

Clifton Park Planning Board Meeting Minutes

July 8, 2003

Those present at the July 8, 2003 meeting were:

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

Those absent were: B. Czub, J. Marzola

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:

[2002-072] New York Development Group, Inc. – Proposed (9) lot subdivision, 417 Moe Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on July 2, 2003.

Mr. Gil VanGuilder, consultant for the applicant, presented this application for the Board's consideration. He provided a brief history of this project that calls for the subdivision of seven (7) acres of land on the east side of Moe Road approximately 500 feet south of Kingswood Drive. The project plan that originally proposed (12) lots has now been reduced to (9) lots that will be accessed by a proposed new Town road of 1130 linear feet with a 26' wide carriageway. Lots range in size from 20,001 SF to 31,774 SF. The applicant received a front yard setback variance from the Zoning Board of Appeals that permits 30' front yard setbacks for all residences. The applicant will convey 57,100 SF of land in the southwestern portion of the site to the Town of Clifton Park. This area also includes the stormwater management area. Mr. VanGuilder explained that drainage will be directed through a closed system to the front of the development where it will be treated prior to discharge to the Stoney Creek Reservoir.

Mr. Kemper explained that this project last appeared before the Board on May 13, 2003 at which time the Board had numerous concerns related to the density of the project. In response to those concerns, the applicants met with Steve Bulger and Mr. Kemper. Following this meeting, the applicants submitted revised plans. The current layout was presented to the Board as a discussion item on June 10, 2003. The project is a Type 1 action under SEQRA and as such coordinated review is required. If the Board finds the plans acceptable, this review process will be initiated. Due to the documented drainage problems in the immediate vicinity of the project area, additional test pits should be

required and the location of the original test pit should be shown on the plan. Notes #1, 6, and 9 under Town of Clifton Park Standard Notes are not applicable to this project and should be eliminated. Note #10 should be revised to indicate that the work hours are from 9a.m. - 4 p.m. on Saturdays and that no work may be done on Sunday.

Mr. Kemper offered the following additional comments. The project will be located in the Clifton Gardens Park District. The project will require a sign-off from CPWA and the SCSD. A SCSD permit will be required prior to the stamping of the plans. There are drainage problems related to the subdivision immediately north of this project. To alleviate those problems, the applicant will be conveying the drainage from their site into the right of way. A small swale will be required along the front of this project to direct drainage into the storm water basin. Mr. Clemens requires that all grinder pumps be on the exterior of the homes: a note stating this should be added to the plans. Some small park amenities such as benches should be added in the vicinity of the stormwater management basin. Additional plantings may be required along the rear of Lots #6 and 7. The site location map should be depicted on Sheet SV-1. The standard note for aviation activity should be added to the plans. A memo from Sheryl requests that the applicant provide a proposed road name and postal verification. Mr. Kemper appreciated the considerable amount of detail provided on the construction details for the erosion control measures.

Mr. Kemper read the comments prepared by the ECC. The ECC commended the applicant for reducing the intensity of this project. The following standard statements should be added to the plot plan:

- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone.
- 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.
- 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).

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the preliminary subdivision plan for this project and offered several comments. Due to the “washboard” type grading pattern proposed for the roadway, the engineers continue to have concerns regarding the top of frame elevations computed for the catch basins. The applicant has raised some valid concerns regarding the recommendation that the top of frame elevations should be set two tenths of a foot below the theoretical flow line. At a

minimum, however, the frame should be set at an elevation equal to the flow line. As shown in the typical roadway section, the flow line exists at the point where the travel lane meets the wedge curb. On the cover sheet the applicant provides information relating to a test pit that was dug and states that the location of the pit is as shown on the Grading & Drainage Plan, Since the location is not evident on the plan, it should be added. It is recommended that the storm sewers be re-designed to achieve a minimum slope of 0.50%. The Final Stormwater Management report should include the results of the re-design and have the seal and signature of a licensed New York State Professional Engineer.

Mr. Grasso noted that on a transmittal letter that accompanied the project plan, the applicant agreed to address the additional concerns that were included in the March 5, 2003 review letter. Reduced-size stop signs will be erected on the multi-use pathway at the path's intersection with the proposed road and the name for the proposed street will be added to the plans for review and approval prior to stamping by the Planning Department.

Mr. Jim Loucks, 22 Royal Oak Drive, the owner of property to the south of the proposed project, stated that he had three specific concerns regarding this project proposal. His first concern centered on the area's high water table. He reported that over the past twenty years, the water table in his neighborhood has risen 16 to 18 inches. This has created problems for the residents of Evergreen Estates. Citing proposed first floor elevations for the proposed homes and the proposed grading plan, he encouraged the Board to consider the impact of drainage the proposed homes. Mr. Loucks was also concerned about the increase in the amount of traffic on Moe Road, noting that the "dense development" in the area has contributed to increased traffic congestion. The third issue concerned the establishment of the small park area at the intersection of the new road and Moe Road along the multi-use pathway. Mr. Loucks believes that such a park area will encourage vandalism and become a "hang-out" for youngsters. He requested that the drainage corridor be "cleaned out" to allow the free flow of water.

Mr. Bulger responded to Mr. Loucks' comments, explaining that the applicant for this project had originally submitted a project that called for the construction of twelve single-family homes and that the Board worked diligently to reach a compromise. The Board finally agreed that the applicant could pursue the approval of a nine-lot subdivision. He stated that the Town does consider traffic impacts from additional development. Engineers believe that this project will not significantly impact levels of service.

In response to Mr. Loucks' request to clear the drainage channel, Mr. Kemper explained that since the drainage corridor is a NYSDEC classified stream and, therefore a "non-disturbance" area, the Town would not be able to work within its boundaries. Mr. Grasso substantiated this observation noting that there are a number of NYSDEC regulations that restrict activity within such streams.

Ms. Eileen Seery, 24 Royal Oak Drive, supported Mr. Loucks' contention that the drainage, stormwater management, streams, and high water table in the area will be

negatively impacted by this development. She noted that the Board approved a four (4) lot subdivision for the parcel directly north of this one and believes that the “compromise” described by Mr. Bulger was not as significant as that achieved by the Board for the DelGaudio subdivision. She asked if the “treatment” of stormwater that required it to remain in the stormwater management area might produce a “breeding ground” for mosquitoes. Mr. VanGuilder stated that the developer is required by new state stormwater management policies to hold stormwater for longer periods for cleansing.

Ms. Judy Loucks, 22 Royal Oak Drive, stated that she would find the parcel suitable for no more than six (6) new homes.

Ms. Margaret Catellier, 26 Royal Oak Drive, told the Board that there is a culvert in the back of her property that is constantly sinking due to the high water table. She frequently calls the Highway Department to make repairs. She said that because her family finds it necessary to continuously run three sump pumps, she was concerned about the impact of additional drainage from this new development. Ms. Catellier also asked the Board to consider the cumulative impacts of development along Moe Road on existing properties.

Mr. Pelagalli spoke to the issues raised by the residents of Evergreen Estates. He stated that the Board has no evidence that the traffic will be significantly impacted by this development: there is, therefore, no basis to deny the application. The Board and its advisors must identify some detriment to public health, safety, and/or welfare in order to deny subdivision approval. He also noted that although some may believe that the nine lots proposed for this parcel may be unreasonable, it is less than the number of lots that could be approved under the current zoning code.

In response to Ms. Seery’s recommendation that trees be added to the back of the site to provide a buffer for existing residents and absorb water from the site, Mr. VanGuilder explained that the best solution for removing water would be to create surface swales that would encourage drying of the area. He stated that the applicant would consider relocating trees on the property to create a buffer to existing homes.

Mr. Loucks asked the Board to address his main concern: the area’s rising water table. Mr. Kemper explained that additional test pits will be required and grading plans will be reviewed by the Town Engineer.

There being no further public comment, Mr. Russell moved, seconded by Mr. Karam, to close the public hearing at 8:05p.m. The motion was unanimously carried.

Mr. Bulger stated that the Board appreciated the residents’ comments. He asked that the applicant provide a row of trees that would create a substantial buffer between the proposed homes and the existing residences within the Evergreen Estates development. Mr. Karam noted that the applicant might consider relocating the trees currently located in the center of the property to the rear of the parcel. Mr. d’Amico supported the recommendation that called for additional test pit information. Mr. VanGuilder said that

such work would be completed and that drainage, grading, and buffering issues will all be addressed prior to submission of final plans: mitigation measures may include the installation of drainage swales, regrading, and the use of underdrains. Coordinated review pursuant to SEQRA will be initiated by the Planning Department.

[2003-047] Pollock, Cheryl – Proposed sewing studio, 8 Pine Hill Bend – Public hearing for Special Use Permit and preliminary site plan review.

Mr. Bulger called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on July 2, 2003.

Ms. Pollock presented her application for the Board's consideration. She explained that she plans to use the lower level of her residence as a sewing studio where she will teach young people and adults to sew. She proposes to conduct classes for four-five students at a time and to alter clothing that is dropped off by customers. Ms. Pollock would also like to install a 2' x 2' sign that would identify her business as Lady Cher Enterprises.

Mr. Kemper encouraged the applicant to speak with the Building Department to make sure that using the house as a business will not require any changes, such as a handicap ramp, to the house. Ms. Pollock has sent a letter regarding fees required for project review: she believes that the fees associated with operating her business in the R-1 zone are excessive.

Neither Mr. Grasso nor Mr. O'Brien, Environmental Specialist, offered any comment on this application.

Though Mr. Bulger agreed with Ms. Pollock's contention that the Town would be well served to encourage small businesses, he explained that applicable fees and adherence to all policies established by the Town Board are required of all applicants. He noted that although Ms. Pollock proposes a "small" business, she is establishing that business within a residential area.

There being no public comment on this application, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 8:20p.m. The motion was unanimously carried.

Mr. Karam moved, seconded by Mr. Russell, 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 offered Resolution #21, seconded by Mr. Larkin, to grant approval to this Special Use Permit that would permit the operation of a sewing studio in a residential zone. Ayes: Larkin, d'Amico, Karam, Russell, Bulger. Noes: None.

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

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

[2003-016] Mildred Peck Trust – Proposed (41) lot subdivision, Clifton Park Center Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on July 2, 2003.

Mr. Nicholson, consultant for the applicant, presented this application, noting that project plans for this parcel have been developed during the past year and a half. He explained that several revisions have been made to the standard drawings. The proposal now calls for the development of forty-one single-family residential lots served by public water and sewer. 13.8 acres of Class B open space will be conveyed to the Town and a multi-use pathway that will connect existing trail links in Meadow Estates and Summerhill will be installed as part of the project. Though three lots will front on Miller Road, no driveways will directly access this road. Vegetation will be maintained to the greatest extent practicable along Miller Road. All wetlands on the site have been delineated and a grading plan has been submitted. Plans provide for an 11-foot wide travel lane, 35-foot setback lines, and grading along the road that will direct water to the stormwater management area located in the southeastern portion of the site.

Mr. Nicholson reported that a description of the 50-foot strip that is to be transferred to the Fredericks, adjoining property owners, has been provided. He asked that the Fredericks be responsible for providing all required documents for filing the land transfer with the County. Pursuant to comments by Clough, Harbour, and Associates, the stormwater area will be revised, street lights and signs will be indicated on the plan, the multi-use pathway has been relocated, and removable bollards will be installed at the intersection of the multi-use pathway with Town roadways. Substantial buffering would prevent headlights from impacting homes on the opposite side of Miller Road.

Mr. Kemper reported that this project last appeared before the board on March 11, 2003. The major concerns outlined at that meeting included the clustering of the proposed residences, the elimination of the driveways on the Miller Road, and the installation of a multi-use pathway. The impact of lights on existing properties by vehicles exiting the site onto Miller Road will need to be addressed. The project is a Type 1 action under SEQRA and as such coordinated review is required. The Saratoga County Planning Board submitted a comment letter dated March 25, 2003 which stated the following: “When staff previously reviewed the proposal in July of 2002, concerns regarding sight distance were raised with the proposed entrances on Clifton Park Center Road and Miller Road. We reiterate those comments and have enclosed our previous letter dated July 19th, 2002.” On July 7, 2003 the Planning Department received a letter from Steve Cosgrove, adjoining property owner. He is concerned that water leaving the proposed development will add to existing drainage problems in Meadow Estates. The proposed house locations

should be illustrated for Lots #41 and 42.

Mr. Kemper offered several additional comments. The areas of proposed wetland disturbance will have to be depicted on the plot plan. The wetlands on Lots #2, 3, and 15 will have to be protected with deed restrictions. The date and firm that performed the wetland delineation should be depicted on the plans. An ingress/egress easement will have to be provided over Lot #18. Erosion control measures need to be shown on the plot plans. The standard note for aviation activity should be added to the plans. Verification needs to be provided from DEC that there are no DEC regulated wetlands located on the project site. The standard note for limits on hours of construction needs to be revised to indicate the work hours are from 9a.m. – 4p.m. on Saturday and that there will be no work on Sundays. Additional standard notes need to be added to the plans for driveways over 500 ft. in length, and for ingress/egress easements. A note must be added to the plans stating that all grinder pumps must be located on the exterior of the houses. Sheryl Reed has requested that road names be provided for postal verification purposes.

Mr. Kemper stated that the ECC requested that the following statement be added to the plot plan:

This parcel (subdivision) is located in an area where aviation activities occur. Such activity may include, but is not limited to periodic noise, vibration, hours of operation and other associated activities. A study describing this impact in detail is available for inspection in the office of the Albany International Airport.

Mr. Grasso explained that the revised preliminary plans for this project were reviewed by Clough, Harbour, and Associates. Based upon concerns raised during previous reviews of conventional subdivision plans, the applicant has submitted a plan for a cluster subdivision. The plan addresses some of the concerns raised during previous reviews, however, the overall concept of the subdivision has not significantly changed and several engineering comments remain unaddressed.

The March 5, 2003 review letter recommended that the cluster subdivision be laid out with all lots located on the east side of the existing hill and that two previously proposed common driveways directly entering Miller Road be eliminated. The driveways have been eliminated, but seven building lots continue to be proposed on the west side of the crest of the hill. Clough, Harbour, and Associates continues to recommend that, at a minimum, Lots #2 and 4 be eliminated or relocated between Lots #14 and 15. Lot #2 appears to be significantly impacted by wetlands. These wetlands, which did not appear on earlier plans, greatly restrict the use of this lot. The typical roadway cross section shows a roadway with fourteen foot lanes. In a cluster design, the width of the lanes is typically reduced to eleven feet. This width appears appropriate for this project.

Lots #18 and 19 are keyhole lots that are accessible only by use of a driveway that is over five hundred feet in length. As such, the Town's "Standard Note for 500' (Or Longer) Driveways" should appear on the plans and the driveway should be built to the standards contained in the note. The access to Lot #19 requires that the Town's "Standard Note for Lots with Common Rights of Ingress/Egress" be included in the plans and that the

requirements contained therein be adhered to.

Mr. Grasso explained that because a cluster design is being used, the applicant is entitled to relief from restrictions caused by setback requirements. The current plan shows fifty and one-hundred foot front yard setbacks. Front yard setbacks from new residential streets in cluster subdivisions are typically thirty-five feet. It is recommended that this be proposed to allow the maximum flexibility in locating the homes and to allow for a varied streetscape. The setback along Miller Road should remain at 100 feet.

It appears that a drainage inlet is required on the south side of the new road to handle drainage on the east side of Miller Road. The development of Lots #2, 3, 4 and 5 may result in an increase in runoff across Miller Road. The adequacy of the two 4" pipes to handle upstream runoff should be analyzed. The crossing of the 8" water main along Michelle Drive with the new sewer should be perpendicular and work within the pavement should be minimized. The fifty-foot strip along the lands of Frederick must be shown as an annexation and a consolidation deed should be provided.

The amount of federal wetlands to be impacted should be added to the plan and all areas to be impacted should be shown. The locations of the storm culverts crossing the sewer access road should be shown in plan view with length, slope, inverts, and depth of cover. Removable bollards like those recently installed within the Oaks subdivision should be used at the ends of the multi-use pathway instead of permanent bollards. For those portions of the multi-use path not intended for access by S.C.S.D. #1 equipment, it is recommended that the width of the path be reduced from ten feet to eight feet. Stabilization fabric should be provided. Measures to reduce the potential for groundwater collected in the sewer trench to reach Michelle Drive should be provided. Street signage should be shown in accordance with M.U.T.C.D. standards and street lights are required at the proposed intersections with Miller Road and Clifton Park Center Road.

Mr. Grasso offered several additional technical comments. The stormwater management areas do not appear to be designed in accordance with the new NYSDEC Stormwater Design Manual. In-line water valves should be provided in accordance with Ten States Standards. The proposed grading shown for Lots #12, 13 and 14 appears to be creating low spots. It is recommended that this area be regraded to provide positive drainage. In addition, Lots #34 and 35 will require extensive excavation to reach the proposed grades and do not appear to provide adequate positive drainage away from the homes and towards common lot lines. The applicant should consider flattening the cut slope as much as possible and replacing the ridge being created between the two lots with a swale to better drain the lots. Future submissions should include a Stormwater Management Report and Engineer's Reports relating to the design of the proposed water and sewer systems.

The Town Engineer expressed concerns regarding the locations proposed for the multi-use pathway. The locations shown require work within the delineated wetlands. It also requires users to climb or descend a long grade and results in the path being behind Lots #11 through 14. The March 6, 2003 review letter recommended a multi-use pathway

along the crest of the hill to take advantage of vistas to the east. If this is not possible with the lot layout, it is recommended that the path parallel the slope behind Lots #13 and 14 until intersecting the existing path within the Summerhill subdivision. The design of the path should extend to its terminus at the existing path, not just the limits of the subdivision. The proposed plan does not include provisions to mitigate the impact of headlights on houses on the west side of Miller Road.

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

Transportation 42 Trips x \$268/Trip = \$ 11,256

Sanitary Sewer 42 EDU's x \$3,314/EDU = \$139,188

Water Distribution 42 EDU's x \$1,728/EDU = \$ 72,576

GEIS Preparation 42 EDU's x \$310/EDU = \$ 13,020

CIP Preparation 42 EDU's x \$ 49/EDU = \$ 2,058

Total: = \$238,098

There being no public comment on this application, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 8:40p.m. The motion was unanimously carried.

Mr. Bulger focused on environmental concerns, asking that notes on the plan and deed restrictions be provided to ensure that all wetland protections are installed and maintained.

Mr. Grasso commented that the portion of this parcel that adjoins Miller Road has been designated as the most significant vista in the Town. Although Mr. Larkin recommended that a digital depiction of the residences be provided, Mr. Nicholson stated that the applicant would add additional evergreens to preserve the visual quality of the area. Board members expressed their appreciation for the applicant's willingness to work with the Board and discussed the elimination of lots in order to maintain its character. Though Mr. Nicholson agreed to consider the relocation of some lots, he did not find the elimination of lots acceptable. Mr. Karam's concern centered upon Mr. Cosgrove's letter regarding drainage. Though Mr. Nicholson believes that drainage will be handled efficiently through drainage channels that will direct water to the stormwater management area, he will evaluate the projected discharge rates.

Mr. Bulger asked that the applicant address all of the Board's concerns while the Planning Department initiates coordinated review pursuant to SEQRA.

[2003-030] Stormy View Stables – Proposed 11,592 SF riding and boarding arena, 421 Schaubert Road – Special Use Permit – Reconvening of preliminary public hearing held on June 10, 2003 and preliminary site plan review and possible determination.

Mr. Bulger called the public hearing to order at 9:00p.m. The Secretary read the public notice as published in the Daily Gazette on July 2, 2003.

Mr. VanGuilder, consultant for the applicant, explained the project plan for this parcel,

noting that the Zoning Board of Appeals has granted a variance that would allow the boarding of horses on a 6.5 acre parcel. Mr. VanGuilder explained that he met with Mr. Grasso on site to resolve sight distance issues that were previously identified by the Town Engineer. As a result of this meeting it was determined that sight distances in all directions were “deficient”. Since the 5% slope from the property to Hubbs Road is greater than the 3.2% slope from Schaubert Road to the property, the Schaubert Road access appears to be more reasonable for access. It is also the better choice because site drainage flows along Hubbs Road to the rear of the arena facility where it flows into a natural drainage swale. Mr. VanGuilder also explained that the variance restricts the number of horses on site. There will be no impact to the wetlands delineated in the southeastern portion of the site.

Mr. Hill explained that his family’s goal is to save a bit of Clifton Park’s history by preserving the farm. He thanked the Board for their consideration and asked the Board to render a decision on his application because he was scheduled to appear before a state appeals board on July 9, 2003. It was his belief that the state board would be influenced by a favorable Planning Board decision.

Mr. Kemper reported that this project last appeared Board on June 10, 2003. The major concerns expressed at that meeting dealt with the location of the driveways and the adequacy of sight distances along Hubbs and Schaubert Roads. The Board instructed the applicant that approval from the Town would be dependent upon the granting of a variance by the Department of State. The conditions that were placed on the variance granted by the Town’s Zoning Board of Appeals must be depicted on the plot plan. A consolidation deed will have to be prepared for the project site. The applicant has continued work on the entrance to the arena during the last three weeks without any approval from the Town of Clifton Park for the entrance location. Mr. Kemper called the Board’s attention to a letter was submitted by Gil VanGuilder on June 18, 2003 regarding sight distances for the project.

Mr. Kemper read the comment provided by the ECC. The ECC stated that the applicant’s willingness to remove manure from stalls to a holding wagon for distribution off-site on a weekly basis seems to address the water quality concerns.

There being no public comment, Mr. Larkin moved, seconded by Mr. Karam, to close the public hearing at 9:14p.m. The motion was unanimously carried.

Mr. Bulger moved, seconded by Mr. Larkin 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. Karam offered Resolution #22, seconded by Mr. d’Amico, to grant approval to the Special Use Permit application for this application conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso. Ayes: Larkin, d’Amico, Karam, Russell, Bulger. Noes: None.

Mr. Karam 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. Karam, to grant preliminary site plan approval to this application conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso and approval from the Department of State for the variance from required state building standards. The motion was unanimously carried.

[2001-015] Boni, Larry (formerly the Lands of Giles) – Proposed (8) lot subdivision, Moe Road - Preliminary public hearing and possible determination.

This application was withdrawn at the request of the applicant.

Old Business:

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

Mr. Altounian, consultant for Mr. Bardakjian, briefly reviewed this application that remains as presented at the June 10, 2003 meeting. He described the revisions that were made to the plan in response to Board comments. Additional trees and vegetative buffering has been added to the site along Route 9 and colored renderings have been submitted for Board review.

Mr. Kemper explained that this project appeared before the Board on June 10, 2003 at which time the Board requested more detailed, colored architectural renderings. Sheryl Reed's concerns also had to be addressed. Color façade renderings have been submitted, though the Board must determine if these renderings will be adequate. Detailed architectural renderings with colors and building materials have been required for every other projects of this size. A final signoff must be received from the Clifton Park Water Authority and a sewer permit must be submitted prior to the stamping of the plans. A NYSDOT curb cut permit must also be provided prior to the stamping of the plans. Sheryl Reed has requested that plans include a hydrant be within 500 feet of the structure.

Mr. Grasso offered no engineering comments on this application.

Mr. Bulger expressed his dismay at the quality of the architectural drawings submitted for consideration, noting that architectural details were unclear and the colors were not accurate. Mr. Larkin supported the recommendation that more detailed renderings be prepared for review. Mr. d'Amico asked that no parking signs be posted along Village Road.

Mr. Bulger moved, seconded by Mr. Larkin, 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. Karam moved, seconded by Mr. Russell, to grant preliminary and final site plan approval to this application conditioned upon a final sign-off from the Board on detailed architectural renderings and the installation of “No Parking” signs along Clifton Park Village Road. The motion was unanimously carried.

New Business:

[2003-046] Corpus Christi Church – Proposed 576 SF garage/storage building, 2001 Route 9 – Conceptual site plan review.

Mr. Gordon Nicholson, consultant for the applicant, presented this application that calls for the construction of a 576 SF garage and storage building that will be incorporated into the previously approved church expansion project. Elevations of the building were presented for the Board’s review and Mr. Nicholson reported that the building will be constructed of vinyl siding that will match the existing church. This building will be located in the northwestern portion of the site adjacent to the stormwater management area.

Mr. Kemper explained that this proposed garage was included in the original expansion application, however, was removed during the approval process because of the additional cost. He found the plan acceptable, though he asked that the exterior match that of the church.

Mr. Grasso recommended that plantings be placed between the garage and Route 9 to screen the new building. Board members agreed that this would be advisable.

Mr. Bulger 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. d’Amico moved, seconded by Mr. Russell, to grant preliminary and final site plan approval to this application conditioned upon the installation of landscaping to provide a visual barrier between the proposed building and Route 9. The motion was unanimously carried.

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

[2003-048] DCG Development, Co. – Proposed (4) lot subdivision, NYS Route 146 and Wall Street – Conceptual review.

Mr. Nicholson, consultant for the applicant, presented this application that calls for the subdivision of 16.07 acres of land on the south side of NYS Route 146 at the intersection of NYS Route 146 and Maxwell Drive. The subdivision will allow for a public road and

land uses consistent with the B-4 Highway Business zone and the PIR Public, Institutional, and Recreational zone. Land use in the area includes retail centers, a school, a library, a YMCA facility, and apartments. Water will be provided by the Clifton Park Water Authority water line adjacent to the eastern property line and connection will be made to the Saratoga County Sewer District.

Mr. Nicholson further explained that the proposal would require a number of variances from the Zoning Board of Appeals including setback and parking variances. Realignment of the stream will also be required.

Mr. Kemper noted that the proposed subdivision is a result of the applicant and Windsor development working with the Town on a revised layout for Maxwell Drive Extension. He also explained that the ECC recommended that the applicant provide a trail connection from Route 146 and Maxwell Drive along the proposed sanitary sewer easements with the intention of a future connection to Wall Street through existing undeveloped land.

Mr. Bulger commented that the revised plan represents a “significant improvement over the original lay-out” and an attempt to address the concerns of the Shenendehowa School District. Mr. d’Amico noted that this proposal provides direct access to the public safety building and the proposed new CAPTAIN facility. Mr. Larkin supported the proposal, explaining that the plan would provide access to a future school and provide for adequate traffic flow in the area. Mr. Bulger concluded by expressing his appreciation for the cooperative efforts of all parties.

[2003-045] Belmonte Builders – Proposed 7,800 SF office building, 1743 Route 9 – Conceptual review.

Mr. Nicholson, consultant for the applicant, presented this application that calls for the demolition of an existing A-frame structure and the construction of a 7,800 SF office building with parking for 44 cars. The project site is located on the east side of Route 9, north of its intersection with NYS Route 146 in a B-3 (Neighborhood Business) zone. The applicant will retain the existing 3,600 SF medical/professional office building located at the rear of the property. There will be 35% greenspace on the 1.42-acre site.

Mr. Nicholson explained that several variances may be required from the Zoning Board of Appeals. A variance may be required for two (2) buildings on one parcel because 40,000 SF per establishment is required pursuant to B-3 zoning. There is an existing 29 foot front yard setback. Since the applicant proposes a 30 foot front yard setback, a variance from the required 80 foot setback requirement may be necessary. The existing side yard setback is 10 feet which the applicant intends to maintain. Since Town zoning requires a 20-foot setback, a 10-foot variance may be required. There is an existing 11-foot side yard setback for parking. Since the Town requires a 20-foot side yard setback, a 9-foot variance may be required.

Mr. Kemper stated that the project will require sign-offs from both the Clifton Park

Water Authority and the Saratoga County Sewer District. A SCSD sewer permit will be required prior to the stamping of the plans. A number of variances will be required on the project site as proposed. A NYSDOT curb cut permit will be required for access to US Route 9.

Mr. Grasso offered a number of engineering comments prepared by Clough, Harbour, and Associates. The proposed project appears to be an unlisted action pursuant to SEQRA, and as such, coordinated review is optional. Involved agencies are expected to include the following: Town of Clifton Park Planning Board - Site Plan Approval; Town of Clifton Park Zoning Board of Appeals - Area Variances; NYSDOT - Modification to Curb Cut Permit. Although not an involved agency pursuant to SEQR, because the site is on a state highway, a Section 239 referral from the Saratoga County Planning Board will be required.

It appears that the following variances may be required: building front yard setback; building and parking side yard setbacks; 40,000 square foot minimum land area per establishment. It appears that the proposed development of this site is significantly greater than that which can be accommodated under current zoning regulations. In order to provide effective access management along the Route 9 corridor, the possibility of sharing curb cuts along Route 9 or allowing a future connection to the driveway should be investigated. It is recommended that the layout be revised to eliminate the dead end parking area to facilitate better traffic circulation and allow emergency vehicles to avoid having to back out onto Route 9. The plan proposes constructing parking over the existing tile field location. This should be avoided. Connection to municipal sewer service should be investigated.

Mr. Grasso also asked that future plan submittals should provide information regarding the proposed building height, existing parcel area, and existing and proposed greenspace.

Both Mr. Bulger and Mr. d'Amico expressed concerns regarding the proposed density of this site. They were reluctant to recommend the number of variances requested by the applicant since approval of the variances would permit a substantial increase in density over that provided by existing zoning. Board members discussed a number of building alternatives, though no one design was recommended. Side yard building setback and side yard parking setback variances appeared to be more acceptable than the front yard building setback variance. Mr. Nicholson agreed to revise the project plan in order to reduce the number of required variances.

[2003-044] County Waste – Proposed 5,743 SF recycling facility, 1927 Route 9 – Conceptual review.

Mr. Joe Bianchine, ABD Engineers and Surveyors, presented this project proposal that calls for development in both the Town of Halfmoon and the Town of Clifton Park. Explaining that County Waste's business has grown continuously since the development of its original plant in 1994, the owner now requests approval of expansion plans. The applicant proposes to make the following changes to the home base site located at 1927

Route 9:

- The construction of a new 60' x 250' maintenance garage;
- A new 100' x 250' building to house construction and demolition debris and solid waste sorting area;
- Conversion of the existing maintenance building into a truck washing facility and welding shop;
- A new state-of-the-art fueling facility;
- Additional parking and storage areas for employees, trucks and waste containers;
- A new 60' x 125' storage facility containing bunkers for recyclable materials;
- An expanded office area;
- A gated security entrance.

The applicant intends to connect to the Saratoga County Sewer District and a new stormwater collection system will be designed.

Mr. Bianchine stated that County Waste proposes to modify its PDD and NYSDEC Part 360 permit to handle and transfer up to 1,000 tons of waste materials per day. No hazardous wastes, medical waste, industrial sludges, or other waste that is typically non-recyclable or that is environmentally sensitive will be handled at this location. He explained that the site plan presented for the Board's consideration shows the proposed arrangement of the various buildings, parking areas, and traffic flow patterns. The plan attempts to keep operational buildings as far away as possible from neighbors, use the recycling bunkers to screen the site from the neighbors, and install a landscaped berm to shield the site from Route 9 traffic. Site changes are designed to increase productivity, permit operation under all weather conditions, improve working conditions for processing personnel, and reduce noise, blowing papers, and contamination from precipitation. Mr. Bianchine noted that the new and renovated facilities were designed to meet or exceed all current environmental standards as well as local building and zoning codes. The proposal provides for greater efficiency rather than expansion of the operations.

Mr. Kemper stated that, due to the magnitude of the project, the Board should defer to the Town of Halfmoon and permit that Town to act as Lead Agency for the application. He recommended that no approvals be granted until the Town of Halfmoon issues a SEQRA determination on the project. Sheryl Reed's memo dated July 9, 2002 asked that the applicant provide information on the gated security entrance. She noted that the Town of Clifton Park and Halfmoon lines intersect at the proposed 15,000 SF maintenance garage. Since nearly three quarters (3/4) of the buildings are located within the Town of Halfmoon, the Town of Clifton Park will relinquish Code Enforcement of the maintenance building to the Town of Halfmoon should the proposal be accepted. The fueling facility will be located within the Town of Clifton Park's jurisdiction and permits must be obtained prior to the installation of the new fueling area and removal of the existing pumps.

Mr. Kemper read the comments prepared by the ECC. The Commission recommends that a Stormwater Management Plan be submitted for review by the Town Engineer and the ECC. It also recommends that the applicant comply with all required procedures of the

NYSDEC for the removal of underground petroleum storage tanks and that the Town of Clifton Park be notified when said tanks are being removed.

Mr. Grasso reported that the proposed project appears to be an “unlisted” action pursuant to SEQR, and as such, coordinated review is optional. The project straddles the town line between Halfmoon and Clifton Park. The majority of site improvements, both existing and proposed, are situated in the Town of Halfmoon. The access road to the site and approximately five acres of proposed parking area are in the Town of Clifton Park. This being the case, Clough, Harbour, and Associates recommended the Town of Halfmoon Planning Board be lead agent and the Town of Clifton Park defer final decision until a final SEQR determination is made by the Town of Halfmoon. Involved agencies are expected to include the following: Town of Halfmoon Planning Board – Site Plan Approval; Town of Halfmoon Town Board – Approval of PDD Amendment; Town of Clifton Park – Site Plan Approval; Saratoga County Sewer District – Sewer Connection Permit; NYSDOT – Curb Cut Permit Review; NYDDEC – SPDES Permit for Stormwater Discharge & Part 360 Permit; NYSDOH – Water Supply System Approval; Saratoga County Planning Board – Section 239 Referral.

Mr. Grasso explained that since Clough, Harbour, and Associates also supply engineering services to the Town of Halfmoon, it is recommended that the Clifton Park Planning Board be copied on future correspondence regarding its review of this project. The following comments from the engineering firm are being provided to the Town of Halfmoon Planning Board:

Vehicle noise, particularly back-up beepers, has been identified as a concern relative to the operation of the business on the existing site. This noise may be reduced somewhat by bringing sorting operations that currently are performed outside into the new building being proposed. An increase in usage of the site, however, may cause additional impact. Problematic noises also seem to occur from back-up beepers in the morning when the trucks are preparing to leave the site. The proposed improvements may provide adequate maneuvering and staging areas so that vehicles could be driven away in the early morning hours without the need to perform a lot of backing movements. This condition should be made a part of the revised PDD legislation. Quantitative data should be made part of the application, and any approvals, so that conformance with the assumptions made can later be verified.

The Town Engineer also reported that the proposed work will require a significant amount of earthwork immediately adjacent to the 100-foot wide no disturbance buffer paralleling the Dwaas Kill. Future plan submittals should include details for protecting this buffer from erosion and sedimentation during construction.

The project narrative states that a fleet of over 100 garbage trucks are involved in the business. The site plan does not identify an area where these trucks will be parked when not in use. There are several areas shown on the plan as “Gravel Surface Storage Area”. The function of these areas is not defined on the concept plan and should be addressed in future submissions. The truck parking area needs to be defined so that the remaining parking areas can be studied to ensure that the needed spaces are available and excess

spaces are not proposed. The LEAF states that a total of 370 off-street parking spaces are proposed. The plan identifies 229 spaces. Clarification should be provided.

This project will benefit from capital improvement projects identified in the Northern Halfmoon GEIS. As such, the applicant should contribute to the mitigation fees established in the GEIS Statement of Findings. An estimate of the mitigation costs for this project, using the EDU factor established in the Statement of Findings for Warehouse operations (1.0 EDU, plus 1.0 EDU per each 10,000 SF of building area in excess of 10,000 SF), are as follows:

Proposed Improvement: Maintenance Garage 15,920 SF
Sorting Building 37,500 SF
Washing & Welding 8,000 SF
Office Addition 3,350 SF
Total Building Area 64,770 SF ~ 65,000 SF

EDU Calculation = $1.0 + ((65,000 - 10,000) / 10,000) = 6.5$ EDU's

Water = $6.5 \text{ EDU's} \times \$1,151 / \text{EDU} = \$7,482$
Sewer = $6.5 \text{ EDU's} \times \$594 / \text{EDU} = \$3,861$
Culverts = $6.5 \text{ EDU's} \times \$50 / \text{EDU} = \$ 325$
Traffic = $6.5 \text{ EDU's} \times \$745 / \text{EDU} = \$4,842$
GEIS Preparation = $6.5 \text{ EDU's} \times \$31 / \text{EDU} = \$ 201$
Open Space = $6.5 \text{ EDU's} \times \$323 / \text{EDU} = \$2,100$

Total Mitigation Fee = \$18,811

Mr. Bulger believes that since most of the site improvements will take place in the Town of Halfmoon and since this will require an amendment of the existing PDD by that Town, the Planning Board should defer any action until a decision on the application has been made by the Town of Halfmoon. He will request that copies of all relevant meeting minutes be forwarded to him by the Town of Halfmoon. Board members agreed with this project assessment.

[2003-049] Lorenzo, Vincent – Proposed soil disturbance, 2077 Route 9 – Conceptual review.

This application was withdrawn from this evening's meeting by the applicant.

Minutes Approval: June 24, 2003

Mr. Bulger moved, seconded by Mr. Larkin, approval of the minutes of the June 24, 2003 meeting as written. The motion was unanimously carried.

Discussion Items:

Kohl's – Traffic Signal

Mr. Kemper updated Board members on the status of the traffic signal to be installed at the intersection of Crossing Boulevard and Sitterly Road. Since the typical support poles are unavailable, the applicant is proposing the use of a “mast arm” in this location. Although delivery of this item will be slightly delayed, installation will be completed much sooner than if the applicant waited for the standard poles.

Abele Subdivision – Christina Marie Drive

Mr. Nicholson, Environmental Design Partnership, explained that Abele Builders, in the process of developing this subdivision off of Southbury Road, disturbed “significantly more” protected wetland than was permitted. Mr. Nicholson’s firm has documented the areas of encroachment on a map that was presented for the Board’s review. Mr. Nicholson reported that the Army Corps of Engineers (ACOE) has conducted a site investigation and has responded to the unauthorized disturbance by permitting some of the disturbance to remain while requiring reclamation, repair, and removal of stumps and debris from other areas. A monetary fine was also assessed for non-compliance with approved plans. Mr. Nicholson asked the Board to set forth any requirements and protections they would deem necessary as a result of the extensive clearing.

Mr. Kemper explained that the Town Engineer from Clough, Harbour, and Associates has conducted a site inspection and concurs with the disturbance areas identified by Environmental Design Partnership.

Mr. d’Amico asked if, in light of other problems created by Abele Builders, the remedies prescribed by the ACOE and NYSDEC are sufficient. Mr. Kemper commented that the violations continued even after the problems were identified and the developers were asked to comply with the approved plan. Mr. Nicholson reported that there is now a monitoring process in place and that the ACOE and NYSDEC appear satisfied with the progress that has been made to repair the disturbed areas.

Mr. Dean August, resident of Christina Marie Drive, stated that he was unaware of the amount of land on his lot that was to remain undisturbed and that when reclamation took place, a large section of his front yard became unusable. He also commented that no owner or representative of Abele Builders has discussed the disturbance problems with the new residents or future homeowners.

Mr. Bulger that the damage done by the developer of Christina Marie Drive was “the most egregious disturbance without explanation” that has occurred in the Town. He wanted to know why the developer disturbed land beyond established clearing limits, why the homeowners were unaware of the protected areas, and why the request to adhere to stamped plans was ignored. He was especially concerned with the loss of value for property owners with no effective communication from the Abeles. He suggested that the Board facilitate a meeting between the developer, homeowners, the ACOE, and representatives of NYSDEC in an effort to identify the problem and achieve some

resolution.

Mr. Pelagalli advised that, though he believes that there are “no penalties under the Town Code” for actions such as those undertaken by the developers, he will research the Code to determine if any action would be appropriate. He did state that an appearance ticket could be issued that would require the applicant to appear before the local municipal court.

Mr. d’Amico expressed his concern that there was a “pattern of a lack of respect” for the conditions of approval by this applicant and he encouraged the Chairman to pursue some mitigation for the disturbance that occurred.

Mr. Larkin moved, seconded by Mr. Russell, adjournment of the meeting at 11:40p.m. The motion was unanimously carried. The next meeting of the Planning Board is scheduled for August 12, 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 #21

PRELIMINARY AND FINAL APPROVAL
Special Use Permit

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on July 8, 2003, at 7:15 P.M. there were:

Present: S. Bulger, Chairman, R. d’Amico, T. Karam, J. Larkin, J. Russell

Absent: B. Czub, J. Marzola

Mr. Karam offered Resolution #21 and Mr. Russell seconded, and

Whereas, an application has been made to this Board by Cheryl Pollock for approval of a special use permit pursuant to Section 208-10Band 208-79 to operate a sewing studio in an R-1 zone;

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on July 8, 2003 in the Town Office Building, and

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

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

Now therefore, be it resolved that the Special Use Permit pursuant to Section 208-10B and 208-79 to permit the operation of a sewing studio in an R-1 zone is hereby approved conditioned upon satisfaction of the comments offered by Mr. Kemper.

RESOLUTION #21 passed 7/8/03

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

Noes: None

Abstained: None

Steven Bulger,
Chairman

Resolution #22

PRELIMINARY AND FINAL APPROVAL

Special Use Permit

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on July 8, 2003, at 7:25 P.M. there were:

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

Absent: B. Czub, J. Marzola

Mr. Larkin offered Resolution #22 and Mr. Karam seconded, and

Whereas, an application has been made to this Board by John Hill for approval of a special use permit pursuant to Section 208-8B(9)a(7), 208-85, and 208-79 to operate a commercial riding stable in an R-3 zone;

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on July 8, 2003 in the Town Office Building,

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

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

Now therefore, be it resolved that the Special Use Permit pursuant to Section 208-8B(9)a(7), 208-85, and 208-79 to operate a commercial riding stable in an R-3 zone is hereby approved conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso.

RESOLUTION #22 passed 7/8/03

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

Noes: None

Abstained: None

Steven Bulger,
Chairman