

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

**December 9, 2003**

Those present at the December 9, 2003 were:

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

Those absent were: J. Marzola

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.

Public Hearings:

[2003-064] Russell, Jay and Tina – Proposed (3) lot subdivision, 171 Hubbs Road – Preliminary public hearing and possible determination.

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

The Chairman called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on December 1, 2003.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that has been revised in accordance with comments from Clough, Harbour, and Associates and Planning Board recommendations. He explained that the Zoning Board of Appeals acted upon the several variance requests on December 2, 2003. The applicant requested an 18,694 SF variance from the required 40,000 SF building lot in an R-1 zone and a 42.2 setback variance from the required 50 foot front yard setback in an R-1 zone for Lot #1. An area variance of 18,896 SF from the required 40,000 SF building lot in an R-1 zone was requested for Lot #2 and an area variance for 19,127 SF from the required 40,000 SF building lot in an R-1 zone was requested for Lot #3. The Zoning Board approved the applications with conditions. Mr. VanGuilder noted that the driveway on Hubbs Road that serves the existing house will be removed: this lot will be accessed by the existing gravel drive on Hatlee Road. Lot # 3 will be served by a separate driveway along Hatlee Road to the north. The third lot will be accessed from Hubbs Road by a private drive located along the western property boundary. Mr. VanGuilder pointed out that the driveways have been placed in locations that provide adequate sight distances along the respective roadways. Mr. VanGuilder submitted a letter from an attorney representing the prospective buyer of Lot #1, 171 Hubbs Road. The communication stated that "the purchaser will not proceed forward with the purchase of the property if the physical status of the property has changed or will change in the future." Mr. Russell has agreed,

however, to remove the existing driveway onto Hubbs Road.

Mr. Kemper reported that this project last appeared before the Board on October 28, 2003 for conceptual review. At that time the Board instructed the applicant to determine sight distances, reduce the number of curb cuts, and apply for necessary variances from the Zoning Board of Appeals. Since the plans show a connection to public sewer and water, signoffs will be required from C.K. Sanitary and the Clifton Park Water Authority. A note listing the variances and conditions of approval that were received from the Zoning Board should be depicted on the plans. Time frames for the connection to water and sewer should also be shown on the plans. The applicant is proposing 3 separate curb cuts for 3 lots. Since it has been the past practice of this Board to encourage shared driveways, the applicant should revise the plans to illustrate shared driveways and reduce the number of curb cuts. For proposed Lot #1, the existing asphalt drive from Hubbs Road will be removed. Sight distances must be shown on the plans. Descriptions for the proposed areas to be deeded to the Town of Clifton Park must be submitted for review. The proposed house for Lot #3 is shown right against the setback lines. Prior to the issuance of a foundation permit, the applicant must provide a plot plan to both Building and Planning Departments. A note stating this should be added to the plans. Postal addresses need to be added to the plans.

Mr. Kemper explained that he received a memo from Don Clemens, Director of Building and Development, that outlines the restrictions established in the granting of the variance by the Zoning Board of Appeals. The variances for Lots #2 and 3 were granted with the conditions that all three lots are to be connected to public water and sewer within one year and that no building permits may be issued for those lots until such time as all three lots are connected to public water and sewer.

Mr. Grasso reported that Clough, Harbour, and Associates continue to recommend removal of the existing driveway serving the existing house and relocating it to a location with improved sight distance further away from the intersection of Hubbs Road and Hatlee Road. He was satisfied with the revised plan since it indicated that the existing asphalt driveway would be removed. The proposed additional right-of-way to be conveyed to the Town should be revised at the intersection of Hubbs Road and Hatlee Road to be approximately perpendicular to Hubbs Road. This will facilitate minor straightening of the intersection as deemed required in the future and will eliminate the overhead lines from crossing private property.

Mr. O'Brien, Environmental Specialist, reported that the ECC recommended that the following standard statements should be added to the plot plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

There being no public hearing, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 7:18p.m. The motion was unanimously carried.

Mr. d'Amico stated that he preferred the previous plan because of the speed of traffic on Hubbs: driveways from Hatlee Road, in his opinion, would be more acceptable. Mr. VanGuilder explained that the proposed driveway location on Hubbs along the Russell-Hoffman property line exceeds the sight distances that exist along Hatlee Road. Members also discussed the amount of vegetation that would be removed to provide for the installation of driveways. In response to Mr. Karam's concerns regarding the removal of trees on Lot #3, Mr. VanGuilder agreed that the driveway could be moved to the south. Mr. Russell explained that the 12-foot wide driveway for Lot #2 would not require additional clearing. Mr. Bulger asked that additional trees be planted between Lots #2 and 3 to create a visual buffer for those traveling on Hatlee Road. Mr. VanGuilder explained that such a buffer would likely be a "natural occurrence" since property owners tend to plant trees along property boundaries to define such areas. Mr. Russell commented that the prospective property owners have expressed an interest in placing fencing along the property boundary. Mr. VanGuilder and the applicant agreed to consider moving the driveway for Lot #3 to the south.

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

Mr. Bulger offered Resolution #42, seconded by Mr. Larkin, to grant preliminary and final subdivision approval to this application, waiving the final hearing, conditioned upon the satisfaction of comments offered by Mr. Kemper, Mr. Grasso, and Mr. O'Brien. Ayes: Larkin, Czub, d'Amico, Karam, Bulger. Noes: None.

Old Business:

[2003-056] DCG Development Co., - Proposed 10,500 SF in (2) restaurant facilities, Maxwell Drive Extension – Revised conceptual review.

Mr. Nicholson, consultant for the applicant, described this project proposal that was first presented to the Board on August 12, 2003. At that time, the applicant requested approval of 25,600 SF of commercial space in buildings of 11,600 SF and 14,000 SF, respectively. The plan has been reduced in scale and the applicant now proposes the construction of two restaurants of 5,700 SF and 4,800 SF, respectively, on 4.56 acres. The parcel is created from .49 acres from existing Lot #1, 2.27 acres from existing Lot #2, and 1.8 acres from existing Lot #3. The buildings will both be connected to public water and sewer systems. Access will be provided from the proposed Maxwell Road Extension. Representatives of Environmental Design Partnership are working with Creighton-Manning Engineering to finalize roadway details. Site improvements include the installation of 158 parking spaces, stormwater management areas, and appropriate landscaping as illustrated on the plan. All comments Clough, Harbour, and Associates

comments will be satisfied.

Mr. Kemper reported that this project last appeared before the Board on August 12, 2003 as a concept plan. That proposal included two (2) restaurants and a 14,000 SF retail establishment. The applicant has eliminated the retail space. The total building area in the site statistics table should be revised to the correct amount. The stormwater management area should be moved away from the public safety building parking lot. If it is visible from the parking lot, substantial landscaping should be provided. The proposed sewer and water connections to the public safety building should be illustrated on the plans. Mr. Kemper asked the applicant to clarify uses for the area that will be contained under the roof area in the rear of the 5,700 SF building. Colored architectural renderings must be provided at the next submission. Pursuant to the recommendations of two Planning Board members at the previous meeting, additional landscaping should be provided along NYS Rt. 146. Dumpster locations should be shown on the plans. Signoffs will be required from the Clifton Park Water Authority and the Saratoga County Sewer District. Prior to approval, the final plans for Maxwell Drive Extension must be reviewed and approved by Clough, Harbour, and Associates. The timing for construction of the proposed road in relation to the construction of the two buildings should be clarified. Pedestrian access into the public safety building should be incorporated into the plans. Project plans were sent to the Saratoga County Planning Board on July 25, 2003.

Mr. Kemper asked Mr. Nicholson to explain the status of NYSDOT review for the road connection to NYS Route 146. Although project plans have been modified, Mr. Nicholson believes that signoff from NYSDOT will be received quickly since the access point has not been changed. Mr. Nicholson explained that sidewalks will be constructed on both the east side and the west side of Maxwell Drive Extension. In response to Mr. Kemper's concerns about road completion prior to the issuance of Certificates of Occupancy for the restaurants, Mr. McElroy, DCG spokesperson, said that although DCG Development is not in total control of road design and construction, the portion of the road necessary for access to the developed parcel from Route 146 will be finished. Although the seating capacities of the restaurants have not been determined, leases require the applicant to provide parking as indicated on the project plan. Mr. Nicholson did report that the stormwater management location may be relocated or reduced, permitting the reconfiguration of the parking lot and the possible creation of a berm along the northern property boundary. Following a discussion regarding the sidewalk width, Mr. Bulger explained that the Town would control development of the sidewalk on the west side, therefore providing an adequate design for access to school-owned lands.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the revised concept site plan for this project and a draft "Property Exchange Agreement" between the Town of Clifton Park and DCG Development Co. The firm offered several comments on the application. Significant offsite improvements are proposed for the project including roadway construction, sanitary sewer, water supply, stormwater management and property conveyances. The proposed draft agreement between DCG Development and the Town indicates that the cost and responsibility for construction of some of the improvements is the responsibility of the Town. Plans indicating the extent of the Town's

responsibility, however, are not included and an estimate of the cost of such improvements has not been submitted. It is recommended that these items be provided for review. Consideration should be given to revising the layout such that all of the proposed parking is not located between the adjacent public roads and the proposed buildings. The proposed layout represents an approach not used for development of similar sites along the Route 146 corridor including the CVS plaza, the TGI Fridays and the Chili's restaurant. Due to the complexity of the proposal, for clarity purposes, it is recommended that an existing conditions plan be provided, showing all existing site features, including property lines, right-of-way lines, zoning district boundaries, the Land Conservation District, utilities, easements, topography, wetlands vegetation, etc. The base mapping should also show the recently constructed improvements on the adjacent parcel to the east.

Mr. Grasso offered several additional comments. A subdivision plan should be provided, showing all proposed lot lines, land conveyances and the proposed Maxwell Drive Extension right-of-way. The proposed Lot #1 with an area of 21,315 square feet is less than the B-4 Zoning District minimum lot area of 43,560 square feet. Site statistics, including all area and bulk requirements, site coverage data, and a parking summary should be provided for each of the proposed lots. The site plan should clearly identify proposed property and setback lines in accordance with zoning regulations. It appears that the following area variances will be required for Lot #2: Rear Yard Building Setback – 30' required, 15' proposed; Front Yard Parking Setback from NYS Route 146 – 30' required, 7' proposed; Front Yard Parking Setback from Maxwell Drive Extension – 30' required, 15' proposed. In addition, the minimum required green space pursuant to the Zoning Code is 35% while the Exit 9 GEIS Findings Statement recommends a minimum green space of 45%. The proposed green space should be identified. The building height should be specified to determine if it complies with the zoning regulations. All proposed variances should be clearly identified on the plan and are subject to review and approval by the Zoning Board of Appeals prior to site plan approval by the Planning Board.

The following comments were also included in the review letter prepared by Clough, Harbour, and Associates. It appears that a common access drive from Maxwell Drive Extension is proposed for Lots #2 and 3. Though this plan is acceptable, reciprocal access easements should be provided for both lots. Consideration should be given to reconfiguring the parking to eliminate parking spaces directly off the main access drive into the site. The consultant should verify that emergency vehicles have adequate accessibility to the site and proposed buildings. Consideration should be given to connecting the proposed parking lots with the recently constructed parking lots on the adjacent parcel to the east. The engineering firm recommends that a sidewalk and crosswalks be extended from Maxwell Drive Extension to the proposed Lot #2 onsite sidewalks. In addition, the consultant should review existing and proposed pedestrian access routes in the project area to determine if additional sidewalk connections would enhance pedestrian access within this retail area.

The Stormwater Management Narrative has been reviewed. The following comments resulted:

- Interconnection of public and private stormwater management systems is not recommended due to the potential complexities which may result from future maintenance responsibilities. A privately owned onsite stormwater management area should be provided on each of the proposed development sites, each designed for water quality treatment and flood control. A separate public stormwater management area should be provided for the proposed public roadway improvements.
- The stormwater management plan should be designed in accordance the Unified Stormwater Sizing Criteria as outlined in the New York State Stormwater Design Manual, dated October 1, 2001. The water quality volume (WQv) should be captured and treated in accordance with the 90% Rule and released over a 24-hour period. Post developed peak discharge rates should be restricted to the pre-developed peak discharge rates for the 1, 10, and 100-year design storms for channel protection (CPv), overbank flood (Qp) and extreme storm (Qf). A summary table comparing pre-developed and post-developed peak discharge rates for each of these design storms at each design point should be provided.
- Pre- and post-developed drainage pattern maps should be provided showing the drainage area boundaries, time of concentration travel paths, hydrologic soil groups and land cover.
- Dividing the post-developed drainage areas into several smaller areas as tends to result in artificially lower peak discharge rates. It is recommended that the entire overall drainage area be modeled as one subcatchment in the computer program with weighted curve number and representative time of concentration travel path.
- 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).
- Calculations supporting the 0.70 CFS exfiltration rate used in the modeling should be provided. Design percolation rates should be conservatively slower than observed percolation rates to account for periodic frozen soil or saturated soil conditions.
- Details for the outlet control structure(s) should be provided.
- 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 and a landscaping plan for additional biological uptake of pollutants and wildlife habitat.
- The report should identify the ownership and maintenance responsibilities for the proposed stormwater management area(s).
- 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.
- Calculations should be provided documenting the adequacy of the size of the proposed closed drainage system and roadway culvert. The closed drainage system should be sized based on a 10 year storm using the Rational Method and Manning's Equation. A Storm Sewer Sizing Drainage Pattern Map should be provided showing drainage area boundaries and time of concentration travel paths.
- A Storm Sewer Sizing Table should be provided documenting the adequacy of the size of the proposed closed drainage system, including drainage areas, peak flows, pipe size,

pipe slope, full flow capacity and velocity.

- It is recommended that deed restrictions should be established to prevent disturbance of the wetland areas of the project site.
- A Stormwater Pollution Prevention Plan with erosion and sediment control methods and details should be provided.
- A Construction Phasing/Sequencing Plan should be prepared showing temporary erosion control measures 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.

Mr. O'Brien, Environmental Specialist, reported that the ECC had prepared the following comments. The applicant should indicate the total greenspace for the project in the plot plan. This total should not be less than 45% as recommended by the Town of Clifton Park Planning Board in the Exit 9 GEIS Findings Statement as adopted by that Board on September 22, 1998. The applicant should submit a site specific survey for threatened or endangered species of plants and animals. The proposed four foot wide path should be enlarged to ten feet to accommodate multi-use trail users, particularly from the area of Maxwell Drive to the north. In keeping with the goals and recommendations of the Town Comprehensive Plan, the applicant is encouraged to consider retaining existing vegetation to the maximum extent practical and/or the use of landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties. The applicant should reconfigure placement of the buildings on the lot to more closely relate to existing adjacent buildings.

Mr. d'Amico expressed his concerns regarding the parking configuration, noting that as it is designed, vehicle headlights would be facing Route 146. Mr. Nicholson stated that the site design has been dependent upon the Town's request for roadway development. At this point it would be impractical for the applicant to consider the relocation of the proposed restaurants. Mr. Bulger suggested that, if the stormwater management basins are relocated, it may be possible to rearrange the parking areas. Mr. MacElroy agreed to work with Environmental Design Partnership to rearrange some of the parking spaces, though he noted that lease agreements were very specific about such items as the location of buildings on a parcel and visibility from a major highway. He concurred that this site should be compatible with others in the area. Mr. Karam agreed that relocation of the parking spaces adjacent to Route 146 would be desirable and that the installation of a berm to the north of the site would improve site aesthetics. Mr. Bulger commented that he would appreciate the street lighting that was more "creative," contributing to an attractive "town center" and pedestrian-friendly environment. Mr. Grasso advised that maintaining the existing character of the area would be important: too many lighting designs would simply be distracting rather than unifying. Mr. Larkin, noting that he had

recently traveled to Auburn, encouraged the applicant to design and the Board to approve “aesthetically pleasing” sites. Mr. Nicholson stated that DCG has established the reputation of developing and maintaining such aesthetically attractive sites and would work to address Board concerns. He will prepare detailed plans for January’s meeting.

[2003-031] Cillis, Ted (Cillis Builders) – Proposed (12) lot subdivision, Moe Road – Determination from preliminary public hearing held on November 25, 2003.

Mr. Gordon Nicholson, consultant for the applicant, summarized the revisions to the subdivision plan that were made according to comments from Clough, Harbour, and Associates and Planning Board recommendations. A new keyhole lot has been added at the back of the court on the one acre parcel formerly proposed for conveyance to the Town. Lots #6 and 7 have been adjusted to permit a 40-foot wide access to the keyhole lot. The proposed building envelope for the new lot shows additional setback space from the existing federal wetland. A 30-foot wide corridor has been added from the proposed road between Lots #9 and 10 to the lands of the Clifton Park Water Authority. An asphalt multi-use path will be installed within that corridor. Former Lots #9, 10, and 11 along the south side of Rosemary Court have been consolidated into two lots. An additional 4,800 SF of area has been added to the parcel containing the proposed stormwater management basin. The grading of the proposed storm basin has been expanded along with the increased area to be conveyed to the Town. The basin volume is now one third larger than the original design.

Mr. Kemper explained that this project last appeared before the Board on November 25, 2003 at which time the main issues of concern included the following: increasing the size of the stormwater management area; the location of the multi-use trail; drainage problems in Clifton Knolls; configuration of the lots. He has spoken with Highway Department representatives who have assured him that the drainage problems are currently being investigated. Mr. Kemper reported that he has received letters from William White (55 Valencia Lane), Edward O’Connell (40 Valencia Lane), and Richard and Kathleen Lynch (51 Valencia Lane). They all expressed concern that drainage leaving the site would increase the severity of problems they currently experience. Mr. Kemper also noted that the Environmental Design Partnership has increased the capacity of the stormwater management basin by one third, that the multi-use path is now illustrated on the plans, and that the final lot configuration has been determined. The standard note for aviation activity should be added to the plans. Signoffs will need to be provided from the Saratoga County Sewer District and the Clifton Park Water Authority. The public hearing was closed at the last meeting.

Mr. Grasso stated that Clough, Harbour, and Associates were satisfied with the redesign of the stormwater management basin. It was his opinion that the revision could possibly have a “marginally positive” effect on existing drainage problems. He asked that the applicant reduce the size of Lots #10 and 11 to minimize impacts to the wetland area and that the remaining technical comments be addressed. Mr. Nicholson agreed to consider a reduction in the size of Lots #10 and 11.

Mr. O'Brien, Environmental Specialist, stated that although ECC members were concerned with the traffic and multi-use pathway users, they were satisfied with the revised plan submitted by the applicant.

Mr. Bulger recognized that the residents of Valencia Lane do have on-going drainage problems that cause "cave-ins" in backyards and flooding basements. He noted, however, that the Board relies on the expertise of its consultants and, since there is no evidence that approval of this project plan will increase the water flow to existing properties, the Board is obliged to approve the plan. He did note that Highway Department officials have been contacted and that they are investigating complaints.

Mr. Richard Lynch, 51 Valencia Lane, questioned Mr. Grasso's conclusion regarding additional run-off, stating that it would appear "ludicrous" that the development of twelve new residences would not create additional water flow.

Mr. Grasso explained that the stormwater basin as engineered will control the rate of run-off, provide additional time for absorption, and provide "treatment" for stormwater that allows for water quality enhancement and increased time for infiltration.

Recognizing that there are on-going concerns with water flow in the area, Mr. Bulger agreed to write a letter to the Highway Department formally requesting an evaluation of existing drainage flows. Copies of this correspondence will be sent to the three residences of Valencia Lane who have provided comments to the Board.

Mr. Bulger noted that the public hearing was closed at the previous Planning Board meeting and that all involved agencies pursuant to SEQRA concurred with the Planning Board's Lead Agency status.

Mr. d'Amico moved, seconded by Mr. Karam, 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. Bulger offered Resolution #43, seconded by Mr. Russell, to waive the final hearing for this application and to grant preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso. Ayes: Larkin, Czub, d'Amico, Karam, Russell, Bulger. Noes: None.

[2002-074] Special Projects Development, Inc. – Proposed 8,900 SF of medical office space in two buildings, 947 Route 146 – Preliminary determination.

Mr. Gil VanGuilder, consultant for the applicant, presented this development plan for the Board's consideration. He explained that the issues of Board concern expressed at the last meeting have been addressed. The Clifton Park Water Authority has reiterated its approval for the connection to the main on Green Meadow Drive. The applicant has agreed to provide a cross-access point near the center of the site; however, all cost associated with the development of the easement will be the responsibility of future

developers of adjoining parcels. Mr. VanGuilder asked that the Board to determine if an “unspecified easement” would be preferable to establishing a more defined easement area.

Mr. Kemper stated that the project was reviewed by the Board on November 25, 2003 at which time the main issues raised were the extension of public water and the cross access agreements. Don Austin, Director of the Water Authority reports that the project proposed by Dr. Abraham has required the extension of a 10” main across Rt. 146 to the south side of Route 146. If the Water Authority decides to bring water up Route 146 in the future, it will be located on the south side of the road. A NYSDOT curb cut permit will be required prior to the stamping of the plans. The project will require signoffs from the Clifton Park Water Authority and the Saratoga County Sewer District.

Mr. Grasso deferred to the Clifton Park Water Authority’s recommendation for the method of connection to this parcel. Mr. O’Brien reported that the ECC has no further comment on this application.

Mr. Kemper explained that Water Authority plans for the future included the extension of a main along the south side of Route 146 to serve a number of properties. Board members were satisfied that the connection as proposed for this site was acceptable. Following a brief discussion and on advice of Counsel, the Board decided that a specifically defined future easement area providing access to NYS Route 146 from adjoining sites would be preferable to an unspecified easement.

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

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 offered by Mr. Kemper. The motion was unanimously carried. The motion was unanimously carried.

New Business:

[2003-076] Belmonte, Peter – Proposed (2) lot subdivision, 1744 Route 9 – Conceptual review.

[2003-073] Capital Communications Credit Union – Proposed 8,072 SF, 1744 Route 9 - Conceptual site plan review.

The Board reviewed these projects concurrently.

Mr. Gordon Nicholson, consultant for the applicant, presented this application that calls for the subdivision of 5.78 acres in a B-4 zone into lots of 1.42 acres and 4.34 acres, respectively. The parcel to be developed is located on the west side of Route 9 approximately 1000 feet north of the intersection with Chelsea Place and was part of a

58,000 SF mixed use site plan application that was approved in January, 2001. Since the applicant failed to request an extension of that approval within the required time frame, a second application was submitted and conceptually reviewed by the Planning Board on October 22, 2002. No preliminary plans were submitted for this application. This project plan calls for construction of an 8,072 SF Capital Communications Credit Union building on the 1.42 acre parcel. Connection will be made to the water and sewer lines that run along the Route 9 right-of-way. Access will be provided to serve all lots on the site and a right-turn-only lane will be located to the south of the site to accommodate the drive-up services. Development proposals for the remaining site area will be submitted at a later date.

Mr. Kemper offered comments regarding the subdivision application. He received a memo from Jim DiPasquale dated December 8, 2003 which stated the following: "Submittals will need to be provided to SCSD so they can evaluate the impact the proposed project will have on the existing 4" force main and downstream receiving sewer." Mr. Kemper asked the applicant to clarify who will be responsible for designing and constructing the stormwater management basin. He also asked the applicant to provide information regarding its size and whether it is designed for the whole site or just the proposed development.

The following comments concerned the site plan. The proposed amount of parking does not meet the requirement. The parking requirement for banking establishments is 1/200 S.F. The applicant should provide the rationale for the proposed number of spaces. Colored façade renderings must be provided with future submissions. Ingress/egress easements will have to be provided over Lot #2: descriptions of these easements must be submitted for review. A detailed planting plan will be required for the next submission. There were traffic improvements that were identified as part of the approved site plan that expired on this site. An amended traffic study must be prepared and any necessary improvements on Route 9 must be identified. A signoff must be provided by NYSDOT prior to any approval by the Board. Signoffs will also be required from Sheryl Reed and the emergency service agencies.

Mr. Nicholson explained that Creighton-Manning has been reviewing the traffic situation with NYSDOT and it appears that since the left turn lane is in place, approval is imminent.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the application and prepared a number of comments. The proposed project appears to be an unlisted action pursuant to SEQRA, and as such, coordinated review is optional. Involved agencies are expected to include the following: Clifton Park Planning Board - Site Plan Approval; Saratoga County Sewer District – Sewer Connection Permit; Clifton Park Water Authority – Water Connection Permit; Saratoga County Planning Board – Section 239 referral; NYSDOT – Highway Work Permit. The previous traffic study completed for full build-out of the site demonstrated the need for substantial off-site improvements to accommodate the previous planned office complex project. These improvements were deemed to be required after a certain build-out threshold. Because the proposed

development is different than what was previously proposed, the respective findings should be re-evaluated to determine if the development threshold should be modified. The current proposal states that the zoning is B-4A, however, the Town Zoning Map depicts the parcel as being located in the B-3 Neighborhood Business District. Clarification is requested. Due to the proximity to the nearby Harbor House Fish Fry driveway, construction of the proposed right turn out driveway from the proposed site is not recommended. In order to provide effective access management along the Route 9 corridor, the possibility of sharing curb cuts along Route 9 or allowing a future connection to the proposed driveway should be investigated. Access easements to Route 9 over Lot #2 should be reserved in favor of Lot #1. Should an agreement be reached with Harbor House, reciprocal access easements should be provided. It appears that an easement to the Clifton Park Water Authority is required along Route 9 over the proposed 12" water main. It appears that the curb radius at the one way exit lane adjacent to the handicap parking spaces needs to be increased to accommodate emergency vehicle access. "One Way" and "Do Not Enter" signs should be located on the plan to direct vehicles through the site and ATM machines.

Mr. Grasso offered additional comments. Analysis should be made to determine if the proposed site plan is consistent with the previously prepared stormwater management report. In addition, a supplement to the stormwater management report should be provided to see if modifications are necessary to comply with the new "Phase 2" stormwater regulations. Construction of the stormwater management area is required for this project. Ownership and maintenance responsibilities should be specified. A drainage easement over Lot #2 in favor of Lot #1 should be provided over the stormwater management area. The proposed method of water supply, fire protection, and sanitary sewer service should be shown on the plans. Clarification should be provided if public water supply and/or sanitary sewer systems are proposed. If this is the case, NYSDOH and/or NYSDEC review and approval is required. In addition, the plans should be submitted to the Clifton Park Water Authority, the Saratoga County Sewer District, and NYSDOT for review and comment. Copies of correspondence from these agencies should be provided to the Town.

Mr. O'Brien, Environmental Specialist, read the recommendations from the ECC that concerned the subdivision application. It is recommended that a stormwater management plan be designed for the entire un-subdivided parcel. Mr. O'Brien then read the comments applicable to the site plan application for Capital Communications Credit Union. As proposed, the ECC believes that the paved area seems excessive. Members recommend that the applicant explore different designs to tighten up driving areas and parking to reduce impermeable surfaces.

Mr. Nicholson introduced Chuck Billings, architect, who provided development details. He noted that site improvements would include the construction of an 8,000 SF credit union building, 32 parking spaces, and appropriate landscaping. 50% of the site will be designated as greenspace. The architect explained that the parking would likely be sufficient since a portion of the building will be used as office area.

Mr. Larkin asked if the parcel fell within the designated Empire Zone. Although this subdivided lot was located within the established zone, the remainder of the parcel will retain the designation. Mr. Larkin also suggested that, although Clough, Harbour, and Associates have recommended the elimination of the right turn out of the facility, a combined access with Harbor House restaurant may be acceptable. Representatives for the applicant reported that adjacent property owners were not amenable to a combined drive. Mr. d'Amico commented on the odd configuration of the building. The architect explained that the configuration allows the drive-thru to become "a part of the building." He presented a photograph of the existing credit union building on Century Hill Drive in Latham and he stated that the design appears to work very well. Mr. Karam expressed an interest in the impact of the development of the remaining lands on the traffic flow through the site, particularly at the proposed access. Board members found the proposal generally acceptable.

[2003-075] Kulak Landscaping – Proposed amendment to existing site plan, 1615 NYS Route 146 – Conceptual review.

Mr. Gordon Nicholson, consultant for the applicant, presented this project plan for the Board's consideration. He explained that this application is submitted in response to correspondence dated September 11, 2002 and October 24, 2003 to Mr. Kulak from the Town of Clifton Park that cited violations of the conditions of Planning Board approval that was granted on September 26, 2001. These violations included the failure to install a stormwater management basin, disturbance of wetland vegetation, the placement of the concrete storage bins within the wetland buffer area, and the installation of a driveway with the L-C zone.

In addition to the general site lay-out, pond, and stream corridor, the plan also shows the land conservation zoning district boundary, the existing gravel driveway, both former tree lines and "new" forest boundaries, the approximate location of the existing concrete storage bins with gravel bottom to be relocated outside the L-C zone, the location of seasonal sod storage, and the proposed stormwater management area.

Mr. Kemper offered a number of comments regarding this application. The existing concrete storage bins are correctly shown on the plan; however, the significant clearing and grading that occurred on the site should be illustrated. The stormwater management basin that was part of the approved site plan was never constructed. In addition, the site was to be graded towards the center and to the stormwater management area to prevent runoff into the DEC Classified Stream. Without the basin constructed the untreated runoff has been allowed to run into the stream. The area depicted for the sod storage and the mums has been graded to accommodate the placement of these materials. These areas have been carved out of the LC Zone. Mr. Kulak was notified in September, 2002 by the Environmental Specialist that the uses he proposed would not be allowed within the LC Zone. Don Clemens, Director of Building and Development, submitted a memo dated December 9, 2003 which stated the following "The proposed uses in the LC-Zone will require use variances. Although the property has greatly improved since the Kulak's have been there I must point out that Jason and I have both spoken to Mr. Kulak before he

undertook this work outside of the approved site plan. It was made very clear to Mr. Kulak that he could not intrude into the LC Zone and could not make any changes or additions to the approved site plan without coming back to the Planning Board for review and approval. He elected to proceed on his own in violation of the Town Code.”

Mr. Grasso outlined the comments prepared by Clough, Harbour, and Associates. The proposed project appears to be an unlisted action pursuant to SEQR, and as such, coordinated review is optional. Involved agencies are expected to include the following: Clifton Park Planning Board – Site Plan Approval; Saratoga County Planning Board – Section 239 Referral. The project site is located within the limits of the Western Clifton Park GEIS study area for which there is a moratorium on commercial development proposals that will result in the disturbance of greater than 5,000 square feet. It is unclear if the development proposal exceeds this threshold. According to the Town Zoning Map, the Land Conservation (LC) Zoning District extends westerly across the subject parcel to the lands of Harvey. The exact limits of the LC Zone should be clearly shown on the plan.

Mr. Grasso identified other issues of concern. It appears that removal of five mature trees and other vegetation has occurred within the limits of the LC Zone. It also appears that placement of fill, construction of a gravel driveway and maneuvering area, and placement of a sod stockpile area have occurred within the limits of the LC Zone. It is recommended that all improvements be entirely removed from the LC Zone and that all areas be restored preconstruction conditions. It is also recommended that native species be planted in the buffer zone to mitigate for the loss of vegetation. A stormwater management report should be submitted based upon the site as developed and accounting for future proposed improvements at the site in accordance with the new “Phase 2” stormwater regulations. The location of the proposed seasonal plant storage area in the northwestern portion of the site appears to unnecessarily cross the LC Zone and require the unnecessary removal of vegetation. Consideration should be given to locating the storage area within the limits of areas previously disturbed at the rear of the existing building. Additional design information should be provided for the proposed seasonal plant storage area including existing topography, proposed grading, drainage, erosion control, layout dimensions, fencing, lighting, etc. The Zoning District Boundary should be clearly shown on the plan.

Mr. O’Brien, Environmental Specialist, offered the following comments that were prepared by the ECC. The ECC agrees the storage bins for organic materials and other landscaping materials should be moved out of the LC Zone. According to the plans on file the bins should not have been in the LC Zone in the first place. The applicant should not conduct business activities within the LC Zone. The applicant must cease any further tree cutting and equipment operation in the LC Zone without approval from the ECC and the Town of Clifton Park Building Department. It is noted that the applicant has removed a significant amount of vegetation within the LC Zone deviating from the planned (selective cutting) indicated on the 2001 plan. The applicant should be required to reseed the area with compatible vegetation to exist in perpetuity. The proposed sod farming within the LC Zone is not an acceptable use of the buffer area. Fertilizers and herbicides must not be used in this area. A road or driveway is a permitted use within the LC Zone

in the Town of Clifton Park when no other reasonable means of access is available and the applicant obtains the appropriate environmental permits. The ECC recommends that the applicant explore other locations on the property and, at least, an alternative means of access.

Mr. Bulger expressed his displeasure for the applicant's failure to comply with conditions of Planning Board approval. In response to his question regarding the future intentions of the applicant, Mr. Nicholson stated that he would arrange to meet with Town officials to develop a restoration plan. Mr. d'Amico observed that the site has improved since Mr. Kulak began his landscaping business: he asked that the Board work with the owner to reach a reasonable solution. Mr. Nicholson asked if "seasonal" uses would be permitted with the LC zone. Mr. Kemper explained that the applicant would need a variance for any use other than approved uses. Mr. Russell was concerned with the impacts to the LC zone but asked that the applicant and the Town "meet in the middle." Mr. Larkin expressed concerns regarding the impacts of stormwater run-off, leeching of chemical pesticides and herbicides from cultivated plants, and sedimentation and asked that such impacts to the LC zone be evaluated. He also asked that the applicant provide information regarding the ability of the stormwater management area to handle flows from the site in accordance with new regulations. Though Mr. Bulger agreed that the applicant had improved the site, he was dismayed that the conditions of approval had been ignored and he encouraged a meeting with the applicant to discuss site restoration.

Minutes Approval: November 25, 2003

Mr. Larkin asked that the minutes relative to the Cillis subdivision application be amended to include his comments concerning the conveyance of lands to the Town. Mr. Bulger moved, seconded by Mr. Larkin, to approve the minutes of November 25, 2003 as amended. Ayes: Larkin, Czub, Karam, Russell, Bulger. Noes: None. Abstained: d'Amico.

Discussion Items:

DCG Development PUD – Maxwell Drive Extension

Mr. Nicholson, on behalf of DCG Development, has requested that the applicant be permitted to clear and grade approximately 4.5 acres of land adjoining Wall Street in preparation for site development. Since this PUD has been approved by the Town Board, Board members found it acceptable to permit this work to begin. An appropriate bond amount must be posted by the applicant.

Excelsior Credit Union

Mr. Kemper explained that the Zoning Board of Appeals denied an application submitted by Excelsior Credit Union for placement of a wall sign on the tallest part of the building. The applicant apparently threatens court action.

Copy Shop

Mr. Kemper explained that this business at the intersection of Main Street and NYS Route 146A plans to install a shed on the property. Since the shed will not be visible from the roadways, Board members agreed that its installation was not a significant change to the site and that no formal site plan review would be required. Board members did recommend that the lights at the site be shielded to prevent excessive glare.

Mr. Bulger moved, seconded by Ms. Czub, adjournment of the meeting at 9:45p.m. The motion was unanimously approved. The next meeting of the Planning Board is scheduled for January 13, 2004.

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 #42

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 December 9, 2003, there were:

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

Absent: J. Marzola

Mr. Bulger offered Resolution #42, and Mr. Larkin seconded, and

Whereas, an application has been made to this Board by Jay and Tina Russell for approval of a subdivision entitled Subdivision of the Lands of Jay and Tina Russell consisting of (3) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on December 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 December 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 subdivision plat entitled Subdivision of the Lands of Jay and Tina Russell consisting of (3) lots is hereby granted preliminary and final approval conditioned upon satisfaction the comments offered by Mr. Kemper.

Resolution #42 passed 12/09/03  
Ayes: Larkin, Czub, d'Amico Karam, Bulger  
Noes: None

Steven Bulger,  
Chairman

Resolution #43  
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 December 9, 2003, there were:

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

Absent: J. Marzola

Mr. Bulger offered Resolution #43, and Mr. Russell seconded, and

Whereas, an application has been made to this Board by James Friello for approval of a subdivision entitled Subdivision of the Lands of Friello consisting of (5) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on November 25, 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 December 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 subdivision plat entitled Subdivision of the Lands of Friello consisting of (5) lots is hereby granted preliminary and final approval conditioned upon satisfaction the comments offered by Mr. Kemper and Mr. Grasso.

Resolution #43 passed 12/09/03  
Ayes: Larkin, Czub, d'Amico Karam, Russell, Bulger  
Noes: None

Steven Bulger,  
Chairman