

Clifton Park Planning Board Meeting Minutes

September 9, 2003

Those present at the September 9, 2003 meeting were:

Planning Board: S. Bulger, Chairman, B. Czub, R. d'Amico, T. Karam, J. Larkin, J. Marzola, J. Russell
Mr. Marzola left the meeting at 11:30p.m.

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

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m. He announced that the Curnyn Meadows subdivision proposal had been withdrawn from this evening's agenda.

Public Hearings:

[2003-052] Simpkins, Lasher, Martin & Curly – Proposed (2) Lot Subdivision, Walsh Lane – Preliminary public hearing and possible determination.

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

Mr. Dave Flanders, consultant for the applicant, described this application that calls for the subdivision of 6.8 acres of land in an R-1 zone into lots of 1.6 acres and 5.2 acres, respectively. The plan remains generally as presented on August 12, 2003, though the clearing limit line has been added to the plan. The date and number of the variance received from the Zoning Board of Appeals allowing for a lot with 30 feet of frontage on Walsh Lane has also been added to the plan. The proposed new residence will be served by public water and sewer systems.

Mr. Kemper explained that the project was presented to the Board on August 12, 2003 at which time the Board found the proposal acceptable. The clearing limit lines and variance received from the Zoning Board of Appeals have been added to the plans. The standard note for Land Preservation Areas should be added to the plans. The applicant received a letter from the Clifton Park Water Authority that outlined their requirements: all items will be addressed. Mr. Kemper noted that the Board had received a letter from John and Doris Halvorsen dated September 5, 2003 and he summarized their concerns.

Mr. Grasso explained that during the last Planning Board meeting the applicant's consultant indicated that a deed restriction would be placed on the environmentally sensitive portions of proposed Lot A. This does not appear in the revised submittal. He asked that copies of the deed restrictions be submitted to the Planning Department and Clough, Harbour, and Associates for review and that the appropriate cross-reference be

added to the plan.

Mr. John Halverson, 11 Walsh Lane, identified three concerns. The first was that neighbors did not receive notice that an area variance was being considered by the Zoning Board of Appeals to permit development on a lot with 30 feet of frontage on Walsh Lane rather than the required 40 feet. Mr. Bulger explained that although the Town Code requires notification of neighbors for use variances and applications that are considered by the Planning Board, such notification is not required for area variance applications. Mr. Halverson also asked that the parcel on the map that was labeled as an "area reserved for future highway purposes" be eliminated from the map since future development is unlikely. Mr. Bulger responded that the note on the plan represented a decision of a previous Planning Board and that, though site conditions would restrict additional development in the area, this Board supports this parcel that "preserves some options." Since the identified strip was not associated with this application, he believes that no revision to the plan is required. The third issue concerned hours of construction and use of construction equipment in the Walsh Lane neighborhood. Mr. Bulger explained that although the Board requires developers of large subdivisions to provide security deposits or Letters of Credit to ensure proper adherence to conditions of approval, the Board does not require the same for the construction of a single-family residence. He asked that Mr. Flanders encourage the applicant to respect the rights of adjoining residents: Mr. Flanders indicated that his client would be amenable to this request.

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

Mr. Karam 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.

Ms. Czub offered Resolution #29, seconded by Mr. d'Amico, to grant preliminary and final subdivision approval to this project conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso. Ayes: Larkin, Czub, d'Amico, Karam, Marzola, Russell, Bulger. Noes: None.

[2002-051] Country Club Acres, Inc. – Proposed (105) lot subdivision, NYS Route 146A and MacElroy Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:26p.m. and the Secretary read the notice as published in the Daily Gazette on September 4, 2003.

Mr. Gordon Nicholson, consultant for the applicant, explained that this project has been presented to the Board several times during the past two years. The current plan includes the delineated wetlands and the limits of clearing and grading. The project plan proposes the development of 105 single-family residences – some accessed by keyhole lots – on a 159 acre parcel located between NYS Route 146A and MacElroy Road. Lots will range

in size from 20,000 SF to 3-4 acres. Plans call for the construction of 8,700 linear feet of roadway and 80-90 acres of open space. Connection will be made to the Saratoga County Sewer District and the Clifton Park Water Authority. Mr. Nicholson reported that it is likely that the applicant will reduce the project by eliminating 6-10 lots. He noted that many of the comments provided by Clough, Harbour, and Associates have been addressed and that the minor technical comments offered in the most recent correspondence will also be addressed. Mr. Nicholson addressed Mr. Larkin's concerns of previous meetings regarding the straight-line design of the main roadway through the subdivision. He stated that the project would be completed in phases and that T-intersections would be provided at the intersections of the cul-de-sac streets and the main thoroughfare.

Mr. Nicholson identified the main item of concern as the access onto MacElroy Road and welcomed suggestions for alternative designs. Explaining that a traffic report for the project had been completed for the project, he introduced Ms. Shelley Johnston, Traffic Engineer, who had conducted the study.

Ms. Shelley Johnston, Traffic Engineer, Creighton Manning Engineering, LLP, summarized the traffic study that was prepared for this application. Explaining that this project was "not a high trip generator," she reported that the engineers studied the number of vehicles and the speed traveled along both MacElroy Road and NYS Route 146A. She stated that although there would be no change to the Level of Service along NYS Route 146A, there is limited sight distance along MacElroy Road. Various alternatives for improving visibility were being considered.

Mr. Kemper stated that this project appeared before the Board on August 12, 2003. The major concerns raised by the Board included the number of houses on private drives and the wetland impacts. Involved agencies were notified pursuant to SEQRA requirements and all involved agencies concur with the Town of Clifton Park Planning Board acting as Lead Agency for this application. The project will require a signoff from the Saratoga County Sewer District. The project will be located in the Longkill #1 park district: a note stating this should be added to the plans. The project will require a signoff from the ESAB. Sheryl Reed's memo of August 12, 2003 needs to be addressed. The proximity of the ACOE wetlands to the proposed houses raises a serious concern. There are approximately 15 lots that have back yards in close proximity to the wetlands. When houses are constructed in close proximity to the wetlands, the likelihood of future filling of wetland areas is greatly increased. This presents an enforcement issue for the Town. The applicant should explore the possibility of reducing the number of lots to provide a larger buffer between the houses and the wetland areas. Catch basins must be provided in the center of each cul-de-sac. The ACOE wetlands to be disturbed should be depicted as such on the plans and the total amount of wetland disturbance should be indicated on the plans. All easements should be depicted on the plot plans. The applicant is proposing right outs only at the MacElroy Road entrance. This configuration is not acceptable to the Town of Clifton Park because of enforcement and safety concerns. The applicant should explore the feasibility of providing another means of access for the subdivision. A memo from Sheryl Reed dated September 9, 2003 stated the following: "Lots 39-58 are over the

allowed 18 living units on a single entrance. Lots must be reconfigured or a variance from the Fire Code Appeals Board must be obtained. All keyhole lots shall have driveways that meet Town Standards and address the concerns of the Emergency Services in a memo dated September 8, 2003. Hydrants shall be placed so they are within the allowable distance per the Fire Code of New York State with special attention on all keyhole lots.”

Mr. Grasso reported that the engineering firm has reviewed the preliminary subdivision plan dated August 20, 2003, a revised stormwater management report dated August, 2003, and the applicant’s August 19, 2003 letter responding to comments included in the August 4, 2003 review letter. An August 19, 2003 letter from the applicant’s traffic engineer regarding the proposed MacElroy Road intersection was also considered. The material submitted adequately addresses a number of the concerns included in the August 4, 2003 review letter, though many items from that letter have not been adequately addressed.

Mr. Grasso explained that the traffic study indicates that the sight distance looking right from the proposed Town road’s intersection with MacElroy Road is 617 feet, whereas the recommended minimum sight distance per NYSDOT standards is 875 feet. No mitigation for the deficiency is proposed. Although it is agreed with that the sight distance is not critically limited and that adequate stopping sight distance is provided, Clough, Harbour, and Associates does not support development of new Town road intersections with less than the minimum recommended intersection sight distances being provided. An alternative access point or modifications to the geometry of MacElroy Road should be proposed. An alternative access point has not been proposed due to topographical and wetland constraints and the geometry of MacElroy Road has not been modified due to costs involved. The applicant has proposed that the intersection be built in a manner that would not allow a left turn movement leaving the site, but would allow right hand turns leaving and left hand turns entering. The applicant’s traffic engineer suggests that this restriction can be accomplished through the use of “No left Turn” signs. Clough, Harbour, and Associates believes that the signs would be ineffective without constant enforcement by the authorities. Configuring the intersection to restrict left hand turns would make it harder and more time consuming to complete the restricted movement. This would place the operator of the vehicle making the turn (even though he is doing it illegally), and the operator of a vehicle traveling MacElroy Road at increased risk due to the limited sight distance. It would not be prudent to create this situation knowing that the restriction can not be enforced at a level that would protect the traveling public.

Lots #1 and 93 do not meet the required 100 foot setback from the centerline of Route 146A. A note should be added to the plan stating that access to these two lots will be provided from the proposed roadway and not to NYS Route 146A. This note has been added to the plans, but because of a change in the lot configuration, Lot #93 is no longer at the intersection and the note does not apply to it. The note should be changed to reference Lots #1 and 95.

Mr. Grasso offered a number of additional comments. The project will have an impact on the need for pedestrian facilities in the area. In order to mitigate potential impacts, the applicant should contribute property or construct trails that will help the Town achieve a trail system in accordance with the Town of Clifton Park Trails Master Plan. The applicant continues to consider this suggestion. This should be resolved prior to preliminary approval and the issuance of a SEQR determination. Footing drain laterals should be provided for each lot to a catch basin or junction box and the locations of the proposed drains should be shown on the grading and utility plans. The proposed contours should be shown on the plans and should include the preliminary lot grading for each of the proposed lots. A limit of clearing and grading line should be established over the entire parcel. Proposed grading is not shown for a number of lots throughout the project, including Lots #11, #38, #45, #62, #67, #68, #69, # 83, #84, #85 and # 86. The slope of the proposed roadway should be shown on the profiles. The proposed grade on Road "A" as it approaches the Road "D" intersection from the north is 7.69%. This grade exceeds the Town Standard of 6% for a collector street. The situation is made more difficult by the fact that this grade leads into a 250 foot long crest vertical curve, at the top of which is the proposed intersection with Road "D". The vertical curve shown on the plans at this intersection provides approximately 170 feet of stopping sight distance, 80 feet less than the minimum allowed by the Town standards. Erosion and sediment controls should be shown on the plan including a stabilized construction entrance and silt fence along the down slope limits of grading and clearing. These limits should also be clearly delineated on the plans. Grading limits are shown on the plans. The applicant's response letter of August 19, 2003 states that Clough, Harbour, and Associates would be provided with a complete Erosion and Sediment Control Plan in advance of the Planning Board's September meeting. This report has not yet been received. All common drives should be located in ingress/egress easements and the subdivision plan should indicate to which lots the easements are to be granted. The Town's standard note for lots with ingress/egress easements should be added to the plans. The applicant's consultant indicates that the legal language for the common drives within ingress/egress easements is being discussed with the Town Attorney. Regardless, the easements and notes should be added to the plans. The pump station should be located in a fee parcel to be conveyed to the Saratoga County Sewer District. Easements over the force main through private property must be provided. The pump station should be adequately screened from view and a paved driveway should be provided to the pump station yard. This should be addressed prior to preliminary approval and SEQR determination.

The following additional comments were prepared by Clough, Harbour, and Associates. The plans still do not clearly indicate the wetlands anticipated to be impacted. The impacts associated with incremental wetland impacts and drainage alterations are of concern. As homeowners fill low lying wet areas through the years, additional runoff will then be pushed downstream and ultimately affected homeowners will complain about drainage problems and standing water in close proximity to their homes. Of specific concern are impacts on lots #4, #5, #6, #8, #10, #11, #12, #13, #14, #15, #19, #20, #59, #60, #61, #62, #64, #65, #66, #67, #70, #78, #79, #81, #82, #83, #84, #86, #90, #91 and #93. If land preservation easements were established over the wetlands to remain, the Town would have some restriction that could be enforced without having to rely on the

Army Corps of Engineers to enforce their regulations. ACOE regulations do not necessarily address local issues and concerns. Elimination of many of these lots appears warranted. Signage should be provided throughout the subdivision in accordance with the M.U.T.C.D. The proposed streetlights should be oriented over the new roads, not the existing roads, to aid in definition of the new roadway location. The pavement tie-in to Route 146A and MacElroy Road must be called out and detailed as a saw-cut with overlapped joints. In addition, the pavement radius tying into Route 146A is not in accordance with NYSDOT design standards. Plans must be submitted for review for the off-site water and sewer infrastructure. The water main in the vicinity of catch basin #1 should be shifted to allow a minimum of five feet of separation between the water main and the catch basin. The revised design should likely include two 45 degree bends. Documentation should be submitted showing NYSDOT's approval of the proposed intersection location. The cross culvert at station 14+30 Road "C" should be extended to the limits of the right-of-way with easements covering the rip-rapped inlet and outlet aprons. The Town of Clifton Park requires a catch basin located within the center of the cul-de-sacs to collect drainage. The clearing associated with the development of Lots #96 through #107 will result in hardly any trees remaining for a large block of lots.

Mr. Grasso reported that Cough, Harbour, and Associates reviewed the Stormwater Management Report that was revised in August, 2003. The following comments are applicable to that report:

- According to soil test pit TP #2 (within Station 4+00 stormwater basin) groundwater seepage was observed at a depth of 48 inches or approximately elevation 336. The proposed grading for the stormwater basin depicts the bottom of the basin at elevation 330, approximately six feet below the apparent groundwater elevation. A permanent pool of water may be sought by the design, but the provision of the underdrain with limited design information does not adequately demonstrate how the basin will operate. The underdrain is routed through a basin which has a bottom at elevation 330, and the elevation at the drainage swale to which it discharges is above 330.5. It would appear that a design approach that could work would have the underdrain built into the sideslope of the basin at elevation 332 with a discharge at elevation 331.
- The stormwater report identifies the proposed stormwater treatment method as a wet extended detention pond. The plans, however, do not depict features of this treatment method such as a forebay, low marsh zone, a micropool, safety benches, and a landscaping plan.
- In addition to the 2, 10 and 100 year storm events, analysis should be provided documenting that 24 hour extended detention of the post developed 1-year 24 hour storm event is provided for channel protection (CPv).
- Calculations should be provided documenting the adequacy of the size of the proposed closed drainage system and culverts. The closed drainage system should be sized based on a 10 year storm using the Rational Method and Manning's Equation and culverts should be sized based on a 25 year storm using inlet and outlet control analysis. A storm sewer sizing table should be provided including storm sewer run descriptions, drainage areas, peak runoff rates, full flow capacity, and velocity.
- Analysis of the storm sewer system should be provided to verify safe conveyance of a 100 year storm event.

- Locations, grading and details of the gravel access drive to the stormwater management areas should be provided.
- Stormwater management basin numbers (Pond 1, 2, 3, 4, 5 and 6) should be labeled on the grading plans so that the Town Engineer can verify the stage, storage and outlet control information modeled in the analysis.
- The 10 foot long by 1 foot high sharp crested rectangular weir modeled in the computer analysis does not accurately represent the 10 foot wide grassed emergency spillway on the 3 to 1 slope.
- Details of the outlet structures for each stormwater management basin should be provided.
- Where stormwater basin spillways are located in fill, a rip rapped outfall should be provided from the emergency spillway all the way down to existing grade and depict on plans.
- A Stormwater Pollution Prevention Plan with erosion and sediment control methods and details should be provided. Copies of the SWPPP should be available on the project site at all times during construction. The contractor should be advised of his responsibilities for inspection, maintenance and certification as specified in the SWPPP at the pre-construction meeting.
- A Construction Phasing/Sequencing Plan should be prepared showing how the 159.4 acres site will be developed while limiting disturbance to a maximum of 5 acres at a time. The plan should also include additional temporary erosion control measures as discussed in the report including temporary diversion measures, temporary sediment basins, a stabilized construction entrance, and designated topsoil and fill stockpile areas.
- Since the project will involve the disturbance of greater than 1 acre of land, the applicant is required to submit a Notice of Intent (NOI) pursuant to the State Pollution Discharge Elimination System (SPDES).

Mr. O'Brien, Environmental Specialist, reported that the ECC offered several comments on the project plan. 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. 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 LC Zone and/or federal wetlands.
- No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).
- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

The ECC offered additional comments. Since the plan shows fragmentation of wetland areas among many parcels, the ECC recommends that an effort should be made to consolidate wetlands on one parcel, in keeping with guidance put forth in the Town comprehensive plan. The applicant must address the issue of classified streams at both the north and south of the property. These water bodies and the associated L-C Zone have not been indicated on the plot plan. Since the parcel was part of a previous subdivision, it will be necessary to get a Federal Wetlands permit for the additional disturbance that this project will entail. The surface runoff for stormwater appears to run through the footprints of homes proposed for several of the building lots. These lots tend to breakup the natural drainage flow connections of the wetlands. Thus, the relationship between the Federal Wetlands and the stormwater drainage is not adequately recognized, protected, or addressed. The ECC believes that the applicant should be required to submit a cluster subdivision design that is sensitive to the environmental constraints identified by the Commission as existing on this parcel.

Mr. Chris McCann, 658 MacElroy Road, presented a letter to the Board and asked that the applicant and the Board consider a minor redesign of the project that would provide a road from the VanPatten subdivision to the southern portion of his property. Such a road would directly benefit him since it would allow for the construction of a new residence on his parcel. In addition, he finds that the “public benefit” of such link would protect the wetlands on his property and eliminate an additional drive onto MacElroy Road.

Mr. Paul Unter, 867 NYS Route 146A, spoke in favor of the proposed development. He asked if it would be possible to connect to the municipal water and sewer systems that would now be located in close proximity to his residence. Mr. d’Amico suggested that the Unters work with the applicant to reach a mutually beneficial agreement that would allow the Unters to obtain utility services and the applicant to gain land necessary to provide a safer access to MacElroy Road.

Ms. Grace Sterrett, 657 MacElroy Road, stated her opposition to the project, citing deterioration of the traffic situation on MacElroy Road. She informed the Board that she has been a resident of MacElroy Road since 1989 and has witnessed several serious accidents. She asked that the accident reports be requested from the appropriate agency. Ms. Sterrett was also concerned that additional development, such as the Rolling Meadows project proposed by Mr. Heflin, would contribute to traffic problems. She asked that the Board reject the access onto MacElroy Road in order to maintain the character of the area.

Mr. Ben Falcigno, 657 MacElroy Road, supported Ms. Sterrett’s contention that MacElroy Road is generally unsafe. He noted that ice often forms on the road creating a very hazardous situation. He explained that he has seen accidents along the road and he believes that speeding and the narrowness of the current roadway combine to create a dangerous situation. He would not support additional development that would direct traffic to this roadway.

Ms. Colleen Tyll, NYS Route 146A, explained that she and her family have owned

property in this area for a considerable time. She welcomed the VanPatten development and asked that the proposal include a road connection to her property. She stated that Mr. VanPatten promised such a connection many years ago when he purchased property from her grandfather.

Mr. Scott Sambrook, 664 MacElroy Road, said that he would find any access from the proposed development to MacElroy Road unacceptable. He reiterated the concerns of others, noting that MacElroy is a narrow, rural road where travelers are prone to travel beyond the speed limit.

Ms. Sally Sambrook, 664 MacElroy Road, expressed concern for the safety of her children who wait for the school bus on this dangerous section of the road which lacks pedestrian walk-ways. She also asks the Board members to consider the impact of this development on the “peace and quiet” of the area and would like the rural quality of the area to remain undisturbed.

Ms. Lucas, 833 NYS Route 146A, encouraged the Board to approve the project with an access on MacElroy Road. She noted that traffic has increased considerably since she has lived on Route 146A and believes that one roadway should not accept all of the traffic from the proposed development. She also asked the Board to evaluate the existing STOP sign at the intersection of NYS Route 146A and Main Street since she believes from observing traffic maneuvers that this is a most unsafe intersection. The speaker also asked that she be permitted to connect to the municipal utility services that will become available.

Mr. Nicholson explained that the traffic design is still being finalized – that the roadway design was an “evolving” process. A number of engineers, consultants, and agencies were reviewing the plans in an effort to produce the most workable design.

Ms. Deborah Botch, 39 Longkill Road, reported that she travels MacElroy Road quite often and finds that it is “unusually poorly maintained,” with lack of proper shoulders, unusual “dips,” and little maintenance during winter storms. Mr. Bulger responded to Ms. Botch’s concerns by explaining that these concerns will be addressed during the GEIS (Generic Environmental Impact Statement) that has been proposed by the Town Board for the western portion of the Town. Various issues will be considered during this review, including utility extensions, traffic improvements, and environmental protections.

Mr. Paul Kane, 68 VanVranken Road, asked the Traffic Engineer to explain how the addition of 200 cars to an area would not produce an impact. Ms. Johnston explained that the analysis of information obtained from the study of the average speed and number of vehicles traveling a section of road indicated that there would not be a significant percentage of increase from existing travel conditions. She noted that engineers employ design standards for similar areas to determine impacts. She reports that the “characteristics” of service will not change and the existing Level of Service “B” on MacElroy Road will not change.

Ms. Sterrett discussed the term “significant” and asked if the study had included the Rolling Meadows development that was planned for the opposite side of MacElroy Road. Ms. Johnston said that it was her professional opinion that the existing Level of Service would not be impacted by build-out of the additional subdivision.

Ms. Olds, town resident, asked when the traffic studies were completed, noting that studies conducted at times other than when schools were in session would not provide “typical” information. Ms. Johnston responded that the studies for this project were conducted during the month of October when schools were in session.

Mr. Grasso explained that Clough, Harbour, and Associates had reviewed the information provided from Creighton Manning Engineering and found it to be reasonable. It would appear that there would be no degradation of service: the project would not have a significant impact to the “carrying capacity” of MacElroy Road. He also explained that though cumulative growth may eventually impact the roadway, this specific project would not change existing characteristics.

Ms. Sterrett asked when the traffic studies were conducted. Ms. Johnston explained that the studies were undertaken in 2001. She noted that volumes and capacity calculations were still applicable.

Mr. Sambrook asked about requirements for construction traffic. Mr. Nicholson stated that construction traffic would use NYS Route 146A and that the project would be completed in phases, with approximately 20-50 units completed each year.

Mr. d’Amico identified the intersection of MacElroy Road and Main Street as an area of concern. Mr. Grasso explained that this intersection is being studied by Clough, Harbour, and Associates in conjunction with planned improvements to the Ushers and Longkill Roads.

In response to Mr. Karam’s question concerning the emergency access in the area of the clubhouse, Mr. Nicholson explained that this access will be gated to prevent unauthorized access. Mr. Karam also stated his opposition to a right-out only at the proposed new road/MacElroy Road intersection, stating that such a restriction would place an “unfair burden” on the residents of Main Street.

Mr. Marzola stated that he is very concerned about the traffic impact to MacElroy Road, the safety of existing residents and of bicyclists and pedestrians who may use this road to travel to Veterans’ Park. Mr. Russell encouraged the development of pedestrian and multi-use pathways in the area. He suggested that the highway department clear trees along the road to improve sight distances and reduce icing conditions. Mr. Kemper reported that the Trails Network Committee was considering trail links throughout the Town and that trail locations within this project were being evaluated.

Ms. Sterrett again stated her concerns regarding traffic, noting that residents of the VanPatten subdivision would most likely attempt walking or bicycling to the town park. She urged that Board members consider the safety issues involved with such activities.

Mr. Bulger again explained that not all improvements are the responsibility of a single applicant and that future studies would evaluate the impact of growth on existing conditions and recommend improvements to existing community facilities. He explained to the audience that the Board relies on the expertise of its engineering consultants and professional staff to provide knowledge and understanding of the applications presented for approval.

Following significant discussion concerning the location of the access point and the recommendations for road improvements that were presented in the traffic report, Mr. Nicholson stressed that his firm was working to accommodate the needs of adjoining property owners and to find the best location for access from the subdivision to MacElroy Road. Though some areas contained too much wetland and others offered limited sight distances, he expressed confidence that a cooperative effort would result in the development of a safe location for access and the development of multi-use pathways. Board members asked that the accident reports for MacElroy Road be requested and that alternative access locations be considered.

Since there was significant interest and public comment concerning this application, Mr. Larkin moved, seconded by Ms. Czub, to adjourn this public hearing at 9:05p.m. The motion was unanimously carried.

Mr. Nicholson agreed to work with adjoining neighbors and property owners to develop alternative proposals for access onto MacElroy Road find mutually beneficial ways to provided utility and roadways to those who are interested.

[2003-036] Friello, James – Proposed (5) lot subdivision of the Lands of Erika Piller, 511 Kinns Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 9:06p.m. and the Secretary read the notice as published in the Daily Gazette on September 4, 2003.

Mr. Gil VanGuilder, consultant for the applicant, presented this application for the Board's consideration. The project plan remains generally as presented at the June 10, 2003 meeting. The proposed lots, ranging in size from one acre to 1.4 acres, will be served by the Clifton Park Water Authority and the Saratoga County Sewer District. Connections will be made to those utilities at the Bernini Drive. A common access drive will serve the four new lots and a berm will be provided along Kinns Road.

Mr. Kemper reported that this project last appeared before the board on June 10, 2003 when the Board found the overall layout acceptable. If the Board has no concerns, Lead Agency coordination under SEQRA will begin. The limits of hours of construction should be revised to state 9a.m.-4 p.m. on Saturdays and no work on Sundays. Descriptions for the common ingress/egress easement should be provided. The project will require a signoff from the CPWA and a Saratoga County Sewer District permit must be provided. The location of the erosion control fence should be revised on the proposed

Lot #3. The standard notes that are not applicable should be removed from the cover sheet. The standard note for common ingress/egress easements should be added to the plans and appropriate lot numbers should be included in the note. Though Sheryl Reed requested the continuation of the common driveway into Lot #1 to provide a second means of access, Mr. VanGuilder explained that sight distance is limited at that location. Mr. VanGuilder will confer with Ms. Reed to find an acceptable solution to this problem.

Mr. Grasso presented the comments prepared by Clough, Harbour, and Associates. The plans appear to indicate open trench construction of the gravity sewer line across Kinns Road. The Town Engineer does not support this method of construction and recommends that the line be installed by horizontal jacking and boring and installation of an appropriately sized casing pipe that will allow construction and future pipe replacement without disruption to Kinns Road. A note should be added to the plans that states that all water service crossing of Kinns Road shall be by directional boring. The plans should specify where the water service curb stops are to be located. A detail should be provided showing the proposed connection to the existing sewer manhole by Kor-N-Seal boot and indicating the required modifications to the existing benching. The Town's standard notes #6, #9, #11 and #12 do not appear warranted. The Town's standard note for lots with ingress/egress easements should be added to the plan and the appropriate notation added to the easement.

Mr. O'Brien, Environmental Specialist, reported that the ECC asked that the applicable standard statements be added to the plan and that a possible trail connection along the Kinns Road corridor be considered. Mr. O'Brien also asked that the site location map be revised.

There being no public comment, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 9:10p.m. The motion was unanimously carried. The Planning Department will initiate coordinated review.

[2003-005] Appliance Giant – Proposed 2,000 SF addition to existing retail outlet, 1771 NYS Rt. 9 - Preliminary public hearing for special use permit and site plan review.

Mr. Bulger called the public hearing to order at 9:06p.m. and the Secretary read the notice as published in the Daily Gazette on September 4, 2003.

Mr. Andress, consultant for the applicant, explained that when this project was previously presented to the Board, it was determined that a number of setback variances would be required. On July 15, 2003, the Zoning Board of Appeals granted the following variances: a front yard setback of 48.5 feet to allow for a front yard setback of 31.5 feet from Biette Road; a side yard setback variance of 5 feet to allow for a side yard setback of 15 feet for parking; and a front yard setback variance of 18 feet to allow for a front yard setback of 12 feet from NYS Route 9 for parking. Mr. Andress explained that although (7) parking spaces could be developed along the southern portion of the site, they will be held in abeyance until such time as installation is warranted. He also stated that the Special Use Permit was required because the expansion proposal exceeds the

25% limit.

Mr. Kemper explained that this project was presented to the Board on February 11, 2003 at which time no major issues identified by the Board. Mr. Clemens, Director of Building and Development advised the applicant to apply for a Special Use Permit in addition to site plan approval because the proposed zoning change for Route 9 has not been passed. Such a permit is required since the expansion proposed is greater than 25% of the existing retail facility. The pines and evergreens must be increased to a minimum of 7 feet. The quantity of plantings in the planting schedule must coincide with those shown on the plan. Information concerning all variances granted by the Zoning Board of Appeals must be added to the plans.

Mr. Grasso explained that all previous engineering comments had been addressed. He commented that the Planting Schedule included on the preliminary plan calls for 44 new trees and 73 new shrubs, though the plan shows approximately eight trees and ten shrubs. He did note that the plans presented by Mr. Address for this evening's meeting have been revised to include the proper number of plantings. The minimum proposed evergreen tree height should be seven feet. He also recommended that the maple tree proposed for the southwest corner of the site be shifted to the right-of-way line and an additional evergreen planted in between the two maple trees.

There being no public comment concerning this application, Mr. d'Amico moved, seconded by Mr. Larkin, to close the public hearing at 9:18p.m. The motion was unanimously carried.

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

Mr. Bulger offered Resolution #30, seconded by Mr. Russell, to grant the extension of the Special Use Permit to this application, permitting a greater than 25% addition to the existing sales facility. Ayes: Larkin, Czub, d'Amico, Karam, Marzola, Russell, Bulger. Noes: None.

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

Ms. Czub 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 and Mr. Grasso. The motion was unanimously carried.

Mr. Larkin left the meeting at this point.
Old Business:

[2002-014] Jarose, George and Eva – Proposed (17) lot subdivision, Grooms Road –

Amendment to subdivision approval granted on November 13, 2002 – Determination from public hearing held on August 12, 2003.

Mr. Tom Andress, consultant for the applicant, explained that these project plans remain basically unchanged from those presented at the August 12, 2003 meeting. He noted that the wetland designation required the realignment of the proposed town road. This revision was made and the plan has now been revised to show the slope of the storm pipe as recommended by Clough, Harbour, and Associates.

Mr. Kemper reported that Mr. Gerard, Highway Superintendent, approved of the project plan.

Mr. Kemper explained that when project last appeared before the Board on August 12, 2003, the Board closed the public hearing but delayed making a determination on the project until the issue regarding the pitch on the stormwater pipe was satisfactorily resolved. Final signoffs will be required from Saratoga County Sewer District and the Clifton Park Water Authority. Descriptions for all easements, roadways, and open space should be submitted for review. The details for the conservation easement areas need to be submitted for review. Grading in the rear of Lots #13, 15, and 17 should be completed to provide proper drainage. It appears that all other issues raised at the previous meeting have been addressed.

Mr. Grasso reported that although most of the engineering comments have been addressed, there are several minor technical comments to be addressed as part of the final plan submission. The Town's Standard Notes for Land Preservation Areas should be clearly stated on the Subdivision Plan so that these restrictions will then be part of the deed covenants on the respective lots and will appropriately cross-reference to the approved subdivision plan. Additional information should be provided for the proposed drywells system. In order to verify existing soil conditions such as soil type, impermeable layers, high groundwater and percolation rates, test pits and percolation tests should be performed to a depth of two feet below the bottom of the proposed drywells. Design percolation rates should be slower than observed percolation rates to account for periods of frozen ground or saturated soil. Calculations should be provided documenting the reported storage provided of 1130 cubic feet per drywell. Details should be provided for the three drywells (top of frame, invert in, invert out, bottom elevation, stone size, stone envelope, fabric, spacing, etc.). Designs for the 6" PVC overflow pipe from the proposed drywell (length and slope) and the designs of the connection pipe between drywells (size, material, length, slope and invert) must be provided. A revised storm sewer sizing table should be provided including storm sewer run descriptions, drainage areas, 10-year peak runoff, full flow capacity and velocity.

Mr. O'Brien, Environmental Specialist, reiterated the ECC comment that was made at the August 12, 2003. At that time it was noted that the stormwater basin is a non conforming use within the L-C Zone and is, therefore, unacceptable.

Mr. d'Amico complimented the applicant on his willingness to work with the Board and

its advisors to create a subdivision plan that was acceptable.

Mr. Bulger moved, seconded by Ms. Czub, 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 #31, seconded by Ms. Czub, to grant preliminary and final subdivision approval to this project conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso. Ayes: Czub, d'Amico, Karam, Marzola, Russell, Bulger. Noes: None.

Mr. Larkin returned to the meeting.

[2002-013] Parkside Community Church – Proposed 12,000 SF church, Grooms Road – Amendment to site plan approved on November 13, 2002 – Preliminary site plan review and possible determination.

Mr. Andress explained that this site plan was presented in conjunction with the previous subdivision proposal. The revision to the subdivision plan has resulted in the realignment of the proposed roadway and an increase in the size of the parcel reserved for the church. No other changes to the site plan were required.

Mr. Kemper explained that this project last appeared before the Board on August 12, 2003. The original site plan for the church received final approval on November 13, 2002. With the exception of a slight change to lot lines, no changes have been made to this site plan. He recommended that all conditions of the site plan approval granted last November be included as part of this approval.

Mr. Grasso found the proposal acceptable.

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

Mr. Karam moved, seconded by Mr. Marzola, to grant preliminary and final site plan approval to this application conditioned upon the applicant's adherence to all requirements of the November 13, 2002 approvals. The motion was unanimously carried.

[2002-061] Southwick Meadows (Lands of the Estate of Howard D. Hoffman, Sr.) – Proposed (115) lot cluster subdivision, Crescent Road and VanVranken Road – Determination from public hearing held on August 12, 2003.

Mr. Marzola recused himself from any discussion or vote on this application.

Mr. Lynn Sipperly, consultant for the applicant, addressed some of the issues that had been raised during previous project reviews. The plan now includes the design details for

the 1100-foot connection to the existing water line along Crescent Road and the sewer connection on Grissom Drive. He presented the grading plan that illustrated the berms that would be created along Crescent and VanVranken Roads and the multi-use pathway that would be installed from Crescent Road to Grissom Drive. Mr. Sipperly stated that all the technical issues that were outlined in Mr. Grasso's comment letter will be addressed. He noted that although the site contains approximately 13 acres of delineated wetlands, disturbance will be less than ½ acre.

In response to previous public comment, Mr. Sipperly indicated that sewer installation could be accomplished with no damage to existing trees along VanVranken Road. He also said that connection points for utilities would be provided for the private properties along VanVranken Road. He noted that an archeological study had been completed on the property and that three areas of possible historical significance had been identified. The areas were located in the preserve areas and no disturbance of the sites was proposed. All of Clough, Harbour, and Associates' comments regarding road alignment and stormwater management would be adhered to. Plans would also be revised to show the land transfer from the Lands of Hoffman to the Lands of Everitt.

Mr. Kemper reported that this project last appeared before the Board on August 12, 2003. The major issues that needed to be resolved included the ownership of the open space, details for construction of the berm, and the submission of sewer and water construction details. The Board did close the public hearing at that time. Postal verification still needs to be provided by Sheryl Reed. The applicant has provided an outlet from the drainage area along the corner of VanVranken Road and Crescent Road thus alleviating the flooding problem that occurs across the street. The exact location of the multi-use pathways within the subdivision still needs to be resolved. The proposed setbacks for the subdivision must be established. House locations should be shown on the final set of plans prepared for stamping. The front yard setbacks for Lots #24, 25, 26, 30, 31 should be moved forward to eliminate the possibility of future wetland disturbances. The house locations for Lots #79 and 98 must be illustrated on the plan. It appears that the lot will be severely restricted because of the presence of Town of Clifton Park L-C Zone. Descriptions for all drainage easements, right of ways, and open space should be submitted for review. The land transfer that occurred between Hoffman and Everitt should be illustrated on the plans. Details should be provided for the pump station enclosure and the plantings around it. The end of Sussex Drive should be labeled as possible future roadway and the deeds for Lots #71, 72, and 73 should illustrate that this area could become a future roadway. Limits on the hours of construction should be added to the plans. Coordinated review was conducted and all agencies concur with the Town of Clifton Park Planning Board acting as lead agency for this application. A catch basin should be installed in the center of the cul-de-sacs.

Mr. Grasso explained that most of his comments were technical and would be easily addressed by the applicant. He did request that the applicant increase the height of the berm to 10-12 feet.

Mr. Grasso's review letter included the following comments. Significant concern was

raised during the public hearing by the Planning Board and public regarding views towards the back of the homes along Crescent Road and VanVranken Road. The berm and plantings appear to be significantly deficient to provide effective screening. It is recommended that the berm height be no less than twelve feet above the projected finished floor elevations with evergreen trees staggered at a spacing of no more than twenty feet. The plans should identify the amount of federal wetlands to be impacted by the project. Construction details should be provided for all proposed improvements including water supply, roadway, drainage, sanitary sewer, etc. The plans do not indicate that a subsurface investigation program has been completed along the proposed roadways. This program should be completed to determine ground water levels and the presence of poor soils conditions. The construction details should include provisions to address these conditions if they exist.

Clough, Harbour, and Associates previously recommended review for project impacts by the New York State Office of Parks, Recreation and Historic Preservation. Copies of their determination should be sent to the Town and to our office. The crest vertical curves proposed on Brighton Drive and Kensington Way do not provide adequate stopping sight distance. The curves as proposed provide approximately 140 feet of stopping sight distance. Based on a thirty mile per hour speed limit, two hundred feet of sight distance is required. The applicant is proposing to install a sanitary force main along the north side of Van Vranken Road between Parcel 1 and Parcel 2. The mapping for this area of work does not include detail regarding existing features in this corridor that will need to be avoided and protected during construction. Specific concern is for two thirty inch maple trees that are known to exist in this area. The mapping should identify these features and the plans should include details for protecting them during construction. Detailed grading should be provided between catch basin #6B and catch basin #7, between catch basin #23 and catch basin #24A, and between the end of Loudon Court and catch basin #10A. The profiles indicate junction boxes but none are shown on the plans. Clarification is requested. The Town requires a catch basin be placed within all cul-de-sacs to provide drainage within the grassed island. This must be provided. The plans should clearly reference this project as a "Cluster Subdivision" in order to allow deviation from the zoning regulations. The plans should identify to whom the open space parcels are being conveyed. The open space areas along Crescent Road and VanVranken Road should be labeled as class B open space which is intended for passive recreation uses, including trails. Bends and fittings should be shown and called out along the route of the force main. Bearings and distances should be provided for all easements and to whom the easements are being conveyed should be identified on the subdivision plan. All drainage and water main easements should be conveyed to the Town of Clifton Park and the sewer easements should be conveyed to Saratoga County Sewer District #1. Monumentation should be shown along the proposed right-of-way in accordance with Town requirements. Low pressure sewer laterals and water services should be provided in front of any homes the force main and water main will cross in front. A segment of multi-use pathway should be extended from the intersection of Crescent and VanVranken Roads along Crescent Road to Brighton Drive. Copies of the approval of the sewer system by Saratoga County Sewer District #1 should be sent to the Town and to Clough, Harbour, and Associates for their files. The proposed hydrants should be located at least five feet from the edge of

pavement to allow maintenance of the roadway. Street lights should be provided at the proposed intersections with Crescent Road and VanVranken Road. The lights should be oriented over the new road to aid in definition of the new roadways. Traffic control signage should be provided in accordance with the M.U.T.C.D. and shown on the plans. The areas labeled conservation easements should be re-labeled "land preservation areas" to cross-reference to the corresponding notes. A detail should be provided for the proposed pavement tie-in to VanVranken Road and Crescent Road. The detail should provide a minimum lapped pavement joint of 18" and tack coating. The wetland impacts should include any wetlands within the right-of-way in the vicinity of station 2+00 Sussex Drive. The chain link fence and fence hardware around the pump station should be black vinyl coated. The pump station should be appropriately screened from view from the Town Road and adjacent properties. The multi-use pathway along the route of the force main should be ten feet wide if it will be used by the Saratoga County Sewer District personnel for maintenance of the line.

Clough, Harbour, and Associates offered the following comments on the Stormwater Management Report:

- Time of concentration travel paths and design points should be provided on each of the Drainage Maps.
- It appears that a significant portion of the project site, including subcatchments 2, 5, 6 and 7 ultimately discharge to a common drainage course immediately south and downstream of the project site. In order to accurately quantify the total site discharges for pre and post developed conditions, it is recommended that a common design point be evaluated at this point of confluence.
- The report states that the existing site vegetation consists of three types; grassy meadow, cultivated fields, and brush/wooded areas. The pre-developed curve numbers used in the analysis, however, generically uses a CN value of 57 for group A soils. A more accurately modeled pre- and post- developed weighted curve number should be used for the separate and distinctive land covers described in the report (i.e. meadow, row crops, brush and woods). Likewise, the post-developed curve numbers used in the analysis generically uses a CN value of 98 for impervious areas. A more accurately modeled post-developed weighted curve number should be used, such as streets and roads and residential districts with an average lot size of 1/4 acre.
- In addition to the 2, 10 and 100 year storm events, analysis should be provided documenting that 24 hour extended detention of the post developed 1-year 24 hour storm event is provided for channel protection (CPV).
- The water quality volume (WQv) should be captured and treated in accordance with the 90% Rule. Supporting calculations and methods of treatment for each stormwater management area should be provided.
- The proposed methods of treatment for the water quality volume for the portions of Kensington Way and Newton Drive not discharging to a stormwater management area should be specified. Collecting stormwater runoff from impervious areas and discharging directly to drainage course without treatment should be avoided.
- In order to verify existing soil conditions such as soil type, impermeable layers, high groundwater and percolation rates, test pits and percolation tests should be performed within the limits of the proposed stormwater management area(s) to a depth of two feet

below the bottom of the basin(s).

- The consultant should reference the SMP Selection Matrices in order to determine the appropriateness of the proposed method of stormwater treatment. Consideration should be given to utilizing the Pond or Wetland SMP Groups with a forebay, low marsh zone, a micropool, safety/aquatic benches and a landscaping plan for additional biological uptake of pollutants and wildlife habitat.
- The consultant should verify the accuracy of the surface area values for each elevation specified in the Detention Basin #2 storage data.
- The Outlet Control Structure Detail on Sheet 24 does not accurately reflect the primary outflow devices and elevations used in the stormwater computer modeling. We recommend that a larger scale (i.e. 1"=20') plan view be provided for each of the stormwater management areas.
- An emergency grassed spillway should be provided in each of the stormwater management areas to safely convey storm flows in excess of the 100-year storm event or in case of outlet control structure blockage or failure.
- A minimum 10-foot wide gravel access drive should be constructed from the proposed roadways up to and around the perimeter of each of the stormwater management areas to facilitate future maintenance by the Town.
- It appears that the "Proposed Closed Storm System Analysis" is incomplete. Computations for all proposed storm sewer runs and catch basins should be provided. A Storm Sewer Sizing Drainage Pattern Map should be provided showing drainage area boundaries and time of concentration travel paths. Analysis of the storm sewer system should be provided to verify safe conveyance of a 100 year storm event.
- Road culverts should be sized to handle the entire upstream drainage area during a 25 year storm event using inlet and outlet control analysis. Culverts should be conservatively oversized and include provisions for safe overland conveyance of the 100 year storm event. Additional details for anti-seep collars, slope protection, guiderail, bedding and backfill should be provided for the proposed culverts.
- The report should identify the ownership and maintenance responsibilities for the proposed stormwater management area(s) and closed storm sewer system.
- It is recommended that roof drains be required connecting to the proposed storm sewer system in order to minimize direct runoff from impervious surfaces to the adjacent wetlands.
- A Construction Phasing/Sequencing Plan should be prepared showing how the 96 acres site will be developed while limiting disturbance to a maximum of 5 acres at a time. The plan should also show additional temporary erosion control measures as discussed in the report including temporary diversion measures, temporary sediment basins, a stabilized construction entrance and designated topsoil and fill stockpile areas.
- Since the project will involve the disturbance of greater than 1 acre of land, the applicant is required to submit a Notice of Intent (NOI) pursuant to the State Pollution Discharge Elimination System (SPDES). A copy of the NOI should be included in the Stormwater Pollution Prevention Plan (SWPPP).
- Copies of the SWPPP should be available on the project site at all times during construction. The contractor should be advised of his responsibilities for inspection, maintenance and certification as specified in the SWPPP at the pre-construction meeting.

Board members appeared to agree with Mr. d'Amico and Mr. Karam who requested that the height of the berms should be at least 10-12 feet high and be contoured to achieve a more natural looking area. Mr. Sipperly explained that although these areas would be conveyed to the Town, the maintenance and mowing would be the responsibility of the homeowners.

Mr. Paul Kane, resident of VanVranken Road, pointed out that the odors emanating from the Moe Road/Englemore Road pump station were at times very unpleasant. He asked if the pump station at the VanVranken Road/Newton Drive location would produce the same odors. Mr. Grasso explained that new technologies have been developed to eliminate such odors from effluent treatment areas. He also explained that the existing station handles considerably more flows than the rates estimated for the proposed station. Mr. Kane was also concerned about overcrowding in the schools.

Another resident, explaining that she had been unable to attend the public hearing, expressed her concerns regarding the density of the project, the visibility of the new residences, and the elimination of wildlife habitats.

Mr. Bulger and Mr. Pelagalli addressed comments made by the public, explaining that the Board must consider "significant impacts" when making decisions on applications. They emphasized the fact that the Board is responsible for assuring that all applicable laws are complied with and that they rely on the recommendations and expertise of a wide range of consultants. Mr. Bulger told the audience that the school district receives notice of all projects that are submitted for Board consideration. Mr. Bulger took the opportunity to discuss the value of the GEIS study and moratorium that is proposed for the western part of the Town. He explained that the study would allow the Town to determine what impacts would result from future development, what alternatives to development might be, and what protections for resources might be necessary.

Mr. Bulger moved, seconded by Mr. Larkin, 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. Karam offered Resolution #32, seconded by Mr. d'Amico, to grant preliminary approval to this application conditioned upon the satisfaction of comments offered by Mr. Kemper and Mr. Grasso and the establishment of property setbacks as illustrated on the plat. Ayes: Larkin, Czub, d'Amico, Karam, Russell, Bulger. Noes: None. Abstained: Marzola.

[2003-041] Schell, Edith – Proposed (4) lot subdivision and land transfer, 655 Waite Road – Determination from public hearing held on August 12, 2003.

Mr. VanGuilder, consultant for the applicant, presented this application on behalf of the applicant. The plan remains as presented on August 12, 2003. The outstanding issue at that time concerned adequate sight distances. The vegetation has now been cleared at the northwestern property corner: sight distance is now adequate at the driveway location for

Lot #701. Mr. VanGuilder assured the Board that a note on the plan that states that no further subdivision of the Schell property would be permitted was acceptable to the applicant and would be added to the plat.

Mr. Kemper explained that this project last appeared before the Board on August 12, 2003 at which time the Board closed the public hearing. At that time the Board asked that Clough, Harbour, and Associates review the test pit data and the sight distance information. Pursuant to Sheryl Reed's memo of September 9, 2003, the postal verification form must be revised. A note must be added to the plans stating that no further subdivision will be allowed.

Mr. Grasso reported that all engineering concerns had been addressed.

Mr. O'Brien, Environmental Specialist, stated that the ECC requested that the L-C Zone be clearly and continuously delineated on the plot plan and that all wetlands be more clearly indicated on the plot plan.

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.

Ms. Czub offered Resolution #33, seconded by Mr. Karam, to grant preliminary and final approval, waiving the final hearing, to this application conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso. Ayes: Larkin, Czub, d'Amico, Karam, Marzola, Russell, Bulger. Noes: None.

[2002-073] Curnyn Meadows (Eleven and Company, LLC) – Proposed (20) lot subdivision, Grooms Road – Determination from public hearing held on May 27, 2003.

This application was withdrawn from consideration at this evening's meeting.

[2003-037] Congregation Beth Shalom – Proposed 1,510 SF addition to existing synagogue, 688 Clifton Park Center Road – Preliminary site plan review.

Mr. Andress, consultant for the applicant, described the project plan for improvements to the existing Congregation Beth Shalom synagogue on Clifton Park Center Road. The plan remains as presented at the June 10, 2003 meeting, though the possible disturbance of the wetlands to the rear of the facility that may be disturbed during construction has now been labeled on the plan.

Mr. Kemper explained that this project last appeared before the Board on June 10, 2003. The main issue at that time was whether or not the applicant was willing to connect to the municipal sewer system. A note should be added to the plans stating that if the additional parking is to be utilized, approval must first be granted by the Town. The firm that performed the wetland delineation and the date of the delineation should be indicated on the plans.

Mr. Address agreed to add the required note concerning Town approval prior to parking lot expansion to the plan.

Mr. Grasso reported that the building currently uses a septic tank and leach field system to dispose of wastewater. Since a sanitary force main exists on the north side of Clifton Park Center Road in front of the building, he recommended that the applicant discuss their plans to tie into the public line and abandon the existing septic system with the Town.

Mr. O'Brien, Environmental Specialist, stated that the ECC recommends the addition of following standard statements to the plot plan:

- No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).
- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put 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.
- Any proposed exterior lighting shall be directional and limited.

Ms. Czub and Mr. d'Amico supported the recommendation that called for this parcel to connect with the existing sewer system. They requested that the connection be made as soon as possible.

Mr. Bulger moved, seconded by Mr. Marzola, 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.

Ms. Czub moved, seconded by Mr. d'Amico, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments of Mr. Kemper and Mr. Grasso and connection to the municipal sewer system within the next two years. The motion was unanimously carried.

[2003-027] Abraham, Akiva D. – Proposed 9,600 SF medical building, 956 Route 146– Preliminary site plan review.

Mr. Address, the applicant's consultant, presented this application that remains generally as presented at the August 12, 2003 meeting. Mr. Address reported that, in response to the Board's comments, the applicant will add brick to the newly constructed buildings on the adjoining parcel.

A resident of Green Meadow Drive commented that the traffic situation along NYS Route 146 is deteriorating significantly. In response to his question concerning the number of parking spaces provided for these medical office buildings, Mr. Address stated that 64 spaces will be installed on each parcel.

Mr. Kemper explained that this project last appeared before the Board on August 12, 2003. The major concerns at that meeting were the DOT approval, additional buffering, and the existing building on the adjoining not being constructed as presented to the Board. The applicant has submitted architectural renderings which illustrate brick being incorporated into the façade of the existing building. Sheryl Reeds comment letter of August 12, 2003 needs to be addressed. Additional plantings should be provided along the front of the buildings. Signoffs must be provided by CK Sanitary and the Clifton Park Water Authority. Details on construction materials for the storage shed must be included in the plans. Façade renderings must be included in the set of plans submitted for stamping. Descriptions for the easements must be submitted for review. The applicant should provide details of the façade configuration for the new buildings.

Mr. Grasso reported that all previous comments from Clough, Harbour, and Associates have been satisfied. He recommended that copies of the NYS Department of Transportation approval letter be provided with regard to anticipated required improvements to NYS Route 146 prior to the issuance of a building permit.

Ms. Czub asked that a large sign showing the number of the medical building be installed along the Route 146 to improve visibility for motorists. Board members agreed that the two sites controlled by this applicant could benefit from additional landscaping along Route 146.

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. Marzola moved, seconded by Mr. Larkin, to grant preliminary and final site plan approval to this application conditioned upon the satisfaction of the comments offered by Mr. Kemper and Mr. Grasso and the addition of plantings as approved by the Department of Planning to the area of the site adjacent to NYS Route 146. The motion was unanimously carried.

New Business:

[2003-058] VanGuilder, Gilbert – Proposed (22) lot subdivision, Rt. 146A – Conceptual subdivision review.

Mr. Gil VanGuilder, applicant, described this project that calls for the development of a 22-lot subdivision on 44.40 acres of land. One lot of 5.71 acres will access from Tanner Road and be served by an individual well and septic system. The remaining lots will have access from NYS Route 146A by way of a 1,400 foot long cul-de-sac. Lots will range in size from 20,000 SF to 48,000 SF. These lots will be served by the Clifton Park Water

Authority and the Saratoga County Sewer District #1 via a low pressure force main to Nottingham Way South. Though Mr. VanGuilder has determined that the sight distance at the proposed access is about 60 feet short of the recommended sight distance requirements, the stopping sight distance is exceeded. Mr. VanGuilder will work with Creighton-Manning Engineers to design the safest and most efficient traffic design.

Mr. Kemper explained that the applicant is proposing a cluster layout. The buildings for Lots #1 and 2 apparently lie in the Town of Clifton Park LC Zone. The proposal includes more than the 18 lots allowed on a single access road. The proposed layout for Lots #10, 12, 14, and 16 create an enforcement issue because of the close proximity ACOE wetlands. The lots should be reduced or the lot lines rearranged to allow for usable backyards on these parcels. Sight distance along Route 146A should be illustrated on future plan submissions. Sheryl Reed's memo of September 9, 2003 stated that the subdivision name should be: revised so that there is no duplication within the 911 system. She also asked that the town driveway note be added to the final plans.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the conventional and cluster layout plans for this project. It appears that the applicant ultimately wishes to get approval for a cluster subdivision for this project. The property is heavily restricted since it contains MillCreek and substantial NYSDEC and federally regulated wetlands. Appropriately, the applicant has submitted a conventional lot layout in the hopes to establish the maximum allowable density of the property. In addition, the applicant has submitted a cluster arrangement with the same number of lots shown in the conventional layout.

Mr. Grasso explained that when developing a conventional subdivision plan to be used to establish the allowable density for a cluster subdivision, the conventional plan must conform to the applicable minimum lot size, density requirements and all other normally applicable requirements of the underlying district. The subject site is situated in two adjoining residential zones. The northern portion of the site, which encompasses about ninety percent of the total site, is in an R-3 residential zone. The remaining four acre parcel on the south side of the site fronting on Route 146A is in an R-1 residential zone. The minimum lot size in an R-3 zone is 80,000 square feet. Of the sixteen lots proposed on this portion of the property, thirteen of the lots do not meet this standard. The minimum lot size in an R-1 zone is 20,000 square feet. Of the six lots being proposed in this area, two of the lots do not meet this standard. Additionally, a Land Conservation Zone abuts the R-3 zone in the northerly portion of the property. The conventional lot layout submitted does not respect the limitations that the land conservation zone imposes on the property. Before a cluster subdivision is considered, a conventional layout in compliance with all land use regulations and one that would not result in significant environmental impacts should be prepared and approved by the Planning Board. Based upon our cursory review of the site's constraints and given the proximity of this property to the curve of Route 146A and Kinns Road, it does not appear that development of a new Town road into the property is appropriate.

Mr. O'Brien, Environmental Specialist, reported that the ECC issued the following

comments. Lot #14 on the cluster subdivision plan should be eliminated due to the presence of excessive Federal Wetlands on the property. Lot #21 should be designed to be serviced by public water and sewer as part of the subdivision. A public hook-up will reduce adverse impacts caused by septic systems. The applicant should accommodate the proposed trail of the Town's Trail Network along the west side of Route 146A.

Mr. d'Amico asked the applicant to consider access on Tanner Road since, in his opinion, it would provide a safer location for entering and exiting the subdivision. Mr. Bulger was concerned about the density in light of the proximity of residences to the wetlands: he asked that some of the lots be reconfigured or eliminated to decrease wetland impacts. Mr. Larkin asked that the zoning issues be clarified since one existing parcel lies within an R-3 zone and the other lies in an R-1 zone. Mr. Pelagalli will explore the implications of combining properties with two different zoning classifications.

John Marzola left the meeting at this point.

[2003-059] Shishik, Serge – Proposed 4,000 S.F. Office Building, 653 Plank Rd. – Conceptual site plan review.

Mr. Serge Shishik, applicant presented this project plan that remains unchanged from the approved plan. Tonight's presentation is required because the initial site plan approval expired on May 14, 2003. He stated that he would adhere to all conditions of the previous approval.

Mr. Kemper stated that this project received approval from the Town of Clifton Park Planning Board on May 14, 2001: that approval has since expired. He advised that applicant that all uses, restrictions, and notes on the original approved site plan must be adhered to. The applicant should stipulate that the building is still to be used for general office space.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the Stormwater Narrative submitted for the original application and offered the following comments in light of new regulations put in to effect since the original project was submitted. The analysis was completed prior to implementation of the "Phase 2" Stormwater Regulations. The treatment method, however, consists of retention and infiltration up to the 10 year storm and extended detention for the 100 year storm, which are both accepted methods outlined in the New York State Stormwater Management Design Manual. As a result, post developed peak discharge rates are significantly reduced below pre-developed peak discharge rates. The proposed project would appear to result in disturbance of less than 1 acre of land, and as such, does not require a SPDES General Permit for Stormwater Discharges Associated with Construction Activity.

Mr. O'Brien reported that, after reviewing the project, the ECC offered the following recommendations:

- The applicant must submit a stormwater management plan update to reflect the 2003 Phase 2 stormwater regulations;

- Erosion and water quality controls must be designed and maintained to conform to the 2003 Phase 2 stormwater regulations;
- The applicant will need to file a notice of intent and stormwater protection plan to the NYS DEC since this project is now regulated under the Phase 2 regulations;
- The applicant should indicate the L-C Zone and the associated classified stream on the plot plan.

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. Larkin moved, seconded by Ms. Czub, to grant preliminary and final site plan approval to this application conditioned upon the applicant's adherence to all conditions imposed when the initial approvals were granted. The motion was unanimously carried.

Minutes Approval:

Mr. d'Amico asked that the minutes of August 8, 2003 reflect his request for appropriate berming and landscaping along Crescent and VanVranken Road during consideration of the Southwick Meadows subdivision. Mr. Bulger moved, seconded by Ms. Czub, approval of the minutes as amended. The motion was unanimously carried.

Discussion Items:

Lands of Gibbs

Mr. Stabinsky, owner of a parcel that is a part of the recently approved Gibbs subdivision on Clifton Park Center Road, has asked that the Planning Board permit the relocation of the driveway proposed for the lot he has purchased. The approved combined drive would require considerable fill and disturbance of a wetland area on the property. Board members agreed that, in order to mitigate impacts to the wetland area, the driveway relocation would be acceptable.

Mr. Larkin moved, seconded by Mr. Bulger, adjournment of the meeting at 11:45p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held on September 23, 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 #29
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 September 9, 2003, there were:

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

Absent: None

Ms. Czub offered Resolution #29, and Mr. d'Amico seconded, and

Whereas, an application has been made to this Board by Mike and Lorraine Simpkins for approval of a subdivision plat entitled the Subdivision of the Lands of Lorraine A. Simpkins, Bonnie A. Martin, Brian L. Lasher, and Amy M. Curley consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 9, 2003 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 on September 9, 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 the Subdivision of the Lands of Lorraine A. Simpkins, Bonnie A. Martin, Brian L. Lasher, and Amy M. Curley consisting of (2) lots is hereby granted preliminary and final approval conditioned upon satisfaction the comments offered by Mr. Kemper and Mr. Grasso.

Resolution #29 passed 9/9/03

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

Noes: None

Steven Bulger,
Chairman

Resolution #30

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 September 9, 2003, at 7:25 P.M. there were:

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

Absent:

Mr. Bulger offered Resolution #30 and Mr. Russell seconded, and

Whereas, an application has been made to this Board by Appliance Giant for approval of a special use permit pursuant to Section 208-79(G)(3) to permit the construction of an addition to an existing retail facility in a B-3 zone;

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on September 9, 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 208-79(G)(3) to permit the construction of an addition to an existing retail outlet doing business as Appliance Giant in a B-3 zone is hereby approved.

Resolution #30 passed 9/9/03

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

Noes: None

Abstained: None

Steven Bulger,
Chairman

Resolution #31
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 September 9, 2003, there were:

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

Absent: J. Larkin

Mr. Marzola offered Resolution #31, and Ms. Czub seconded, and

Whereas, an application has been made to this Board by Paulsen Development Company for approval of a subdivision plat entitled Subdivision Plan, Sunset Woods, 508 Grooms Road consisting of (17) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 9, 2003 and;

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 September 9, 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 Plan, Sunset Woods, 508 Grooms Road of the consisting of (2) lots is hereby granted preliminary and final approval conditioned upon satisfaction the comments offered by Mr. Kemper and Mr. Grasso.

Resolution #31 passed 9/9/03

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

Steven Bulger,
Chairman

Resolution #32
Preliminary 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 September 9, 2003, there were:

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

Absent: None

Mr. Karam offered Resolution #32, and Mr. d'Amico seconded, and

Whereas, an application has been made to this Board by Elias Weis for approval of a subdivision plat entitled Southwick Meadows consisting of (115) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 9, 2003 and;

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 September 9, 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 preliminary plat entitled Southwick Meadows consisting of (115) lots is hereby granted preliminary approval conditioned upon satisfaction the comments offered by Mr. Kemper and Mr. Grasso and the establishment of property setbacks as illustrated on the preliminary plan.

Resolution #32 passed 9/9/03

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

Steven Bulger,
Chairman

Resolution #33
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 September 9, 2003, there were:

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

Absent: None

Ms. Czub offered Resolution #33, and Mr. Karam seconded, and

Whereas, an application has been made to this Board by Edith Schell for approval of a subdivision plat entitled the Subdivision of the Lands of Schell consisting of (4) lots and the transfer of lands to three adjoining neighbors;

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

was held on September 9, 2003 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 on September 9, 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 the Subdivision of the Lands of Schell consisting of (4) lots and the transfer of lands to three adjoining neighbors is hereby granted preliminary and final approval conditioned upon satisfaction the comments offered by Mr. Kemper and Mr. Grasso.

Resolution #33 passed 9/9/03

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

Noes: None

Steven Bulger,
Chairman