



Planning Board Meeting
October 15, 2008

Those present at the October 15, 2008 Planning Board meeting were:

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

Those absent were: None

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

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

Public Hearings:

[2008-039] **Hoffman, Charles** – Proposed transfer of 16,000 SF from 1772 Route 9 to 1768 Route 9 – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on October 6, 2008.

Mr. Joe Dannible, consultant for the applicant, explained that this application remains generally as presented at the September 23, 2008 meeting. The applicant will provide the owner of 1772 Route 9 a temporary easement for use of the storm water management area that serves that lot until such time as a storm water management plan is implemented for the proposed redevelopment of the adjoining parcels. Since this was the only issue of concern identified at the last Planning Board meeting, the consultant requested Board approval of the project.

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

Mr. Scavo reported that a memo prepared by Mr. Steve Myers, Director of Building and Development, states that he has no further comment on this application at this time. Mr. Scavo also reported that the Environmental Conservation Commission found this application acceptable.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the preliminary plan submitted for this application and found that all previous comments have been addressed.

There being no public comment regarding this application, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 7:14p.m. The motion was unanimously carried.

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

Mr. Ophardt offered Resolution #19, seconded by Mr. Bulger, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department. Ayes: Ophardt, Larkin, Pace, Koval, Werner, Bulger. Noes: None.

[2008-034] **Currier, Gerald** – Proposed (3) lot subdivision, 1117 Route 146A - Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:16p.m. The Secretary read the public notice as published in the Daily Gazette on October 6, 2008.

Mr. Gil VanGuilder, consultant for the applicant, presented this application for the Board's consideration. Although this application remains generally as presented at the September 10, 2008 Planning Board meeting, Mr. VanGuilder provided a detailed explanation of the proposed subdivision that calls for the subdivision of a 34 acre parcel of land located within the CR (Conservation Residential) zoning district. The parcel is situated approximately 2,100 feet northeast of the intersection of Route 146A and Ashdown Road. Though the parcel has frontage on both Route 146A and Ashdown Road, the new lots will be served by a common driveway from Ashdown Road. The driveway will meet the 20' width requirement for driveways over 500' in length and will be capable of supporting a 75,000 pound fire apparatus. The proposed new lots will be served by individual wells and septic systems. The speaker stated that notes regarding the separation of wells and septic systems on this parcel as well as adjoining parcels have been added to the subdivision plans. A 4.5 acre parcel located along NYS Route 146A that is currently included as part of the remaining lands to be retained by the applicant is designated as a HM (Hamlet Mixed Use) parcel: no improvements for this parcel are proposed at this time.

Mr. VanGuilder described the site's topographical features, noting that the site contains slopes of 25-30%: the top of bank has been identified on the subdivision plat. The plan indicates that the site contains both federally jurisdictional and NYS DEC wetlands. No disturbance of the wetlands or the two ponds located on the property is proposed and there are no plans at this time to develop the identified "upland" areas on the site. The consultant has provided the following density calculations pursuant to CR zoning legislation. There are 14.71 acres of unconstrained land on the parcel and 14.91 acre of constrained lands. Permanently restricted open space totals 20.78 acres of land; 5.87 acres of that area are identified as unconstrained.

Mr. VanGuilder reported that he was in receipt of a petition signed by several residents of Ashdown Road that listed their concerns regarding the potential impacts of the proposed development on their properties and stated their opposition to Planning Board approval of the application. Mr. VanGuilder addressed each of the eight concerns listed in the petition. The petitioners' first concern was that the proposed shared driveway was less than 20' at the narrowest point, likely creating problems for snow removal and difficulty for access for emergency vehicles. Mr. VanGuilder explained that the width of the combined driveway at its narrowest point was 28'. Possible adverse effects to existing wells serving properties along Ashdown Road was another stated concern. Mr. VanGuilder explained that the two proposed wells will be drilled wells installed in accordance with all existing NYS DOH standards and specifications. Since they will be located "downslope" of existing wells, there would likely be minimal impact to existing residents. Though the petition references a proposal to create a pond on the Nye property that was denied by the County's Soil and Water Resources agency many years ago, Mr. VanGuilder believes that such information was irrelevant since the current application does not call for the creation of a pond. Petitioners observed that the subdivision proposal shows a clear line along the top of the bank at approximately the 350' elevation: the stated concern is that placing a driveway as proposed would be "potentially precarious and hazardous." Mr. VanGuilder noted that the driveway will be

located nearly 35' from the top of the bank and existing vegetation will be preserved to the greatest extent practicable. Item five of the petition stated that the proposed septic systems do not meet required separation distances from existing wells. Mr. VanGuilder stated that all required separations will be met. There was concern expressed regarding clearing of the site since removal of existing trees could "potentially destabilize the hillside." Mr. VanGuilder reported that it is the applicant's intent to preserve as much vegetation as possible on the site. Item number seven of the petition states that the proposed lot sizes and the usable land is "deceptive" due to the topography of the area. Mr. VanGuilder explained that all wetlands and topographic features have been illustrated accurately on the plan that has been prepared in accordance with all town codes. In response to the final item of concern that questioned the proposed lot sizes and ownership, Mr. VanGuilder explained that Mr. Myers, Director of Building and Development, determined that the applicant had complied with all code requirements: no variances would be required.

Mr. Scavo requested that the applicant provide the required ingress/egress easement with a maintenance agreement for shared driveways for the proposed new lots.

In a memo dated October 10, 2008, Mr. Myers, Director of Building and Development, provided the following comments regarding this application. Although 40' of frontage for both lots exists on a public road, the width of the properties narrows approximately 200' from the road. Since the code does not address such a circumstance, Mr. Myers believes that the access is acceptable. The driveway must be at least 20' wide and able to support a 75,000 pound vehicle and have turn around within 100' of each residence per NYS Fire Codes. 200' of separation is required between the septic areas and the wells since the septic areas are upgradient of the wells.

Mr. Scavo reported that Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, provided the following comments and recommendations regarding this application. The driveway is required to be a minimum of 20' wide and able to support a 75,000 pound vehicle with turn around within 100' of each structure. No municipal water is available to the site and if the fire department had to respond to a structure fire, a tanker operation would be required. The proposed driveway would only allow a single truck to enter thus interfering with access for additional emergency response vehicles. A turn-off location should be placed at two locations at Lot C for emergency services use. Ms. Reed stated that there were safety concerns with the proximity of the proposed driveway to the edge of the embankment. She recommended that barriers be placed adjacent to the driveway to prevent vehicles from driving over the edge. Approved postal addresses must be added to the plan.

Mr. Bill Mackesey, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the applicant provide a 15' strip of land along the property's Route 146A frontage for future multi-use pathway and/or roadway improvements. Mr. Van Guilder explained that the current plan illustrates such a conveyance.

Mr. Mackesey's recommendation generated a discussion regarding the means of

assuring that conveyances requested as conditions of Planning Board approvals are indeed approved by the Town Board and that property transfers are recorded in the County Clerk's Office. Though Mr. VanGuilder recommended that property owners provide easements to the Town for pathway construction or roadway improvements, Mr. Grasso was concerned that such easements would not be easily "uncovered" when improvements are planned. Mr. Larkin suggested that the Trails Master Plan show conveyances that have been made as a result of Planning Board approvals: Mr. Grasso stated that the master plan has not been prepared in such detail. Board members supported the recommendation that the Trails Subcommittee create and maintain a master list of conveyances made for trail development.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the preliminary subdivision for this application and offered the following comments. 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. The calculation for the permanently restricted unconstrained land should be re-evaluated. Steep slopes in excess of 20% measured over a 50' horizontal distance are considered constrained land. It appears these areas have been included as unconstrained lands in the calculation. As such, the minimum permanent open space requirement allowing the proposed density may not be met. The proposed wells should be located a minimum 200' from the proposed septic system.

Mr. Grasso stated that the calculations provided by Mr. VanGuilder at this evening's meeting regarding constrained and unconstrained lands appear to be correct. Mr. Grasso recommended that the consultant add additional notes to the plan that more clearly define the restrictions imposed on lands contained within the "permanently protected open space" area. He also recommended that split-rail fencing be installed at the narrowest part of the proposed driveway to clearly define property boundaries.

Mr. Scavo reported that the Environmental Conservation Commission offered the following recommendation. The ECC requests that the final grading plan 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.

Ms. Jane Meader Nye, 158 Ashdown Road, stated that she has lived on Ashdown Road since 1955. She alleges that the survey presented to the Board for approval is inaccurate: the width of the Currier property at its narrowest point between adjoining properties fronting on Ashdown Road is less than 20'. She is also concerned with the "precarious" locations proposed for the new residences since they are located on the top of a steep slope. Ms. Nye presented the Board with a copy of a survey of her property.

Mr. Ronald Fragamenti, 150 Ashdown Road, stated his concerns regarding the inaccuracy of the current survey, explaining that he has measured the distance in the area and finds it to be less than the reputed 28' shown on the proposed subdivision plat. Though he described the applicant's parcel as "a beautiful piece of property," he did not support the proposed construction of two new homes on the top of the steep slope.

Mr. Robert Huerter, 132 Ashdown Road, recounted the history of various surveys prepared for his property and recommended that the Board be certain that the plat approved is accurate.

Several audience members and Mr. Larkin provided anecdotal accounts of problems related to inaccurate surveys. Mr. VanGuilder explained that his firm benefited from the fact that it had surveyed many of the properties along Ashdown Road for previous clients. He also noted that the deeds for the parcels included in this subdivision were quite detailed and appeared to be accurate.

Mr. Duncan Walker, 125 Ashdown Road, explained that several property owners along Ashdown Road obtain water from shallow wells. He expressed concern regarding the negative impacts of the proposed development on the quantity and quality of water in the area.

Mr. William Royer, 153 Ashdown Road, considers the project to be of significant concern because it may impact his water supply. He asked that the Town guarantee that the proposed construction would not negatively impact his well.

Mr. Bulger explained that the Planning Board relies on its professional support staff as well as Clough, Harbour, and Associates, the Town's engineering firm, to review all aspects of every application to ensure that potential impacts are identified, evaluated, and, if possible, mitigated. He advised those who questioned the accuracy of the subdivision plan presented by Mr. VanGuilder to provide the Planning Department with evidence supplied by professionals that would refute the boundary information provided in the pending application. Mr. Bulger also addressed the issue of potential impacts to wells, explaining that it would be impossible to link the construction of two new homes with any diminishment of water quality or quantity in existing wells.

In response to Ms. Nye's request that adjoining property owners continue to be permitted to obtain water from an existing source on the Currier parcel, Mr. VanGuilder stated that no change will be made to the agreement that allows adjoining property owners to draw from that source if necessary.

Mr. James Hogle, 134 Ashdown Road, reported that his well is 41' deep. He commented that he believes that the proposed house locations are "ludicrous".

In response to Mr. Huerter's question regarding the proposed transfer of land to the adjoining fire company, Mr. VanGuilder explained that such a conveyance is not included as part of this application.

There being no additional public comment regarding this application, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 8:30p.m. The motion was unanimously carried.

Board members advised those adjoining property owners who were concerned with the accuracy of the boundary lines to work quickly to submit information and documentation that may indicate an error in Mr. VanGuilder's survey. Mr. VanGuilder offered to meet with adjoining property owners and/or a representative to address the concerns expressed at this meeting. In response to a question from an audience member, Mr. Pelagalli explained that the law permitted those aggrieved to file an appeal within thirty (30) days of the time the Notice of Decision is filed with the Town Clerk. In response to Mr. Koval's question regarding possible impacts to wells on adjoining properties, Mr. Grasso stated that there would likely be no impacts to existing properties.

Old Business:

[2008-040] **Verizon Wireless** - Proposed co-location on Lindsey Farms Cell Tower, 753 Grooms Road - Preliminary review and possible determination from public hearing held on September 10, 2008.

Mr. Michael Cusack, legal representative for the applicant, and Ms. Theresa Reed, Site Acquisition Manager for the applicant, were in attendance at the meeting. Mr. Cusack explained that the single issue remaining after the Board's review at the September 10, 2008 meeting was a question regarding the fuel supply for the generator. The speaker explained that although he consulted with National Grid regarding the extension of natural gas to the site, stringent installation specifications made the extension cost-prohibitive. The applicant has agreed to install a 500 gallon LP tank on the site to eliminate the need for the petroleum-based diesel fuel that was originally proposed. The lessee area has been expanded to provide the required 10' distance from an ignition source.

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

Mr. Myers, Director of Building and Development, has stated that the proposed co-location on approved tower at 753 Grooms Road will require the issuance of a Building Permit. A structural engineer's certification that tower can handle the additional equipment must be submitted.

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

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

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

[2005-060] **Waite Meadows Subdivision** – Proposed (33) lots, 626 Waite Road - Preliminary review and possible determination from the public hearing held on September 26, 2007.

Mr. Dominic Arico, consultant for the applicant, presented this application that has been reviewed by the Board on several occasions. He described the site characteristics of the 125.43 acre development parcel that is located on the east side of Waite Road north of its intersection with Route 146 in a CR (Conservation Residential) zone. Density calculations were provided: the site contains 27.13 acres of constrained lands; 98.30 acres are identified as unconstrained lands. The total number of lots that can be developed on the site is thirty-three (33). The amount of permanent open space area of the site is 64.41 acres; the total area to be dedicated to the Town of Clifton Park is 49.03 acres; deed restricted open space amount to 15.38 acres; unconstrained area within the open space areas is 45.21 acres. Four storm water management areas have been provided. Municipal water will serve the proposed residences via extension of an existing water line along Route 146. All lots will be served by on-site septic systems. Per Town code, two street trees per lot will be planted. A grading plan has been submitted. The project plan includes the installation of a “looped” pathway located within the dedicated open space area. Mr. Gerry Magoolaghan, the applicant’s representative, explained that the development site lies within the Western Clifton Park GEIS study area. The applicant believes that the proposed project meets the intent of the CR zoning legislation: no amenity zoning incentive approvals have been requested. The plan is designed with a boulevard-type entranceway that will maintain the rural character of the area. The first two lots are large lots designated by the applicant as “farmettes”. Though the applicant would be willing to pay his fair share contribution to be allowed to tie into an existing sewer line along Route 146, Mr. Magoolaghan explained that the contribution amount currently requested by the Town Board is cost-prohibitive. Mr. Bulger noted that this application has been before the Board for nearly five years and he stated his appreciation to the applicant for being responsive to the Board’s concerns and recommendations. Although he would prefer that the proposed homes would be connected to the municipal sewer, he believes that the applicant has the right to move forward with individual septic systems.

Mr. Scavo stated that he supported that applicant’s request to connect to the existing municipal sewer system along Route 146 and would continue to work with the applicant and town officials to achieve that end. He also agreed with Clough, Harbour, and Associates’ recommendation regarding the proposed wood chip trail. He would ask that other materials be used for the trail since long-term maintenance of the wood chips is difficult.

Mr. Myers, Director of Building and Development, has provided the following comments regarding this application. The detail sheet states regarding erosion and sediment control information stated that permits will be obtained from Town of Niskayuna: this should be corrected. Staked hay bales are not allowed as erosion and

sediment control measures. The town does not grant variances for disturbances over 5 acres. It appears the Storm Water Management area will be owned by the development: a maintenance agreement with the town shall be required. Appropriate Town of Clifton Park Certifications shall be required rather than those included in the Storm Water Pollution Prevention Plan.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the subdivision plan last revised September 19, 2008 and the Storm Water Pollution Prevention Plan last revised September, 2008 both prepared by Boswell Engineering for the above-referenced project. Several comments from the September 10, 2007 review letter remain to be addressed: additional comments were also provided. Street trees should be proposed as required in the subdivision regulations or a waiver must be requested. Although the response letter indicates street trees are provided, they are not depicted on the plans. Additionally, planting plans for the proposed storm water management areas should be provided. Street lights should be oriented over the proposed entrances onto Waite Road. Although street lights appear to be graphically depicted on the plans, they are not labeled and they are not oriented over the new roads. The adequacy of the sight distance at the proposed access to Waite Road should be verified and reflected on the plans. This comment has been made in several review letters and has not been addressed. The plan only depicts the sight distance to the north of the proposed curb cuts. The sight distance to the south should also be provided. Catch basins should be provided within the proposed cul-de-sacs. A catch basin should be located in the center of the proposed cul-de-sac. The plan currently depicts the catch basins only within the roadway. The utility plan should depict the inverts of the proposed foundation drain laterals to verify positive drainage can be achieved. The plans do not depict the inverts of the proposed foundation laterals. An engineer's report addressing the proposed water supply should be provided for review. A 1% minimum slope should be provided along the outside edge of the proposed cul-de-sacs. The plans continue to depict a 1.0% slope along the centerline on the proposed cul-de-sac. As such, the outside edge of pavement is less than 1%. The proposed limit of work for the proposed off-site water main construction should be clearly defined on the plan. The plan should also include notes regarding the restoration of existing features to be disturbed. The plans do not depict the overall limit of disturbance along the entire length of the water main. Clough, Harbour, and Associates is concerned that there are conflicts with the existing utility poles that are not accurately reflected on the plan.

Mr. Grasso offered the following additional comments. The firm is concerned with the lack of acceptable soil investigation results across many of the lots. Substantial additional soil testing will be required. NYSDOH regulations require a minimum of two percolation tests for all conventional systems. Because alternative systems are proposed, Clough, Harbour, and Associates will permit one test with acceptable results as long as it is within the area of the proposed system. For use of raised systems, a stabilized percolation rate of 1 to 60 minutes per inch is required. This has not been verified in four of the eight percolation tests. It should be confirmed that the holes were adequately pre-soaked one day before the actual test and done at a depth of 12 inches. The firm recommends that a representative from the NYSDOH be present to witness the testing.

Clough, Harbour, and Associates provided several additional comments regarding this application. There is very little design detail for the proposed wood chip path and there is concern about the level of maintenance this will require of the Town if not properly designed. It is recommended that consideration be given to the Town's standard multi-use pathway section, and elimination of the asphalt pavement courses. This should

result in a path with appropriate clearing widths, subbase material and depth, and grading. Culverts should be shown and appropriately designed where the path crosses concentrated runoff areas. The final subdivision plans should include the proposed road names and lot numbers. All lot lines and limits of deed restricted open space shall be established by bearings and distances. Clough, Harbour, and Associates questions why the driveways cross the deed restricted open space areas when this area will be permanently protected from all land disturbance activities. The Town's standard notes should be moved from the details sheet to the cover sheet. It is recommended that the deed restricted open space areas be established as "Land Conservation Areas" for consistency with other approved subdivisions and to allow use of the Town's standard notes for such areas. If these areas are to be different than "Land Conservation Areas", the restrictions should be noted on the plans and discussed with the Planning Board. The subdivision plans should specify that the proposed Open Space is to be dedicated to the Town of Clifton Park and shall be designated Class "A" or Class "B" as defined in the subdivision regulations. A table of all proposed wetland disturbances shall be added to the cover sheet and each proposed wetland disturbance area should be identified on the plan with the acreage of impact. The engineering firm recommends that land preservation areas be established over all wetlands to remain, together with split rail fencing along the wetlands to remain in open areas and posting of signs within wooded areas. This is of particular concern on lots #3, #4, #5, #7, #11, #12, #13, #14, #16, #17, #18 and #26. The plans should clarify if the wetland within lots #27, #30 and #31 is non-jurisdictional. Signage for the proposed pedestrian path crossing should be provided. Clough, Harbour, and Associates does not support the use of the access gates or chain link fencing around the storm water management areas. There is concern with the proposed access to the storm water management areas. Access is not provided completely around the basin and it appears access to the outlets is not provided for some of the basins. Additionally, there is concern with the proposed section of the access drive. The proposed section included 4" of topsoil and grass over 12" of subbase. The firm questions the long term durability of a grass access drive. The proposed hydrant spacing should be evaluated. It is recommended that the maximum spacing between hydrants be 500'. The locations and spacing should be reviewed by the Bureau of Fire Prevention. The proposed inverts to the storm water management areas should be depicted on the grading plan. Rip rap aprons should be proposed at the outlet of the storm water management areas. Although a detail is provided, the areas should be depicted on the plans. The subdivision plan should clarify if Pond 1 is in a proposed drainage easement to be granted to the Town of Clifton Park for maintenance or if this will be covered by a private storm water maintenance agreement. The disturbance areas depicted on the Phasing Plan should be quantified. The Town does not allow disturbance of greater than five acres at one time. The maintenance and protection of traffic detail refers to Consul Road. The typical highway cross section detail on sheet 25 does not match the cross sections provided in the plan set.

Mr. Grasso offered the following comments on the Storm Water Pollution Prevention Plan last revised September 2008:

- The required inspections following a rainfall event greater than 0.5" has been removed from GP-0-08-001. The Storm Water Pollution Prevention Plan should be updated accordingly.
- The use of staked hay bale in lieu of silt fence is not an accepted practice.
- A more detailed discussion should be provided in the storm water management report discussing the proposed method of treatment as it relates to the selection matrices in the storm water design manual.
- It appears from the Notice of Intent that the required water quality

- volume is not provided.
- It should be verified that the pond model storage begins at the proposed permanent pool elevation and not the bottom of the proposed pond.
- The Town of Clifton Park certification form should be completed and included in the Storm Water Pollution Prevention Plan.

Mr. Scavo reported that the ECC recommends that rather than terminating the trail on the roadway by the Storm Water Management area, the applicant extend the trail to the main roadway while running parallel to the boulevard access road. In addition, the ECC has the following comment: If the extension of the trail to the roadway is not required by the Planning Board, the ECC requests that the applicant provide an easement alongside the remainder of the boulevard road so that the path may be completed if warranted in the future.

In response to Mr. Larkin's question regarding the possible location of a sewer line connection, Mr. Arico stated that two possible locations had been considered. The line could be located either along Waite Road with the water line or through an adjoining property that is privately owned. Mr. Grasso stated that it would be Clough, Harbour, and Associates' recommendation that the sewer line be installed within the Waite Road right-of-way. Mr. Larkin stated his support of the proposed connection to the Corporate Commerce Sewer District line rather than the installation of individual septic systems. Mr. Werner asked Mr. Arico to describe the proposed roadway design. After consideration of the proposed plan, Mr. Werner recommended that the applicant investigate the use of a stamped asphalt material or a type of paving block in place of the striping that is currently shown on the plan. Mr. Bulger explained that the Emergency Services Appeals Board granted approval of the road's design conditioned upon designated roadway width and certain traffic control measures. The approval must be reviewed to determine what design items are required. Mr. Bulger asked that Mr. Grasso meet with representatives from the NYS Department of Health to determine if the test pit and percolation rate information will be sufficient for review and approval. Mr. Magoolaghan explained that the applicant is working with Mr. Myers to develop appropriate language that clearly defines required protections for and use of land conservation areas. Fencing will be installed to delineate wetland boundaries. Mr. Arico reported that the Army Corps of Engineers is conducting its final review of the project plan. Mr. Bulger believes that it would be unreasonable to ask the applicant to develop the "loop" trail to the rear of the property and a trail along Waite Road from the entranceway to Route 146 to the south. He asked that the Open Space, Trails, and Riverfront Committee be consulted to determine which trail the committee members would deem the most desirable. Mr. Magoolaghan observed that the loop trail currently proposed would never be linked to adjoining properties due to wetlands and topographic constraints. Mr. Bulger concluded the discussion by stating that he would support connection of the subdivision to the existing Corporate Commerce Sewer District. Board members appeared to generally approve of the plan as proposed.

[2007-056] **Residence Inn (Marriott)** - Proposed 78,785 SF hotel and restaurant, 1740 Route 9 - Preliminary review and possible determination.

Mr. Troy Wojciekofsky, consultant for the applicant, explained that project plans remain generally as previously presented though they have been revised to address concerns identified by the Board. Fuss and O'Neill, the consulting engineering firm, has confirmed that site access and traffic circulation patterns will be adequate for maneuvering emergency vehicles. The plans have been submitted to the Saratoga County Sewer District for review: all capacity issues have been addressed. A phasing plan has been completed. It is expected that the hotel will be constructed first: all required parking for this facility will be installed prior to the issuance of the Certificate of Occupancy. Mr. Wojciekofsky believes that all comments issued by Clough, Harbour, and Associates will be easily addressed. The speaker asked that the ECC modify its restrictions regarding the use of "fertilizers, pesticides, and other materials" since there are products now on the market that could be safely used by the developer to maintain the open areas of the site. A sidewalk segment has been shown on the plan, though Mr. Wojciekofsky stated that it appeared to be "a sidewalk to nowhere."

Mr. Scavo recommended that the applicant receive written approval from NYS DOT for installation of a sidewalk along the Route 9 right-of-way. He stated that his concerns regarding phasing of the project have been adequately addressed. He supported the Board's request for construction of a sidewalk within the NYS DOT right-of-way from the entranceway to the proposed hotel southward to the sidewalk at the intersection of Clifton Park Village Road and U.S. Route 9.

Mr. Myers, Director of Building and Development, offered several comments regarding this application. Privately owned and maintained storm water systems require a maintenance agreement with the town. The town does not allow disturbance of more than 5 acres at a time. Appropriate Town of Clifton Park Certifications shall be required rather than those included in the Storm Water Pollution Prevention Plan. A copy of the County Sewer permit is required prior to issuance of a Building Permit. The answers provided to the comments regarding the selection of the contact system with underground detention do not seem to be adequate.

Mr. Bill Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that the applicant construct a sidewalk along the property frontage to provide a link between businesses and services in the Route 9 corridor.

Mr. Grasso provided a number of comments prepared by Clough, Harbour, and Associates following review of the preliminary site plans, revised September 22, 2008 and the Storm Water Pollution Prevention Plan revised September 23, 2008 for this project that were both prepared by Fuss and O'Neill. Several comments from the May 7, 2008 comment letter remain to be addressed and additional comments have been provided. The location of the proposed sidewalk along Route 9 must be determined and a design plan prepared. The current location appears to conflict with both drainage structures as well as existing guiderail. This design will require input and coordination with NYSDOT. The final design plans and details must be provided. The following comments specific to the Storm Water Management Plan and Report:

- The report should provide a discussion of the water quality volume provided. The sizing of a hydrodynamic separator requires the conversion of the water quality volume to an equivalent flow rate. Additionally, the treatment provided by the hydrodynamic separator should be determined based upon NJDEP certifications not the manufacturer's materials. The NYSDEC storm water design manual states that the treatment capacity of all water quality units be verified by the NJDEP certifications.
- The report should discuss the proposed method of treatment as it relates to the Storm Water Design Manual and the selection matrices. It should be verified that the proposed method of treatment is most appropriate based upon the site conditions and constraints. The storm water management report should provide a discussion of the above.
- It appears the storm water model incorporates infiltration in the design. As such, test pits and percolation tests should be performed at the location of the storm water management areas to determine the appropriateness of the design infiltration rate and the elevation of groundwater. The percolation tests should be performed at the bottom of the proposed basin. Although the storm water management design does not include infiltration, the design could be significantly impacted by the elevation of groundwater. The seasonal high ground water elevation should be determined.
- A table should be provided documenting the 24 hour extended detention of the 1-year 24 hour storm event. It is unclear from the calculations provided how this requirement is met.

Mr. Grasso offered the following comments. A note should be added to the plans indicating that the floating cross-access easement may be located anywhere along the northern property line: a location will be determined by the Planning Board. The note may indicate the easement shall align with any similar future easement on the property to the north, and that the easement shall be continuous to a public right-of-way and shall be filed upon request by the Town of Clifton Park. Due to the use of underground storm water management systems and inability to verify construction during the Town's typical site inspection walk-through, certification from the design engineer that the system has been installed in conformance with the approved plans shall be provided prior to issuance of a certificate of occupancy. Details for the proposed lights shall be provided.

Clough, Harbour, and Associates questions whether or not the proposed dumpster enclosures, measuring forty square feet, are adequately sized to contain all refuse, recyclables, pallets, etc. Most similar commercial establishments require enclosures measuring approximately 200 square feet. The landscaping plan should specify all proposed ground covers (stone, mulch, etc.) and areas to be seeded, sodded, etc. Use of metal edged landscape beds are recommended for many of the proposed shrub planting areas. The size of the following proposed landscaping shall be increased accordingly:

- Shade Trees to 3.5" caliper
- Flowering Trees to 2.5" caliper
- Norway Spruce 8' ht.

Clough, Harbour, and Associates is concerned with the long term maintenance requirements of the proposed water quality filter units and the likelihood of the units to

be property maintained. It is recommended that a lower maintenance alternative be investigated.

Mr. Scavo reported that the ECC issued the following comments regarding this application. Storm water control access may not be used in the calculation of greenspace. The greenspace calculation should be corrected and revised as necessary. The following standard statements should be added to the plot plan:

- No salts, fertilizers, pesticides or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching or in any other manner which violates the New York State Environmental Conservation Law (ECL).
- All erosion and water quality controls shall be put in place and maintained at the initial phase of site preparation.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

In response to Mr. Werner's question regarding storm water management, Mr. Wojciekofsky provided storm water management details. Mr. Grasso stated that Clough, Harbour, and Associates found the plan acceptable. Mr. Ophardt stated his support for construction of a sidewalk along Route 9 that would provide a pedestrian connection to businesses and restaurants in close proximity to the proposed hotel. Mr. Koval noted that sidewalk installation was a condition of approval for several other applications approved in the area. Board members agreed that the construction of a sidewalk was reasonable. Though Mr. Audi observed that the applicant for an adjoining restaurant at the Holiday Inn Express site was not required to construct a sidewalk segment equal to what was now demanded of him, Mr. Grasso explained that the Board considers the impacts of proposed projects to determine appropriate mitigation measures. He stated that design of the sidewalk would be subject to both Town and state review. Mr. Audi, applicant, who was in attendance at the meeting, agreed to construct the sidewalk as recommended by the Board.

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

Mr. Werner moved, seconded by Mr. Larkin to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments issued by the Planning Department, Clough, Harbour, and Associates, and the Planning Board. The motion was unanimously carried.

[2007-010] **One Fairchild Square** - Proposed construction of 17,500 SF office/warehouse and parking lot modification, 1 Fairchild Square – Revised conceptual site plan review.

Mr. Tom Andress, consultant for the applicant, provided a brief description of the project plan for a parcel located on the south side of Ushers Road west of its intersection

with VanPatten Drive in a LI (Light Industrial) zoning district. The existing complex is generally known as Fairchild Square. The project calls for the addition of 88,000 SF of office and/or warehouse space on a property that currently contains a 61,316 SF building and associated parking. The development plan calls for the construction of a 17,500 SF office/warehouse building along the northern side of site's entranceway from VanPatten Drive, a 40,000 SF office/warehouse building in the northeastern portion of the parcel, a 20,000 SF office/warehouse building to the east of the common access driveway from Ushers Road, and a 5,000 SF office along the western side of that driveway. A parking circle that previously served the site has been removed. Mr. Address reports that the applicant is currently under contract with German Auto Parts to provide the 17,500 SF office/warehouse facility. All of the proposed buildings will be served by municipal water and sewer utilities. Variances from the Zoning Board of Appeals will likely be required. Mr. Address will add a site statistics table to the plan. He believes that all comments prepared by Clough, Harbour, and Associates can be adequately addressed.

Mr. Scavo stated that the applicant has addressed all of his comments. Though he understands that §208-64 A(3) of the Town Code requires that applicant to complete a tree inventory on the site, it is his recommendation that the applicant, Mr. Grasso, Ms. Viggiani, and he conduct a site visit to determine the limits of clearing. This will provide a better understanding of the areas where trees need to be preserved.

Mr. Myers, Director of Building and Development, has commented that although the most recent submission of this application appears to resolve his previous issue with available property frontage on public road, there still appears to be access issues with this subdivision. He has stated that permanently deeded access through other properties will be required for some of the lots.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, recommends that the curb cut from Ushers Road to the site be retained and maintained by the property owner to ensure access for emergency service vehicles.

Mr. Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee recommends that the applicant construct a sidewalk that would connect the buildings to VanPatten Drive and a crosswalk to the existing trail along VanPatten Drive. Mr. Address reported that there is an existing crosswalk from the site to the existing trail.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the concept site plan dated March, 2008 for this application and prepared the following comments. The proposed access drive on the west side of the site should provide 90 degree tee intersections and eliminate the proposed skewed four-legged intersection. The proposed sidewalk along the primary access road must cross Van Patten Drive to connect to the Town's existing multi-use path. Appropriate crossings and signage will be required. The following additional comments were provided. The plan does not provide a table containing the proposed site statistics including the lot areas, proposed green space, and proposed parking. The parking requirements per code based upon the proposed square

footage of each use should be provided. The plan does not depict the proposed utility locations. Ingress/egress easements should be established along the common roadways to provide access for each lot within the proposed development. Handicap accessible parking is not provided for the proposed 40,000 SF office/warehouse. Clough, Harbour, and Associates is concerned that the size of the storm water management areas depicted on the plan will not be adequate. It is likely that additional disturbance will be required. Additionally it should be noted that per Section 208-65-C of the Town Code, storm water management areas shall not be included as part of the green space calculation.

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

Mr. Bulger initiated a discussion regarding the recommendation that a tree inventory, supporting Mr. Scavo's suggestion that Town representatives and the Town Engineer conduct a site visit to establish the limits of clearing and determine if a formal inventory would be required. Mr. Larkin found that the location of the proposed storm water management areas behind the existing berms along Ushers Road was acceptable and he commented that he believed that since the proposed buildings were single-story buildings, the existing vegetation along the northern property boundary would adequately screen the site. In response to Mr. Werner's question regarding a traffic study, Mr. Andress explained that the study determined that the site development would result in minimal traffic impacts to surrounding roadways. Board members agreed that appropriate traffic signage should be placed along Ushers Road to direct commercial traffic to the VanPatten Drive entranceway. Board members found the project proposal generally acceptable.

New Business:

[2008-041] **Northstar Church** - Proposed construction of a 12,000 SF (1) story church, Route 146A – Special Use Permit to allow construction of a church with the CR zone and conceptual site plan review.

Mr. Tom Andress, consultant for the applicant, presented this application that calls for the construction of a 13,750 SF church on a 26.98 acre parcel located on the southern side of Route 146A west of its intersection with Waite Road and east of its intersection with Ashdown Road. The property is situated within the CR (Conservation Residential) district and includes LC (Land Conservation) zoned lands. The church will be served by an individual well and septic system. 93.5% of the area will be preserved as green space. Based upon the parking requirement of one space for every four seats, a total of 62.5 spaces would be needed. Though the plan illustrates 167 spaces, 75 spaces will be land banked for installation when warranted. Mr. Andress reported that NYS DEC wetlands have been delineated and the ACOE has verbally agreed to the delineation of the federally jurisdictional wetlands. Some wetland disturbance will be necessary.

The orientation of the building was dictated by the site's topography and configuration. The plan presented for the Board's consideration included a sketch of a possible future expansion that illustrates that the church could "grow" as the number of parishioners increases. The building will meet the 130' setback requirement from the centerline of Route 146A, the 25' rear setback requirement, and the 10' side yard setback requirement. The applicant has agreed to install landscaping that would screen the building and "soften" the look from Route 146A.

Mr. Scavo stated that the expansion plans were added to the project plan at his direction since he was concerned with the "adaptive re-use" of the facility should the congregation grow too large to be accommodated at this site. Mr. Scavo explained that the parcel slated for development was identified in the Statement of Findings for the Western Portion of Clifton Park as an open space resource parcel that should receive special consideration due to its prime agricultural soils and scenic views.

Mr. Myers, Director of Building and Development, has reported that construction of a church within the CR (Conservation Residential) zone will require approval of a Special Use Permit from the Planning Board. Per NFPA 13 of the Building Code of New York State, a full sprinkler system will be required for the building because no public water is available in this area. Mr. Myers has commented that such a system could become quite costly.

Mr. Scavo reported that Mr. Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee recommends that the applicant convey a 15' strip of land along the property's frontage to permit future multi-use pathway construction or roadway improvements. He noted that a trail segment in this area would become part of a trail network that would link the Ballston Lake Trail with the Sherwood Dawson Trail.

Mr. Grasso reported that Clough, Harbour, and Associates provided the following comments and recommendations regarding this application. 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 special use permit and site plan approval being required. Other involved agencies include Saratoga County Planning Board for Section 239 Referral and NYSDOT for highway curb cut permit. Given the scale of the proposed project and location within the CR (Conservation Residential) zone it is recommended that the applicant prepare a Full Environmental Assessment Form. The project site has been identified as an important Open Space Resource parcel in the Western Clifton Park GEIS study due to views known to be important to the community as well as active agricultural uses. Although the loss of important agricultural lands will be difficult to mitigate, impacts to the views of the site are worthy of special design provisions. It is recommended that the layout be re-designed to place the parking lot to the rear of the building so that the parking areas are not visible from NYS Route 146A, similar to what has been done at the Our Lady of Grace parish further down route 146A. In addition, given the size of the future addition, the building should be more centrally located within the parcel to reduce impacts on the adjoining properties. The plan depicts a significant future building addition and parking expansion. It is recommended that the impacts of the proposed future development be evaluated as

part of this application. A jurisdictional determination should be provided for the onsite wetlands. The proposed development could be significantly limited should the wetlands currently labeled ACOE be determined to be NYSDEC wetlands. Tests pits and percolation tests should be performed within the location of the proposed septic system to determine to adequacy of the existing soils. The septic system design should be provided for review. The appropriate handicap parking signage should be proposed. A dumpster enclosure should be provided. The sight distance at the proposed entranceway should be evaluated. The limits of the wetlands to be disturbed should be depicted and quantified on the plan.

Mr. Scavo reported that the Environmental Conservation Commission made the following recommendations: a minimum 50 foot buffer be provided between all impervious surfaces and wetlands; a proposed grading plan and storm water management plan be provided and show that all proposed runoff from the parking lot area does not negatively impact the adjacent wetlands. The ECC notes that sufficient unconstrained land exists to develop the property while accommodating natural and existing wetland and drainage features of the site currently shown as impacted by the development; in particular, relocation of the parking lot to be located to the northwest.

In response to Mr. Ophardt's question concerning "unobstructed viewsheds," Mr. Grasso explained that although it may be difficult to preserve "unobstructed" views, the Board should encourage lay-out and building design plans that take into account a building's proximity to the road, compatibility with surrounding neighborhood character, and traffic speeds along Route 146A. Although Board members offered a number of suggestions regarding the possible relocation of the building and parking areas, Mr. Andress stated that grading issues may make it difficult to reorient the church and its associated parking areas. He also noted that it would be important to maintain a close proximity between the church and the parking spaces. The consultant agreed to prepare a couple of alternative development plans for the Board's consideration. Mr. Bulger stated that since the parcel was specifically identified as one containing significant natural resources, the Board should carefully consider the application. He recommended that several Board members visit the site to determine what the most reasonable development plan might be. Mr. Werner asked that the applicant verify the adequacy of sight distances along Route 146A at the proposed curb cut location.

[2008-042] **Arizona Pizza** - Proposed conversion of 6,000 SF existing retail space into a new restaurant and retail space, 5 Clifton Country Road - Conceptual site plan review.

Mr. Steven A. Mack, consultant for the applicant, presented this project plan for the Board's consideration, explaining that the application represents a redevelopment of a building that formerly housed a retail record store. The existing property is located within a B-4 (Highway Business) zone on the west side of Clifton Country Road, just south Southside Drive. The applicant proposes to install an Arizona Pizza restaurant within 5,427 SF of the building. The pizza shop will require the construction of a 360 SF walk-in cooler to the rear of the building. The remaining 1,800 SF of existing space will be leased for either office or retail use. The property is currently served by municipal

water and sewer services. The parking summary included on the site plan states that, per code, the restaurant will require forty-two (42) spaces and the office/retail use nine (9) spaces: a total of fifty-one (51) spaces are required on site. The plan proposes the installation of forty-eight (48) spaces with three (3) spaces designated as “shared parking spaces”.

Mr. Scavo asked that the applicant provide a colored façade rendering of the building and that he consult with Mr. Myers, Director of Building and Development regarding proposed signage. Mr. Bob Trask, company representative, presented a façade rendering that illustrated a change to the roof line of the building. The location of the entrance would not be changed.

Mr. Myers, Director of Building and Development, notes that both restaurant and retail uses are permitted uses within a B-4 zone.

Mr. Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee recommends that the applicant install a sidewalk to connect the restaurant to the adjoining business area. He notes that this will conform to the Exit 9 plan for the area and help ensure pedestrian safety.

Mr. Grasso offered the following comments. 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 site plan approval. The proposed project is the redevelopment and re-use of an existing site. The proposed uses are allowed in the B-4 zoning district. Although the existing parking does not meet the requirements for the proposed use, Clough, Harbour, and Associates believes that the proposed sharing of three spaces between uses appears appropriate. Data on the amount of proposed greenspace should be provided. Due to the increase in traffic levels in the vicinity of the project site and increased queuing along Southside Drive, it is recommended that the Planning Board consider the elimination of the one way out access drive onto Southside Drive near its intersection of Clifton Country Road. A dumpster enclosure should be proposed. Appropriate signage and striping should be provided for the existing one-way access connection to Southside Drive.

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

Board members focused upon Mr. Grasso’s comment regarding traffic flow through the site and discussed ingress and egress options at length. Mr. Larkin recommended that the easterly curb cut on Southside Drive remain open because it provides access to the adjoining Trustco bank. Board members requested that access to the site and traffic flow through the site be evaluated. Members also agreed to consider requiring the construction of a sidewalk along Clifton Country Road. Though Mr. Bulger observed that the project plan has the “unanimous support” of Board members, he asked that the applicant ensure that there is enough parking to serve the restaurant.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Larkin, approval of the minutes of the September 23, 2008 Planning Board meeting as written. Ayes: Ophardt, Larkin, Pace, Koval, Bulger. Noes: None. Abstained: Werner.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 11:30p.m. The motion was unanimously carried. The next meeting will be held on Wednesday, October 29, 2008.

Respectfully submitted,

Janis L. Dean,
Secretary

Cc: Planning Board Members, Planning Department, Supervisor, Town Administrator, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Town Attorney, Lou Renzi, Town Attorney, Tom McCarthy, Town Attorney, Paul Pelagalli, Town Attorney, Department of Parks and Recreation, ECC, Clifton Park Water Authority

NOTICE OF DECISION

Resolution #19

Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on October 15, 2008 there were:

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

Absent: None

Mr. Ophardt offered Resolution #19, and Mr. Bulger seconded, and

Whereas, an application has been made to this Board by Charles Hoffman for approval of a subdivision plat entitled Lot Line Adjustment Between the Lands of 1772 Self Storage, Inc. and the Lands of Hoffman consisting of the transfer of 16,000 SF of land from the Lands of 1772 Self Storage, Inc. to the Lands of Hoffman;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on October 15, 2008;

Whereas, the Planning Board established itself as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on October 15, 2008;

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

Now, therefore, be it resolved that the final hearing is waived and that the subdivision plat entitled Lot Line Adjustment Between the Lands of 1772 Self Storage, Inc. and the Lands of Hoffman consisting of the transfer of 16,000 SF of land from the Lands of 1772 Self Storage, Inc. to the Lands of Hoffman is hereby granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department.

Resolution #19 passed 10/15/08

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

Noes: None

Steven J. Bulger,
Chairman