



Planning Board Meeting
November 25, 2008

Those present at the November 25, 2008 Planning Board meeting were:

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

Those absent were: S. Pace

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

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

Public Hearings:

[2008-045] **Herbinger, Darren and Renae** – Proposed (2) lot subdivision, 798 Grooms Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on November 17, 2008.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that remains generally as presented at the October 29, 2008 Planning Board meeting. The speaker explained that the Zoning Board of Appeals granted approval for the reduced lot

sizes within the CR (Conservation Residential) zoning district at its October 7, 2008 meeting. The plan now illustrates a 15' wide easement to along the property's frontage to the Town for future roadway improvements and possible trail development. In response to comments issued by Clough, Harbour, and Associates, the applicant has provided test pit and percolation test results that indicate that soil conditions are acceptable for a shallow absorption trench type septic system. Sight distances exceed acceptable standards. Though the applicant investigated the possibility of utilizing a combined drive, such an arrangement did not seem reasonable based upon the location of the existing curb cut. Mr. VanGuilder explained that since a combined drive would require the existing driveway to be relocated approximately 100 feet to the east and the removal of a significant amount of mature vegetation, the installation of a new driveway to serve the proposed lot seemed more reasonable. The speaker also reported that Mr. Ted Serbalik, Director of the Saratoga County Department of Public Works, reports that there are no sight distance issues in the area and that proposed reconstruction of Grooms Road in 2009 will not require any modification of its current configuration. Mr. VanGuilder addressed the Board's request for a 10' – 15' conveyance of land along Grooms Road, stating that Mr. Myers has determined that such a conveyance would require an additional Zoning Board approval of a variance for a reduced lot size. The applicant, therefore, would prefer to provide an easement for future road construction or multi-pathway installation. Mr. VanGuilder reported that it may be difficult to satisfy the Board's request for an approval letter from the Army Corps of Engineers regarding delineated wetlands since no disturbance of those lands is proposed. Board members agreed that a verbal "sign-off" from the ACOE would be acceptable.

Mr. Scavo reported that all Planning Board comments and recommendations have been satisfied, though he noted that the required GEIS fees would be applicable and that the issuance of a Driveway Permit from the County Department of Public Works would be required.

Mr. Myers, Director of Building and Development, has reported that all necessary variances have been granted.

Mr. Bill Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that the Board require the applicant to provide a 15' strip of land along Grooms Road for future roadway improvements or trail development.

Mr. Grasso reported that Clough, Harbour, and Associates' review of the subdivision plan for the above referenced project as prepared by Gilbert VanGuilder Land Surveyor, PLLC resulted in the following comments. Clough, Harbour, and Associates continues to recommend combining the existing driveway curb cut with the new curb cut to provide access management along Grooms Road. The limits of the wetlands east of the site should be verified so that 100 foot of separation can be verified from the location of the proposed septic system. Even though the wetlands may not be jurisdictional by NYSDEC, it is recommended that the 100 foot setback be applied and shown on the subdivision plan. Given the soil data, the engineering firm questions the accuracy of the 2 minute percolation test result. It is recommended that an additional test be conducted with 24 hour pre-soaking. The data must include evidence, or lack thereof,

of seasonally high groundwater. Given the likelihood of roadway widening along Grooms Road, it is recommended that the easement be conveyed as right-of-way.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, explained that the ECC recommends that the following standard statement regarding wetland delineation be added to each individual plot plan:

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

There being no public comment, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 7:25p.m. The motion was unanimously carried.

In response to Mr. Larkin's question regarding an apparent wetland that appeared as an overlay on the aerial photograph provided by Mr. Scavo, Mr. VanGuilder explained that the area is not part of a designated wetland. There is a drainage corridor that was apparently constructed by a resident many years ago that controls the flow of seasonal ground water: this feature will be illustrated as an existing water course on the project plans. Mr. Grasso emphasized the importance of acquiring additional land area along Grooms Road rather than an easement, noting that it may be necessary to provide for the adequate installation of drainage facilities and other road improvements. In response to Mr. VanGuilder's request for clarification regarding Clough, Harbour, and Associates' recommendation that there be a 100' setback from designated wetlands, Mr. Grasso explained that the separation was only required for the septic system. Mr. VanGuilder stated that this setback will be provided. All building on the property will respect the 50' setback from the designated wetlands. Board members also agreed that, although combined driveways are usually recommended, it was reasonable to approve a new driveway for the new lot.

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

Mr. Bulger offered Resolution #21, seconded by Mr. Ophardt, to waive the final public hearing and to grant preliminary and final approval to this subdivision application conditioned upon the conveyance of a 10' strip of land along Grooms Road only if it will not require an additional area variance and satisfaction of all the comments offered by the Planning Department, Planning Board, and Clough, Harbour, and Associates. Ayes: Ophardt, Larkin, Koval, Werner, Bulger. Noes: None.

[2008-044] **Ryan and Connery** – Proposed land transfer, 753 Plank Road and 717 Plank Road - Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:30p.m. The Secretary read the public notice as published in the Daily Gazette on November 17, 2008.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that remains generally as presented at the October 29, 2008 Planning Board meeting. As requested by the Environmental Conservation Commission, the L-C zone has been included on the subdivision plan.

Mr. Scavo reported that the Planning Department found this application acceptable, though he reminded the applicant that the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee had recommended that a 10'-15' easement for future roadway improvements or trail development be provided along Plank Road.

Mr. Myers, Director of Building and Development, finds this application acceptable.

Mr. Grasso reported that Clough, Harbour, and Associates determined that all their concerns have been addressed.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that the Commission reiterated its request regarding the identification of the L-C zone on each plot plan. Mr. VanGuilder explained that the filed subdivision map will provide this information.

In response to Mr. Ophardt's question regarding the applicant's willingness to provide additional right-of-way land to the Town, Mr. VanGuilder explained that Mr. Ryan will not provide such a conveyance since trail installation along the northern side of Plank Road would likely require the construction of a retaining wall along his property. Mr. Bulger agreed that the topography of the area as well as the location of an existing gas line would make trail development along the Ryan's property impractical. Mr. Koval stated that, in this instance, the conveyance of land as a condition of a land transfer was not reasonable.

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

Mr. Larkin moved, seconded by Mr. Ophardt, 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 offered Resolution #22, seconded by Mr. Bulger, to waive the final public hearing for this application and to grant preliminary and final approval to this subdivision application. Ayes: Ophardt, Larkin, Koval, Werner, Bulger. Noes: None.

Old Business:

[2008-042] Arizona Pizza – Proposed conversion of 6,000 SF retail space to restaurant and retail use, 5 Clifton Country Road – Preliminary site plan review and possible determination.

Mr. Steven Mack, consultant for the applicant, explained that this project plan remains generally as presented at the October 15, 2008 Planning Board meeting. The speaker provided colored façade renderings of the proposed pizza restaurant and described revisions to the project plan. The plan now shows traffic control signage at the northern ingress/egress locations and the realignment of curbing at the northeastern most access to allow for right-in movements only. Mr. Mack explained that three parking spaces would be designated as “shared spaces” to be used by both the restaurant and the adjoining retail use. Details of the dumpster enclosure including chain link fencing with vinyl privacy slats have been included on the plan. The proposed material and depth of cover for the water service connection have been provided. A note stating that no additional site lighting will be installed has been added to the plan.

Mr. Scavo reported that all of the Planning Department’s concerns have been addressed. Mr. Bill Mackesey, representative of the Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the applicant provide a sidewalk along the Clifton Country Road.

Mr. Myers, Director of Building and Development, has reported that the proposed use is permitted in a B-4 zone.

Mr. Grasso stated that Clough, Harbour, and Associates provided the following comments after reviewing the project plan. In general Clough, Harbour, and Associates supports the proposed change in access from Southside Drive to a rights-in only movement as this will discourage lefts-in in such close proximity to the signal. The “No Exit” sign should be replaced with “Do Not Enter” signs on both sides of the lane. A sign table should be provided depicting the size and mounting height of the proposed signs. The owners of the adjoining property to the south should be notified of the proposed change in access to discuss any potential concerns. Additional detail of the proposed “Access” sign should be provided. It should be verified that existing “Handicap Parking” and “No Parking” signage is provided for the accessible parking spaces. A “Stop” sign should be provided for vehicles exiting the northwest curb cut. Details of the proposed dumpster enclosure should be provided. Chain link fencing should include vinyl privacy slats. Details of the proposed grease trap in conformance with Saratoga County Sewer District regulations should be provided. The plan does not specify the size or invert elevations of the proposed grease trap. The proposed material and depth of cover of the water service should be provided. The plan should indicate 18” minimum separation from the existing sanitary sewer. The method of crossing South Side Drive for the proposed connection should be depicted on the plan. The height of the proposed concrete curb reveal should be depicted on the plan. A note should be added to the plan indicating that no additional site or building mounted lighting is proposed. A detail of the proposed pavement section should be provided.

Mr. Grasso stated that, after reviewing the revised plans submitted for this evening’s meeting, he believes that all comments issued by Clough, Harbour, and Associates have been satisfactorily addressed. He did, however, recommend that the applicant provide a 15’ easement along Clifton Country Road for future trail development.

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

Board members agreed that although it would not be reasonable to require the applicant to construct a sidewalk segment along Clifton Country Road, it would be prudent to require the establishment of a 15' easement along that road for future pedestrian improvements. Mr. Ophardt observed that the site plan presented indicates that the Clifton Country Road right-of-way is located within this parcel's property boundary line. Mr. Grasso commented that the right-of-way was probably widened during the reconstruction of the northern terminus of that road at Route 146 several years ago. It was recommended that the issue be reviewed and that the accurate right-of-way be depicted on the project plan. Mr. Bulger noted that vehicular turning movements at the north western access are extremely restricted due to a narrow turning radius. He recommended that the proposed curbing be reduced to "soften" the turning area. Mr. Mack agreed to consider the proposed revision to the plan. Board members discussed various changes to Southside Drive that would improve traffic flow, but agreed that since Southside Drive remains under private ownership, no change to that roadway could be required as a condition of approval for this application.

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

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

[2008-010] **Prestige Motor Company, Inc.** – Proposed construction of (2) 9,800 SF buildings, 1928 Route 9 – Preliminary site plan review and possible determination.

Mr. Dave Bogardus, consultant for the applicant, presented this project plan that was last reviewed by the Board at its September 23, 2008 meeting. A number of revisions have been made to the plan in response to comments issued by Clough, Harbour, and Associates, the Planning Department, and the Planning Board. Pursuant to comments prepared by the Chief of the Bureau of Fire Prevention, the plan now includes an unrestricted 20' wide access around the buildings. Updated colored façade renderings were provided for the Board's consideration. Details of the safety fence around the detention basin have been included on the plan. All appropriate signage for handicapped parking will be added to the site plans. The dumpster location and design details have been provided. An engineering detail sheet has been provided and a landscaping plan has been added. Mr. Bogardus pointed out that there are no plantings proposed along the northern property boundary since there is significant existing vegetation and a substantial distance between site development and the existing railroad tracks. He addressed the concerns regarding the Storm Water Pollution Prevention Plan, explaining that the plan

will be designed by the Environmental Design Partnership in accordance with current NYSDEC requirements. A lighting plan will be provided for review.

Mr. Scavo offered comments prepared by the Planning Department, explaining that a planting plan that includes plantings along the site's southern border and a 15' easement for future roadway or trail improvements have been submitted. Other issues of concern have been satisfactorily addressed.

Mr. Myers, Director of Building and Development, offered a number of comments regarding this application in a memo dated November 11, 2008. It is noted that the discharge from storm water management area #2 is proposed to a wetland instead of NYSDOT ditch. It is further stated the wetland discharges to the Dwaas Kill. It still appears the discharge will flow to the NYSDOT right-of-way and if the flow will reach the Dwaas Kill, a 303(d) protected stream, a permit will be required from both NYSDOT and NYSDEC. Storm water management areas can be privately owned but a maintenance agreement is required by town law to ensure the areas are adequately maintained. The Town's certification forms must be completed by Clough, Harbour, and Associates prior to applying for a Notice of Intent. Additional comments were related to the Storm Water Pollution Prevention Plan: straw bale dikes are not allowed; inlets shall be protected by stone or fabric filters not straw bales; silt fencing shall be placed along contours.

Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, submitted a memo that stated that "depending on the use and occupancy classification of the proposed warehouse building, a sprinkler system per the NYS Building Code may be required."

Mr. Grasso reported that Clough, Harbour, and Associates offered the following comments on this application. The engineering review is based upon the site plan dated December 21, 2007 prepared by Northeast Land Survey & Land Development Consultants, P.C, the Storm Water Management Narrative dated September 2008 and Storm Water Pollution Prevention Plan dated September, 2008 prepared by Environmental Design Partnership for the above referenced project. Many comments included in the September 18, 2008 review letter remain to be adequately addressed. Additional information has been provided. Documentation from the NYSDEC indicating that they do not have jurisdiction over the federal wetlands along the Dwaas Kill should be provided. A 100 foot regulated adjacent area will significantly impact the development potential of the site. This should be provided prior to any Planning Board action. Correspondence has been provided from North County Ecological Services, Inc. stating that the wetlands are as they are shown on a Wetland Delineation Map prepared by ABD Engineers in 1999. The memo does not state whether the delineation was field verified by NYSDEC. Additionally, since significant time has passed since the last delineation, the Planning Board may wish to require a new Jurisdictional Determination from NYSDEC. The design information for the proposed sanitary sewer services should be provided. Additionally, a design report should be provided for the proposed grinder pump duplex station that will discharge to the existing forcemain along Route 9. The applicant's engineer has responded that the proposed grinder pump is equivalent to the pump approved on a site plan in 1999: the response does not discuss how the proposed project compares to the previously approved use and the anticipated wastewater generation. Therefore, the adequacy of the specified pump cannot be determined. A

landscaping plan that includes a planting legend should be provided for review. The zoning code requires a 25' minimum planted buffer along the rear and side property lines. Plantings are not proposed along the northern side yard: the existing vegetation will be removed to construct the proposed retaining wall.

Clough, Harbour, and Associates offered the following comments on the Storm Water Management Narrative dated September 2008:

- The report indicates Storm Water Management Area No. 1 is designed as an Infiltration Basin (I-2). It appears that groundwater may be within three feet of the proposed bottom of the infiltration basin. (The design engineer has responded that groundwater is within 2 feet of the bottom of the infiltration basin. It is recommended that the basin be design per the NYSDEC design guidelines and provide a minimum 3 feet of separation.)
- Percolation tests should be performed within the limits of the proposed infiltration basin to determine the anticipated infiltration rate. The required pretreatment volume of run-off is determined based upon the infiltration rate of the underlying soils. The report indicates that 25% of the water quality volume will be provided in the form of pretreatment. Additional pretreatment may be required based upon the results of the percolation tests. (If percolation tests are not to be performed, 100% of the water quality volume should be provided as pre-treatment.)
- The proposed discharge rates for the 100 year storm event should be based upon each design point, not as the site as a whole. (The storm water management narrative has not been revised to evaluate the discharge rates at each design point.)
- The sediment forebay should be four to six feet deep. (The forebay of Storm Water Management Area #1 is only 2.5 feet deep.)

Detailed landscaping plans should be provided for the storm water management areas.

Clough, Harbour, and Associates offered the following additional comments. The photometric plan was prepared based upon the old layout that incorporated a boulevard entrance. A revised photometric plan based upon the revised light locations should be provided. The photometric plan does not depict building mounted fixtures for the northern building. It should be verified that the northern building will not have building mounted lights. The site lighting manufacturer's cut sheet depicts a sag glass lens while the photometric plan references a flat glass lens: it should be verified that the flat glass lens will be utilized. The sequence of major activities section of the Storm Water Pollution Prevention Plan indicates that the storm water ponds are to be used as temporary sediment basins during construction. The infiltration basin should not be used as a temporary sediment basin during construction. The Storm Water Pollution Prevention Plan and erosion and sediment control plan should be revised. The Notice of Intent indicates that the storm water run-off will discharge to the a 303d impaired waterway. The Dwaas Kill and its tributaries are listed, with the impairments being phosphorus and silt/sediment. The Storm Water Pollution Prevention Plan and Storm Water Management narrative should discuss how the proposed storm water management system will reduce the project site's contribution to the impairments of the Dwaas Kill. The design engineer should consult Chapter 10 of the NYS Storm Water Design Manual for enhanced phosphorus removal standards. A detail should be provided of the proposed Wet Extended Detention Pond (P-3). Based upon the proposed grading it does not appear as though an aquatic bench is provided. The Notice of Intent indicates that a Dry Swale

(O-1) and a Wet Swale (O-2) will be utilized. The practices are not discussed in the Storm Water Pollution Prevention Plan or Storm Water Management Narrative and it is unclear from the plans where these practices will be utilized. Should the practices be utilized, they should be identified on the on the plan and a detail should be provided. Future plan revisions should include a revision date.

In response to Clough, Harbour, and Associates' comments regarding the issuance of an approval letter from NYS DEC regarding delineation of the wetland areas on the site, Mr. Bogardus stated that no NYS DEC wetlands have been identified on the site: the delineation remains as established in 1999.

Mr. Bill Koebbeman, speaking from the audience, asked that the Planning Board request a permanent easement along the Dwaas Kill to prevent disturbance of the classified water way. Mr. Bogardus explained that no disturbance of the stream or its adjacent area was proposed. Mr. Grasso asked the consultant to provide clearing limit lines on the site plan.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, recommended that the existing well be tested to ensure water quantity and quality. Mr. Bogardus explained that well tests have been completed: reports should be prepared within the next week.

Board members discussed a number of issues regarding this application. They agreed that the colored façade renderings presented were acceptable. Mr. Grasso encouraged the Board to defer rendering any decision until complete storm water management plans have been submitted and until a sign-off letter or indication of approval has been received from the NYSDEC. Mr. Larkin agreed with this recommendation, noting that such a requirement was "standard protocol" for all Planning Board decisions. The Board asked that the standard "no cut buffer" note be added to the plans.

[2007-055] **Conifer Village at Clifton Park PUD** – Proposed (80) unit senior apartment complex, Route 146 and Waite Road – Revised conceptual site plan review.

Mr. Andy Bodewes, Project Director, presented this application for the Board's consideration, explaining that the project has been reduced in size from an eighty unit apartment complex to a seventy unit facility. There will be sixty-four (64) one-bedroom apartments and six (6) two bedroom apartments. The speaker presented a colored rendering of the proposed facility that has been designed to create a "sense of community" that encourages individuals to live independently within a supportive group structure. Rents are tied to median income levels throughout the project area. Mr. Bodewes explained that Conifer, a real estate and management company, operates within a four state area and he presented photographs of the exteriors and interior designs of senior housing projects that have recently been completed within that area.

Mr. Gavin Vuillaume, consultant for the applicant, provided a brief history of the application, explaining that the original project plan called for the construction of an 80-

unit apartment complex that would serve seniors with limited incomes. The L-shaped building was to be constructed on a twenty-three (23) acre site at the southeastern quadrant of the intersection of Waite Road and Route 146. Approximately 18 acres of wetlands have been delineated on site. Storm water will be managed on site. Connection will be made with existing water and sanitary sewer systems. Creighton-Manning Engineering has completed a traffic study to determine the impacts of the proposed development on existing traffic patterns. The Clifton Park Town Board approved the enabling PUD legislation on February 11, 2008. Two curb cuts provide ingress and egress to Waite Road. Emergency access around the building has been provided.

Mr. Vuillaume explained that because the NYS DEC has determined that the wetlands identified on site are not NYS DEC wetlands, there is no associated 100' buffer area: this information has allowed for re-design of the project plan. The building has been repositioned in an attempt to retain as much existing vegetation as practicable and to lessen visual impacts from those traveling along Route 146 and Waite Road. 84 parking spaces are provided on site. The applicant will incorporate as many "green building" concepts as possible into the design plan, including the use of grass block pavers or other types of materials for the proposed 360 degree access to the building. Connection will be made to the existing water and sanitary sewer systems.

Mr. Scavo provided comments prepared by the Planning Department. Ms. Jen Viggiani, Open Space Coordinator, provided a number of comments and recommendations regarding the revised concept plan. She requested that the applicant consider the use of pervious surface materials for roads, roof materials, and other areas to reduce the size and scale of storm water management facilities. Disturbance of wetlands should be minimized to the greatest extent practicable. It is recommended that the applicant provide some type of useable, accessible green space such as an outdoor park for use by the residents. The building design should incorporate some type of sheltered area at the entrance for the convenience of picking up and discharging passengers. The applicant should provide additional right-of-way along Route 146 for future pathway development and should install a multi-use pathway along Waite Road. An adequate, well-designed bike rack should be included in the project plan. Ms. Viggiani recommends that the Board support the addition of a note to the plan that states that agricultural uses would be permitted within the open space/green area portion of the site. The applicant is asked to provide more detailed information regarding building elevations including types of building materials to be used for construction, roof design and materials, and lighting. Mr. Scavo encouraged Board members to recommend that the applicant consider the "dark sky" policies that require limited outdoor lighting that minimizes glare and impacts to adjoining properties. Mr. Scavo reported that the Town Board approved the PUD in February, 2008.

Mr. Bill Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, has recommended that the applicant provide a sidewalk around the building and 15' wide pathways along Waite Road and Route 146.

Mr. Myers, Director of Building and Development, reports that a full Storm Water Pollution Prevention Plan will be required prior to the issuance of any permit.

Clough, Harbour, and Associates reviewed the concept site plan for the above referenced project as prepared by Environmental Design Partnership last revised November 5, 2008. It appears that the zoning for the proposed site has been changed from Corporate Commerce to Planned Unit Development. The plan should be reviewed for conformance with the conditions of the zoning change. Mr. Grasso explained that the following comments were prepared by the engineering firm. The revised building orientation will appear to reduce the visual impact from Route 146 looking west into the site. It is recommended that a "viewshed" analysis be conducted to determine the critical viewpoints and that a significant buffer be provided along the east side of the proposed development. The buffer shown on the plans appears inadequate to provide any appreciable screening. The reorientation of the building is largely dependent on the jurisdiction of the wetlands and whether or not a 100 foot regulatory buffer applies. A jurisdictional determination should be provided prior to any further plan review. Clough, Harbour, and Associates recommends that McDonald Engineering be contacted so that the Corporate Commerce Zone Sewer Commitment Analysis can be updated and future capacity commitments tracked. This analysis should be distributed for review during preliminary plan review. The following comments from the November 8, 2007 review letter remain to be addressed. Particular attention should be paid to the architecture, rooflines, colors and exterior lighting. All exterior lighting shall be a maximum of fifteen feet and downlight style. The Planning Board should evaluate the need for pedestrian facilities to the facility. The evaluation should extend to existing and planned pedestrian facilities along Route 146 and north of Route 146. A traffic study should be prepared and submitted for review. The cumulative impacts of the proposed development, together with traffic from other proposed developments should be evaluated. This project should be expected to contribute its fair share of the required improvements: this may include construction of certain improvements with the project. The project's plans to keep the remaining undeveloped lands as open space in perpetuity should be clarified, as this is an important consideration of the project. If the project applicant believes that the amount of parking required in the Town code exceeds is anticipated maximum parking demand, the use of land-banked parking should be considered. The number of handicapped accessible parking spaces should be increased accordingly.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, offered the comments prepared by that advisory group. After review of data presented at the November 18, 2008 meeting, the ECC again reiterated the following recommendations. The ECC has concerns regarding the impact a three-story structure will have on the scenic vista in this part of the Town of Clifton Park. A façade rendering should be submitted for consideration as part of this review. This project has the potential to change the visual character of the project area. As such, the ECC recommends that the applicant be required to conduct and submit a visual impact assessment for Planning Board and Environmental Conservation Commission review.

Board members discussed several aspects of the project plan, including the importance of the preparation of a visual analysis of the development on the parcel and the impact of additional traffic on the Route 146 corridor. Mr. Andy Sciocchetti, property owner, explained that the project applicants had agreed to contribute to traffic studies and improvements along the Route 146 corridor that may be required by

cumulative growth in the area. Mr. Vuillaume explained that although the traffic study prepared by project applicants indicates that the proposed senior housing complex will have a minimal impact on traffic along the corridor, the applicants have agreed to contribute to improvements such as additional turning lanes, signals, and pedestrian amenities that are deemed warranted by traffic planners. In response to Mr. Bulger's request for any documentation related to Town Board agreements with the applicants, correspondence from Mr. Thomas McCarthy, Town Attorney to Mr. Paul Goldman, legal representative for the applicants, was submitted to the Board. Mr. Koval reported that traffic conditions at the intersection of Waite Road and Route 146 are "hazardous" due to limited sight distances and other conditions. He asked that further investigation be conducted to determine if additional traffic safety features may be warranted. He expressed concerns about adequate screening of the site. He also asked that the adequacy of the sewer to handle the additional flows be documented. Mr. Sciocchetti stated that the proposed building would be similar to those anticipated within the Corporate Commerce zoning district. He explained that the applicants propose to build an attractive building with appropriate and significant plantings and buffering. In response to Mr. Bulger's concern regarding the permanent protection of open space on the site, Mr. Sciocchetti stated that all remaining areas of the site will be designated as permanent open space: no pavement or structures have been proposed within those areas. The applicant is willing to provide a conveyance of 20' along Route 146 for future highway and/or multi-pathway improvements. Board members and the applicants discussed the allocation of federal "tax credits" for the project. Mr. Bodewes explained that federal tax credits will likely be allotted to the project after this Board grants site plan approval: these tax credits are then sold to private financiers. In response to Mr. Larkin's question regarding the dependence of the project upon the allocation of tax credits, Mr. Bodewes explained that the importance of this factor is addressed within the PUD legislation. It is expected that the tax credit will amount to one million dollars per year for ten years. The tax credits originate at the federal level pursuant to the 1986 tax reform legislation. Board members found this application generally acceptable.

[2007-040] **Levine Dental Office** – Proposed amendment to approved site plan, 983 Route 146 – Site plan review.

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

New Business:

[2008-048] **Mohnen, Volker** – Proposed (2) lot subdivision, 34 Riverview Road – Conceptual review.

Mr. Dave Flanders, consultant for the applicant, explained that the applicant proposes the subdivision of an 8.038 acre parcel located on the easterly side of Riverview Road near the Town of Clifton Park – Town of Halfmoon boundary into lots of 2.219 acres and 5.8 acres, respectively. The larger parcel contains an existing residence: a single-family residence is proposed for the new lot. The new home will be served by an

individual well and septic system. Adequate separations between well and septic systems have been illustrated on the plans. The proposed lot meets all zoning requirements and will be accessed via a combined driveway with the Kamm property that lies directly adjacent. The plan includes the metes and bounds of the driveway have been included on the plan. No ACOE or NYS DEC wetlands have been identified on the site. Applicable standard notes and Environmental Conservation Commission notes have been included on the plan. An additional note has been added to the plan that states the following:

Due to the limited or non-accessibility to this property during periods of flooding, emergency services provided by the Town of Clifton Park will not be available. Purchaser takes title to this property with this express understanding.

Addressing the concerns raised by Clough, Harbour, and Associates, Mr. Flanders stated that the boundary of the L-C zone will be shown on the plans. It is expected that a fill system will be required for the septic design.

Mr. Scavo reported that although Mr. Mackesey had requested consideration of a land conveyance for future trail development, this subdivision is not in proximity of the regional trail that is currently being constructed.

Mr. Myers, Director of Building and Development, offered the following comments regarding this application. Permanently deeded access to lands of Kamm must remain. The applicant should clarify whether or not this access will be shared with new house. Documentation of approval from Kamm for such access would be required. Mapping that reflects the current flood plain boundaries is required since much of the property appears to be within the flood plain. An "Elevation Certificate" for construction within a flood plain may be required.

Mr. Grasso reported that Clough, Harbour, and Associates issued the following comments 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 include the Clifton Park Planning Board with subdivision approval. A portion of the property is located within the Town of Halfmoon although the proposed improvements are located within the Town of Clifton Park. Given the importance of Wager's Pond as an open space resource for the Town of Clifton Park and the potential for water quality impacts due to development along its shores, is recommended that all proposed structures be set back a minimum of 100 feet from the high water mark. The LC (Land Conservation) zoning district includes all areas within fifty feet of a classified (mapped) DEC stream: this includes the Mohawk River and Wager's pond. As such, the limit of the LC zone may extend further into the site than shown. Test pit and percolation test results must be provided to confirm that the proposed parcel is acceptable for an individual septic system. The septic system 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. It appears that the adjacent lands of Kamm does not have frontage along a town road. Access to the parcel is provided by an existing 16' right-of-way though the proposed new lot. Consideration should be given to providing the Lands of Kamm a 40' wide strip of land along the western property line of the proposed lot to create a conforming keyhole lot. The subdivision plan should depict the location of any NYSDEC and ACOE wetlands within

100 feet of any area proposed for development. It is recommended that the lowest finished floor elevation of the house be a minimum of one foot above the 100 year floodplain.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that, after review of the application, the ECC provided the following comments. The existing LC zone and wetlands should be clearly labeled and delineated on the site plan to better assess the overall project affect on the environment.

The ECC notes that this subdivision is nearby Interstate 87 (the Northway) and, therefore, requests that the following standard statement be added to the plot plan:

This parcel (subdivision) is located in an area where automotive activities occur. Such activity may include periodic noise, odors, vibration other associated activities.

Mr. Bulger questioned the viability of the shared driveway, though Mr. Scavo pointed out that it was a “pre-existing, non-conforming” use. Mr. Flanders was asked to establish a location for the proposed residence that was at least 100’ from the edge of the water. Board members generally agreed that the subdivision plan was acceptable.

[2008-049] **TBM Enterprises, LLC** - Proposed 4,800 SF medical office building, 532 Moe Road – Conceptual site plan review.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that calls for the construction of a 4,800 SF medical office building in a B-1 zone located at the southwestern corner of the intersection of NYS Route 146 and Moe Road. The aerial photograph that he displayed illustrated that the 3.97 acre parcel contains an existing 8,650 SF medical office building and associated parking for seventy (70) vehicles. The proposed new building is to be located to the south and east of the existing facility. The applicant proposes the installation of an additional thirty-five (35) parking spaces – three more than required by the zoning code. Connection will be made to the Clifton Park Water Authority line and the existing municipal sewer system. All required setbacks will be respected. Storm water will be managed on site in accordance with all current regulations: there is no storm water management plan for the existing site. The existing access drive will be realigned to accommodate the new building and appropriate site lighting and landscaping will be installed. The consultant will design the SEQRA review to determine and identify cumulative impacts of an anticipated third medical office building on the site.

Mr. Scavo provided comments prepared by the Planning Department, stating that the department supports the project plan. Ms. Viggiani, Open Space Coordinator, recommended that pedestrian connections both internally and to connect with existing paths along Route 146 be included on the development plan. The applicant should clarify whether or not the proposed storm water management area will be designed to accommodate the proposed additional building that is illustrated on the plan. Ms. Viggiani recommends that substantial landscaping be provided on the site to provide shade for the buildings as well as for vehicles parked in the lots.

Mr. Myers, Director of Building and Development, reported that a variance may be required for the existing building and parking setbacks.

Mr. Grasso reported that the following comments were prepared by Clough, Harbour, and Associates following review of the project plan. 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; Saratoga County Planning Board – Section 239 Referral; Saratoga County Sewer District – Sanitary Sewer Connection Permit. The applicant should consult section 208-33.D of the zoning regulations pursuant to the building's architecture. Future submittals should include proposed building elevations. The overall site should be reviewed for conformance with current ADA accessibility standards and the proposed improvements should address any current site deficiencies (signage, striping, etc.). It should be noted that the handicapped parking requirements for medical offices are higher than non-medical facilities. This should be verified for both the existing and proposed building. The handicapped accessible spaces should be shifted to facilitate signage placement. All lighting throughout the site should be properly coordinated. The site statistics table should include the proposed total number of parking spaces following the proposed development of the second office building. The location of the utility services to the future building should be depicted on the plan. Should the locations impact the proposed development, consideration should be given to installing the utilities as part of the current development. Consideration should be given to providing traffic control signage within the proposed parking area, particularly where the access drive connects to the two parking bays. It would appear a stop sign for vehicles exiting the northern bay would be appropriate.

Mr. Grasso noted that the Planning Board has established a policy for collecting a voluntary impact fee for traffic improvements within the Route 146 corridor. This applicant will be asked to contribute a "fair share" amount to that fund.

In response to Mr. Ophardt's question regarding the installation of a sidewalk to the rear of the proposed building, Mr. Roth, project architect, explained that there would be no access from the rear of the building. Mr. Bulger explained that the proposed "fair share" contribution to corridor improvements is approximately \$1.40/SF of development. Mr. Ophardt requested that the applicant consider the addition of landscaping along Route 146. Board members supported the installation of a sidewalk from the existing walkway along Route 146 to the site's entranceway.

[2008-050] **Wheatfields at the Crossings** – Proposed conversion of 5,100 SF retail space to a restaurant, 54 Crossing Boulevard – Conceptual site plan review.

Mr. Jason Hoefler, Property Manager for Equinox Companies and The Crossing LLC, described the proposed renovation of a 5,100 SF section of the existing Crossings shopping center. The project plan calls for conversion of existing retail spaces identified as sections K, L, and M of the parcel know as 54 Crossing Boulevard to restaurant use. Mr. Hoefler explained that the owners of the existing Wheatfields Restaurant in Saratoga Springs would like to expand their business to serve the southern Saratoga County market. The speaker provided colored renderings of the building's façade as well as a sketch of the restaurant's interior layout. The proposed plan also calls for thirty-six (36)

seats on an outdoor patio area that will be screened from the parking lot by a lawn area and plantings. A total of 204 seats are to be provided. Although 72 parking spaces would be required for this use, more than 100 spaces are available within the shopping center complex to accommodate the restaurant.

Mr. Tim Holmes, Proprietor of Wheatfields Restaurant, explained to the Board that he was anxious to expand his Saratoga Springs business to Clifton Park. He described himself as a “restaurateur” who was anxious to extend his basically Italian bistro/wine bar business to the area.

Mr. Scavo provided comments prepared by the Planning Department. Ms. Jen Viggiani, Open Space Coordinator, recommended that the Board ensure that adequate width remains for the public sidewalk use by non-Wheatfield patrons after the patio is extended into what was formerly a larger sidewalk area. The applicant should also provide a clearly-defined crosswalk with appropriate curbing and striping to the parking lot. Mr. Scavo stated that the project plan appears consistent with the Exit 9 corridor study that was recently completed. The outdoor seating area is viewed as a “green space” addition.

Mr. Grasso stated that Clough, Harbour, and Associates did not prepare a formal comment letter on this application, though the firm supports the proposed project plan.

Mr. Quinn reported that the ECC offered no comment on the project plan.

Mr. Larkin asked the applicant to clarify whether or not it was his intention to extend the overhang beyond the area indicated on the plan. The applicant stated that there was no intention of extending the overhang that was illustrated on the site plan. Board members were very enthusiastic about the plan to convert this portion of the existing Crossing shopping center complex to restaurant use.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Koval, approval of the minutes of November 12, 2008 as written. The motion was unanimously carried. Ayes: Ophardt, Koval, Werner, Bulger. Noes: None. Abstained: Larkin.

Mr. Bulger moved, seconded by Mr. Ophardt, adjournment of the meeting at 10:00p.m. The motion was unanimously carried. The next meeting will be held as scheduled on December 9, 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 #21

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 November 25, 2008 there were:

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

Absent: S. Pace

Mr. Bulger offered Resolution #21, and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by Darren Herbinger for approval of a subdivision plat entitled Subdivision of Lands of Darren R. and Renae L. Herbinger consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on November 25, 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 November 25, 2008;

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

Now, therefore, be it resolved that the final hearing is waived and that the subdivision plat entitled Subdivision of Lands of Darren R. and Renae L. Herbinger consisting of (2) lots is hereby granted preliminary and final subdivision approval conditioned upon the conveyance of a 10' strip of land along Grooms Road only if it will not require an additional area variance and satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, and the Planning Board.

Resolution #21 passed 11/25/08

Ayes: Ophardt, Larkin, Koval, Werner, Bulger

Noes: None

Steven J. Bulger,
Chairman

NOTICE OF DECISION

Resolution #22

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 November 25, 2008 there were:

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

Absent: S. Pace

Mr. Werner offered Resolution #22, and Mr. Bulger seconded, and

Whereas, an application has been made to this Board by Dennis Ryan for approval of a subdivision plat entitled Land Transfer between the Lands of Robert J. and Kathleen M. Connery and Dennis M. and Barbara A. Ryan consisting of the transfer of 1.23 acres of land from the Lands of Connery to the Lands of Ryan;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on November 25, 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 November 25, 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 Land Transfer between the Lands of Robert J. and Kathleen M. Connery and Dennis M. and Barbara A. Ryan consisting of the transfer of 1.23 acres of land from the Lands of Connery to the Lands of Ryan is hereby granted preliminary and final subdivision approval.

Resolution #22 passed 11/25/08

Ayes: Ophardt, Larkin, Koval, Werner, Bulger

Noes: None

Steven J. Bulger,
Chairman