



Planning Board Meeting
March 11, 2008

Those present at the March 11, 2008 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, J. Koval, E. Ophardt, J. Larkin

Those absent were: S. Pace, J. Thorne, T. Werner

Those also present were: K. Maynard, Director of Planning;
J. Romano, Clough, Harbour and Associates;
J. Quinn, Chairman, Environmental Conservation Commission;
P. Pelagalli, Counsel;
T. Brobston, Interim Secretary

Mr. Bulger, Chairman, called the meeting to order at 7:10 p.m.

Mr. Bulger welcomed Eric Ophardt to the Board, noting that Eric has previously served on the Zoning Board of Appeals. He was appointed by the Town Board on February 25, 2008. He works for NYSDOT and has a masters' degree in Planning. He has been involved in the Riverfront project and has served Open Space, Trails & Riverfront as well as the Exit 9 Study Advisory Committees. Mr. Bulger also welcomed Teresa Brobston as the interim Planning Board Secretary. Introduction of the remaining Board and staff followed.

All in attendance stood for recitation of the Pledge of Allegiance.

Public Hearings

[2008-001] **Omnipoint Communications, Inc.-** Proposed co-location on CPWA water tower, 51 Castle Pines Road- Preliminary Public Hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:20 p.m. The Secretary read the public notice as published in the Daily Gazette on March 4, 2008.

Jeff Davis, legal representative for the applicant, reviewed the application. He stated Omnipoint Communications, Inc. is representing the cell carrier T-Mobile on this application. The applicant is requesting co-location on the Clifton Park Water Authority's Knolltop water tower. The co-location is intended to fill in a coverage gap within the area. Mr. Davis referred to propagation maps indicating coverage areas. He stated the current site also houses Nextel and IWO. T-Mobile's proposal will be 131' with equipment inside the base of the tank. Antennas would be painted to match the existing. The proposal is for 6 antennas at the same height of the existing carriers' antennas located on the water tower.

Ms. Maynard explained this project was last seen by the Planning Board at its' January 8, 2008 meeting. Professor Bill Johnson, consultant for the town for the application, is here to share specific findings and recommendations from the report. Noted in his report is that at a base level, the applicant has determined a need for the co-location with the information provided. The Board expressed concern over any noise generated from the future generator for the neighborhood in adjacent Kinns Road Park that would be shared by future co-location. Also discussed was the need to provide for the context of the co-location with current and proposed future sites and how this co-location relates. Additional propagation plots were provided at the meeting and had also been provided to the town's consultant. The Board agreed that the plan was generally acceptable, and would require a public hearing the next time the project was reviewed. Petitions were received from Knolltop residents; copies were included in Board members packet and are attached to the agenda tonight for public viewing.

Ms. Maynard reported that Steve Myers, Director of Building and Development, commented that other sites are not currently leased that are noted in the letter from T-Mobile will require consideration as separate applications.

Clough, Harbour, and Associates nor the ECC provided comment on this application.

Professor Bill Johnson, consultant for the town for the application proposed, explained two reports were issued regarding this site, January 2 and February 11, 2008. From the January report the applicant gave a preliminary overview of the project. He stated the criteria for approving the proposed site is to have the applicant demonstrate need. They also must demonstrate that the site is a reasonable solution to fill the need and then further look to see if reasonable of the alternatives that might be posed to fill the need. The water tower height is less than 131' and propagation plots show coverage gaps. That height would be the height to fill this particular coverage in this area. He explained required minimum height and need has been demonstrated. He reported this proposed wireless service is a part of a much wider network for the carrier. There are several other sites being proposed. Even if the proposed locations are approved there will still be additional gaps shown on the propagation maps. He stated the propagation plots are a conservative estimate of the coverage the carrier would be achieving at least what they propose to accomplish in town and may cover more gaps. The carrier does not want to predict something that's over reaching what the technology can accomplish. Safety factors are built into these propagation plots. They don't believe they will be back in the near future proposing more sites in those areas. Also on January 2 Professor Johnson stated he provided informational reports to the applicant regarding the exposure to radio waves. No cause and effect relationship has been established with the low levels of transmission from a base

station interacting with the human body that would cause any type of measurable problems from a health standpoint. He provided information from recent studies to support this statement.

After opening the floor to public comment, and there being none, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing. The motion was unanimously carried.

Mr. Pelagalli, Counsel for the town, questioned if the FCC has guidelines on acceptable radio frequency emissions from a cell tower.

Professor Johnson stated yes, guidelines are provided and published. The exposure in this instance is only 1-2% to humans, well within the FCC guidelines.

Mr. Koval questioned, in case of power outage, if the generator mentioned is the same generator being used for other antennas on the existing tower.

Mr. Davis stated the approved lease agreement with the Clifton Park Water Authority and T-Mobile stipulates T-Mobile will share generator with future co-location applicant Verizon. The Water Authority, T-Mobile and Verizon, future applicant, would share a generator to be placed as part of Verizon zoning process on the site. The proposed generator will be whisper quiet. Mr. Davis showed the board where it will be located on the site. Battery back-up will be used interim, with 24 hour immediate power, with additional batteries brought to site is necessary.

Mr. Davis indicated on the propagation map the future gap areas and co-location opportunities for existing structures in town. No plans are proposed to come back to the town within the next 2-3 years at this time. Four years ago the applicant proposed 4 sites. 21st Century Park co-location was the first site, recently approved by the town. Knolltop the current proposed application site is the second in the process. The third and fourth sites, in the north and south, are currently in negotiation with the Clifton Park Water Authority. The RF analysis has been provided in the application packet which finds the proposed site in compliance with the FCC.

Mr. Larkin requested explanation of the basis of FCC coverage requirements.

Mr. Davis explained the licensees had a ten year build out timeframe for population coverage. FCC coverage requirements and build out process was explained.

Mr. Bulger suggested the board consider the petition that was presented and look at any last reviews prior to issuing a final approval. The board was in agreement.

Old Business

[2005-011] **Abele Builders** – Proposed (24) lot subdivision, 1562 Crescent Road – Possible determination from preliminary public hearing held on April 24, 2007.

Mr. Ed Abele, applicant, presented his application that has gone through conceptual review by the board. Concerns by the board at that time were taken into consideration.

Meetings were held with Joe Grasso from Clough, Harbour, and Associates, the Highway Superintendent Rick Kukuk and Steve Myers, Building and Development Director to discuss concerns of the board. This project has substantial amount of Federal Wetlands that were considered in the proposed design. They are offering a very low density design that will offer some large privacy lots which will hold a lot of appeal on different levels. Since the last meeting a federal wetlands delineation was done and a jurisdictional determination from ACOE. Issues that were outlined in Clough, Harbours' letter has been considered. The applicant is looking for a preliminary subdivision approval and SEQRA determination. They state an understanding is not ready for final approval because they need to proceed with the permitting associated with the ACOE Wetlands. The applicant would like a concrete feeling for design layout and SEQRA determination from the Planning Board this evening.

Tom Andress, consultant for the applicant, reviewed the application for the new board member. In response to concerns from the board in reference to fencing, the applicant has made a restriction so the residence in some areas can't put up a fence on the property line along the bike path. Some lots will have frontage on Crescent Road with a deed restriction to prevent the existing buffer along the roadway. Wetland disturbances will be included in the bike path construction and will be included in the application to ACOE. As coming through the public road a large wetland area a common drive will be constructed to go behind the wetlands. The houses will be located near the rear of the lot. They have met with the Clifton Park Water Authority. A 16" main will run through the site with easements. Saratoga County Sewer District has been consulted, and low pressure grinder system will be used and connect on Easton Drive. Stormwater and wetlands are main concerns. Grading is being done and utilizing a semi-rural design for the road without wing wedges, and with dry swales based upon DEC standards. Not a lot of catch basin systems. The applicant is trying to disburse the water throughout the whole site and redistribute it back into the wetlands. A lot of the wetlands were created by the property owner by digging ditches years ago to try to channel the water on site.

Ms. Maynard reported that this project was last seen by the board on September 9, 2007 at which time there was discussion related to re-orientation of the lots along Crescent Road and discussion of redevelopment of a trail behind homes along Southbury Drive. The Board also noted the applicant will need to address all drainage and stormwater issues, and would like to see the removal of vegetation limited to the greatest extent possible. The applicant provided the showing of the clearing limits which gives clearer sense of the areas that are being protected and not disturbed as part of the overall subdivision plan. The speaker explained that a jurisdictional Determination has been received from ACOE. The Trails subcommittee recommends a 15' right of way on Crescent Road and that the trail be built based on standards out of the Town's Trails Master Plan. The applicant offered to clean up the trails that border property in Crescent Road Estates. The relevant Park District has been notified. Sheryl Reed, Fire Marshall, noted street name and postal verification needed. Sign off required from CPWA and SCSD.

Joseph Romano explained that Clough, Harbour and Associates' reviewed the subdivision plans of January 26, 2008 and in general the plans lacked sufficient design detail suitable for preliminary determination. Additional information was requested from the applicant and was submitted today, which they will need to review. Major comments dealt with the sanitary sewer connection across Crescent Road and into the adjacent properties and the potential

impact associated with it. He explained concerns with the long term maintenance responsibility of the proposed dry swales. Engineer's Reports for the proposed water and sanitary sewer systems should be provided. Method of stormwater treatment will need to be in complete agreement with Steve Myers.

Mr. Andress stated that since the last submission a topographic survey has been completed and it now shows on the plans direction of water flow. Based upon conversations with Clough, Harbour, and Associates, the applicant is proposing a connection in the southern end of the site for the stormwater. The applicant is trying to eliminate all the disturbance issues. Provided response to each of the concerns and have met with relevant staff on the issues on the plans. After meeting with Clough, Harbour, and Associates and Steve Myers the applicant took the suggestions to minimize some of the proposed fill and catch basins.

Mr. Quinn reported the concerns over the potential for excessive vegetation removal be detailed and, noted that it appears the applicant has addressed that. Although the project appears to meet each numeric requirement for protection of the Federal Wetlands, the intensity of the development continues to raise concerns to the ECC that the subdivision will not meet the intent of the Town of Clifton Park Comprehensive Plan; for example items of expected maintenance, liability, environmental protection and esthetic issues. The ECC supports the concerns expressed by the ACOE in its letter dated December 12, 2007.

Mr. Koval questioned the plans in terms of limits of clearing.

Mr. Andress showed on the map the grading limits needed and house construction locations. Illustrated plans on maximum grading, with anticipation of less area grading could be needed. The common driveways will be before construction. A buffer will be preserved on some sites. As each individual lot is developed, orange construction fence with signage on each areas of the buffer sites will be in place so the contractor does not go beyond the areas.

Mr. Koval asked how the homeowner will know the protected wetland boundaries after the temporary fence is removed.

Mr. Andress explained there will be a deed restriction. Town policy of 50' minimum buffer from wetlands for those lots will be in place. Also signage could be used to identify those areas. It is the applicants' intent to preserve the maximum extent of trees and vegetation on the parcel.

Mr. Koval suggested the lots have small markers placed to visually let the homeowner know the protected wetland boundaries.

Mr. Bulger suggested not only a deed restriction but also delineation shown on the plans showing the specific restrictions.

Ms. Maynard stated fencing has been used a lot in these cases; selective fencing could be utilized in areas where disturbance could be possible, for example near roadway or adjacent to yards.

Mr. Daniel Hartnett, Southbury Road, expressed concern with water drainage into the adjoining subdivision and questioned the projects impact on the water table in this area.

Mr. Andress explained the applicant is proposing to come down Longwood Drive using the existing easement that the water line will run through and discharge stormwater then into the stormwater system. The water table would not be affected. Within that easement additional storm line will be added for overflow situation for the water to flow into the storm system.

Mr. Hartnett suggested the applicant talk with the park district and see if they want the trails in that area. His concerns are that the homes will not fit into the caricature of the existing neighborhood. He suggested keeping a lot of trees in the front portions of the lots.

Mr. Abele explained housing designs are not refined at this time. Current rules on clearing of trees are much more stringent.

Ms. Maynard offered that she has been in contact with the park district representative but has not heard back yet.

Mr. Abele stated they are willing to work with the park district concerning trails.

Mr. Larkin explained his concerns that Clough, Harbour, and Associates has not been able to go over the current submission of concerns today. He is not comfortable with the outstanding issues and would like to hear Clough, Harbour, and Associates comments after their review.

Mr. Bulger complimented the applicant on the changes. His concern is with the stormwater issue. With the new stormwater laws in affect and the amount of wetlands on the property the board really needs to have an agreement with everyone involved on how these issues will be addressed before moving ahead to preliminary approval.

[2007-054] **Morrisey, Geoff** – Proposed 14, 000 SF industrial space in (2) buildings, 183 Ushers Road – Revised conceptual review.

Mr. Gil VanGuilder, consultant for the application, presented the revised project plan for the Board's consideration, explaining that the property currently has a light industrial building on it. The property is divided between the Town of Clifton Park and the Town of Halfmoon. The majority of the site is in Clifton Park but proposed building is within the Town of Halfmoon. Original proposal was for 14,000 SF of new light industrial space. Due to economic reasons Mr. Morrisey has chosen to reduce the building size to 6,000 SF. He explained the original proposal was for 10,000 SF for office/light industrial in the front of the property and in the rear of the property another 4,000 SF warehouse space. Lansing Engineering has designed an underground storage system that will be in the parking lot area. Parking will be in the front and rear of the building. An existing gravel road connects the front portion of the site to the rear portion. In the rear portion of the site the septic area will be located as well as the stormwater management area.

Because of the vehicle repair nature of the business vehicles needing to be worked on will be in stored in the rear parking lot. The vehicles are delivered to the site, then fitted with the pumps then delivered back to the fire department. Shown on the map is a small stormwater management area associated with parking. It was noted that Lansing Engineering will address Clough, Harbour, and Associates' concerns in a letter during the next submission for preliminary review consideration by the board. The existing gravel roadway will be changed to have an 11/4" low pressure forced main from the building out front to discharge into the septic area in the rear of the property. Mr. Myers's concern with stormwater management in the LC Zone has been addressed with better delineation. Concerns from Mr. Myers about the driveway in the LC Zone were also responded to with the primary note that the driveway is existing and would primarily be formalized through this project. The applicant seeks the Board's agreement to move to preliminary review.

Mr. Bulger questioned where the applicant stands with the Town of Halfmoon on this project.

Mr. VanGuilder explained the applicant has submitted to the Town of Halfmoon engineers with no comments received at this time. The applicant has gone through a review process with them and will continue the coordinated review process between the two towns.

Ms. Maynard stated this project was last seen by the Planning Board on January 8, 2008 at which time the Planning Board found the project much improved. As noted the proposed project now shows a further reduction in square footage of commercial space to a single 6,000 SF building. She reiterated a comment that the town boundary should be clearly depicted on all sheets as well as the LC boundary. Verbally the Planning Department has spoken with the Town of Halfmoon about completing inspections for both towns. The applicant is to keep in mind that the Town of Clifton Park has more stringent stormwater regulations overall. At the last meeting the board had a concern with any potential junkyard use with vehicle storage on the site. Current language in the Town code addresses that concern.-"Any place of storage or deposit outside of a building where two or more uninspected, inoperable or unregistered vehicles no longer intended or in condition for legal use on the public highways are stored". A note regarding the intent that the rear parking lot area not be utilized for this purpose will be added to the plans.

Mr. Romano reported that previous comments from Clough, Harbour and Associates had been addressed. It should be noted if site lighting will be provided. The lighting plan should depict building mounted lights and a note added to the plan if not being used. The erosion and sediment control plan should include inlet protection and temporary measures to protect the wetlands immediately downstream of proposed swale south of the building.

Mr. Quinn reported that the ECC wanted to reiterate that the LC Zone boundaries for both the A and B wetland zone be more clearly delineated on the plan. As it appears this project is within the 100 foot LC Zone bounds for both wetlands not just a single wetland area. In January the ECC encouraged the Planning Board to work with the Town of Halfmoon to protect the LC Zone in the Town of Halfmoon noting that Clifton Park's stormwater management regulations were more stringent. Additionally the ECC recommends adherence to the wetlands constraints as it is vital to any credible proposed design.

Mr. VanGuilder explained that's why the underground storage is being considered now because of the wetlands constraints to make it more environmentally acceptable.

Mr. Larkin questioned the reason Mr. Lansing has not commented on Clough, Harbour & Associates concerns.

Mr. VanGuilder explained because of the recent cancellation of the Planning Board meeting on February 12, Mr. Lansing didn't have time to resubmit the comments in order to give Clough, Harbour, & Associates time to review before this meeting. He explained that most of the comments are preliminary in nature rather than conceptual and the applicant is planning on making a full preliminary submission. Tonight is for conceptual review. The Planning Board found the project generally acceptable and asked the applicant to provide responses to remaining concerns in preliminary submission.

[2007-056] **Residence Inn by Marriott** – Proposed 78,785 SF hotel and restaurant, 1740 Route 9 – Revised conceptual review.

Mr. Troy Wojacowski, consultant for the applicant, explained this project was last before the board on January 8, 2008 at which time there were numerous concerns noted to address by the Board. He stated the ZBA issued the required variance for the lot width for the building. He presented the revised project plan for the Board's review. The plan continues to call for a 5,200 SF restaurant and the construction of a 96-unit hotel on the parcel. In response to comments issued during January's meeting, the plan now proposes a more integrated site plan of the two uses on the site especially a revised parking layout. It is the applicant's view that with these revisions it allows more property for screening and maintaining existing vegetation with the view from the Northway. The concern of the fifty foot buffer for the adjacent area to the stream on the southern portion of the property has now been provided for most of entire length of stream. Stormwater management area will be relocated in the rear and below the parking lot. A traffic study was requested is currently being completed and will be ready for preliminary review.

Ms. Maynard explained that this project was last seen on January 8, 2008 with concerns noted by Board members including impacts to the adjoining stream corridor, reasonable pedestrian connections within site and to adjoining sites, adequate stormwater management, mitigation of visual impacts to the Northway corridor, location of dumpster, and establishment of a cross access easement with property to the north. The current proposed site plan does show improvements overall. Improved pedestrian connections are now illustrated on the plans. With future submission, more specific provisions for pedestrian connections on site between hotel and restaurant uses should be shown provided, including stop bars connection across parking lot through landscaped medians, stop signs. Pedestrian connection from the site to the south along Route 9 to Holiday Inn Express is now provided. Continue to strongly recommend connection to the north to Parkwood Plaza given the future extended stay use of the site and providing access to a logical destination for services at Parkwood Plaza. The idea is this provides services without the need to get into a car to access the services in the area. The speaker recommended the applicant facilitate a meeting with DOT to talk about pedestrian connection as well as access

onto Route 9. Ms. Maynard stated a photo simulation should be completed to provide visual comparison from the Northway. More landscaping on the site is recommended. Colored rendering should be provided with future submission. Sign-off will be required by CPWA and SCSD. Ms. Maynard provided Mr. Myers comments that he did note the width variance was approved. Stormwater is to be reviewed when provided. The design has changed to subsurface retention. The applicant is urged to consider alternatives to normal practices such as bio-retention due to the uniqueness of the site such as the bordering stream and the significant increase in runoff that will occur from this project. Mr. Myers recommends a follow up meeting take place with himself, Ms. Maynard and Clough, Harbour & Associates to look at practical application of how this will look on the site. Ms. Maynard provided comments from Sheryl Reed, Fire Marshal, about looking for adequate access around the hotel for emergency services; specify "No Parking" fire lanes at both access lanes to rear of hotel and at main entry. A follow up meeting is recommended.

Mr. Romano provided the following comments provided by Clough, Harbour, and Associates. In general the revised conceptual plan appears to address previous concerns regarding the buffer from the existing stream, integrated parking between the two uses and a pedestrian connection to the south. He explained as the application moves toward preliminary review, several items will need to be addressed such as the traffic impact study and concerns with the buffer from the Northway corridor. Soil investigation results including documentation of groundwater levels should be provided. A commitment letter for service and an engineer's report for the proposed connection to the municipal sanitary sewer system should be provided.

Mr. Quinn stated the ECC reiterates the recommendation that a 50 foot buffer be maintained between the project site and the edge of the wetlands adjacent to the stream to the south. The ECC requests that the applicant more clearly identify what is being considered as Jurisdictional and Non-Jurisdictional Wetlands. The area used to calculate percentage of greenspace should be clearly shown.

Mr. Koval suggested sidewalks going north and south to move the pedestrians' safety to other services in the area. He requested keeping the impervious areas down to a minimum. The applicant is proposing more parking than is required.

Mr. Wojacowski explained the parking is consistent with the tenant requirements.

Mr. Bulger commented that the Boards experience with other restaurant parking requirement requests is usually accurate.

Mr. Ophardt suggested a sidewalk from the entrance to the building along the north side of the driveway out towards Route 9.

Mr. Wojacowski stated the applicant will take the suggestion into consideration.

Mr. Bulger stated at the workshop it was suggested to increase the area of the 50' buffer with additional landscaping provided. He requested the photo simulation providing visual details

from the Northway include the proposed site as well as the adjacent Holiday Inn Express for the Planning Board's consideration of impact along the Northway.

The Board unanimously agreed with the concept by the applicant, and to move the project forward to the preliminary review stage.

[2007-061] **Independent Towers, LLC** – Proposed 120' high telecommunications tower, 753 Grooms Road – Preliminary site plan review.

Ms. Jacqui Murray, consultant for the applicant, stated this application was last seen by the Board on December 11, 2007. Following staff recommendation to consider relocating to a similar site on the parcel, on January 23, 2008 the applicant flew blimps at the shifted location which is northwest of the original proposal. Planning Department staff and Dick Comi, the Town's consultant attended the test. In addition, a crane test was also completed in February with full notice to the public to provide a visual sense of perceived impact the proposed project could have on the surrounding area. A revised site plan has been submitted showing the new site of the facility. Engineers were sent out to review where the facility would be visible from and in terms of visibility and provided a view point locator map as well as photo simulations. Their were eight viewpoints visualized because of potential visibility and at this time all eight viewpoints have been evaluated and only three viewpoints were rendered with the balance of the viewpoints not showing the facility. The proposed relocation is beneficial from a viewpoint standpoint. The applicant responded to comments to Clough, Harbour, and Associates by a letter dated January 24, 2008 as well as the ECC's comments. Notes to plans were added from recommendations. The applicant has submitted proof of 500 foot public notice of the crane test. The applicant has received a no effect letter from the State Historic Preservation Office. The letter however, was based on the original location. Considering the new site is so close to the original proposed site they expect a no effect letter as well from this newly proposed site but still awaiting this. The new letter will be forwarded when received. Engineers also preformed a delineation of the wetlands. The applicant requested DEC to confirm their delineation of the wetlands. DEC stated the agency will not be able to do so until after April 1.

Ms. Maynard offered comments prepared by the Planning Department, stating that this application was last seen December 11, 2007. There was discussion then related to the proposed and alternative locations that could further limit the visibility of the structure. Consultant confirmed that after review, the proposed tower is appropriately justified. Wetlands needed to be delineated and now confirmed for the alternate location behind the stand of trees. 120 feet was the maximum height agreed as necessary to include tower and antenna structure. It was discussed that further co-location applications by other carriers could be considered if the initial tower was approved, but in this case Verizon could not be added to the application at this portion of review. Two balloon tests were completed. The first test the board and staff went out to view and because of wind it was not judged to be an accurate reflection. Planning staff attended the second test provided by a crane, it was confirmed that balloon was visible from Grooms Road and consultant submitted photos from Miller Road area. No visibility from the Grooms Corner area. In terms of current proposed location the applicant should consider land preservation area of trees in front of the tower and on the northeastern portion of the site to ensure limited visibility

of the tower in the future. As noted SHPO correspondence was received and will look for the updated note as well. Confirmation on wetlands from DEC is needed.

Mr. Romano reported that Clough, Harbour, and Associates believe the newly proposed tower location will result in less visibility when viewed from Grooms Road and find that location acceptable. A grading plan should be provided together with clearing limits and erosion and sediment control measures. A note should be added to the plans that there will be no federal wetland impacts associated with the proposed work.

Mr. Quinn reported no comments were issued by the ECC pertaining to this application.

Mr. Bulger explained in accordance with SEQRA provisions, this board will not issue a negative declaration until or unless they receive DEC determination. While written confirmation is preferable, verbal authorization to the staff would also be acceptable.

[2007-058] **Adirondack Dental** – Proposed 1,152 SF addition, 1753 Route 9 – Revised preliminary site plan review and possible determination.

Mr. Gil VanGuilder, consultant for the applicant, explained when this application was last before the board it was in agreement the concept was acceptable. The proposal is an 1,152 SF addition to the rear of an existing dental office. Comments from Clough, Harbour, and Associates have been addressed. A percolation test was done on site for the underground stormwater management storage area. The test was found consistent with the design numbers that were presented originally. The DOT permit for the sewer line from the building will be connected by directional drill underneath Route 9 to an existing Saratoga County sewer line on the other side of the road. This has been submitted to DOT and is currently under review. Meetings have been held with SCSD regarding the design of the line. Reflected on the final plan will be the outside unit. The grinder pump unit will be located outside the building in a structure rather than in the basement of the building. Planting plans were discussed. The amount and size of planting were increased in the front of the building.

Ms. Maynard explained this project was last seen by the Planning Board at its January 8, 2008 meeting at which time there was Board discussion related to the need to provide a floating easement to adjacent properties to the north and the south, additional landscaping along property boundaries, and stormwater management issues. Also noted the spelling of adjacent property owners name is Gniewek. Sign off is required from the CPWA and SCSD.

Ms Maynard reported Mr. Steve Myers, Director of Building and Development, comments concerning the site. Mr. Myers stated the stormwater management practice of using perforated pipes in a crushed stone bed for infiltration is not an accepted practice by NYSDEC and will require a minimum 60-day review by NYSDEC prior to approval. Other more specific qualifications will be forwarded to the applicant. Mr. Myers states planning review may continue at the Planning Board's discretion, but building permits will not be issued until these stormwater issues are resolved.

Mr. Romano, explained Clough, Harbour, & Associates comments. Approval from the NYSDOT and SCSD will be required for the proposed sanitary sewer service crossing Route 9. Based on the perc test memo supplied this evening, the soil conditions are as expected in the design and thus Clough, Harbour, and Associates concerns on this matter are resolved.

Mr. Quinn reiterated ECC comments stating that standard statements of dust control, erosion control and borders be included on the set of plans.

Ms. Ginewek, resident, expressed concern with the proposed parking lot in the rear and cars using their driveway to exit.

Mr. VanGuilder explained large plantings providing screening will be placed along the southeastern portion of the site, providing appropriate screening for neighbors.

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

Mr. Koval moved, seconded by Mr. Ophardt, to grant preliminary and final site plan approval for this application conditioned upon a satisfaction of any outstanding comments offered by the Planning Board and staff. The motion was unanimously carried.

[2007-057] **Lussier Drive Subdivision** – Proposed (18) lot subdivision, Boyack Road – Revised conceptual review.

Mr. Ken Gifford, consultant for the applicant, stated the project has received a variance to provide a cluster layout while under 20 acres. The road will remain the same as originally proposed. The lots have been pulled in closer to make the cluster design. The design proposed the lots will vary in size from ¼ acre to 1.87 acres. Open space on site will remain in private ownership, but be protected through deed restriction. The applicant is waiting for DEC's letter of jurisdictional decision. The design will allow the water flow into a retention basin on northern portion of site closer to Archer Drive. The applicant feels the retaining wall designs are an intricate part of the cluster design. The front yards will be from 15' to 50' depending on location of the lot. The design is to make the houses tight to the street invoking a community aspect. Detailed grading plans will be submitted for review. Cut sheets will be submitted for the retaining walls. The walls will have sufficient drainage at the bottom and constructed from uni-block. Creighton Manning will be retained to study and provide appropriate addressing of noted site distance concerns.

John Belyea, additional consultant for the applicant, stated a meeting was held with Clough, Harbour, & Associates to address stormwater issues. They feel they will be grading the site properly for the stormwater concerns. The site is readily drained by the soil. Geological testing will be done on the soil as they proceed with the stormwater design. Now with a cluster design, there is room for an infiltration basin in the lower point of the site. A series of inlets will be provided to collect stormwater and to move toward the lower point of the site, also using a "smart box technology". It's the setting of invert elevations of alternate flow pipes out from the

system so as the system stages up, before it goes to the infiltration pond, parts of it are sent to treatment areas. Underground storage will be proposed based on viewing of groundwater table and results from testing. Several infiltration trenches are proposed that can assist in the stormwater treatment aspect of the water quality. Crescent Waste has verbally stated the system has the capacity to accept the anticipated flows. CPWA have been included on discussions of potable water.

Ms. Maynard offered several comments regarding this application that was reviewed by the Planning Board on November 14, 2007. At that time there was much discussion related to the parcel's perceived features and constraints and proposed project in terms of concerns of long term viability of proposed lots- stormwater management, retaining walls and ensuring adequate distance from the protection of steep slopes and wetlands. The Board discussed the concept of clustering and agreed that such a design could provide protection of sensitive environmental features. The project has since received a variance from the required 20 acres for a cluster subdivision. It was discussed that a public hearing would be beneficial as the next step of process when the revised conceptual design was agreed upon by the board. After workshops and further discussions the applicant is showing further clustering on the site. Forever wild area should be re-labeled to propose deed restricted open space. Detailed clearing and grading plans strongly recommended for review and incorporation into any approval of the project. Also discussed was a further trail connection with Archer Drive. Historic Preservation Commission looked at the older structure on the property and noted based on exterior survey and noting that their have been extensive exterior changes to the original shape and exterior finish that they are not concerned in terms of historic value, the same with the outbuildings. In terms of current road layouts, consideration is asked for the overall public roadway approach with concerns of maintenance and plowing. The speaker noted that stormwater practices proposed are still new to the Town, and although encouraging, will require substantial provision of additional information and analysis by town staff.

Ms. Maynard noted Mr. Myers comments. A full SWPPP will be required for this project especially when considering the unique management practices proposed. Seven lots are noted as requiring retaining walls. It is the belief of the Building Department that these lots may not be viable as configured due to the steep slopes. At a minimum, individual grading plans will be required for approval prior to any construction on these lots.

Mr. Romano stated Clough, Harbour, & Associates staff met with the applicant and consultant on March 10, 2008 to discuss concerns raised in previous comment letters and those raised during previous Planning Board meetings. As we stated to the intent of the applicant to discuss the approach to addressing the concerns raised thus far at the March 11, 2008 Planning Board meeting the applicant is requesting to have a public hearing scheduled to allow the opportunity for public comment on the project. The previous conventional subdivision plan adequately demonstrated the development potential of the property with 18 residential lots. Accordingly the applicant is proposing a cluster layout with 18 lots. Assuming other engineering and planning concerns can be addressed as the design progresses they feel the density of 18 lots is appropriate. A schematic grading plan should be prepared that depicts the clearing limits, proposed grades, sloped areas and anticipated maximum heights of the retaining walls. The Planning Board reviewed the minimum front yard setback proposed at 5', it is recommended to

increase this to 15' to allow adequate room for underground electric and gas utilities and provide a minimum area for off-street parking. The minimum side yard setback of 5' and the rear yard setback of 25' appear appropriate. The Multi-use Pathway to Archer Drive is also encouraged, as per comments of Ms. Maynard. The applicant has agreed to conduct a site distance study consistent with that required of other projects in the town. Results of this study will be provided before review prior to the public hearing.

Mr. Quinn explained that ECC reiterates requests to standard statements be added to the plot plan regarding aviation activity in the area. The applicant should reserve and display on the subdivision proposal sufficient right of way to accommodate multi-use trails to interconnect the proposed subdivision with existing and contemplated trail networks. Recommend potentially securing an easement along Boyack Road for a future trail connection along the road. The ECC reiterates our concern that the hydrology of the site be examined to determine whether the proposed project would negatively impact the water table to the north. Pursuant to Section 86-7 of the Town Code, natural drainage channels should be preserved to the greatest extent practicable, and the development appears to impose houses between the wetlands and the area from where significant recharge currently originates. The concern there was two fold, one that the wetlands mitigate start with water and second concern would be that water would be sheet flowing right into the houses on the southern portion of the road before it can be intercepted by the collection basins on the road itself.

Mr. Belyea explained a grading plan will be provided for the area. Foundation drains will be used and tied into the stormwater. Proposing as part of the recharge system are infiltration trenches, slightly upgrading it, depending on the water table and will feed underground. The applicant also is proposing a restriction on residents from building in that 50' buffer behind the houses. Filter strips and swales are proposed to be used as over ground interceptors for any surface runoff that comes toward the wetlands.

Mr. Quinn continued with ECC comments and requested standard statements be added to the plot plan regarding jurisdictional wetlands, undisturbed areas, erosion and fugitive dust control be marked on the plan.

Mr. Larkin suggested rain gardens be considered.

Mr. Belyea explained rain gardens and commented that filter strips are easier to maintain. The applicant will consider the suggestion. Ms. Maynard responded that the town is interested in a test case of the concept and recommended that the Board keep a rain garden in mind for an appropriate application in other projects under review. Most critical will be the appropriate location, and assurance of long term maintenance.

Discussion was held regarding maintenance and proper sites for rain gardens.

The Board recommended that a Public Hearing be held as the next step in the review process for this application.

New Business

[2008-007] **Giles, Keith** – Proposed land transfer, Lots #9 and #11 Silver Maple Drive – Conceptual review.

Mr. Keith Giles, applicant and owner of 9 Silver Maple Drive, presented this application for the Board's consideration. The property is a corner lot. He stated he owns a strip of land behind his residence that was formally a power line row before the land was subdivided. Part of the strip of land goes behind #11 Silver Maple, owner Mr. Gandler. He explained Mr. Gandler would like to buy the piece behind his residence. Basically this is a two lot subdivision on the former power line property. Requesting conceptual review and would like to go to preliminary and final review in the next meeting.

Ms. Maynard explained she met with the applicant at a pre-application meeting to discuss proposed land transfer with the applicant. Formerly a utility Right of way the applicant is looking to ensure adjacent property owner will retain the portion behind his particular parcel. A sample of consolidated deed needs to be provided to the Planning Dept. for review. 500' notices must be sent out prior to next submission.

Neither Clough, Harbour, and Associates nor the ECC provided comment on this application. Board members noted they did not have concerns with the application as proposed as required the applicant to send out legal notices to ensure they could act on application when next before the Board.

[2008-009] **Farrow Subdivision** – Proposed 6 lot subdivision, 747 Plank Road – Conceptual review.

Mr. David Rochelti, consultant for the application, explained the proposed property is approximately 6.5 acres located on Plank Road, just outside of Country Knolls South. The old owner had a petting zoo on the property. The owner, Mr. Elmer Simmons, passed away and the property is now owned by the family's estate trust. The applicant proposes to purchase the property and subdivide it. There used to be a large pond on the property with a dam that had been breached since Mr. Simmons death and the pond is now primarily drained, with a subsequent wetland area still present on the site. The area has not been confirmed by DEC yet. Mr. Simmons mother still lives in the house with a life estate on the property. The applicant will use her property the house sits on as one of the six proposed lots. At the time of her death the lot will be transferred to the proposed applicant. Town water is located on the southwest side of Plank road for each of the proposed lots to hook in to. No public sewer service is available on the site.

Ms. Maynard confirmed the property is not part of the Country Knolls south PUD subdivision and will be in the R-1 Zoning. The wetlands delineation will need to be completed, and noted the presence of wetlands on site could have a noted impact on the proposed project. The closest public sewer connection is at Plank and Woodstream, approximately 200 feet north

from the property line. Confirmation with Sewer Supervisor Michael O'Brien is being sought. With six different lots proposed, access management along Plank Road is a concern. Potential of common driveways to limit access points should be explored. Site location map should be included on plans. Lands to east of creek and wetland noted to remain undisturbed. Proposed deed restricted area should be accurately labeled on plans.

Ms. Maynard reviewed Mr. Myers comments with the Board. If public sewer is available within 100' of the property lines, septic systems will not be allowed. Wetlands, buffers and existing slopes may have a significant impact on development of these parcels. Other existing structures on site are not noted on the subdivision plan.

Mr. Romano reported Clough, Harbour, & Associates reviewed this application. The wetlands boundary should be verified by the ACOE and the NYSDEC. There is concern with the potential addition of six driveways directly onto Plank Road. They recommend the use of common driveways to the greatest extent possible. The sight distance at each of the proposed driveway locations should be verified. To determine the adequacy of the underlying soils to support the proposed septic systems, test pits and percolation tests should be performed within the limits of the proposed systems. A conceptual grading plan depicting the proposed house locations, driveway locations, finished floor elevation, septic system locations should be provided for review. A concern with the grading, house locations and septic system locations for Lots #3, 4, 5 and 6 is noted. The size and location of the existing water main location along Plank Road should be depicted on the plan. The proposed water service location and method of crossing Plank Road to provide a connection should be provided. The plan should indicate the existing house on proposed Lot #4. The limits of the existing vegetation and the proposed limits of disturbance should be depicted on the plan.

Mr. Quinn reported ECC agreed with Ms. Maynard's comments and suggested site location map should be provided on the set of plot plans. Federal wetlands and state wetlands be delineated separately on the plot plan. LC zone and 50' buffer area demarcation lines, where applicable, should be included. It is not clear whether the applicant intends to develop the proposed 6 parcels or sell them for individual development. If residential development of these lots is proposed, it is recommended that the Board ensure that development proposals for these parcels are reviewed holistically to ensure cumulative impacts.

Minutes Approval

Mr. Bulger explained a quorum is not present to consider the Minutes approval from the previous meeting.

Discussion Items

Longkill Properties- Revision to subdivision.

Mr. VanGuilder, consultant, reported the Longkill properties received final approval on a 4 lot proposal over a year ago. They are reconsidering to work with Cain in getting sewer to as many lots as possible but they also need to move ahead with conveying some of the lots. They would like to combine what were lots #89 & 91 into a 3.25 acre lot, leaving it for future development. When Cain moves ahead with their subdivision and supply water and sewer to the area then re-subdivide it, but leaving the 2 lots north of the existing house to go ahead with wells and septic systems. Consideration is requested from the Board for this modification of the previous approval because the number of lots will be reduced and not changing the configuration of the lots leaving in.

Mr. Pelegalli, counsel for the board, suggested consolidation deed.

Mr. VanGuilder explained one of the issues is as a 4 lot proposal because of the previous subdivision of the house it is jurisdictional by the Health Department. They would need to go through Health Department approval for septic systems etc.

Mr. Pelegalli suggested combining them by deed then the Town wouldn't be involved.

Mr. VanGuilder stated he will consult with DOH the proposal of a consolidation deed.

Shenendehowa United Methodist Church-971 Route 146, 576 SF addition to storage building.

Ms. Maynard explained the church is requested an addition to be located to the rear of the existing space, not perceived to be visible from Route 146. No power, bathroom facilities to be located in building.

Board members agreed that formal review by the Planning Board was not necessary and the applicant could instead work directly with the Building Department.

Mr. Bulger moved, seconded by Mr. Larkin, adjournment of the meeting at 10:40p.m. The motion was unanimously carried. The next meeting will be held as scheduled on April 8, 2008

Respectfully submitted,

Teresa J. Brobston
Interim 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, Town Attorney Joel Peller, Town Attorney Lou Renzi, Town Attorney Tom McCarthy, Town Attorney Paul Pelagalli, Department of Parks and Recreation, ECC, Saratoga County Planning Board, Shenendehowa Central School Clifton Park Water Authority, Fire Districts.

NOTICE OF DECISION

Resolution #6

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 March 11, 2008 there were:

Present: S. Bulger, Chairman, J. Koval, E. Ophardt, J. Larkin

Absent: S. Pace, J. Thorne, T. Werner

Mr. Koval offered Resolution #6, and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by Adirondack Dental for approval of a addition to the existing building at 1753 Route 9, and

Whereas, the Planning Board established itself as Lead Agency for this application and a negative declaration was issued pursuant to SEQRE on March 11, 2008;

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

Now, therefore, be it resolved that this application for 1,152 SF addition to the existing building located at 1753 Route 9 be hereby granted preliminary and final approval conditioned upon a satisfaction of any outstanding comments offered by the Planning Board and staff.

Resolution #6 passed 3/11/08

Ayes: Bulger, Koval, Ophardt, Larkin

Noes: None

Steven J. Bulger,
Chairman