

Clifton Park Planning Board Meeting Minutes

January 13, 2004

Those present at the January 13, 2004 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, R. d'Amico, T. Karam, J. Larkin, J. Marzola, S. Pace, J. Russell

Absent: None

Those also present: J. Kemper, Director of Planning, J. Grasso, Clough, Harbour, and Associates, M. O'Brien, Environmental Specialist, P. Pelagalli, Counsel

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m. He welcomed Ms. Sandra Pace who was appointed to the Board by Town Board resolution on January 5, 2004. He expressed his sincere thanks to Ms. Beverly Czub who served on the Board for several years.

Mr. Bulger moved, seconded by Mr. Karam, to appoint Ray d'Amico as Vice-Chairman, to establish the 2004 Planning Board schedule as published, with meetings generally held on the second and fourth Tuesdays of each month, to appoint Paul Pelagalli as Counsel, and Janis Dean, Secretary, for the 2004 calendar year. The motion was unanimously carried.

Public Hearings:

[2003-066] Eells Family Irrevocable Trust – Proposed (2) lot subdivision, 831 Grooms Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on January 3, 2004.

Mr. Gil VanGuilder, consultant for the applicant, described this project that remains generally as presented at the November 12, 2003 meeting. He explained that the project calls for the creation of a single residential lot in an R-3 zone: all zoning requirements have been met. Although a forty-foot frontage strip has been provided along the property's western boundary, the proposed lot will be accessed by an existing farm road. Mr. VanGuilder reported that soil tests conducted within the proposed lot indicate that the area consists generally of sandy loam and would, therefore, provide desirable conditions for installation of a septic system. In response to Clough, Harbour, and Associates request for design of the septic system, Mr. VanGuilder asked that this be required at the time of application for the Building Permit. Mr. Grasso, Clough, Harbour, and Associates, agreed that this would be acceptable. Mr. VanGuilder then addressed the archeological concerns,

stating that a more intensive site investigation would cost the Eells family an estimated \$4,700.00. He also noted that no artifacts have been found on the adjoining property owned by Eleven and Company and that the proposed building footprint would require an insignificant amount of soil disturbance. He asked that the Board's request for further archeological investigation be waived.

Mr. Kemper explained that this project last appeared before the Board on November 12, 2003. The issues raised by the Board at that meeting included the location of any NYSDEC or ACOE wetlands on the property, septic system design, and an archeological study. The Saratoga County Planning Board determined that the project had no significant county wide or inter-community impact at its November 20, 2003 meeting. Descriptions for the ingress/egress easement must be submitted for review. He reported that Mr. VanGuilder had provided a letter concerning the archeological study requested by the Planning Board.

Mr. Grasso's comments focused on the Board's requirement that an archeological study be performed for the parcel to be developed. If the Planning Board decides to not require an archeological investigation at this time, Clough, Harbour, and Associates recommends that a letter be obtained from the New York State Office of Parks, Recreation and Historic Preservation on the appropriateness of conducting an investigation prior to SEQR determination and final subdivision approval.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project, the ECC reiterated their previous comment regarding the current property use in the vicinity of the proposed building lot. Farming activities can potentially produce noises, odors, and dust. It is noted that the proposed resident is aware of the property use; however, a comment should be added to inform any future homeowners.

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

Mr. Larkin, citing childhood discoveries of historic relics in the Cayuga Lake area, noted that there was a knoll located on the Eells' property that may contain historic artifacts. Mr. Eells explained that the area identified by Mr. Larkin contained remnants of an apple orchard and has been the burying site of various farm animals over the years. No items of historical significance have been discovered. Mr. Eells also stated that although his family has owned and farmed this land for many years with the "intent to find artifacts," no items have been unearthed. In response to Mr. Larkin's question concerning any anecdotal or "hearsay" evidence regarding such artifacts, Mr. Eells stated that his family retains documents from previous owners of the property. No mention or evidence of historic significance is referenced in these writings. Mr. Karam suggested that the application be referred to the New York State Office of Parks, Recreation and Historic Preservation for a recommendation on future site investigation. Mr. Russell agreed with this proposal. Mr. Bulger said that due to the proximity of this land to a registered state historic site, he found Mr. Karam's recommendation acceptable, noting that New York

State Office of Parks, Recreation and Historic Preservation was the appropriate agency to comment on the necessity of conducting more intensive site investigations.

Mr. VanGuilder explained that pursuant to this application, the New York State Office of Parks, Recreation and Historic Preservation would act in an advisory capacity rather than as a regulatory agency. The difference between this application and that of Eleven and Co.'s subdivision on adjacent lands was that no permits from NYSDEC or the ACOE are required for the Eells' project. After consultation with his client, Mr. VanGuilder requested that the Board defer any action on this application until a comment letter is received from the New York State Office of Parks, Recreation and Historic Preservation. Board members were in agreement with this proposal.

[2003-062] Tanski, Bruce – Proposed (2) lot subdivision, 1359 Route 146, Rexford – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on January 3, 2004.

Mr. Gil VanGuilder, the applicant's consultant, presented this application that remains generally as presented at the September 23, 2003 meeting. The existing single family home will remain on Lot #1. Soil borings and percolation tests have been completed and indicate acceptable conditions for an on-site well and septic system. The existing drive onto NYS Route 146 will be eliminated, though the applicant adamantly opposes a shared driveway onto Waite Road. Mr. VanGuilder reported that sight distance investigations demonstrated that the distances at the proposed driveway along NYS Route 146 exceeded NYSDOT's recommendations.

Mr. Kemper explained that this project last appeared before the Board on September 23, 2003 at which time the issues of concern included the traffic congestion along Route 146 and access to the subdivision. The date and firm that performed the wetland delineation and test pits should be depicted on the plans. Confirmation of adequate separation between the septic tank on Lot #1 and well locations should be provided. Postal addresses must be added to the plans. He noted that sight distance information has been added to the plans.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the preliminary plans and offered the following comments. The existing driveway onto Route 146 for the existing house has been eliminated; however, in order to provide access management along Route 146, it is recommended that access to both single family residential lots be from Waite Road. Waite Road is identified in the Town of Clifton Park Trails Master Plan as a road recommended for pedestrian improvements. In addition, the Corporate Commerce Zone DEIS has identified the need for turn lanes at the intersections of Route 146 with Waite and Tanner Roads. In order to accommodate these improvements which are required to address the cumulative impacts of development in the area, the conveyance of an additional ten feet of right-of-way along the project's road frontage is recommended. All applicable Town of Clifton Park Standard Notes for Subdivisions and

the certification statement should appear on the plan.

Mr. O'Brien, Environmental Specialist, reported that the ECC reiterated its comment regarding the placement of the standard statements on the plot plan as stated in the September 16, 2003 review letter.

There being no comment on this application, Mr. Larkin moved, seconded by Mr. d'Amico, to close the public hearing at 7:47p.m. The motion was unanimously carried.

Board discussion focused on the means of access for Lot #2. Mr. d'Amico reiterated his support for the combined access onto Waite Road. Mr. Bulger supported this position, noting that the GEIS currently being prepared for the western part of Town would likely encourage fewer access drives onto Route 146. While he recognizes that this is "not ideal" for the applicant, he believes that it would be preferable. Mr. Russell stated that he believes that it would be difficult for the Board to restrict access since the sight distance information provided indicates that applicable standards have been met. Mr. VanGuilder pointed out that the applicant has improved the situation by eliminating the existing driveway to NYS Route 146. He suggested the establishment of an easement along the northern property boundary that could provide for the future installation of a driveway. Board members found this to be unacceptable since the means of enforcement would be limited. Mr. Grasso explained that the concern centered upon the residual impacts of vehicles entering and exiting traffic along this major connector road: the "degradation" of traffic flow along Route 146 was the main consideration. Traffic flow on Waite Road would not change. In response to Mr. Larkin's question regarding the feasibility of incorporating the driveway to Waite Road while allowing for house placement, location of the septic system, and proper separation of utilities, Mr. VanGuilder explained that the lot would be large enough to adequately accommodate all improvements.

An informal poll of members indicated that while some favored approval of the subdivision as presented, others remained committed to an approval that showed a combined drive to Waite Road. Mr. VanGuilder chose to delay a vote on the application until he has an opportunity to consult with his client.

[2002-051] Country Club Acres, Inc. – Proposed (105) lot subdivision, NYS Route 146A and MacElroy Road – Final public hearing and possible determination.

Mr. Bulger called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on January 3, 2004.

Mr. Nicholson, consultant for the applicant, summarized the project plan, focusing on the issues that were of concern to the Board. He explained that the number of lots has been reduced from 107 to 101. In addition, two "T" intersections have been provided per Board recommendations. The applicant has worked with the Unter family to realign the access onto MacElroy Road to provide additional sight distance. Access has been provided to the Lands of Tyll. Approximately 16 acres of open space will be dedicated to the Town to offer protection for wetlands and significant natural resources. The applicant

has revised many of the property boundaries to achieve a total wetland disturbance of .3 acres. Sewer connection will be made to the Carlton Road line that reportedly has enough capacity to handle proposed additional flows. Mr. Nicholson concluded his presentation by reporting that the applicant has agreed to contribute \$80,000.00 toward the design and/or construction of a multi-use pathway link.

Mr. Kemper stated that this project last appeared before the Board on September 23, 2003 at which time the Board granted preliminary approval and issued a negative declaration pursuant to SEQRA. Several outstanding issues remained to be addressed. A signoff must be received from the ACOE. A NYSDOT curb cut permit must be provided prior to the stamping of the plans. A signoff must be received from the CPWA: the letter dated January 13, 2004 must be addressed. A final signoff must be received from the Saratoga County Sewer District. Appropriate lot numbers must be added to the standard note concerning the ingress/egress easements. A note must be added to the plans stating that the project will be located in the Longkill 1 Park District. A signoff must be received from Sheryl Reed and emergency services. The path to be constructed to the lands of Unter must be shown on the plans. The Town of Clifton Park LC Zone should be labeled on the plans. Plantings should be provided in and around the stormwater management basins. Road names will have to be depicted on the plans. Plans should clarify if the access shown across from Lots #7 and 8 will be deeded to Tyll. Chris McCann submitted a letter dated January 13, 2004, requesting that consideration be given to providing access to his 9 acre parcel that fronts on MacElroy Road. Mr. Kemper stated that he finds the contribution amount for the multi-use pathway acceptable and recommends that the applicant construct the path.

Mr. Grasso reported that Clough, Harbour, and Associates offered a number of comments on the preliminary subdivision plan for this project. The project will have an impact on the need for pedestrian facilities in the area. In order to mitigate potential impacts, the applicant should contribute property or construct trails that will help the Town achieve a trail system in accordance with the Town of Clifton Park Trails Master Plan. The plans do not clearly indicate the wetlands anticipated to be impacted. Engineer's reports should be submitted for the proposed sanitary sewer and water distribution systems. A portion of the driveway for Lot #5 is located within the Conservation Easement. The proposed house location for Lot #18 is located outside the limits of clearing and grading. The proposed water service for the Lands of Unter should be shown connecting to the existing home rather than the existing well. It appears as though pond #7 has been incorrectly labeled pond #8 on sheet 7. The invert of the proposed sanitary sewer stub from Sanitary MH # 2A should be shown on the plan. Plans for the off-site water and sewer infrastructure must be submitted for review. The centerline slope of the cul-de-sac of Road C at station 0+00 should be increased so the slope along the curb line is 1.0% minimum. The detail for stormwater management area #7 indicates the emergency spillway at elevation 354.00. The grading plan indicates an elevation of 344.5.

Mr. Grasso offered the following comments regarding the stormwater management report:

- A table should be provided documenting that 24 hour extended detention of the post

developed 1-year 24 hour storm event is provided for channel protection (CPv).

- The emergency spillways should be modeled as broad crested weirs.
- The stormwater management report indicates that excess water quality volume is being provided by basins #1 and #6 for basins #7 and #2 respectively. The water quality volume needs to be provided for each basin and the corresponding drainage area. The stormwater entering basin #7 and basin #2 is not being properly treated prior to discharge.
- The design of basin #8 should be provided.
- A Construction Phasing/Sequencing Plan should be prepared showing how the 159.4 acres site will be developed while limiting disturbance to a maximum of 5 acres at a time. The plan should also include additional temporary erosion control measures as discussed in the report including temporary diversion measures, temporary sediment basins, a stabilized construction entrance and designated topsoil and fill stockpile areas.

Mr. O'Brien, Environmental Specialist offered the following comments that were prepared by the ECC. The applicant must add the following standard statements 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).
- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.
- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federal jurisdictional wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone and/or Federal Wetlands.

The ECC understands the keyhole concept is intended to provide alternate access to properties that might be otherwise land locked. The current design defies the intent of the keyhole concept because environmental restrictions associated with the property prevent this keyhole portion from being used as a means of access; i.e. Lots #82, #83, #84 and #85. In this instance, the ECC believes that the keyhole concept is an impediment to good planning design.

Mr. Chris McCann, 658 MacElroy Road, asked that the project include a connection to his property. Explaining that he has considered subdividing his approximately 10-acre parcel to allow for the development of additional residences, he asked the Board to support the establishment of an access point to the proposed Town road along his property boundary. Ms. Debbie Botch, Longkill Road, explained that the public benefit for such a connection would be minimal disturbance of the Cooley Kill, a classified stream that flows along the front of Mr. McCann's parcel and a reduction in the number

of curb cuts along MacElroy Road.

A lengthy discussion of Mr. McCann's request ensued. Mr. Nicholson noted that Mr. VanPatten willingly cooperated with adjoining property owners Tyll and Unter to provide not only roadway access but also utility connections. He noted that Mr. McCann's request for access was not part of the revised plan authorized by the applicant. He speculated that items such as the complexity of locating water and sewer connections, driveway maintenance issues, and differences in elevation, with no reciprocal benefit, may have made Mr. VanPatten dismiss Mr. McCann's request. Mr. d'Amico questioned the number of homes that would be served by a single driveway should the applicant provide such access at the location proposed by Mr. McCann. Mr. Bulger noted that, although the Board encourages the establishment of cross-easements, he believes that it would be unfair to impose responsibility for the requested access on this applicant. He suggested that Mr. McCann discuss the possibility of access with Mr. VanPatten to determine its feasibility. Mr. McCann stated that he has attempted on several occasions to discuss this issue with Mr. VanPatten, but has received no response. Mr. Karam noted that Mr. VanPatten's silence may be indicative of his position: he would be unwilling to impose such a connection as a condition of approval. Board members generally agreed with this position. Mr. McCann was advised to work with Mr. VanPatten to determine if an agreement could be reached.

Mr. Bulger, noting that this plan has been revised several times, expressed his appreciation for the applicant's willingness to work with the Town to create a viable subdivision that would be "a great asset to the Town." He observed that most of the items to be addressed were minor technical items that the applicant has agreed to address. He also stated that the SEQRA determination had been issued during preliminary review.

Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 8:45p.m. The motion was unanimously carried.

Mr. Karam offered Resolution #1, seconded by Mr. Larkin, to grant final approval for this application conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso. Ayes: Larkin, d'Amico, Karam, Marzola, Russell, Bulger. Noes: None. Abstained: Pace.

Old Business:

[2003-056] DCG Development Co. – Proposed 10,500 SF in (2) restaurant facilities, Maxwell Drive Extension – Preliminary site plan review.

Mr. Nicholson, consultant for the applicant, presented this application for the Board's consideration. He described the revisions to the stormwater management plan, noting that the basin located south and west of the proposed new road will be increased to handle flows from the proposed roadway as well as from the developed parcels. The elimination of the stormwater management areas along NYS Route 146 allows for the installation of a planted berm and reconfiguration of the parking area. Mr. Nicholson explained that the

proposed tenants have agreed to a combined parking lot area of 158 spaces. Sidewalk locations have been illustrated on the plan as have sewer and water connections to the new CAPTAIN facility.

Mr. Kemper reported that this project last appeared before the Board on December 9, 2003. The main concerns raised by the Board at that meeting included the impacts of headlights shining onto Route 146, screening, the installation of a berm along the northern property boundary and the amount of parking. Additional plantings should be provided along Maxwell Drive Extension. The sizes of the plantings on the berm along Route 146 should be increased. Architectural renderings will have to be provided with future plan submissions. A signoff will be required from the Clifton Park Water Authority and the Saratoga County Sewer District. The Board asked the applicant to review different styles of streetlights at the last meeting.

Mr. Grasso offered several comments on this project's preliminary plan. If the scope of proposed highway improvements that the Town will be responsible for is considered acceptable, a maximum amount of financial contribution on the part of the Town should be established. Consideration should be given to reconfiguring the parking to eliminate parking spaces directly off the main access drive into the site. Consideration should be given to connecting the proposed parking lots with the recently constructed parking lots on the adjacent parcel to the east. A sidewalk should be provided from the northwest corner of the proposed restaurant to the sidewalk planned along Maxwell Drive Extension. The plan indicates that 158 proposed parking spaces are to be installed. This is more than required by the zoning regulations. Clough, Harbour, and Associates does not recommend installing more parking spaces than required. The proposed sewer invert elevation for the proposed buildings should be specified on the plan. Due to the proposed restaurant use, grease traps should be provided for both sewer services. A light pole base detail should be provided. The sign should be relocated so it is not directly over the existing sewer main. The site statistics table indicates a building area of 10,000 SF. This should be revised to 10,500 SF. Layout dimensions including the size of the parking spaces and drive aisle width should be shown on the plan. The relocation of the sewer easement should be approved by the Saratoga County Sewer District. It should be noted the proposed dumpster enclosure is located within the easement. At the last Planning Board meeting the need for a minimum 36" berm along the Route 146 corridor with landscaping was discussed. This is not provided on the plans. The size of the proposed water service should be specified on the plan. The proposed location of the staked hay bales or silt fence should be shown on the plan.

Mr. Grasso also listed several items of concern regarding the Stormwater Management Narrative. Interconnection of public and private stormwater management systems is not recommended due to the potential complexities which may result from future maintenance responsibilities. Clough, Harbour, and Associates recommends that a privately owned onsite stormwater management area be provided on each of the proposed development sites, each designed for water quality treatment and flood control and a separate public stormwater management area be provided for the proposed public roadway improvements. In addition, the following specific items should be addressed by

the applicant:

- The stormwater management plan should be designed in accordance the Unified Stormwater Sizing Criteria as outlined in the New York State Stormwater Design Manual, dated October 1, 2001. The water quality volume (WQv) should be captured and treated in accordance with the 90% Rule and released over a 24-hour period. Post developed peak discharge rates should be restricted to the pre-developed peak discharge rates for the 1, 10 and 100-year design storms for channel protection (CPv), overbank flood (Qp) and extreme storm (Qf). A summary table comparing pre-developed and post-developed peak discharge rates for each of these design storms at each design point should be provided.
- Pre- and post-developed drainage pattern maps should be provided showing the drainage area boundaries, time of concentration travel paths, hydrologic soil groups and land cover.
- Dividing the post-developed drainage areas into several smaller areas is not recommended as this tends to result in artificially lower peak discharge rates. The entire overall drainage area should be modeled as one subcatchment in the computer program with weighted curve number and representative time of concentration travel path.
- In order to verify existing soil conditions such as soil type, impermeable layers, high groundwater and percolation rates, test pits and percolation tests should be performed within the limits of the proposed stormwater management area(s) to a depth of two feet below the bottom of the basin(s).
- Calculations supporting the 0.70 CFS exfiltration rate used in the modeling should be provided. Design percolation rates should be conservatively slower than observed percolation rates to account for periodic frozen soil or saturated soil conditions.
- Details for the outlet control structure(s) should be provided.
- The consultant should reference the SMP Selection Matrices in order to determine the appropriateness of the proposed method of stormwater treatment. Consideration should be given to utilizing the Pond or Wetland SMP Groups with a forebay, low marsh zone, a micropool and a landscaping plan for additional biological uptake of pollutants and wildlife habitat.
- The report should identify the ownership and maintenance responsibilities for the proposed stormwater management area(s).
- A minimum 10-foot wide gravel access drive should be constructed from the proposed roadways to each of the stormwater management areas to facilitate future maintenance.
- Calculations should be provided documenting the adequacy of the size of the proposed closed drainage system and roadway culvert. The closed drainage system should be sized based on a 10 year storm using the Rational Method and Manning's Equation. A Storm Sewer Sizing Drainage Pattern Map should be provided showing drainage area boundaries and time of concentration travel paths.
- A Storm Sewer Sizing Table should be provided documenting the adequacy of the size of the proposed closed drainage system, including drainage areas, peak flows, pipe size, pipe slope, full flow capacity and velocity.
- Deed restrictions of conservation easements should be established over the wetland areas of the project site.
- A Stormwater Pollution Prevention Plan with erosion and sediment control methods and details should be provided.

- A Construction Phasing/Sequencing Plan should be prepared showing temporary erosion control measures including temporary diversion measures, temporary sediment basins, a stabilized construction entrance and designated topsoil and fill stockpile areas.
- Since the project will involve the disturbance of greater than 1 acre of land, the applicant is required to submit a Notice of Intent (NOI) pursuant to the State Pollution Discharge Elimination System (SPDES). A copy of the NOI should be included in the Stormwater Pollution Prevention Plan (SWPPP).
- Copies of the SWPPP should be available on the project site at all times during construction. The contractor should be advised of his responsibilities for inspection, maintenance and certification as specified in the SWPPP at the pre-construction meeting.

Mr. Nicholson stated that the minor engineering technicalities will be addressed promptly. He asked that the applicant be permitted to begin clearing and grading for the road and preparation of stormwater management areas as soon as possible. He anticipates that approval from NYSDOT will soon be forthcoming since there has been minimal revision of the curb cut. In response to questions regarding the completion of the roadway prior to the issuance of the Certificates of Occupancy for the proposed restaurants, Mr. MacElroy, the applicant's representative, stated that although the applicant will work to complete the road, timing is partially dependent upon others. He reported that attorneys are working to finalize required land transfers and that the school is working to secure support for its expansion plans.

Mr. O'Brien, Environmental Specialist, reported that the ECC recommended that any proposed exterior lighting should be directional and limited. The ECC also recommends that the design of the site allows for the continuation of the multi-use path that currently terminates at the intersection at the north side of Route 146 and Maxwell Drive. Mr. Nicholson noted that the grading will facilitate the installation of the multi-use path: all widening of the road will occur on the Town's side of the roadway.

Mr. Bulger expressed his appreciation to the applicant for working with Town officials and school district representatives to design Maxwell Road Extension in a manner that would serve business interests, municipal properties, and possible future school expansion. Mr. Larkin stated his support of the project, noting that the relocation of the stormwater management areas and the development of the berm along Route 146 are positive improvements in the plan. Responding to Mr. d'Amico's comment that the berm should be increased to a height similar to the one in front of CVS, Mr. MacElroy emphasized that the applicant was "selling the parcel's visibility" to the lessees. Mr. Russell voiced his approval of the berm as presented and believes that the applicant has an established reputation for developing and maintaining attractive properties.

Mr. Bulger moved, seconded by Mr. Russell, 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. Marzola moved, seconded by Mr. Larkin, to grant preliminary and final site plan approval to this application conditioned upon the satisfaction of the comments of Mr.

Kemper and Mr. Grasso. Ayes: Larkin, Karam, Marzola, Russell, Bulger. Noes: d'Amico. Abstained: Pace.

[2003-054] Hoffman, Peter – Proposed (2) lot subdivision, Clifton Park Village Road – Revised conceptual review.

[2003-055] Hoffman, Peter – Proposed 33,816 S.F. Proposed 3-story hotel, and 5,217 SF diner, Clifton Park Village Road – Revised conceptual site plan review.

These projects were reviewed concurrently.

Mr. Joe Bianchine, ABD Engineers, presented this application for the Board's review. The project proposal calls for the construction of a diner and an eighty-unit hotel on a 5.5 acre parcel just west of Route 9 on Clifton Park Village Road. He noted that recent Town Board legislation has changed the zoning along Route 9 from B-3 to B-4. Creighton-Manning Engineering has prepared a traffic report for the project. That firm determined that the proposed access location would be acceptable. All setback requirements have been met. Mr. Bianchine stated that ABD Engineers will evaluate the capacity of the county sewer system to determine how and where connection to the system will be made. Although the project site includes a considerable amount of ACOE wetlands, the consultant stated that less than .01 of an acre of disturbance has been proposed. Mr. Bianchine described the method of construction for the gabion wall, noting that minimal land disturbance is required. Mr. Bianchine stated that detailed landscaping and lighting plans will be included with the preliminary submission.

Mr. Kemper offered two comments regarding the subdivision application. He stated that aerial photos taken in 1995 and 2001 make it clear that filling has occurred in areas that may have been ACOE jurisdictional wetlands. He recommended that the applicant quantify the amount of disturbance that has occurred to the ACOE wetlands prior to any further Board review. He also asked that the date and firm that performed the wetland delineation should be shown on the plans.

Mr. Kemper also commented on the site plan application, noting that the project last appeared before the Board on August 12, 2003. The main concerns at that time included the density of the project, potential wetland impacts, and traffic impacts. Mr. Kemper reported receipt of a memo from Don Clemens on January 13, 2004 which stated the following: "I am not sure if I brought this up before but you should be aware that this site was used as a dump site for years and may contain construction debris and other materials buried on site." The clearing and grading for the stormwater management basin and parking lot are shown in close proximity to the ACOE wetlands. The distance between the ACOE wetlands and the clearing and grading should be increased or the disturbance area increased on the ACOE wetlands. Architectural renderings will have to be provided if the project moves forward. The project will require a signoff from Sheryl Reed and emergency services' officials. A signoff will also be required from NYSDOT. The existing tree line does not appear to be correctly illustrated on the plans. The date and firm that performed the wetland delineation must be added to the plans.

Mr. Grasso reported that the following comments from the August 5, 2003 review letter remain to be addressed. Due to the fact that this project involves wetland impacts, traffic impacts, and a use variance or zone change, it is recommended that the applicant complete a Full Environmental Assessment Form for this project. This will provide additional information needed to adequately analyze the environmental impacts associated with the project. The plans continue to show a disturbance limit line only four feet from the proposed retaining wall. It is likely that disturbance will be at least ten feet in front of the wall, and as such, the impacts should be appropriately evaluated. Due to the proximity of the two uses and the fact that both uses together may reduce the overall number of parking spaces required, it is recommended that only a portion of the required number of spaces be constructed initially and additional parking be constructed when actual need is demonstrated. The plan should indicate the location of municipal water and sewer connections and should provide letters from the Saratoga County Sewer District and Clifton Park Water Authority indicating the adequacy of their systems to serve the project. This should be provided prior to a SEQR determination for the project. Ingress/egress and utility easements should be provided over those portions of the improvements that are shared by both parcels. In addition, drainage easements over the drainage courses that bisect the site should be conveyed to the Town. Mr. Grasso noted that the traffic report submitted did not reference either the Belmonte project or the Bardakjian project which are both located in close proximity to this project. He recommended that the level of delay associated with a left turn from Clifton Park Village Road to Route 9 should be evaluated.

Mr. O'Brien, Environmental Specialist, reported that the ECC offered the following comments. The applicant must verify with the Army Corps of Engineers (ACOE) that past filling and grading on the property has not already exceeded the .10-acre threshold. The proposed stormwater retention basin on the southeast side of the property should have riprap or some other energy-dissipating device indicated on the plot plan. The Town of Clifton Park LC Zone should be indicated on the plot plan 50' from the high water mark on each side of the stream.

Mr. d'Amico asked that the wetland delineations be clarified. Mr. Larkin reiterated his suggestion that would require that traffic movement at the Clifton Park Village Road to Route 9 be limited to rights in and rights out or that traffic be restricted to one-way from Route 9 to the hotel/restaurant access. Mr. Grasso agreed that such restrictions should be considered since traffic safety may be improved. Mr. Russell agreed that some traffic movements at the Clifton Park Village Road and Route 9 are difficult and he recommended that the alignment of the intersection be evaluated. He also asked if the proposed building height of 47 feet complied with the code requirements. Mr. Bulger commented that although the density of the site appeared excessive, code requirements have been met. In response to questions regarding the number of parking spaces, Mr. Bianchine stated that the hotel parcel provides one space per room plus one for each employee. 246 seats are proposed for the restaurant facility. Members agreed with Mr. Bulger's recommendation that prior wetland disturbances be investigated before the Board renders a decision on this application.

New Business:

[2004-001] Massaroni Development Corp. – Proposed two-family residence in an R-1 zone, 737 Grooms Road – Special Use Permit and conceptual site plan review.

Mr. Gil VanGuilder, consultant for Massaroni Development Corporation, presented this Special Use Permit application for the Board's consideration. The applicant requests approval to construct a two-family residence in an R-1 zone. The 30,673 SF parcel was originally part of the Wishing Well subdivision, though its location along Grooms Road has made the property difficult to market. The parcel will be served by the Clifton Park Water Authority and the Saratoga County Sewer District. A single curb cut will provide access to Grooms Road. Mr. VanGuilder noted that the site will require minimal grading and/or filling prior to the start of construction. He explained that it is anticipated that the property will be owned by a single individual and that it will be an asset to the neighborhood. Architectural renderings will be available at the preliminary public hearing.

Mr. Kemper briefly summarized the application and asked that architectural renderings be provided for the Board's review.

Mr. O'Brien, Environmental Specialist, stated that the ECC requested that the following standard statements should be added to the plot plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.
- Due to the potential for federal wetlands on this parcel, the applicant will determine the location and extent of disturbance of such wetlands before a Building Permit is issued.

In response to Mr. Larkin's request for clarification regarding the creation of this parcel, Mr. VanGuilder provided a brief history of the Wishing Well project and noted that there is an open space area containing wetlands bordering this property to the north. A description of adjoining residences was also provided. Mr. Russell expressed concern that the fill that has been placed on this site may create drainage problems for adjoining property owners. Mr. Bulger, upon learning that there is an existing two-family residence and day care center within close proximity, reluctantly supported approval of the application. Mr. Grasso described the issue of site grading as a "valid concern" and recommended that the grading plan be submitted for Clough, Harbour, and Associates' review. Board members agreed that this would be reasonable condition of approval.

[2004-003] Rosa, Ann – Proposed accessory use (business office) in residence in an R-1 zone, 13 Stockton Court – Special Use Permit and conceptual site plan review.

There was no one in attendance at the meeting to present this application. Mr. Kemper explained that Ms. Rosa has asked that she and other family members be permitted to use rooms in their home for computer and paper work associated with business generally conducted in retail stores located in area malls. The application submitted to the Building Department states that all work takes place within the confines of the residence and that no business related shipments are received at the Stockton Court location. No customers visit this location, although the Rosas do employ one full-time clerk. The application narrative also states that the family employs a full-time housekeeper. The application further states that some FedEx and UPS shipments are received at this location since she does a quantity of catalogue shopping and her husband's hobby is photography. The application form states that the Rosas are "asking for approval to conduct our lives within the confines of our own home." Mr. Clemens, Director of Building and Development has determined that a Special Use Permit is required pursuant to Sections 208-10 and 208-79 to permit the operation of a business use (as an accessory use) in a residence located in an R-1 zone.

Mr. Kemper explained that he received a memo from Don Clemens dated January 13, 2004 that read as follows: "This application was brought to the Board as a result of this department investigating complaints from people in the neighborhood. There were complaints of employees working there and parking on the street as well as many deliveries and pick ups daily. It is my understanding that they operate several stores in the area and this home is the general business office for this business. It may not be appropriate for a residential neighborhood and is much more than the intent of the SUP for an accessory use as defined in our zoning law." Mr. Kemper also stated that he had received an e-mail from Jill Delaney, a Stockton Court resident, describing her concerns with the application.

Mr. Mike Delaney, 10 Stockton Court, stated that there were a number of problems associated with the operation of a business at this residential location. Neighbors have witnessed a number of cars parked in the Rosa's driveway and along the cul-de-sac on a daily basis. He explained that these vehicles have even interfered with efficient snowplowing operations. A number of deliveries from UPS and FedEx each day disrupt the quiet character of this small court. The behavior of the apparent employees including "smoking groups," taunting of children living on Stockton Court, and unsafe driving are problematic. He asked that the Board deny approval of this application.

Mr. Joe Jerzak, 6 Stockton Court, explained that he could substantiate Mr. Delaney's observations. He believes that the business operation in this area compromises the safety of existing residents and he asked the Board to deny this Special Use Permit application.

Mr. Bulger stated his opposition to approval of this Special Use Permit, noting that the Rosas business has apparently outgrown their residence. He expressed safety concerns for the other families residing on Stockton Court. An informal poll of Board members indicated that there was no support for approval of the application. The Rosas will be advised of the Board's position.

[2004-002] Triller, David – Proposed (3) lot subdivision, Vischer Ferry Road – Conceptual review.

Mr. Dave Flanders, consultant for the applicant, presented this project that calls for the subdivision of 3.79 acres of land on Vischer Ferry Road north of Wild Flower Way into lots of .9 acres, 1.6 acres, and 1.2 acres, respectively. The smallest lot will contain an existing residence. This residence is currently undergoing a substantial renovation and several of the deteriorating outbuildings will be demolished. A stream corridor and associated L-C zone crosses the northern portion of the property. Plans call for connection to the Clifton Park Water Authority and the Saratoga County Sewer District. Mr. Flanders explained that Lot #2 shows the disturbance of .07 acres of wetlands. The two new residences will be accessed by a common driveway from Vischer Ferry Road.

Mr. Kemper explained that the applicant is proposing to subdivide an existing 3.789 acre parcel with one residential structure to create two additional building lots. He expressed his appreciation for the applicant's willingness to create reasonably-sized lots that respect wetlands and meet zoning requirements. The date and firm that performed the wetland delineation should be shown on the plans. The existing treeline should also be illustrated on the plans. A land preservation area easement should be provided over the L-C zone and wetlands. Legal descriptions of the ingress/egress easement must be submitted.

Mr. Grasso stated that Clough, Harbour, and Associates reviewed the concept subdivision plan for the above referenced project and offered several comments. The proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such, coordinated review is optional. Involved agencies are expected to include the following: Town of Clifton Park Planning Board – Subdivision Approval; Saratoga County Planning Board - § 239 referral. Although the project is located outside the limit of the Vischer Ferry GEIS Study Area, it appears that this project will connect to water and sewer facilities within the corridor that were installed as part of the Capital Improvement Plan. Because the proposed development will utilize reserve capacity within those improvements, the Town may wish to require that the sewer and water fees be paid to mitigate this project's impact on those facilities. If the entire water and sewer mitigation fees were applied, the respective fees would be as follows:

- Sanitary Sewer 2 EDU x \$3314/EDU = \$ 6,628
 - Water Distribution 2 EDU x \$1728/EDU = \$ 3,456
- Total: =\$10,084

Mr. Grasso asked that the Code Enforcement Officer verify that the proposed setback from the existing fence and pool is adequate. Deed restrictions over the remaining wetland areas and an easement to the Town over the streams were also recommended. Pursuant to Section 208-86D of the regulations, all keyhole lot driveways shall be a minimum of 16 feet wide. The plan should include the Town's standard subdivision note for address identification, bearings and distances, and water and sewer services. During the construction of the proposed lots, silt fencing should be installed along the perimeter of the lots.

Mr. O'Brien, Environmental Specialist, reported that the ECC recommended that the proposed home on Lot#2 be moved back and to the north to reduce impacts and net loss of delineated wetland.

Mr. d'Amico recommended that all three driveways be combined to provide a single access point on Vischer Ferry Road. This would be consistent with current Board policy and reduce the number of curb cuts on this major connector road. Mr. Karam supported this recommendation. Mr. Flanders stated that due to the older look of the existing residence and because a new driveway has recently been installed to serve this home, the applicant would prefer to maintain the separation of the driveways. He agreed to discuss the Board's comment with his client. Mr. Bulger extended his thanks to both the applicant and Mr. Flanders for their cooperation in developing a subdivision that respects the character of the neighborhood and protects wetlands rather than one that is designed to simply to achieve the maximum density permitted.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Larkin, approval of the minutes of December 9, 2003 as written. Ayes: Larkin, d'Amico, Karam, Marzola, Russell, Bulger. Noes: None. Abstained: Pace.

Mr. Bulger moved, seconded by Mr. Larkin, adjournment of the meeting at 10:20p.m. The motion was unanimously carried. The next meeting of the Planning Board is scheduled for January 27, 2004.

Respectfully submitted, Janis L. Dean, Secretary cc: Planning Board Members, Planning Department, Clough, Harbour, and Associates, Supervisor, Town Administrator, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Joel Peller, Town Attorney, Lou Renzi, Town Attorney, Jim Trainor, Town Attorney, Paul Pelagalli, Town Attorney, Department of Parks and Recreation, ECC, Saratoga County Planning Board, Shenendehowa Central School, Clifton Park Water Authority, Fire Districts.

Resolution #1

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 January 13, 2004, there were:

Present: S. Bulger, Chairman, R. d'Amico, T. Karam, J. Larkin, J. Marzola, S. Pace, J. Russell

Absent: None

Mr. Karam offered Resolution #1, and Mr. Larkin seconded, and

Whereas, an application has been made to this Board by Country Club Acres, Inc. for approval of a subdivision plat entitled Subdivision of the Lands of Country Club Acres, Inc. consisting of (101) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 9, 2003 and;

Whereas, the Planning Board was established as Lead Agency for this application, a Type I action, and a negative declaration was issued pursuant to SEQRA on September 23, 2003, and

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 plat entitled Subdivision of the Lands of Country Club Acres, Inc. consisting of (101) lots is hereby granted final approval conditioned upon satisfaction the comments offered by Mr. Kemper and Mr. Grasso.

Resolution #1 passed 1/13/04

Ayes: Larkin, d'Amico, Karam, Marzola, Russell, Bulger

Noes: None

Abstained: Pace

Steven Bulger,
Chairman