



Planning Board Meeting
September 10, 2008

Those present at the September 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;
J. Quinn, Chairman, Environmental Conservation
Commission;
P. Pelagalli, Counsel;
J. Dean, Secretary

Mr. Bulger, Chairman, called the meeting to order at 7:14p.m. Mr. Bulger explained that because the Planning Board meeting of August 12, 2008 was adjourned prior to Board review of all the agenda items, those items remaining would be considered first at this evening's meeting. All in attendance stood for a moment of silence in respect for those whose lives were lost during the September 11, 2001 attacks on America and for recitation of the Pledge of Allegiance.

Public Hearings:

[2008-027] **Verizon Wireless** – Proposed co-location on Lindsey Farms Telecommunications Tower, 753 Grooms Road – Conceptual site plan review.

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 September 1, 2008.

Mr. Michael Cusack, legal representative for the applicant, introduced Ms. Theresa Reed, Site Acquisition Manager for the applicant, who was also in attendance at the meeting. He focused his presentation on two particular items of related to this application. He first described the project plan as submitted, explaining that Verizon Wireless proposes the placement of an antennae array on a telecommunications tower that is currently under construction at the Lindsey Farm located on the northern side of Grooms Road west of its intersection with Wishing Well Lane. The project calls for the placement of equipment at the 97' level of a 120' monopole and the construction of a 12' x 30' equipment shelter within the lease area. The antennae array will consist of twelve panel antennas in three sectors. The speaker stated that he is in receipt of the report submitted by the Town's Consultant, Professor William P. Johnson. Though Mr. Cusack views all of the findings as reasonable, he did address the item that states that "approval of any one particular site should consider the future need for additional neighbor sites and the locations of those sites." The report also notes that a new tower in a more controversial area near Moe Road may be required to address the remaining coverage gaps, extend the coverage area, and properly connect the proposed site into the larger network. Mr. Cusack reported that the applicant is aware that a coverage gap to the east will continue to exist after this co-location: the intent of this co-location is to provide service to the western portion of the Town. He noted that the applicant has been unable to find land parcels for a new telecommunications tower and/or existing taller structures for co-location opportunities in the Moe Road area.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, notes that a building permit will be required for site improvements. The applicant must provide certification from a structural engineer that tower can handle the additional equipment. Mr. Scavo emphasized that the report provided by Mr. Johnson has determined that there will be a gap in coverage for the Clifton Knolls area: Vischer Ferry Road and Clifton Park Center Road to Moe Road and Clifton Park Center Road.

Mr. Grasso reported that Clough, Harbour, and Associates provided no comments regarding this application.

Mr. Quinn, Chairman of the Environmental Conservation Commission, reported that the ECC found this application acceptable.

Mr. Bill Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, offered the following comment on this application. The Trails Committee would like to see if an agreement can be reached between the owner of the cell tower, the landowner, and the Town to allow the Town to use the access roadway for a future trail connection. Mr. Cusack pointed out that the applicant is not the owner of the parcel or the cell tower and has no authority to negotiate such an agreement.

Ms. Maria Albanese, 764 Grooms Road, requested permission to address the Board. The speaker first noted that the proposed cell tower – and Verizon co-location – would be located closer to her residence than to the Lindsey's home. She then voiced

concerns about the health risks associated with the placement of a cell tower where proposed, explaining that research has led her to a number of reports that “indicate that we should be concerned about the exposure to radiofrequency (RF) radiation emitted from wireless facilities.” Ms. Albanese cited various reports and theories that supported her contention that the proposed action would expose her family and other residents to serious physical harm. She was also concerned with diminishment of her property’s value and impacts to the environment. She asked that the Board consider “whether the placement of this tower in this location is completely necessary.”

There being no further public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:30p.m. The motion was unanimously carried.

In response to Mr. Koval’s question regarding the distance of Ms. Albanese’s residence to the tower, it was determined that it was approximately 1,250’ from the tower. Mr. Koval explained that approval for the construction of the telecommunications tower itself has already been granted: this application merely requests approval to co-locate on that facility. Ms. Albanese asked if there was an established limit for the number of co-locations that could be added to a single tower. Mr. Bulger explained that the total number of emissions from a tower must fall within federal guidelines. He also noted that a structural analysis would provide information regarding the amount of equipment a tower could carry. Mr. Bulger noted that Ms. Albanese was not the first to express concerns regarding the health safety issue of emissions, explaining that the Board will not debate the validity of the reports she cited: the Planning Board does not have the authority to “trump” federal guidelines. Mr. Pelagalli explained that the Telecommunications Act of 1996 established the rules for reviewing applications for telecommunications equipment, stating that if emissions from towers and antennae fall within established thresholds, local governments may not deny their construction or the installation of co-location equipment. Mr. Larkin explained to the speaker that the telecommunications tower on the Lands of Lindsey had been approved following much deliberation and he stated that residents were exposed to much more radiation through exposure to microwave ovens, television picture tubes, wireless routers, and other commonly-used equipment than by living in proximity to a cell tower. Mr. Grasso explained that the location of this tower on the Lindsey’s property was thoughtfully chosen due to its distance from residences, screening from the main roadways, and ability to provide for co-located equipment that would improve wireless services. Appropriate screening materials will be provided around the equipment cabinet. Mr. Cusack reported that Verizon is working with National Grid to determine if natural gas, rather than liquid fuel stored on site, can be supplied to the site to fuel the generator.

Board members found the proposal generally acceptable.

Old Business:

[2008-034] **Zakia Indian Restaurant** – Proposed enclosure of existing 1,700 SF deck, 54 Clifton Country Road – Conceptual site plan review.

Mr. Joe Dannible, consultant for the applicant, presented this application for the Board’s consideration. The site is located in both a B2 and LC zones at 54 Clifton

Country Road. The applicant proposes to convert a 1,700 SF outside dining area constructed of wood decking to an enclosed dining area of the exact same dimension which will become part of the 2,820 SF existing Zakia Indian Restaurant. The total square footage of the building will be approximately 4,520 SF. There will be no disturbance to the Town of Clifton Park LC zone, the NYSDEC wetland, the 100-foot adjacent area, or the ACOE wetlands. The area is currently served by connections to the Clifton Park Water Authority and the Saratoga County Sewer District. The speaker provided a brief history of the project, noting that in 1995 the New York State Office of Parks, Recreation, and Historic Preservation signed-off on the project and the NYSDEC approved a work permit within delineated wetlands. In 1996 the Town of Clifton Park Zoning Board of Appeals approved a use variance to allow construction of a restaurant within an LC zone. When the adjacent office buildings were constructed, site plans called for the installation of 100 parking spaces. When the restaurant was approved, an addition seventeen (17) spaces that had been land-banked were added to the site. Mr. Dannible considers the parcels an example of the “good use of shared parking”. The speaker reported that the deck area has been evaluated by a structural engineer who determined that the addition was viable. Storm water will be directed from the roof to a drainage system within the parking lot.

Mr. Scavo reported that the following comments were prepared by the Planning Department. The applicant must submit verification of NYSDEC approval that would permit work within the wetland areas. A note should be added to the plan that indicates that a use variance was granted by the Town of Clifton Park Zoning Board of Appeals on March 25, 2006 to allow construction of a restaurant within an LC zone. An agreement ensuring maintenance of the pond area must be provided.

Mr. Scavo reported that Mr. Steve Myers, Director of Building and Development, provided the following comments regarding the proposed application. Plans must be submitted that will confirm that the structural addition can be done over the existing foundation. Proximity to a regulated wetland may require protective measures by the applicant. Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, reported that it is likely that sprinklers be installed throughout the restaurant.

Mr. Grasso read the comments prepared 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 – Site Plan Approval; Clifton Park Zoning Board of Appeals – Use Variance; NYSDEC – Article 24 Wetland Permit. The applicant is proposing to replace 1,700 SF of existing outdoor eating area with an enclosed dining area. The existing wood deck will be replaced by a permanent dining room. The roof on the proposed structure will create additional impervious surface. The applicant should indicate how runoff from this area will be addressed. The existing pond is a NYSDEC regulated wetland and as such, areas within 100 feet of the wetland is zoned LC (Land Conservation). Work within the 100 foot regulated adjacent area requires NYSDEC approval and because the proposed use is not permitted in the LC zoning district, a use variance from the Zoning Board of Appeals appears required. It appears that parking for the restaurant is shared with parking provided for the adjacent two-story office buildings at 56 and 58 Clifton Country Road. The applicant should provide area and use information for these buildings. The applicant should also provide seating information for the existing and proposed restaurant. This information will be used to determine if adequate parking is

available.

Mr. Quinn, Chairman of the Environmental Conservation Commission, reported that the ECC offered no comment on this application.

In response to Mr. Bulger's question regarding the proposed architectural style of the addition, Mr. Dannible reported that it will be designed to be compatible with the existing restaurant. Mr. Bulger asked that the applicant provide information regarding parking on the site in order for the Board to consider approval of a parking waiver. Mr. Werner asked that a crosswalk with appropriate striping be provided across Clifton Country Road since the senior housing facility on Wall Street is now under construction.

Ms. Margaret Catellier, Royal Oak Drive, noted that the storm water management ponds that adjoin the restaurant often flood during periods of heavy rain and asked that the applicant consider improvement to the drainage system. Mr. Bulger agreed that the area is "problematic" and that water flow from the Northway, Northstar Chevrolet, and areas east of the property direct storm water to these ponds. The Town is working with a number of property owners to resolve the drainage issues.

Mr. Robert Phillips, applicant, described the area's storm water management design and reported that the design changes included with this application should improve the situation.

Board members found the application generally acceptable.

[2008-034] **Currier, Gerald** – Proposed (3) lot subdivision, 1117 Route 146A – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this project plan that calls for the subdivision of 34.10 acres into lots of 26.13 acres, 5.59 acres, and 2.38 acres, respectively. The larger lot contains an existing brick building and gravel parking area. The parcel to be subdivided is located approximately 2,100 feet northeast of the intersection of NYS Route 146A and Ashdown Road with frontage on both NYS Route 146A and Ashdown Road. It lies in both a CR (Conservation Residential) zone and a HM (Hamlet Mixed Use) zone. It appears that the HM use was established for an area surrounding an existing small, commercial building that has fall into disrepair. The two newly-created single-family lots will have both private wells and septic systems. The speaker explained that the applicant would like to create two keyhole lots with a common ingress/egress and utility easement fronting on Ashdown Road. The future potential development on the remaining lands of Currier is undetermined at this time. A delineated wetland corridor bisects the property from east to west.

Mr. Scavo provided the following comments prepared by the Planning Department. He noted that the site has significant wetland constraints and steep slopes. The applicant must supply ingress/egress easements for the properties utilizing the shared driveway.

Mr. Scavo reported that the following comments were prepared by Mr. Steve Myers, Director of Building and Development. A variance will be required for the lot that is less than 3 acres and, perhaps, for lots not for family members. Mr. Myers notes that 40' of frontage for both lots exists on a public road even though the width of the properties narrows significantly in an area 200' in from the road. Since the code does not address this, he believes that the design is acceptable. The driveway must be at least 20' wide, be constructed to support a 75,000 lb. vehicle, and have turn around within 100' of each residence per New York State Fire Code. 200' of separation is required between the septic areas and the wells since the septic areas are located uphill of the wells.

Mr. Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, has requested that the Board require a conveyance of a 15' strip of land along the property's Route 146A frontage to provide for future road improvements and possible trail construction. He explains in his e-mail dated September 6, 2008 that this parcel may be included in development of the Ballston Lake trail and that there is a need to develop a better trail network in the Ballston Lake area.

Mr. VanGuilder stated that soil investigations indicate that the soils are adequate for on-site septic systems. He also reported that proposed wells have been located at least 200' from the adjoining septic fields and that septic systems have been located at least 100' from existing wells. Mr. VanGuilder provided information regarding density calculations involving an analysis of constrained and unconstrained lands on the parcels that resulted in a determination that five (5) dwelling units could be accommodated. It is unlikely that additional units will be constructed, however, due to the site's proximity to an existing fire house, its topography, and delineated wetlands. Mr. VanGuilder addressed a comment included in Clough, Harbour, and Associates' comment letter regarding sight distances, reporting that the distances exceeded all minimum standards. Mr. VanGuilder also explained that the applicant will place permanent deed restrictions on the privately-owned open space parcel and that a small portion of the property may be conveyed to the adjoining fire department. Mr. VanGuilder explained that the applicant is amenable to providing the land conveyance as requested by Mr. Mackesey, though he asks that setbacks be calculated from the original property boundary.

Mr. Grasso offered comments prepared 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 only involved agency is expected to be the Clifton Park Planning Board with subdivision approval being required. The parcel is located within the limits of the Western Clifton Park GEIS Study Area with portions within the CR (Conservation Residential) and HM (Hamlet Mixed Use) zoning districts. An evaluation of the extent of constrained and unconstrained lands must be completed to confirm that the proposed density is in conformance with the zoning district or if the subdivision is proposed under the one lot per ten acre requirement. If this is the case, the land within the HM zone should be excluded. The project will be required to comply with the GEIS Statement of Findings and mitigation fees will be applicable. Test pit and percolation test results must be provided to confirm that the parcels are acceptable for individual septic systems. The septic systems should be designed by a licensed New York State Professional Engineer and included with the final plans unless specifically waived. If a waiver is sought, it must be identified on the final plans and the Town's

standard notes must be added. Lots “B” and “C” appear to meet the definition of keyhole lots. The Planning Board should determine if there are unique circumstances that would support its approval of keyhole lots and if the intent of the zoning regulations is met. The adequacy of sight distance along Ashdown Road from the proposed driveway should be verified. The plan must include the applicable Town of Clifton Park Standard Notes for Subdivisions, to include the standard note for driveways 500 feet or longer. .

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, provided the following comments prepared by the Commission. After review of data presented at its August 5, 2008 meeting, the ECC made the following recommendations. The ECC requests that the grading of the two (2) proposed single family lots be reviewed closely to assure that existing drainage patterns are maintained and that the development does not trap storm water runoff and create future drainage issues. Final plans should show an adequate distance between the proposed septic systems and the water supply wells for the adjacent existing structures. The ECC is concerned that incremental subdivision of larger parcels in the CR (Conservation Residential) 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.

Mr. Koval views acceptance of the narrowness of the required 40’ frontage at one point to be a “departure” from previous approvals. Mr. VanGuilder explained that Mr. Myers found the plan acceptable because the propose driveway installation was viable and continuous ownership of a strip at least 19’ wide was provided. Board members agreed that although it appeared that there was adequate buffering between the proposed residences and existing homes, the applicant may be asked to provide additional landscaping in some areas. Mr. Bulger explained that approval of keyhole lots within the CR (Conservation Residential) zone was dependent upon the Board’s determination that the site’s special circumstances permitted the creation of such lots. Board members determined that due to the narrowness of the access from Ashdown Road and the applicant’s willingness to protect many acres of open space, the plan would be acceptable. Mr. Larkin, Mr. Ophardt, and Ms. Pace stated their approval of the proposed keyhole lots as presented.

Public Hearings:

[2007-015] **Country Club Acres PUD (Ushers Woods)**, Ushers Road – Referral from the Town Board.

Mr. Bulger explained that the purpose of this evening’s meeting was to have the applicant’s representative present the proposed Ushers Woods PUD to the Planning Board and to the public. Public comment would be heard by the Board; however, no action or recommendations to the Town Board regarding this project would be made. The Chairman told audience members that there will be “substantial review” of this project proposal by both the Planning Board and Town Board.

Mr. Dailey, legal representative for multiple applicants, introduced the Country Club Acres Planned Unit Development entitled Ushers Woods that has been referred

from the Town Board to the Planning Board for consideration. The project design is a cooperative effort involving the following three property owners - Boni Enterprises, LLC, Belmonte Builders, and Country Club Acres, Inc. Mr. Robert VanPatten, Mr. Peter Belmonte, and Mr. Larry Boni were all in attendance at the meeting. Mr. Dailey explained that the proposed Ushers Woods project has been designed to meet the changing lifestyle needs of an aging Clifton Park population, reiterating many details of the project's history and design that he provided at the August 12, 2008 Planning Board meeting. Studies have determined that a number of "older folks" wished to remain in the town but did not wish to maintain the larger homes they had owned for many years. The project proposal will require an amendment to an existing PUD to permit both commercial and residential development on seven adjoining parcels located on the northern side of Ushers Road in the immediate vicinity of Northway Exit 10. The parcels to be developed lie within both the former Country Club Acres PUD and a B-2 zone: the status of the PUD is currently being reviewed by Town officials. The project site specifically consists of 96.1 acres of forested lands located between the Northway (I-87), Ushers Road, and Wooddale Drive. Mr. Dailey described the proposed development of the 194 "zero lot line" single-family residential lots. Homes to be built will be detached with two stories with master bedrooms, for the most part, located on the first floor. Homes will generally be in the 1,500 SF range to 2,500 SF. The homes will be narrower at the building line than what has previously been built in Clifton Park, with a width in the range of 46 to 55 feet. Many of the homes will be as deep as they are wide. A typical lot configuration will be in the range of 65' x 85'. 19.4 acres of the site will be designated for the development of nine commercial lots. A private homeowner's association will be established to oversee maintenance of all infrastructure (excepting utilities) as well as maintenance of the exterior of the homes, including the plowing of driveways, shoveling of walkways, lawn mowing, and care of landscaping. The speaker reported that studies of housing needs, traffic, endangered species, wetlands, and archaeology have either been prepared or are being completed.

Mr. Dailey presented a colored sketch plan of the proposed development for review, explaining that the goal of this project development was to utilize "new urbanism" concepts to design neighborhoods that would reflect the "human experience". The plan, therefore, illustrates the developers' desire to preserve mature and majestic trees, protect steep slopes, utilize topographic features as part of the plan, design narrower streets, and reduce setbacks. A planned unit development established in 1970 provided for "businesses of a commercial, research, and/or professional nature, wherein may be conducted the business affairs of the lessees thereof, including servicing incidental to the operation of the businesses." The 19.4 acre property where the nine commercial lots are situated is all located within the boundaries of this PUD. 78,800 SF of hamlet mixed use development is proposed. Three of the lots have been developed to date. Three access points to the site have been provided. Two primary access roads from Ushers Road will be located at the eastern and western ends of the development. A third access will provide an emergency access from Wooddale Drive. This access will be designated for emergency vehicles only and will be gated: use by the public will be prohibited. A boulevard-type entranceway to the east of the site will immediately access the commercial area and meander around a type of "town square". The conceptual rendering illustrates the proposed roads as well as "alleys" that will allow for the construction of rear-entrance garages. All residences would have porches that the

designer views as “outdoor living rooms”. Site amenities would include a gazebo within the common area and preservation of tree clusters to provided separation between residences and create unique neighborhoods. The project plan calls for the development of several types of homes: 13 lots or 26 units of twin homes; 89 units of parkside homes; 58 units of ridge homes; 42 units of woodland homes. A total of 215 residential units are proposed. 34% of the project site is reserved and set aside for green space. A 100’ buffer zone has been established from the western boundary of the proposed PUD extension to the property boundary line. The closest point of any proposed building to the rear of residences along Wooddale Drive is 200 feet. A berm and fence for privacy and noise reduction will be placed along the Northway corridor, though most properties will be located more than 250 feet from the pavement.

Mr. Dailey noted that ownership of the units will be restricted to homeowners where at least one resident owner living at the residence is at least 55 years of age. The speaker offered some information regarding population impacts, explaining that although the plan shows greater density of units per acre than an R1 type development, the impacts that result will be less than or the same on municipal services and the environment as compared to a typical single family detached development of comparable size. While property owners will pay school taxes, it is not envisioned that significant numbers of children will be in residence here or attending Shenendehowa Schools. Empty nester families will use less water and sewer services than families with children; however, a greater density of units will likely result in demands similar to a conventional R-1 type development. Many of the residents will be retired and will not contribute to traffic flows during peak hours. Since the project is located immediately west of Exit 10, the development is unlikely to contribute traffic through the Town of Clifton Park. Mr. Dailey concluded by stating that the number of people within the Town desiring the type of housing proposed is increasing: project designs must change to meet changing community needs.

Mr. Scavo explained the Planning Board voted unanimously to establish Lead Agency for this application at its August 12, 2008 meeting. He recommended that the applicant provide a revised Part I of the Long Environmental Assessment Form. Upon receipt of this form, lead agency coordination letters will be prepared. The applicant was advised to provide engineering plans in the concept phase for the Planning Board’s review and consideration. The Planning Department supports tonight’s public hearing to allow the public to make comments on the project early in the review process and recommends that the public hearing remain open as the project moves forward and additional details are provided. Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered no comment on the application at this time.

Mr. Bill Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, has requested that the applicant incorporate pedestrian pathways throughout the proposed project.

Mr. Grasso reported that Clough, Harbour, and Associates had no prepared comments for this evening’s meeting since detailed plans have not been submitted by the applicant.

Mr. Quinn, Chairman of the Environmental Conservation Commission, reported that after review of data presented at its September 2, 2008 meeting, the ECC made the following recommendations. The ECC recommends that a “lead agency” be promptly designated so that the proper SEQR process can be initiated. The ECC recommends that any impervious areas be moved to at least fifty feet (50’) from the adjacent federally jurisdictional wetlands to minimize potential future environmental impacts. The LC zones should be shown on the plans. A detailed Storm Water Pollution Prevention Plan must be completed to show how the storm water runoff will be handled. The ECC recommends that a green infra-structure design be considered. The project, as presented, promises to preserve mature vegetation to the greatest extent possible and should be incorporated into the project plan. The ECC requests a copy of the preservation plan or similar work product as soon as it is available.

Mr. Joseph Connolly, 26 Stonegate Drive, was concerned that project developers would be unable to enforce the “55 and older” residency requirement, noting that many members of the “target population” will be required to care for children and/or grandchildren who are younger. Mr. Dailey explained that a homeowners’ association and deed restrictions will be used as enforcement mechanisms. Mr. Connolly stated that he was “incensed” that development was proposed beneath existing power lines that traverse the site and with its proximity to the Northway corridor. He believes that the project, which calls for zero lot line setbacks, will change the character of the Ushers Road area. Though the speaker recognized the needs and benefits of such a community, he does not believe that it should be concentrated in the Ushers Road area. If the project is approved and developed as planned, the speaker expects that it will result in “many more hassles” for those already living in the area.

Mr. Dave Miller, 12 Hidden Valley, Country Knolls, addressed the “quality of life issue”. Explaining that he had moved from a small “condo” to a larger home to accommodate a growing family, Mr. Miller stated that the rural character of the Exit 10 area has been gradually eroded during the past several years as build-out of the corridor has continued at a steady pace. He found that the proposed scale and density of the proposed development within “one of the last green space areas” within the corridor would be a detriment to the neighborhood. He pointed out that the proposed green space requirement is significantly less than the 50% required in the adjoining LI (Light Industrial) zone and he noted that most of the land to be preserved on the site is either part of a stream corridor or steep slope. He contends that removal of existing vegetation along the Northway will not only change the character of the area but result in increased noise for existing residents. Mr. Miller was also concerned with traffic impacts resulting from the development, observing that Ushers Road was currently very dangerous and nearly at carrying capacity. Since it is likely that households will have two cars and the retail component of the project will generate additional traffic, the volume of traffic added to the already-congested roadway will be significant. Mr. Miller concluded his remarks by stating that “Exit 10 should not become an Exit 9”. He asked that Board members consider the “quality of life, traffic, and noise” impacts as they review the proposed project plan.

Ms. Pam Marshall, 5 Fairlawn Court, requested that the Planning Board recommend that the Town Board deny this PUD application as presented, explaining that

she has resided in the Exit 10 area since 1971 and has seen substantial changes to the area. She cited the importance of maintaining substantial screening along the Northway, support of residents for preserving the “tree lined Ushers Road corridor,” traffic management, and limitation of noise levels as reasons to oppose the application.

Ms. Kim Paulsen, Town resident, spoke in favor of the proposed development that provided reasonable housing options for seniors. Explaining that she and her family had moved from Clifton Park from Latham nearly fourteen years ago, she stated her appreciation for the many active civic organizations and the opportunities for active participation in community affairs that the Town has afforded her. As she anticipates “downsizing,” she welcomes the type of development that Ushers Woods represents since it provides a reasonable option for those who are aging to remain in Clifton Park. She stated that she believes that it is time for new development strategies and long-term solutions that address the needs of seniors.

Mr. Wilfred Ganem, 167 Wood Dale Drive, reported that he and his wife, Martha, are original owners of their home which is located on the western boundary of the proposed senior housing project. He explained that he has learned that several former or current residents of the County Knolls’ community have suffered and/or died of various cancer-related illnesses. Though he acknowledges that no studies have been conducted to determine the cause of these illnesses, he believes that these and other health problems may be related to the proximity of residences to “heavily traveled highways,” specifically, the Northway. He believes that the removal of trees along the Northway corridor would have a detrimental effect on those residing within the proposed development and those already living in the corridor. In addition, the proposed 200 homes will increase the amounts of carbon monoxide and other toxins that may impact residents. Mr. Ganem cited a recently-published book, written by his son that encourages the “use of the fundamental principals of mathematics to protect yourself from being fooled or tricked into doing something that isn’t for your own good.” He encouraged the Board to recommend that mathematical principles be used to determine how the removal of trees and proximity to a major highway would impact those who live within the Exit 10 area.

Mr. Chuck Bartoletti, 13 Huckleberry Lane, asked that the applicant provide a more detailed site plan that indicated the development and curb cuts on the southern side of Ushers Road. He expressed his concern regarding the negative impacts of proposed tree removal along the Northway. Stating that the project plan appeared “awfully dense,” he asked that the Board consider the potential traffic impacts to the Ushers Road corridor and its residents.

Mr. George Riebel, 20 Hidden Valley Lane, describing himself as an architect and planner, read from a prepared statement. He believes that a conceptual design for a development should present drawings that show examples of what “the proposed units look like, how the units relate to one another, how they relate to the various other parts of the development and, finally, how the entire development relates to the neighboring properties and community.” The speaker outlined the criteria for basic design principles and philosophies for development proposals, explaining that the proposed project plan does not meet these standards. Labeling the proposed plan as a “mathematical exercise”

that has not considered existing topography and drainage, existing trees and other natural vegetation, negative impacts to surrounding properties, and enhancement of surrounding areas, the speaker concluded that the design plan as presented is “not a conceptual design.” He asked that the Board require the applicant to consider the negative impacts of the proposed density on traffic within the corridor, storm water run-off from the site, erosion of steep slopes, and the rural character and charm of Ushers Road.

Mr. James Ruhl, 168 Wood Dale Drive, thanked the Board for the opportunity to speak at the public hearing. He asked that since the proposed project will significantly impact the Ushers Road corridor, and his neighborhood in particular, that Planning Board members consider several issues of concern. Impacts to vehicular and pedestrian traffic flows on Ushers Road and at neighborhood intersections, increased noise from the Northway corridor, possible erosion of the steep slopes into the existing ravine that now separates properties on Wooddale Drive and the development area, and disturbance of delineated federally delineated wetlands on the site are all of concern to Mr. Ruhl.

Ms. Felicia Regnier, 170 Wooddale Drive, noted that Ushers Road is a rural two-lane roadway where the number of accidents has increased significantly during the past several years. She questioned the location of the “dense development” within the Exit 10 corridor, commenting that there were more desirable locations for its construction. She asked that the Board consider noise, air, environmental concerns, and storm water management impacts during its deliberation. The speaker reported that during periods of heavy rain, some portions of Wooddale Drive experience flooding conditions due to the area’s sandy soils. She asked that the Board consider the development site’s location over a “freshwater aquifer” as well as drainage from the site to Round Lake. Addressing the restricted-age occupancy requirement, she asked if the developer or the Board had considered development options should the senior housing concept does not “sell”.

Mr. Robert Cohen, 181 Wooddale Drive, stated that he has been a resident of Clifton Park for a number of years. During that time, removal of vegetation along Ushers Road and the Northway corridor has resulted in increased noise in his neighborhood. He believes that the noise from the highway will “not be attractive” to potential property owners. Mr. Cohen also expressed concerns about the change to drainage patterns and increased water flow through his neighborhood. He urged the Board to carefully consider negative impacts of the project proposal.

Ms. Jane Neidhart, 18 Hidden Valley Lane, explained that she purchased her home because she was attracted to the “tree-lined” character of Ushers Road. She believes that the concept plan does not address three concerns: the additional traffic load on Ushers Road, erosion and water drainage issues, and increased noise. Though Ms. Neidhart supports the type of development proposed, she believes that the proposed development will significantly impact the quality of life for those residing in the Ushers Road corridor.

Ms. Marge Rajcaewski, 173 Wooddale Drive, reported that she has lived in the area for 39 years. Though she would like to live in the type of development proposed by the applicant, she would not consider purchasing property along the Northway.

Ms. Kathy Capsimalis, 179 Wooddale Drive, stated that, while she has no objection to the concept of the proposed development, she was opposed to its density.

Mr. Bill Englemann, 6 Partridge Plateau, asked the applicant to describe the proposed lot sizes. Mr. Dailey explained that the proposal generally calls for 60' x 80' – or 1/10 acre – development sites. The speaker noted that the property was previously zoned for other than residential uses and asked that the calculations for development density be provided. Though Mr. Englemann did not object to the smaller lot sizes, he believes that the lot yield must allow for the preservation of lands on another portion of the site. He recommended that an environmental impact statement be prepared, that “ecological services” provided by the site be considered, and that impacts that can not be mitigated be identified by the applicant. The speaker asked that permanently protected open space be provided on site.

Mr. Bulger stated his appreciation for the thoughtful comments expressed during the public hearing, noting that the remarks are similar to those the Board typically hears for a project like Ushers Woods. The applicant will prepare responses to public comments. Mr. Bulger explained that although Town Board had referred this application to the Planning Board for review and recommendations, the Town Board has substantial discretion regarding the proposal: it may approve the application, deny the application, or modify the application as it deems appropriate. If approved, or approved with conditions, the Planning Board will review all subsequent site plan and subdivision applications. These reviews will require the Planning Board to consider all aspects of the plan – including the issues of concern raised by those in attendance at this meeting. Mr. Bulger explained that although this is the latest of several design plans prepared, the project will likely change over time in response to comments, recommendations, and engineering issues. The public hearing will not be closed, but rather adjourned and reconvened at a later date. Mr. Bulger advised those in attendance, however, that although the project may be discussed during future meetings, reconvening of the public hearing may not occur until plan documents are more complete. He urged interested citizens to monitor the Town’s web site for further information and meeting dates. Those interested in reviewing project documents must file a Freedom of Information Request with the Town Clerk’s office.

Mr. Bulger moved, seconded by Mr. Larkin, to adjourn the public hearing at 9:50 p.m. The motion was unanimously carried.

Old Business:

[2008-032] **Rexford Heights Medical, LLC** – Proposed PUD site amendment to International Center for Learning PUD, 1585-1587 Route 146 – Conceptual review.

Mr. Kevin Dailey, legal representative for the applicant, presented this project proposal for the Board’s consideration, explaining that the applicant proposes to add additional square footage to the remaining five (5) two-story office buildings that are authorized by the International Center Planned Unit Development (Local Law No. 10 of 1999; Chapter A217 Planned Development Districts – Article XLI, adopted 10-18-1999) by amendment to the Local Law. Mr. Dailey stated that the original legislation called for

the construction of “six two-story office buildings, including the existing office building, with approximately 6,000 square feet of office space per building, retail and/or office space use in the existing structure, commonly known as the "Southard House," of approximately 2,000 square feet. The total site density shall not exceed 38,000 square feet.” The speaker explained that although the existing law allows for approximately 6,000 SF of office space per building, the proposed amendment calls for the increase of this space by adding a “bump-out” to the rear of each building. The bump-out would have a footprint of 750 SF or – for two stories – 1,500 SF. Since one building has been constructed on the site, five (5) additional buildings may be added.

Mr. Dailey explained that the added space in each building was requested after Envision Architects carefully analyzed the space requirement needs of a busy 4-6 physician sized practice. A floor plan lay-out was designed to fit all of the reception area, records, and examining rooms on one floor of 3,750 SF. The speaker presented site plan drawings depicting the 7,000 SF building foot print for each of the additional five (5) buildings.

Mr. Dailey provided rationale for the amendment request, noting that the property is easily accessible from the suburban areas of Niskayuna, Burnt Hills, Scotia-Glenville, and the Clifton Park-Halfmoon area. The site is only six miles from both Ellis and St. Clare’s Hospitals and is 8.4 miles from the planned healthcare and bio-med research campus in Halfmoon: it provides an ideal location for both doctors and other medical support groups. Since there is a great deal of uncertainty surrounding the future of hospitals in Schenectady County in light of the recommendation and findings of the Berger Commission, that directed that two hospitals be merged and a third closed. This proposal presents an opportunity for doctors’ groups who may be adversely affected to re-locate to the growing and prosperous Saratoga County, while still maintaining close ties to the hospitals and their patient base. The combined population in this suburban market area is nearly 120,000. The design plan calls for the developer to maintain the site aesthetics and architectural integrity of the original plan of development. The larger buildings will look the same, with the same front dimensions, as the original building. Parking spaces have been added to accommodate the additional square footage. Water will be supplied by the Clifton Park Water Authority and the applicant is investigating the possibility of connecting to the municipal sewer at the Glencliff Elementary School located southwest of, and adjoining, the subject property. Mr. Dailey did note that the existing PUD legislation does not address the issue of ownership of the buildings. Though he is exploring the viability of establishing ground leases with a maintenance agreement, other options, including separate subdivisions, are also being considered. Mr. Dailey stated that a “stub” to the north would be provided for eventual connection to the Lands of Brock.

Mr. Scavo presented comments prepared by the Planning Department. He believes that the proposed amendment is in conformance with the intent of the original PUD legislation.

Mr. Myers, Director of Building and Development, provided the following comments regarding this project proposal. Per the PUD legislation all setback, density and buffer requirements shall comply with current B2 zoning regulations. As a result,

parking and building setback variances will be required. All structures on the property including the existing buildings are required to connect to the new forcemain if the septic systems need replacement. A full Storm Water Pollution Prevention Plan will be required and consideration to protecting the adjacent wetlands should be addressed. An amendment to the PUD may be required due to the apparent subdivision of the property and the crossing of property lines by features of this proposal.

Mr. Scavo reported that Mr. Bill Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommends that any future development have a sidewalk to Route 146 and that a 15' strip of land along Route 146 be conveyed for trail development since future plans include a trail to connect to the new park on Route 146.

Mr. Grasso offered a number of 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. Involved agencies are expected to be the Clifton Park Planning Board and Town Board for approval of the amendment to the existing PUD legislation. The parcel is located within the limits of the Western Clifton Park GEIS Study Area. Although new PUD's are not permitted in the study area, because this project site is an existing PUD established in 1999, an amendment may be permissible. This should be confirmed by Town Counsel. The Short Environmental Assessment Form and Project Narrative state that the proposed buildings will be used for medical office space. Section 208-99 of the Town Zoning Ordinance requires that parking for medical offices be provided at the rate of 1 space for every 150 square feet of gross floor area, but not less than 3 per practitioner. The project proposes six buildings with 7,500 square feet of gross floor area each, for a total of 45,000 square feet. At the above noted rate, this project will require 300 parking spaces. The applicant is proposing 194 parking spaces. Additional parking may be required or should be land banked. At full build-out, this project has the potential to impact service levels on Balltown Road and several intersections in the vicinity of the parcel. The applicant should provide a Traffic Impact Study to determine the possible impacts and identify proposed mitigation. The applicant appears to be proposing the use of a new low pressure sewer system which will connect to the Glencliff School Pump Station. As such, all common sewer facilities from the first point of common connection will need to be municipally owned or owned by a transportation corporation. This should be clarified. The date of the wetland delineation should be indicated together with a confirmation that the wetlands are not jurisdictional by NYSDEC. This should be provided with a confirmation letter from NYSDEC.

Mr. Quinn, Chairman of the Environmental Conservation Commission, reported that the Commission could not comment on this application because the submittal was insufficient for review.

Mr. Larkin stated his approval of the application when "taken by itself," though he was concerned with how the development would "integrate" with adjoining HM (Hamlet Mixed-Use) zones. Mr. Werner expressed concerns regarding the traffic impact on Route 146, recommending that the applicant consult with NYSDOT to determine whether or not the installation of turning lanes would be required. Mr. Grasso noted that NYSDOT is considering improvements to this corridor and he encouraged the applicant to consult with representatives of that agency. Mr. Koval supported the amendment, stating that he did not view the additional square footage as a significant change to the PUD's original intent. In response to Mr. Ophardt's recommendation that the applicant consider modification of the curb cut and pedestrian improvements through-out the site,

Mr. Dailey agreed to consider such additions to the project's design. He anticipates the construction of one building at a time.

Mr. Pelagalli advised the applicant to consult with the Town Board and the Town Attorney regarding the permissibility of an amendment to existing PUD within the western portion of the Town. Mr. Pelagalli believes that this is an important issue since there are a number of existing development districts within the Western Clifton Park GEIS study area and decisions made for this project may establish precedents for future applications.

As advised by Mr. Pelagalli, Board members discussed the issue of ownership of individual parcels within the development site as well as the land lease concept. Since Board members reached no consensus, Mr. Pelagalli suggested that the Planning Board recommend that the Town Board permit the Planning Board determine how ownership of the property will be decided.

Mr. Bulger summarized the discussion, stating that the Planning Board unanimously agreed that to recommend that the Town Board approve the amendment to the International Center Planned Unit Development PUD as presented and to grant the Planning Board the discretion to determine the most practical form of property ownership. In response to Ms. Pace's observation that the requested amendment virtually added an additional building to the site, Mr. Bulger stated that he did not believe that the additional square footage would change the character of the site and that the Town Board would render a determination regarding the increased sizes of the buildings.

Mr. Bulger moved, seconded by Mr. Werner, to recommend that the Town Board approve the amendment to the International Center Planned Unit Development PUD as presented and that, as part of the amended legislation, the Planning Board be granted the discretion to determine the most effective form of property ownership for properties within the PUD. The motion was unanimously carried.

[2008-028] **Peddlers' Restaurant** – Proposed 7,198 SF restaurant, 16 Clifton Park Village Road – Revised conceptual site plan review.

Mr. Joe Bianchine, consultant for the applicant, reported that in response to the recommendations from the Planning Department, Clough, Harbour, and Associates, and the Planning Board, the site plan for Peddlers' Restaurant has been revised. The plan now shows the addition of a second dumpster, modifications to the proposed storm water detention basin, details for a 4' high vinyl chain link fence around the basin, guaranteed accessibility to the retention basin for maintenance, a sidewalk connection to Clifton Park Village Road, and minor revisions to the landscaping plan.

Mr. Scavo reported that all of his concerns have been addressed.

Mr. Scavo reported that Mr. Myers, Director of Building and Development provided the following comments. The proposed restaurant is an allowable use within the B4A zone. Detention basin construction as shown may be impractical due to its proximity to the wetland. Roadway improvements to width should be considered in area

of driveway. Sight distance for traffic to and from Route 9 should be evaluated. A Storm Water Pollution Prevention Plan has not been submitted. A CDS unit is proposed in place of the required forebay for pretreatment. Since the report states it will treat only 10% of water quality volume, it is assumed the remaining 90% runoff discharges directly into the pond. This seems to conflict with the allowable water quality volume treated by the pond. CDS units can be sized to treat a much larger quantity of the water quality volume. Elimination of the pocket pond may be feasible. A maintenance agreement shall be required for the privately owned storm water management area.

Mr. Scavo reported that Mr. Bill Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that the applicant provide a 15' strip of land along Clifton Park Village Road for future roadway improvements. He observed that the Trails Committee would recommend the development of a safe connection between the three (3) hotels in the area and the restaurant and sidewalks from the property boundary to the restaurant.

Mr. Grasso provided the following comments prepared by Clough, Harbour, and Associates. The Storm Water Pollution Prevention Plan should be updated to incorporate the revised inspection requirements of GP-0-08-01. Following final approval of the Storm Water Pollution Prevention Plan and storm water management report, the applicant should submit a completed Storm Water Certification Form to Clough, Harbour, and Associates for signature. Despite the applicant's engineer's response to the contrary, Clough, Harbour, and Associates continues to remain concerned with the potential for wetland impacts during the construction of the proposed storm water management area. Additionally, the firm remains concerned with the accessibility of the proposed pond for future maintenance.

Mr. Grasso stated that, in general, Clough, Harbour, and Associates is concerned with "overdevelopment of the site" and he finds the plan "not as appealing, attractive, or functional" as the plan that was previously approved for the site.

Mr. Bulger expressed some concern that issues raised by Mr. Myers were not addressed by the applicant, though Mr. Grasso assured the Board that the storm water design was adequate and acceptable. Mr. Bulger stated that he appreciated the applicant's willingness to work with the Board and asked that Mr. Bianchine consult with Mr. Myers in an effort to resolve all outstanding issues.

[2006-037] **DCG Development Co.** - Proposed 12,600 SF office space, 943 Route 146 – Amendment to approved site plan.

Mr. Joe Dannible, consultant for the applicant, presented this application for the Board's consideration, requesting approval of a clearing and grading plan as well as the amendment to the site plan. Mr. Dannible outlined the revisions to the plan that was presented at the August 12, 2008 meeting. The cross-easement linking the property to the west with the DCG site – as requested by the Board – has been illustrated on the plan. A lighting plan that displays the photometric distribution has been submitted for review. Sheet #3 of the plan set now clearly indicates the landscaping and vegetation that will be preserved. The consultant also addressed the issues raised in the comment letter prepared by Clough, Harbour, and Associates, explaining that the lighting plan with photometrics and cut sheets has been provided, test pit information has been submitted, a Storm Water

Pollution Prevention Plan that addresses all storm water management concerns has been completed, a signed maintenance agreement for the storm water management area has been prepared, and the width of the access drive has been increased.

Mr. Scavo reported that all Planning Department concerns have been addressed.

Mr. Scavo read the comments prepared by Mr. Myers, Director of Building and Development. All variances for this project were approved. Private owners of storm water management systems are required to sign a maintenance agreement with the town. No access for maintenance is noted on the plans. It is recommended that the developer provide a fence around storm water management area to prevent unauthorized access since retention areas are over 4' deep. The 4" pvc drain pipe appears to be too close to the bottom of the retention area and will plug quickly with sediment. The infiltration inlet invert elevation and emergency spillway elevation as drawn do not accurately reflect the actual site conditions.

Mr. Dannible addressed some of the issues raised by Mr. Myers, stating that discrepancies identified in the storm water management plan have been addressed. He does not believe that fencing of the storm water area is necessary. Mr. Grasso agreed that fencing of the area was not necessary.

Mr. Grasso offered a number of comments prepared by Clough, Harbour, and Associates. The plan lacks photometrics of the existing and proposed lighting as previously requested and raised as a significant concern during the conceptual review. The following comments relate to the Storm Water Management Narrative and Storm Water Pollution Prevention Plan dated August, 2008. The proposed storm water management area has been relocated from the previously proposed location. As such, the test pits that were conducted are not located within the proposed infiltration area. It is recommended that additional test pits and percolation tests be conducted within the limits of the proposed infiltration area. The test pit should be conducted to a depth to adequately verify that the bottom of the proposed infiltration basin will be separated by at least three feet vertically from seasonal high ground water. The bottom of test pit #1 is only 1 foot below the proposed bottom of the infiltration basin. The Storm Water Pollution Prevention Plan should be updated to reflect the SPDES General Permit #GP-0-08-001. This includes the current Notice of Intent and revised inspection frequencies. A revised Storm Water Pollution Prevention Plan was not provided. The site description references the Wood Road Light Industrial Building; this should be corrected.

Clough, Harbour, and Associates has concerns over the potential for clogging of the 4" drain pipe: protective measures should be provided. A signed maintenance agreement for the storm water management area should be provided.

Mr. Grasso offered the following additional comment. The access drive to the adjacent parcel has been relocated north of the existing building to remain. Although the revised location appears adequate, the drive aisle width has been reduced to 18'. The width should be increased to 24' to allow for two-way traffic. Additionally, the plan appears to depict two existing edge of pavement lines with the adjacent properties drive aisle. The correct limit of pavement should be determined so the appropriate connection can be made.

Mr. Quinn reported that the Environmental Conservation Commission offered no comment on this application.

Mr. Larkin stated that he would like to emphasize the concerns of adjoining property owners, particularly those residing on Green Meadow Drive, concerning glare from the existing office complex owned and operated by this applicant. Mr. Dannible assured the Board that the lighting restrictions requested by Board and approved by Clough, Harbour, and Associates will be respected.

Mr. Bulger remarked that it appears that the applicant has addressed Board concerns. The cross-easement has been provided as required and lighting plans will be reviewed by Clough, Harbour, and Associates to assure compliance with Board recommendations. Mr. Koval stated that he would prefer that no fencing be installed around the storm water management area: Board members agreed that the fencing would not be necessary.

Mr. Larkin moved, seconded by Mr. Ophardt, approval of the amended site plan as presented at this evening's meeting. The motion was unanimously carried. In response to Mr. Dannible's question regarding whether or not the approval included approval of the clearing and grading plan, Mr. Bulger stated that it was his understanding that this plan was also approved by the Board.

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

Mr. Joe Dannible, consultant for the applicant, presented this application that has been reviewed by the Board on several occasions, including the Board's last meeting held on August 12, 2008. He presented colored façade renderings for the Board's review and he listed all revisions that had been made to the plan in response to comments issued by the Planning Department and Clough, Harbour, and Associates. Addressing the issue of concern regarding spillage from the fuel delivery area, he described the proposed oil/water separation and filtering system and accompanying site changes. In response to the ECC comment regarding the site's proximity to an aquifer, Mr. Dannible noted that the fuel tanks to be installed on site were designed with a double wall and complied with all applicable NYSDEC requirements. He also reported that information regarding the relocation of the utility poles will be provided; location of the sewer laterals will be provided as architectural drawings are prepared; details for the proposed pump station will be submitted for review; limits of off-site disturbance necessary for installation of the water line will be provided; revisions to the Storm Water Pollution Prevention Plan will be made as required; the northern access will be widened as recommended; a detailed sign plan will be presented; all crosswalks and sidewalks will be ADA compliant; the dumpster enclosure will be constructed of materials approved by the Planning Board; additional landscaping will be included on the site plan; a sidewalk connection to the existing path between this site and Twin Lakes has been illustrated on the plan; an adequate lighting plan with photometrics and cut sheets will be submitted.

Mr. Scavo reported that he could find no evidence that the property lies over an

aquifer recharge area. He recommended that the applicant coordinate the utility relocation with Clough, Harbour, and Associates and Town officials. Other issues appear to have been satisfactorily addressed.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided a number of comments regarding this application. He noted that the minimum width of emergency access road is 20'. Privately owned storm water management areas require a signed agreement with the town for maintenance. Fencing of storm water management areas is required if benches are not installed. The town does not grant waivers to disturb more than five areas at a time. The Notice of Intent is incomplete until certified by Clough, Harbour, and Associates for the Planning Department and the Town of Clifton Park SMO is signed by the preparer. The proper Town of Clifton Park forms including the Storm Water Pollution Prevention Plan review form for the Storm Water Pollution Prevention Plan will be required prior to approval. It is recommended that the applicant's consultant review the Storm Water Pollution Prevention Plan checklist for other required information.

Ms. Reed, Chief of the Bureau of Fire Prevention, requires that all approved postal addresses be added to the plan.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the site plans last revised on August 20, 2008 for the above referenced project as prepared by the Environmental Design Partnership, LLP. A revised Storm Water Pollution Prevention Plan and Storm Water Management Report were not provided for review. He explained that the following comments from our June 3, 2008 and August 8, 2008 review letters remain to be addressed. The location of the underground fuel storage tanks have been depicted on the plan. The applicant will need to obtain NYSDEC permits for the installation of underground fuel storage tanks. It is recommended that the storm sewer system be modified to incorporate oil/water separators that would collect spilled oils, grease and fuels prior to discharge to the storm water management areas. These measures should address the vehicle fueling area and the fuel delivery area. It appears that the intersection improvements will require the relocation of existing utility poles. The location of the relocated poles 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. It should be verified that an 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 sized pipe. It is recommended that the wet tap be substituted with an 8"x 7" cut in tee.

Mr. Grasso offered the following additional comments on the Storm Water Pollution Prevention Plan dated May, 2008

- On page 7 of the GP-0-08-001, the "Sediment Basin" practice under the Temporary Structural heading needs be un-selected.
This site does not have a sediment basin as a temporal BMP.
- On page 7 of the GP-0-08-001, the "Storm Drain Inlet Protection" practice under the Temporary Structural heading needs to be selected.
This site has storm drains with inlet protection as a temporal BMP.

The following comments referenced the Storm Water Management Narrative dated July 21, 2008.

- In the HydroCAD Modeling, it appears that runoff from rainfall directly over the forebay and infiltration basin areas were not accounted for. The basins themselves are also subcatchments and must be included in the modeled basin routings.

The time of concentration for the infiltration basin subareas can be set at the minimum of 8 minutes since there is little or no travel distance. The CN value to be assigned should represent a pervious surface.

- Clough, Harbour, and Associates is concerned with the presence of identified isolated wetlands at the storm water basin outlet discharge point. The plans show riprap protection at the outlet. The site discharge point may need to satisfy the criteria associated with point discharge to a sensitive area. Clough, Harbour, and Associates suggests evaluating the outlet flow and velocity conditions and providing an added outlet protective measure such as a stilling basin or level spreader just outside of the wetland boundary to ensure prevention of scour or erosion in the wetland area.

Mr. Grasso offered the following additional comments. The northern site access drive appears to have been modified from a rights in/rights out to a full access drive. The drive is currently depicted as only 18' wide, which is inadequate for two-way traffic. The drive aisle should be increased to 24' wide. The site plan continues to lack a detailed signage plan. The signage plan should include all stop signs, one-way signs, pedestrian crossing signs, etc. The grading plan does not provide details of the existing sidewalk crossing the proposed access drive, as well as the proposed sidewalks throughout the site. As currently depicted, it does not appear as though appropriate ADA access is provided. Flush curbs and detectable warning strips should be provided at all pedestrian crossings. The dumpster enclosure is proposed to be constructed of wood. It is recommended that the developer provide a masonry or chain link fence with vinyl slat exterior. It is recommended that additional landscaping including trees and understory plantings be provided along the slopes of the storm water management areas and along Sitterly Road. Substantial evergreen plantings should be provided that will provide adequate screening of the rear of the service station from Sitterly Road. The plan does not identify the previously discussed sidewalk extension to the Twin Lakes development. It was the firm understands that a sidewalk would extend to the property line to allow future extension. The adequacy of the proposed lighting along the access roads should be verified.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that after review of data presented at its September 2, 2008 meeting, the ECC made the following recommendation:

The ECC believes that the proposed gas station with underground petroleum storage tanks is an inappropriate land use above the Colonie Channel Aquifer. If such facilities are allowed, then the ECC recommends that secondary containment be required for the storage and distribution system.

Mr. Grasso stated that although the applicant has addressed many issues of concern, the Board may wish to consider requesting changes to materials proposed for the dumpster enclosure and consider elimination of the proposed sidewalk connection to the

Twin Lakes apartment complex due to the significant changes in elevation between the two properties. The topography in the area makes it impossible to install an ADA compliant connection.

Mr. MacElroy, representative for the applicant, stated that the applicant would install the sidewalk connection to the Twin Lakes complex when required by the Town of Halfmoon. He agreed that a note to this effect will be added to the plan. Mr. Bulger agreed that this was reasonable since pedestrian safety was of concern. Mr. Koval reminded the applicant that the northernmost access should provide both a right and left turn lane from the site. Mr. Ophardt recommended pedestrian connections between the plaza and the service station and the northwestern side of the mall and Crossing Boulevard. Though Mr. Koval expressed concerns regarding the comment prepared by the ECC regarding fuel containment, Mr. Grasso explained that the applicant will be required to comply with all NYSDEC guidelines: Mr. Grasso believes that the mitigation proposed is appropriate. Mr. MacElroy reported that the applicant has met all of the stringent NYSDEC standards for installation of the fuel tanks and expressed concern with adding additional, unspecified protections not approved by that agency. Though Mr. Quinn recused himself from any discussion concerning this application, he did restate the ECC's concerns and explain that the members of the Commission believe that the "extra precautions" requested would be reasonable. Mr. Bulger explained that because the ECC had not specified the "extra precautions," because the requested standard had not been required of any other applicant, and because the applicant has met all relevant codes, he was satisfied with the applicant's compliance with Town codes and state standards. Mr. Werner was also concerned with setting a precedent for requiring applicants to provide more protections for fuel spills on site than is required by law. Board members agreed that the dumpster enclosure could be constructed with "board-on-board" exterior materials.

Mr. Bulger explained that the Board established itself as Lead Agency for this project and issued a negative declaration pursuant to SEQRA and granted preliminary approval to this application at its August 12, 2008 meeting.

Mr. Koval moved, seconded by Mr. Bulger, to grant final site plan approval to this application conditioned upon satisfaction of all the comments issued by Clough, Harbour, and Associates and the Planning Board. Ayes: Ophardt, Pace, Koval, Werner, Bulger. Noes: Larkin.

New Business:

[2008-037] **Clifton Park Center Mall Hotel** – Proposed 4-story hotel, Clifton Country Road – Conceptual site plan review.

Mr. Joe Dannible, consultant for the applicant, presented a colored façade rendering of the proposed hotel and provided a brief description of this concept plan for the Board's consideration. The applicant proposes the construction of a four-story, 50,000 SF hotel over the existing mall just north of the existing Regal Cinemas facility. The sketch plan indicates that the hotel entrance will be located just north of the mall's southernmost entrance drive on Clifton Country Road. Parking revisions will yield a net

increase of approximately four (4) parking spaces. Grading easements will be required from the Town of Clifton Park for work within the right-of-way and setback variances from the Zoning Board of Appeals will be necessary for the proposed parking area and retaining wall. The parking lay-out will be revised to facilitate the hotel entrance canopy and additional parking for hotel use. The canopy will cover both a drop-off lane and a pass-by lane. The existing loading docks will be removed and renovation of the façade is proposed to create new store fronts and entranceways. The plan's site statistics table indicates that there are existing connections to the Saratoga County Sewer District and the Clifton Park Water Authority. Storm water will be directed to an existing retention pond.

Mr. Scavo explained that his project review comments have been limited to traffic considerations. He recommends that the entrance from Clifton Park Center Road into the mall complex by Regal Cinema's be evaluated to ensure an adequate turning radius to allow for buses making the turn toward the front of the hotel. The width of parking spaces should be indicated on the plans. GEIS Fees will be applied to the base square foot addition to the mall: the Statement of Findings calls for a contribution of \$.18 per square foot. Pedestrian accommodations and access issues should be looked at in the vicinity of the Stop signs by the Hair Salon. In general, the Planning Department supports the project as a part of the comprehensive redevelopment plan for the mall.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, commented that parking variances will be required. Additional comments will be forthcoming when more detailed plans are submitted for review.

Mr. Mackesey, representative of the Trails Subcommittee for the Open Space, Trails, and Riverfront Committee, recommends the construction of a sidewalk from the various entrances to Route 146 and to Clifton Park Center Road and a crosswalk to the Hannaford Plaza as well as a sidewalk and crosswalk to the mall.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the concept site plan dated August 20, 2008 for the above referenced project that was prepared by Environmental Design Partnership, LLP. The engineering firm offered 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 Variance; Saratoga County Planning Board – Section 239 Referral. The subject property is located within the Exit 9 GEIS Study Area. If development of the project is deemed to be in conformance with the statement of findings, then a negative declaration pursuant to SEQR may be appropriate. The applicant should contribute to the mitigation fees established in the Exit 9 Area GEIS. The applicant should consult the Exit 9 GEIS Area Findings Statement and provide the required documentation of compliance. In addition, a Full Environmental Assessment Form, which addresses the Exit 9 GEIS Findings Statement, should be submitted for review. Although in general Clough, Harbour, and Associates strongly supports the redevelopment of a portion of Clifton Park Center with a hotel, there are concerns over the proposed modifications to the access drive parallel to Clifton Country Road. The proposed plan pushes the western pavement limits toward Clifton Country Road by as much as fifteen feet, which significantly reduces the limited green space along Clifton Country Road, and pushes the curb cut on the south mall access drive twenty feet closer to Clifton Country Road. This will negatively impact the limited area for queuing before blocking access to the drive

aisle. Additionally, there is a concern with the increase in left turn movements from the mall access drive to access the proposed hotel parking. A current overall parking and green space plan of the mall area should be provided that depicts the parking and green space requirements based upon the uses that currently exist at the facility. The plans should depict the proposed number of room and number of stories of the hotel. Provisions for conference facilities, service area and deliveries for the hotel should be described. Clough, Harbour, and Associates has concerns over the lack of suitable area for these functions. Traffic circulation and pedestrian accommodation problems have been created by the dual curb cut/single center parking aisle arrangement between the mall and the 19,100 square foot building. The siting of the hotel may substantially increase the traffic volumes in this area. As such, additional internal traffic circulation improvements and pedestrian accommodations may be required.

Mr. Quinn, Chairman of the Environmental Conservation Commission, reported that, after review of the project plans presented, the Commission offered no comment on the application.

In response to Mr. Larkin's question regarding conference space within the proposed hotel, Mr. MacElroy reported that the applicant plans to include approximately 5,000 SF of conference space. A restaurant will also be included in the design plan. Direct access to the mall from the hotel will be provided. Mr. Bulger labeled the proposal a "fantastic plan" that appeared to have unanimous support from the members of the Planning Board.

[2008-035] **Rogers, David and Elizabeth** – Proposed Special Use Permit for construction of a duplex in an R-1 zone, 589 Grooms Road – Conceptual site plan review.

Due to the lateness of the hour, Mr. Scavo presented this application for conceptual review. He described this application that calls for the construction of a duplex on a 1.49 acre parcel located on the south side of Grooms Road just west of its intersection with South Barney Road within the R1 zoning district. The applicant would like to remove the two (2) existing barns to allow for construction of a 70' x 40' duplex with each unit being 1,700 SF having three (3) bedrooms and two and a half bathrooms. It is anticipated that the entire duplex will remain under single ownership. The duplex will be served by public water and sewer and is permitted by subsection 208-79 #7 as an allowed special use. It is anticipated that the applicant will require approval of a Special Use Permit, and an area variance for front setbacks from Grooms Road and the L-C zone. A wetland disturbance permit issued by the NYSDEC will also be required.

Mr. Scavo offered comments prepared by the Planning Department. He reported that although NYSDEC is willing to sign off on allowing construction of the structure, the agency has requested that coordinated review pursuant to SEQR be completed prior to the issuance of an approval letter. The application will be considered by this Board after review by both the ECC and ZBA. Mr. Scavo also commented that review and comment by the Latham Water District will be required.

Mr. Myers, Director of Building and Development, provided the following comments. Variances for setbacks have been applied for. It is his understanding that

NYSDEC will allow construction in the LC zone. A sign-off from the Latham Water District should be obtained.

Mr. Scavo reported that Mr. Bill Mackesey, representative of the Trails Subcommittee for the Open Space, Trails, and Riverfront Committee, recommends the conveyance of a 15' strip of land along Grooms Road for future roadway improvements and trail connections. Trail links along Grooms Road may provide a connection to the Moe Road Trail, Vischer Ferry Trail, and Clifton Park Center Trail.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the concept subdivision plan dated July 25, 2008 for the above referenced project prepared by Gilbert VanGuilder Land Surveyor, PLLC and offered 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 – Subdivision Approval; Clifton Park Zoning Board of Appeals – Area Variances. Nearly the entire project area is located within the 100' NYSDEC wetland adjacent area and subsequently the Town of Clifton Park LC (Land Conservation) zoning district. The proposed use is not permitted within the LC Zone and in general the engineering firm does not support such development within the zone. If the proposed use occupies less area than the existing use and permanent legal and physical controls are put in place to protect the wetland buffer re-development of the property may be deemed appropriate. The plan should indicate that the site is located adjacent to lands of the Latham Water District: it is recommended that the plan be submitted to them for review and comment. If development of the property results in an increase in the intensity of use of the site, such as is proposed, it is recommended that the Town acquire additional right-of-way across the site's frontage a consistent width from the centerline of Grooms Road to accommodate future drainage and trail improvements. The existing and proposed contours and details regarding the water supply and sanitary sewer service should be provided on the plan. The size and material of the proposed driveway culvert should be depicted on the plan.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that, after review of data presented at our September 2, 2008 meeting, the ECC recommended that the proposed use is inappropriate within the LC zone.

Ms. Mary Suda, 588 Grooms Road, spoke of the problems that development on this parcel along Grooms Road may create. She explained that flooding of the property is a usual occurrence, that increased traffic on Grooms Road would be problematic, and that sight distance at the proposed curb cut was limited.

Mr. Larkin explained that it would be necessary for the Zoning Board of Appeals to consider the setback variances required and that such an action would not require notification of property owners within 500' of the property boundaries. He advised Ms. Suda to check for information regarding review of the application on the Town's web site.

Mr. Bulger moved, seconded by Mr. Ophardt, to establish the Planning Board as Lead Agency for this application in order for coordinated review to be initiated. The motion was unanimously carried.

Mr. Bulger announced that since it was now nearly midnight, the following agenda item would be the last one discussed this evening. The last item on the agenda – the Subdivision of the Lands of Deleonardis - would be heard first on the agenda of September 23, 2008.

[2008-036] **Shoppers' World Plaza Bank** – Proposed 3,000 SF bank, 15 Park Avenue – Conceptual site plan review.

Mr. Bruce Secor of Stantec Consulting, consultant for the applicant, presented a colored site drawing and provided a brief description of the proposed project. The applicant proposes the construction of a 3,000 SF one-story bank with two drive-thru lanes and a by-pass lane on the northeast corner of the intersection of Park Avenue and Maxwell Drive. The parcel lies within the B4 (Highway Business) zoning district and is part of the Shoppers' World shopping plaza. Fourteen (14) regular parking spaces and one (1) handicapped parking space are to be installed on site. Two entranceways internal to the Shoppers' World plaza are proposed to facilitate traffic circulation to the building and through the drive-thru without adding trips to the surrounding roadway network. The speaker reported that existing tree lines will be maintained and that the project will tie into the existing storm water management system. Connection will be made to an existing sewer line and water will be supplied by the Clifton Park Water Authority.

Mr. Scavo presented several comments prepared by the Planning Department. Since the project is located within the Exit 9 GEIS Study Area, mitigation fees will apply at a rate of \$.18/per square foot of development on new development. This would total \$540.00 for the proposed 3,000 SF bank. The project has been forwarded to the Saratoga County Planning Board for its review and comment. The applicant should consider providing pedestrian connections to both the Maxwell Drive sidewalk and Shoppers' World Plaza. Mr. Scavo noted that the Board may be amenable to "trading" pedestrian connections and functionality through the site for a reduction in the green space requirement. A colored façade rendering, including signage should be submitted. It is recommended that the site be compatible with the "look and feel" of the surrounding neighborhood.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments. The property is a corner lot and has two fronts; therefore, an 80' front setback to the building is required and a variance for the Maxwell Drive side is also required. A parking variance will also be required for the Maxwell Drive side since a 30' setback is required. Though 35% green space is required, only 30% is provided: a variance will be required. Per Section 208-48 of the Town Code, a landscaping variance will be required. It appears this project is not on its own parcel of land and would therefore be considered under Section 208-47, Group of Establishments. The minimum lot width required for such consideration is 400': 199.6' is noted. A full Storm Water Pollution Prevention Plan will be required.

Mr. Scavo reported that Mr. Bill Mackesey, representative of the Trails Subcommittee for the Open Space, Trails, and Riverfront Committee, recommends that a sidewalk connecting the bank to the side of the road be installed. The conveyance of a

15' strip of land along the property frontage for construction of either a sidewalk or trail system is recommended.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the concept site plan dated July, 2008 for the above referenced project prepared by Stantec. The following comments were prepared. 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; Saratoga County Planning Board – Section 239 Referral. The submitted Full Environmental Assessment Form appears to adequately describe the proposed project. The subject property is located within the Exit 9 GEIS Study Area. If development of the project is deemed to be in conformance with the statement of findings, then a negative declaration pursuant to SEQRA may be appropriate. The applicant should contribute to the mitigation fees established in the Exit 9 Area GEIS. The applicant should consult the Exit 9 GEIS Area Findings Statement and provide the required additional supporting studies and documentation. Based upon the site statistics provided, the site currently has 30% green space and will have 26.4% green space following the proposed development. The required green space in the B4 zoning district is 35% and the Exit 9 GEIS Findings recommended 45% green space. No justification for the reduced green space has been provided. If green space less than required is considered, additional mitigation measures should be provided, such as improving other visually unattractive portions of the site or providing green space of greater value than that which is typically provided on commercial properties. The remaining green space represented on the plans does not appear to have any special qualities or provisions. In addition, the engineering firm is particularly concerned with the elimination of the existing green space buffer between the Park Avenue and Maxwell Drive intersection and the rear loading docks of the Price Chopper building. It is recommended that a visual site assessment be provided addressing the proposed views from the adjacent roadways. No justification or mitigation is provided for not respecting the required 80 foot minimum front yard building setback along Maxwell Drive. Although in general Clough, Harbour, and Associates supports the proposed access arrangement, consideration should be given to having the drive-thru on the east side of the site so that a more common suburban block corner can be provided, including pedestrian connections to the multi-use pathway along Maxwell drive. The proximity of the building and drive aisles to Maxwell Drive and Park Avenue will create a very different streetscape feel than which is provided for other commercial corners in the area. Any proposed plan in this area should include pedestrian facilities across the site's frontage on Park Avenue. Although the firm does not believe the 137 trips generated by the proposed development will have a significant impact on traffic in the area, it is recommended that the signals at the Park Avenue/Maxwell Drive and Maxwell Drive/Route 146 be evaluated to determine if timing adjustments or turn lane adjustments will be required. The traffic evaluation should confirm that the southerly curb cut proposed opposite the parking aisle to Price Chopper provides adequate queuing from the intersection with Park Avenue. The rear loading dock areas of commercial facilities such as Price Chopper are typically busy with frequent truck deliveries. Clough, Harbour, and Associates is concerned with the potential vehicle conflicts between the delivery trucks and the passenger vehicles attempting to access the proposed bank. Most facilities such as these have refuse areas including dumpsters for waste and recyclables and sheds for maintenance equipment. Any such areas should be identified on the plans. The pad area around the proposed bank building appears very limited in size and sidewalk accommodations. Consideration should be given to extending a sidewalk that connects the front and rear entrance without pedestrians having to walk within the access drive. All street trees shall have a minimum caliper of 3.5". Unless full storm water management facilities including flood control and storm water quality treatment are

provided for the area of proposed development, a comprehensive evaluation of the existing storm sewer system and storm water management areas covering the whole project site will be required, and the whole site may be required to become Phase 2 compliant. It appears areas variances will be required for the front yard building and parking setbacks and green space. Section 208-48 of the zoning code requires the property margins at the sides from the front building line to the rear property line be planted with trees and shrubs for a width of not less than 15 feet.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that the ECC made the following recommendation regarding this concept plan. The ECC notes that the Shoppers World, as a whole, already fails to meet the minimum green space requirement for the area. The ECC believes that the loss of additional green space, particularly at this location, would have a significant adverse visual impact.

In response to comments regarding the possible relocation of the proposed bank to an area in front of the K-Mart department store, Mr. Miller, applicant, stated that the parking provided for that business is required by lease. Mr. Bulger explained that the recently-completed Exit 9 Corridor Study has provided a number of recommendations including one that advocates a reduction of green space within the Exit 9 area to encourage more pedestrian-friendly development and another that views “walkability” of an area as a significant benefit. Mr. Koval noted that if the Board were to follow the recommendations provided by the study, this proposal would seem desirable. Mr. Bulger responded positively to Mr. Larkin’s comment that an increase in the height of buildings in the area should also be considered. Mr. Ophardt stated that pedestrian connectivity between the proposed building, stores in the plaza, and existing sidewalks should be viewed as an important component of the plan. An extension of the sidewalk along the northern side of Park Avenue should be considered. Mr. Grasso recommended that the applicant attempt to “break up” the architectural style along Maxwell Drive. Mr. Bulger asked that the consultant provide green space calculations for the proposed project plan. Ms. Pace stated that she approved of the construction of a bank in this location.

The following item will be considered first on the September 23, 2008 agenda.

[2008-038] **Deleonardis, Pat and Antoinette** – Proposed (2) lot subdivision, 403 Riverview Road – Conceptual review.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Larkin and Ms. Pace, approval of the minutes of August 12, 2008 as amended. The motion was unanimously carried.

Mr. Bulger moved, seconded by Mr. Werner, approval of the minutes of the meeting held on September 3, 2008 to conduct a workshop on the amenity zoning proposal for the proposed Windhover Farms subdivision. Ayes: Ophardt, Larkin, Koval, Werner, Bulger. Abstained: Pace.

Discussion Items:

No discussion items were scheduled for this evening’s meeting.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 12:30a.m. The motion was unanimously carried. The next meeting will be held as scheduled on September 23, 2008.

Respectfully submitted,

Janis L. Dean,
Secretary

c: 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