

## **Clifton Park Planning Board Meeting Minutes**

**May 13, 2003**

Those present at the May 13, 2003 Planning Board meeting were:

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

Absent: J. Russell

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Chairman, called the meeting to order at 7:10p.m. He announced that the RPJ Holding Co., LLC application had been withdrawn from the evening's agenda at the request of the applicant and that the meeting originally scheduled for May 28, 2003 has been re-scheduled to Tuesday, May 27, 2003.

Public Hearings:

[2003-018] O'Bremski, Vincent – Proposed (3) lot subdivision, Appleton Road – 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 May 7, 2003.

Mr. Gil VanGuilder, consultant for the applicant, presented this proposal on behalf of the property owner. This application, calling for the subdivision of 81.31 acres of land in an R-3 zone into (3) lots, remains generally as presented at the April 8, 2003 Planning Board meeting. Mr. VanGuilder explained that the existing field drive along the northern boundary of the site will be improved to a 16-foot width roadway to be used as a common ingress/egress for both new lots. The NYSDEC wetlands have been delineated on the site and the land conservation area has been labeled. Percolation tests have been conducted and results indicate that soils are acceptable for the installation of on-site septic systems. The lots will also be served by individual wells. Mr. VanGuilder noted that NYSDEC has determined that property improvements completed to date are acceptable since they were associated with the long-standing agricultural use.

Mr. Kemper offered several comments on this subdivision proposal. When the project last appeared before the Board on April 8, 2003, the major concern expressed by Board members was the location of any wetlands and incremental disturbances to those wetlands. The standard note for aviation activity should be added to the plans. NYSDEC wetlands have been delineated on the parcel. A NYSDEC wetland permit will be required and must be submitted prior to the stamping of the plans. Any federally jurisdictional

wetlands located on the parcel should be delineated and mapped. The project will require work within the Town of Clifton Park L-C Zone: a permit and variance from the Zoning Board of Appeals will be required. . Sheryl Reed must provide a sign-off from the Emergency Services Advisory Board. Future uses of Lot #1 should be clarified. The L-C Zone should also be labeled as the 100 foot buffer. As requested, the perc test results have been added to the most recently submitted plan. Sheryl Reed submitted a comment letter requesting that postal verification be provided.

Mr. Grasso, Clough, Harbour, and Associates, offered comments on this subdivision proposal. The application for subdivision review and the subdivision plan indicate that the total area of the original parcel is 81.31 acres; however, the subdivision plan indicates that the total area of the three lots that would exist after subdivision is 82.6 acres. It would also appear that Lot #1 (2.95 acres) is part of a larger parcel that extends across Appleton Road. The lot area should be revised accordingly. The information shown on the Area Overview Map is helpful, but could be overlooked by someone who might use this map in the future.

Mr. Grasso also recommended that the Land Conservation Area include both the actual wetlands and the 100-foot-wide buffer that is provided to protect the wetlands. He also advised the applicant that any proposed disturbance within the L-C (Land Conservation) zone that is not associated with the driveway crossing will require a variance by the Zoning Board of Appeals. A note on the plan indicates that federally jurisdictional wetlands exist on the property: the location and limits of these wetlands should be shown on the map. 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 wastewater disposal systems and test results should be included on the plan. 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, Environmental Specialist, said that the ECC recommends that the following standard statements should be added to the plot plan:

- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.
- The applicant will require a DEC permit and possible ACOE permit for work to be done within the wetland and associated buffer.

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

Mr. d'Amico expressed concern about the note that appears on Lot #1 that states that the lot is "not a building lot." After Mr. O'Bremski explained that he may consider future subdivision of this lot, Mr. Pelagalli recommended that the note be removed from the subdivision plan.

Mr. Bulger moved, seconded by Mr. Marzola, 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. Larkin offered Resolution #10, seconded by Mr. Marzola, to grant preliminary and final subdivision approval to this application, waiving the final hearing, conditioned upon satisfaction of the comments offered by Mr. Kemper, Mr. Grasso, and Mr. O'Brien and the removal of the note from the plan that states that Lot #1 will not be a building lot. Ayes: Larkin, Czub, d'Amico, Karam, Marzola, Bulger. Noes: None.

[2003-024] Hahn, John – Proposed land transfer, Lot #19 Hempstead Commons to the Lands of Petronis – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:40p.m. The Secretary read the public notice as published in the Daily Gazette on May 7, 2003.

Mr. Gavin Vuillaume, Environmental Design Partnership, presented this application that was considered by the Board on April 22, 2003. The proposal calls for the transfer of 2,143 SF from the lands of John Hahn that is currently being developed as the Hempstead Commons subdivision to the adjoining lands of Petronis.

The only issues identified by Mr. Kemper, Mr. Grasso, and Mr. O'Brien, Environmental Specialist, concerned the transfer of the "no clearing restrictions" that apply to Lot #19 to the new owners and the creation of a consolidation deed that incorporates the 2,143 SF with existing Lands of Petronis, Lot #5 Clifton Pines Drive.

There being no public comment, Mr. Bulger moved, seconded by Mr. d'Amico, to close the public hearing at 7:42p.m. The motion was unanimously carried.

Mr. Marzola moved, seconded by Mr. Larkin, 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. d'Amico offered Resolution #11, seconded by Mr. Karam, to grant preliminary and final subdivision approval, waiving the final hearing, for this application conditioned upon the submission of a consolidation deed and that a note be added to the plan that states that the clearing restriction applicable to Lot #19 Hempstead Commons will be applicable to the owners of Lot #5 Clifton Pines Drive. Ayes: Larkin, Czub, d'Amico, Karam, Marzola, Bulger. Noes: None.

[2003-023] Nicoll, Donald and Janice – Proposed (2) lot subdivision, 743 Tanner Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:40p.m. The Secretary read the public notice as published in the Daily Gazette on May 7, 2003.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that remains

generally as presented at the last Planning Board meeting. He stated that the applicant agreed to place a note on the plan that would restrict further subdivision of the parcel. The septic system will be designed by a professional engineer and a new well will supply water to the proposed residence.

Mr. Kemper explained that when this project appeared before the Board on April 22, 2003, members asked that the location of wetlands, standard notes, and perc test results be added to the plan. The descriptions for the deed restrictions should be submitted for review. A note must be placed on the plans stating no further subdivision will be allowed. The standard note for lots with wells should be added to the plans. Sheryl Reed's comment letter requested that postal verification be provided. A note should be placed on the plan stating that there are wetlands located in the rear of the parcel: this area should also be depicted on the plans.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the revised subdivision plan for this project and offered several comments and recommendations. Since the owner has agreed to the condition that Lot #2 will not be subdivided in the future, this should appear as a note on the subdivision plan and be included as a restriction in the deed. The deep test pit soil investigations indicate clay soils with some silt and the percolation tests indicate rates of four to six minutes. Percolation rates of clay or silty clay soils are generally no less than 45 minutes per inch if properly pre-soaked and sometimes are so restrictive that acceptable percolation rates cannot be obtained. Additional information regarding the timing of the pre-soaking and percolation test runs should be submitted. Because the limits of the wetlands and respective buffers have not been delineated on the site, it is recommended that the Town's Environmental Specialist inspect the area of the proposed house at the time of application of a building permit to reduce the potential for impacts to environmentally sensitive areas.

Mr. O'Brien, Environmental Specialist, asked that the Town's L-C zone be delineated on the plot plan. The ECC also recommended that, due to the potential for federal wetlands on the parcel, the applicant should determine the location and extent of disturbance of federal wetlands before a building permit is issued.

Mr. Larkin asked for clarification regarding the feasibility of installing a septic system on the property. Mr. Grasso explained that the applicant had submitted the septic design to him for review. Clough, Harbour, and Associates will review the plan to ensure that it is properly designed for site conditions.

There being no public comment, Mr. Bulger moved, seconded by Mr. Karam, to close the public hearing at 7:52p.m. The motion was unanimously carried.

Ms. Czub 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 offered Resolution #11, seconded by Ms. Czub, to grant preliminary and

final subdivision approval, waiving the final hearing, for this application conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso and approval of the septic design by Clough, Harbour, and Associates. Ayes: Larkin, Czub, d'Amico, Karam, Marzola, Bulger. Noes: None.

Old Business:

[2003-015] A T & T – Proposed telecommunication tower co-location, 56 Blue Barnes Road – Preliminary site plan review and possible determination.

Ms. Maureen Elwell, attorney for the applicant, presented this application on behalf of her client. This project, as with others presented by A T & T recently, calls for the placement of up to six (6) panel antennas on an existing monopole. The antennas are to be placed at a centerline height of 83 feet on the 120-foot monopole located at 56 Blue Barnes Road. Plans also call for the installation of a 6'x10' concrete pad at the base of the tower. Ms. Elwell explained that since this telecommunication tower was located in an R-3 Zone and was within 500 feet of an existing residence, Town Code required approval of a variance from the Zoning Board of Appeals. This variance was granted on May 6, 2003.

Ms. Elwell introduced Mr. Scott Hollister, an A T & T Radio Frequency Engineer, who explained that his company has presented coverage information that shows that this co-location will enhance coverage in the western area of the Town, making A T & T competitive with other cell phone providers.

Mr. Kemper noted that when this project last appeared before the Board on March 25, 2003, the only concern was the variance that would be required from the Zoning Board of Appeals. That variance was granted on May 6, 2003. All other requirements for co-locates as outlined in the Town Code have been met. Ed Vopelak has reported that all of his concerns have been addressed. The Saratoga County Planning Board approved the project on April 17, 2003. A site inspection prior to the issuance of the building permit will determine if additional plantings may be required around the fence at the base of the tower. A letter from Mr. and Mrs. Piccirillo stating their objections to this project was received by the Planning Department on April 15, 2003.

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

Mr. Bulger explained that since review by C. T. Male indicated that the radio frequency emissions fell within federal guidelines and the structural integrity of the existing tower would not be compromised by this co-location. He found the application acceptable. Mr. Larkin, however, noted that he had requested data sheets for the battery back-up equipment. To date, these have not been provided. Ms. Elwell explained that although this information was provided to the ECC, she would also forward the information to Mr. Larkin.

Mr. Pelagalli reiterated the advice given to members at the last meeting, stating that once

the FCC has determined that the frequency emissions fall within Commission guidelines, the Planning Board must consider the application as it would any other site plan application, ensuring that all provisions of the Town Code have been satisfied and that all SEQRA requirements have been met.

Mr. Bulger moved, seconded by Mr. d'Amico, 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. d'Amico moved, seconded by Mr. Larkin, to grant preliminary and final approval to this application conditioned upon the receipt of the information requested by Mr. Larkin and the installation of additional plantings if it is determined necessary to buffer the equipment shelters. The motion was unanimously carried.

[2002-054] Bardakjian, Hratchia – Proposed 6,000 SF retail, commercial, and professional plaza, US Route 9 and Clifton Park Village Road – Revised conceptual review.

Mr. Zareh Altounian, engineering consultant for the applicant, described this project plan that was presented for concept review on September 11, 2002. The plan calls for the construction of a retail, commercial, and professional plaza on a .95 acre site in a B-3 zone. The property is located between US Route 9 and Clifton Park Village Road. Twenty parking spaces are provided. An area variance and two setback variances were granted by the Zoning Board of Appeals in 1986. Greenspace totals 59.9% of the site. The site will access both US Route 9 and Clifton Park Village Road. NYSDOT has been contacted regarding the relocation of drainage easements existing on the property: proposed easement locations have been shown on the plans.

Mr. Kemper offered a number of comments regarding this application that was before the Board on September 11, 2002. Several concerns were expressed by the Board at that meeting. The turning radius at the main entrance caused some concern with Sheryl Reed since the maneuvering area for emergency vehicles may not be sufficient. Total wetland disturbance for the project must be depicted on the plan. The date and descriptions of the variances granted by the Zoning Board of Appeals must be added to the plan. A NYSDOT curb cut permit must be provided. The length of driveway to the loading dock was of great concern. Mr. O'Brien and Mr. Russell expressed concern at the last meeting that trucks located in the loading dock area could possibly block traffic on Clifton Park Village Road.

Mr. Kemper offered additional comments after review of the revised plan. Colored façade renderings must be provided with the next submission. The Saratoga County Planning Board approved the project on September 19, 2002. The amount of ACOE wetland disturbance should be depicted on the plot plan. The site has been cleared without any approval from the Town of Clifton Park: a stop work order has been issued for the site. Mr. Kemper presented photographs of the site work for the Board's review. A planting list must be provided with the next submission indicating the species, number of

plantings, and caliper or height of landscape materials. In addition, considering that all mature vegetation was removed from the site, the landscaping on the proposed project should be significantly enhanced. The detail for handicap and no parking signs must be placed on the plot plan. Sign-offs will be required from the Saratoga County Sewer District and the Clifton Park Water Authority. Erosion control measures should be depicted on the plot plan. Significant screening will need to be provided around the dumpster enclosure. The project will require a sign-off from Sheryl Reed and the Emergency Services Advisory Board. In addition, Sheryl is requesting that a hydrant be placed at the access on Clifton Park Village Road.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the revised concept site plan for this project that was prepared by Zareh Altounian, dated March 30, 2003. Issues from the August 30, 2002 review letter that remain valid relative to the revised plan and additional comments on the more recent submission were listed. The EAF should reflect all of the variances granted by the Zoning Board of Appeals. Pursuant to the Zoning Code, it appears retail is not an allowed use in the Neighborhood Business B-3 zone. If a use variance was granted, the retail use should be clearly specified and noted on the plan. The applicant lists several variances on the plan: copies of all variances should be submitted.

The proposed access drive to the storage building is shown tying into the centerline of Clifton Park Village Road; however, when tied into the edge of pavement, the driveway is only 27 feet long. The engineering firm is concerned with delivery trucks backing into this access drive from Clifton Park Village Road. It is recommended that this access be eliminated.

Mr. Grasso offered the following additional review comments. The site plan indicates that significant portions of existing wetland areas are to be filled to build this project. The applicant should quantify the area (square footage) of the existing wetlands and the amount of wetlands to be filled. The radii shown along the edge of pavement on the driveway from Clifton Park Village Road are too small. A sketch showing a suggested realignment was presented for the Board's consideration. Clarification should be provided between existing and proposed contours and additional proposed spot elevations should be provided around the perimeter of the parking lot and on the proposed driveway. The building mounted lights along the back of the buildings do not seem warranted and will increase the likelihood for light spillage and glare. The applicant should provide additional information regarding the mounting of the lights along the front of the building. The plans indicate a six foot covered walkway will be included along the front of the building: lights above the canopy do not seem appropriate. The orientation of pole mounted light fixtures should be shown. The location proposed for the dumpster is almost 300 feet from the northernmost store and is located in an area that is difficult to service. The location should be moved adjacent to the building to encourage proper use. The final plan should show adequate landscaping around the enclosure. Sizes should be shown for all proposed landscaping. The new maple trees shown should be 3 ½ inch caliper. Silt fence should be shown at the limits of all grading. A stabilized construction entrance should be provided at one designated location. NYSDOT approval of the curb-cut permit

and drainage easement modification will be required. Any modifications to the plans as a result of NYSDOT's review should be sent to the Town.

Mr. O'Brien, Environmental Specialist, listed the comments offered by the ECC. The following standard statements should be added to the plot plan:

- Federal jurisdictional wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in federal wetlands.
- 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).
- 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.
- 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 Commission also recommended that all outdoor lighting be directional and limited. The applicant should submit a Stormwater Management Plan for review by the Town Engineer and the ECC. Mr. O'Brien noted that the ECC questioned the validity of the 1986 setback variance for this particular project. 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 practical and/or the use of landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties.

Mr. Altounian addressed each of Mr. Grasso's comments. He stated that the variances were listed on the plan: copies of all variances will be provided. The applicant will revise the plan to provide access for deliveries from the main entrance. Pursuant to the ECC comments regarding wetland disturbance, Mr. Altounian noted that only .09 acres will be impacted by the development. In response to comments issued by the Town Engineer, the road will be realigned to provide better traffic flow. Though proposed and existing elevations have been shown on the plan, additional spot elevations will also be included. A lighting plan will be supplied that shows the elimination of the building-mounted lights and the installation of lights above the exit doors. The dumpster will be moved closer to the building and enclosure details will be provided. Grading plans and erosion control measures will be added to the plan and a designated construction access along Clifton Park Village Road will be indicated on the drawings.

Mr. Bulger stated that he was "very dismayed" by the extent of clear-cutting that occurred on the site. He has received comments from Town and Planning Board members as well as representatives of the ECC. Town policy has been to preserve vegetation whenever possible. Mr. Marzola supported Mr. Bulger's observation and asked that the applicant restore the site to the greatest extent practicable. Mr. Larkin asked that the

applicant prepare an inventory of all the trees that were found on the site, identifying both the species and sizes of the trees that were cut. He also asked that the wood chips remaining on the site be removed. Mr. Kemper noted that the Building Department had issued a Stop Work order and that no further work would be completed until a plan for development was established. Mr. d'Amico expressed concern for impacts to the wetland, though the applicant explained that no impact to the wetland occurred. Mr. d'Amico also asked that colored renderings, including the design of the proposed loading dock, be presented for the Board's review. Another concern focused on the cumulative impacts of development proposed in the US Route 9, Fire Road, Clifton Park Village Road corridor on traffic flow and natural vegetation. Mr. Karam believes that the clear-cutting presented a problem since buffering the site would be more difficult. Both he and Mr. Kemper asked that the architectural rendering show all building elevations. Board members agreed that erosion control measures must be placed as soon as possible, that substantial buffering would be required during the review process, that the building should be aesthetically pleasing from all directions, and that site access be re-configured to prevent problems along the sub-standard roadway.

[2003-002] Belmonte, Peter – Proposed 5,200 SF office building, 1 Old Plank Road – Preliminary site plan review and possible determination.

Mr. Gavin Vuillaume, Environmental Design Partnership, presented this application that has been significantly revised since its initial presentation on January 14, 2003. At that time, project plan called for the demolition of an existing building on the .73 acre parcel at the intersection of Fire Road and Old Plank Road and the construction of a 5,200 SF one-story office building with parking for 33 cars. The application now proposes a new 5,000 SF one-story office building and another 1,200 SF office building that will incorporate some of the historic architecture of the existing residence. Mr. Vuillaume explained that the changes to the plan were made after consultation with members of the Town's Historic Preservation Commission. Both buildings will be served by the Clifton Park Water Authority and the Saratoga County Sewer District. Access to the site is provided from Fire Road (Old NYS Route 146) and from Old Plank Road. An on-site stormwater management plan and clearing and grading limits have been shown on the plan. 27 parking spaces will be provided to serve the buildings. A number of variances, including a lot area variance and a parking setback variance have been granted by the Zoning Board of Appeals. The site plan also incorporates detailed landscaping and lighting plans. Mr. Vuillaume presented architectural renderings for the Board's consideration.

Mr. Kemper reported that this project last appeared before the Board on January 14, 2003 at which time members found the proposal generally acceptable. The Saratoga County Planning Board determined that the project had no significant county-wide/inter-community impact at their January 16, 2003 meeting. The project will require a sign-offs from both the Saratoga County Sewer District and Clifton Park Water Authority. All concerns outlined in the April 4, 2003 letter from Don Austin, Director of the Clifton Park Water Authority, to Gordon Nicholson must be addressed. The applicant will need Town Board approval to connect to the Fire Road Water District: a connection fee will be

required. The applicant has agreed to work with the Historic Preservation Commission and has incorporated a portion of the existing building in the design plan. Details on the concrete retaining wall and colored façade renderings must be included in future submissions. Handicap and no parking signs should be depicted on the plot plan. Additional landscaping will need to be provided around the dumpster enclosure. The project will require a sign-off from the Emergency Services Advisory Board. Receipts for the 500' notifications that were sent on February 24, 2003 must be submitted to the Planning Department.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the revised site plan for this project. The scope of the project has changed somewhat from the last submission. The original plans called for the removal of the existing building on the site and construction of a new 5,200 SF office building. Revised plans call for retaining a large portion of the existing building and construction of a new 5,000 SF office building.

Although the scope of the project has changed, and the layout of the improvements is different from earlier submissions, the applicant has applied prior review comments to the new design. It should be noted that if either building is to be used for medical offices, the 27 parking spaces provided will not satisfy the zoning requirement of 1 parking space per 150 SF of office space.

Mr. O'Brien stated that the ECC had no comment on this application.

Board members appreciated the developer's response to the recommendations of the Historic Preservation Commission and agreed that site concerns have been addressed by the applicant. Mr. d'Amico asked that a note be added to the plan stating that no medical uses will be permitted in either building.

Mr. Bulger 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. Larkin moved, seconded by Ms. Czub, to grant preliminary and final site plan approval to this application conditioned upon Town Board approval of an agreement to incorporate water service for this project in the Fire Road Water District and satisfaction of the comments offered by Mr. Grasso and Mr. Kemper. The motion was unanimously carried.

[2003-017] RPJ Holding Co., LLC, Proposed 30,000 SF commercial office building, Maxwell Drive – Revised conceptual review.

This application was withdrawn at the request of the applicant.

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

Mr. Gil VanGuilder, consultant for the applicant, briefly summarized the revisions that have been made to the project plan. Since the Board was concerned with the density of the site and the impact to the L-C zone, Mr. VanGuilder explained that the applicant has agreed to shift the access road 10' to the north and to provide an 80-foot side yard for the lot that would most impact the L-C zone. In addition, the home that will be located on this lot will be designed appropriately for the lot's size and configuration. The stormwater management area consisting of 1¼ acres on the southeastern corner of the site will be dedicated to the Town. Due to its proximity to the Moe Road multi-use pathway, this area may eventually be used as a small park.

Mr. Kemper explained that this project was formally considered by the Board on March 11, 2003 and was presented as an informal discussion item on two other occasions. The main concerns expressed by Board members throughout the process have been the density of the subdivision and the location of the L-C zone in proximity to the proposed homes. This project is a Type 1 action and, as such, coordinated review is required. If the Board finds the proposed layout acceptable, the SEQR review process will begin. Considering that a new full set of plans was not submitted, some of the concerns raised during the previous meeting still need to be addressed. Items from the comment letter that was sent from Don Austin of the CPWA to Scott Lansing must be addressed. Sheryl Reed submitted a memo dated May 13, 2003 that asked for clarification concerning ownership of the road. She also noted that the applicant must provide adequate fireflow or receive a variance per Town Code section 73-12. Postal verifications must also be provided. While it is acknowledged that the applicant has worked with the Planning Board to reducing the density of the subdivision, the location of the L-C Zone in close proximity to the building on Lot #10 creates an enforcement issue for Town Planning and Building Departments. Considering recent encroachment into these areas on several projects, it was Mr. Kemper's recommendation that the Board not approve a building lot with such a minimal back yard and extensive L-C zone area.

Mr. Grasso reported that the Town Engineer has reviewed the revised subdivision plan for this project and noted that the plan includes significant revisions to the one originally submitted. The concept has changed from a twelve lot subdivision to an eleven lot subdivision. A Land Conservation Area has been proposed over a large portion of the parcel. A 1.2 acre parcel will be dedicated to the Town. In addition to revising the overall layout of the project, the revised plan addresses several comments included in previous review letters. Revised construction plans will be reviewed when submitted.

The following comments should be addressed in future submissions. Limits of the proposed land conservation area should be clearly depicted on the plan. Given the proposed restrictions, there is a question regarding the buildable area of Lot #10. If work will occur within the L-C zoning district, a variance would be required. The plan should clarify the purpose and grantee of the utility easement along the southern property line. Stop signs should be provided on both sides of the new road to protect users of the path. A name should be provided for the proposed street. Previous comments regarding the stormwater report should be addressed.

The Environmental Specialist listed the ECC's recommendations. The proposed house on Lot #10 is extremely close to the L-C Zone. Building a home this close to this zone will severely limit the use of the backyard; therefore, this lot should be eliminated. The ECC also notes that the Stormwater Management Plan allows for the overflow discharge from the detention basin to flow onto adjoining property. The off-site impacts of this discharge should be addressed. The ECC recommends that the ESAB (Emergency Services Advisory Board) review this project for emergency equipment accessibility. The ECC also has concerns about the high water table and impact on the proposed residences.

Mr. Bulger noted that recent legislation enacted by the Town Board encourages preservation of wetland areas and he explained that Town Board members are concerned about the enforcement issues associated with such protection. In response, Mr. VanGuilder pointed out that the designated L-C zone on Lot #10, though identified as a classified stream that is a tributary of the Stoney Creek Reservoir, it is a "limited drainage swale," that usually appears as lawn area.

Though Mr. Bulger recognized that the applicant has been responsive to Board requests, the limited rear yard area on Lot #10 presents a difficult problem: he asked for "creative ideas" for allowing the construction of the residence while protecting the L-C zone. Mr. Larkin suggested that a homeowner's association be responsible for enforcing the non-disturbance area. Mr. Karam recommended that large rocks might serve as a boundary of the L-C area. A number of other ideas from the applicants and Board members were discussed, though none appeared acceptable. Mr. d'Amico believes that since there was no reasonable way to limit disturbance of the designated stream corridor and since all of the advisors to the Board, including the Director of Planning, Clough, Harbour, and Associates, and the ECC recommended the elimination of the lot, he would support such a recommendation. Mr. Bulger's informal poll of the members indicated that most supported the elimination of Lot #10. He asked that the applicant meet with Town staff to discuss various alternatives since it appeared that project approval was questionable.

New Business:

[2000-036] DCG Development Co. – Proposed amendment to the approved commercial office building site, 939 Route 146 – Preliminary site plan review.

Mr. Gavin Vuillaume, Environmental Design Partnership, presented this proposal that calls for the addition of 17 parking spaces to the site. He explained that the original project was approved on June 26, 2001 and that most of the utilities, parking and site amenities have been installed. Though 114 parking spaces are currently provided on the site, prospective tenants have requested additional spaces in closer proximity to the buildings. Mr. Vuillaume identified the development area on the plan and explained that the change would require the addition of 2000 cubic feet to the stormwater basin and the relocation of the dumpster.

Mr. Donald MacElroy, DCG representative, explained that the lighting that was installed on the site does not comply with the approved site plan. The company is currently

working with the lighting professionals to replace existing lights with fixtures that are less intense and that meet the conditions of approval. He stated that those who would consider leasing space in this complex are generally medical practitioners who need more parking spaces.

Mr. Kemper reported that a letter addressed to Gordon Nicholson from Don Austin, CPWA Director, stated that the CPWA will not provide a sign-off on this project unless either the stormwater basin or the water main is relocated. Mr. Kemper recommended that the dumpster enclosure that was eliminated be relocated. He asked that the rationale for the expanded parking area be provided. A revised storm water management report will be required.

Mr. Grasso reported that the Town Engineers reviewed the site plan for this project as prepared by Environmental Design Partnership dated April 22, 2003. They offered the following comments. The applicant should provide documentation that the revised stormwater management area has sufficient capacity to serve the proposed project. The stormwater management area is not designed in conformance with the new stormwater requirements and the ten foot wide berm previously provided around the basin has been eliminated to facilitate monitoring and maintenance. It would appear that existing parking will need to be removed to accommodate these features.

The addition of seven parking spaces between buildings #100 and #200 eliminates an originally proposed dumpster leaving only two dumpster areas on site. There are concerns that the dumpster near the front of the site will be over-used. It is recommended that the eliminated dumpster be relocated to the north side of building #500. Details of the proposed retaining walls including an appropriate guide rail should be provided.

Mr. O'Brien, Environmental Specialist, reported that the ECC questioned the need for the parking increase because the applicant currently has more than the minimum required by the Town Code. The Commission recommends that the applicant bank some parking spaces and construct them when a future need presents itself.

Mr. Larkin expressed concern for the amount of parking that would be required if all buildings on the site were used for medical/dental uses. He cited the code requirements of 1 parking space/each 150 square feet of gross floor area for medical and dental offices and those for general office uses that require 1 parking space/each 300 square feet of gross floor area. Mr. MacElroy stated that DCG Development is simply reacting to market conditions: it appears that there is more need for medical and dental offices than for general office space.

Mr. Bulger concluded that the main issues to be resolved involved the relocation of the water line that crosses the site and the development of a stormwater management area that is designed in accordance with new state regulations and standards.

[2003-028] Owen, Charles W. Trust – Proposed (2) lot subdivision, 675 MacElroy Road – Conceptual review.

Mr. Andrew Schauffert, consultant for the applicant, explained that Mr. Heflin, applicant, proposes the subdivision of 68.17 acres of land on MacElroy Road into lots of 46.7 and 21.5 acres, respectively. The smaller lot will be retained by the Charles W. Own Trust. The larger parcel will be added to the existing Heflin property to provide for future residential development.

Mr. Kemper asked that the 100' buffer be illustrated and labeled along the delineated DEC wetlands on both parcels. As proposed, the project is an unlisted action under SEQRA and coordinated review is optional. He also asked that the site distances along MacElroy road be included on the plot plan. Since the location of the wetlands will impact future access to Lot #1, the applicant should verify that this area will result in the least possible amount of wetland disturbance.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the subdivision plan and offered a number of comments. The proposed project appears to be an unlisted action pursuant to SEQR, and as such, coordinated review is optional. The only involved agency is expected to be the Clifton Park Planning Board with subdivision plan approval being required.

The application for subdivision review states that the 46.671 acres being conveyed to Heflin will be combined with their adjoining land and used for future residential development. It is assumed that the sixty foot wide strip of land along the westerly property line that extends to McElroy Road is being included in the conveyance to provide for a second means of access to the future residential development. Any road built across this would disturb a large portion of wetlands that exist in this area. Environmental impacts associated with such a crossing must be evaluated. As an alternative, Clough, Harbour, and Associates recommends that an easement for an emergency access be provided through the lands to be retained by the Owen Trust. Such an easement would follow the existing farm road past the wetland area and then curve to the east to avoid the existing buildings on the property.

This section of MacElroy Road is identified in the Town's Trails Master Plan as being designated for an on-road bike route and that shoulder improvements are required to improve bicycling facilities along the route. Ultimate development of the project site will increase the demand for pedestrian facilities within the Town. In order to mitigate these impacts and accommodate future improvements, it is recommended that a strip of additional right-of-way be provided, with ten feet being preferred but five feet being an acceptable minimum along both sides of the right-of-way controlled by the project sponsor. The final subdivision plan should include the stamp and signature of a licensed land surveyor and should include the Town's standard subdivision notes and certification statement.

Mr. O'Brien, Environmental Specialist, listed the ECC recommendations. The Town of Clifton Park L-C Zone should be more clearly marked for future development consideration. The current submission is very unclear and confusing. The following

standard statements should be added to the plot plan:

- 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).
- 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.
- All erosion and water quality controls shall be put in place and maintained at the initial phase of site preparation
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.
- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federal jurisdictional wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the L-C Zone and /or Federal Wetlands.

The ECC would like to make the applicant aware of the fact that future access from MacElroy Road will require a NYSDEC wetland permit, Approval of Work to be done in the LC Zone from the Town of Clifton Park, and a possible ACOE Wetland permit.

Board members found this application acceptable, though they asked that the applicant address the concerns of the Board's advisors.

[2003-029] Northside Partnership – Proposed (2) lot subdivision at Shoppers' World, 15 Park Avenue – Conceptual review.

Mr. Tom Andress, ABD Engineers and Surveyors, presented this application that calls for the subdivision of the Lands of Northside Partnership, located on the north side of Park Avenue in a B-4 zone into lots of 14.53 acres and 13.13 acres, respectively. Mr. Andress explained that this subdivision is required primarily for financing purposes.

Mr. Kemper explained that the project will require a sign-off from the Saratoga County Sewer District and the Saratoga County Planning Board. Since the project will serve more than one property, the sewer service must be provided by a public system or be owned by a transportation corporation. The applicant will must address this issue with sewer district. Appropriate setback variances must be received from the ZBA prior to resubmission to the Planning Board.

Mr. Grasso offered a number of comments from Clough, Harbour, and Associates based on the firm's review of the concept subdivision plan as prepared by ABD Engineers & Surveyors, dated April 2003. The proposed project appears to be an unlisted action pursuant to SEQR, and as such, coordinated review is optional. The involved agencies are expected to include: Clifton Park Planning Board – Subdivision Plan Approval; Clifton Park Zoning Board of Appeals – Variances; Saratoga County Planning Board – Section 239 Referral.

The proposed subdivision will create two adjoining lots on which the existing buildings will not have sufficient side yard setbacks. The applicant will need to apply for a variance to address this issue. The plan must include a Site Statistics Table identifying the space and bulk measurements that apply to the lots being created. The table should provide information relating to lot size, building areas, parking spaces available, green space, and building setbacks. Future plan submittals should address any requirements that may become non-conforming due to the subdivision and seek any required variances or waivers. Notes regarding shared arrangements for parking, access, greenspace and/or other concerns should be added to the plan.

Representatives from the engineering firm observed numerous dumpsters were haphazardly positioned along north edge of the parking lot on proposed lot number one during a recent visit to the site. Enclosures, with adequate landscaping, should be provided for these dumpsters. The final subdivision plan should include the stamp and signature of a Licensed Land Surveyor and should include the Town's standard subdivision notes and certification statement.

The ECC offered no comment on this application.

Board members found the proposed subdivision proposal acceptable, though Mr. d'Amico commented on the difficult parking situation near Price Chopper. He observed that though K-Mart had substantial parking, the parking for the grocery store was limited. Mr. Andress explained that the parking arrangement designed pursuant to lease requirements. Mr. Larkin expressed concern about the greenspace requirements for each "new" parcel. Mr. Grasso explained that he will consult with Mr. Pelagalli to include appropriate notes on the plan to ensure required greenspace is allotted for each parcel or that green areas are considered as part of an integrated site plan.

[2003-030] Stormy View Stables – Proposed 11,592 SF riding and boarding arena, 421 Schaubert Road – Special Use Permit and conceptual site plan review.

Mr. Gil VanGuilder, consultant for the applicant, explained that the applicant has combined two lots from a previous residential subdivision creating a 6.55 acre parcel to be used as a riding stable and boarding facility for horses to be known as Stormy View Stables. The applicant will be use the existing barns as well as an 11,592 SF building that is currently under construction. A maximum capacity of 10 horses is expected at this time: up to 8 horses will be boarders and the remaining horses would be owned by the applicant. Though only four cars are expected at the site at one time, seven spaces are provided on the gravel parking area. A 1000 gallon holding tank with an alarm system is proposed for sanitary disposal. Water will be supplied by an on-site well.

Mr. Kemper referenced Sheryl Reed's memo of May 13, 2003 that contained the following comments: "The building is currently being constructed as an agricultural building, though the applicant is proposing to change the use or occupancy classification of the building to a riding/boarding arena. It appears that the conversion will not be

allowed under the current N.Y.S. Building Code based on occupancy classification, type of construction, and square footage. The applicant may want to consult with a professional architect or engineer for evaluation.” Mr. Kemper recommended the applicant to meet with Don and Sheryl to determine whether or not the building can be used as proposed prior to seeking Planning Board approval.

Mr. Grasso, Town Engineer, listed the comments from 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 the following: Clifton Park Planning Board -Site Plan Approval and Review of Special Use Permit; Saratoga County Planning Board – Section 239 Referral; Saratoga County Highway Dept. – Driveway Permit. The driveway being proposed is located only 120 feet south of the Schauber Road/Hubbs Road intersection. This limited separation can lead to confusion for drivers exiting the stables and drivers stopped on Hubbs Road waiting to turn and go south on Schauber Road. Additionally, drivers exiting the stables must also be concerned with traffic approaching from the south. There is limited sight distance for vehicles exiting the site and for drivers on Schauber Road approaching from the south. It is recommended that the applicant relocate the driveway to exit onto Hubbs Road approximately 200 feet east of the intersection. Westbound traffic in this area will be slowing as it approaches the intersection and eastbound traffic will have just turned off of Schauber Road and will have not reached cruising speed.

Since there is another stable business is located on the on the west side of Schauber Road directly opposite the subject site, the applicant should clarify if horses or pedestrians will likely cross the road between the two stables. As stated above, site distance to the south on Schauber Rd. is limited. Currently a small graphic sign indicating a horse crossing is in place along the east side of the road, south of the crossing. With the anticipated increase in crossings, additional signage may be required.

The Town of Clifton Park Zoning Regulations state that “the minimum area for the commercial stabling of horses on any lot shall be 10 acres, and the maximum number of horses allowed shall be two horses per acre”. A variance appears required because the subject parcel has an area of 6.55 acres, below the 10 acre minimum. The applicant’s permit application also states that a maximum capacity of 10 horses is expected at this time. The size of the new stable under construction, combined with the existing barns at the site, seem to indicate that the facility could ultimately accommodate more than 10 horses. If the owner’s long-range plan is to expand the operation in the future, these plans should be discussed at this time. In accordance with the zoning regulations, unless specifically decided otherwise by the Planning Board, screening is required between stabling facilities and any other nonagricultural use. The plan indicates a 1,000 gallon temporary holding tank. Its use should be clarified, as NYSDOH does not allow holding tanks for sanitary waste except on a temporary or emergency use basis unless a special waiver is granted by the NYSDOH.

Mr. O’Brien, Environmental Specialist, reported that the ECC made the following recommendations after reviewing the plan. Members believe that several considerations

should be taken into account when considering approval for the Special Use Permit for this property. A commercial riding stable requires property to be of ten (10) acres or more in size. The applicant must establish that a hardship is being created without a variance. In this case it appears that the hardship is self-created in that the lot which was previously greater than ten (10) acres was subdivided for residential use.

The ECC asks that the following standard statement be added to the plot plan: Federal Jurisdictional Wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbances activities in Federal Wetlands. Concern for the variance is further reinforced by the potential for contamination of the residential drinking water well. Records indicate that contamination has occurred in similar situations in the Town.

Mr. Bulger focused on the problem created by the failure of the proposed boarding stable and riding arena to meet current New York State building code standards. Since the permit for construction of the new building was issued for an agricultural use, the applicant will be required to revise the project in order to meet code.

Ms. Deborah Hill, applicant, explained that the facility currently under construction was originally proposed as a riding arena for her family. As others asked for boarding privileges, she applied for the Special Use Permit to accommodate the commercial use. She agreed to discuss changes to new building with Building Department representatives in order to meet code requirements.

#### Minutes Approval:

Mr. Larkin asked that the minutes of April 22, 2003 reflect his request for information and detail sheets for the battery back-up equipment to be installed at each of the three A T & T co-location parcels. Ms. Czub moved, seconded Mr. Karam, approval of the minutes as amended. The motion was unanimously approved.

#### Discussion Items:

Mr. Kemper read a memo from Mr. Clemens, Director of Building and Development, that concerned the condition that the Planning Board sometimes places on Special Use Permits allowing the construction of a two-family residence. He explained that limiting use of the apartment to a family member or "in-law" is not an option under existing legislation. Since such a restriction is difficult to enforce, he asks that the Board no longer place such a condition on its approvals.

Mr. Pelagalli explained that the Zoning Board of Appeals established the precedent for placing such restrictions on applicable Special Use Permit approvals: the Planning Board is simply following established policies. Board members agreed that, in some instances, they would prefer to attempt to limit use of an additional living unit to those related to the owners of the primary residence. Mr. Pelagalli will confer with Mr. Clemens regarding this matter to ensure that all issues are resolved.

## Mama's Restaurant

Mr. Kemper explained that Ms. Stephanie Van Auken, proprietor of Mama's has submitted drawings of the improvements she plans for the restaurant. Plans basically call for the construction of a 14'8" x 20'6" addition to the existing facility. Board members, noting that the site has limited room for expansion, asked that a formal site plan be presented for review.

Mr. d'Amico moved, seconded by Mr. Larkin, adjournment of the meeting at 10:40p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held on Tuesday, May 27, 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, Lou Renzi, 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 #10  
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 May 13, 2003

Present: S. Bulger, Chairman, B. Czub, R. d'Amico, T. Karam, J. Larkin, J. Marzola,

Absent: J. Russell

Mr. Larkin offered Resolution #10, and Mr. Marzola seconded, and

Whereas, an application has been made to this Board by Vincent O'Bremski for approval of a subdivision plat entitled the Subdivision of the Lands of Vincent O'Bremski consisting of (3) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on and May 13, 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 May 13, 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 Subdivision of the Lands of Vincent O'Bremski consisting of (3) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper Mr. Grasso, and Mr. O'Brien and the removal of the note from the plan that states that Lot #1 will not be a building lot.

Resolution #10 passed 5/13/03

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

Noes: None

Steven Bulger,  
Chairman

Resolution #11  
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 May 13, 2003

Present: S. Bulger, Chairman, B. Czub, R. d'Amico, T. Karam, J. Larkin, J. Marzola,

Absent: J. Russell

Mr. d'Amico offered Resolution #11, and Mr. Karam seconded, and

Whereas, an application has been made to this Board by John Hahn for approval of a subdivision plat entitled Revised Lot #19, Subdivision of the Lands of John Hahn consisting of the transfer of 2,134 SF of land from Lot #19 Hempstead Commons to the Lands of William F. and Karen A. Petronis, 5 Clifton Pines Drive.

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on and May 13, 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 May 13, 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 Revised Lot #19, Subdivision of the Lands of John Hahn consisting of the transfer of 2,134 SF of land from Lot #19 Hempstead Commons to the Lands of William F. and Karen A. Petronis, 5 Clifton Pines Drive is hereby granted preliminary and final approval conditioned upon the submission of a consolidation deed and the addition of a note to the plan stating that the clearing restriction on Lot #19 Hempstead Commons will be applicable to the owners of Lot #5 Clifton Pines Drive.

Resolution #11 passed 5/13/03

Ayes: Czub, d'Amico, Marzola, Larkin, Karam, Bulger  
Noes: None

Steven Bulger,  
Chairman

Resolution #12  
Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on May 13, 2003

Present: S. Bulger, Chairman, B. Czub, R. d'Amico, T. Karam, J. Larkin, J. Marzola,

Absent: J. Russell

Mr. d'Amico offered Resolution #12, and Mr. Karam seconded, and

Whereas, an application has been made to this Board by Donald and Janice Nicoll for approval of a subdivision plat entitled the Subdivision of the Lands of Donald and Janice Nicoll consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on and May 13, 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 May 13, 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 Subdivision of the Lands of Donald and Janice Nicoll consisting of (2) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the

comments offered by Mr. Kemper Mr. Grasso, and approval of the septic design by Clough, Harbour, and Associates.

Resolution #12 passed 5/13/03

Ayes: Czub, d'Amico, Marzola, Larkin, Karam, Bulger  
Noes: None

Steven Bulger,  
Chairman