

Clifton Park Planning Board Meeting Minutes

April 8, 2003

Those present at the April 8, 2003 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, B. Czub, T. Karam, J. Larkin, J. Marzola, J. Russell

Absent: R. d'Amico

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 public hearing to order at 7:10p.m.

Public Hearings:

[2003-001] The Crossing, LLC – Proposed (3) lot subdivision of Lots #48 and #54, Crossing Boulevard – Preliminary public hearing and possible 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 April 2, 2003.

Mr. Paul Goldman, legal representative for the applicant, described this application that calls for the subdivision of lands within the existing Crossing shopping center. Lots will be 10.8 acres, 11.4 acres, and 5.1 acres, respectively. Mr. Goldman explained that Mr. Flanders, Professional Land Surveyor, will plot all of the easements on the plan. All other items of concern will be addressed. The subdivision is basically designed to separate the proposed Kohl's retail store from adjoining businesses within the Crossing.

Mr. Kemper explained that when this project last appeared before the Board on January 14, 2003. He asked that a note be added to the plans stating that the variances go with the project and not the property. Ownership of the sanitary sewer line should be established and indicated on the plan. The actual footprint for the Kohl's store should be depicted on the plot plan: the plan currently illustrates the layout of the former Grand Union building. The Saratoga County Planning Board approved the application on January 16, 2003 without comment. A note should be added to the plans listing the variances that were granted and their associated variance numbers. All existing easements should be depicted on the plot plan. A signoff is required from the Saratoga County Sewer District. Sheryl Reed, Chief of the Bureau of Fire Prevention, in an April 8, 2003 memo, asked that the actual Kohl's building - not the old Grand Union structure – be shown on the plan. Ms. Reed also explained that the applicant is scheduled for a hearing before the Department of State for a variance regarding the gross floor area allowed for the proposed structure. The proposed subdivision and the new lot line may play a key role in

the State's determination of the requested variance. Should the Board approve the proposed subdivision, Ms. Reed expects that the state will look more favorably on the variance request.

Mr. Grasso offered two engineering comments. The plan should identify the limits of all existing public utilities with appropriate easements. The plan should include a listing of all variances granted for the property and provide information regarding the conditions of those variances.

Mr. O'Brien, Environmental Specialist, stated that the ECC had no comments on this application.

There being no public comment, Mr. Larkin moved, seconded by Mr. Marzola, to close the public hearing at 7:20p.m. The motion was unanimously carried.

Mr. Marzola asked Mr. Goldman to comment on the amount of greenspace on the site. Greenspace calculations show that the amount of open space on The Crossing site has not changed. Although the Kohl's store is larger than the former Grand Union, the Target store is not as large as the former Builder's Square. Mr. Larkin asked about the installation of the traffic signal at the intersection of Crossing Boulevard and Sitterly Road. Mr. Kemper explained that the traffic signal will be installed prior to the issuance of the Certificate of Occupancy for Kohl's.

Mr. Bulger moved, seconded by Ms. Czub, 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. Marzola offered Resolution #5, seconded by Mr. Larkin, to grant preliminary and final approval, waiving the final hearing, to this application conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso. Ayes: Larkin, Czub, Karam, Marzola, Russell, Bulger. Noes: None.

[2003-021] Mannion, Michael – Proposed two-family residence in an R-1 zone – Preliminary public hearing for Special Use Permit and preliminary site plan review and possible determination.

Mr. Bulger called the public hearing to order at 7:25p.m. The Secretary read the public notice as published in the Daily Gazette on April 2, 2003.

Mr. Mannion, applicant, asked the Board to approve the Special Use Permit application that would allow the renovation of his residence at 29 Juniper Drive to create a two-family dwelling. He explained that there will be no changes to the exterior of the property: interior changes will provide for the addition of a living space on the ground floor.

Mr. Kemper stated that he found this project acceptable, particularly since the applicant

proposes no exterior changes to the property.

Mr. Grasso offered no comment on this application. Mr. O'Brien, Environmental Specialist, stated that the ECC had no comments on this application.

There being no public comment, Mr. Russell moved, seconded by Ms. Czub, to close the public hearing at 7:30p.m. The motion was unanimously carried.

Mr. Larkin and Ms. Czub both expressed concerns about the future use of the property. They would like to see the second dwelling unit limited to use by an in-law or family member of the individual residing in the main residence. Mr. Pelagalli explained that such a restriction may be imposed as a condition of approval.

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

Mr. Karam offered Resolution #6, seconded by Mr. Marzola, to approve the Special Use Permit to allow the construction of a two-family residence in an R-1 zone conditioned upon the addition of a note to the plan and the deed stating that use of the additional unit will be restricted to "in-laws" or family members of the individuals occupying the main residence. Ayes: Larkin, Czub, Karam, Marzola, Russell, Bulger. Noes: None.

Ms. Czub moved, seconded by Mr. Marzola, to establish the Planning Board as the Lead Agency for the site plan application and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

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

Old Business:

[2003-009] Excelsior Credit Union – Proposed 3,500 SF banking facility, 386 Clifton Park Center Road – Preliminary site plan review and possible determination.

Mr. Tom Andress, consultant for the applicant, explained that this project calls for the construction of a 3,500 SF banking facility: it remains basically as presented at the February 25, 2003 meeting. He explained that a note has been added to the plan stating that there are no wetlands or threatened and endangered species on the site. He also explained that a variance for lot area was granted by the Zoning Board of Appeals on April 1, 2003. A soils report has been submitted that shows groundwater 8 to 12 feet below grade. Mr. Andress stated that the soil consistency is the same as that encountered on a neighboring site where drywells function adequately: he assumes that they will also work on this site. A versalok retaining wall has now been shown along the slope to the east of the site and 20 feet of planted buffer will be installed along the boundary adjoining the Firestone store.

Mr. Kemper provided several comments on the application. The Saratoga County Planning Board approved the project at their February 20, 2003 meeting without comment. The Zoning Board of Appeals has granted a variance for lot size. The date that the variance was granted and the variance number should be depicted on the plot plan. Color façade renderings with building materials will have to be submitted with the final plans. The caliper of the Royalty Crab should be increased to a 3" minimum. The applicant should explore the feasibility of tying into the existing water system owned by Clifton Park Centre. Additional ornamental plantings should be provided in the area between Clifton Park Center Road and the parking lot. Construction details should be provided for the retaining wall. A signoff from the Saratoga County Sewer District is required. The project last appeared before this Board on February 25, 2003. The following issues from that meeting remain to be addressed: connection to the municipal water system; sight distance issues; architectural renderings.

Mr. Grasso explained that although Clough, Harbour, and Associates had extensive comments after reviewing the preliminary plan submitted by the applicant on March 19, 2003, Mr. Andress has revised the plan substantially. Most technical engineering comments have been addressed. The one item of concern was the proposed lighting because it appears excessive for the site. Mr. Andress explained that a photometric sheet has been provided with the project drawings: lights on the building have been reduced in number and light poles have been relocated. Mr. Grasso will review plan details. Mr. Larkin asked that Mr. Grasso consider the location of the lights with respect to the adjoining Northway ramp. In response to Mr. Karam's concerns, Mr. Grasso explained that the sight distances were in excess of those required at the two proposed access points.

Mr. O'Brien, Environmental Specialist, stated that the ECC offered two comments. Mr. O'Brien believed that the revised plan included a landscaping plan that would provide adequate vegetative screening along Clifton Park Center Road in satisfaction of one of the Commission's comments. The other recommendation was that any proposed exterior lighting shall be directional and limited.

Mr. Andress stated that 53% of the site will be greenspace and that additional landscaping will be added beneath the trees along Clifton Park Center Road. Mr. Bulger said that since most of the issues identified during the previous review have been satisfactorily addressed and because Mr. Grasso will review the revised lighting plan, a conditioned approval would be acceptable.

Mr. Larkin moved, seconded by Mr. Karam, to establish the Planning Board as Lead Agency for this application and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Marzola moved, seconded by Ms. Czub, to grant preliminary and final site plan approval to this application conditioned upon the satisfaction of comments offered by Mr. Kemper and Mr. Grasso. The motion was unanimously carried.

New Business:

[2003-018] O'Bremski, Vincent – Proposed (3) lot subdivision, Appleton Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, explained that this proposal calls for the subdivision of 81.31 acres of land into (3) lots. The conceptual plan shows the subdivision of approximately 25 acres lying on the west side of Appleton Road: the remaining lands of O'Bremski are located to the east of Appleton Road. The 25-acre parcel is to be divided into lots of 19.15 acres, 2.95 acres, and 2.88 acres, respectively. The 2.95-acre parcel will contain the existing farm buildings. Single-family residences are proposed for each of the other lots. Each lot will meet the 50-foot front yard, 50-foot rear yard, and 20-foot side yard setback requirements. Each will be served by an individual well and septic system.

Mr. VanGuilder explained that an extensive NYSDEC wetland (N-1) traverses the property. Since there is an existing farm road that crosses the wetland, the applicant will apply for a NYSDEC wetland disturbance permit that will allow the road to be improved to a 16-foot wide drive that is able to support a 50,000 pound vehicle that is 30 feet in length. Soils examinations for septic systems will be completed when weather conditions improve. Sight distance information will be added to the plan.

Mr. Kemper emphasized the importance of establishing the boundaries of the NYSDEC wetlands prior to any Board decisions on the application since those delineations will impact the placement of any buildings. The appropriate standard notes must be added to the plot plan: these include the farm note, driveway note, the note for lots with wells, the note regarding keyhole lots, the note concerning the address identification for keyhole lots, the ingress/egress note, and the note regarding aviation activity. Federally jurisdictional wetlands located on the property must also be delineated. The driveway must be built to withstand a 50,000 pound fire apparatus and be a minimum of 16 ft. in width. A NYSDEC wetland permit will be required for the driveway crossing. Sight distances need to be provided on the plot plan.

Mr. Grasso 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 the following: Clifton Park Planning Board – Subdivision Plan Approval; NYSDEC – Article 24 Wetland Disturbance Permit.

Mr. Grasso asked that the subdivision plan be expanded to include existing development on the project site on the east side of Appleton Road. The applicant's intent with respect to the subdivision of the property needs clarification. The application states that the area of the property totals 81.31 acres, and that the intent is to subdivide it into three (3) lots. The subdivision map identifies a total of three lots with a total area of 19.15 +/- acres. The Area Overview Map indicates that the remaining land is situated on the east side of Appleton Road and that the intent is for this land, together with the acreage designated as

Lot #1 on the subdivision plan, to remain under current ownership. If this is the case, the subdivision map should be revised to convey this intent, and the area of Lot #1 be revised accordingly. If there is no existing house on Lot #1, the viability of constructing a house, well and wastewater disposal system on Lot #1 must be verified as this will be considered a new principal building lot.

The project site contains NYSDEC wetlands and, therefore, an L-C Land Conservation zoning district. Pursuant to Section 208-69.1.B of the zoning regulations, "Each application for a building permit, soil disturbance permit, subdivision or site plan within or containing areas zoned L-C due to freshwater wetlands shall contact the New York State Department of Environmental Conservation to verify the exact location of the wetland boundaries and regulated adjacent areas. A copy of the delineation must be filed with the Planning Department, who will distribute it to other affected departments within the Town of Clifton Park." In addition, pursuant to Section 208-69.2.A, "no land shall be expanded or altered for any purpose within the areas depicted on the Official Zoning Map as L-C other than for...roadway or driveway crossings..." From the plan and the proximity of the wastewater disposal system and house on lot #2 to the L-C zone, it appears likely that disturbance within the L-C zone would result. As such, we recommend that the plan include a land conservation area over the L-C zone except for the driveway crossing and the respective notes specifying the restrictions be added to the plan. The site should also be investigated for the presence of federally jurisdictional wetlands and a note regarding their limits should be added to the plan.

Soil investigations, including deep test pits and percolation tests, should be conducted in the areas of the proposed wastewater disposal systems to verify the adequacy of the soils to accept on-site sanitary systems. The results of these tests should be included on the plan.

The applicant is proposing to create a keyhole lot with a driveway over 500 feet in length and is therefore subject to the provisions of Article 208-86 of the Town Zoning Code. The proposed driveway as shown on the plans, while not dimensioned, scales to be twelve feet wide. Pursuant to Section 208-86.D, the minimum driveway width serving a keyhole lot shall be sixteen feet wide, and built to the standards provided therein. Additionally, the Town's standard notes for keyhole lots should be added to the plans. The adequacy of the sight distance along Appleton Road from the proposed drive location should be verified. The setback requirements noted on the subdivision plan are valid for the underlying R-3 zoning. When developing keyhole lots all setbacks, whether front, side or back yards, shall be a minimum of fifty feet. In addition, pursuant to Section 208-70.B, the minimum required front yard setback is eighty feet. This should be so noted. The final subdivision plan should include the stamp and signature of a Licensed Land Surveyor and the Town's standard subdivision notes and certification statement.

Mr. O'Brien reported that, after reviewing the project, the ECC offered the following comments. The following standard statements should be added to the plot plan:

a. The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Uses in this area are restricted. The Town of

Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone.

b. 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.

c. 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.

d. The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

Mr. Bulger noted that this was a difficult site to develop because of the extensive wetlands and he recommended that the Board take no action until the wetlands have been delineated on the site.

[2003-019] Clifton Park Center Baptist Church – Proposed (2) lot subdivision, Clifton Park Center Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the Clifton Park Baptist Church, described this proposal that calls for the subdivision of a 43,525 SF parcel owned by the Clifton Park Center Baptist Church into two lots. One lot of 21,738 SF will contain the existing parsonage. The second lot of 21,787 SF will be used for the construction of a single-family residence. Mr. VanGuilder explained that this parcel is a portion of an 18 acre lot that is bisected by Clifton Park Center Road. In response to Clough, Harbour, and Associates' comment that there is a density limitation of one dwelling unit per 40,000 SF, Mr. VanGuilder noted that a large portion of the property is restricted since it includes a large cemetery. Both lots are served by public water and the Saratoga County Sewer District No. 1. Information indicating that the adequacy of sight distance along Clifton Park Center Road has been provided and will be added to the plan.

Mr. Kemper asked that adjoining driveways and driveways located across Clifton Park Center Road be depicted on the plan and that any NYSDEC or ACOE wetlands located on the property be labeled on the plot plan. The project will be subject to the Vischer Ferry Road Findings Statement and as such will be subject to the CIP Fees. Mr. Kemper recommended that the plat show the 13 acre parcel north of Clifton Park Center Road as a separate parcel so that a separate section, block, and lot number may be issued for that property. The postal verification will need to be provided by Sheryl Reed, Chief of the Bureau of Fire Prevention. Mr. VanGuilder stated that there are no federally jurisdictional wetlands located on the property.

Mr. Grasso listed the comments prepared by Clough, Harbour, and Associates. 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 Approval; Saratoga County Sewer District – Sewer Connection; Clifton Park Water Authority – Water Connection. The proposed subdivision is located within the Vischer Ferry Road Corridor (VFRC) Overlay Zone. Per Section 208.77-B of the Town Zoning Code, "all parcels within the Vischer Ferry Road

Corridor shall be subject to a density limitation of one dwelling unit per 40,000 square feet.” Because the two proposed lots are less than 22,000 square feet, the proposed subdivision would create two lots inconsistent with this restriction. In order to address this provision, the Board may wish to consider allowing the applicant to permanently preserve from development a portion of the remaining developable land.

The applicant’s subdivision map should show the location of existing driveways on the north side of Clifton Park Center Road opposite the subject property. An existing hydrant is shown on the plan outside the Town right of way. If this is accurate, the owner should grant the Town an easement for maintenance of this hydrant. The application form and plan state that the proposed lot will take service from existing water and sewer lines. The location of these existing lines and the proposed method of connection should be included in future submittals. The contours appear to be labeled incorrectly. The adequacy of sight distance at any new driveways on Clifton Park Center Road should be verified and shown on the plan.

Mr. O’Brien, Environmental Specialist, reported that after reviewing the project, the ECC requested that the following standard statements should be added to the plot plan:

- a. 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.
- b. 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.
- c. The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

Mr. Russell suggested that the driveway for the new home include a pad that makes it possible for owners to pull forward onto Clifton Park Center Road. Though Board members were concerned about dangerous road conditions at the proposed driveway location, they found the plan acceptable.

[2003-020] Edelman, Matt – Proposed commercial riding stable in an R-3 zone, 974 Grooms Road – Special Use Permit and conceptual site plan review.

Mr. Gil VanGuilder, consultant for the applicant, presented this project plan for the Board’s review. Though Mr. Edelman’s initial application called for the construction of a new 6,264 SF horse barn containing 21 horse stalls, an office, and a tack room, Mr. VanGuilder presented revised plans for the Board’s consideration. The applicant now plans to use the existing barn: only a small addition will be added to this facility. A 20 cubic yard dumpster will be kept on site for disposal of bedding material. This material will be removed from the site on a regular schedule. No sanitary facilities will be provided in either of the outbuildings. A Special Use Permit was issued several years ago for the operation of a stable on this parcel. Mr. VanGuilder stated that the conditions of that permit – that no more than 5 people will take lessons at one time and that the hours of operation will be between 9a.m. and 9p.m. – will not be violated by the new owners. Modifications to the plan now will allow improvements without change to the existing

Special Use Permit. Existing lighting will remain: no additional lighting is proposed. Erosion controls will be installed along the downslope limits of clearing and grading.

Mr. Kemper explained that Mr. VanGuilder has revised the plans for this existing riding stable. Since this change occurred recently, there was no opportunity to properly review the application. It is likely that since the construction of a new barn is no longer proposed, consideration of the expanded Special Use Permit is no longer applicable. It is necessary for the applicant to delineate any DEC or ACOE wetlands on the property.

Mr. Grasso reported 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 the following: Clifton Park Planning Board -Site Plan Approval and Review of Special Use Permit; Saratoga County Planning Board – Section 239 Referral. The plan should be edited to reflect all of the conditions that currently exist at the site. A number of fences shown on the plan are not evident. Additionally, during a recent visit to the site, it was noted that a small shed type building was situated along the easterly property line in the area of the paddock. The shed appeared to be involved with the operation of the riding/stable business. It appeared as though the building may be encroaching upon the land now or formerly of Phillips to the east. The location of this building should be surveyed and added to the plan to confirm that it is in compliance with setback requirements.

Mr. VanGuilder stated that the shed is located on the adjoining property and that the owners are unwilling to remove it.

Mr. Grasso further recommended that since the addition will involve an intensification of the use of the site, the adequacy of sight distance along Grooms Road should be verified from the existing driveway to determine if any improvements are warranted. Since utilities are not available in the barn, evaluation of the existing water supply and wastewater disposal systems is not required. The need for handicapped parking should be investigated. Any proposed exterior lighting should be identified and if none is proposed, it should be so noted on the plan. Erosion controls should be installed along the downslope limits of clearing and grading.

Mr. O’Brien, Environmental Specialist, stated that, following a review of the project plan, the ECC asked that the applicant clearly delineate any DEC or federally jurisdictional wetlands on the parcel as well as any associated buffers (DEC N-11) to provide an accurate representation of the site for review by the ECC.

Board member found the plan acceptable: Mr. Bulger asked Mr. VanGuilder to prepare the final plans.

[2000-019] VanPatten, R. Wayne PUD, Englemore Road – Referral from Town Board.

Mr. John Gay, Northeast Land Survey & Land Development Consultants, P.C., presented this application for the Board’s review. He explained that the 13.25-acre area owned by

Wayne VanPatten has been developed over a 40 year period with the owner's main residence as well as a number of other buildings. The applicant now proposes to establish a PUD and to subdivide the property into three lots. Lot #1 would be a 3.58 acre lot currently containing a building of 1,266 SF and another of 710 SF. Lot #2 of 4.1 acres would contain buildings of 6,131 SF and 922 SF, respectively. The third lot contains five buildings ranging in size from 507 SF to 1,280 SF. A new access drive is proposed to provide additional and adequate access and maneuvering areas for emergency vehicles.

Mr. Kemper provided Board members with a copy of a memo drafted by Sheryl Reed on April 8, 2003. In the memo, Ms. Reed provides brief history of this area. She reports that in November, 1999, the Building Department received complaints regarding the health, safety, and welfare of occupants of many of the buildings within this "compound". Following an on-site inspection of the property, numerous appearance tickets were issued and Mr. VanPatten received a court order to legally file paperwork with the Town to establish code compliance on the property. At the time of the inspections, all of the buildings within the proposed PUD were already built and occupied: all without benefit of permit or inspection. Ms. Reed asks that, as the project moves forward, that Mr. VanPatten secure building permits, allow inspections to ensure code compliance, and receive a certificates of occupancy for all existing structures. Ms. Reed lists four items to be considered during review. The water source should be identified. Fire protection should be provided or a variance should be obtained from the ESAB. Adequate access to all buildings must be provided: this includes proper width of the drive lanes, proper turning radius, and proper construction of the driveway. Postal verification pursuant to 911 requirements must also be provided.

Mr. Kemper noted that due to the timing of the Town Board referral, Clough, Harbour, and Associates was not able to perform a review of the project. In addition, the plans that were originally submitted in early 2000 have been revised. The project will be placed back on the agenda after detailed review and comment by the Town Engineer.

Mr. Grasso explained that since he had received the plan only recently, he was not prepared to offer comments and/or recommendations. He noted, however, that the project was a Type I action under SEQRA and would require coordinated review.

The ECC offered no comment on the proposal.

Mr. Larkin described the development of Mr. VanPatten's lands as a "flagrant violation of code" and noted that other citizens will be interested in the Board's handling of this situation. Although Mr. Larkin described this application as a case of the applicant "asking forgiveness rather than permission," Mr. Pelagalli noted that the applicant had received punishment through the courts. He advised that the Board's role was to provide the best remediation possible for the existing situation.

Mr. Bulger described this as a "complex situation" that developed over a number of years. He recommended that Mr. Grasso review the plans and work with Town officials and Board members to prepare a workable remediation plan. He suggested that the Board

defer any recommendation to the Town Board until such time as the Town Engineer and Town officials have conducted an on-site investigation and presented comments on the plan. He asked Mr. Kemper to initiate coordinated review and to send lead agency notifications to all involved agencies.

Minutes Approval:

Mr. Bulger moved, seconded by Ms. Czub, approval of the minutes of March 25, 2003 as written. Ayes: Larkin, Czub, Marzola, Russell, Bulger. Noes: None. Abstained: Karam.

Discussion Items:

Cumberland Farms

Mr. Bulger introduced this discussion item by explaining that the applicant's representatives had met several times with Town officials, Paul Pelagalli, and himself to attempt to resolve many of the issues of concern.

Mr. Martin Affredou, attorney for the applicant, expressed his appreciation for the Board's patience during this review process. He explained that the applicant received a number of variances from the Zoning Board of Appeals and developed project plans based on these approvals. When it became apparent that the Planning Board was extremely concerned with the intensity of the proposed redevelopment of the site, the applicant encouraged his engineer to consider Clough, Harbour, and Associates' recommendations and prepare a revised site plan. He noted that the number of gasoline dispensers was significant and that a greenspace variance from the Zoning Board of Appeals would be required prior to approval of the revised plan.

Mr. Rob Spiak, Bohler Engineering, presented the revised site plan that incorporates many of the recommendations from the Town Engineer. He explained that the impervious surface would be increased, reducing the greenspace to approximately 20% of the site. Gasoline dispensers have been "angled," though this will result in an additional setback variance due to the encroachment of the canopy on the required setback. Access on NYS Route 146 has been moved to the east and the building has been relocated to the southwestern portion of the site. The curb cut onto Vischer Ferry Road remains.

Mr. Grasso, though requesting time to review the plan in depth, offered several cursory comments on the revised plan. He noted that although the greenspace will be reduced, the quality of the landscaping will be improved and will provide a buffer along Route 146. He found the building design attractive and recommended that the applicant consider using a hip roof to further improve site aesthetics. Since the multi-use pathway plan includes a link along the Vischer Ferry Road – NYS Route 146 corridor, Mr. Grasso recommended that a sidewalk be installed along the northern boundary of this site to connect with the existing sidewalk along the NYS Route 146 corridor. He found the relocation of the access drives acceptable and noted that future site modification would be possible when adjoining properties are improved. Mr. Grasso explained that the

revised plan would be forwarded to the Saratoga County Planning Board for their consideration.

Mr. Karam noted that the reduction in greenspace seemed acceptable since it resulted in greater safety for travelers. Mr. Bulger summarized the Board's reaction to the proposed revisions stating that the plan was a substantial improvement: he thanked the applicant for addressing Board concerns.

Abele Subdivision – Christinamarie Drive

Mr. Kemper updated the Board members on this development. It is apparent that during construction the developer violated a number of wetland protection requirements. Site inspections are being conducted by representatives of the ACOE, NYSDEC, and Town officials. It is likely that the developer will be required to restore the site and/or be assessed for site damage.

Mr. Bulger moved, seconded by Mr. Karam adjournment of the meeting at 9:25p.m. The motion was unanimously carried. The next Planning Board meeting is scheduled for April 22, 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 Peeler, Town Attorney, Lou Rienzi, Town Attorney, Jim Trainer, 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 #5
Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on April 8, 2003

Present: S. Bulger, Chairman B. Czub, T. Karam, J. Larkin, J. Marzola,
J. Russell

Absent: R. d'Amico

Mr. Marzola offered Resolution #5, and Mr. Larkin seconded, and

Whereas, an application has been made to this Board by The Crossing, LLC for approval

of a subdivision plat entitled a Re-Subdivision of No. 48 and No. 54 The Crossing Boulevard, consisting of (3) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on and April 8, 2003;

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 April 8, 2003, 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 final hearing for this application is waived and the final plat entitled a Re-Subdivision of No. 48 and No. 54 The Crossing Boulevard, consisting of (3) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso

Resolution #5 passed 4/8/03

Ayes: Czub, Marzola, Larkin, Karam, Russell, Bulger, O'Brien
Noes: None

Steven Bulger,
Chairman

Resolution #6

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 April 8, 2003, at 7:10 P.M. there were:

Present: S. Bulger, B. Czub, T. Karam, J. Larkin, J. Marzola, J. Russell,

Absent: R. d'Amico

Mr. Karam offered Resolution #6 and Mr. Marzola seconded, and

Whereas, an application has been made to this Board by Michael Mannion for approval of a special use permit pursuant to Section 208-10B(9)(a) and 208-79 to permit the construction of a two-family dwelling in an R-1 zone; and

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and

was held on April 8, 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 208-10B(9)(a)5 and 208-79 to permit the construction of a two-family dwelling in an R-1 zone is hereby approved conditioned upon the addition of a note to the plan stating that use of the additional unit will be restricted to “in-laws” or family members of the individuals occupying the main residence.

RESOLUTION #6 passed 04/8/03

Ayes: Czub, Larkin, Karam, Russell Marzola, Bulger

Noes: None

Abstained: None

Steven Bulger,
Chairman