



Planning Board Meeting
June 10, 2008

Those present at the June 10, 2008 Planning Board meeting were:

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

Those absent were: J. Thorne

Those also present were: J. Scavo, Director of Planning;
J. Grasso, Clough, Harbour and Associates;
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:

[2008-018] **Subdivision of the Lands of Sandra Barillargeon** (formerly Cloverdale Meadows) – Proposed (4) lot subdivision and land transfer, 96 Hubbs 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 June 4, 2008.

Mr. Gil VanGuilder, consultant for the applicant, explained that although the project plan remains generally as presented at the May 13, 2008 meeting, the three proposed residences are now located within the “flag” portion of keyhole lots behind the existing Barillargeon property and abutting properties along Heidi’s Path. The new lots will range in size from 1.53 acres to 2.64 acres: the remaining land area will be 60.15 acres.

Mr. Scavo provided comments from the Planning Department. The Director explained that the landowners are interested in exploring permanent protection of the 60-acre lot. It is proposed that one residence will be permitted on the lot, allowing preservation of the remaining lands for agricultural uses. He noted that the Planning Department is working with the Town Board to potentially apply to the Saratoga County’s Farmland and Open Space Grant Program for funding for the proposed farmland protection. The easement note on Lot #4 should be revised to include an easement for lot three. A draft agreement for the shared access drive should be provided by the applicant to the Planning Board and Mr. Pelagalli for comment. Plans should indicate that Lot #4 will be incorporated into the access drive agreement.

Mr. Scavo reported that Mr. Mackesey, representative of the Trails Subcommittee of the Open Space, Riverfront, and Trails Committee, provided the following recommendation. The subcommittee requests that the Board require that the applicant provide an additional 15’ of right-of-way along Hubbs Road to provide for future roadway improvements and/or a future pathway connection to Longkill Park and, eventually, Burning Bush Park and pool.

Mr. Myers, Director of Building and Development, provided the following comments in a memo dated May 29, 2008. Although the subdivision plan does not show the parcel being subdivided into 3-acre lots, the intent of the code is apparently met. The proposed driveway will need to be a minimum of 20’ wide and support a 75,000 pound vehicle. A turnaround will be required within 100’ of each house. It appears wetland disturbances are being avoided. A Storm Water Pollution Prevention Plan should be provided to ensure protection of the wetlands. Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, reported that approved postal addresses must be added to the plan.

Mr. Scavo reported receipt of a review letter dated June 9, 2008 from Mr. Mark Kazmierczak, Chairman of the Town’s Historic Preservation Commission, that contains several comments regarding this application. In Mr. Scavo’s opinion, the most significant recommendation requests that Planning Board approval of the project be conditioned upon “preservation and renovation” of the existing dwelling. Mr. Scavo believes that such preservation is unwarranted.

Mr. Scavo reported that Ms. Viggiani, Open Space Coordinator provided a number of comments regarding this application. An active, working farmer who is very interested in buying farmland within the Town has approached the Open Space Coordinator and the Town for the purpose of obtaining information regarding the

possible purchase of farm properties. The potentially the large remaining lot of this property may be suitable for his use, though purchase of the property by such an individual is likely possible only if it is permanently protected farmland. Mr. Viggiani explained that should the large lot not be sold ultimately to a farmer, the lot could be considered for a future subdivision. This would be detrimental to the intent of the analysis of this property that was conducted during the Cloverdale Meadows project plan which resulted in the Board's consensus that the preferred development area for the total parcel should be a conservation cluster on the eastern side of the parcel. Such a design would leave the permanently protected western half or more of the parcel with its agricultural and scenic values for the community to enjoy. The Planning Board should be aware of this potential for the cumulative impacts of any repeated subdivision for this total parcel. It is the intent of CR (Conservation Residential) zoning legislation to avoid "segmentation": the amount of the total, useable open space on the entire parcel should be of concern to the Board. Ms. Viggiani comments that the proposed layout conserves a significant area for Lot #4 to be potentially available for farming re-use. Should a farmer actually purchase the largest lot, preservation of the existing barn should be considered. The subdivision plan should indicate "Barn to Be Preserved for Future Agricultural or Other Re-Use." It is recommended that future submissions include an "existing conditions" map to permit adequate project review. The subdivision plat does not show all the existing buildings on the property. The existing farmhouse should be shown on the plans and considered for leaving in place as a 'ready-to-go' house for the possible future use as a farm property, since it would be beneficial to have not only a barn, but also a house to on the property that would provide a more affordable housing option.

Mr. Grasso reported that Clough, Harbour, and Associates provided the following comments. The proposed uses of Lot #4 and the possibility of future subdivision proposals should be discussed with the Planning Board. In order to prevent segmentation and loss of land conservation efforts associated with the planning of the parcel, consideration should be given to limiting future subdivision potential. In accordance with NYSDEC Phase 2 storm water regulations, provisions of storm water management (water quantity and water quality) are only required if more than five acres will be disturbed. Given concerns raised about drainage problems along the eastern side of the project site, if it is expected that development of Lots #1 through #3 will impact greater than one acre, Clough, Harbour, and Associates recommends that a Storm Water Pollution Prevention Plan and a detailed grading plan for each lot be developed at that time of an application for a building permit and these materials are reviewed by the Town Engineer. Disturbance limits for the development of each of the lots should be depicted and quantified on the plans. Test pits and percolation tests should be performed within the limits of the proposed septic areas to determine the adequacy of the underlying soils to accommodate the proposed septic systems. The note regarding the easement located on Lot #4 should be revised to include an easement for Lot #3. The final subdivision plans should include proposed postal addresses.

Mr. Scavo read comments prepared by the ECC. The ECC is concerned that incremental subdivision of larger parcels in the CR zone may result in a cumulative environmental impact that is undesirable. It is recommended that, where possible, incremental subdivision should be assessed with an understanding of the ultimate

development goal for the original parcel. 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.
- Federal Jurisdictional Wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in federal wetlands.
- This parcel (subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, extended hours of operation and other associated activities. A study describing this impact in detail is available for inspection in the offices of the Albany International Airport.

Mr. William Temple, 5 Heidi's Path, recalled Planning Board deliberations that occurred in October, 2007 when concerns focused upon the existing drainage problems along Heidi's Path resulting from run-off from the adjoining Barillargeon property. He asked that the Board require that existing problems be remedied before any approvals for the proposed subdivision are granted. The speaker displayed a map of the parcel that illustrated site topography and drainage flow and he distributed copies of a comment letter dated June 10, 2008 that he had prepared. A copy of this document is attached to these minutes. Mr. Temple provided a brief history of the drainage problems that occur in the area, noting that in 1989 a substantial storm resulted in flooding of properties along Heidi's Path and the roadway as well. To illustrate the on-going problems with water flow, Mr. Temple submitted a letter from former Director of Planning Jason Kemper that acknowledged the problems and offered Town assistance in solving them. This letter, dated January, 2002, was read by Mr. Grasso.

Mr. Temple's immediate concern is contamination of his property and adjoining properties along Heidi's Path by flooding of the individual septic systems proposed to serve the new residences on the Barillargeon property. Mr. Temple provided a set of photographs for Board members' review that illustrated the force of the water through his property and the ponding that occurs on the roadway following significant storm events. He recommended that the Board consider requiring that the proposed homes connect to the existing sewer system in Heidi's Path, that an existing culvert be deepened to direct water flow to an existing pond on the southern side of the property, and that "supersilt" fencing be erected and maintained during construction. Mr. Temple's recommendation was that an easement to the existing sewer system be made through the Lands of Charbonneau at 9 Heidi's Path.

There being no additional public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:55p.m. The motion was unanimously carried.

In response to Mr. Koval's question regarding soil investigations on the site, Mr. VanGuilder explained that although percolation tests have been conducted on the parcel, such tests were not conducted in the locations called for in the current application. Mr. VanGuilder described the drainage issue as a "difficult, on-going" problem that he viewed as the "toughest issue" for the applicant to address since disturbance of the delineated ACOE wetlands would require an "extensive" permitting process and substantial expense. Mr. Larkin provided additional information regarding water flow from the Lands of Barillargeon to the Dutch Meadows subdivision. Mr. Grasso explained that the Cloverdale Meadows subdivision proposal included the installation of a drainage swale to direct flow to a management area and provide for recharge of some of the water run-off. He explained that the applicants and consultants for the pending application must mitigate the problems that it would create: remediation of existing problems would be the responsibility of the town or existing neighbors. He recommended that the applicant provide an easement to the Town to allow for access to the area for maintenance of a drainage corridor. Mr. VanGuilder found this a reasonable recommendation. Mr. Larkin asked that the Board request that the applicant provide a 50' easement along the rear property lines of the existing homes along Heidi's Path. He recommended that the Board condition approval upon the submission of grading plans for each of the properties to ensure that run-off is properly controlled. Explaining that the area has a high water table and that run-off from severe storm events is substantial, particularly during the winter and spring, he stated his concern for the proposed installation of septic systems. He recommended that the applicant consider the construction of a "trench" to the west of the Barillargeon-Dutch Meadow subdivision property boundary or mitigation of disturbance to ACOE wetlands – by creation of "new" wetlands - on another part of the site. Mr. Grasso supported the recommended connection to the public sewer system, noting that the line would have to be a public service extension since it serves more than one property. He would prefer the use of a low-pressure line. In response to Mr. Werner's question regarding the installation of the sewer line across delineated wetlands, Mr. Grasso explained that although there would be minimal disturbance of those wetlands, the impacts would not be viewed as significant. Mr. Larkin suggested that the locations of the proposed wells and septic systems be reversed on the lots to provide greater separation of septic systems from existing residences. Mr. Ophardt stated that although connection to municipal sewer service would alleviate the concerns regarding contamination, he remained concerned about site drainage. In response to his questions regarding run-off, Mr. Grasso explained that a storm water management report would evaluate the water flow from proposed impervious surfaces, not existing run-off that crosses properties. Mr. Bulger supported the establishment of a 50' easement to provide for Town maintenance of drainage corridors, viewing the control of storm water run-off as a "health, safety, and welfare" issue for Town residents. Mr. Larkin agreed, stating that due to these concerns, the Board should take this opportunity to improve an existing problem. Though he argued that the drainage problems have resulted from a "lot of variables over time" and that the Town should now work to solve them, Mr. Koval pointed out that Mr. Heckman apparently

attempted to improve existing conditions. He does not believe that the Board should require the applicant to resolve problems that he did not create. Mr. Pelagalli explained that the Planning Board has no authority to “bind” another Board through its approval process, though it may wish urge the Town Board to work in conjunction with the applicant to adopt and implement recommendations made during the review process to improve drainage problems. Though Mr. Larkin again recommended that the applicant consider protection of another wetland area on the site in place of disturbance of the wetland along the Heidi’s Path properties, Mr. Grasso explained that such an action would likely require at least two years of review by the ACOE. Mr. Bulger did not support Mr. Larkin’s recommendation, explaining that he does not believe it reasonable to ask this applicant to resolve an existing situation. Mr. Bulger directed the applicant to evaluate the possibility of connection to the existing sanitary sewer and to provide a comprehensive storm water management report. Though Mr. Temple asked that the Board require the installation of a trench to the west of his property, Mr. Bulger explained that he did not believe that such an installation should become the responsibility of the applicant. He asked that the applicant clarify plans for the remaining larger parcel. He urged Mr. Scavo to continue to pursue the Town’s proposed Purchase of Development Rights as a means of preserving the valuable agricultural and scenic lands in perpetuity. Board members agreed with Mr. Scavo’s comment regarding preservation of the existing residence, stating that they had no reason to prohibit its demolition.

[2008-019] **Earl, Scott** – Proposed (2) lot subdivision, 43 Ray Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 8:10p.m. The Secretary read the public notice as published in the Daily Gazette on June 4, 2008.

Mr. Gil VanGuilder, consultant for the applicant, presented this project proposal that remains generally as presented at the May 13, 2008 Planning Board meeting. The consultant has provided a Full Environmental Assessment Form as requested. The plat indicates that the ACOE issued a jurisdictional determination on December 13, 2007 and that the NYSDEC wetland boundary was validated on September 26, 2006. The subdivision map includes information regarding soil appraisals and percolation test results. The speaker explained that only Lot #1 of the previously approved four-lot plan has been improved, though a driveway has been installed along common property boundaries. In response to comments issued by Clough, Harbour, and Associates, a note has been added to the plan that states that a grading plan for the proposed residence on Lot #43 will be required. New soil investigations will be conducted and results will be included on the final plan. The note regarding CR (Conservation Residential) open space preservation has been removed from the plat because the applicant intends to seek Town Board approval of a Conservation Easement.

Mr. Scavo provided the following comments that were prepared by the Planning Department. A draft shared access agreement, including maintenance terms, should be submitted for review by the Planning Board and Mr. Pelagalli.

Mr. Myers, Director of Building and Development, provided a memo dated May 29, 2008 that states that the subdivision plan appears to be a “re-subdivision of an existing CR parcel” that appears to meet all code requirements.

Mr. Bill Mackesey, Chairman of the Trails Subcommittee, asked that the Board require conveyance of a 15’ strip of land along Ray Road for future road and/or trail improvements.

Mr. Grasso read the comments prepared by Clough, Harbour, and Associates. The limits of the proposed well and septic system should be depicted on the plan. Additionally the location of the existing septic system for Lot #45 should be depicted on the plan. A note should be added indicating that the driveway for Lot #43A shall be from the common drive and not directly from Ray Road. The subdivision plan should indicate if the ingress/egress and utility easements are existing and to which lots they reference. The limits of Lot #49 should be clarified on the plan. There have been concerns raised of drainage impacts associated with construction of the existing driveway and adjoining residence. Documentation should be provided that construction of the proposed home will not result in drainage impacts and will comply with all local and state storm water regulations. Given that the test pits were performed during the end of the summer when groundwater levels are typically lowest and that four feet of useable soil is required for installation of a conventional septic system, the data should be expanded to confirm that there was no groundwater or mottling to a minimum depth of four feet.

Mr. Scavo reported that Mr. Jim Quinn, Environmental Conservation Commission Chairman, provided that following comments prepared by the Commission. The ECC is concerned that incremental subdivision of larger parcels in the CR Zone may result in a cumulative environmental impact that is undesirable. It is recommended that, where possible, incremental subdivision should be assessed with an understanding of the ultimate development goal for the original parcel. 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.
- Federal Jurisdictional Wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in Federal Wetlands.
- This parcel (subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, extended hours of operation and other associated activities. A study describing this impact in detail is available for inspection in the offices of the Albany International Airport.

There being no public comment, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 8:40p.m. The motion was unanimously carried.

Mr. Larkin requested clarification of the applicant's intention for preservation of open space. Mr. VanGuilder explained that permanently protected open space as defined and required for subdivisions pursuant to CR (Conservation Residential) zoning is highly restrictive. Fences, for example, would not be permitted, although the intent of the legislation is to preserve agricultural lands. Conservation Easements as approved by the Town Board, however, would permit unrestricted agricultural activity on the parcel. Mr. VanGuilder explained that the potential purchaser would like to construct a single-family residence, barn, and machine shop on approximately five (5) acres of the property; the remaining property would be actively farmed. Board members appeared to favor use of the Land Preservation requirement as provided under CR (Conservation Residential) zoning rather than the limited Conservation Easement option. Mr. VanGuilder agreed to place the Land Preservation note on the plan.

Mr. Werner moved, seconded by Mr. Koval, 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 offered Resolution #12, seconded by Mr. Werner, 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: Ophardt, Larkin, Pace, Koval, Werner, Bulger. Noes: None.

Old Business:

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

Ms. Jacqueline Murray, legal representative for the applicant, presented this application for the Board's consideration. Although the Board generally supported this application during its review at the March 11, 2008 meeting, two items remained outstanding. The first was a sign-off from the New York State Office of Parks, Recreation, and Historic Preservation. The sign-off letter from this agency has now been received by the applicant. A copy has been submitted to the Planning Department. A copy of the NYSDEC permit allowing the installation of a telecommunications tower within 100' of a pond has also been provided.

Mr. Scavo has determined that all Planning Board comments have been adequately addressed.

Mr. Grasso reported that Clough, Harbour, and Associates found that all issues of concern have been adequately addressed.

The ECC offered no comment on this project.

In response to Mr. Larkin's question regarding the proposed location of the tower, Ms. Murray stated that the applicant agreed to relocate the tower as recommended in the first comment letter from Clough, Harbour, and Associates. The tower is now screened from Grooms Road by substantial existing vegetation.

Mr. Werner moved, seconded by Ms. Pace, 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. Ophardt moved, seconded by Mr. Koval, to grant preliminary and final site plan approval to this application. The motion was unanimously carried.

[2005-018] **DCG Development Co.** – Proposed 25,600 SF mixed use commercial, Sitterly Road and Crossing Boulevard – Preliminary site plan review and possible determination.

Mr. Joe Dannible, consultant for the applicant, presented this application for the Board's consideration. He distributed copies of off-site traffic improvement designs for review. The speaker described the project plan that includes a 22,000 SF mixed-use retail building and 3,600 SF gas station with five (5) fuel dispensers and a drive-thru lane. 141 parking spaces are provided on site. Access to the site is provided by two curb cuts along the east side of Crossing Boulevard. The access located furthest north on the site will be restricted access: rights-in and rights-out. This access will be used primarily for tractor trailer access. Water connection will be made to the Halfmoon Water system via an off-site water extension along the northern side of Sitterly Road easterly to Cindy Lane. The water extension will be constructed in accordance with all Halfmoon Water district standards. An on-site gravity collection service will provide a number of laterals for sanitary sewer connection to the existing municipal system. Storm water will be managed on site. Greenspace totals 41.3%. A 10' strip of land along the northern side of Sitterly Road will be conveyed to the Town for future roadway improvements. Mr. Dannible explained that the applicant and the Town have been working to improve the level of service at the Sitterly Road – Crossing Boulevard intersection for nearly two years. He described the proposed improvements for the Board's consideration. ACOE approvals and/or permitting for disturbance of wetlands along the northern side of Sitterly Road will be required. Mr. Dannible provided a number of details regarding site grading and development. The speaker believes that the all of the comments and recommendations prepared by Clough, Harbour, and Associates will be addressed.

Mr. Scavo provided Planning Department comments. The plan must show appropriate access aisles and signage for the handicapped spaces. The applicant must also ensure that the curb cut for the access aisle can accommodate the required No

Parking sign. The site statistics table should indicate whether or not the green space calculation includes the permanent storm water management areas. All proposed signage and crosswalks must be included on the plan. The possibility of a sidewalk or trail connection between the Twin Lakes apartment complex and the development site should be evaluated. The consultant should determine if the dumpster placement will impede truck deliveries.

Mr. Scavo read the comments prepared by Mr. Mackesey, Chairman of the Trails Subcommittee. It is recommended that a 15' right-of-way and trail construction be provided "around the corner onto Sitterly Road" and that a crosswalk be provided on Crossing Boulevard.

Mr. Myers, Director of Building and Development, offered the following comments and recommendations regarding this project. A variance approved by the Zoning Board of Appeals pursuant to §208-49 for consideration of the proposal as a "Group of Establishments" for a reduction in lot width along Sitterly Road is required. The roadway behind the commercial building must be widened to allow for emergency vehicle access. The following comments are related to storm water management. Privately owned and maintained systems require a signed agreement with the town to ensure maintenance. The plan is not complete. The following is a list of some of the items missing: inverts at all pipes and structures required; a signed NOI required; no discussion of upstream watershed; soils investigation and locations; wetland hydrographs missing; construction phasing missing; aquatic and safety benches are required at basins; no certifications included. Ms. Reed, Chief of the Bureau of Fire Prevention, requested that the proper fire lane signage be included on the plan.

Ms. Jen Viggiani, Open Space Coordinator, provided a number of comments regarding the proposed site development. The first item addressed regarded grading of the site. She noted that grading should be carefully considered since there are existing steep slopes on the parcel. The applicant should clarify whether or not there will be disturbance of the identified NYSDEC and ACOE wetlands: any approvals from these agencies should be provided. Ms. Viggiani's memo of June 9, 2008 also discusses pedestrian circulation through the site. It appears that two curb cuts onto Crossing Boulevard will be installed. The plan should illustrate how the existing path shown on the plan will be reconstructed. It is recommended that the sidewalk be constructed of concrete and that appropriate ramps be provided at crosswalks. It is recommended that the applicant consider a pedestrian connection to the adjacent Solomon property and Twin Lakes Apartments as a way to support logical, pedestrian travel from the residential area to the retail development. Since the applicant does not own the adjoining property to the east, the Board may wish to consider requesting that the applicant provide a typical, 5-foot wide concrete sidewalk connection to the property line. Ms. Viggiani recommended that "in light of the adjacent large-scale residential complex immediately adjacent and the opportunity to provide a serious alternative to vehicular traffic impacts, the applicant should help mitigate traffic impacts to their proposed site by securing an easement from the owners of the adjacent property, and design and place a continuation of the sidewalk to the curb of Lake View Drive on the adjacent parcel (within the Town

of Halfmoon).” It is also her recommendation that the owners of this project site would be responsible for maintaining said sidewalk connection for its full extent out to Lake View Drive. The design plan should clearly illustrate the method by which the sidewalk on Crossing Boulevard will connect to Sitterly Road. Ms. Viggiani recommended that plantings installed on the site be ones that will be or grow tall enough to help screen the loading docks-service area at the northeast corner of the plaza buildings from adjacent properties. Additional plantings appear warranted along the north side adjacent to the Clifton Park-Halfmoon Emergency Services’ building. Street trees along Sitterly Road will help screen the rear of the proposed service station. Ms. Viggiani asked that median along Sitterly Road adequate for residents across the street to make left turns on Sitterly Road. The author recommended that a full-length “arcade” – a roof over the entire sidewalk length - for the frontage of the storefronts be incorporated into the design. It is her belief that such a cover would not only help to make the plaza more attractive and accessible during inclement weather, but would also provide some shade for the storefronts. Examples of such designs include Village Plaza, Shoppers’ World and Plank Road Plaza.

Mr. Grasso offered a number of comments prepared by Clough, Harbour, and Associates. The site plan indicates that the traffic improvements at the intersection of Sitterly Road and Crossing Boulevard are proposed by the Town of Clifton Park and will be completed by the applicant prior to construction of the proposed site improvements. Detailed design plans of the improvements should be provided for review and coordinated with the proposed site plan. The location of the underground fuel storage tanks have been depicted on the plan. The applicant will need to obtain NYSDEC permits for the construction of underground fuel storage tanks. The design does not appear to incorporate the required spill prevention volume capacity. Should a spill occur while filling the underground tanks, the gas will sheet flow across the pavement directly into the storm water management area. The site plan indicates the northern access drive will be a rights in and rights out. A curbed median restricting left turns should be provided. Additionally, a detailed signage plan should be provided for the access drive. The proposed grading along the rear of the mixed use commercial building should be re-evaluated. It appears the proposed contours do not tie into the correct existing contours. Additionally, the proposed swale should be adequately sized to convey the flow from the curb breaks. The currently proposed grading appears to depict a shallow swale. It is unclear whether the 2” low pressure forcemain along the eastern property line is existing or proposed. If the line is proposed, additional mapping is required to depict the connection to the existing sanitary sewer. Additionally, a limit of clearing line should be established along the forcemain alignment. The current alignment appears to be in conflict with an existing row of spruce and white pine trees located on the adjacent property to the north. It appears the intersection improvements will require the relocation of existing utility poles. The location of the relocated poles should be depicted on the plan. The size of the proposed water services should be depicted on the plan. The location of the proposed sanitary sewer service laterals should be depicted on the plan. Details and a design report for the duplex pump station should be provided. A limit of work should be established for the off-site watermain installation. Details should be provided for pavement restoration, tree protection and maintenance and protection of traffic. A profile of the offsite watermain should be provided for review. It should be verified that and 8”x 8” wet tap of the existing watermain is appropriate. Typically, a wet tap can only be accomplished when connecting a smaller main to a larger size pipe. It is recommended that additional landscaping be provided along the northern property line. The engineering firm also recommends that the existing asphalt sidewalk be repaved and

detectable warnings be provided in accordance with current ADA requirements.

Clough, Harbour, and Associated also offered the following additional comments on the Storm Water Pollution Prevention Plan dated May, 2008. The following modifications/additions should be made to the Storm Water Pollution Prevention Plan to conform to the new requirements of GP-0-08-001:

- Include total site area and total disturbed area along with the total impervious area stated in the Site Description section.
- Soils should be identified and described by specific name and hydrologic soil group with a discussion or list of soil characteristics. The following parameters can be helpful: soil type, geographic locations found, slopes, groundwater depth, permeability, water capacity, shrink swell potential, and depth to bedrock.
- A soils map with site boundaries identified on it should also be included in the SWPPP.
- The soil disturbing activities sequencing list in Sub-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.
- Fill in missing CN data in Sub-section D under the Site Description section.
- All of the SWPPP report references to slope stabilization measures for all “slopes having slope of (1V:2H) or greater” should be changed to read “slopes having a slope of (1V:3H) or greater” per New York State Standards and Specifications for Erosion and Sediment Control.
- In the Sub-section A under the Controls section, add the following statement or a similar equivalent statement:
Topsoil stockpiles, staging areas and disturbed pervious portions of the project area where construction activity temporarily ceases for at least 14 days shall be stabilized with temporary seed and mulch no later than 14 days from the last construction activity in that area.
- Under the Long Term Operation and Maintenance Procedures section, add the following statement or a similar equivalent statement:
Disturbed portions of the project area where construction activities permanently cease shall be stabilized with permanent seed no later than 14 days after the last construction activity.
- Attach a detail sheet that shows the dimensions, material specifications, installation details, and operation and maintenance requirements for all erosion and sediment control practices. Include the location and sizing of any temporary sediment basins and structural practices that will be used to divert flows from exposed soils

The following modifications/additions should be made to the SWPPP NOI GP-0-08-001.

- On page 7 of the GP-0-08-001, the “retaining wall” practice under the Permanent Structural heading needs be selected.
- The site plans has a proposed retaining wall indicated at the NE corner of the site.

Mr. Grasso stated that Clough, Harbour, and Associates offered the following comments on the Erosion and Sediment Control Plan dated May 21, 2008.

- Topsoil stockpiles, staging areas and disturbed pervious portions of the project area where construction activity temporarily ceases for at least 14 days shall be stabilized with temporary seed and mulch no later than 14 days from the last construction activity in that area.
- Disturbed portions of the project area where construction activities permanently cease shall be stabilized with permanent seed no later than 14 days after the last construction activity.
- All note references to slope stabilization measures for slopes having a slope of (1V:2H) or greater should be changed to read slopes having a slope of (1V:3H) or greater per New York State Standards and Specifications for Erosion and Sediment Control.
- According to the GP-0-08-001, Control measure inspections are required only every seven days. The requirement for inspections following a 0.5 inches or greater rainfall has been removed from the permit and this should be omitted from the construction notes on the sheet.

Clough, Harbour, and Associates offered the following comments on the Storm Water Management Report dated April 2008.

- An attached site location map should be included in the Storm Water Management Report.
- Soils should be identified and described by specific name and hydrologic soil group with a discussion or list of soil characteristics.
- An attached soils map with site boundaries identified on it should be included in the Storm Water Management Report.
- An attached hydrologic Existing Conditions map and Post Development map sheet should be 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.
- Attach a details sheet that provides dimensions, material specifications and installation details of the storm water management basins, outlet structures and spillways.
- It appears that the storm water report and model incorporates infiltration (s) into the storm water design and that test pits and percolation tests were performed at various locations onsite including the storm water management areas.
- Based on the discussion in the SMR narrative report, it is not clear to determine the ground water elevations. Provide the backup bore logging and test pit data in the Storm Water Management Report.
- Based on the discussion in the SMR narrative, there could be a concern on the shallowness of the groundwater levels. It is suggested to further investigate the groundwater issue to determine reliable ordinary high

groundwater elevations on the site. The narrative indicates that groundwater separation is approximately 2 feet below the bottom of the proposed basin. Larger or longer wet periods will generate greater groundwater charge and may bring up the groundwater level higher for extended periods of time.

Mr. Grasso explained that Clough, Harbour, and Associates is concerned with the presence of identified isolated wetlands onsite and at the storm water discharge point. This project layout may need to have to meet some wetlands boundary requirements and/or wetlands compensation or the site discharge may need to satisfy the criteria associated with discharging to a sensitive area. The consultant is asked to provide additional information regarding the identified onsite isolated wetlands in the Existing Conditions section of the report.

Mr. Dannible asked Clough, Harbour, and Associates require something other than a raised median at the northern most access: Mr. Grasso agreed to consider an alternative traffic direction device. Mr. Dannible explained that all traffic signage will be installed in accordance with recommendations from Creighton-Manning traffic engineering firm. Mr. Dannible also assured the Board that all storm water management improvements will comply with current NYSDEC regulations.

Mr. Scavo read comments prepared by the ECC. Mr. Quinn, Chairman of the Environmental Conservation Commission, provided the following comments after review of dated presented at its the June 3, 2008 meeting. Due to the proposed storage tanks, the site should be reviewed by a hydrologist to determine if the primary aquifer underlies this property. The ECC recommends that the Town Engineer review the site for pedestrian access opportunities with particular reference to Twin Lakes apartment complex. Additionally, the ECC requested that the following standard statement be added to the site plan:

- Federal Jurisdictional Wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in federal wetlands.

Mr. Werner stated that he believed that this was an “extremely intense” use of this parcel and he asked for the opportunity to review the Creighton-Manning traffic study that was prepared for a previous submission. The speaker was also concerned with the Level of Service at the Sitterly Road – Crossing Boulevard intersection, particularly during peak hour travel times. In response to Mr. Werner’s question concerning a possible access to Sitterly Road with restricted right-in – right-out movements, Mr. Dannible explained that when this alternative was considered, the significant slope and potential impacts to wetland areas made it unfeasible. Mr. Dannible agreed to consider Mr. Werner’s recommendation that a right lane on Crossing Boulevard in the southbound direction be extended farther north, though he reported that the current plan reflects previous agreements with Town officials regarding traffic improvement plans. Board members discussed the coordination of all traffic signals in the area. Mr. Bulger explained that the Exit 9 Study may provide recommendations for improvements to the

Sitterly Road – Woodin Road intersection as well as others in the project area. Mr. Bulger explained that the Town is aware that roadway improvements are necessary: the applicant is contributing to those improvements necessary to ensure safe operation of the proposed business. Mr. Ophardt's comments focused upon the installation of pedestrian connections to other locations in the area. Mr. MacElroy, representative of the applicant, explained that although off-site pedestrian connections were previously considered, disturbance of wetlands was an issue of concern. Mr. Werner identified several design discrepancies in the plan: Mr. Dannible will review and correct inaccuracies. Mr. Ophardt expressed his concern for the property owner to the north of Sitterly Road exiting his driveway. Mr. Koval asked that Mr. Dannible clarify whether or not the storm water management area is to be considered part of the green space on the site. Mr. Dannible explained that since the storm water area is to be graded and seeded, it may be considered as green space. Mr. Dannible explained that, per Clough, Harbour, and Associates' recommendations, the existing sidewalk in the area will be resurfaced and replaced as necessary. Though Mr. Ophardt recommended that the driveway ingress/egress be moved further to the north, aligned with the driveway for the self-storage facility, Mr. Dannible explained that the plan was designed in accordance with Creighton-Manning's recommendations. Mr. Ophardt also recommended the addition of a sidewalk to the north of the site. Mr. Larkin questioned whether or not the applicant retained a 10' connection from the site to Twin Lakes apartment complex upon transfer of ownership of that property. Mr. MacElroy, DCG representative, reported that the applicant did not retain such a link. Mr. Bulger summarized the Board's concerns, noting that traffic safety concerns were paramount. He asked that Mr. Werner and Mr. Ophardt, members with substantial highway design experience, review the traffic reports provided by the applicants and forward comments to the applicant's design consultant and Clough, Harbour, and Associates.

A member of the audience asked that the Board and its consultants carefully consider the ability of gasoline tankers to enter and exit the site at the proposed curb cut. Mr. Bulger stated that this aspect of the plan will be reviewed by professional consultants.

Mr. Dannible requested that the Board grant preliminary approval to the plan to allow clearing and grading of the site to begin. Mr. MacElroy explained that the site development would occur concurrently with traffic improvements along Sitterly Road. Board members again discussed traffic issues, identifying concerns with the proposed intensity of use of the site, proximity to the emergency services' property, and impacts to traffic along the Sitterly Road corridor.

[2007-013] **Farone, Thomas J. & Sons** – Proposed 7,500 SF office use in (2) buildings, Lapp and Crescent Roads – Preliminary site plan review and possible determination.

Mr. Joe Dannible, consultant for the applicant, presented this project plan that received site plan approval by the Planning Board on June 13, 2006. The project plan remains as generally presented during its last review. The plan now includes a pedestrian

connection along the east side of Lapp Road and an easement for future roadway improvements or sidewalk installation along the northern boundary of Crescent Road. The façade elevation presented was one that had received the Board's approval.

Mr. Scavo provided comments regarding the architectural rendering, requesting that the applicant provide brick or simulated stone along building up to the bottom of the widow line: the brick or stone treatment should also be installed under pre-cast columns around the entranceway. Colored façade renderings will be required with each set of final plans.

Mr. Scavo explained that Ms. Viggiani provided a number of comments regarding this application. She noted that although it is commendable that the applicant is willing to install a sidewalk along its Lapp Road frontage, the sidewalk should extend to the edge of Lapp Road at its intersection with Crescent Road since crossing Lapp Road to get to other businesses on the north side of Crescent Road may be important for those employed in the proposed offices. Ms. Viggiani also recommended that striping or some kind of markings be made to connect the two buildings for pedestrians and that a route for pedestrians across the shared parking lot between the two buildings be provided. Curb ramp details and striping from sidewalk end to sidewalk end in front of the two buildings should be included on the plan. The street trees proposed along Lapp Road appear appropriate. It is recommended that additional trees be planted in the northwest corner of the property where the "existing woods to remain where practicable" as it is likely to have some loss of vegetation in that location.

Mr. Scavo read the comments prepared by Mr. Myers, Director of Building and Development. Mr. Myers believes that this application is to be considered as a new submission. Modification to Special Use Permit and further variances may be required. Pursuant to Town Code, parking in front of the buildings is not allowed. A brief review of the Storm Water Pollution Prevention Plan resulted in the following findings: privately owned and maintained systems require a signed agreement with the town to ensure maintenance; a signed NOI is required; issues regarding the upstream watershed must be addressed; information regarding soil investigations must be provided; wetland hydrographs are missing; a construction phasing plan must be submitted; aquatic and safety benches are required at basins; certifications are required.

Mr. Grasso reported that although Clough, Harbour, and Associates determined that all previous comments have been addressed by the applicant, it is recommended that a note be added to the plan stating that the proposed sidewalk connection to Crescent Road be coordinated with the location of the future road crossing.

Mr. Scavo reported that the ECC found this application acceptable.

Mr. Jim Kennedy, adjoining property owner, expressed concerns regarding the "visual aesthetics" of the site since there is a considerable change in elevation from Lapp Road to Easton Drive. In response to his questions, Mr. Dannible explained that the foundation will be exposed at the rear of the building. Plans call for the construction of a 4' to 6' retaining wall topped with 4' to 6' high "earth-colored" vinyl fencing. Mr.

Kennedy explained that he realized that construction of the site would require removal of his existing fence. He asked that it be replaced as currently constructed.

Though Mr. Ophardt observed that the sidewalk appeared to be located on private property, Mr. Dannible explained that the sidewalk is located entirely on Town right-of-way. A 5' wide easement will be provided for the trail's maintenance. Mr. Ophardt also requested that the "interior sidewalk network" provided by the applicant connect to the public sidewalk near or at the intersection of Lapp and Crescent Roads.

Mr. Scavo recommended that the Board "quantify" the number of new trees to be planted on the site. After considerable discussion, the Board agreed that Mr. Koval's recommendation of fifteen (15) trees was reasonable. This number of new trees will be required along the site's western boundary and must be included on the project's landscaping plan. Board members found the façade renderings acceptable: no brick or stone work will be required.

Ms. Pace moved, seconded by Mr. Werner, 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. Koval moved, seconded by Mr. Bulger, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments issued by the Planning Department, the Department of Building and Development, Clough, Harbour, and Associates, the Planning Board, and assurance that this action is in conformance with the previously-issued Special Use Permit. The motion was unanimously carried.

[2008-016] **Grace Chapel** – Proposed 8,544 SF addition to existing building, 996 Main Street – Preliminary site plan review.

Mr. Tom Andress, consultant for the applicant, presented this application for the Board's consideration, explaining that the plan remains as presented at the April 22, 2008 meeting. The project plan calls for a 5,000 SF addition to the rear of the existing church and the construction of a new entranceway. The plan also includes the construction of an outdoor pavilion. The site is currently served by an on-site septic system.

Mr. Scavo offered comments prepared by the Planning Department. There is concern that vehicles will be driving to the pavilion on the grass area from the parking lot creating an undesirable visual impact to the neighborhood: this should not be allowed to occur. Fencing should be installed to prevent such a situation. Mr. Andress agreed to add a note to the plan that would limit parking on the grass.

Mr. Scavo read a letter prepared by Mr. and Mrs. Stephen Tata, 990 Main Street, that asks that the applicant relocate the pavilion further from their property and/or provide a substantial planted buffer to mitigate visual impacts and noise.

Mr. Scavo read comments prepared by Mr. William Mackesey, representative of the Trails Subcommittee. Mr. Mackesey recommends that the Board request conveyance of a 15' strip of land along Main Street for future improvements and that the applicant provide for the paving of a trail connection along Main Street that would become part of the Hubbs Road Trail, providing a "safe connection" to Jonesville and several trails in the area.

Mr. Myers, Director of Building and Development, provided comments regarding this application. He noted that the proposed addition and pavilion will require separate Building Permits. Drywells are not allowed for containment of run-off other than from roofs. Expansion of parking to the front of structure in an R-1 zone should be discouraged. Storm water comments will be provided at a later date.

Mr. Scavo reported that Ms. Viggiani, Open Space Coordinator, provided the following comments regarding this application. It is recommended that the Board consider requiring the installation of a low fence or provide some other means of separating the parking area from the storm water detention area. The applicant should be advised of its on-going role regarding responsibilities for maintenance of the storm water detention area. Ms. Viggiani asked that, as the church grows in its use to its community, it may consider installation of a sidewalk from its site to the Hatlee Road - Main Street intersection to accommodate any parishioners walking to the church. A bike rack for the convenience of its members may also be something for the church to consider.

Mr. Grasso provided comments prepared by Clough, Harbour, and Associates. The plans indicate that a special use permit was granted April 13, 1999. The conditions of the permit should be reviewed to verify the proposed additions comply with the conditions of the permit. The adequacy of the existing water service to serve the proposed addition should be verified. Since the proposed work will disturb an area greater than one acre, a Storm Water Pollution Prevention Plan and Post Construction Storm Water Management Report should be prepared. Although the Engineers Report for Storm Water appears to document that the proposed detention area modifications will have adequate capacity to mitigate peak flows, the report does not discuss Water Quality Volume and how the proposed treatment method is in conformance with the NYS Storm Water Design Manual. A lighting plan should be provided that includes details of the proposed fixtures and location of any proposed building mounted lights. The handicap parking along the west side of the proposed addition does not appear to be adequately signed. The proposed dumpster location should be depicted on the plan. Calculations should be provided documenting the adequacy of the proposed closed storm sewer system to convey the 10 year - 24 hour rainfall event. Based upon the information provided in the Engineers Report for Sanitary Sewers, it appears the existing septic system has adequate capacity to accommodate the proposed addition.

Mr. Quinn, Chairman of the Environmental Conservation Commission, submitted a memo that stating that the ECC found this application acceptable.

In response to Ms. Pace's question regarding lighting of the proposed pavilion, Mr. Andress stated that it was his understanding that no exterior lighting of the facility was proposed. The applicant was asked to provide a detailed lighting plan if applicable.

Mr. Koval asked that the applicant provide additional landscaping for additional screening. Mr. Address agreed that this was reasonable.

Ms. Pace moved, seconded by Mr. Bulger, 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. Ophardt moved, seconded by Mr. Koval, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by the Planning Department and Planning Board. The motion was unanimously carried.

Mr. Address explained that this application and Planning Board action required approval of the expansion of the existing Special Use Permit that was issued in 1999 since the proposed addition was greater than 25% of the building's approved size. Mr. Bulger determined that it would be appropriate for the Board to consider approval of the Special Use Permit.

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

Mr. Werner moved, seconded by Mr. Werner, approval of the Special Use Permit to provide for expansion of the existing permit. Ayes: Ophardt, Larkin, Pace, Koval, Werner, Bulger. Noes: None.

[2007-057] **Lussier Drive Subdivision** – Proposed (17) lot subdivision, Boyack Road – Revised conceptual review.

Mr. Ken Gifford, describing himself as “applicant, developer, and land planner” for this project, presented this application. Mr. Garrasi, Mr. Gifford's partner in development of this project, was also present. Ms. Wendy Cimino, representative from Creighton-Manning Engineers, was in attendance. The speaker explained that he would be presenting three alternative design plans for the Board's consideration. The first plan reflected the initial plan submitted for approval of a cluster subdivision with eighteen (18) lots and an access on to Boyack Road. The second proposal calls for access from Archer Drive. The third requires relocation of the entrance drive to align with Carriage Lane. Mr. Gifford explained that the applicant has considered sight distance issues, traffic safety issues, and mitigation measures for identified impacts. He outlined impacts produced by each of the design plans on the proposed project and surrounding neighborhoods.

Mr. Gifford referenced previous comments and recommendations provided by Clough, Harbour, and Associates. The first alternative presented to the Board called for the development of (18) lots with an access onto Boyack Road, distinctive clearing limit lines to create a substantial buffer area, and a clearly defined storm water retention area. The second alternative proposes access to Archer Drive. This proposal would require the

applicant to reduce the number of lots to fifteen (15). Redevelopment of the existing retention basin that was installed as part of the Fox Hollow subdivision would require significant disturbance of slopes in the area. A “hammerhead” roadway design rather than a cul-de-sac would be installed. The third design would relocate the access roadway to align with Carriage Lane. This plan would entail removal of a substantial number of mature trees and significant grading of the site.

Ms. Wendy Cimino, traffic engineer from Creighton-Manning, discussed the issues reviewed and the recommendations provided in the traffic study prepared by her firm. She explained that sight distance issues were reevaluated after the last meeting. The sight distance at the Carriage Lane intersection is extremely limited. Alignment of the proposed roadway across from Carriage Lane would create a greater problem than the access location originally proposed. The Archer Drive access would be located near the existing Fenimore Drive which would provide an alternate access to Crescent Road. In her opinion, the access as originally proposed would prove the best and safest point to enter Boyack Road if mitigation measures installed as proposed.

Mr. Scavo provided the following comments prepared by the Planning Department. He supported Mr. Myers’ recommendation that the applicant provide a grading plan for each lot. Mr. Scavo reported that, after the last meeting, the problem of speeding on Boyack Road he discussed with the Town Board. Town Board members are aware of the problem and have requested additional road patrols and traffic monitoring devices along the roadway.

Mr. Myers, Director of Building and Development, provided comment regarding this application in a memo dated June 16, 2008. He noted that the subdivision has been reconfigured: access is now proposed from Archer Drive instead of Boyack Road. The existing grade on 9 of the lots may create erosion and sediment control issues rendering the lots “unbuildable”. Individual grading plans will be required. Infiltration basins are now proposed. No overflow structures are shown on the plans and the basins are all on one end of the project resulting in larger areas of run-off. The Storm Water Pollution Prevention Plan should address all the issues.

Mr. Scavo recommended that the applicant receive approval from Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, for the proposed “hammerhead” turn-around provided on the proposed town road.

Mr. Scavo reported that Ms. Viggiani, Open Space Coordinator, provided a number of comments on this application. She recommended that the applicant consider construction of townhomes on the parcel to reduce infrastructure investments and disturb less building area while still providing quality residential living. Ms. Viggiani recommended that the plan indicate the type of wetlands identified on the site and that appropriate setbacks be indicated. Lots # 6 and #7 appear to have no useable backyards: the applicant should indicate on the plans the clearing and disturbance that would be permitted in the buffer areas. The writer expressed concerns regarding the use of retaining walls on several of the lots and asked that the consultant clarify whether or not

these walls will “adequately direct storm water run-off from the hillside.” Run-off from the slopes on Lots #10, 13, 14, and 15 should also be evaluated. Ms. Viggiani offered several comments regarding proposed storm water management on the parcel. She recommended that the applicant consider a reduction in the number of basins provided, re-design of the basins, ownership of management areas, and the impact of basins on property setbacks.

Mr. Scavo reported that the ECC provided the following comments. The applicant should reserve and display on the subdivision proposal sufficient rights-of-way to accommodate multi-use trails to interconnect the proposed subdivision with existing and contemplated trail networks, as defined in the Town Trails Master Plan. Additionally, the ECC reiterated that the following standard statements should be added to the plot plan:

- This parcel (subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, extended hours of operation and other associated activities. A study describing this impact in detail is available for inspection at the office of the Albany International Airport.
- Federal Jurisdictional Wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in Federal Wetlands.
- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

The ECC also recommends that the topography of the site indicates significant seasonal drainage and water retention problems and that the SWPPP should be complete and thorough enough to address these problems. In addition, the ECC notes that the storm water management areas, as proposed, are too close to proposed residences. The plan should be redesigned and be integrated into the natural environmental setting of the site.

Mr. Gifford explained that the applicant has agreed to provide a detailed grading plan for each lot and to submit full structural details of the proposed retaining walls and drainage plans. The applicant will provide either easements or fee simple transfer of land to the Town to provide for maintenance of drainage basins.

Mr. Ophardt stated that he was not in favor of the proposed access onto Boyack Road as initially proposed: he would prefer that the design plan include access onto Archer Drive. He would also prefer the use of common driveways rather than the “hammerhead” turn-around. Mr. Koval noted those who spoke at the public hearing were very concerned about access to Archer Drive. Mr. Bulger explained that the Board

adjourned the public hearing: it will be reconvened at a later date. In response to Mr. Koval's question regarding traveling speeds and sight distance, Ms. Cimino explained that sight distances are determined by actual operating speeds. She stated that if the traveling public respected the posted limit, there would be no sight distance issue at the proposed access location. Mr. Koval suggested that enforcement of the speed limit may be necessary. Mr. Ophardt argued that the proposed flashing signals and warning signals were only effective for a short period of time and that enforcement of the posted speed limit is expensive. Mr. Werner agreed that introducing another point of contact on a roadway that has been determined to be unsafe would not be prudent. He believes that "targeted enforcement" would be wise. Board members discussed alternative access locations, including alignment of the access with Carriage Lane controlled by a four-way stop. Ms. Cimino spoke in support of the access on Boyack Road as originally proposed. Mr. Werner believes that the proposed intersection warning sign would not be sufficient mitigation for what he believes to be a substandard intersection. In response to the applicant's contention that the Board's decision regarding the access location may be "arbitrary and capricious," Mr. Pelagalli explained that as long as there is substantial evidence in the record to support the Board's decision, a court will not "substitute its judgment for the Board's decision." Mr. Larkin supported the access onto Archer Drive. Mr. Koval reiterated his belief that the applicant should not be forced to expend resources because posted speeds are not enforced. Mr. Grasso explained that Clough, Harbour, and Associates' recommendation that access to the subdivision be provided on Archer Drive is based upon ensuring the Board's responsibility to protect the "health, safety, and welfare" of the general public. Mr. Bulger agreed and asked that the Board consider whether or not there is a safety issue on Boyack Road: he did not believe that accident reports support the allegation that there is a safety issue along the road. In order to provide the applicant with direction, Mr. Bulger summarized the Board's position. While several members supported the relocation of the access to Archer Drive, he, personally, supported the Board road access. The applicant was directed to prepare a plan based upon the Archer Drive access.

New Business:

[2008-026] **Route 9 Farmstand/Retail** – Proposed temporary structure, Route 9 and Clifton Park Village Road – Conceptual site plan review.

Mr. Sam Paquin, applicant and owner, presented this application for the Board's review. He explained that he would like to erect a temporary structure capped with a tent-like canopy. He would sell farm produce from the stand. The property is located at the intersection of Clifton Park Village Road and US Route 9 in a B4A zone.

Mr. Scavo provided a brief history of the site, explaining that the owner had obtained the parcel at a foreclosure auction conducted by Saratoga County.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a May 29, 2008 memo to the Planning Department. The project is located within a B4A zone which permits retail businesses. The proposed

canopy does not qualify as a structure, though it does qualify as a canopy under Chapter 24 of the NYSFC and will require a permit. Since the “canopy” does not qualify as a building or structure, setback requirements are not applicable. Setback variances for parking will be required: 30’ required from front lines - only 7’-10’ available as shown. Side parking variances also needed since a 20’ setback is required. Sight distance for southbound Route 9 traffic to Clifton Park Village Road should be considered.

Ms. Reed recommended the installation of No Parking – Fire Lane signs on both sides of Clifton Park Village Road.

Mr. Grasso reported that, after review of the project plan, Clough, Harbour, and Associates prepared the following comments. 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. Because of the site’s small size and unique configuration between two roads, the required building setbacks eliminate any buildable area that would conform to the required setbacks. Given the likelihood that improvements to the intersection of Route 9 and Clifton Park Village Road could involve the project site, consideration should be given to obtaining the project site as public lands and including it within the State’s right-of-way. It is recommended review and comment by NYSDOT be provided. The proposed canopy does not meet the required front, side, and rear setbacks. Area variances will be required. There is a concern that the proposed canopy is located within a potential wetland area. A wetland delineation should be performed and the limits of the wetland should be depicted on the plan. The firm is also concerned that the three parking spaces will not be adequate during peak times of business. Justification for the proposed number of spaces should be provided. A proposed grading plan should be prepared that depicts the limits of disturbance. Clough, Harbour, and Associates is concerned the grading associated with the canopy installation could impact the existing drainage ditch. All proposed signage should be depicted on the site plan. Handicapped parking and signage will be required.

Mr. Werner stated that directional signage for motorists may be required to direct patrons to the parking site and prevent parking along US Route 9. NYSDOT may also require the posting of No Parking signs. Mr. Bulger explained that since the proposal calls for the erection of a “temporary structure,” the Board may wish to consider a time frame for additional review at a later date. Mr. Larkin advised the applicant that no structure or cover could be applied to existing phone equipment easement located on the site and he expressed concern about the intense use of this small site. Mr. Koval expressed his concern for possible abandonment of the site and recommended that some type of time frame be established for additional site plan review or removal of the structure. Written comment from NYSDOT is required. All proposed parking and fencing should be shown on the plan.

Minutes Approval:

Mr. Bulger moved, seconded by Ms. Pace, approval of the minutes of May 27, 2008 as amended. Ayes: Larkin, Pace, Koval, Bulger. Noes: None. Abstained: Ophardt, Werner.

Discussion Items:**Bella Vista – Proposed Sign**

Mr. Dannible explained that the developer of the Bella Vista subdivision on Bruno Road would like to erect an identification sign at the intersection of Nicole Court and Bruno Road. The Board approved the sign as presented, recommending that an easement for the installation of electrical equipment, sprinklers, and maintenance be provided by the property owner.

Mr. Larkin moved, seconded by Ms. Pace, adjournment of the meeting at 11:45p.m. The motion was unanimously carried. The next meeting will be held as scheduled on June 24, 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 #12****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 June 10, 2008 there were:

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

Absent: J. Thorne

Mr. Koval offered Resolution #12, and Mr. Werner seconded, and

Whereas, an application has been made to this Board by Scott Earl for approval of a subdivision plat entitled Subdivision of the Lands of Lot 43 Ray Road: Lands of Earl consisting of a (2) lot subdivision;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 10, 2008;

Whereas, the Planning Board established itself as Lead Agency for this application and a negative declaration was issued pursuant to SEQRA on June 10, 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 Subdivision of the Lands of Lot 43 Ray Road: Lands of Earl consisting of a (2) lot subdivision 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 #13 passed 6/10/08

Ayes: Ophardt, Larkin, Pace, Koval, Werner, Bulger

Noes: None

Steven J. Bulger,
Chairman