



**Planning Board Meeting**  
**May 27, 2008**

Those present at the May 27, 2008 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, J. Koval, J. Larkin, S. Pace  
J. Thorne

Those absent were: E. Ophardt, T. Werner

Those also present were: J. Scavo, Director of Planning;  
J. Grasso, Clough, Harbour and Associates;  
J. Quinn, Chairman, Environmental Conservation  
Commission;  
P. Pelagalli, Counsel;  
J. Dean, Secretary

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m. All in attendance stood for recitation of the Pledge of Allegiance.

**Public Hearings:**

[2007-020] **Cuttita, Christopher** – Proposed land transfer, 424 and 426A, Moe Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on May 22, 2008.

Mr. Steve Lamb, consultant for the applicant, presented this application for the Board's consideration. The applicant proposes the transfer of 3,160 SF of land from his

parcel at 424 Moe Road to adjoining property owner John J. Cuttita. The land to be transferred contains an existing garage constructed by John J. Cuttita. The parcel is located on the west side of Moe Road, south of its intersection with Par Del Rio. Though the lots are both currently served by individual wells and septic systems, the consultant explained that the applicants have agreed to the inclusion of a note on the plans that states that the properties would connect to municipal services should failure occur. The Zoning Board of Appeals approved an area variance on May 20, 2008: Mr. Lamb provided a copy of the Notice of Decision for the Planning Department project file.

Mr. Scavo provided comment prepared by the Planning Department, explaining that the area variance as required was approved by the Zoning Board on May 20, 2008. Mr. Bill Mackesey, Trails Subcommittee of the Open Space of the Trails and Riverfront Committee, provided a memo dated May 27, 2008 that requested that the Board request conveyance of a 15' strip of land along Moe Road for future trail development.

Mr. Grasso offered comments provided by Clough, Harbour, and Associates. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include: Clifton Park Planning Board for subdivision approval; Clifton Park Zoning Board of Appeals – area variances. The project will require an area variance for the proposed front yard setback. An existing garage currently located in the rear yard of one lot is proposed to be transferred into the front yard of a flag lot, the required front yard of which is fifty feet. As such, a variance will be required. The plan appears to show the driveway leading to the rear lot, Land of John J. Cuttita, crossing Lands of Robert J. Cuttita. An ingress/egress easement is required and the Town's standard notes regarding such should be added to the plan. The plan lacks sufficient clarity needed to convey the extent of the proposed action. There is a cross-hatched area on the plan labeled "Garage Area". It is assumed that this is the area to be transferred, though this assumption should be clarified.

Mr. Quinn, Chairman of the Environmental Conservation Commission, reported that the ECC found the project plan acceptable.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:22p.m. The motion was unanimously carried.

Ms. Thorne stated that she found the proposed land transfer acceptable: other Board members concurred. When it was determined that there was an existing sidewalk on the east side of Moe Road, Board members agreed that the conveyance of a 15' strip as requested by Mr. Mackesey was not necessary.

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

Mr. Larkin offered Resolution #11, seconded by Mr. Bulger, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department and Clough, Harbour, and Associates. Ayes: Larkin, Pace, Koval, Thorne, Bulger. Noes: None.

**Old Business:**

The following two applications were reviewed concurrently.

[2007-047] **Latham Construction** – Proposed (2) lot subdivision, Biette Road - Preliminary public hearing and possible determination.

[2007-048] **Latham Construction** – Proposed 14,200 SF Construction, Maintenance, Equipment Repair, and Storage Facility, Biette Road – Preliminary site plan review.

Mr. Bulger, Chairman, called the public hearing to order at 7:25p.m. The Secretary read the public notice as published in the Daily Gazette on May 22, 2008.

Mr. Brien Ragone, consultant for the applicant, presented this application that was reviewed by the Board at its September 25, 2007 and December 11, 2007 meetings. The speaker introduced Mr. Michael Hoffman, owner-applicant, and John Tabner, the applicant's legal representative, who were in attendance at the meeting. Mr. Ragone provided a brief overview of the site plan, explaining that the project site consists of a five (5) acre parcel of land on the east side of Biette Road in a B-4A (Highway Business) zone. He noted that the project plans have been revised: building sizes have been reduced to 6,000 SF and 5,000 SF, respectively. Nine parking spaces will be provided on site. Green space totals 73.6% of the site, significantly more than the 35% green space requirement. Storm water management will be provided: an on-site infiltration basin is proposed. Appropriate berms and plantings are also shown on the plans. Water and sewer utility connections will be made to public services existing within the Turf Mobil Home Park. The Planning Department is in receipt of a letter from Mr. Tabner, the applicant's attorney, stating that Turf Mobil Parks, Inc. agreed to this arrangement. Mr. Ragone noted, however, that the applicant is currently awaiting approval from the Town of Halfmoon for the proposed utility connections. A 6' high wood or vinyl fence will be installed along the rear property line to provide screening between the commercial use and the Turf Mobil Home Park's existing residential use. The proposed 60' emergency access and utility easement to the Town of Clifton Park has been shown on the site plan.

Addressing the issue of the proposed subdivision, Mr. Ragone stated that the applicant requests approval of to subdivide a 9.06 acre parcel into lots of 5 acres and 4.06 acres, respectively.

Mr. Scavo offered comment provided by the Planning Department. He read from a December 18, 2007 letter to Ms. Maynard from Brien Ragone of Environmental Design Partnership which states:

After discussion with our client, they respectfully request that the Planning Board allow occasional use of the Biette Road by large vehicles scheduled for repair. Latham Construction's largest vehicle at this time is a one ton

pick-up truck, so any type of travel to and from the site by an employee will not require the use of large, oversized vehicles and will not be a strain to daily deterioration of Biette Road.

Mr. Scavo requested clarification of this statement, recommending that the applicant place a note on the plans that defines the weight limit for vehicles accessing the site: quantification of the approximate size of "large vehicles" and a clearer definition of "occasional use" referenced in the letter submitted to the Planning Board must be provided. The project plans should indicate whether or not construction materials such as recycled asphalt, clean fill, or concrete are to be "stockpiled" on site.

Mr. Scavo reported that the project has received comments from both Town of Halfmoon and Saratoga County Planning Board. The memorandum from the Town of Halfmoon dated September 21, 2007 requests that the Planning Board consider Article VII, §702(F)(2) of the Town of Halfmoon Town Code that states the following:

Where the side or rear yard of a lot in a Residential District abuts a side or rear yard of a lot in an M-1 (Industrial-Commercial) or C-1 (Commercial) District, there shall be provided along abutting rear or side lot lines in the C-1, LI-C or M-1 district a transitional yard of 100 feet or a transitional yard of 50 feet plus an opaque fence 6' in height or evergreen plantings planted three (3) feet on center and four (4) feet in height. Any such fences, walls or plants shall be maintained in such condition to fully provide the visual screening of business uses from residential uses.

The Saratoga County Planning Board provided the following recommendation following review of the project plan at its September 20, 2007 meeting. The Board requested additional information concerning the access into the adjoining lands, stating that "the information must include any means proposed for controlling access to the park, easements required, and any improvements being made to the roadway."

Mr. Scavo explained that Mr. Myers, Director of Building and Development, provided comments and recommendations regarding this application. Referencing the proposed subdivision plan, Mr. Myers states that it is not clear why the project narrative quotes section 208-50.6 of the town's zoning for a group of establishments since all of the proposed buildings are for the same business. Though he acknowledges that they apparently serve separate functions, it appears that they are related to the same business. He does not believe that §208-50.6 is applicable. He recommends that the Planning Board ensure that there is a binding agreement established to prevent abandonment of the sewer and water services should the property be sold. Converting to a septic system from public sewer will not be allowed.

Mr. Mackesey reported that the Trails Subcommittee had no comment at this time.

Mr. Scavo informed the Board that, although Mr. Werner was unable to attend the Planning Board meeting, he outlined his concerns regarding the Latham Construction site plan in an e-mail dated May 26, 2008. His concerns focused upon "over dimensioned"

vehicles traveling on Biette Road and ingress/egress onto Route 9 at both intersections. Concerns include off tracking along Biette Road, the turning radius to and from Route 9, and possible interference with traffic along Route 9. He asked that the applicant provide the following information: the size of vehicles (length, width, and weight) that will access the site on a daily or weekly basis; the width of Biette Road; a cross section of the Biette Road pavement structure. He stated his agreement with Clough, Harbour, and Associates' recommendation that templates be used to assess all intersections and he commented that there may be a need to require the applicant to conduct a live test run with vehicle under police escort to demonstrate and document safe operation and access to and from the site. Mr. Werner concluded his remarks by recommending that the Board require additional landscaping along the westerly property line to screen the view from both Biette Road and Route 9.

Mr. Grasso offered a number of comments that were provided by Clough, Harbour, and Associates after review of the following plans and documents:

- Drawing entitled, "Minor 2 Lot Subdivision Plan, Proposed Subdivision of Land For Latham Construction, Inc.", dated May 7, 2008.
- Plan set entitled "Proposed Maintenance Storage and Equipment Repair Facility for Latham Construction, Inc.", dated May 7, 2008.
- Report entitled "Storm Water Pollution Prevention Plan for Construction Activities at Proposed Maintenance Storage and Equipment Repair Facility for Latham Construction, Inc", dated May 2008.
- Report entitled "Storm Water Management Report Latham Construction", dated April 2008.

The revised plans appear to address the technical comments included in the December 10, 2007 review letter. Clough, Harbour, and Associates continues to have concerns over the adequacy of Biette Road to handle heavy truck traffic associated with the operation of this facility. Measures to address any pavement deficiencies necessary to support the use should be provided. Turning templates should be run at the proposed intersection with Biette Road and at both intersections of Biette Road and US Route 9. The applicant is proposing to provide water service to this site through a connection to the Town of Halfmoon water system in the adjoining Turf Mobile Home Park. This connection will require the approval of the Town Boards in both Clifton Park and Halfmoon as well as the Town of Halfmoon Water Department. A note should be added to the plans stating that "No outdoor lighting, including building mounted fixtures, shall be permitted except that which is shown on this plan."

Clough, Harbour, and Associates offered the following comments on the Storm Water Pollution Prevention Plan dated May, 2008.

- A notice of intent for GP-0-08-0001 should be completed and included in the SWPPP.
- In the Site Description section, the site latitude N43 degree 52.562 should be corrected to read N42 degree 52.562.
- All report references to slope stabilization measures for slopes steeper than (1V:2H) should be changed to read steeper than (1V:3H) per New York State Standards and Specification for Erosion and Sediment Control.

- The soil disturbing activities sequencing list in Section C under the Site Description section is out of order and should parallel the Sequence of Major Activities list of the report and be consistent with the construction activity sequencing notes on the Erosion and Sediment Control Plan.

The following modifications/additions should be made to the SWPPP to conform to the new requirements of GP-0-08-001:

- Temporary stabilization is required no later than 7 days from the last construction in an area.
- Permanent stabilization is required no later than 7 days from the last construction activity.

Mr. Grasso provided the following comments on the Erosion and Sediment Control Plan dated May 7, 2008. The following modifications/additions should be made to the stabilization, maintenance and inspection notes on the Erosion and Sediment Control Plan to conform to the new requirements of GP-0-08-001.

- Temporary stabilization is required no later than 7 days from the last construction in an area.
- Permanent stabilization is required no later than 7 days from the last construction activity.
- SWPPP inspections are required every seven days. The requirement for inspections following a ½" or greater rainfall has been removed from the permit and should be omitted.
- All note references to slope stabilization measures for slopes steeper than (1V:2H) should be changed to read steeper than (1V:3H) per New York State Standards and Specifications for Erosion and Sediment Control.

The following comments were provided with reference to the Storm Water Management Report dated April, 2008.

- The report water quality volume discussion section should provide sufficient support data and reference source of the method used for the indicated Water Quality Volume (WQv) calculated value. A supportive calculation data sheet should also be included in the Storm Water Management Report.
- Soils should be identified and described by specific Name and Soil Group with a discussion of soil characteristics that include soil type, geographic locations found, slopes, groundwater depth, permeability, water capacity, shrink swell potential, depth to bedrock, etc. A soils map with site boundaries identified on it should also be included in the Storm Water Management Report.
- A site location map should include in the Storm Water Management Report.
- An attached hydrologic Existing Conditions map and Developed Conditions map should included in the Storm Water Management Report. The attached hydrologic maps should display delineated watershed areas with assigned labels listing hydrologic data and storm water structures such as: Time of Concentration paths, Design Outfall points, Drainage

Area, Curve Numbers, and Time of Concentration, storm water basins and swales.

- It appears that the storm water report and model incorporates infiltration basins(s) into the design. As such, test pits and percolation tests should be performed at the location of the storm water management areas to determine the appropriateness of the design infiltration rates and elevation of groundwater. The percolation test should be performed at the bottom of the proposed basin(s).

Mr. Quinn, Environmental Conservation Commission Chairman, provided a number of comments that were prepared by the ECC following review of the project plans submitted, though he prefaced his remarks by stating that, after listening to the consultant's presentation, he believes that a number of the ECC's concerns have been addressed. After review of data presented at our May 20, 2008 meeting, the ECC reiterates 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.
- If hazardous materials will be stored on-site, the Applicant must submit a plan addressing handling and storage and spill response to the Town of Clifton Park before such materials are stored.

Additionally, the ECC has the following recommendations. The ECC is concerned with the possibility of impacts to the environment from releases to the gravel surface by the outside construction equipment storage pad. The ECC is also concerned with the visual impacts to the surrounding residential neighborhood which would result from the storage of large construction equipment on the equipment storage pad. The ECC requests that the applicant clarify design standards and construction expectations for storage and spills of on-site petroleum products.

Mr. Mike Hoffman, applicant, addressed some of the issues of concern raised by members of the professional staff and the ECC. He stated that since he was no longer in the construction business, vehicles entering and exiting the Biette Road site would generally be smaller vehicles such as pick-up trucks: larger vehicles such as tractor trailers would visit the site only eight to twelve times a year. Mr. Hoffman found Mr. Grasso's recommendation that a note be added to the plan that would limit site access to smaller vehicles acceptable. Mr. Hoffman also reported that larger vehicles would be able to access the site through the Turf Mobil Home Park site.

Mr. Dave Flanders, adjoining property owner, offered several comments regarding this application. He first expressed concern regarding the ownership of the

equipment that was to be repaired on site. Mr. Hoffman, owner/applicant, explained that all of the equipment - items related to mowing and snow removal - to be repaired at the site belonged to his company and was used to maintain property that he owned. Mr. Flanders was also concerned about the ability of heavy equipment to access the site since Biette Road is a narrow (two-rod) road that was not constructed for such traffic. He has serious concerns regarding traffic safety since he has observed that, due to the limited width of the roadway, it is difficult for two cars to pass. Mr. Flanders recommended that the plan illustrate the location of the driveway that serves the Appliance Giant store and that the applicant provide additional buffering along the front of the development site.

Mr. Hoffman reported that there will be five (5) employees assigned to the Biette Road site and that hours of operation would be from 7:00a.m. to 3:30p.m. No work is scheduled for weekends or holidays. He explained that vehicles larger than pick-up trucks visit the site only eight to twelve times a year. Such vehicles could be routed through the trailer park that lies directly east of the property. In response to concerns about hazardous material spills on the site, Mr. Hoffman explained that limited use of oil and other chemicals would occur within the repair facility. The applicant agreed to install additional planting materials along Biette Road.

There being no additional public comment, Mr. Bulger moved, seconded by Ms. Thorne, to close the public hearing at 7:40p.m. The motion was unanimously carried.

Mr. Bulger explained that he found the current proposal acceptable: he was, however, concerned with future use of the site, noting that its repair facility and storage building would make it viable for more intense uses. In response to Mr. Larkin's request for clarification regarding road width, Mr. Grasso stated that Biette Road has a 33' wide right-of-way. Though he understood that "semi tractor trailers" accessing the site would be problematic, Mr. Larkin agreed that a note on the plan that limits site access to smaller vehicles would be acceptable. He did recommend that the applicant provide traffic management measures when larger vehicles are scheduled to enter or exit the site via Biette Road. Mr. Grasso remarked that such a condition would be difficult to enforce.

Mr. Scavo recommended that restrictive language regarding the uses of the site be added as a note on the plan: additional site plan review would be required if future owners or lessees proposed expansion of the business. Mr. Bulger directed the applicant and his consultant to work with Mr. Scavo to prepare a reasonable note regarding hours of operation, weight restrictions for trucks using the site, and access for larger vehicles.

In response to Ms. Pace's concerns regarding site access through the Turf Mobil Home Park, Mr. Tabner pointed out that the adjoining properties were under the same ownership. Mr. Flanders' concerns regarding the status of and access to the existing emergency access were satisfied by Mr. Ragone's statement that the emergency access would be maintained, though the gate would be relocated to the rear property line.

[2007-032] **Pickett, Frank J.** – Proposed (6) lot subdivision of the Lands of the Estate of Frank J. Pickett, 136 Vischer Ferry Road – Preliminary review and possible determination from preliminary public hearing held on January 8, 2008.

This application was withdrawn from this evening's agenda at the request of the applicant.

**New Business:**

[2008-027] **Verizon Wireless** – Proposed co-location on Knoll Top Water Tank, 51 Castle Pines Road – Conceptual site plan review.

Mr. Mike Cusack, consultant for the applicant, presented this application for the Board's consideration. He provided a brief overview of the project, noting that the project includes three basic components: a 9' x 35' "base station" within the water tower; the positioning of 12 panel antennas at the 118' level; the construction of an equipment shelter to house an external generator. The speaker explained that the generator is necessary because it is Verizon Wireless's policy to ensure uninterrupted service to its customers. Mr. Cusack stated that the applicant was aware of expressed public concerns and, therefore, proposed installation of a "crystal quiet generator" that operated at the very low level of 65 decibels at 65'. The generator location would be no closer to existing residences than existing equipment shelters and would be fenced and landscaped as required. The equipment shelter would be enclosed by a wooden fence and surrounded by 8' – 10' white pines. The consultant explained that there was a documented "technical need" for the proposed co-location: the company must expand its wireless service capabilities due to increased numbers of wireless devices and users. Though the company has equipment at the Best Western Motel, an existing tower on Waite Road, and at the solar business complex in Halfmoon, need for this additional site has been demonstrated.

Mr. Scavo provided comments prepared by the Planning Department. A Full EAF and Lease Agreement with the Clifton Park Water Authority has been submitted with the application and reviewed by the Planning Department. The proposal should include identification of "coverage gaps" within Clifton Park that will continue to exist after installation of Verizon Wireless equipment at the Knoll Top site. The applicant was asked to submit any plans that the wireless company may have to address future demand for service. The speaker explained that Mr. Bill Johnson, Professor of Engineering Technology at the Rochester Institute of Technology, was retained by the Town of Clifton Park to provide professional assistance and technical review of Verizon Wireless's application. He read the Summary of Findings provided in Mr. Johnson's report:

1. Applicant Verizon Wireless has provided an RF propagation plat for existing coverage that shows an RF coverage gap area in the general area of the proposed co-location site, thereby demonstrating need for the proposed co-location site.

2. The proposed water tank co-location site is the only tall structure in the area and is therefore likely to be the most reasonable approach to filling the existing RF coverage gap.
3. The applicant's documentation does not show the existing and proposed RF coverage throughout the Town. It is recommended that the applicant provide existing and proposed RF coverage plots for the entire Town of Clifton Park to permit assessment of future RF coverage needs.
4. The applicant should inform the Board regarding the need for future sites to fill remaining RF coverage gaps. It is recommended that the applicant discuss the entire proposed network build-out in the jurisdiction since approval of any single site, such as the proposed facility, creates a fixed area of RF coverage to which other neighbor sites must connect.
5. In the absence of the applicant's current plans for future build-out, the applicant should identify the remaining gap areas and estimate how the remaining gap areas or low capacity areas might be addressed including likely location of towers and approximate height at each location.

Mr. Scavo called the Board's attention to a memo prepared by Ms. Jen Viggiani, Open Space Coordinator, which requests correction of inaccuracies she identified in the Full EAF and Visual EAF Addendum presented with this application. Specifically, she asks that the documents clearly reflect the water tower's proximity to publicly-owned open space areas "that are meant to be enjoyed for scenic, natural qualities". The project narrative and description should also reference these environmentally sensitive lands.

Mr. Scavo read a memo provided by Mr. Mackesey, Trails Subcommittee representative, which requests that the applicant "provide clear access to the Kinns Road County Forest to the top of the Knoll Top Ridge." Board members agreed that since this applicant does not own the property, such a condition of approval would be inappropriate. Mr. Scavo, however, will inform the CPWA of this recommendation.

Mr. Grasso stated that although Clough, Harbour, and Associates did not prepare a comment letter, he would recommend that the proposed antennas be painted to blend with the existing panels. The consultant agreed that this would be required. In response to his question regarding the cycling schedule for the generator, Mr. Cusack explained that it would be set to cycle between 10a.m. and 3:00p.m. week days.

Mr. Quinn reported that the ECC found the proposal acceptable.

Mr. Werner, in an e-mail dated May 26, 2008, requested that the applicant provide a rendering that depicts all equipment locations approved to date that are similar to this application.

Mr. Bulger stated that, due to the controversial nature of this project within the Knoll Top subdivision, the Planning Board will conduct a public hearing following submission of preliminary plans.

An audience member, describing himself as a “taxpayer,” requested information regarding the location of the equipment to be installed within the water tank. He was assured that the equipment was not located within the water stored in the tank and that the equipment had no impact on water quality. In response to his question concerning the amount of revenue received by the Town for lease of the space, Mr. Pelagalli informed him that the Clifton Park Water Authority, an entity which is separate and distinct from town government, collects the leasing fees.

Ms. Pace recommended that the applicant ensure that the cycling of the generator occur during daylight hours. Mr. Larkin asked the consultant to expand upon four issues regarding the generator. The first concerned the schedule for the generator’s “cycling”: the consultant reported that cycling is scheduled to occur on a monthly basis, though it may be increased during periods of inclement weather. In response to his question regarding the type of generator to be installed, Mr. Cusack reported that Verizon Wireless would be installing a self-contained diesel generator. When asked if the company had investigated the possibility of using a hydrogen fuel cell or propane, the consultant stated that the company has determined that the hydrogen fuel cells are not as technologically advanced as the company would like and that propane was very similar to the diesel proposed. Mr. Larkin was also concerned with agreements Verizon Wireless has established with other carriers at the site. Mr. Cusack explained that T-Mobil will connect to the generator provided and that Sprint provides a generator to the site on an “as need” basis. Mr. Larkin asked that the applicant size the generator to accommodate all other carriers on the tower and negotiate access to the same. Mr. Cusack agreed that upsizing the generator was feasible and would discuss interconnection with the other carriers. Mr. Bulger pointed out that the lease agreement between the Clifton Park Water Authority and the telecommunications businesses clearly states the responsibilities of those companies leasing space on its property. In response to Ms. Thorne’s question regarding anticipated noise levels, Mr. Cusack stated that noise levels at the site would not increase. Ms. Thorne also asked that the proposed enclosure area be located a distance away from the trails within the Kinns Road Park: the consultant noted that the enclosure would be located a reasonable distance away from the trail location. Mr. Bulger asked that the applicant address Item #5 of the Summary of Findings listed in Mr. Johnson’s report. He also requested that the applicant provide “visuals” of the tower and base area for the Board’s consideration. In general, Board members found the application acceptable.

[2008-025] **Firehouse Road Associates II, LLC** – Amendment to approved 6,800 SF mixed use retail space in two buildings, 5 Northside Drive – Conceptual site plan review.

Mr. Joe Dannible, consultant for the applicant, introduced Mr. Abele, owner-applicant, who was in attendance at the meeting. He then explained that his client would like to amend the site plan as approved by the Planning Board on August 14, 2007. The amendment consists of three changes. Though the Planning Board of the Town of Clifton Park – this Board – conditioned site plan approval on a direct access to US Route 9, the Town of Halfmoon denied the applicant’s request for the approved right-in-right-

out access. The existing emergency access from the site to Route 9 will remain. Since the applicant anticipates that the future tenant for the 2,200 SF space that adjoins Starbuck's will be a restaurant, he has proposed the addition of eight (8) parking spaces to the site. The third change would be the installation of a prefabricated "shed structure" along the western property boundary to provide storage space for a restaurant use in the 2,200 SF retail space.

Mr. Scavo read the following prepared statement: The Town of Clifton Park Planning Department is disappointed in the Town of Halfmoon Planning Board's rejection of the applicant's request for a driveway curb-cut to Route 9. The speaker, however, does not believe that the applicant's inability to provide a full access onto Route 9 affects the intent of the Board's approval. Mr. Scavo noted that Mr. Myers, Director of Building and Development, offered no additional comment on the site plan. He stated that Mr. Mackesey, Trails Subcommittee representative, provided a memo that recommended that the applicant provide a sidewalk that would connect all buildings on the site to each other and to Fire Road.

The comments prepared by Mr. Werner were read into the record. Mr. Werner requested that the applicant provide an updated report on the traffic circulation impacts that will result from elimination of the Route 9 access. This request is made since the new business establishments now proposed include a bank, pizza shop, and coffee shop – all of which can be expected to generate a significant increase in traffic volumes into the site via Fire Road. Impacts may extend to the general development area, including the Route 146-Route 9 and Route 146-Fire Road intersections. He noted that the approved plan included access (right turns in and out only) onto Route 9 which was analyzed and found acceptable by Creighton-Manning Engineers, Clough, Harbour, and Associates, and NYSDOT. Mr. Werner recommends that a meeting be scheduled with the Halfmoon Planning Board to discuss their objections and explore possible resolution(s) that would serve the best interests of both towns as well as the Route 9 and Route 146 traffic corridors. Those involved in such a meeting would include the Town Planning Directors, representatives from NYSDOT, Creighton-Manning Engineers, Clough, Harbour, and Associates, and Planning Board Chairman.

Mr. Scavo reported that Ms. Viggiani, Open Space Coordinator, provided the following recommendation regarding this application. Though it is understood that, at this time, the Town of Halfmoon rejects the improved access to Route 9 to serve the site, the Board may wish to consider the installation of an east-west pedestrian connection along Northside Drive to connect Fire Road and US Route 9.

Mr. Grasso offered the following comments that were prepared by Clough, Harbour, and Associates. The original plan for this project included improvements to the existing emergency access road to provide a direct connection to Route 9. The Town of Halfmoon Planning Board rejected the applicant's request for a driveway curb-cut onto Route 9. The plan has been revised to eliminate the work that would have been required to improve the access drive and make the connection to Route 9. When originally approved, the 4000 square foot building on the south side of the property was designated for use by an 1800 square foot coffee shop and 2200 square feet of general retail. The revised plan notes that the general retail space will be occupied by a pizza shop. Eight

additional parking spaces have been added to accommodate the more intense use. In addition to the required parking, the site plan should include a designated loading/unloading zone for deliveries. The revised plan includes a proposed “shed” along the westerly property line. No details have been provided regarding the use or appearance of this building. Both the shed and the dumpster pad appear to violate the required thirty foot side yard setback.

Mr. Quinn reported that the ECC offered no comment on the proposed amendments to this site plan.

Though Board members expressed their dissatisfaction with the denial of the full access by the Town of Halfmoon, the discussion focused mainly on the proposed changes to the parking areas. Mr. Koval stated his concern regarding the location of the proposed loading area for the Pizza Works restaurant since delivery trucks would block a driving aisle. Ms. Thorne agreed, stating that the proposed delivery area and new parking spaces posed significant safety concerns. She recommended that signage and directional arrows be provided to direct drivers through the site. Ms. Pace expressed her dissatisfaction with the proposed loading area and recommended “dual use” of the parking spaces and loading area along the northern side of the larger building. This recommendation appeared acceptable to the applicant as well as the members of the Board. Concern remained, however, that there would be too many parking spaces on the site and that the ability of drivers to exit parking spaces, particularly in the area where vehicle stacking for drive-thru service was proposed, would be hazardous. Mr. Larkin encouraged the applicant to pursue the Pizza Works lease and recommended that some of the parking spaces along the western property boundary be “slanted” to provide for safer maneuvering through the site. Mr. Bulger stated his disappointment with the decision rendered by the Town of Halfmoon regarding the full access onto Route 9. He directed the applicant to address the concerns raised by Board members regarding proposed parking near the loading area and along the site’s western boundary.

[2008-022] **2044 Route 9 Office Warehouse (Former Galentino, Tom)** – Proposed 27,930 Square Foot office buildings, 2044 Route 9. –Conceptual site plan review.

Mr. Tom Andress, consultant for the applicant, presented this application for the Board’s review. The project site is a 13.9 acre parcel located within the L2 and L-C zoning districts on the west side of US Route 9. Mr. Andress provided a brief history of this project, explaining that when the property was originally purchased in 1987, limited wetlands were identified on the parcel. With a change in NYSDEC and ACOE wetland regulations and adoption of the Town’s L-C zoning, “effectively all the land was ‘taken’.” Since only three acres of upland area remained for development, a variance was granted by the Zoning Board of Appeals in 2001 to permit development within the L-C zone. Subsequently, the Planning Board approved a site plan that proposed construction of an office building and a warehouse served by a single access from US Route 9. The proposal provided for the site to be served by individual wells and septic systems. Project approvals have expired. The current owner-applicant requests re-affirmation of the project approval.

Mr. Scavo offered several comments prepared by the Planning Department. It is recommended that the NYSDEC and the ACOE wetland delineations completed in 1998

should be updated or that letters from these agencies confirming their approval of the boundaries be provided with the preliminary submission. The applicant is requested to provide a site plan that includes the entire property to permit adequate review. A No Parking sign must be installed in front of the cross hatched unloading area adjacent to handicapped parking spaces. Since it is difficult to distinguish the 100' buffer from the wetlands, it is recommended that the erosion control plan sheet show the entire parcel with wetlands and buffer areas clearly outlined. All documentation regarding the NYSDEC Permit #5-4124-00169/00001 for work within the 100' buffer must be provided for review by the Planning Department, Clough, Harbour, and Associates, and the ECC. The applicant is asked to complete a SEQR Long Form to allow for detailed evaluation of the potential negative impacts on wetlands and the stream that traverses the property. A note should be added to the map requiring sewer hookup when it becomes available. Mr. Scavo noted that copies of the minutes from the prior proposals for this site have been provided to the Board members.

Mr. Scavo reported that Mr. Werner provided the following comments regarding this project. The parking bays that are set at various angles within the expansive paved area may generate confusion and vehicle conflicts. The applicant should clarify the purpose of the 4' high chain link fence indicated at the top of the Gabion walls. Mr. Werner would like to know if such installation is a requirement for protection of wetland areas.

Mr. Myers, Director of Building and Development, provided the following comments on this application. The wetland delineation is 10 years old and should be updated. The plans do not show entire property. Per zoning variance #80305, he notes that the building footprints have decreased from 24,000 SF to 18,000 SF; the buildings are in different locations; the Saratoga County Planning Board disapproved this project twice. A full Storm Water Pollution Prevention Plan will be required. Since the septic system is expected to be a fill system, wetland setbacks will be required. Current approvals from NYSDEC and the ACOE will be required. Significantly more information will be required for a proper review.

Ms. Viggiani, Open Space Coordinator, provided the following comments regarding this application, noting that the application does not contain enough information to permit comprehensive and coherent review by the Planning Department or the Planning Board. The applicant should provide a site plan package with all relevant site plans and documents showing any permits or approvals previously received along with the earlier site plans for reference in reviewing this current project. The following items should be included in the submission: a single sheet that shows ONLY existing conditions on the entire 13.9 acre parcel showing; a single sheet that shows the proposed site plan on the entire 13.9 acre parcel; a plan that provides a "close-up" of the area slated for development per the current submission. The applicant should provide all information regarding the variance granted by the Zoning Board of Appeals that allowed for disturbance within the L-C zone.

Mr. Mackesey, Trails Subcommittee representative, recommended that the applicant provide sidewalks to US Route 9 and a 15' wide paved trail along US Route 9.

Mr. Grasso provided the following comments that were prepared by Clough, Harbour, and Associates. The application indicates that although this site plan was previously approved, the time limit on the approval has expired. The plans indicate that "storm revisions" were made to the plan on April 22, 2008. The applicant will need to submit a storm water management plan consistent with NYSDEC's storm water regulations that took effect May 1, 2008. The plan states that permanent, no disturbance easements will be proposed for all wetland areas. Maps and suggested descriptions for these easements should be provided.

Mr. Quinn, Chairman of the Environmental Conservation Commission, read the comments prepared by the ECC into the record. The ECC recommends that no impervious surfaces be allowed any closer than 50 feet to the high water mark of the stream. The ECC requests a copy of the permit application 1997-01290-YN and all ACOE comment/approval letters regarding this site. The ECC is concerned that the proposed development will have significant environmental impacts. The ECC is highly concerned that the proposed development will have significant hydrological impacts; e.g. wetlands, water tables, water levels, drainage patterns, which all would impact the Round Lake Watershed. Mr. Quinn explained that additional information regarding previous submissions and approvals may result in changes to the recommendations provided.

Mr. Bulger stated that the Planning Board will require that wetland verifications and approvals from the appropriate agencies be submitted for review and that storm water management plans comply with all current regulations. Mr. Address must provide more comprehensive plans for review.

[2008-023] **MJ Building Addition** – Proposed 5,150 SF office addition, 1533 Crescent Road. - Conceptual site plan review.

Mr. Brian Osterhout, consultant for Michael Panichelli, applicant, provided a description of the project plan. The project site is located in a B-3 (Neighborhood Business) zone on the northern side of Crescent Road, east of its intersection with Lapp Road. The application calls for construction of a 2,750 SF single-story addition to an existing professional office, 2,400 SF full basement, an additional six (6) parking spaces, modifications to existing water service, new sanitary sewer connection to the Saratoga County Sewer District, and relocation of the access drive from Crescent Road to the adjacent private drive to the west. Since the expansion will involve minor disturbance of delineated wetlands, both the ACOE and NYSCDEC have been notified. A jurisdictional letter has been received from the Army Corps of Engineers and was submitted to Mr. Quinn, Environmental Conservation Commission Chairman, at this meeting.

Mr. Scavo asked that the applicant clarify the number of employees working at the site and the number expected when the proposed addition is completed. He observed that the proposed building expansion provides an opportunity to eliminate an unsafe access to Crescent Road.

Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated May 15, 2008. There are currently several piles of material along the parking lot edges: no permits have been issued for work at the site. Storm water management will definitely have to be addressed due to the proximity of proposed development to delineated wetlands. A full Storm Water Pollution Prevention Plan may not be required. Abandonment of the septic system will be required prior to installation of the additional parking. Deeded access to the private road will be required. Setback variances are required.

Mr. Mackesey, Trails Subcommittee representative, recommended that the applicant provide a sidewalk that would connect to other businesses in the area and to the Crescent Road Trail.

Mr. Scavo reported that Ms. Viggiani, Open Space Coordinator, provided comment on the project plan. The proposed relocation of the entrance driveway from Crescent Road to the Hoffman driveway which is slated to become a public roadway is viewed as a positive improvement for traffic management along Crescent Road. The town should help facilitate and support this adjustment. The Future "Hoffman Road" to the Hoffman PDD should include a sidewalk or path system to the interior of the site. The project narrative should include the number of employees to be employed at this site. The Board should consider appropriate pedestrian connections to area services and businesses to provide for meaningful pedestrian connections and to minimize vehicular trips across Crescent Road. The proposed 5-foot concrete sidewalk to be constructed from the "front parking area" to connect to Crescent Road is a great start. If this remains, it is recommended that pedestrian walking space between parking spaces that would create a visual connection to the sidewalk in front of the building be considered as part of the design plan. An alternative plan might provide a sidewalk connection to the "Hoffman road" so that employees can walk from their workplace on a sidewalk along "Hoffman road" and across Crescent Road to the south side where there are numerous businesses and restaurants.

Mr. Grasso presented a number of comments that were prepared by Clough, Harbour, and Associates. The applicant is proposing to discontinue use of an existing entrance onto Crescent Road and to construct a new entrance on the adjoining private access drive. It is expected that this private access road will ultimately become a new Town road and will provide access to significantly more development. Although Clough, Harbour, and Associates supports the elimination of the access drive onto Crescent Road, in order to allow sufficient room for queuing of vehicles at the intersection it is recommended that the access point be shifted another sixty feet from the intersection. With the proposed addition, the building will contain 9000 square feet of office space, requiring a total of thirty parking spaces. Although there are thirty-nine existing parking spaces, the applicant is proposing an additional six parking spaces for a total of 45 spaces. The engineering firm does not support the construction of parking in excess of Code requirements unless the need can be substantiated. Given the variances sought and potential loss of parking by relocating the access drive as recommended above, justification for the additional parking should be provided. The proposed project appears

to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include: Clifton Park Planning Board – Site Plan Approval; Clifton Park Zoning Board of Appeals – Area Variances. The applicant is proposing to place a shed and a dumpster enclosure within the setback area on the west side of the building. Given the likelihood that this will be along a future Town road, it is recommended that the location be revised to a less conspicuous area of the site. The applicant is proposing to connect a sanitary sewer force main to a grinder pump located on an adjacent property. Connection to a publicly owned sewer system or transportation corporation will be required. A commitment letter from the accepting sewer authority must be provided at the time of application for preliminary approval. A sidewalk is proposed out to Crescent Road. Sidewalks must connect to other existing pedestrian facilities or provide a logical point of termination. Substantially more and improved landscape treatments should be proposed as part of the preliminary site plan application.

Mr. Quinn, Environmental Conservation Commission Chairman, reported that, after review of data presented at the May 20, 2008 meeting, the ECC requests a copy of the ACOE comment/approval letter regarding this site when it becomes available. This letter was provided to Mr. Quinn by the consultant at this evening’s meeting.

Though Mr. Bulger found the proposed driveway location a significant improvement over existing conditions, he asked that the access to the private drive be moved even further to the north. Mr. Osterhout explained that such a modification would result in the loss of four (4) much-needed parking spaces and would impact the existing slope to the rear of the building. Addressing the comments prepared by Clough, Harbour, and Associates, Mr. Osterhout stated that the dumpster and shed will be relocated to a different part of the site, additional plantings will be provided as required, and application will be made to the Zoning Board of Appeals for all required variances. Mr. Grasso noted that the proposed access should be evaluated based upon full build-out of the Hoffman parcel to the north. Mr. Osterhout explained that the applicant has received no response from the owner of the private drive regarding the establishment of an easement that would permit access to the private drive, Mr. Bulger stated that because the relocation of the driveway from Crescent Road to the private drive involves the “health, safety, and welfare” of the general public, the easement from Ms. Hoffman will be a condition of project approval. It was recommended that Mr. Scavo contact Ms. Hoffman to discuss the situation. Board members agreed that the parking on site should be shifted a bit more to the north.

[2008-024] **One Fairchild Square, Inc.** – Proposed 12,400 SF office space, One Fairchild Square - Conceptual site plan review.

Mr. Tom Andress, consultant for the applicant, presented an “overall plan of development” for the Fairchild Square site, though the plan submitted for Board consideration for conceptual review primarily featured a proposed 12,400 SF warehouse and office building. The project will be designed for a company called German Auto Parts.com, a company that has expressed interest in purchasing the building and lot area.

The proposed site will be integrated into the Fairchild Square complex. No access to Ushers Road is proposed. The required 130' setback from the centerline of Ushers Road will be respected. Black-and-white façade renderings of the building were presented for the Board's consideration.

Mr. Scavo provided comment from the Planning Department, requesting information regarding the number of parking spots needed to serve the project adequately. The comment letter prepared by Clough, Harbour, and Associates generally reflects departmental concerns. In response to Mr. Scavo's comment regarding the number of parking spaces proposed, Mr. Andress explained that the applicant anticipates that 13-20 employees will be required to operate the facility. He agreed that "landbanking" of excess spaces appears reasonable.

Mr. Myers, Director of Building and Development provided the following comments regarding this application. The property needs permanent deeded access through other property(s). This parcel fronts on Ushers Road, though no access that road is shown on the plan. The storm water management area is outside of the parcel: such an arrangement is not allowed per NYSDEC. Detailed grading plans and a full Storm Water Pollution Prevention Plan will be required.

Mr. Scavo reported that the Planning Department was in receipt of a letter from Mr. Bartoletti, 13 Huckleberry Lane, which outlined several concerns. Copies of that letter has been distributed to all Planning Board members and provided to ABD. Mr. Bartoletti was in attendance at the meeting and offered comment on the project plan. Stating that the "alley way" proposed for site access in the northwestern portion of the site is "too narrow and curvy" for reasonable access to accommodate tractor trailer maneuverability and two-way traffic, the speaker requested that the consultant address the following issues: the location of the curb cut onto Ushers Road; traffic safety on Ushers Road and through-out the project site; the adequacy of sight distances at the proposed entranceway. Mr. Bartoletti was also concerned with proper buffering of the site from existing residences. In his opinion, existing deciduous trees do not provide adequate screening for residential properties that border the western and southern property boundaries: the applicant should provide a more substantial evergreen buffer. The speaker called the Board's attention to the number of empty professional and warehouse buildings throughout the Town and asked the Board to consider the need for the proposed development.

Mr. Scavo reported that Mr. Mackesey, Trails Subcommittee representative, recommended that buildings throughout the development site are linked with sidewalks and that the entire site is tied to the existing trail network.

Ms. Viggiani, Open Space Coordinator, provided several comments and recommendations regarding this application. It is recommended that the applicant provide a comprehensive plan for the entire site and provide information regarding proposed "phasing" of site development. Design elements should include the complete circulation system and layout for all roads, onsite pedestrian connections, plans for storm water management, and all parking areas. Ms. Viggiani recommended that the applicant

prepare Full EAF for the entire development site to avoid segmenting review and approval of individual projects within an integrated site. Preservation of the woodland character and existing trail along Ushers Road are of prime importance to those residing along the Ushers Road corridor. It is recommended that the plan show the location of the existing trail and its wooded buffer area as well as all existing woodlands on the site. Topographical features should be clearly indicated to provide a basis for identifying potential impacts. The applicant should supply information concerning the number of acres of woodlands to be removed and measures for ensuring that the "sylvan character" of the Ushers Road corridor will be maintained. Ms. Viggiani requested that the Board consider traffic flow through the site. Loading dock locations, maneuvering areas, and access are items to be considered. The applicant should provide justification for the proposed number of parking spaces: "landbanking" of excess spaces should be considered until installation is warranted by future expansion. It is recommended that the following information be included with future submittals: a comprehensive plan for development of the entire Fairchild Square site; identification of owners of adjacent parcels along Ushers Road; a detailed clearing and grading plan; a complete planting and landscaping plan; a storm water management plan.

Mr. Grasso reported that, after review of the project plan, Clough, Harbour, and Associates provided the following comments on the project plan. Given the extent of improvements over multiple properties, confirmation should be provided from the Code Enforcement Officer that the application can proceed as a group of commercial establishments. The respective notes should be added to the plans. The overall master plan for the property should be updated to reflect the current proposal. The proposed access drive on the west side of the site should provide 90 degree tee intersections and eliminate the proposed skewed four-legged intersection. The proposed sidewalk along the primary access road must cross Van Patten Drive to connect to the Town's existing multi-use path. Appropriate crossings and signage will be required. The location of the handicapped accessible parking should be revised to allow room for the "No Parking" sign. Clough, Harbour, and Associates does not support multiple tie-ins to the existing water main along Ushers Road. A new public water main should be looped through the site with hydrants. Justification for the parking in excess of Code requirements should be provided.

Mr. Quinn, Environmental Conservation Commission Chairman, reported that, after review of data presented at the May 20, 2008 meeting, the ECC recommended the following:

Per Section 208-64 A(3) of the Town Code, the proposed project should include a tree inventory to ensure that at least fifty percent (50%) of trees, six inches (6") or more in diameter are preserved. The ECC requests that the Applicant determine whether an original tree inventory was created and, if so, that this project should not result in a significant loss of mature trees.

Ms. Pam Marshall, resident of the Ushers Road area, agreed with Mr. Bartoletti's comments regarding access to the site from Ushers Road, stating that the steep roadway appears unsafe for the delivery trucks which utilize it.

Mr. Bulger commented that there were a number of issues to be addressed before the Board re-considers this application. The items to be addressed include development of a comprehensive site development plan, safe and appropriate access from Ushers Road, reasonable traffic flow through the entire Fairchild Square site, access to all buildings for emergency vehicles, sufficient parking for all proposed uses, substantial buffering for existing residences, preservation of the woodland character along Ushers Road, and pedestrian connections to existing trails and businesses. Board members agreed that the project plan required much more detail before serious review could be undertaken.

**Minutes Approval:**

Mr. Bulger moved, seconded by Ms. Thorne, approval of the minutes of May 13, 2008 as amended. The motion was unanimously carried.

**Discussion Items:**

Mr. Larkin moved, seconded by Ms. Pace, adjournment of the meeting at 10:30p.m. The motion was unanimously carried. The next meeting will be held as scheduled on June 10, 2008.

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, Tom McCarthy, 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.

**NOTICE OF DECISION****Resolution #11****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 May 27, 2008 there were:

Present: S. Bulger, Chairman, J. Koval, J. Larkin, S. Pace,  
J. Thorne,  
Absent: E. Ophardt, T. Werner

Mr. Larkin offered Resolution #11, and Ms. Thorne seconded, and

Whereas, an application has been made to this Board by Christopher Cuttita for approval of a subdivision plat entitled Proposed Lot Line Adjustment between John Cuttita and Christopher Cuttita, 426A Moe Road and 424 Moe Road consisting of the transfer of 3,160 SF of land from the lands of Christopher Cuttita to the Lands of John J. Cuttita;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 27, 2008;

Whereas, the Planning Board established itself as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on May 27, 2008;

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 is waived and that the subdivision plat entitled Proposed Lot Line Adjustment between John Cuttita and Christopher Cuttita, 426A Moe Road and 424 Moe Road consisting of the transfer of 3,160 SF of land from the lands of Christopher Cuttita to the Lands of John J. Cuttita is hereby granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department and Clough, Harbour, and Associates.

**Resolution #11** passed 5/27/08

Ayes: Larkin, Pace, Koval, Thorne, Bulger

Noes: None

Steven J. Bulger,  
Chairman