

Clifton Park Planning Board Meeting Minutes

May 27, 2003

Those present at the May 27, 2003 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, B. Czub, R. d'Amico, J. Marzola,

Absent: T. Karam, J. Larkin, 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.

Public Hearings:

[2003-025] Denner, Richard H. – Proposed (2) lot subdivision, 608 Grooms Road – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on May 21, 2003.

Mr. Gil VanGuilder, consultant for the applicant, explained that this project remains as presented on April 22, 2003. He noted that the small single-family home located to the front of the parcel will remain, that the lots will both be served by public water and sewer, and that the sight distances along Grooms Road are adequate. Although preliminary plans call for a shared access on Grooms Road, Mr. Massaroni, developer of the adjoining site, is considering purchase of the property. Should this occur, access may be provided from the Stoney Heights subdivision.

Mr. Kemper explained that this project last appeared before the board on April 22, 2003. At that time the applicant was exploring the feasibility of connecting the new lot to the Stoney Heights subdivision. If such a connection is not made, descriptions for the common ingress/egress easement will have to be submitted for review. The Town of Clifton Park L-C Zone will have to be depicted on the subdivision plan and the individual plot plan. A sign-off has been received from the Latham Water District. The Saratoga County Planning Board approved the project on April 17, 2003 with the following comment: "Maintenance agreements for the common drives should be created and noted on the subdivision map." The description for the land along Grooms Road to be deeded to the Town of Clifton Park should be submitted for review. Mr. Kemper recommended that the location of the proposed house be moved further away from the Stoney Creek Reservoir buffer area.

Mr. Grasso, Clough, Harbour, and Associates, explained that the engineering firm has

reviewed the final subdivision plan for the above referenced project and has found that all previous comments have been adequately addressed. Due to the proximity of the site to the Stony Creek Reservoir, Mr. Grasso recommended that the proposed plans be reviewed by the Latham Water District prior to Board approval. Since the Latham Water District has signed-off on the application, Mr. Grasso found the proposal acceptable.

Mr. O'Brien, Environmental Specialist, stated that all ECC comments have been satisfied.

There being no public comment, Mr. Bulger moved, seconded by Mr. d'Amico, to close the public hearing at 7:19p.m. The motion was unanimously carried.

Ms. Czub 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. Bulger offered Resolution #13, seconded by Mr. d'Amico, to grant preliminary and final subdivision approval to this application, waiving the final hearing, conditioned upon satisfaction of the comments offered by Mr. Kemper. Ayes: Czub, d'Amico, Marzola, Bulger. Noes: None.

[2000-035] Belmonte, Peter – Proposed (17) lot subdivision, West Sky Drive – Reconvening of preliminary public hearing held on November 13, 2002 and possible determination.

The Chairman called the public hearing to order at 7:22p.m. The Secretary read the public notice as published in the Daily Gazette on May 21, 2003.

Mr. Gordon Nicholson, consultant for the applicant, presented this application that calls for the subdivision of 51 acres of land into (17) lots ranging in size from 14,245 SF to 47,000 SF for the development of single-family residences and a parcel of 36 acres to be dedicated to the Town as Class B open space. A possible future phase of three lots may be submitted for approval at a later date, though it has been eliminated from the plan presented at this time. The subdivision will be served by the Saratoga County Sewer District and the Clifton Park Water Authority. The project area lies west of West Sky Lane and will require the extension of West Sky Drive and the construction of an additional cul-de-sac to be named Tanglewood Court. The consultant explained that this project plan was considered by the Board on November 13, 2002 at which time the Board asked Mr. Kemper to begin the coordinated review process.

Pursuant to cluster legislation, the applicant proposes the following setbacks: 50 ft. front yard; 10 ft. side yards; 25 ft. rear yard. The plan now depicts a possible location for the future multi-use path and an easement for access to the adjoining Lands of Stanczak.

Mr. Kemper explained that this project last appeared before the Board on November 13, 2002 at which time the public hearing was adjourned. No SEQRA determination was

made at that meeting. Issues contained in the December 11, 2002 comment letter from Doug Connor of the Clifton Park Water Authority to Gordon Nicholson must be addressed. Coordinated review was conducted and all agencies concurred with the Town of Clifton Park Planning Boards acting as Lead Agency for the application, though all issues in the comment letters from NYSDEC and NYSDOH must be addressed. A sign-off letter from the Latham Water District must be submitted. The standard note for construction hours should be revised to 9-4 on Saturdays; no work is permitted on Sundays. Several standard statements need to be added to the plans. The easement to the lands of Stanczak must be labeled on the plans. The clearing limit lines as illustrated on the subdivision map will be strictly enforced: these limit lines must be flagged prior to any work being initiated on the project. Since the project is a cluster subdivision, the Board must approve the setbacks for the subdivision. The applicant proposes 35 foot front yard setbacks, 25 foot rear setbacks, and 10 foot sideyard setbacks. These setbacks appear adequate and are consistent with other cluster subdivisions that have been approved in the Town. Design and location details for the multi-use pathway must be provided. Descriptions for all easements, roadways, and lands to be deeded to the Town of Clifton Park must be submitted for review.

Mr. O'Brien, Environmental Specialist, reported that the ECC reiterates the recommendations made on November 6, 2002 regarding Lots #14, #16, and #17. The Commission further recommends that a legally binding agreement be drawn up by the applicant to ensure that the open space, as indicated on the plot plan, remains as such in perpetuity.

Mr. Grasso explained that Clough, Harbour, and Associates had previously provided a sign-off letter on the plans and engineer's reports previously submitted for this project. The applicant's engineer will be submitting an updated stormwater management report in accordance with the new stormwater requirements. Any review comments on the report will be forwarded directly to the applicant's consultant as deemed appropriate, though no significant changes are expected.

The only other item requiring review was the agreement over the multi-use pathway. Correspondence from the applicant's consultant to the Town of Clifton Park indicates the applicant's willingness to fund up to \$60,000 for the design and construction of the path from West Sky Drive to Compton Road. It was the engineer's opinion that this amount is reasonable. Furthermore, because the trail is solely for recreational purposes and will serve not only residents of this project but also many existing neighborhoods in the area, waiving the standard park fees appears appropriate. Clough, Harbour, and Associates recommends that the applicant initiate design and construction of the multi-use pathway as part of this project, rather than having it done later by the Town, as municipal bidding costs and prevailing wage rates will drastically reduce the length of the trail constructed with the limited funds available.

In response to Mr. Grasso's comments, Mr. Nicholson indicated that the developer will begin design plans for the multi-use pathway link and will construct up to the agreed-to \$60,000.00 limit. Such development will be ensured by the incorporation of this amount

into the Letter of Credit or security deposit established for this project.

Mr. Anthony Laiacona, 27 Westbury Court, had several concerns regarding this proposed development and he submitted a letter for the Board's review. Of particular concern is drainage from the proposed development that may impact existing homes on Westbury Court. The speaker asked that the Board guarantee that there would be no additional drainage that would cause existing water problems to increase. Mr. Laiacona also asked that the access to the proposed multi-use pathway be identified. He was concerned that increased traffic through the development would cause problems and that the "ancient turtles" that nested in the wetland would be disturbed. He questioned whether the developer's contribution of \$60,000.00 would be enough to complete the pathway link and asked the Board to consider any future development that might be planned for the site, noting that the original submission included lots on Compton Court.

Mr. Nicholson explained that the additional lots proposed on Compton Court have been removed from the project proposal due to the proximity of those lots to the cemetery. He described drainage plans that propose footing drains tied to the storm sewers that will discharge water to the west of the site, pointing out that there is a 10-foot grade change from east to west on the site. Mr. Bulger explained that the Planning Board relies on the expertise of its advisors and that Town ensures that construction will be completed in accordance with approved plans.

Mr. Jeff Flynn, 21 Westbury Court, asked if the Planning Board was a regulatory board or a decision-making board. He observed that residents often use pesticides and other chemicals that could impact the quality of water in the Stoney Creek Reservoir, creating significant risk for citizens. In response, Mr. Bulger explained that the Town has received comment from the NYS Department of Environmental Conservation, the Army Corps of Engineers, the Latham Water District, as well as the Town Engineer. Since all these agencies have determined that rules and regulations have been adhered to, it would be difficult for the Board to deny this application on the basis of such a potential risk. He further pointed out that arbitrary and capricious decisions in the past have resulted in unfavorable court decisions that have cost the Town considerable amounts of taxpayer money: fiduciary accountability is also a responsibility of the Board. Mr. Nicholson explained that the applicant has substantially reduced potential impacts of the development by utilizing a "cluster design" that permits less road width, smaller lots, and more open space.

Mr. Bob Eckert, 18 Westbury Court, asked that the drainage from the east side of Moe Road be considered since substantial development was progressing in Countrymen Estates North. Mr. Nicholson responded that each subdivision requires the development of a stormwater management plan that is specifically designed to maintain drainage within its boundaries. Mr. Grasso added that while there have been drainage problems along Moe Road in the past, the Countrymen Estates' project offered an opportunity to install additional stormwater management areas that could reduce drainage flows. He explained that no project would be permitted to produce flows that are in excess of pre-development conditions and he believes that this applicant has attempted address

drainage issues while protecting sensitive environmental areas.

Mr. Eckert described the neighborhood as a “limited access area” and asked the Board to consider the problems that additional traffic might create for existing residents.

A resident living at the corner of Westbury Court at its intersection with Tanglewood Court expressed concern about additional traffic and the effect of construction traffic within the neighborhood. She asked that a STOP sign be placed at that new intersection. Mr. Kemper explained that the hours of construction are regulated. STOP signs and speed limit restrictions require Town Board action. In response to another resident who recommended a reduction in the speed limit to mitigate the impact of increased traffic, Mr. Grasso explained that, pursuant to state law, towns are not permitted to post speed limits below 30 mph.

There being no further comment, Mr. Bulger moved, seconded by Mr. d’Amico, to close the public hearing at 8:00p.m. The motion was unanimously carried.

Mr. Bulger expressed his appreciation to those residents who spoke, noting that their concerns were ones that had been considered by the Board. Mr. Marzola also commented that the residents had identified many issues that the Board considers during its deliberations. He believes that comments and recommendations made by the Board’s advisors indicate that impacts to adjoining properties will not be significant. Mr. Pelagalli advised members that the Town Code allows for the cluster design. Since the number of lots proposed for this subdivision has been approved per code requirements and because the impact to wetlands has been reviewed and approved by a number of agencies, it appears that SEQRA procedures have been followed.

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

Mr. Marzola offered Resolution #14, seconded by Mr. Bulger, to grant preliminary and final approval, waiving the final hearing, for this application, conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso and the applicant’s contribution of \$60,000.00 toward the design and construction of a multi-use pathway link. Ayes: Czub, d’Amico, Marzola, Bulger. Noes: None.

[2002-073] Curnyn Meadows (Eleven and Company, LLC) – Proposed (20) lot subdivision, Grooms Road – Preliminary public hearing and possible determination.

Mr. Gil VanGuilder, consultant for the applicant, described this project that calls for the development of 130 acres of land in an R-3 zone on the northerly side of Grooms Road, approximately 1,000 feet west of its intersection with Droms Road and along the westerly side of Miller Road. Basically, the proposal involves the development of (20) single-family residential lots located on a 2,300 foot long cul-de-sac with a proposed roadway width of 26 feet and a future connection provided to the lands of Eels to the east. A

boulevard-type entranceway has been designed. Maintenance for entranceway improvements and plantings will be assigned to the owner of one of the proposed lots. Though the ECC asked the applicant to consider a cluster lay-out, the applicant believes that the 97,900 SF to 248,100 SF lots are necessary to create the “upscale” estate look that he desires. Connection to the sewer district will be made via a directional bore under the NYSDEC wetlands that adjoin Settlers Hill. 38% of the property will be conveyed to the Town as designated class B open space: disturbance of the federally jurisdictional wetlands is limited to less than 1/10th of an acre. Pursuant to comments by the Town Engineer, the setback for Lot #19 has been changed to 100 feet.

Mr. VanGuilder stated that connection to the Clifton Park Water Authority system is proposed, though, in light of the proposed establishment of a Miller Road Water District, plans are now being revised. Plans now call for the installation of water lines along Miller Road, south to its intersection with Grooms Road and then along Grooms Road to the west. Technical engineering issues will be resolved by Scott Lansing, project engineer, in cooperation with Town officials.

Mr. Kemper explained that this project was considered by the Board on December 10, 2002, at which time the Board requested that the applicant explore a cluster subdivision layout and provide a multi-use pathway connection to Settlers Hill. The project is a Type 1 action under SEQRA: coordinated review is required. Involved agencies include the Saratoga County Department of Public Works, NYSDEC, NYSDOH, the Clifton Park Water Authority, and the Saratoga County Sewer District. If the Board finds the proposed layout acceptable, the SEQRA review process will be initiated. The standard note for aviation activity should be added to the plot plan. The name of the firm that performed the wetland delineation should be placed on the plot plan. Don Clemens’s memo dated December 10, 2002 regarding grinder pumps still needs to be addressed.

Mr. Kemper also recommended that, due to the proximity of the wetland on Lot #13 to the proposed building envelope, the house should be moved deeper into the lot and the driveway should be moved against the southern edge of the property line. The Town of Clifton Park L-C Zone should be labeled as such on the plot plan. The status of the multi-use path connection should be clarified. If a connection is not feasible because of the large wetland crossing from Settlers’ Hill, a paved path connection should be made to Miller Road. The proposed street name should be depicted on the plot plans. Details of the proposed maintenance agreement for the boulevard entrance must be provided. The CPWA and the Town are currently working together to form a water district that would bring the water to the Grooms Road and Miller Road intersection. The timeframe for completion of this project will be determined in the near future. If the plan progresses as expected, the applicant will be encouraged to keep the water main within public right of way along Grooms Road with connection to lines along Miller Road. The Saratoga County Planning Board reviewed the project on December 19, 2002, though no determination was made at that time. County Planning Board members identified several significant issues and they requested additional information before rendering a decision. Comments included the recommendation that the lots be “clustered” to reduce wetland disturbance and the length of the Town road, the request for clarification of the

ownership of the open space areas, and the submission of traffic reports that would address the impact of this development and future development upon traffic flow in the area.

Mr. Grasso reported that Clough, Harbour, and Associates has reviewed the preliminary subdivision plans for this project. Several comments from the December 4, 2002 review letter have not been adequately addressed. It appears that the front yard setback for Lot #19 is proposed to be less than 100 feet from the road centerline. Although this is consistent with the setback of other adjacent structures along Grooms Road, a front yard variance may be required if this lot is not subject to the open space subdivision provisions. The adequacy of sight distance onto Grooms Road should be verified and shown on the plan. A divided boulevard entrance in such a rural setting is not recommended due to the potential confusion over the proper ingress and egress lanes. The site location map does not appear to accurately represent the configuration of the parcel: clarification is requested.

The engineering firm offered the following additional comments on the preliminary plans. The plan proposes a 26 foot wide road which is consistent with the standard for cluster subdivisions. Given the amount of open space proposed to be given to the Town and the rural nature of the subdivision, it appears that the subdivision is consistent with the open space subdivision regulation and, therefore, is eligible for classification as a "cluster" subdivision. This will clearly allow use of the reduced roadway width. The use of a reduced roadway section and cluster subdivision classification should be approved by the Highway Superintendent and the plans should clearly note this designation. In order to provide increased flexibility for the location of the homes, consideration should be given to using the typical cluster subdivision setbacks of thirty foot front yard and ten foot side yard. This will also negate the setback issue noted in the first comment. In addition, the cluster subdivision setbacks may supercede the fifty foot setbacks required for keyhole lots.

Although the plan appears to indicate federal wetland impacts less than 0.1 acres, the amount of impacts should be listed because future lot development may exceed the threshold and require authorization by the Army Corps of Engineers. Access to Lot #20 should be clarified, as it appears the existing drive is located on the adjoining parcel. The subdivision plan should also clarify to and from whom the ingress/egress easement is being conveyed. The Town's standard note for ingress/egress easements should be added to the plan. It is recommended that the existing driveway culvert be removed and that the access road from Grooms Road that goes to the rear of Lot #18 be abandoned. Given the poor soil types listed in the stormwater management report, it is recommended that test pits be conducted a minimum of every five hundred feet along the centerline of the road in order to verify that the proposed road section is sufficient. In lieu of the test pits, the section should be modified to specify the use of underdrains and stabilization fabric and additional subbase. The "Typical Town Road Section" should be revised to reference a cluster subdivision rather than a conventional subdivision.

In accordance with the subdivision regulations, a street light should be provided at the

proposed intersection with Grooms Road. This light should be oriented over the new road to aid in definition of the intersection. A key should be provided for the proposed street signs indicated on the plan and the key should include a dead end sign. Catch basins should be provided at the proposed intersection with Grooms Road that tie into the proposed cross culvert. As designed, water will accumulate along the curbline when snow banks are present. It is recommended the water main be extended to Grooms Road and a valve and end cap be placed on the stub street in the location of the future water main extension. In addition, a force main stub and valve should be extended across the road to avoid having to open cut the road in the future. If directional boring will be used for the water and sewer main crossing of the NYSDEC wetlands, the limits of the directional bore and the proposed pipe material should be indicated on the plans. Erosion controls should be specified along the force main route that will be by open cut method within the Settler's Hill development. Bends, fittings and thrust restraints should be specified where appropriate for the water main to insure construction in accordance with maximum deflection limits. In accordance with Ten States Standards, in-line valves shall be spaced a minimum of every 1,000 feet. Due to difficulty in construction at such slight tolerances, storm sewers at less than 0.5% slope are not recommended. Any deviation in the pipe slope specified will not provide adequate self cleansing velocity. In addition, it does not appear that the storm sewer from CB-B1 to the outlet has adequate full flow capacity. It appears an increase in the pipe size from 18" to 24" will be required.

Although details of the proposed stormwater management areas have not been provided, it appears that the proposed method of stormwater management described in the report is acceptable. Details should be provided when available.

Mr. Grasso recommended that if the water line is located along Miller Road, the Town acquire additional right-of-way for the multi-use pathway.

Mr. O'Brien, Environmental Specialist explained that, after reviewing the project, the ECC reiterated the comments made at the December 3, 2002 meeting. The following standard statement should be added to the plot plan:

- The Land Conservation L-C 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 applicant should indicate the source of water and sewer for Lots #19 and #20.
- The applicant should indicate the planned use of open space areas.

The ECC offered additional comments. The applicant should add the Town of Clifton Park's standard statement regarding aviation to the plot plan. The ECC also recommends that the applicant work with the Trails Committee to coordinate trail connections between the subdivision and the areas north of Grooms Road.

Mr. McCormick, applicant, in response to comments concerning preservation of the barn that exists on the property, stated that a "barn expert" who had expressed an interest in it

had rejected it because the barn had apparently been relocated from another site. The relocation resulted in structural modifications that made it undesirable. Mr. Scherer, Town Historian, encouraged the preservation of the barn, describing it as a century-old landmark that is not only representative of the Town's heritage, but also a visually pleasing change from modern landscapes. He suggested that the barn be incorporated into the subdivision as a club house or storage facility. Mr. McCormick stated that the barn is a "liability as it stands" and he has opted to demolish the building. He offered \$10,000.00 toward the removal of the barn should anyone care to move it.

Mr. Rainy Littman, Historic Preservation Committee member, stated that although the Commission was sorry to see the dismantling of the barn, she asked that the owner allow time for it to be documented with photographs and sketches.

Mr. Chuck Eels, 831 Grooms Road, told the Board that he had two concerns regarding the proposed development. As owner of the adjoining King Crest Farm, he would like to work with the developer of the residential project to resolve drainage problems he experiences in the northern portion of his property. He explained that grading by former owners of lands now owned by Mr. McCormick had changed rolling farmland to flatland that has produced substantial drainage to his fields. He was also concerned about security and liability issues, suggesting that such things as fences, berms, or tree plantings might create barriers between the proposed residential use and his on-going agricultural activities.

At the Board's request, Mr. Eels explained that he has submitted a grant application for the repair of a barn roof. He hopes preserve the barn that dates from the 1790's, though he has not yet received the approved funds.

Ms. Margaret Catellier, 26 Royal Oak Drive, asked that the Board consider asking the applicant to either reduce the lot sizes or the number of lots in order to provide for the installation of multi-use pathways and the preservation of open space. In response to her comments regarding preservation of the barn, Mr. VanGuilder explained that the owner would permit documentation of the structure, but that he is committed to demolition of the barn.

There being no additional comments, Mr. Bulger moved, seconded by Mr. d'Amico, to close the public hearing at 8:38p.m. The motion was unanimously carried.

Mr. d'Amico asked that the applicant evaluate the location of the proposed future access to the Lands of Eels to the east because of existing drainage problems in that area. Mr. VanGuilder explained that the proposed stormwater management plan may alleviate existing drainage problems. With regard to Mr. Eels security concerns, he agreed to work with the applicant and the adjoining property owner to come to an amicable agreement. Mr. Bulger noted that since the barn has no historical designation, legally the Planning Board has no standing to prevent the applicant from disposing of the barn as he will. He did ask the applicant to delay demolition for a reasonable time to allow the Historic Preservation Commission to have adequate access to the property to complete its work

which Mr. Bulger thinks is very valuable. When asked about a time frame for such documentation to occur, Mr. Bulger asked that Commission representatives and Mr. McCormick meet to determine the timing of the documentation, and that if there were issues from either side regarding this process, that they contact Mr. Kemper to work things out – the sooner, the better.

Mr. Bulger commented on the design of the project, stating that a significant number of projects require the implementation of cluster plans. He suggested that a “mix” of project designs would be beneficial and supported the use of a conventional lay-out design for this project and finds it appropriate for meeting the goals of the developer. Mr. Grasso commented that the design produces the feeling of a cluster. Mr. VanGuilder pointed out that the parcels will be four times as large as lots in an R-1 zone and that the developer is conveying nearly 40% of the property to the Town as open space.

Mr. Scherer asked that SEQRA requirements be investigated to determine if it is important for a building to have an historic designation or if eligibility for such a designation is significant.

Old Business:

[2002-059] Cumberland Farms, Inc. – Proposed demolition of existing convenience store and construction of 4,134 SF store with (6) gasoline dispensers and canopy – Preliminary site plan review and possible determination.

Mr. Martin Affredou, attorney for the applicant, introduced this application that includes the demolition of the existing convenience store at the intersection of NYS Route 146 and the construction of a 4,158 SF store with (6) gasoline dispensers. Plans have been revised in accordance with Planning Board and Clough, Harbour, and Associates’ recommendations. The plan now calls for two access points: one on NYS Route 146 and one on Vischer Ferry Road. The store is now located in the south eastern corner of the site and the gasoline dispensers have been angled between the two access locations. A future cross-access point is located along the eastern property line. Required variances have been approved by the Zoning Board of Appeals and will be noted on the site plan. Mr. Spiak presented colored renderings of the façade that members found acceptable and he assured the Board that all engineering comments will be addressed prior to the submission of final plans.

Mr. Kemper thanked the applicant for working with the Town to create a safe and workable site. The project last appeared before the Board on April 8, 2003 as a discussion item. Colored façade renderings should be included with the final plans for stamping. The deciduous trees in the planting schedule should be increased to a minimum of 3” caliper. All evergreens must be at least 6’ tall and all ornamentals must have a spread or height of at least 24”. No Parking signs should be provided in the handicapped parking unloading zones. All the variances granted by the ZBA should be placed on the plans. The Saratoga County Planning originally disapproved the project on January 16, 2003, however the revised layout was approved on April 17, 2003.

Mr. Grasso also commended the applicant and Bohler Engineering for making substantial revisions to the plan in an effort to address Town and County comments: the site design has been significantly improved. There are a few minor issues yet to be resolved. The plans should provide additional street trees along the project site's road frontage spaced not more than thirty feet on center and all trees shall be a minimum of 3 1/2" caliper. Taller evergreens should be provided along the rear façade of the building.

Mr. Grasso observed that the proposed lighting levels still appear excessively high. Though the detail shown for the Challenger light fixture appears to indicate that the fixture has the required flat glass lens, the light fixture shown on the Light Pole Detail appears to have a lens that extends below the bottom of the fixture. This feature should be clarified.

The following additional review comments must be considered by the applicant. The Zoning Analysis Table and Signage Table notes that variances have been granted relative to the required setback from Vischer Ferry Road, maximum impervious area, and size of the proposed price sign. The tables indicate that several additional criteria are also in violation of required standards. It is our understanding that a number of additional variances have been granted for this application. All variances that have been granted must be identified on the plans. Typical details for the proposed retaining wall should be included in the plan set. The plans now include a requested sidewalk along its Route 146 frontage. The proposed five foot wide sidewalk terminates at the eastern property line where there is an eighteen foot long section of four foot wide sidewalk until reaching the Price Chopper Plaza entrance drive. It is recommended that the new five foot wide sidewalk extend to the entrance drive to insure consistency and handicapped accessibility.

Mr. Grasso explained that the Town is planning to develop a multi-use pathway along Route 146A and Vischer Ferry Road. This pathway will be eight to ten feet wide. Although this particular project will not be required to construct the trail across its frontage, it is recommended that the sidewalk ramp curb cut at the intersection and the first fifteen feet of sidewalk be constructed at a width of eight feet to avoid future reconstruction of the improvements. The plans should clarify the limits of the guide rail removal along Vischer Ferry Road on the demolition plan. An appropriate guide rail termination should be provided. In accordance with NYS Building Code regulations, "No Parking" signs shall be installed in front of the striped access aisle. It would appear that building mounted signs would be acceptable.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project, the ECC reiterated the comments made at the February 18, 2003 meeting. The Commission also recommends that the applicant indicate the area of greenspace on the plot plan (shading). Since the plan calls for a significant reduction of greenspace to 21.3%, which falls far short of the 35% required, consideration should be given to alternate plans or other greenspace-open space compensation options.

Mr. Bulger expressed his appreciation for the applicant's willingness to work with all

concerned to create an aesthetically pleasing and safe site. He noted that, although there was a reduction in green space, the site would function much more effectively than as currently configured.

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

[2003-010] King of Kings, Inc. – Proposed 8,725 SF addition and 480 SF garage, 1593 Crescent Road – Preliminary site plan review and possible determination.

Mr. Lance Manus, L M Associates, presented this project plan, explaining that this is the third visit before the Planning Board: the plan has been modified pursuant to Board concerns. Additional evergreen screening has been added to the north of the site along the new garage and parking area, the easterly driveway has been eliminated, the two access points on Crescent Road have been aligned with roadways on the south side of the road, silt fencing details have been added to the plan, lighting details have been revised, and handicapped accessible spaces and ramps have been revised to comply with current building codes.

Mr. Kemper explained that this project was considered by the Board on April 22, 2003, at which time the Board approved Special Use Permit. More information was requested before approval of the site plan. The parking lot entrance that raised concern among Board members has been eliminated. A Saratoga County DPW curb cut permit must be provided prior to the stamping of the plans. Colored façade renderings will need to be provided with the plans that are submitted for stamping. Erosion control measures should be depicted on the plans. Handicapped parking and no parking signs should be depicted on the plans.

Mr. Grasso stated that all comments from Clough, Harbour, and Associates have been satisfied. Mr. O'Brien, Environmental Specialist, indicated that the ECC found the project acceptable.

Mr. Bulger expressed his appreciation to representatives of the church's building committee and to Mr. Manus for working with the Board to design an acceptable site plan.

Mr. Marzola 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 moved, seconded by Mr. d'Amico, to grant preliminary and final approval

to this site plan conditioned upon satisfaction of Mr. Kemper's comments. The motion was unanimously carried.

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

Mr. Gordon Nicholson, Environmental Design Partnership, described the plan as preliminary, noting that erosions control measures have been added to the plan, grading issues have been addressed, a stormwater management maintenance agreement has been executed, and plans have been revised pursuant to Clough, Harbour, and Associates' comment letter. He added that the plan now shows the addition of 52 junipers under the shade trees and that 116 parking spaces have been provided to assure enough parking for the building's proposed state-of-the-art conference center.

Mr. Kemper said that this project was last considered by the Board on March 25, 2003. It was withdrawn from the May 13, 2003 Planning Board meeting at the request of the applicant. The Board identified several issues of concern: parking lot size, grading in close proximity to steep slopes, the number of curb cuts, the amount of greenspace, and the stormwater management area being included as part of the greenspace calculation.

Mr. Kemper explained that the revised plan has addressed a number of issues. One curb cut has been provided on Maxwell Drive: the northern most curb cut has been eliminated. Colored façade renderings must be provided with the next submission. The planting schedule must be revised to include a minimum of 3" caliper for the deciduous trees. Additional plantings should be placed along Maxwell Drive. The proposed access will require a sign-off from Sheryl Reed and emergency services. Sheryl Reed's memo of May 13, 2003 requires that the main entrance allow emergency services' vehicles to maneuver around island plantings. The Town Code states that stormwater management areas can be counted as greenspace as long as they are improved and maintained as an integral part of the landscaping scheme. Considering that there is no reference to improving the aesthetics of the stormwater management area and there is an easement by a third party which would impact control of this area, it does not appear that the intent of the code has been met. Details must be provided on the trash enclosure. The proposed layout would require 100 parking spaces: reducing the amount of proposed parking would allow the proposed layout to be pulled away from the steep slopes, reducing impacts to the area.. The proposed grading on the site is still located along the steep banks leading down to the stormwater management areas. This concern was raised by the Board at the last meeting and has still not been addressed. Pursuant to the Exit 9 GEIS, the following items must be provided: GEIS Mitigation Fee; Archeological Study; Tree Survey.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the revised plan submitted by the applicant. The Town Engineer commented on the significant grading that would be required to build the section of the parking lot in the area of the proposed trash enclosures and the impact of the development to the sloped areas around the stormwater management areas. Since the density has not been reduced, the concerns

about the impact of the proposed work along the top of the slope are still significant. Mr. Grasso also commented on the green space calculation as provided by the applicant. Since it does not appear that the existing stormwater management basins “will be improved and maintained as an integral part of the landscaping scheme and would improve the overall aesthetics and thus serve the purpose of the greenspace requirement,” only the area to the west of the easement should be considered when computing greenspace for this project. Mr. Nicholson assured the Board that the developer recognizes the benefit the improved stormwater management area would be to the project and will work to enhance the area sufficiently so as to be included as part of the greenspace calculations.

The engineering firm offered several additional comments. The plan does not identify a delivery area or loading dock: staging of delivery vehicles in the parking lot is not recommended. Mr. Nicholson explained that the offices will not require a delivery area or loading dock. Mr. Grasso stated that the firm is concerned that grading of the area between the existing multi-use pathway on the east side of Maxwell Drive and the proposed parking area will allow water to flow across the sidewalk: all drainage from the area should be directed to the new retention area. Under story landscaping should be provided to supplement the existing trees that will remain along the east side of Maxwell Drive.

The engineering firm identified several technical issues that require revisions to inverts and pipe grades that are proposed. The site statistics table describes the proposed use of the building as commercial office. Pursuant to zoning regulations, 100 parking spaces are required. 116 are proposed. It is recommended that the developer construct 100 spaces initially and add additional spaces when warranted. It was recommended that the applicant investigate the possibility of allowing provisions for direct vehicle access to Shoppers’ World to the south of the site. Mr. Nicholson explained that this connection is not a viable alternative at this time. Mr. Grasso asked that the sidewalk be extended to the multi-use pathway along Maxwell Road. He also asked that the proposed lights be limited to 22 feet in height and that lighting be designed in compliance with the zoning code. A photometric scan should be provided. All street trees should be increased to 3 1/2” caliper and screening should be provided around the dumpster enclosure. The plans indicate that a 16” diameter storm sewer pipe is to be used on the site: this size pipe is not available.

Mr. O’Brien, Environmental Specialist, reported that the ECC reiterated the comments made at the March 18, 2003 meeting. Committee members were especially concerned with sedimentation of the Bear Brook. In addition, the ECC recommended that the Town’s Engineer should review this project in detail with particular attention should given to the proposed Stormwater Management Plan.

Mr. Bulger identified a number of concerns regarding development of this site. The amount of greenspace on the site and the method of calculating the amount of open area were discussed at length. Though members recognized that the stormwater management area is not totally controlled by this developer, members directed Mr. Nicholson to meet with Mr. Kemper and Mr. Grasso to determine if a landscaping plan might improve the

stormwater area sufficiently to be considered as “greenspace”. Board members also questioned the number of parking spaces to be installed and agreed that the uses for the building should be clarified and the number of spaces determined accordingly.

Mr. Bulger cited the Zoning Board of Appeals’ approval that was based upon the applicant’s assertion that a significant portion of the building would be used as a conference center that would have state-of-the-art technical equipment for conference and seminar presentations. It was Mr. Phillips’ stated intention to rent the conference center to various civic and/or professional organizations. Board members discussed the implications of this conference use on parking requirements. Mr. Nicholson agreed to provide floor plans for the building that would illustrate the proposed uses and the amount of square footage proposed for the conference use. He also agreed to consult with Town representatives and Mr. Grasso to resolve the greenspace and stormwater management issues.

New Business:

[2003-031] Cillis, Ted (Cillis Builders) – Proposed (12) lot subdivision, Moe Road – Conceptual review.

Mr. Gordon Nicholson, consultant for the applicant, explained that the applicant proposes to combine three existing parcels into one parcel of 12.27 acres on the east side of Moe Road, opposite the intersection of Moe and Barney Roads. The property, located in an R-1 zone, proposes twelve lots on a new public road. One existing house will be demolished while the other existing residence will be retained. Lots range in size from .49 acres to 1.4 acres, respectively. All lots will be served by a new Town road, the Clifton Park Water Authority, and the Saratoga County Sewer District. An on-site stormwater management area will be provided. Mr. Nicholson explained that the Town’s designated L-C zone traverses the southern portion of the site: deed restrictions will limit activity within this protected area. He asked that the Board consider the best location for access to adjoining Town-owned lands.

Mr. Kemper explained that this project is a Type 1 action under SEQRA, and as such coordinated review is required. The exact location of the DEC classified stream and associated L-C zone will have to be delineated on the plans. Any ACOE wetlands located on the parcel must be identified and depicted on the plan. Building Lots #10,11, and 12 should be moved away from the L-C zone to the maximum extent practicable.

Mr. Grasso, Clough, Harbour, and Associates, has reviewed the concept subdivision plan for this project and has prepared the following comments. Since the proposed project contains more than four lots less than five acres in size it is considered a Realty Subdivision by NYSDOH, and therefore, is a Type I action pursuant to SEQR. As such, coordinated review is required. Involved agencies are expected to include the following: Town of Clifton Park Planning Board-Subdivision Approval; C.P.W.A – Water Connection Permit; S.C.S.D. #1 – Sewer Connection Permit; N.Y.S.D.O.H. – Realty Subdivision Approval, Water Supply System Approval; N.Y.S.D.E.C. – Wastewater

Disposal System Approval; SPDES Permit for Stormwater Discharges. The Town Engineer asks that future plans show existing topography and any wetlands. The possible extension of utilities and future Town road access to the adjacent properties should be considered in the planning of this project.

The concept plan identifies a proposed stormwater management area in the rear of Lots #6 and #7 and another in the rear of Lots #8 and #9. Any Town owned and maintained basin should be consolidated into one area. In addition, the Town discourages the development of stormwater management areas in the rear of residential lots. It is recommended that the developer convey a parcel to the Town for the stormwater management area including a twenty foot wide access strip. If a management area is established near Lots #8 and #9, consideration should be given to including the L-C zoned areas as mitigation of environmental impacts.

Mr. O'Brien, Environmental Specialist, listed the following comments prepared by the ECC. The ECC has concerns regarding the configuration of Lots #10, 11, and 12. These lots contain two buildable portions separated by an L-C Zone that may invite unwanted construction of stream crossings through the L-C Zone to access the rear of the property.

The ECC recommends that the following standard statements should be added to the plot plan:

- 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 Land Conservation L-C 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 L-C Zone.
- 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 ECC also asks that a Stormwater Management Plan be submitted for review by the Town Engineer and the ECC.

Board members found the project acceptable.

[2003-032] Klimkewicz, Michael – Proposed transfer of .32 acres of land, Lots 857 and 865 NYS Route 146A – Conceptual review.

Mr. Gil VanGuilder, the applicant's consultant, presented this proposal that calls for the

transfer of .385 acres of land that is currently a portion of Lot 865 Route 146A to adjoining Lot 857 Route 146A. The applicant, who owns both parcels, requests approval of this land transfer in order to ensure that the trees and natural screening between the lots can be preserved and controlled by the owners of Lot 857.

Mr. Kemper found the proposal acceptable. He explained that the Saratoga County Planning Board approved this project at its May 15, 2003 meeting.

Mr. Grasso offered no engineering comments on this application.

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

[2003-033] Wicks, Carol and Robert – Proposed two-family residence in an R-1 zone, Woodin Road – Special Use Permit and conceptual site plan review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that calls for the construction of a two-family home on a 1.63 acre parcel on the westerly side of Woodin Road, approximately 1100 feet north of Grooms Road. The property is located in an R-1 zone and is adjoined on the south by a small farm and to the north by a vacant 12.5 acre property. The proposed 3,100 SF duplex will be designed to resemble a single-family home with one unit on the first floor and one on the second floor. The residences will be served by an on-site septic system and well. Mr. VanGuilder explained that although the Town of Halfmoon water system serves the subdivision on the east side of Woodin Road, no reciprocal agreements for inter-municipal service has been established: an on-site well is necessary. Though the sewer district is upgrading its system, improvements will not be completed before next year; therefore, an on-site septic is required. Mr. VanGuilder also noted that the applicants plan to construct an eight-stall garage for storage of the applicants' antique automobiles.

Mr. Kemper asked that Mr. VanGuilder or the applicant explore the feasibility of connecting to public sewer as well as public water. Sight distance along Woodin Rd should be verified. The Saratoga County Planning Board approved the project on May 15, 2003. The Director of Planning asked for clarification of the number of stalls would be constructed in the proposed garage and for the proposed use of the garage. Photographs of the proposed house were provided for the Board's review.

Mr. Grasso, Clough, Harbour, and Associates, explained that the engineering firm has reviewed the site plan for the above referenced project as prepared by Gilbert VanGuilder & Associates, Land Surveyors, PLLC dated May 1, 2003. He offered the following comments. The proposed project appears to be an unlisted action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency is expected to include the Clifton Park Planning Board with Site Plan and Special Use Permit approval being required. In addition, because the site is located within 500 feet of a municipal boundary, Section 239 Referral by the Saratoga County Planning Board is required. Although the site location map does not indicate the location of the site, the site is

believed to lie in close proximity to the Colonial Greens subdivision, which is currently served by gravity sanitary sewers of the S.C.S.D. #1. Connection to these sewers is recommended through use of a low pressure sewer system. Alternatively, detailed grading and septic design plans should be submitted for review.

Mr. Grasso further noted that Woodin Road has historically been plagued by roadside drainage problems caused in part by inappropriately sized driveway culverts and lack of sufficient right-of-way to allow drainage improvements. Because Woodin Road only has a fifty foot wide right-of-way, the conveyance of five feet of additional right-of-way is recommended. The proposed driveway culverts should be sized based on contributing drainage area and be sized for a 25-year storm event. The adequacy of sight distance should be verified at the proposed driveway location.

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

Mr. Bulger asked about the drainage situation along Woodin Road. According to Mr. VanGuilder, the drainage will be improved by the installation of a properly-sized culvert. Mr. d'Amico asked that the applicants supply elevations of the garage. He also asked if the applicants would be amenable to restricting the use of the garage to ensure that it is never used as a commercial site. Mr. VanGuilder agreed to prepare a note regarding such a restriction that would be added to the plan: Mr. Pelagalli will review the language to be certain that it meets the Board's intent.

Minutes Approval:

Mr. Bulger moved, seconded by Ms. Czub, approval of the minutes of May 13, 2003 as amended. The motion was unanimously carried.

Discussion Items:

Clifton Park Water Authority – Proposed 4,000 SF office building, Clifton Park Center and Vischer Ferry Roads – Courtesy conceptual site plan review.

Mr. Rick Kukuk, Chairman of the Clifton Park Water Authority Board of Directors, described this proposal that calls for the construction of a 4,000 SF building on an 8 acre parcel that is currently owned by the Authority. Mr. Kukuk noted that although the Authority's location in the Public Safety building was adequate for several years, the space now lacks adequate storage facilities and office space. The Authority is seeking "a more obvious and permanent presence within the Town." The site chosen for the new facility was selected because the Water Authority currently owns the parcel and because of the low interest rates. Mr. Kukuk explained that there will be no disturbance of the wetlands on the property and that much of the property will remain in its natural state. 16 parking spaces will be provided to serve the one-story 40' x 80' wood frame building that will be residential in character. Two access points on Clifton Park Center Road are proposed.

Mr. Kemper asked that the Authority provide additional right-of-way along Vischer Ferry Road should it be required for installation of the multi-use pathway and that a stormwater management plan be prepared for the project.

A resident of Gloucester Drive expressed concern that property values in the area would be reduced as a result of this development. He asked that the poplars that provide a buffer be retained, that the wetland located on the parcel be protected, and that the problem of traffic congestion at the Vischer Ferry Road – Clifton Park Center Road intersection be addressed. In response to his question regarding the consideration of alternative site locations, Mr. Kukuk stated that no other locations were viable building sites.

Board members found the proposal acceptable. Mr. Kukuk estimated that the time for construction would be 120 days after the awarding of the bid: it is expected that the building will be completed by the end of the year.

Chili's

Mr. Rob Spiak, Bohler Engineering, explained that Chili's received site plan approval earlier this year. The restaurant chain would now like to add pedestals with speakers to their "to go" parking area. Board members found that this would be an insignificant change to the approval and agreed that such a modification would not require formal site plan review.

Stewart's Ice Cream Shop – Ushers Road

Mr. Kemper explained that the Stewart's company would like to change the roofing material on the existing Stewart's Shop on Ushers Road. Board members found the proposed change acceptable. No further review would be required.

Border's – Southside Drive

Mr. Kemper presented this referral from the Zoning Board of Appeals for variances from the existing sign law. Board members agreed that if the proposed signs were similar to those currently existing in the area, they would find them acceptable.

Mr. Bulger moved, seconded by Mr. d'Amico, adjournment of the meeting at 10:30p.m. The motion was unanimously carried. The next meeting of the Planning Board is scheduled for June 10, 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 #13
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 27, 2003

Present: S. Bulger, Chairman, B. Czub, R. d'Amico, J. Marzola

Absent: T. Karam, J. Larkin, J. Russell

Mr. Bulger offered Resolution #13, and Mr. d'Amico seconded, and

Whereas, an application has been made to this Board by Richard H. Denner for approval of a subdivision plat entitled the Subdivision of the Lands of Richard H. Denner consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on and May 27, 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 27, 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 Richard H. Denner consisting of (2) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper.

Resolution #13 passed 5/27/03

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

Steven Bulger,
Chairman

Resolution #14

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 27, 2003

Present: S. Bulger, Chairman, B. Czub, R. d'Amico, J. Marzola

Absent: T. Karam, J. Larkin, J. Russell

Mr. Marzola offered Resolution #14, and Mr. Bulger seconded, and

Whereas, an application has been made to this Board by Peter Belmonte for approval of a subdivision plat entitled Tanglewood consisting of (17) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on and May 27, 2003;

Whereas, the Planning Board was established as Lead Agency for this application, a Type I action, and a negative declaration was issued pursuant to SEQRA on May 27, 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 Tanglewood consisting of (17) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso and the submission of \$60,000.00 toward the design and construction of a multi-use pathway link.

Resolution #14 passed 5/27/03

Ayes: Czub, d'Amico, Marzola, Bulger

Noes: None

Steven Bulger,
Chairman