

Clifton Park Planning Board Meeting Minutes

October 15, 2003

Those present at the October 15, 2003 meeting were:

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

Those absent were: B. Czub

Those also present were: J. Kemper, Director of Planning, M. Bianchino, 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.

Public Hearings:

[2003-029] Northside Partnership – Proposed (2) lot subdivision at Shoppers' World, 15 Park Avenue – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on October 9, 2003.

Mr. Tom Andress, consultant for the applicant, presented this application that remains basically as presented at the May 13, 2003 meeting. He explained that the Zoning Board of Appeals granted area variances for this project on August 19, 2003. Variances for Lot #1 include the following: an area variance of 30 feet that allow for a side yard setback of 0, an area variance of 30 feet that allows for a rear yard setback of 0, and a 5% variance to allow for green space of 30%. The following variances were approved for Lot #2: an area variance of 30 feet to allow for a side yard setback of 0; an area variance of 1% to allow for green space of 34% for the Shoppers' World retail/K-Mart stores. Mr. Andress will provide the required cross-easements.

Mr. Kemper reported that project appeared before the Board on May 13, 2003. The two concerns raised by the Board at that meeting included the variances from the Zoning Board of Appeals and a signoff from the Saratoga County Sewer District. The variances were received from the ZBA at its August 19, 2003 and have been added to the plans. Descriptions for all proposed easements must be submitted for review. The Saratoga County Planning Board approved the project at its May 15, 2003 meeting. A final signoff still needs to be provided by the Saratoga County Sewer District. A memo from this agency dated May 8, 2003 contained the following comment: "Subdivision of the property will require that sanitary sewer service be provided consistent with NYSDEC requirements. NYSDEC rules stipulate that a sewer line servicing more than one property

owner of record be owned by a municipality or properly recognized transportation corporation. Sewer district review, approvals and permits will be conducted under the District's Rules and Regulations that are posted on the Saratoga County web site."

Mr. Bianchino explained that since the applicant received the required variances from the Zoning Board of Appeals on August 19, 2003, all engineering concerns have been addressed.

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

There being no public comment, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 7:15p.m. The motion was unanimously carried.

In response to Mr. Bulger's question regarding the parking lot arrangement, Mr. Andress explained that the amount of parking provided for the K-Mart site resulted from lease requirements for this national chain. Access was limited along the eastern side of the entrance drive for safety reasons. Mr. Andress reported that the Saratoga Sewer District has approved the project as presented: no change will be required as long as the two parcels remain under the same ownership.

Mr. Marzola 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. Russell offered Resolution #37, seconded by Mr. Larkin, to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of the comments offered by Mr. Kemper. Ayes: Larkin, d'Amico, Karam, Marzola, Russell, Bulger. Noes: None.

Old Business:

[2001-019] Clifton Storage Associates (formerly the Lands of Baker) – Proposed 27,800 SF office/warehouse, Route 9 – Revised conceptual review.

Mr. Tom Andress, consultant for the applicant, and Mr. Kevin Dailey, attorney, were in attendance to present this application for the Board's consideration. Mr. Andress stated that the concept plan for this project was presented to the Board in 2002. At that time the NYSDEC and ACOE wetlands were delineated and mapped. The applicant has received a variance from the Zoning Board of Appeals that would permit construction of two buildings within the L-C zone. A NYSDEC permit has been issued that would permit the disturbance of a portion of the designated wetlands. Mr. Andress explained that the pavement area has been minimized to reduce wetland disturbance, that the septic meets the 100 foot required distance from the stream, and that an office/warehouse use is proposed for the property.

Mr. Kemper reported that this project was first reviewed by the Board in May, 2001 and was reconsidered by the Board on May 14, 2002. The Saratoga County Planning Board disapproved the project on May 17, 2001; a revised set of plans has been forwarded to the county. The date and reference number for the use variance that was approved by the Zoning Board of Appeals must be depicted on the plot plan. A Phase 1 environmental study has been completed for the project. Mr. Kemper told Board members that he visited the site a number of times during the summer. He reported that the access road is being constructed. No erosion control measures were evident on the site and the driveway is much larger than what is shown on the plans. Erosion control measures must be depicted on the plot plan. Architectural renderings must be provided for review. A copy of the NYSDOT curb cut must be provided prior to final approval. A mechanism to ensure that the well will be placed on the Lands N/F of Ruggles must be put in place. The proposed septic tank location for the second building must be shown on the plans. The comments contained in Don Clemens' memo of May 13, 2002 must be addressed. Though the plan shows 2 curb cuts, he notes that §208-66A allows one curb cut unless the Planning Board believes a second would be necessary for safety reasons. Plans for water service for fire protection must be provided. If the applicant is proposing the use of one septic tank for both buildings, it appears that installations of a grinder pump may be necessary. If this is the case, details must be provided. The proposed septic system is located in the required 25' side yard planted buffer. Since there is a residence on the adjacent property, it is important that this buffer be maintained. Since there are no uses proposed at this time, approval should be conditioned upon Planning Board review pursuant to §208-66E when a use is determined. Mr. Kemper explained that he visited the site on September 11, 2003 and found that a large portion of the site where parking and buildings are proposed was under water. He recommended that the site plan be updated to accurately depict existing field conditions. Test pit results should be verified by Clough, Harbour, and Associates.

Mr. Kemper also presented photographs of the site that showed considerable flooding of areas proposed for the installation of the parking lot. Mr. Andress acknowledged that he had not visited the site for a number of months and that site conditions may have changed since plans were prepared. He did assure the Board that he would address the problem of excessive ponding on the site.

Mr. Dailey explained that of the 13.9 acre site, only 3.2 acres are described as "upland" areas suitable for development. He explained that the wetland problem has been aggravated by the presence of beavers: the applicant will pursue the removal of the beavers and the dams they have created. Mr. Dailey also reported that the NYSDEC had approved a variance that would permit the development of 28,000 SF of office/warehouse space. He also explained that the Zoning Board of Appeals has approved a use variance that establishes the boundary of the wetland as the recognized L-C boundary for this parcel. The speaker also noted that project plans have been revised in response to comments issued by Clough, Harbour, and Associates. The building size has been reduced, the buildings have been moved further from wetland areas, and the stormwater retention areas have resized, allowing for smaller areas to be "scattered" throughout the site. Mr. Dailey explained that revisions to the plan will require modification of the existing DEC permit.

Mr. Bianchino explained that Clough, Harbour, and Associates reviewed the revised concept plan prepared by ABD Engineers and Surveyors prepared on September 16, 2003 and offered several comments. The first comments concerned the fact that the proposed project is located within the limits of the Wood Road Corridor GEIS Study Area. As such, if the proposed project is deemed consistent with the findings of the GEIS, no additional SEQR action may be required. Involved agencies are anticipated to include the following: Clifton Park Planning Board - Site Plan Approval; Clifton Park Zoning Board of Appeals - Use Variance for Work within L-C Land Conservation Zone; NYSDOT - Curb Cut Permit; NYSDEC - Article 24 Freshwater Wetlands Permit. Pursuant to the Findings Statement for the FGEIS for the Wood Road Corridor, the following issues should be addressed:

- Per Finding No. 34, traffic mitigation fees are required to address cumulative impacts of the proposed development. The fee is \$1,465.47 per trip generated during the highest peak hour, as defined by appropriate facility codes in the ITE Trip Generation Manual, 5th Edition. The applicant's consultant should submit an analysis of the projected trip generation so that the respective mitigation fee can be assessed.
- If not previously paid, a mitigation fee is due for the original review of the DGEIS in the amount of \$74.28 per acre. Based on a 13.9-acre site, the respective mitigation fee is \$1,032.
- Per Finding No. 67, a visual buffer of approximately 250 feet is recommended to avoid and minimize significant visual impacts to travelers on NYS Route 9. In order to address this concern, the architectural features of the buildings should be reviewed by the Planning Board during its site plan review and additional plantings along the access drive should be provided.

Mr. Bianchino's additional comments concerned the proposed site plan. The correspondence from NYSDEC regarding the Permit Modification references a drawing last revised April 10, 2003. A copy of that plan should be submitted to the Town Engineer for the files. The appropriateness of a stormwater retention area directly adjacent to a building should be fully investigated by the applicant's engineer. Clough, Harbour, and Associates has concerns over the potential impacts of flooding on the property caused by the proximity of the development to the stream and wetlands. The applicant's engineer should analyze the impacts of a 100-year storm event on the proposed improvements.

Mr. O'Brien listed the comments offered by the ECC. The applicant should reduce the intensity of the project to protect the sensitive environment throughout the site. The area of impervious surfaces should be designed to reduce total runoff from the site. All runoff will need to be contained via oil/water separators and sediment traps prior to discharge to surrounding water bodies (wetlands, streams). The site will require careful review by the Town Engineer to determine if an on-site septic system is viable. The high water table may make it difficult to have a functional septic system: connection to a public system would be required. The applicant should submit a Stormwater Management Plan for review by the Town Engineer and the ECC.

Mr. Bulger was concerned about encroachment of development into the designated wetland areas, though he recognizes that the variances granted by the Zoning Board of Appeals offers the applicant the opportunity to develop the site. Mr. d'Amico expressed his concern about the proximity of the buildings to the L-C zone and suggested that the applicant consider constructing two-story buildings. Mr. Dailey responded that, since the applicant would like to limit building costs, the one-story facilities were more desirable. Mr. Larkin was concerned with the location of the well that would serve the adjoining property owner and the significant amount of standing water near the Ruggles' residence. He asked about the availability of sanitary sewers. Mr. Dailey explained that a municipal sewer connection was not feasible. Mr. Karam supported a revised plan that would place buildings at a greater distance from the wetland areas. Mr. Dailey observed that challenge presented was to "balance" protection of natural resources with the owner's right to utilize and develop his property.

[2002-002] Rolling Meadows - Proposed (44) lot subdivision, 675 MacElroy Road – Revised conceptual review.

Mr. Scott Lansing, consultant for the applicant, presented this application for the Board's consideration. The proposal generally calls for the development of (44) single family residential lots on an 80 acre parcel that adjoins the Dutch Meadows subdivision. Connection will be made to existing stub streets within that subdivision and to Hubbs Road via property formerly owned by Owen that was recently acquired by the applicant. Two stormwater management areas are proposed to handle site drainage and run-off. Discussions are progressing with the Country Club Acres for water service connections and hook-ups to the C K Sanitary system. Wetland delineation work will soon be finalized. Mr. Lansing respectfully asked the Board to schedule a preliminary public hearing.

Mr. Kemper explained that this project last appeared before the Board on January 8, 2002 at which time the Board encouraged the applicant to proceed with the cluster subdivision layout. He reported that a review of the density calculation indicates that it appears to be accurate. Due to the significant wetland impacts along MacElroy Road, the applicant should explore the feasibility of connecting to Hubbs Road. He stated that this project is located within the area to be studied in the Western Clifton Park GEIS. No approvals can be granted and the applicant is advised that he proceeds at his own risk. The applicant should explore the possibility of providing a pedestrian access to the MacElroy Road Veterans' Park. Erosion control measures must be depicted on the plan. The firm and date of the wetland delineation should be added to the plans.

Mr. Bianchino explained that a portion of the project site includes the Owen Trust Subdivision that was prepared by Santo Associates, P.C. The May 8, 2003 review letter for the project included the following comment that has not been addressed in the Rolling Meadows Subdivision design plan. The application for subdivision review states that the 46.671 acres being conveyed to Heflin will be combined with their adjoining land and used for future residential development. It is assumed that the sixty foot wide strip of land along the westerly property line that extends to MacElroy Road is being included in the

conveyance to provide for a second means of access to the future residential development. Any road built across this would disturb a large portion of wetlands that exist in this area. Clough, Harbour, and Associates has concerns over the environmental impacts associated with such a crossing. As an alternative, it is recommended that an easement be provided for an emergency access through the lands to be retained by the Owen Trust. The easement could follow the existing farm road past the wetland area and then curve to the east to avoid the existing buildings on the property. Another alternative could be to provide a road connection to Hubbs Road.

Mr. Bianchino also reported that Clough, Harbour, and Associates reviewed the concept subdivision plan for the above referenced project as prepared by Lansing Engineering, PC, dated September 16, 2003. This review resulted in the following additional comments. The project site is located within the limits of the Western Clifton Park Generic Environmental Impact Study (GEIS) Area. The Clifton Park Town Board has issued a moratorium on projects within the study area. The applicant can proceed with subdivision plan review, however the Planning Board should not issue a SEQR determination of environmental significance or subdivision approval until after the moratorium is lifted and the GEIS is completed. A Full Environmental Assessment Form should be submitted for review and comment. In order to avoid potentially significant additional rework by the consultant and lengthy review by the Town Engineer, it is recommended that a revised concept subdivision plan be submitted for consideration. Detailed engineering drawings, profiles, report, etc. should not be prepared until the Planning Board has agreed with the proposed concept plan.

Mr. Bianchino further commented that the project site is located in an R-3 Residential District and an L-C Land Conservation District. A Cluster Subdivision is proposed. Pursuant to Section 208-11 of the Town Zoning Code, the minimum land area per dwelling with central water and sewer in the R-3 residential district is 80,000 square feet. If cluster zoning is utilized, the smallest permissible lot size shall be 20,000 square feet and the number of units per each developed parcel shall be based upon density requirements of 40,000 square feet. 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 agreed to by the Planning Board. The conventional plan must conform to the applicable minimum lot size, density requirements and all other normally applicable requirements of the underlying district. In addition, the conventional lot layout should respect the limitations that the land conservation zone imposes on the property. Only after the conventional layout has been agreed upon should the cluster lot layout with the same number of lots shown in the conventional layout be prepared.

Mr. Bianchino noted that the proposed layout does not respect the development limitations and protections afforded to the stream and wetland corridor that bisect the site behind Lots #1 through 20. Any lots and stormwater management areas should be a minimum of 100 feet from the limit of the wetlands and/or stream. Section 179-37 E. of the Town Subdivision Regulations states that all land not included in a cluster subdivision as building lots shall be set aside as permanent open space. The proposed

method of preserving open space should be specified. The name of the person or firm responsible for the freshwater wetland delineation should be identified on the plans set. The wetland delineation map should be submitted to both the United States Army Corps of Engineers and NYS Department of Environmental Conservation for a jurisdictional determination. Only after both agencies have reviewed, field verified, and approved the wetland delineation can the exact limits of onsite wetlands and LC-Land Conservation zone limits be known. All correspondence from these agencies should be copied to the Town and Clough, Harbour, and Associates. Due to the project's proximity to the Town park land and recreational fields, it is recommended that a multi-use pathway be provided to these areas. Construction of the proposed Town Road identified as 1st Street to Mac Elroy Road will make the existing residential parcel at the proposed intersection a substandard corner lot. It does not appear that the existing house and accessory structure would conform to the front yard setback requirements.

Several additional comments were included in Clough, Harbour, and Associates' review letter. Water supply for the project is proposed by extension of the water system from the Dutch Meadows residential subdivision. This area of the Town has a history of marginal water pressures. A letter should be provided from the Clifton Park Water Authority stating that they are willing and capable of providing domestic and fire flows for the proposed project. Hydrant flow and pressure tests should be provided near the proposed points of connection to identify the existing static water pressures, available flows, residual pressure during the flow tests, and projected fire flows at 20 psi. The report should estimate minimum static pressures at the highest elevations on the project site. Sanitary service for the project is proposed by privately owned grinder pumps and a low pressure sanitary force main. The location and entity who owns the receiving sewer is not clear. A letter should be provided from the Transportation Corporation that it is willing and capable of accepting and treating wastewater flows for the proposed project. Analysis should be provided demonstrating that the receiving sewers have capacity to accept flow from the proposed project in addition to existing flows.

Mr. Bianchino explained that because of potential changes in the project layout, the Town Engineer has provided only a cursory review of the Stormwater Management Report dated September 15, 2003. The following general comments are applicable to this document:

- The consultant should reference the SMP Selection Matrices provided in the New York State Stormwater Design Manual, dated October 1, 2001 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 and a landscaping plan for additional biological uptake of pollutants and wildlife habitat.
- 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 time of concentration travel paths and design points should be shown on the Pre- and Post- developed and Storm Sewer Drainage pattern maps.

- The full flow capacity of the proposed storm sewer system should be based upon the Manning Equation rather than inlet capacity. The full flow capacity and velocity columns should be added to the Storm Sewer Sizing Table.
- 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, guide rail, bedding and backfill should be provided for the proposed culverts.
- It appears that the onsite soils are not conducive to infiltration or percolation. The use of drywells for stormwater management is not recommended.
- The Peak Discharge Summary Table on Page 6 does not appear to represent the post-developed peak discharge rates after management (detention).
- A minimum 10-foot wide gravel access drive should be constructed from the proposed roadways to each of the stormwater management areas to facilitate future maintenance by the Town.

Mr. Bianchino explained that since mitigation for traffic-related project impacts will likely be determined through the GEIS, a project specific traffic study should not be required at this time.

Mr. O'Brien, Environmental Specialist, reiterated the comment made at the January, 2003 meeting, asking that the proposed roadway crossing from the development to MacElroy be designed to maintain the natural drainage characteristics of the delineated wetlands.

In addition, the ECC also asked that the following standard statement 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.

The ECC also recommended that the Rolling Meadows project construct an eight-foot wide multi-use trail from the subdivision to MacElroy Road on the proposed right-of-way in anticipation of a trail along MacElroy Road.

Mr. Larkin asked for clarification regarding the response on the long Environmental Assessment Form that states that the depth of the water table is approximately 40 feet. Mr. Lansing stated that 40 feet was an estimate based on information available for areas in close proximity to the proposed development. Site specific test pit information will be provided to accurately determine this depth. Mr. Karam was concerned about the wetland disturbance caused by the road crossing proposed for the former Owen property. Mr. Lansing reported that the proposed total disturbance was less than the one-tenth of an acre permitted by the ACOE. Mr. Bulger suggested that a trail connection may offer an "offset" for the wetland crossing.

In response to Mr. Lansing's request for preliminary review despite the moratorium, Mr. Pelagalli advised that the Board could schedule the public hearing, though the applicant would be required to waive the 62-day determination period. An alternative would be for the Board could adjourn the hearing for reconvening at a later date. Board members did not find it acceptable to hold a public hearing since the decision would not be rendered until the GEIS is complete and the moratorium is lifted. Reviewing preliminary plans that may require significant revisions does not seem prudent.

[2002-034] Donzelli, Daniel – Proposed (5) lot subdivision, Wayto Lane – Revised conceptual review.

Mr. Scott Lansing, consultant for the applicant, presented this application that calls for the subdivision of approximately 18 acres of land into (5) residential lots for the construction of five single family homes. Approximately 930 linear feet of roadway will be constructed to town standards as part of the project. Each lot will be served by an individual well and septic system. A stormwater management area will be installed on site. Mr. Lansing addressed issues raised by Clough, Harbour, and Associates, noting that the applicant would prefer to utilize conventional lots rather than a cluster design because of the proposed size of the homes: he believes that the larger lots would better accommodate the "estate-like" residences. Mr. Donzelli will respect the designated land preservation areas. The driveway has been installed: no further impacts to the wetlands will be necessary. Mr. Lansing asked that the request for additional wells be rescinded since test pit information has been provided for locations in close proximity to the proposed development.

Mr. Bianchino reported that Clough, Harbour, and Associates identified several issues to be addressed. Given the environmentally sensitive features of the site and relative low density, consideration should be given to clustering the proposed development to reduce environmental impacts and reduce infrastructure costs and maintenance. In response to this comment, a cluster subdivision appears to be proposed in order to allow use of a reduced roadway width section. The benefits to the developer of a "cluster" subdivision should be traded against the benefits to the Town of a subdivision that has reduced environmental impacts as well as reduced infrastructure to maintain. A 1,000 foot long Town Road of any width that only serves five residential lots would appear to create an undue burden on the Town. In addition, the plan lacks any special environmental preservation features not already provided by current land use controls. It is recommended access to the lots be provided by a common private drive.

Clarification should be provided regarding the subdivision history and ownership status of tax map parcel 263.00-2-23.161 (adjacent to the site to the north), and parcel 263.00-2-23.163 (adjacent to the site to the south). It appears that these parcels were previously (since 1983) contiguous with the project site and now either do not have frontage on a Town road or do not meet the minimum parcel size requirements. It should also be noted that the current federal wetland impact thresholds evaluate cumulative wetland impacts since the adoption of the Clean Water Act in 1984. Since this date, a significant number of subdivisions in this immediate area (original lands of Sorenson or Evans) have been

approved and developed with single-family homes. The applicant should verify that development of the site as proposed is permissible in light of the incremental development and wetland impacts that have already occurred. In accordance with section 86-9.B.3.b of the Construction and Design Standards, one test well shall be developed for every five proposed building lots. Given the history of low well yields in the area, it is recommended that a minimum of two wells be developed, pump tested for a minimum of 4-hours, and tested for adequate water quality in accordance with NYSDOH requirements.

Mr. Bianchino stated that the revised concept subdivision plan has been reviewed. The following comments are based upon that project plan. The project site is located within the limits of the Western Clifton Park Generic Environmental Impact Study (GEIS) Area. The Clifton Park Town Board has issued a moratorium on projects within the Study Area. The applicant can proceed with subdivision plan review, however, the Planning Board should not issue a SEQR determination of environmental significance or subdivision approval until after the moratorium is lifted and the GEIS is completed. A Full Environmental Assessment Form (FEAF) should be submitted for review and comment. A variance appears necessary from the Zoning Board of Appeals for work proposed within the L-C Land Conservation District. The limits of the L-C District should be clearly shown on the plans. Pursuant to the NYS Department of Health Publication "Individual Residential Wastewater Treatment Systems Design Handbook – 1996", a minimum of two deep hole soil tests and two soil percolation tests should be completed within the limits of the proposed onsite wastewater disposal system. Due to the extent of onsite wetlands and apparent poor soils, it is recommended that detailed location and design for each proposed system be provided in the Subdivision Plan Set in order to verify the adequacy of the soils to accept on-site wastewater disposal system. Pursuant to the Town Highway Superintendent, the middle of the cul-de-sac should be depressed with a catch basin in the center to collect stormwater runoff. Provision should be made for turning around an emergency vehicle within 100 feet of the home on Lot 3. It appears that a roadway culvert is necessary at approximately Sta. 4+50 of the proposed roadway.

Clough, Harbour, and Associates also provided the following comments regarding the Stormwater Management Report dated July 17, 2003:

- The consultant should reference the SMP Selection Matrices provided in the New York State Stormwater Design Manual, dated October 1, 2001 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 and a landscaping plan for additional biological uptake of pollutants and wildlife habitat.
- 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 time of concentration travel paths and design points should be shown on the pre- and post-developed and Storm Sewer Drainage pattern maps.
- A Summary Table comparing pre- and post-developed flows at each of the design

points should be provided for each of the design storms.

- The full flow capacity of the proposed storm sewer system should be based upon the Manning Equation not inlet capacity. The full flow capacity and velocity columns should be added to the Storm Sewer Sizing Table.
- 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, guide rail, bedding and backfill should be provided for the proposed culverts.
- A minimum 10-foot wide gravel access drive should be constructed from the proposed roadways to each of the stormwater management areas to facilitate future maintenance by the Town.
- The reference on page 5 to the City of Cohoes owning and maintaining the proposed storm sewer and stormwater management areas appears to be a typographical error.
- The final stormwater management report should have the stamp and signature of a NYS Licensed Professional Engineer.

Mr. O'Brien, Environmental Specialist, reported that the ECC reiterated the comment made at the June 18, 2002 meeting. The ECC believes that the quality of life for future residents will be impacted by the close proximity of two (2) railroad right-of-ways. Maximum visual and sound buffering should be considered as well as possibly reconfiguring the lot layout to maximize the separation of the residences to the tracks. In addition, the following standard statements should be added to the plot plan:

- Federal jurisdictional wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in Federal wetlands.
- No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).
- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.
- This parcel (subdivision) is located in an area where railroad activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation, and other associated activities.

Mr. Bulger asked if potential homeowners would be informed of the proximity of the new homes to the railroad tracks. Mr. Pelagalli explained that although the Board could require that such language be included as a note on the subdivision plan and on individual deeds, it would be up to the customer and his/her legal representative to review all relevant documents.

Mr. d'Amico expressed concerns regarding the proximity of the homes to the wetlands along the railroad tracks. Mr. Larkin, recalling past employment, expressed his concern that the railroad tracks may produce hazardous substances that may contaminate wells on the property. Mr. Bulger believed that the main issues to be addressed were confirmation of the adequacy and quality of the water supply and the conveyance of the proposed road to the Town. Mr. Kemper suggested that the applicable clause from open space legislation be used to permit the common drive since the required 40-foot frontage for each lot is not available.

Although Mr. Lansing again asked that existing well information be used, Board members agreed that a well test should be conducted on the lot closest to the railroad tracks and the pond. Mr. Bianchino believes that this would be acceptable.

Mr. Donzelli asked if the Board had any discretion regarding the imposition of the moratorium on his project since he had previously received preliminary approval. Mr. Kemper explained that the approval referenced by Mr. Donzelli had expired. Mr. Bulger explained that the Board was unable to change the conditions of the moratorium because it was imposed by the Town Board.

III. New Business:

[2003-063] Doty, Allen – Proposed lot line adjustment between the Lands of Allen E. and Margaret J. Doty and Kevin W. and Alida S. Coulter, 311 and 313 Riverview Road – Conceptual review.

Mr. Scott Lansing, consultant for the applicant, presented this proposal for the Board's review. The application calls for the transfer of land between parcels owned by Doty that will result in lots of 3.97 acres with 44.49 feet of road frontage, and a 5.02 acre parcel with an existing single family residence. The application also includes a reciprocal land transfer between the Lands of Doty and Coulter of 2,104 SF to straighten the property line. The land transfers have been proposed in order to create an acceptable building lot for a single-family residence.

Mr. Bianchino explained that Clough, Harbour, and Associates reviewed the proposed project that appears to be an "Unlisted" action pursuant to SEQR. Coordinated review is optional. The only involved agency is expected to be the Town of Clifton Park Planning Board for Subdivision Approval. If any new driveways will be allowed to serve new or reconfigured lots, the adequacy of sight distance should be demonstrated on the subdivision plan. The minimum lot requirement without central water or sewer in the R-2 zone district is 100,000 S.F. Lot # 2 does not meet this requirement. The applicable Town of Clifton Park Standard Notes for Subdivisions and certification statement should appear on the plan.

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

Mr. d'Amico requested information regarding the history of the land-locked parcel, noting that it was possible that this parcel was to have been incorporated with Mr. Doty's property when it was originally created. Mr. Bulger asked that the consultant provide a history of subdivisions and/or land transfers associated with this property.

IV. Minutes Approval:

Mr. Bulger moved, seconded by Mr. Karam, approval of the minutes of the September 23, 2003 meeting as written. The motion was unanimously carried.

V. Discussion Items:

Chili's

Mr. Rob Spiak, Bohler Engineering, explained that although the construction of Chili's has progressed in a timely fashion, the stormwater management area has not been constructed. Since the installation of this area was a condition of approval, Chili's is unable to obtain a Certificate of Occupancy. This has created a difficult problem since Chili's has hired 120 employees who need to be trained, it is imperative that the problem be addressed.

Mr. Spiak and the Brinker Corporation propose mitigation measures because there is "not a high level of confidence" that the developers will complete the basin as required. He proposes the preparation of an as-built survey that would determine the capacity of the area. Plans would then be prepared to install the area around the utility pole that has been installed within the management area. The sponsoring corporation is prepared to submit \$20,000.00 to be held in escrow by the Town until site improvements are complete.

Board members discussed at length the alternatives for resolving the problem. It was agreed that Mr. Pelagalli would work with Mr. Kemper, Mr. Spiak, and corporate representatives to develop an agreement with a hold harmless clause that would establish the scope of the work to be completed, the time frame for the completion of the work, and a description of penalties that may result from non-compliance with the agreement.

Board members agreed that the proposed awning reading Chili's-to-Go would be an acceptable addition to the building.

Bellini's Italian Eatery

Mr. Kemper explained that this chain plans to establish a restaurant within the existing Village Plaza shopping center. The plans include the addition of walk-in coolers to the rear of the existing buildings. Since plans call for the addition of approximately 420 SF, it was decided that the project would require a formal presentation to the Board.

Belmonte Office Building (Etkin)

Mr. Kemper notified the Board of the developer's plans to extend water and sewer service across US Route 9 to serve this project. Design plans and construction material specifications have been provided to the Planning Department.

DCG Development Co.

Mr. Kemper advised the Board that this developer will be regarding and clearing the area proposed for Maxwell Drive South.

Mr. Karam moved, seconded by Mr. Larkin, adjournment of the meeting at 9:40p.m. The motion was unanimously carried. The next Planning Board meeting is scheduled for October 28, 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 #37
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 October 15, 2003, there were:

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

Absent: B. Czub

Mr. Russell offered Resolution #37, and Mr. Larkin seconded, and

Whereas, an application has been made to this Board by Northside Partnership for approval of a subdivision entitled Proposed Subdivision – Shoppers' World, 15 Park Avenue;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on October 15, 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 October 15, 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 subdivision plat entitled Proposed Subdivision – Shoppers’ World, 15 Park Avenue is hereby granted preliminary and final approval conditioned upon satisfaction the comments offered by Mr. Kemper.

Resolution #37 passed 10/15/03

Ayes: d’Amico, Larkin, Karam, Marzola, Russell, Bulger

Noes: None

Steven Bulger,
Chairman