

Clifton Park Planning Board Meeting Minutes

March 11, 2003

Those present at the March 11, 2003 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, R. d'Amico, T. Karam, J. Larkin, J. Marzola, J. Russell

Absent: B. Czub

Those also present were: J. Kemper, Director of Planning, J. Grasso, Clough, Harbour, and Associates, M. O'Brien, Environmental Specialist, P. Pelagalli, Counsel

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m. He noted that Mr. Kemper would accompany this evening's presentations with aerial photos of the proposed project sites by using a GIS program that has recently become available. Mr. Bulger noted that this visual aide, one of the first of its kind in the state, will help to Board members and the public visualize proposed site development.

Public Hearings:

[2003-006] Hicks, Thomas – Proposed sand and gravel mine – 164 Sugar Hill Road - Special use permit and site plan review – Preliminary public hearing and determination.

Mr. Bulger called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on March 4, 2003.

Mr. Brian Milliman, representative of Griggs-Lang Consulting Geologists, Inc., presented this application that calls for the operation of a 15-acre sand and gravel mine within a 134-acre parcel owned by applicant Thomas Hicks. Material processing will consist of a dry screen and mining operation conducted at least five (5) feet above the mean annual high groundwater table. Approximately 1 acre has been previously affected; therefore, the NYSDEC area of the mine is 14 acres. Substantial documentation regarding this project has been provided to the Planning Department, Clough, Harbour, and Associates, and the New York State Department of Environmental Conservation. A mining plan and soils map, reclamation plan, long EAF, project narrative, and the approved NYSDEC Mining Permit have been submitted for review. Mr. Milliman explained that the site will be accessed by an 800-foot long farm road onto Sugar Hill Road and that the work will progress from south to north within the designated mining area. He noted that the NYSDEC permit was issued in 2002 and that the required reclamation requires that the land be restored for agricultural use.

Mr. Kemper explained that the project last appeared before the Board on February 11, 2003 at which time the two major issues to be addressed concerned the buffer areas

surrounding the mining operation and the hours of operation. The letter that was sent by the Town to NYSDEC during their review process requested hours of operation between 9a.m. and 5p.m. The Board decided at the last meeting that they would establish the buffers and hours of operation during the public hearing. Mr. Kemper reported that Kevin Bowman, adjoining property owner, expressed his support for the project in a letter dated March 7, 2003. The Saratoga County Planning Board approved the project on February 20, 2003 without comment.

Mr. Kemper provided Board members with a list of the requirements that must be met for a Special Use Permit to be granted. Although a SEQRA determination was completed by DEC for the mining operation, the Planning Board will need to take SEQRA action on the Special Use Permit and site plan actions. As mentioned at the last meeting, the Planning Department received a memo from Lou Gerard recommending that all trucks travel east on Riverview Road toward Vischer Ferry Road: no trucks are to go west on Riverview Road. This traffic pattern would save the condition of the road.

Clough, Harbour, and Associates has noted in the comment letter that because NYS Mined Land Reclamation Law takes precedence, Planning Board action is limited to the following:

- whether setbacks are appropriate♣
- whether access restrictions are appropriate♣
- whether dust control measures are appropriate♣
- whether the proposed hours of operation are appropriate♣
- whether mining is prohibited at the proposed location.♣

Mr. Bianchino reported that all of the engineering comments issued by Clough, Harbour, and Associates have been satisfactorily addressed.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project, the ECC reiterates the comments made at the February 11, 2003 meeting. At that time, the ECC recommended that the Special Use Permit restrict mine operations to weekdays. It was recommended that trucks be regulated to ensure they are covered and not overloaded because debris and dust from exiting vehicles would create a hazardous condition on Sugar Hill Road. The appropriate agency should be notified of this activity to monitor this aspect of the project. On-site erosion control measures must be continually installed and monitored to prevent excessive silt loading in streams and ponds within close proximity of the mine. These measures must be kept in working order for the duration of the operation. All spills (broken/leaky fuel tanks, ruptured hydraulics, oil and antifreeze spills) must be reported to the NYSDEC Spill Hotline. Due to the proposed 5' buffer to the water table, immediate containment measures may be necessary to prevent groundwater contamination.

During the February 11, 2003 Planning Board meeting, the ECC also requested that the following standard statements be added to the permit conditions and adhered to:

- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.

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

If hazardous materials will be stored on-site, the applicant must submit a plan addressing handling, storage, and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored.

Ms. Mary Jones, 149 Sugar Hill Road, asked about the effects of this project on the area's water supply. She also asked if the applicant had determined if air pollution would be a problem. If so, she requested information regarding the containment measures. In response, Mr. Milliman read applicable sections from the Notice of Determination of Non-Significance prepared by NYSDEC as part of the negative declaration pursuant to SEQRA. Briefly stated, the report concludes that "the probability of a leak occurring of sufficient magnitude to impact the quality of ground water is no greater than the risks associated with the agricultural practices currently occurring in the area of the proposed mine site." The notice also addresses concerns regarding potential dust impacts, stating that the "mine face will be limited in size and therefore, subject to limited wind erosion." Additionally, "all processing will occur at locations within the site that will provide the maximum screening from the wind" and "permanent stockpiles will not be built in the mining area" since the material will be removed to specific job sites as needed. Mr. Milliman further explained that the mine operator is required to periodically water down access road during dry weather and to cover all loaded dump trucks with tarps.

Mr. David Bowman, 145 Sugar Hill Road, stated his support for this project, noting that the impact of the sand and gravel mining operation would be minimal as compared with the number of homes that could be constructed on the property.

Mr. Bulger read two other letters regarding this application that had been received by the Planning Department. The first was a letter from Kevin Bowman, 157 Sugar Hill Road, who finds the application acceptable, noting that the Mr. Hicks' request sells only some of the minerals from his property, eventually reclaiming it for agricultural purposes and maintaining the remainder of the property for farming activities. Mr. Cotton, 216 Sugar Hill Road, also wrote in support of the mining operation.

There being no further public comment, Mr. Larkin moved, seconded by Mr. d'Amico, to close the public hearing at 7:25p.m. The motion was unanimously carried.

Mr. Bulger explained that since NYSDEC conducted the SEQRA review and issued an environmental determination for the application and because a permit for mining was issued by this state agency, the Planning Board has limited authority to establish

conditions of approval. Mr. Bulger found the proposed hours of operation from 7a.m. to 7p.m. weekdays and 8a.m. to 5p.m. Saturdays acceptable.

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

Mr. Larkin offered Resolution #3, seconded by Mr. Marzola, to approve the application for the Special Use Permit for this application conditioned upon the establishment of the hours of operation as 7a.m. to 7p.m. weekdays and 8a.m. to 5p.m. Saturdays: as approved by Mr. Gerard, Highway Superintendent, truck traffic may travel north and south on Sugar Hill Road and in both directions on Riverview Road. Ayes: Larkin, d'Amico, Karam, Marzola, Russell, Bulger. Noes: None.

Mr. d'Amico moved, seconded by Mr. Karam, to establish the Planning Board as Lead Agency for the site plan application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

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

Old Business:

[2002-042] Assembly of God – Proposes 3,265 SF church, 635 Englemore Road - Preliminary site plan review and possible determination.

Mr. Gary Violet, former Clifton Park resident and former member of the Assembly of God Church, presented this application for the Assembly of God church. As described during conceptual review on August 13, 2003, plans call for the construction of a 3,265 SF building on 5.49 acres of land in and R-1 zone on Englemore Road. The first phase will include a wood-framed church building with shingled gabled roof and brick exterior that will contain office and classroom spaces. An asphalt drive and parking area for 45 vehicles, including 2 handicapped spaces, will be constructed. An on-site well and septic system will serve the facility. The Zoning Board of Appeals granted a Special Use Permit for the establishment of a church in a residential zone on December 3, 1996. Mr. Violet explained that, although he was a licensed engineer, he was just recently contacted by the church and had not had time to familiarize himself with the project plans. He was unable to address the concerns of Clough, Harbour, and Associates, Mr. Kemper, or Mr. O'Brien.

Mr. Bulger recommended that, due to the numerous comments from the Town Engineer and the Planning Department, the applicant consider postponing the Board's review until Mr. Violet could meet with Town officials to resolve some of the development issues.

[2002-072] New York Development Group, Inc. – Proposed (12) lot subdivision, 417 Moe Road – Revised conceptual review.

Mr. Mr. Gil VanGuilder, Gilbert VanGuilder Land Surveyor, LLC, consultant for the applicant, outlined this project that remains generally as presented at the December 10, 2002 Planning Board meeting. The proposal calls for the subdivision of 7 acres of land on the east side of Moe Road, approximately 500 feet south of Kingswood Drive, into 12 residential lots. The lots will connect to public water and sewer and will be accessed by a 1130-foot long public road. With the exception of a 30-foot front building setback line, the lots will meet all R-1 requirements: the applicant received a 20-foot front yard setback area variance from the Zoning Board of Appeals. Mr. VanGuilder noted that the project adjoins other residential properties. He also pointed out that the substantial lot widths lessen the impact of minimal lot depth.

Mr. VanGuilder provided additional development details. The applicant proposes to relocate the existing residence on the parcel to a parcel fronting directly on Moe Road. Low-pressure grinder pumps will be installed and connection will be made to the existing Country Knolls Sanitary System. It has been determined that there is sufficient capacity to handle the estimated additional flows. The stormwater management area has been located at the lowest portion of the site, south of the access drive and adjoining to Moe Road.

Mr. Kemper explained that this project last appeared before the Board on December 10, 2002 for conceptual review. The main issues identified by the Board at that meeting included the proposed density of the subdivision, responsibility for maintenance of the grinder pumps within subdivision residences, and the impact of drainage to properties on Royal Oak Drive. The project is a Type 1 action under SEQRA; therefore, coordinated review is required. When the board is comfortable with the proposed layout, the Planning Department will begin the SEQRA review process. On the cover sheet, note #10 under Town of Clifton Park Standard Notes should be revised to incorporate the correct hours of construction for Saturdays (9-4). In accordance with previous Board decisions, no construction activities should be allowed on Sundays. The specific number of the variance that was granted by the ZBA should be placed on the cover sheet as well as the type of variance and the date of the action. A sign-off will be required from the Saratoga County Sewer District and the Clifton Park Water Authority. Any ACOE wetlands located on the property should be depicted on the plot plan. Plans should clarify if the utility easement is for the drainage swale. The applicant must supply a street name so that postal addresses can be assigned to the lots. A buffer should be provided in the rear of lots 6 and 7 because there is no vegetation between them and the homes on Royal Oak Drive. The drainage swale that is located on the property is a Town of Clifton Park LC Zone. The Town is currently revising that section of the code and no approval can be granted for any disturbance in the LC Zone. The size of the plantings in the stormwater management basin should be increased to 24" minimum spread or height for ornamentals, 3" minimum caliper for deciduous, 6' high minimum for evergreens.

Mr. Kemper reported that Don Clemens' memo of December 10, 2002 recommended that the Planning Board require installation of exterior grinder pumps that are located at least 15 feet from a paved surface. Sheryl Reed's memo of March 11, 2003 requests that a

street name be provided in order to receive the postal verifications for the proposed residences.

Mr. Bianchino explained that Clough, Harbour, and Associates reviewed the preliminary plans for the project as prepared by Lansing Engineering, PC dated February 19, 2003. Several comments from the December 5, 2002 concept review letter remain unaddressed. Additional recommendations have also been provided.

The plan should clarify the purpose and grantee of the utility easement along the southern property line. Portions of the proposed Stormwater Retention Basin are shown within the limits of the existing 30' wide Utility Easement in the southwest corner of the property. The applicant should confirm that the proposed work does not violate any restrictions contained in the easement.

Set back limits should be shown and labeled on all applicable drawings and benchmarks used in the course of preparing the topographic base mapping should be shown on the plans. The proposed location of permanent monumentation should be shown on the plans. The base mapping should be updated to reflect the current conditions along Moe Road. There are no notes on the plans indicating when the field work was completed. It appears as though the work was done prior to the completion of the Moe Road reconstruction project and a new multi-use path now exists along the east side of Moe Road. This path should be considered in the design of this development: at a minimum, stop signs should be provided on both sides of the new road to protect users of the path.

Mr. Bianchino listed a number of technical comments that must be addressed. The "Typical Roadway Cross Section" on Drawing DT-1 does not reflect the current Town standard. A copy of the current standard section has been forwarded to the applicant's consultant: the detail and plans should be revised to reflect use of this section. The rim elevations for all catch basins should be revised based on the use a 14-foot lane. To decrease the possibility of "bird paths" developing in the areas around the catch basins, Clough, Harbour, and Associates suggests that the rim elevations be set two tenths below the theoretical grade of the flow line (as determined using the centerline elevation and the roadway cross slope). This procedure is particularly effective when attempting to place drainage structures at the low point of shallow vertical curves.

No provisions have been included for the dedication of "park land" or "open space" to the Town of Clifton Park as required by Section 179-27 – Public Land of the Town's Subdivision regulations. Absent this provision, a per lot park fee will be assessed in accordance with the fee schedule provided in Local Law No. 12-1988. Proposed hydrant locations on the subdivision plan and the grading and drainage plan must coordinate.

The firm reviewed the Stormwater Management Report, dated February 19, 2003 and offered several comments. In order to verify existing soil conditions such as soil type, impermeable layers, high groundwater and percolation rates, test pits and percolation tests should be performed within the limits of the proposed stormwater management area to a depth of two feet below the bottom of the basin. The storm sewers should be sized

based upon full flow capacity using the Manning Equation. According to the Conveyance and Piping Calculation Table, five of the ten storm sewer runs have velocities at design flow of less than the industry standard 3 feet per second. Design of storm sewers at slopes less than the industry standard of 0.50% is not recommended due to low velocities that could result in accumulation of sedimentation and debris in the storm sewers and the small tolerances for field changes during initial installation. Consideration would be given to slopes less than 0.50% for isolated pipe runs: it is not recommended for the entire storm system. Clough, Harbour, and Associates recommends that the storm sewer be re-designed to achieve a minimum slope of 0.50% and velocity of 3 feet per second. A Stormwater Pollution Prevention Plan with erosion and sediment control methods and details should be provided. Since the project will involve the disturbance of greater than 1 acre of land, the applicant is required to submit a Notice of Intent (NOI) pursuant to the State Pollution Discharge Elimination System (SPDES). The final stormwater report should have the seal and signature of licensed New York State Professional Engineer.

Mr. O'Brien, Environmental Specialist, listed the issues identified by the ECC. The proposed project is close to a stream and the associated LC Zone to the south: the applicant should assess whether the 50 foot buffer falls upon any of the proposed lots. Any LC Zone identified should be indicated on the individual plot plans. The Commission notes that the stormwater management plan allows for the overflow discharge from the detention basin to flow onto an adjoining property. Off-site impacts of this discharge should be addressed. The ECC also recommends that the ESAB (Emergency Services Advisory Board) review this project for emergency equipment accessibility.

Mr. Bulger reiterated his concerns of the previous meeting, explaining that the proposed subdivision still appears to be "too dense" for the parcel. Mr. Larkin supported Mr. Bulger's position, noting that, although the lot number has been reduced by one to permit the installation of the stormwater management area, he sees "no reduction in intensity". Mr. d'Amico again asked that the impact of possible drainage from this site to the existing properties on Royal Oak Drive be evaluated. He suggested that elimination of the two lots at the end of the cul-de-sac would be beneficial.

In response to Board comments, Mr. VanGuilder suggested that a 25-foot vegetated buffer be provided to existing residential parcels: he believes that drainage from the site will not impact existing properties.

Mr. Bulger summarized the Board's concerns, noting that members had expected a reduction in the density of the development. Though he suggested that the project be served by a private drive that would allow for reduced roadway standards, Mr. VanGuilder explained that prospective owners preferred access via a Town road. He said that he would consult with his clients to determine if an alternative project plan could be developed.

Preliminary site plan review and possible determination.

This application was withdrawn from this evening's meeting at the request of the applicant.

[2003-016] Mildred Peck Trust – Proposed (41) lot subdivision, Clifton Park Center Road – Revised conceptual review.

Mr. Gordon Nicholson, Environmental Design Partnership, presented this project plan on behalf of Mr. Thomas Farone, developer. He described the project plan that now calls for the subdivision of 65.9 acres of land into 41 single-family lots. The wetland delineation has been completed and lots have been reconfigured to avoid disturbance to these areas. Mr. Nicholson explained that many of the comments from Clough, Harbour, and Associates have been addressed and that the applicant is willing to cluster the lots to the southwestern portion of the site to eliminate multiple drives onto Miller Road and move most of the development to the eastern side of the hill.

Mr. Kemper explained that this project appeared before the Board as a (2) lot subdivision which established the road right-of-way onto Clifton Park Center Road. Church members have submitted a supplemental sheet to a previously submitted petition that expresses concerns with the proposed access location on Clifton Park Center Road. The complete petition will be provided to Board members prior to the preliminary public hearing. He asked that the developer mitigate the impact that vehicle headlights may have when exiting the site on Miller Road. The CHA letter suggested that all of the proposed development be located on the east side of the hill. Justification for this request has been provided by the Town Engineer.

Mr. Bianchino explained that Clough, Harbour, and Associates reviewed the revised concept subdivision plan for the project as prepared by Environmental Design Partnership, LLP, dated January 28, 2003. The plan represents a refinement of the initial concept plan including a change in the size and configuration of the parcel as a result of subdividing out the existing farmstead lot and it addresses some of the concerns raised during previous reviews. The overall concept of the subdivision has not significantly changed, however, and many of the concerns with the plan still remain. The following comments were offered for consideration by the Planning Board.

Since the project is located in the Vischer Ferry Road corridor overlay zone, the maximum allowable density is one lot per 40,000 square feet of upland area. Based on the information provided, the proposed density of 41 lots is acceptable.

Mr. Bianchino noted that previous reviews strongly encouraged the use of a cluster layout given the site's highly unique features including the following:

- the site contains the highest point in the Town
- the site's hill is prominently visible from Miller Road
- the site contains significant vistas to the east
- the site contains significant federal wetlands

- the site contains a longstanding farming homestead
- the site is bordered by three uniquely designed developments (Summerhill, Meadows Estates and Cortland Manor Estates) that all include use of creative design principals.

In addition, regarding the proposed access to the project site, Clough, Harbour, and Associates has reviewed additional information relative to the adequacy of sight distance at the two proposed Town road access points on Clifton Park Center and Miller Roads, respectively. Based on the information submitted, both locations are acceptable from a sight distance perspective. The issue of the headlights of vehicles exiting onto Miller Road impacting the property across the street remains to be addressed. In addition, the sight distance report did not evaluate the common driveways proposed on Miller Road. Based on this information, it is recommended that the plan be revised per the following:

- maintain the two proposed town road access points and adequately mitigate the impact of headlights across Miller Road
- eliminate the two proposed common driveways from Miller Road
- provide a cluster layout with all of the currently proposed (41) lots on the east side of the hill.
- provide a multi-use pathway along the crest of the hill that takes advantage of the vistas to the east and connects to the existing pathway within Summerhill/Cortland Manor Estates.

Based on the current number of proposed lots, a revised estimate of the Vischer Ferry Road GEIS C.I.P. fees are as follows:

- Transportation 41 Trips x \$268/Trip = \$ 10,988
 - Sanitary Sewer 41 EDU's x \$3,314/EDU = \$135,874
 - Water Distribution 41 EDU's x \$1,728/EDU = \$ 70,848
 - GEIS Preparation 41 EDU's x \$310/EDU = \$ 12,710
 - CIP Preparation 41 EDU's x \$ 49/EDU = \$ 2,009
- Total: = \$232,429

Mr. O'Brien, Environmental Specialist, stated that the only comment from the ECC was that the wetland boundaries should be indicated on each individual plot plan.

Mr. Bulger found the project revisions acceptable, but sign-off from Clough, Harbour, and Associates will be required to ensure the safety of the access onto Miller Road. Mr. d'Amico recommended that Lots #4, 5, and 6 be relocated and he questioned the viability of Lot #10. Mr. Nicholson pointed out that the applicant was reluctant to reduce the number of lots since the number of lots is necessary to meet economic thresholds. Mr. Russell approved of the revised plan, noting that the property was the highest in the Town and offered wonderful views of the surrounding countryside. Mr. Bulger recommended that the preliminary plan be prepared for a public hearing and coordinated review pursuant to SEQRA.

New Business:

[2003-010] King of Kings Lutheran Church – Proposed 8,725 SF addition and 480 SF

garage, 1593 Crescent Road – Special Use Permit and conceptual site plan review.

Mr. Lance Manus, consultant for the applicant, presented this application on behalf of the church. Mr. Harris and Mr. Anderson, representatives of the church's Building Committee, were also in attendance. Mr. Manus began by discussing the Special Use Permit that is required pursuant to Section 208-10B(9)(a) and 208-79 to expand an existing church complex in an R-1 zone. Though the application currently before the Board calls for the construction of an 8,725 SF addition and a 480 SF storage building, the Special Use Permit will be granted for all three phases of the project that will total over 19,000 SF.

Mr. Manus described Phase I of the project plan, explaining that the 9,000 SF addition would provide for additional sanctuary and classroom space. This initial improvement would include an additional curb cut onto Crescent Road across from Boyack Road and 35 additional parking spaces. The wetland area delineated on the northwestern portion of the site totals .26 acres. All parking setback requirements have been respected. Mr. Manus noted that future building development and stormwater management areas will be planned for the western portion of the site on property recently acquired by the church. He stated that the building expansion would compliment the existing building and that the same building materials would be used for construction.

Mr. Kemper explained that, due to the significant expansion proposed and anticipated in the future, a new Special Use Permit must be obtained. A wetland delineation will have to be performed on the property and the date and firm that performs the delineation must be included on the plot plan. Future plan submittals should include site statistics, greenspace, zoning, setbacks, landscaping, lighting, and signage.

Mr. Bianchino explained that 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: Clifton Park Planning Board –Special Use Permit and Site Plan Approval; Saratoga County Planning Board-Section 239 Referral; Saratoga County DPW – Curb cut Permit.

The proposed method of stormwater management should be specified. If infiltration is being proposed, we would recommend that soil investigations be conducted within the infiltration area to verify that the existing soils are conducive to infiltration. The application states that the subject parcel is zoned R-1 Residential and that a Special Use Permit currently exists. According to the Town's official zoning map the site is situated within the limits of a Planned Unit Development (PUD). No information is provided regarding the conditions of the existing permit. This issue needs to be clarified.

The applicant must confirm the adequacy of sight distance from the proposed driveways on to Crescent Road. During a visit to the site, the sight distance to the east from the new driveway being proposed to enter Crescent Road opposite Boyack Road appeared to be very limited. The combination of the church's sign at the existing entrance, the landscaping surrounding the existing pump station on the north side of Crescent Road

(not shown on plans) and existing trees greatly limit available sight distance.

Future plan submissions should include the following: project data including site statistics, building setbacks, etc.; expanded base mapping that includes all surface features that could have an impact on the project such as the pump station and individual mature trees along Crescent Road; proposed lighting and landscaping; limits of clearing and grading.

Mr. O'Brien, Environmental Specialist, listed the concerns of the ECC. A stormwater management plan should be submitted for review by the Town engineer and the ECC. The applicant should verify, delineate, and identify the actual extent of wetlands on the parcel. The ECC does not believe the eastern-most curb cut to Crescent Road serves a useful purpose. The Town Engineer might consider recommending to the applicant that this curb cut be removed from the plan.

Board members discussed the driveway locations and traffic flow through the site. Mr. Bulger recommended that parishioners be encouraged to use the western most access and asked that Clough, Harbour, and Associates evaluate sight distances. Mr. d'Amico asked that the deeds for the existing church parcel and the recently-acquired parcel to the west be combined. Board members agreed that buffering to the north would be required when Phase 3 of the project is proposed.

[2003-011] Country Club Acres, Inc. – Proposed (2) lot subdivision, VanPatten Drive – Conceptual review.

[2003-012] Country Club Acres, Inc. – Proposed 62,400 SF office and warehouse space, VanPatten Drive – Conceptual site plan review.

Both agenda items submitted by Country Club Acres, Inc. were considered concurrently.

Mr. Tom Andress, consultant for the applicant, explained that the subdivision application calls for the subdivision of a 21.6 acre parcel in a light industrial zone (L-I) into lots of 7.6 acres, 7.3 acres, and 6.6 acres, respectively. The lots will be served by on-site wells and will connect to the Saratoga County Sewer District. The 7.63 acre parcel contains 200,000 SF of the proposed empire zone. Marshall Distributors, a national distributor for snowmobile and ATV parts, proposes the construction of a 62,400 SF warehouse on the largest lot. Appropriate landscaping, lighting, and other site amenities are included in the project plan. Though the applicant proposes to install 29 parking spaces at this time, the 36,000 SF “future phase” may require additional spaces. Access will be provided from VanPatten Drive. The company expects to employ 20-30 people.

Mr. Kemper offered several comments on the project plan. Setbacks should be illustrated on the plot plan. A mechanism should be put in place so that if the Town of Clifton Park requires additional right-of-way along VanPatten Drive or Pierce Road it can be deeded over at that point in time at no cost to the town. Future submittals should include landscaping, lighting, and signage details. The application was forwarded to the Saratoga

County Planning Board on February 19, 2003. The idea of a future parking area is something the Planning Board has recommended in the past. He noted that this site was designated as an empire zone by the Town of Clifton Park and therefore, the area that the building can be located in is fairly limited.

Mr. Andress asked that the Board consider establishing all future setback lines from the existing property boundary rather than from the boundary that would be defined following the conveyance of additional right-of-way property.

Mr. Bianchino reported that Clough, Harbour, and Associates has reviewed the conceptual subdivision plan and site plan for the above referenced project as prepared by ABD Engineers and Surveyors dated February, 2003 and offers 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: Clifton Park Planning Board -Subdivision and Site Plan Approval; Saratoga County Planning Board – Section 239 Referral; Saratoga County Industrial Development Agency – Empire Zone; Saratoga County Sewer District - Sewer Connection Point; Clifton Park Water Authority – Water Connection Point.

The Town of Clifton Park's Trails Master Plan indicates that the roadways surrounding this property are all considered candidates for a multi-use pathway at some point in the future and Clough, Harbour, and Associates is currently preparing a design for a multi-use pathway along VanPatten Drive. Based on the current design, it appears that only minimal additional right-of-way may be required along VanPatten Drive. As such, it is recommended that five feet of additional right-of-way be provided along Van Patten Drive. Because the final location of the pathway along Ushers Road and Pierce Road is not known at this time, it is recommended that an additional ten feet of right-of-way be provided along Ushers and Pierce Roads. If the conveyance of the right-of-way is not possible at this time, provisions should be made for the conveyance at no cost to the Town at such time that final design plans for the pathway are prepared.

Bearings should be shown for the courses defining "Remaining Lands of Country Club Acres, Inc." Additionally, the accurate lengths of all the courses around this parcel should be reviewed in accordance with the standards of accuracy. Because Van Patten Drive is a collector road primarily serving residential development, retention of existing vegetation along Van Patten Drive should be accommodated in the final plans.

Mr. O'Brien, Environmental Specialist, listed the comments from the ECC. The applicant should submit a stormwater management plan for review by the Town Engineer and the ECC. The Commission notes that a Karner Blue Butterfly habitat area may exist at this location: the applicant should request a determination by the New York State DEC. In keeping with the recommendations and goals of the Town Comprehensive Plan, the applicant is encouraged to consider retaining existing vegetation to the maximum extent practicable and/or the use of landscaping and grading to provide visual and auditory buffering between the projects and adjacent roadways or other properties. All exterior lighting shall be directional and limited.

Board members were pleased with this proposal since it will bring a new business to the Town. Mr. d'Amico asked about the use of Lot #2 since frontage is limited along Pierce Road. Mr. Dean Taylor, real estate representative for Country Club Acres, Inc., explained that access could be provided to the parcel via an existing easement on an adjoining parcel. In response to Mr. Karam's question regarding greenspace, Mr. Andress pointed out that 57.8 percent of the parcel would remain undisturbed. Mr. Bulger found the plan acceptable and welcomed the new business to the Town. He asked that Mr. Andress consult with Ms. Reed, Chief of the Bureau of Fire Prevention, to determine if emergency access was acceptable.

Discussion Items:

Ms. Inge Parlo, 139 Boyack Road and Ms. Janet DeLorenzo, 79 Algonquin Road, asked the Planning Board to help Town residents who reside on properties adjoining a parcel lying wholly in the Town of Halfmoon in opposing development of that parcel. Explaining that Mr. Mike Abele has proposed a 14-lot subdivision on the parcel, Ms. Parlo listed the reasons why she and her neighbors stand opposed to such a development. She expressed concern for the removal of trees that had provided a buffer between homes in Crescent Estates South and the Northway, noting that the trees not only provided a visual buffer, but also greatly reduced the noise and pollutants from the major highways. Of greatest impact, however, would be the additional drainage that would most likely negatively impact the existing stream that borders properties within Crescent Estates South. This is of concern because the stream is prone to frequent flooding.

Ms. Parlo presented Board members with letters, Town of Halfmoon meeting minutes, and other documents that would support opposition to Mr. Abele's project. She asked for any consideration or assistance that the Board could offer Town of Clifton Park residents.

Mr. Andress, representative for Mr. Abele, who was coincidentally in attendance at this meeting, provided a brief history of the project that he was preparing for submission to the Town of Halfmoon Planning Department.

Mr. Bulger, stating that he appreciated the problems of the residents of this area of Crescent Estates South who were impacted by the "arbitrary line" that separates the towns, explained that the parcel involved was "totally out of the Town of Clifton Park Planning Board's jurisdiction." Assuring the residents that he was very concerned about the situation, he stated that he would discuss the situation with the Town Attorneys. If deemed appropriate, the Board agreed that he should provide a letter of support for Ms. Parlo's position.

Minutes Approval:

Mr. d'Amico moved, seconded by Mr. Karam, approval of the minutes of February 25, 2003 as written. The motion was unanimously carried.

Mr. Bulger moved, seconded by Mr. Larkin, adjournment of the meeting at 9:10p.m. The motion was unanimously carried. The next meeting of the Planning Board is scheduled for March 25, 2003.

Respectfully submitted,
Janis L. Dean,

Secretary

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

Resolution #3

PRELIMINARY AND FINAL APPROVAL
Special Use Permit

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 March 11, 2003, at 7:10 P.M. there were:

Present: S. Bulger, R. d'Amico, T. Karam, J. Larkin, J. Marzola, J. Russell,

Absent: B. Czub

Mr. Larkin offered Resolution #3 and Mr. Marzola seconded, and

Whereas, an application has been made to this Board by Thomas Hicks for approval of a special use permit pursuant to Section 208-8B(9)(a)5 and 208-79 to permit the excavation of sand and gravel in an R-3 zone; and

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on March 11, 2003 in the Town Office Building,

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

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

Now therefore, be it resolved that the Special Use Permit pursuant to Section 208-

8B(9)(a)5 and 208-79 to permit the excavation of sand and gravel in an R-3 zone is hereby approved conditioned upon the establishment of the hours of operation as 7a.m. to 7p.m. weekdays and 8a.m. to 5p.m. Saturdays and truck traffic traveling both north and south on Sugar Hill Road and in both directions on Riverview Road.

RESOLUTION #3 passed 03/11/03

Ayes: Larkin, d'Amico, Karam, Russell Marzola, Bulger,

Noes: None

Abstained: None

Steven Bulger,
Chairman