed. A detail of the proposed handicapped ramp must be included to ensure that the site plan will be compliant with the NYS Building Code. Handicapped parking spaces with appropriate detailing must be added to the plan. Details of proposed lighting fixtures must be added to the plan. A grading plan and erosion and sediment control plans are required. The applicant is asked to provide information regarding plans for snow removal and/or storage and to indicate whether or not a snow storage area will be provided on site.

Mr. Milano, M J Engineering and Surveying, P.C., reported that several comments from the November 4, 2011 remain to be addressed. Existing and proposed topography for the site should be provided. All applicable setback lines should be indicated on the plan. Limits of disturbance should be indicated on the plan. Proposed grading should be shown on the plans to indicate positive drainage away from all structures and an Erosion and Sediment Control Plan will be required for review. A north arrow and scale should be added to the plan. All required handicap accessible parking spaces and accessible routes are to be indicated on the plan and graded to meet all applicable ADA and NYS Building Code requirements.

Based upon on review of the proposed site plan, Mr. Milano offered the following additional comments. A full Stormwater Pollution and Prevention Plan will be required for the project. Test pits and infiltration testing will be required and are to conform to the requirements of the NYSDEC Stormwater Management Design Manual. It appears that porous pavement is proposed for the main parking area, a portion of the access drive, and truck delivery area for the facility. The design engineer should verify that the porous pavement is acceptable for all areas as permeable pavements are typically not appropriate for high traffic or heavy vehicle loads due to the reduced strength of these types of surfaces. A porous asphalt pavement detail should be provided for review. Town Code requires parking spaces and necessary driveways to be paved in a manner to eliminate dust and mud problems: the proposed grass parking area does not appear to meet this requirement. The drive aisles at the access point between the two parking areas should be aligned with one another and the width of the access aisle should be increased from 18 feet to 24 feet. The proposed grass parking area encroaches into the required 20 foot side yard setback. It is unclear from the plan submitted if the parking area encroaches into the required rear yard setback. Any prior or recent variances granted for the project site should be indicated on the plan. All proposed utilities should indicate the size and type of materials to be used.

In response to Mr. Milano’s comment regarding the use of porous pavement in the rear parking area, Mr. Arico stated that the applicant will install some type of permeable paving material to limit mud and dust problems. Mr. Arico also stated that the revised plan will address all technical comments and a full Stormwater Pollution and Prevention Plan will be prepared.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the applicant provide details regarding access to the bike rack and the type of rack proposed. Mr. Arico stated that the bicycle rack would be installed on a concrete pad. Convenient access to the bike rack will be provided.

Board members discussed a number of issues of concern. In response to Mr. Werner's question regarding the type of entertainment to be presented on the patio, Mr. Townsend explained that the area will be used for "small scale entertainment" – perhaps a single guitarist or singing duo. Mr. Werner observed that the access to the parking area from Route 9 appeared to be too wide and he recommended that the applicant submit proposed plans to NYSDOT for approval. He noted that the proposed work within the state highway right-of way will require the issuance of work permits from NYSDOT. Mr. Ferraro stated his concerns with "acoustics" and the noise that might result from "outdoor activities;" he recommended that the type of entertainment permitted within the patio area be restricted. Mr. Koval stated that his "biggest concern" involved the traffic flow through the parking area since the restaurant will likely attract large crowds and drivers will try to maneuver through "an unstriped parking lot". He contended that the grassed parking area to the rear would become a "hodge-podge" of parked vehicles and urged the applicant to provide "reasonable circulation" through the site. Mr. Arico stated that reflective markers will be used to denote individual parking spaces on the grassed area. Mr. Werner suggested that the applicant might wish to consider using employees to facilitate parking. Mr. Ophardt recommended that two driveways – one for entering the rear lot and one for exiting the area be considered. Mr. Ophardt supported Mr. Werner's recommendation that parking be restricted on Biette Road and encouraged the Town Board, if necessary, to adopt specific legislation limiting parking along that roadway. Mr. Ferraro expressed his concerns with the lease agreement with neighboring property owner, Mr. Hoffman, stating that a five-year lease with an option to extend for an additional five year period did not assure that the parking area would be available to serve the restaurant indefinitely. Mr. Andarawis suggested that a note be added to the plan that would require site plan review if the number of parking spaces ever decreases. Mr. Pelagalli recommended the addition of the following clause to the plan:

If, at such time in the future the applicant cannot provide the additional extra parking provided by the lease agreement with the adjoining property owner, the applicant must return to the Planning Board for site plan review.

Mr. Wayne Beale, applicant, stated that he was "optimistic" that the leased land would continue to be available, noting that the leased parcel was only a small portion of the parcel to the south owned by Mr. Hoffman. Mr. Scavo recommended that a public hearing be conducted once a complete set of preliminary plans is prepared since the application involved the abandonment and realignment of Biette Road. Board members listed the following as the most significant concerns to be addressed by the applicant prior to the resubmission of revised preliminary plans: preparation of a full Stormwater Pollution and Prevention Plan, preparation of preliminary plans that include all information required in Section 208-115 of the Town Code, NYSDOT comment and approval for the driveway location and realignment of Biette Road, satisfaction of all the technical comments issued by M J Engineering and Surveying, P.C., submission of a design plan that provides a reasonable traffic flow through the parking lot areas, quantitative analysis that illustrates the adequacy of number parking spaces, and assurance that "exterior noise" will not impact adjoining property owners.

[2012-009] **M J Properties of Clifton Park, Inc.** – Proposed 5,390 SF professional office building, 5 Longkill Road – Preliminary site plan review and possible determination. SBL: 259.9-1-13

Mr. Tom Andress, consultant for the applicant, presented this application that has been reviewed by the Board on two previous occasions: March 13, 2012 and April 10, 2012. The proposal calls for the demolition and removal of an existing circa 1900 residence and the construction of a 5,390 SF professional office building. The property is located on a 1.02 acre parcel on the northerly side of Longkill Road between its intersection of Main Street and Ushers Road in a B-3 (Neighborhood Business) zoning district. At its October 16, 2007 meeting, the Zoning Board of Appeals approved an area variance of 111.5' to allow for a front setback of 18.5' from Longkill Road and a variance of 50' to allow for a 50' buffer from a residential zone. Though the initial plan called for the building to be constructed parallel to the rear property line, parking in the front yard, and two curb cuts onto Longkill Road, the plan was significantly revised in response to comments issued by the Planning Department and Planning Board members. The current site plan shows the building oriented from north to south with the entranceway and parking located to the easterly side of the building. Access will be provided by a single curb cut along Longkill Road. Connection will be made to an existing municipal water line that serves the site: an individual septic system will be installed. The consultant presented a façade rendering that was designed “to mimic the characteristics of the historic Jonesville hamlet.”

Mr. Ferraro asked if the applicant had discussed the building's architectural style with the Historic Preservation Commission. Mr. Kazmierczak, Chairman of the Historic Preservation Commission, was in attendance at the meeting. He explained that the applicant had not submitted building plans and/or exterior elevations for review. When such plans are submitted commission members will review the architectural designs and work with the applicant to ensure that the building, which will stand prominently at the “entranceway to Jonesville,” adequately reflects the character of the village.

Mr. Andress stated that he was in receipt of comment letters from Mr. Myers, Mr. Milano, and the Planning Department. Though he reported that many of the issues identified in the letters have been addressed, he commented specifically on two items. The first concerned the request by Mr. Myers, Director of Building and Development, for the preparation of a full Stormwater Pollution and Prevention Plan. He acknowledged that stormwater guidelines issued by NYSDEC allow the local enforcement officer to require preparation of such a document, but argued that since site disturbance is limited to .77 acres, such a plan is unnecessary. He assured the Board that the applicant will work with the Town Engineer and Mr. Myers to develop a reasonable stormwater management and erosion control plans. The second issue concerned the sight distance at the entranceway. Mr. Andress explained that the sight distance from the driveway to the Main Street intersection is adequate. He noted that there is a 20 MPH warning sign located 1/8 mile north of the Longkill – Ushers Road intersection. It is his opinion that this signal will slow traffic before entering the intersection, thus making sight distance at the driveway location adequate.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated May 10, 2012. A full Stormwater Pollution and Prevention Plan will be required: the consultant is asked to use acceptable calculation methods when preparing the plan. Mr. Myers also requests that the plan include discussion regarding the proposed discharge to a classified stream. Pretreatment of discharge prior to drywells will be required since drywells are only allowed for residential uses. Steep slope consideration is required since it appears that NYSDEC regulations may not be met. The curb cut onto Longkill Road appears to be excessively wide.

Mr. Scavo read comments prepared by Ms. Sheryl Reed, Fire Marshal, and issued in a memo dated May 23, 2012. The original site plan shows a proposed building area of 4,800 SF: the revised plans show the building area to be 5,390 SF. Accurate calculation of the building's square footage must be provided. New York State Building Code requires that the occupancy load for a Business Occupancy be calculated based on the square footage of the building divided by 100 SF per person. Based on a 5,390 SF building, the maximum occupancy of the building would be 54 people. The proposed number of parking spaces is only 18 spaces which is inadequate for the number of people that the building is designed for. The Building Code of New York State requires that all required exits lead to a paved area. Typically the sidewalks lead from the exit door to a paved parking lot area. The southwest exit out the rear of the building leads to Longkill Road. Ms. Reed questioned whether there is a curb cut and if it safe for pedestrian traffic to exit directly onto a highly traveled roadway. Based on the design of the building and the number of proposed tenant spaces the state building code may require additional exits at the rear of the building. The applicant should clarify whether or not there will be an adequate level area at the rear of the building for additional exiting based on the proposed grading plan. The Fire Code of New York State requires the installation of Fire Apparatus Access Roads. The intent of this State Code section is to accommodate a staging area for the local fire departments' apparatus and equipment so there will be sufficient access to the building for efficient fire suppression and rescue operations. In this case the parking lot would be the staging area for fire apparatus. The code requires that a maximum distance of 150 feet to all portions of the building or exterior walls be provided which is measured from the access road/parking lot. This would limit the maximum length of hose that is needed to reach any point along the exterior of a building or facility. This area would need to be relatively flat and wide enough for a firefighter to pull a charged 5" fire hose around the building. The applicant must post "No Parking Fire Lane" signs on both sides of the entrance driveway. The septic system appears to be an inadequate engineered design for the proposed building in accordance with DEC Design Standard for Wastewater Treatment Works. An example is that the building occupancy per BCNYS should be designed for a total occupancy load of 54 people which would require a flow rate of 0.1 gallons per day per square footage of the building area. The Zoning Board of Appeals granted variance #80679 to 5 Longkill Road on October 16, 2007 for front setbacks of 18.5 feet from Longkill Road and a variance of 50 feet to allow for a 50 foot buffer from a residential zone. The Notice of Decision was very specific to allow for a "restaurant use" and the square footage of the original proposed building was only 3,200 square feet. One may question whether or not the variance still applies since it was based upon construction of a much smaller building and specific use. Ms. Reed has forwarded her comments to Mr. Myers. Mr. Myers, in turn, is seeking a legal determination from the attorney for the Zoning Board of Appeals.

Mr. Scavo provided the following comments. Though sight distances have been added to the plan, their adequacy should be evaluated by the Planning Board. The proposed septic system is located in a low area. Grading should be designed to ensure that runoff is directed away from the tile fields and special provisions may be required to protect the septic system components from frost. The new drain field may be located in an area that is predominantly wet and soggy. If grass over the tile field is not established by the time the applicant applies for a Certificate of Occupancy, a mulch cover should be temporarily provided. The applicant is asked to consider the use of porous pavement for the parking area to minimize the potential for stormwater runoff to negatively impact the Longkill stream corridor. The STOP sign detail should be revised to include the requirement that sheeting reflectivity shall be of diamond grade. Mr. Scavo notes that Longkill Road at the project location is owned by Saratoga County and maintained by the Saratoga County Department of Public Works. The applicant must contact that department to determine if a permit for the proposed curb cut is required. Copies of all correspondence with the Department of Public Works should be submitted to the Planning Department. The project is located within a historically significant area: the applicant should provide colored façade renderings and information describing proposed building materials. The approved rendering will become part of the approved site plan. It appears that the building will provide professional office rather than medical-dental office space. Since parking requirements are specific to the stated use, the plan should indicate that the building will be used only for professional offices.

Mr. Randall Milano, M J Engineering and Surveying, P.C., offered the following comments on the revised application. He stated that comments from April 9, 2012 letter have been addressed with the exception of correspondence from Natural Heritage regarding the presence of rare, threatened, or endangered species on the site. The following additional comments have been provided. A full Stormwater Pollution and Prevention Plan is required for the project and is to be prepared in accordance with 2010 NYSDEC Stormwater Management Design Manual. The size of the existing water main located in Longkill Road should be indicated on the plan. The proposed water connection should be coordinated with Clifton Park Water Authority and Saratoga County Department of Public Works to ensure that an open cut on the county road is acceptable. The Service Pipe Connection Detail should be revised to remove the reference to a tapping sleeve. Wastewater disposal system piping note B indicates PVC SDR 21 or HDPE DR 11, but the detail indicates PVC SDR 26: notes and details should be coordinated with one another. Wastewater disposal system piping note E should be removed from the plan. The invert for the sanitary sewer line from the building should be determined and indicated on the plan. Septic Tank Note 1 as it relates to the bedding material for the structure conflicts with the detail: notes and details should be coordinated with one another. Top of frame/rim and invert elevations should be provided for the Septic Tank and Pump Pit Details. The size of the inlet and outlet pipes should be provided for the Septic Tank Detail. The dimensions for the Septic Tank and Pump Pit should be provided. The Typical Absorption Trench Detail should be revised since the notes and dimensions that pertain to separation from groundwater, bedrock, or impervious layer conflict with one another. The bottom of the trench for the Typical Absorption Trench Detail should be set level. A callout for the filter fabric should be added to the Pump Pit Detail. The notes and the pump design information for the Pump Pit Detail provide conflicting information: the notes and pump design information should be coordinated with one another. The note referencing the alarm in the house basement should also be revised accordingly. Based upon the design percolation rate of 1⁷/15 minutes, the application rate should be revised to 0.8 GPD/SF and the area required, trench length, and total trench length should be revised accordingly. M J Engineering and Surveying, P. C. recommends that the applicant consider a different orientation and alignment for the piping and connections

between the tanks. A detail should be provided for the segmented block retaining wall. The plan indicates the wall to be 5 feet high. The design engineer should confirm that the wall is designed properly and includes geogrid reinforcing as required by most manufacturers for retaining walls of this type that are over 4 feet high. It is recommended that erosion control blankets be installed on all disturbed areas upslope of the Longkill. Based on a design speed of 40 mph the sight distance of 250 feet does not meet the recommended sight distance of 305 feet.

Mr. Ferraro noted that since the Saratoga County Planning Board recommended modification of the plan as presented by recommending reorientation of the building, approval of the application would require a supermajority vote by the Board. In response to Mr. Werner's query regarding the proposed uses for the building, Mr. Andress stated that Mr. Rekucki proposed to divide the building into three professional office spaces. He noted that the number of doors meets code requirements. Mr. Ferraro expressed concerns regarding the proposed septic system: Mr. Andress stated that he would add additional swale along the northern property boundary. Though Mr. Ferraro recommended that the applicant consider the use of porous materials for use in the parking area, Mr. Andress stated that the applicant was concerned that such materials would suffer from "wear" and not be as durable as asphalt. He did note, however, that such materials may be used around the perimeter of the site to help maintain the "integrity of the Longkill". Mr. Ferraro advised the applicant to carefully consider the landscaping materials to be used, explaining that the "viewshed" must be attractively designed to complement the neighborhood. Mr. Andress explained that the current plan calls for the installation of a cluster of pines to the northeasterly side of the site near Ushers Road as well as the planting of trees along the Longkill Road frontage. Mr. Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the design plan include a bicycle rack near the building's entranceway. Mr. Koval stated that he "was comfortable" with the changes and that he believed that the minor issues could be resolved by the Town Engineer and professional staff members. Mr. Ferraro summarized the Board's concerns, explaining that the applicant must address stormwater management issues, provide an engineered septic system that meets local and state code requirements for the number of occupants, develop a comprehensive landscaping plan, consult with representatives of the Historic Preservation Commission to design a building that complements the character of the hamlet of Jonesville, resolve fire safety concerns with Ms. Reed, Fire Marshal, and employ erosion control measures that will ensure the integrity of the Longkill stream corridor. As Board members discussed the issuance of a negative declaration pursuant to SEQRA with the number of outstanding issues to be resolved, Mr. Pelagalli advised Board members to not render a "speculative" decision: a negative SEQRA determination must be based upon the belief that the plan as presented will have no negative impact on the area. Mr. Scavo pointed out that a final plan would require review and approval from a number of different people: Ms. Reed for approval of the fire safety requirements, Mr. Myers for stormwater-related plans and an adequate septic design, Mr. Kazmierczak for a sign-off from the Historic Preservation Commission, the Town Engineer for the plan's adherence to technical requirements, and himself for approval of the landscaping plan, thus transferring its responsibility for the final satisfaction of SEQRA issues to several other individuals.

Mr. Andress stated, and Mr. Rekucki affirmed, that positive action by the Board at this meeting was necessary to ensure that conditions of the purchase contract were fulfilled. Mr. Ferraro stated that it was apparent that Planning Board members found the project acceptable, though he was concerned that the applicant has not addressed all of the stormwater management

concerns outlined by Mr. Myers. Mr. Andress assured the Board that Mr. Rekucki will meet all of the demands made by Mr. Myers and would install any stormwater management and erosion control measures required. Ms. Paulsen stated that the building would provide an attractive entrance to Jonesville. Following a lengthy discussion regarding the adequacy of stormwater management plans, Mr. Koval stated that “the Stormwater Pollution and Prevention Plan is “going to be what it’s going to be,” adding that the design as presented “appears adequate”. He stated that the overall design is attractive, sight distances appear reasonable, stormwater impacts to the stream have been minimized, and that the applicant is committed to working with the Historic Preservation Commission to ensure that the building is compatible with the surrounding neighborhood.

Mr. Koval moved, seconded by Ms. Paulsen, 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. Ophardt moved, seconded by Ms. Paulsen, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments issued by Mr. Myers, Director of Building and Development, Ms. Reed, Fire Marshall, M J Engineering and Surveying, P.C., the Planning Department, and this Board. This approval is dependent upon approval and sign-off from all consultants and professional staff members: if approvals are not granted, the applicant must resubmit plans for Planning Board review and approval. Final plans will not be stamped by the Planning Board Chairman until all issues are resolved to the satisfaction of the consultants and professional staff. The motion was unanimously carried.

New Business:

[2012-017] **Genstar FZE** – Proposed accessory use of a building as a home office, 6 Hilltop Court – Consideration of Special Use Permit #80846 to permit use of a portion of a residential property for operation of a home occupation pursuant to Section 208-16D(3)[10] and [14] and conceptual site plan review. SBL: 276.-1-2.4

Ms. Melissa Lescault, legal representative for the applicant, presented this application for the Board’s consideration. The applicant requests approval to operate a business within a residence located at 6 Hilltop Court which is accessed by a common drive located off of Appleton Road that serves an additional three lots. Genstar FZE (Mr. Ivan Frankel, principal) owns the 12.51 acre property that is located within the CR (Conservation Residential) zoning district. Pursuant to Section 208-16D(3)[10] and [14] of the Town Code, approval of a Special Use Permit is required for establishment of a business within a residence. Ms. Lescault explained that the large parcel is “more than 50% surrounded by a golf course and buffered by significant wetlands.” A narrative submitted with the application explains that the owner/applicant proposes to use a portion of the basement to conduct a logistics company – identified as World Logistics Service Corp. - that manages international freight shipments via trains, planes, and ships. There are – at a maximum (and only on rare occasions) – six individuals working at the site, one of which resides at the home. Since the business requires extensive international travel, there are normally only four people working at the site. The business is operated from 8a.m. to 6p.m. from Monday to Friday. The business does not have

customers or clients who would visit the office: no additional traffic will occur. In addition to the three-car garage, the property accommodates five additional parking spaces. The business operation consists of the exclusive use of computers, telephones, and facsimiles: it does not produce any noise, odors, light, and/or vibration. There will be no sign on the outside of the building. The four homes and golf course in the close proximity to the subject parcel will have the continued orderly and reasonable use of their property should the special use permit be granted. Aside from the additional cars parked on the driveway, the neighbors would have no knowledge that a business was being operated on site. There shall be no diminution in property values in the vicinity of the proposed special use. The business would not be apparent to the general public. The addition of four vehicles on average will not create traffic congestion on public streets, highways, or the private road. The water and septic system capacities are more than sufficient to accommodate four individuals per day. The business will have absolutely no interference with the orderly enjoyment by the public of parking or recreational facilities. Thus, the application appears to meet all the standards required for approval of a special permit.

Ms. Lescault explained that, per the licensed engineer, the total basement floor square footage is 2,115 SF. The usable space for the business shall be 1,257 SF. Since the total square footage of the home totals 5,715 SF, 25% of the total would be 1,428 SF. Therefore, the space dedicated to the business use would be less than the 25% permitted.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application in a memo dated May 10, 2012. He reported that variance #80775 was granted for a setback variance for an addition that was built without a permit with the condition that proper permits for the addition and basement finishing were obtained and given certificates of compliance. This was completed. The variance approval was also conditioned upon the removal of the illegal business in the home. The business was removed from the home. Mr. Myers commented that allowing it to return appears to conflict with the variance approval. Mr. Myers explained that an accessory use is limited to 25% of the floor space of a home. There are no values provided for the actual space of the business. An accessory use is also limited to “a use customarily incidental to the use of the building for dwelling purposes.” Operation of a logistics company does not appear to meet this definition.

Mr. Scavo offered the following Planning Department comments. The applicant must “minimize visual impacts” created by the parking of employee vehicles to the greatest extent practicable. He noted that the site was unique because the house is the last of four (4) “key hole” lots accessed by a shared driveway. The speaker questioned whether or not the agreement for shared maintenance of the driveway would be impacted by the proposed use. Mr. Scavo explained that he had requested verification that the existing septic system could adequately handle flows from a seven person home office. He will review the correspondence from Thorough Home Inspections and Engineering Systems provided by Ms. Lescault at this evening’s meeting that purportedly determines that the “current system is acceptable to appropriately handle the waste generated by a seven person usage” within the limits defined in the report. It is recommended that the applicant provide appropriate screening for the parking area.

Upon viewing aerial photographs of the site, Mr. Ferraro expressed his concerns that the proposed parking area may be located on the adjoining parcel. Ms. Lescault assured him that the parking area was located on Mr. Frankel's property. She noted that the driveway easement is 30' wide and that applicant would request the neighbor's permission to add landscaping to screen the proposed parking area. Mr. Ferraro questioned whether the driveway agreement which was established based upon certain circumstances and expectations would be impacted by the commercial use of the property. Mr. Pelagalli explained that if the use is permitted, the Board cannot deny the application. He also noted that with the exception of a requirement that no property owner served by the driveway can impede traffic; the driveway agreement contains no restrictions for its use. Mr. Koval commented that the residence would likely generate more traffic if a family of four resided there. In response to Mr. Ferraro's comments regarding fire code requirements, Mr. Scavo explained that the applicant would be responsible for obtaining a Building Permit and complying with all building code requirements. Mr. Scavo noted that the Special Use Permit would "run with the land" and that the Notice of Decision rendered by the Board should reference the size and scale of the proposed business as well as all conditions imposed by the Board for its operation. Mr. Ophardt questioned whether or not the proposed parking area had been designed as a turn-around for emergency vehicles: if so, all day parking in the area may not be advisable. He questioned whether or not the parking area would count as square footage dedicated to the accessory use.

It was unclear if Board members found the plan acceptable. Mr. Scavo was asked to consult with Mr. Myers regarding the conditions of the variance #80775 granted to the applicant by the Zoning Board of Appeals on October 19, 2010 and review subdivision documents to determine whether or not the proposed parking area was designed to serve as a turnaround for emergency vehicles. The Special Use Permit application requires the Planning Board to conduct a public hearing.

[2012-009] **Firehouse Road Associates II, LLC** – Proposed 1,350 SF addition to an existing commercial building and expanded parking area, 3 Northside Drive – Conceptual site plan review. SBL: 272.9-1-38

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that requests approval of an amendment to an approved site plan for a 1.86 acre property located 3 Northside Drive, specifically situated on the northerly side of Route 146 west of its intersection with U S Route 9 within a B4 (Highway Business) zone. Site improvements to date include the construction of a 4,000 SF masonry building, an access driveway connection to Northside Drive, a parking area for 37 vehicles, municipal water and sewer connections, and an on-site shared stormwater management area. In anticipation of a new Delmonico's Restaurant opening at the site, the applicant proposes to add 1,270 SF to the building: the improvements consist of a 980 SF enclosed patio addition, a 510 SF storage area, and an additional 63 parking spaces. Mr. Vuillaume stated that a note will be added to the plan that states that the number of seats will be limited to 300 since 100 parking spaces are provided. Appropriate landscaping will be installed and the pedestrian crossing between Delmonico's and Chili's will be relocated. Existing stormwater management facilities will be sufficient to handle additional flows.

Mr. Danny Sanders, architect, presented a colored façade rendering of the proposed restaurant, explaining that the materials used will be compatible with those used to construct the existing building. The main entrance will be located on the west side of the building.

Mr. Scavo stated that Mr. Myers, Director of Building and Development, reported that all his concerns have been satisfied.

Mr. Scavo offered a number of comments regarding this application. He recommended that the applicant incorporate landscaping along the southerly side of the building where the drive-thru has been eliminated. A façade rendering of the enclosed patio area must be submitted for review. Noting the site's "highly visible" location directly across from Exit 9, he encouraged Board members to consider "the aesthetics and proposed building materials" as part of the SEQRA review. The applicant was asked to clarify whether or not exterior lighting is proposed for the enclosed patio area: if so, the fixture style and wattage should be added to the plan. The parking code requires 1 space per 75 SF or 1 space per every 3 seats: whichever is greatest. Based on the square footage proposed, the required number of parking spaces would be 72. The maximum number of seating at 300 should be reflected on the plans if 100 parking spaces are approved for the project. The project plan must indicate where each of the four catch basins for the new parking area connects to discharge stormwater.

Mr. Milano reported that M J Engineering and Surveying, P.C. provided the following comments regarding this application. The proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such a coordinated review is optional. The Planning Board may wish to accept lead agency status. Involved agencies are expected to include, but are not limited to the following: Town of Clifton Park Planning Board – Site Plan Approval; Saratoga County Planning Board – Section 239 Referral; Saratoga County Sewer District #1 – Sewer Connection Permit. It appears that the north sides of the lots front on Northside Drive. The consultant is asked to provide clarification as to why side yard variances are referencing the north side of Lot #3. Also, the table on the Overall Site Plan should be revised to indicate what variances were granted and should include the date when they were granted. Inverts and top of frame/rim elevations for the grease traps and sanitary manholes must be provided. The size, type of material, and slopes for all sanitary sewer lines must be indicated. A sanitary sewer trench detail should be included on the Site Details. Provide top of frame/rim elevations for the catch basins located on site and provide clarification where the 4 catch basins located in the new asphalt parking area discharge to. Provide clarification as to how stormwater is conveyed and managed on the site. Existing topography should be indicated on the plans and a proposed grading plan should be submitted. It appears that the existing handicap accessible curb ramp and accessible route to the building do not comply with ADA requirements: the area is to be reconstructed accordingly. All handicap accessible parking spaces and access aisles are to be graded at 2.0% (1:48) maximum in all directions. The handicap accessible parking sign is to be placed in front of the parking space and not the access aisle: the detail on Sheet 3 should be revised accordingly. There is an existing light fixture located to the northern side of the existing building that appears to be located in the parking space. Please confirm if this fixture location is accurate. If so, the fixture should be relocated. Please clarify what the two circles labeled as C.L.B. represent to the northern side of the existing building. The designer should verify that the bollards and fence post footings for the trash enclosure do not conflict with the existing 24 inch storm lines. A

north arrow should be shown on all plan sheets.

Mr. Vuillaume addressed the issue of grease traps, stating that such traps would be installed as necessary and covered appropriately.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that a bike rack be installed near the restaurant entranceway and that “future site plan amendments include a continuous sidewalk connection between Lots #3, 5, and 7 Northside Drive and from Lot #3 Northside Drive to Fire Road” as recommended in the list of the Town Center “walkability and connectivity goals.”

In response to Mr. Werner’s question regarding traffic flow along the easterly side of the building, Mr. Vuillaume stated that a portion of the driveway will be designated for one-way traffic only: appropriate signage will be provided and specifications included on the final site plan set. Mr. Werner suggested that “greenery” be added to the parking areas to create a more aesthetically pleasing look around the restaurant. Board members appeared to find the site plan revisions acceptable. Mr. Ferraro asked that the consultant prepare preliminary plans for review in accordance with comments and recommendations offered by town officials and consultants, and Board members.

[2012-017] **DCG Development – Light Industrial Shovel Ready Site, Phase II** – Proposed 16-acre shovel ready site, Ushers Road – Conceptual site plan review. SBL: 259.-2-74.2; 74.3; 34.1

Mr. Joe Dannible, consultant for the applicant, described this application that calls for the expansion of a “shovel ready” site on a 48.8 acre parcel of land lying within the L2 zone on the southwesterly side of Wood Road. Mr. Dannible, enhancing his comments with a digital presentation containing many photographs of the development site, explained that the applicant proposes to extend the boundaries of a “cleared, graded, and stabilized 25-acre area” by clearing and grading approximately 9 acres of adjoining Lot #2 and clearing, grading, and regrading approximately 3 acres of land within Lot #1. New temporary stormwater management areas will be constructed and the existing temporary stormwater basins will be filled and graded to drain to these areas. The existing wetlands and monitored butterfly habitat areas are identified on the project plan: they will be protected and buffered from the proposed construction. The speaker noted that his firm submitted a detailed narrative explaining how the application “meets the criteria established in the Wood Road Corridor GEIS Findings Statement,” explaining that the Planning Board must review the following items to determine if a site specific action will be in conformance with the Findings Statement’s conditions and thresholds: traffic and transportation; critical habitats and terrestrial ecology; wetlands and hydrology; utility services; visual impacts; air quality and noise; solid waste; land use, cultural resources, and zoning. A copy of this report is attached to these minutes since it provides an analysis of how the application meets the established criteria. Mr. Donald MacElroy, the applicant’s representative, reported that the critical habitat areas for the endangered Karner Blue butterfly have been monitored for nearly 20 years: there has been no indication of butterflies for several years. He noted that the proposed plan is designed to modify the steep slopes to provide more acceptable topography for development.

Mr. Scavo stated that Mr. Myers, Director of Building and Development, offered the following comments regarding this application. A full Stormwater Pollution and Prevention Plan and waiver for disturbance over five acres will be required. He notes that “steep slope issues” appear to be present in this phase of the work. As such, the project will require close review and a waiver may not be possible.

Mr. Scavo offered several Planning Department comments. The project site lies within the Wood Road GEIS Study area. In accordance with the Statement of Findings, the applicant has provided an analysis of how the application meets the criteria established for compliance: as part of its SEQRA review, the Planning Board must determine the adequacy of the information and documentation submitted. Mr. Scavo explained that the Wood Road GEIS (Generic Impact Statement) for the Wood Road corridor focused on the affects of cumulative growth within the study area and established thresholds for future growth. The following note should be added to the plan:

Install orange construction fencing around flagged blue lupine areas prior to construction. Any violation or encroachment into the lupine habitat shall result in an immediate stop work order.

The location of the orange construction fence to be installed should be shown on the plan. Signs reading “Critical Habitat Area” should be attached to the fence. Equipment storage areas and staging areas should be indicated on the plan. A full Stormwater Pollution and Prevention Plan must be prepared. No more than five (5) acres are to be disturbed at any one time. The length and width of the vegetative buffer adjacent to I-87 should be illustrated on the plan and a note must be added stating the following: Vegetative buffer to remain in accordance with the Wood Road GEIS Findings Statement. A jurisdictional determination should be provided to ensure that there are no wetlands within the area to be cleared and graded.

Mr. Milano, M J Engineering and Surveying, P.C., reported that, after reviewing the conceptual site plan submitted by the applicant, the following comments were issued. A complete Stormwater Pollution and Prevention Plan will be required for the project along with a written request to disturb more than five acres of soil at one time. Sufficient detail must be provided to justify this request and is to include a thorough explanation of why the project must be constructed disturbing more than 5 acres at one time. Required components of the plan are to consist of, but are not limited to, the following: a construction phasing plan and a construction sequencing schedule with the site contractor’s input on developing these components; temporary erosion control measures; temporary sediment control measures; permanent erosion control measures; permanent sediment control measures; final stabilization of the site; post construction stormwater management practices.

Mr. Milano provided the following additional comments. Additional SEQR Information indicates that the temporary sediment basin will provide 4 feet of depth for sediment and stormwater storage, but the basin is shown as 2 feet deep with no outlet control. As mentioned previously, a full Stormwater Pollution and Prevention Plan will be required for the project and will need to demonstrate that the temporary sediment basin is sized accordingly for water quantity. The plan indicates 12 acres of land disturbance and the Additional SEQR Information indicates 13 acres of disturbance: clarification regarding the total amount of soil disturbance is

requested. The applicant is asked to clarify whether or not additional archaeological investigation is planned to be performed for Phase 2 of the project. A detailed Erosion and Sediment Control Plan will be required for review and erosion control blankets/matting will be required on all slopes of 3H: 1V or steeper. The Additional SEQR Information indicates that soil will not be removed from the site and that it is anticipated that approximately 2 to 3 work vehicles will enter and exit the site each day. There are areas of the site that indicate cuts through existing grade in the upper range of 12 feet and fills in the upper range of 16 feet. As such, it is recommended that an overall evaluation of the proposed earthwork be completed to determine cut and fill numbers to fully evaluate if material will be exported or imported. The grass mixture indicated in the Additional SEQR Information is unacceptable for permanent stabilization as it contains 60% annual ryegrass. The applicant must provide clarification regarding the type of geotechnical and groundwater investigations that have been conducted for the project. Areas of the temporary access road appear to be graded at an excessive 50% running slope and over 15% cross slope. The grading should be revised to provide slopes adequate for construction vehicle traffic.

Mr. Werner asked if developers had shown any interest in Phase I of the shovel-ready site. Mr. MacElroy stated that some interest had been shown by businesses involved in products and services that were ancillary to Malta's "chip fab" site. Mr. Dannible explained that once the shovel ready site is developed, the Empire State Development agency markets the property nationally to attract potential buyers. He emphasized that the shovel ready property allows for flexibility of design based on the needs of the businesses to be served.

Mr. Ferraro remarked that "he was impressed" by the work completed to date. Though concerned with the loss of forested areas and the lack of preservation of wood lots, he stated that, in this instance, the land clearing seems appropriate. Board members appeared to find the project plan acceptable.

[2012-018] **Kim, Sang Y** – Proposed selective timber harvesting, 226 Woodin Road – Consideration of Special Use Permit #80867 to permit selective timber harvesting pursuant to Section 184 and conceptual site plan review. SBL: 278.-1-7

Mr. Sang Y. Kim, applicant, presented this application that requests approval of Special Use Permit #80867 that would permit selective timber harvesting on an 8.97 acre parcel of land owned by Mr. Kim and lying on the westerly side of Woodin Road approximately 700' south of its intersection with Sitterly Road. The property lies within the R1 zoning district. F&W, a forestry service corporation, has provided some information regarding the number of trees to be harvested. The report provided to the Town states that the total number of trees marked for removal from the site totals 523. It also describes the proposed activity as "a very heavy cut – virtually a clear cut," with trees to be cut ranging from 8" – 29" in diameter in inches measured at breast height. The remaining basal area after harvesting will be less than 25 SF per acre. The applicant discussed future disturbance and development plans, stating that he is considering regrading an existing berm along the easterly property boundary and the development of a four-lot subdivision.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments on this application. The map provided by the applicant shows the parcel size as 8.97 acres: mapping provided by Saratoga County shows the parcel as containing 7.3 acres of land. This discrepancy should be addressed by the applicant. Mr. Myers also notes that many requirements of Section 184 have not been submitted for review.

Mr. Scavo offered several Planning Department comments. The application is missing information required by Chapter 184 of the Town Code: a copy of the code has been forwarded to the applicant. Mr. Scavo explained that the application for approval of a Special Use Permit #80867 must include the ten (10) items noted under Permit Procedures – Section 184-3(D). Since the project site lies within 500' of I-87 and the Town of Halfmoon, copies of the application have been forwarded to the Saratoga County Planning Board and the Town of Halfmoon for review and comment. Information provided by the Saratoga County Real Property Office indicates that the applicant is not the owner of record for the property: evidence of ownership such as a copy of the recorded deed should be submitted. A completed Owner Authorization Form must be submitted. Mr. Scavo explained that the Town Code states that “cutting...cannot result in less than 30 SF per acre of remaining basal area.” The application states that “virtual clear cutting” of the parcel is proposed: this is not allowed by Town Code. The applicant is asked to describe plans for future use of the site. Wetlands should be delineated on site and mapped. The following forms must be submitted with future plans: Owner Authorization Form, Billing Contract Form; 1 original and 16 copies of the EAF Form; Ethics Disclosure Form; 7 11” x 17” copies of the site plan. Mr. Scavo expects to have additional comments when all required documents are submitted for review.

Mr. Kim stated that he has provided a copy of the transfer of title to the property to the Planning Department.

Mr. Prescott, who resides at 218 Woodin Road, stated that he was very concerned with the increased traffic on the narrow, highly-trafficked roadway. Mr. Kim stated that the timbering operation would likely occur on week days from 8:00a.m. to 5:00p.m. An estimate of the length of time needed for the work was not available, though the applicant assured the Board that the site would be properly “cleaned” when timbering is completed. Mr. Kim responded positively in response to Mr. Prescott’s question regarding future subdivision of the parcel. Mr. Ferraro announced that he “had strong reservations” about reviewing the application in its current form, explaining that the lack of documentation regarding the proposed timbering operation pursuant to Chapter 184 of the Town Code, proposed removal of trees in excess of the required remaining 30 SF basal area, failure to delineate wetlands on the property, and “lack of specificity” with regard to future development were of significant concern. Mr. Andarawis stated that the applicant should consider the preservation of sufficient buffers for potential home owners. Mr. Koval pointed out that the Planning Board must ensure that applications comply with town ordinances. He recommended that the applicant employ a certified forester to ensure that the timbering activity is conducted in accordance with the latest forestry guidelines and town regulations. Board members did not comment on the acceptability of the application.

Minutes Approval:

Mr. Koval moved, seconded by Mr. Ophardt, approval of the minutes of April 25, 2012 as amended. Ayes: Ophardt, Paulsen, Werner, Koval, Ferraro. Noes: None. Abstained: Andarawis, Prescott.

Mr. Ophardt moved, seconded by Ms. Paulsen, approval of the minutes of May 8, 2012 as written. Ayes: Ophardt, Paulsen, Werner, Koval, Ferraro. Noes: None. Abstained: Andarawis, Prescott.

Ms. Paulsen moved, seconded by Mr. Ophardt, adjournment of the meeting at 12:01a.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on June 12, 2012. The meeting will begin at 6:30p.m. to provide time for a presentation by the Friends of Clifton Park Open Space.

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 #8 of 2012

Preliminary and Final Subdivision 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 May 23, 2012, there were:

Present: R. Ferraro, Chairman, E. Andarawis, J. Koval, E. Ophardt, K. Paulsen, T. Werner
E. Prescott – Alternate Member

Absent: M. Hale

Mr. Koval offered Resolution #8 of 2012, and Mr. Andarawis seconded, and

Whereas, an application has been made to this Board by Corey Reid for approval of a subdivision entitled Subdivision of the Lands of Mario and Ida Bucciero consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 23, 2012;

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 May 23, 2012;

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 Mario and Ida Bucciero consisting of (2) lots is granted preliminary and final approval pursuant to Section 208-16E(2)(c) of the Town Code that allows for a one-time single-lot family zoning exemption for properties lying within the CR (Conservation Residential) zone and Section 179-30 that permits the Planning Board to “waive certain requirements” of the regulations contained therein, allowing a 2.60’ variance from the 40’ road frontage requirement. Approval was also conditioned upon installation of markers that would indicate the boundaries wetland and buffer areas, incorporation of restrictions for tree cutting and land disturbance beyond the designated wetland boundaries within the property deed and satisfaction of all issues outlined in the final comment letter prepared by the Planning Department.

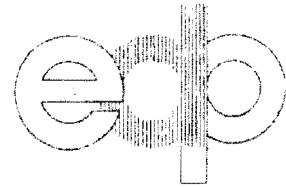
Resolution #8 of 2012 passed 5/23/2012

Ayes: Ophardt, Paulsen, Andarawis, Prescott, Werner, Koval, Ferraro

Noes: None

Rocco Ferraro,

Chairman



ENVIRONMENTAL DESIGN
PARTNERSHIP, LLP

LIGHT INDUSTRIAL SHOVEL READY SITE (PHASE II)
DCG DEVELOPMENT COMPANY

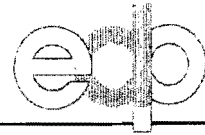
ADDITIONAL SEQR INFORMATION
May 2012

The following information is provided to the Town of Clifton Park as an analysis of how the Light Industrial Shovel Ready Site Application meets the criteria established in the Wood Road Corridor GEIS Findings Statement. The GEIS addresses the potential environmental impacts and mitigation measures for the eventual build out of the Wood Road Corridor for light industrial land use as allowed under Town Zoning. The Findings Statement provides that the following must be reviewed by the Planning Board to determine if a subsequent site specific action will be in conformance with the Findings Statement's conditions and thresholds:

1. Traffic and Transportation
2. Critical Habitats and Terrestrial Ecology
3. Wetlands and Hydrology
4. Utility Services
5. Visual Impacts
6. Air Quality and Noise
7. Solid Waste
8. Land Use, Cultural Resources and Zoning

TRAFFIC AND TRANSPORTATION

The current application includes site clearing, grading and soil stabilization only, and does not involve building construction which would generate an increase in traffic. Access to the site for clearing and grading operations will be from a temporary gravel construction entrance on Wood Road. Earth material shall not be hauled off-site and it is anticipated that approximately 2 to 3 work vehicles will enter and exit the site per day. The applicant understands that additional traffic information will be required by the Town once a light industrial land use is proposed for the site. The applicant is also aware of the fact that the Findings Statement requires the payment of a traffic mitigation fee (based on trip generation), for the development of each project within the Wood Road Corridor. The mitigation fee will be collected by the Town as part of a required condition of final site plan approval and can be utilized by the Town to mitigate growth in the Wood Road Corridor.



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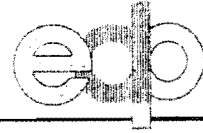
CRITICAL HABITATS

Two small habitat areas identified as Blue Lupine Area No. 3-A and No. 3-B have recently been surveyed located on June 15, 2010 and are shown on the proposed plans. Based on annual site studies performed by The Environmental Design Partnership, these two areas no longer contain the endangered Karner Blue Butterfly and the number of Blue Lupine plants found in these areas has reduced. The threatened species, Frosted Elms, have been observed during the annual monitoring conducted by the Environmental Design Partnership, LLP. However, the applicant has committed to provide protection of these areas during grading and clearing operations. The applicant proposed to maintain a 50 ft wide no cut buffer around these two areas. The buffer area will be flagged and identified as an environmentally sensitive area prior to commencement of construction activity. The applicant also continues to mow and maintain the field adjacent to the habitat areas in an effort to provide access and minimize the introduction of other potentially invasive plant species.

WETLANDS AND HYDROLOGY

All federally jurisdictional wetlands on the site have been field delineated, surveyed located and identified on the proposed clearing and grading plan. There are no New York State DEC wetlands or streams on the property. The project does not propose any clearing and grading activity within the wetlands and no wetland disturbance permits are required. Areas adjacent to wetlands that are disturbed will be protected during construction using silt fence and erosion control matting.

The existing site is predominately an open field, which has recently been graded and stabilized as part of the Phase (1A and 1B) clearing and grading approvals. Smaller wooded areas adjacent to the Northway and along the common property lines on the two subject parcels exist. The existing soils are very well drained Oakville sands in hydraulic soil group "A". Existing drainage is in a northeasterly direction toward Wood Road and the U.S. Army Corps of Engineer wetlands that have been delineated at the lower elevations of the site. Flow from the recently graded site areas is collected in a temporary sediment basin before being released to the north and east towards the existing wetlands and Wood Road. No impervious roadways, underground utilities or building structures will be constructed as part of this phase of the project. The proposed grading will alter approximately 13 acres of the site. The temporary sediment basins constructed during phase 1A and 1B will be removed and new basins will be constructed further down the slopes. The basin will be left in place after the site is stabilized and will be permitted to function until the site is developed in the future. At which time the basin will either be filled or enlarged to treated runoff from the proposed development. The drainage direction will be maintained but the site slopes will be made somewhat flatter and more uniform. Standard temporary sediment



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and erosion control measures including a stabilized construction entrance and perimeter silt fencing will be employed during the site grading work. Erosion control matting will also be placed in areas of the site where steeper slopes or sensitive receiving lands prevail.

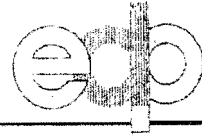
The sediment basin and a series of collecting swales will be positioned along the downstream edge of the area to be disturbed. This basin will intercept runoff from nearly all of the graded area. The main portion of the sediment basin will be approximately one half acre in size and will provide four feet of depth for sediment and storm water storage. Outlet from the sediment basin will be over a spillway that will discharge to an existing ditch along Wood Road. The entire disturbed area will also be seeded immediately after the grading is completed. The existing vegetation on the site provides an indication of the land's ability to support a stable, long term vegetative ground cover.

UTILITY SERVICES

There are no public or private sanitary or water utility infrastructure improvements associated with the clearing and grading operations proposed by the applicant. Provisions for future utility improvements have been discussed with both the Clifton Park Water Authority and Saratoga County Sewer District #1 and it is anticipated that future development of the parcel will include connections to both public sewer and water. Future sewer and water connections will minimize any impacts to the groundwater recharge areas and surrounding Aquifer.

VISUAL IMPACTS

Approximately 25 acres of forested trees have been removed from the site over the last several years and approximately 3 acres of additional trees and vegetation will be removed as part of the clearing and grading operations for this phase of the project. A vegetated buffer (as recommended in the GEIS) of approximately 100 feet wide along the Adirondack Northway has been preserved as a visual buffer for the project. The vegetative buffer includes tree species that are predominately White Pine, Red Oak, Cherry and Maple. Tree calipers range in size from 1 inch to 24 or 30 inches with the average size being approximately 12 to 18 inches. Once clearing and grading operations are completed the entire area to be disturbed will be topsoiled and seeded using a grass mixture that includes 60% Annual Ryegrass, 24% Perennial Ryegrass, 10% Creeping Red Fescue, 6% Kentucky Bluegrass.



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AIR QUALITY AND NOISE

Air quality may only be affected during the construction phase of the project since no light industrial or manufacturing land uses are proposed at this time. Machinery and construction equipment used shall have emission controls required by State and Federal emission standards. Short term air quality impacts due to dust or air borne particulates will be mitigated through the use of proper erosion control techniques. All disturbed areas, including stock piles will be stabilized as soon as possible with silt fencing, straw mulch and seeding. Wetting of exposed soils will also be used by the contractor to control and reduce dust generated during construction.

The project will produce minimal increases in noise levels, both during and after construction. Vegetation to remain along the Northway along with the preservation of wetland areas in the northeast section of the property, together, will act as a buffer to diffuse any noise generated by the project now or in the future. The proposed site is also significantly far enough away from any existing residential development in the area. Noise levels during construction will not exceed the limits established by the Town of Clifton Park or the existing ambient noise levels generated from the Northway. Work hours during construction will also be in accordance with the Town of Clifton Park's Code of Operation Hours.

SOLID WASTE

There will be no solid waste generated by the clearing and grading operations of the project. The only material to be hauled off-site will be tree stumps and organic debris which will be disposed at an appropriate landfill or organic waste facility. An Environmental Phase I Study has been prepared for the parcel owned by the applicant on Wood Road and an additional Phase I Study will be performed on the Shovel Ready Site on Ushers Road.

LAND USE, CULTURAL RESOURCES AND ZONING

The existing zoning of the project parcel is L-1 Light Industrial. Currently the parcel is vacant and will remain that way until a future tenant expresses interest in developing the parcel. Future land uses could include light manufacturing, warehousing or distribution, animal care facility, research laboratory, and professional offices.

In regards to cultural resources, a Phase I Archeological Investigation was performed by Hartgen Archeological Associates and a sign-off on the tested areas has been issued by the NYSOPRHP. Additional testing may need to be completed as part of the Phase 2 construction.



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A supplement to the GEIS ("SEIS") is normally required by the applicant only if the subsequent proposed action has site specific impacts which involve one or more of the items listed above. As indicated, the project does not adversely impact any of the criteria noted in the Findings Statement, therefore it is our opinion that a SEIS is not required.

Submitted by: Joseph C. Dannible, R.L.A.
The Environmental Design Partnership