

Clifton Park Planning Board Meeting Minutes

October 13, 2004

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

Planning Board: S. Bulger, Chairman, A. Kramer, J. Larkin, J. Marzola, S. Pace, J. Russell

Those absent were: T. Karam

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

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m. Mr. Bulger announced that Mr. d'Amico has resigned his position as a Board member due to extensive travel required for his professional career. The Chairman expressed his appreciation for all of Mr. d'Amico's contributions to the Board, noting that he found Mr. d'Amico to be knowledgeable, well-prepared, and thoughtful. Mr. Bulger then introduced Adam Kramer who was appointed by the Town Board to fill the vacant Board position. Mr. Bulger announced that he would appoint Mr. Karam to serve as Vice Chairman. Board members and all in attendance stood for recitation of the Pledge of Allegiance.

Public Hearings:

[2004-045] Carr, Robert L. – Proposed transfer of 551 SF of land from 242 Lapp Road to 240 Lapp Road – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on October 4, 2004.

Mr. Gil VanGuilder, consultant for the applicant, explained that the applicant proposes the transfer of 551 SF of land to the adjoining property owner. He explained that when the property was subdivided in 1994, both parcels were owned by members of the same family: a shared driveway was not an issue. The owner of 242 Lapp Road now would like to sell his home. In an effort to provide a distinct separation of the properties, the owner of 240 Lapp Road has installed a new driveway to serve his residence. The transfer of the 551 SF will allow for the driveway to be contained entirely within his lot. A 7-foot wide easement has been provided to the owner of 242 Lapp Road to allow him unrestricted use of the existing driveway. Mr. VanGuilder reported that both residences have been connected to the Saratoga County Sewer System.

Mr. Kemper asked that the descriptions for the area to be transferred be submitted for review and stated that a sample of the consolidation deed must be provided. In response to his questions regarding the sewer easement on Lot #240, Mr. VanGuilder stated that

the easement was established when the older home was connected to the municipal sewer. The specifics on the area variance that was granted previously must be added to the plans.

Neither Mr. Grasso nor Mr. O'Brien offered comments on this application.

There being no public comment regarding this application, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 7:17p.m. The motion was unanimously carried.

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

Mr. Bulger offered Resolution #24, seconded by Ms. Pace, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of all comments offered by Mr. Kemper. Ayes: Larkin, Pace, Marzola, Russell, Bulger. Noes: None. Abstained: Kramer.

[2004-039] Country Club Acres, Inc. – Proposed (2) lot subdivision, Ushers Road and VanPatten Drive – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:19p.m. The Secretary read the public notice as published in the Daily Gazette on October 4, 2004.

Mr. Rob Spiak, consultant for the applicant, presented this application for the Board's consideration. This proposal calls for the subdivision of 6.8 acres of land into (2) lots. The 2.04 acre lot will contain the proposed Exxon/Mobil convenience store and carwash: there are currently no development plans for the remaining 4.79 acre parcel.

Mr. Kemper reported that this project last appeared before the Board on September 15, 2004 at which time the main issue raised by the board was that a cross access easement should be provided between the two parcels. He reported that the required easement has been depicted on the newest set of drawings that were submitted. The subdivision is an unlisted action and the proposed lot layout meets all town standards. He noted that if the Board decides to move forward on this application, the negative declaration and subdivision approval are related to the subdivision only and he advised that the site plan/special use permit being considered on one of the parcels should not be discussed as part of this application. The Saratoga County Planning Board approved the project on September 16, 2004 without comment. A note on the plans refers to a "building setback line as per Planning Board approval": the meaning of this note should be clarified. When and if the remaining lands of Country Club Acres are developed, a shared access drive will have to be used to access Ushers Road at the proposed location for the Exxon-Mobil curb cut. A note should be added to the plans referring to the location of the project relative to an aquifer recharge area.

Mr. Grasso reported that all comments issued by Clough, Harbour, and Associates have been addressed.

Mr. O'Brien, Environmental Specialist, read the comments that had been prepared by the ECC. The Commission reiterated the comments made during the September 15, 2004 meeting. The ECC believes that it is advisable to develop a site plan that takes the entire parcel into account prior to subdividing to avoid the undesirable aspects of segmentation. The ECC also believes that it would be premature to consider this subdivision request prior to the resolution of outstanding issues of the Exxon-Mobil project plan that is currently before the Planning Board.

Mr. Bulger asked Mr. Pelagalli to comment on the issue of segmentation. Mr. Pelagalli explained that segmentation was not an issue for this application. He stated that segmentation involved one or more minor subdivisions of a significantly larger parcel of land without consideration of the impacts of the entire parcel. Requests for additional subdivisions would then be labeled "segmentation". The applicant for this project simply requests a two lot subdivision: the site plans and potential environmental impacts for each parcel would be considered site-specifically.

Ms. Gretchen Ruhl, 168 Wood Dale Drive, asked for clarification regarding the proposed Planning Board action. Mr. Bulger characterized this application as a "routine procedural matter" and explained that approval of the subdivision was separate and distinct from the Exxon/Mobil site plan application. Approval of the subdivision would be validated by the filing of a stamped plat at the county offices. Should the site plan proposal be rejected, the applicant may decide to file the subdivision as approved, retain the parcel in its entirety, or propose a revised subdivision plan. Mr. Bulger emphasized that approval of this application would not impact the decision-making process for the Exxon/Mobil site plan. Ms. Ruhl commented that she believes that the subdivision should be approved following site plan approval.

Mr. William Engleman, 6 Partridge Place, asked how the Board could issue a SEQRA determination if Part II of the EAF for this project has not been completed. Mr. Bulger explained that the Board considers potential environmental impacts of each project that is presented and that Part II of the SEQRA document is completed when the Board is satisfied that no significant impacts will result from proposed development. Mr. Engleman stated that he was opposed to the site development plan presented by Exxon/Mobil. He explained that he agreed with Mr. Ruhl's contention that the development is too intense for the parcel and observed that the nearby Hess service station was a much smaller facility on a larger parcel. Describing the project plan as "environmentally obnoxious," he encouraged the Board to require the preparation of an EIS. Mr. Engleman also believes that the subdivision should not be approved before the site plan is approved because it would "facilitate segmentation of review."

Mr. Bulger explained that the comparison of the Hess station to the proposed Exxon/Mobil project is spurious since each and every application is considered site-specifically. Town code does not require that one project be designed as another. Though

he believes that this application could be approved at this meeting, Mr. Pelagalli pointed out that the Board has 62 days to make a determination.

Dr. James Ruhl, 168 Wood Dale Drive, stated that he agreed with the comments offered by his wife earlier in the meeting.

There being no further public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:45p.m. The motion was unanimously carried.

Mr. Larkin expressed his concern for the loss of the designated Empire Zone area. Mr. Kemper explained that Saratoga County legislators are considering an amendment to the Empire Zone plan that would permit reallocation of space that has been used for projects that do not meet the Empire Zone's development requirements.

Old Business:

[2003-067] Exxon Mobil Oil Corp. – Proposed 3,900 SF convenience store, 1,152 SF carwash, and 6 gasoline dispensers, Ushers Road at VanPatten Drive –Special Use Permit and preliminary site plan review and possible determination.

Mr. Bulger explained that Board members expressed serious concerns regarding possible impacts of this development on water resources. To address these concerns, the Board retained Alpha Geoscience, a local consulting firm, to provide additional information regarding the potential impacts of the development on groundwater resources, municipal water supplies, and aquifer areas. Mr. Bulger introduced Mr. Sam Gowan, PhD, CPG and Mr. John Neddo who presented an overview of the report they had prepared.

Dr. Gowan provided a brief history of his firm and offered a brief synopsis of his professional credentials. He explained that Alpha Geoscience has worked for a number of clients and has completed studies involving hydro-geologic reviews, petroleum contamination reports, and the identification of potential impacts to water resources.

Dr. Gowan offered a technical presentation that included descriptions of the data sources used a basis of analysis, the current design of the municipal water system including the Kinns Road well, the items considered when conducting the review, conclusions resulting from the information compiled, and recommendations for a course of action that would confirm that the results of the study are accurate. Though Dr. Gowan cited a number of documents and studies relevant to the preparation of this site-specific study, he explained that the focus of his attention was the USGS water resources investigative report prepared by P.M. Heisig in 2002. The consultant described – and presented maps that illustrated – surficial geology in the area, cross-sections of the layers of soils found in the area, recharge zones of the Colonie Channel Aquifer in the vicinity of the site, the municipal water distribution area, and surface water flow. Dr. Gowan offered the nine conclusions that resulted from his review:

- Petroleum products are the primary pollutant of concern for this facility.
- Petroleum released to the subsurface will migrate vertically to the water table where it

will move laterally in the direction of ground water flows as product on top of the water table and as dissolved petroleum constituents in the water.

- The likely direction of ground water flow is to the south-southwest toward discharge areas on the flank of the Long Kill.
- No municipal wells in the water table aquifers would be affected by a hydrocarbon release at the site.
- The fractured bedrock of the Colonie Channel Aquifer exists approximately 180 feet beneath the site; however, a potential petroleum release at the site cannot migrate down into the aquifer due to an intervening layer of silt and clay.
- The closest, potential recharge area to the confined Colonie Channel Aquifer is 1450 feet southeast of the site.
- The stormwater analysis and control plan provided by Bohler is reasonable and consistent with the soil conditions that exist at the site.
- The Vortechs unit proposed by the applicant to capture pollutants in stormwater runoff should be effective; however, this system will require monitoring and maintenance.
- The infiltration basin for stormwater runoff control should be effective in preventing release of most of the storm water runoff from the site; however, this system will require regular monitoring and maintenance.

Dr. Gowan stated that the documentation available has made it possible to make a realistic assessment of the hydrogeologic system and the potential for impacts to ground water resources. He recommended, however, that a reasonable investigation would consist of the drilling and installation of three wells at the site. The purpose of these wells would be to confirm the presence of the lacustrine clay beneath the site, observe the depth to the water table, and determine the direction of ground water flow.

Board members thanked Dr. Gowan for his in-depth and informative presentation and asked questions designed to ensure their understanding of the report. Dr. Gowan agreed with Mr. Bulger's observation that in the event of a petroleum spill, contamination of municipal wells was unlikely. Mr. Larkin asked about contamination should a spill occur coincident with a 100-year storm. Dr. Gowan and Mr. Grasso both discussed the proposed containment capacities of the equipment to be installed on site. Mr. Larkin asked about the volume of contaminate that would need to be spilled to contaminate the aquifer. Dr. Gowan responded that it would require hundreds of gallons of uncontained petroleum to impact the aquifer. Mr. Spiak described the state-of-the-art line leak detectors, and the monitoring and spill detectors that will be installed as part of the project. In response to Mr. Bulger's question regarding effluent from the carwash, Mr. Grasso explained that there will be no discharge onto the ground; therefore, there is no possibility of contamination from this facility. Mr. Bulger then explained that, pursuant to Section 208-66 of the Town Code, "no underground fuel storage tanks shall be allowed where there is evidence that an aquifer (or aquifer recharge area) exists or is within 500 feet of the site for tanks or if the building lot is located adjacent to or adjoins an L-C zone." In response to Mr. Larkin's comment that concerned the "scale and scope" of a possible spill, Dr. Gowan responded that the type of gasoline dispensed at the proposed Exxon-Mobil site would break down relatively quickly. Mr. Bulger stated that the copies of the study prepared by Alpha Geoscience will be made available to the public and that

written comments related to the project will be accepted by the Board. Mr. Spiak expressed his intention to re-file the application for review at the November 9, 2004 meeting.

Mr. Kemper reported that this project last appeared before the Board on September 15, 2004 at which time the main issues of concern included whether or not “fake” windows on the west side of the building would be visually appealing, traffic impacts, and concern about potential contamination of the water supply. He explained that the Board closed the public hearing at the September 15, 2004 meeting. Since the 62 day timeframe for rendering a decision on the application begins at the close of the public hearing, the Planning Board meeting of November 9, 2004 is the last time that this project can appear before the Board without the timeframe being extended. The submission deadline for that meeting is October 20, 2004. Since the aquifer study has been completed and confirms that the project is located above an aquifer, the applicant must appear in front of the Zoning Board of Appeals to get an area variance from the required setback from an aquifer or aquifer recharge area. Plantings should be placed in and around the sidewalk bordering the building. A town resident has expressed concern over the handling of wastewater in the carwash facility to be located on the property. Mr. Kemper asked the applicant to explain to the Board on how the wastewater would be handled. Additional public comments that were received since the last meeting were forwarded to the Board members for their consideration.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the most recently revised site plan, the Full Environmental Assessment Form that was revised on August 20, 2004, and the subdivision plan prepared by Gilbert VanGuilder Land Surveyor, PLLC. A report titled “Assessment of the Potential for Water Resource Impacts by the Proposed Exxon Mobil Service Station”, dated September 29, 2004 that was prepared by Alpha Geoscience was also reviewed. The firm offered several comments.

Mr. Grasso addressed concerns regarding potential traffic impacts of the proposed project. The proposed project will increase traffic in the vicinity of the project site which in turn will decrease levels of service and create additional delay for some movements. Although the quantity and significance of the impacts may vary, one of the most notable impacts occurs at the Van Patten Drive/Ushers Road intersection for northbound vehicles trying to make a left turn from VanPatten Drive onto Ushers Road. During the PM peak hour, the level of service will drop from a “D” level of service to an “F” level of service and the average delay for left-turning vehicles will increase by up to 50 seconds during the PM peak hour. No mitigation for this impact is proposed, however, the applicant has indicated that they will provide a signal at this intersection if requested by the Town. Based on a review of MUTCD warrants and the site specific conditions, it was determined by the applicant’s consultant that the criteria for installation of a traffic signal is not satisfied. Clough, Harbour, and Associates concurs with this statement, however, as stated in the applicant’s consultant’s response letter, “the installation of a traffic signal will cause routine and consistent delays to vehicles on Ushers Road during each signal cycle.” In summary, the project will have a negative impact on traffic conditions in the area by causing an overall degradation in levels of service. It appears that this negative

impact cannot be mitigated.

Mr. Grasso pointed out that Town Code addresses potential aquifer impacts of the proposed project. Per section 208-66.F. of the zoning regulations, “No underground fuel storage tanks shall be allowed where there is evidence that an aquifer (or aquifer recharge area) exists or is within 500 feet of the site for tanks or if the building lot is located adjacent to or adjoins a Land Conservation Zone. The Planning Board shall refer to the aquifer/recharge maps officially recognized by the Town Board in order to assess whether testing is required to make a determination.” The report by Alpha Geoscience provides the basis for such a determination. Based on a review of the report, it appears that an aquifer exists within 500 feet of the site. As such, the currently proposed application may require a variance from this requirement. The report prepared by Alpha Geoscience includes recommendations for on-site investigation including the drilling and installation of three wells at the site, the purpose of which would be to confirm the presence of the lacustrine clay beneath the site, to observe the depth to the water table and to determine the direction of ground water flow. The applicant should respond to this request for additional information.

Mr. Grasso also pointed out that in accordance with section 208-64.F of the zoning regulations which stipulates performance standards for development in the LI-Light Industrial District, “Sound levels in the Light Industrial District shall not exceed 45 decibels from 11:00 p.m. to 6:00 a.m., not 65 decibels at other times, the measurement of which shall be made with a sound-level meter... Measurement of noise levels shall be made at the property line of the property on which such noise is generated or perceived and shall be taken at least four feet above ground level.” The applicant’s consultants have recently indicated that the car wash will be open 24 hours per day. A noise study should be performed to demonstrate that the performance standards will be met. In addition, the Full Environmental Assessment Form provided by the applicant’s consultant indicates that the project will not produce operating noise exceeding the local ambient levels. Confirmation of this fact should be provided.

Mr. Grasso stated that Clough, Harbour, and Associates remains concerned about the location of the proposed sign within the stand of trees to remain and the ability to permanently preserve the existing vegetation. If accurate, the photo simulation presented at the Planning Board meeting should be submitted as part of the application materials so it can be used as future reference regarding what the site will look like after development. As previously stated, in order to preserve additional trees along the project frontage, the proposed monument sign should be located on the east side of the access drive to Ushers Road. In addition, a retaining wall should be provided on the west side of the access drive to Ushers Road in order to preserve the 32” pine and the 12” tree currently labeled for removal.

Several other comments were made by Mr. Grasso. The applicant should discuss what provisions will be put in place to prevent environmental impacts caused by spills during fueling or fuel storage tank filling operations. A crosswalk, crosswalk warning and advanced warning signs appear required for the multi-use pathway crossing of Pierce

Road in accordance with M.U.T.C.D. The routing of the fuel tanker truck indicates that the wheels of the truck will drive over the proposed curbing and across the islands. The surface materials within the islands should be shown and discussed with the Planning Board as it was presumed that the island would be sodded or landscaped and counted towards the project's greenspace. Item A.11 of the Full Environmental Assessment Form does not specify the basis for the statement that the site does not contain any species of plant or animal life that is identified as threatened or endangered. A response is required. All previous comments provided by Clough, Harbour, and Associates regarding the proposed subdivision plan have been adequately addressed. All previous comments regarding the proposed storm water management system have also been adequately addressed.

Mr. O'Brien, Environmental Specialist, stated that the ECC is awaiting the results from the Alpha Geoscience study before making any additional comments.

Mr. Bulger explained that it may be necessary to request an extension of the 62-day determination period if the Board is not comfortable issuing a determination on the Exxon-Mobil application. In response, Mr. Spiak told the Board that the applicant intends to address all Board concerns. Mr. Larkin noted that the LOS at Bruno Road and Route 146 during peak travel times could be considered in comparison to the traffic service levels that might be created by the Exxon-Mobil development. He reported speaking with a deputy from the Saratoga County Sheriff's Department who told him that a number of accidents occur at the intersection of Wood Dale Drive and Ushers Road: he suggested that the Town consider installing a light at that intersection. He then suggested that traffic signals be set to operate fully at times and to flash at other times to improve the level of service at the Ushers Road and VanPatten Drive intersection. He asked Mr. Grasso to evaluate the level of service that would result from the installation of such a signal and from the installation of such a signal combined with a reduction in the speed limit to 35mph. Though Mr. Grasso believed that the LOS would not dramatically change as a result of a lowered speed limit, he will prepare a response to Mr. Larkin's suggestion. Mr. Bulger stated that the Board does not have the authority to regulate speed limits. He anticipates that the applicant will supply additional information regarding endangered species that may be identified on the site and will provide additional information regarding the fuel storage tanks with the next submission.

[2004-035] Country Club Acres, Inc. – Proposed 5,000 SF Blue Spruce Landscaping facility, NYS Route 146A – Preliminary site plan review and possible determination.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that has been before the Board on two previous occasions. The plan remains generally as presented, though it now shows a building of 4,990 SF – a building size that is less than the 5,000 SF moratorium limit. Creighton-Manning Traffic Engineers reviewed the project plan and determined that the proposed access location was acceptable.

Mr. Kemper explained that this project last appeared before the Board on September 15, 2004. The major issue raised at that meeting was a signoff from NYSDOT on the sight

distance. A final signoff still needs to be provided from Clough, Harbour, and Associates. The comment letter from Don Austin, Director of the Clifton Park Water Authority dated September 15, 2004 stated that the project will have to connect with the proposed 12 inch watermain to be installed along the northern side of Route 146A. Colored façade renderings must still be provided to the Board. A NYSDOT curb cut permit must be provided. The additional plantings to be placed on the berm must be illustrated on the plans. The applicant has provided a letter that discusses the sight distance along Route 146A.

Mr. O'Brien, Environmental Specialist, reported that after reviewing the revised project plans, the ECC reiterates its previous comment that asks the applicant to confirm that the site does not contain any hazardous materials from past disposal activities. In addition, the Commission asks that following standard statements should be added to the plot plan:

- No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).
- 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.
- All proposed outdoor or exterior lighting must be directional and limited.
- If hazardous materials will be stored on-site, the Applicant must submit a plan addressing handling and storage and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored.

Though Mr. Grasso reported that Clough, Harbour, and Associates found this project plan acceptable, he asked that the applicant submit plans for any proposed lighting plan to the engineering firm for review.

Mr. Larkin commented that he had visited the site because he had a concern about the railroad siding. He reported that it appeared that the siding had not been in use recently. Mr. Vuillaume stated that the area will be marked and flagged. Mr. Bulger asked that the applicant provide additional landscaping along NYS Route 146A and that this landscaping be shown on the project plan.

Mr. Russell moved, seconded by Mr. Larkin, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. Ayes: Larkin, Pace, Russell, Marzola, Bulger. Noes: None. Abstained: Kramer.

Mr. Larkin moved, seconded by Ms. Pace, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by Mr.

Kemper, Mr. Grasso, and Mr. O'Brien. Ayes: Larkin, Pace, Russell, Marzola, Bulger.
Noes: None. Abstained: Kramer.

[2004-025] Stewart's Ice Cream Shops – Proposed 4,000 SF office building (Phase I),
Vischer Ferry and Grooms Roads – Final site plan review and determination.

Mr. Paul Bulmer, Stewart's real estate representative, described the revisions that have been made to this project plan. He explained that the access to the site would be provided at the existing western-most access that currently serves the existing rental facility and by an unrestricted access from the proposed new town road that will serve the adjoining subdivision. Drainage will be directed to a basin that serves both the Stewarts' development and the new subdivision. Increased landscaping has been provided to separate existing and proposed land uses. Multi-use pathway designs and locations will be considered during review for Phase II of this project.

Mr. Kemper reported that this project last appeared before the Board at the September 28, 2004 meeting at which time the Board granted preliminary approval for Phase 1 and issued a negative declaration for the entire project. The outstanding issues concerned construction of the multi-use trail and stormwater management issues. Mr. Kemper asked that applicant to clarify that the freestanding sign indicated on the plans is the new pylon sign that is depicted on the cover sheet of the site plan. The planting plan must be revised to include a minimum of 3" caliper for deciduous trees and 24" spread or height for ornamental plantings. A signoff needs to be provided from the Clifton Park Water Authority.

Though Mr. Grasso expressed reservation for the partial construction of a proposed Town road, he found the existing curb cuts acceptable. He also deferred to the recommendations and sign-off from Sheryl Reed regarding adequate site access.

Mr. O'Brien reported that the ECC had no comment on the project plan.

Several members of the Board commented on this application. Mr. Bulger, noting that the Board was concerned that the access as presented would be acceptable to emergency services' personnel, stated that Ms. Reed, Chief of the Bureau of Fire Prevention, would need to sign-off on this application before it is stamped by the Planning Department. Mr. Russell commented that he found the existing signage unattractive and asked that it be replaced. Mr. Bulmer stated that his company is discussing signage with existing and prospective tenants. He anticipates that the existing signs will be replaced. In response to Mr. Larkin's question regarding the development of Phase II of this project, Mr. Bulmer was unable to provide a specific date for submission of plans. He did state that the applicant and his architects were attempting to decide what types of development would be reasonable on the property. He expects that plans will be ready for review in the spring of 2005.

Ms. Pace moved, seconded by Mr. Larkin, to grant final site plan approval to this application conditioned upon satisfaction of the comments offered by Mr. Kemper and

Mr. Grasso. Ayes: Larkin, Pace, Marzola, Russell, Bulger. Noes: None. Abstained: Kramer.

Mr. Bulger commented that both the applicant for the Stewart's store and the applicant for the adjoining subdivision had worked cooperatively to create desirable projects. He expressed his appreciation for such willingness to comply with Board recommendations.

New Business:

[2004-052] Paulsen, William F. – Proposed (2) lot subdivision, Waite Road and NYS Route 146A – Concept review.

Mr. Kevin Hastings, representative from the LA Group and consultant for the applicant, presented this project plan. The proposal calls for the subdivision of 5.59 acres of land into single-family building lots of 2.85 and 2.74 acres, respectively. The lots will be served by individual on-site wells and septic systems. The project received preliminary and final subdivision approval on May 14, 2002, though the final plats were never filed at the County offices. Though the applicant would now like to finalize the project plans, the original Planning Board approval has expired. The applicant is seeking reaffirmation of the original approval.

Mr. Kemper explained that this project was originally approved by the Town of Clifton Park Planning Board on May 14, 2002. The percolation rate on the raised bed septic system was not adequate and the subdivision approval expired. The date and firm that performed the wetland delineation should be added to the plans. The Saratoga County Planning Board has not reviewed the current project. Mr. Kemper, however, reported that he had spoken with the county officials and they will not need to issue another determination because they had approved the project in 2002.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the subdivision plans dated April 10, 2002 and the septic system design plans prepared by the LA Group dated September 22, 2004. He reported that the following comments from the May 7, 2002 review letter remain to be addressed. The reference to the R-3 zoning should be removed from the plan, as this zoning has been superceded. There is conflicting information on the plan with regard to the required and existing percolation rate of the fill material. In accordance with NYSDOH standards, the percolation rate for fill used for raised systems shall be between five and thirty minutes per inch. The "Raised System Detail" indicates that the percolation rate should be between five and twenty minutes per inch. The construction note #10 on sheet L-2 states that the fill material is to be between ten and twenty minutes per inch, yet the set of data from Roger Case shows the percolation rate of the existing fill material to be three minutes per inch. The septic tank sizing table indicates a house with three bedrooms. It should be verified that the proposed homes will be limited to three bedrooms. The pump pit detail should include a calculation of the dose volume and correspond to the distance between the pump-on and pump-off elevations.

Mr. O'Brien stated that the ECC offered the following comments on this application. The

boundaries of the delineated Federal Wetlands should be indicated on the individual plot plans. The area's surface water drainage transects the parcel. Care should be given to preserving the carrying capacity of that feature to prevent future flooding. The following standard statements should be added to the 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.
- 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.

Mr. Larkin, citing a previous approval for a (4) lot subdivision, questioned the apparent discrepancies in the reported test pit and percolation test information and encouraged the Board to hold all applicants to the same standards – to “consistently and uniformly” apply all standards. He asked the consultant to provide location and testing information for all the tests conducted on the parcel.

In response to Mr. Bulger's question regarding the Trails' Master Plan, Mr. Grasso reported that a conveyance of 10' along both Waite Road and NYS Route 146A has been shown on the plan. Board members found the subdivision proposal generally acceptable.

[2004-046] Conpropst, Dan S. and Linda R. – Proposed (2) lot subdivision, 1762 Crescent Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, explained that this proposal calls for the subdivision of 2.04 acres of land in an R-1 zone into lots of 1.12 acres and the remaining lands of Conpropst. A duplex unit is proposed for the parcel to be subdivided. The proposed subdivision will meet the required 200 feet of frontage at the front building line and all other setback requirements. The lot will be served by an on-site well and septic system. Mr. VanGuilder reported that the available sight distances have been determined. The available distances based on a posted 40mph speed limit at the proposed driveway for the remaining lands of Conpropst are 493 feet looking right and 597 feet looking left. These distances exceed NYSDOT standards.

Mr. Kemper offered several comments regarding this application. The subdivision map should illustrate the entire lands of Conpropst. A special use permit will have to be granted for the proposed duplex. Perc tests will have to be completed to determine the adequacy of soils on the site for installation of on-site septic systems. The point that site

distance was measured from should be illustrated on the plans. The standard note for aviation activity should be added to the plans. The applicant must clarify whether or not the driveway from the proposed duplex to the new proposed driveway on the lands to be retained by Conpropst will be eliminated.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed this subdivision plan and offered the following comments. The proposed project appears to be an “Unlisted” action pursuant to SEQR, and as such, coordinated review is optional. The only involved agency will be the Town of Clifton Park Planning Board for Subdivision approval. Soil investigations including deep test pits and percolation tests should be conducted in the area of the proposed wastewater disposal system to verify the adequacy of the soils to accept an on-site wastewater disposal system. Any existing wells or wastewater disposal systems within 200 feet from the proposed well or wastewater disposal system must also be shown to verify required separation. The sight distance at the proposed driveway location should be verified. The plan should indicate the portion of the existing driveway to be removed. If the driveway is to remain, an ingress/egress easement should be provided over the proposed lot.

Mr. O’Brien reported that, after reviewing the project, the ECC asked that the following standard statements 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.
- This parcel (subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation and other associated activities. A study describing this impact in detail is available for inspection in the office of the Albany International Airport.

Mr. Larkin asked about the apparent zoning designation for the parcel. One portion appears to lie within an R-1 zone, while the remaining lands are located in the R-2 zone. Mr. Larkin correctly noted that the more restrictive zone would take precedence. After a brief discussion, Mr. VanGuilder decided to revise the map to show the separation of 2.04 acres from the entire 11.04 acre parcel identified as the Lands of Conpropst. The existing residence on the parcel will be served by a new driveway provided by an easement over the parcel that will be created the construction of the proposed duplex.

Board members agreed that the revisions as proposed would be acceptable. The project will be re-submitted in accordance with zoning regulations.

[2004-051] Cillis Builders – Proposed (12) lot subdivision, Bruno Road – Conceptual review.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that calls for the subdivision of 18.9 acres of land into (12) single-family residences in an R-1 zone on the east side of Bruno Road. No development is proposed for the 5.16 acres portion of the lands under the same ownership that lies on the west side of Bruno Road. The lots will be served by an approximately 1,200 foot long cul-de-sac that will be conveyed to the Town. Utilities will be provided by the Clifton Park Water Authority and the Saratoga County Sewer District. The consultant reported that the ACOE wetlands have been delineated and will be field verified. An on-site stormwater management system is proposed.

Mr. Kemper offered several comments regarding this application. The project is a Type 1 action under SEQRA and, as such, a full EAF should be submitted for review. The location of the Lots on #2, 11, and 12 do not allow for a usable side or rear yard. The proposed layout will lead to inevitable incremental disturbances in the future. The proposed number of lots is excessive considering the environmental constraints on the property. The applicant should consider a revised layout with a private, shared drive access. There are significant documented drainage problems immediately downstream from this project; therefore, no additional stormwater can be added to this drainage course. The project will require sign-offs from Saratoga County Sewer District and the Clifton Park Water Authority. Prior to the project moving forward a jurisdictional determination letter from DEC must be provided. The Saratoga County Sewer District provided the following comments in a memo dated October 4, 2004: "Details on the connection to the existing Saratoga County Sewer District trunk sewer need to be presented for review."

Mr. Grasso reported that review of this application by Clough, Harbour, and Associates resulted in the following comments. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. Involved agencies are expected to include the following: Town of Clifton Park Planning Board – Subdivision Approval; NYSDEC – Wetland Permit, Wastewater Disposal System Approval; NYSDOH – Water Supply System Approval; Saratoga County Sewer District #1 – Sewer Connection Permit; Saratoga County Planning Board – Section 239 Referral. The engineering firm is very concerned over the close proximity of the proposed house sites to the wetlands, particularly on Lots #2, 11, and 12. Reduction in the proposed density appears required. A Full Environmental Assessment Form should be provided. A jurisdiction determination letter should be provided from the USACOE and NYSDEC. If NYSDEC wetlands are present, the 100 foot buffer should be shown on the plans. Wetland impacts should be quantified on all future plan submissions. The sight distance at the proposed roadway location should be verified. An additional ten feet of right-of-way along the project frontage should be conveyed to the Town of Clifton Park for future trail/bikeway improvements. A drainage easement should be provided to the Town of Clifton Park over the drainage course across Lots #8 and 9 and the future owner of the Parcel Section B should be shown on the plan.

Mr. O'Brien reported that, following a review of the project, the ECC offered the following comments. The proposed project is located adjacent to an area that routinely

floods during heavy rain events. Any additional stormwater management should not be directed to this stream corridor to avoid aggravating an already compromised situation. The proposed stormwater basin on parcel "B" is within the L-C zone and cannot be placed at that location. The Town of Clifton Park L-C zone must be delineated on the plot plan. Both ACOE and NYSDEC wetlands must be delineated on each plot plan.

Mr. Bulger called the Board's attention to the issue of significant flooding on Bruno Road that occurs regularly following severe storms. He recommended that this project be designed to reduce this problem and reduce the ponding that occurs in the area. Mr. Larkin reported that a sudden "flashback" to deliberations regarding a subdivision application on Moe Road caused him to request that the applicant for this project reduce the intensity of the project in order to create more usable back yards for the proposed residences. He encouraged the applicant to protect the wetland areas by reducing the number of building lots.

[2004-048] Stantec – Proposed 5,688 SF 99 Restaurant, Clifton Park Center Road – Conceptual site plan review.

Mr. Marshall Hardy, consultant for the applicant, described this project plan for a 1.47 acre parcel in a B-4 (Highway Business) zone on the northern side of Clifton Park Center Road. The applicant proposes the construction of a 5,688 SF 99 Restaurant and Bar. The site plan shows sidewalks, 70 parking spaces, 3 access driveways, site lighting, landscaping, and other site amenities. Water will be provided by the Clifton Park Water Authority and connection will be made to the existing sanitary sewer that is located on the northeastern side of the site. Mr. Hardy explained that although the permanent easement to the Saratoga County Sewer District that crosses the property will be respected, the well/water supply easement that crosses the property will be abandoned. The consultant stated that two variances will be required if the plan is approved as designed. Variances will be required for both the proposed building sign and the free standing sign. Setback variances for parking will also be required.

Mr. Kemper offered several comments on the application. He asked that the building be re-oriented so that the front of the building faces NYS Route 146. He also noted that the greenspace proposed for the project is 40%: the Exit 9 GEIS requires a minimum greenspace requirement of 45%. The applicant should provide the adequate amount of greenspace or justification for the decrease in amount provided on the site. A planting plan should be provided with the next submission. Colored façade renderings with building materials must be provided at the next submission. The proposed signage should be depicted on the architectural renderings. The Saratoga County Sewer District presented the following comments dated October 4, 2004: "The proposed connection would be to an existing Saratoga County Sewer District line; therefore, proper easements and preservation of the integrity of the existing line need to be considered. Review and permit submittals need to be made to the District." Sign-offs from Saratoga County Sewer District and the Clifton Park Water Authority will also be required.

Mr. Grasso stated that Clough, Harbour, and Associates reviewed the site plan for this

project as prepared by Stantec Consulting Group, Inc and offered the following comments. He expressed his concerns with the application as currently proposed. The development of the Clifton Park Center and recent Boscov's expansion may have been reviewed as a group establishment that is allowed to share parking and greenspace across parcels. As such, the subject parcel is believed to have counted towards the greenspace for the Clifton Park Center. Mr. Grasso was also concerned with the layout of the site. The front of the building is oriented directly away from the most heavily traveled roadway in the Town. In addition, there will be high visibility into the service area and dumpster enclosure because the site sits much lower than that roadway. The building orientation should be rotated and there should be minimal parking toward Route 146. Mr. Grasso cited the recently-constructed Chili's restaurant as an example. The layout also has a drive aisle bordered by a curb and parking row: this is unacceptable site design. It is recommended that a grassed island with a 10' minimum in width be installed along the western property line between the drive aisle and proposed parking. A photo simulation should be provided what the building and site will look like as one travels east on Route 146.

Mr. Grasso explained that the proposed project appears to be an unlisted action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include: Clifton Park Planning Board – Subdivision Approval, Site Plan Approval, and possible Special Use Permit; Clifton Park Zoning Board of Appeals - Area Variances; Saratoga County Planning Board – Section 239 Referral; Clifton Park Water Authority – Water Connection Permit; Saratoga County Sewer District #1 – Sewer Connection Permit; NYSDEC – SPDES Permit for Storm Water Associated with Construction Activity. He also stated that the Town does not permit the use of exterior wall packs for new commercial development. Mr. Grasso pointed out that although extensive technical detail has been provided on the site plans, the plans have only been reviewed at a conceptual level.

Mr. O'Brien reported that, after reviewing the project, the ECC offered the following comments. The applicant is encouraged to provide vegetative screening appropriate to screen the rear of the structure from Route 146 that overlooks the proposed restaurant. All exterior lighting should be directional and limited. The applicant must indicate how stormwater will be handled for future submissions. Since this parcel was the site of a former business with a purported petroleum release, the applicant must insure that any residual contamination will be addressed. The applicant shall maintain a minimum of 45% greenspace in accordance with the Maxwell Road GEIS calculated for the entire parcel.

Mr. Larkin commented that because NYS Route 146 was viewed as a "showcase" road, he was concerned that the parcel had "two fronts". He was especially concerned that the restaurant would sit below the roadway and he asked the applicant to be cognizant of the view of the roof from the roadway. Though he recognized that the site had many development constraints, he asked that the applicant consider re-orienting the building to address the Board's concerns. He also asked that the next project submission include colored renderings for each side of the building. Mr. Bulger supported a re-orientation of

the building. He also focused attention on the parking, noting that variances would be required prior to approval of the current plan. He suggested that the applicant consider utilizing existing mall parking in an effort to achieve the required amount of greenspace on site. Mr. Hardy agreed to refine and revise the plan in an effort to address Board concerns.

[2004-047] Kain Development Group, LLC – Proposed (18) lot subdivision, Longkill Road – Conceptual review.

Mr. Frank Fazio, C. T. Male representative and consultant for the applicant, presented this application that calls for the subdivision of 18.69 acres of land in an R-1 zone into (18) lots ranging in size from 20,078 SF to 56,337 SF. The parcel is located on the west side of Longkill Road north of Country Knolls Section #20. The project design shows access to the subdivision via a 60-foot wide right-of-way from Longkill Road that separates into two cul-de-sacs – one to the north and one to the south of the site. Connection will be made to the Country Knolls sewer system. Water will be supplied by the Clifton Park Water Authority. Stormwater will be managed on site. The consultant addressed some of the issues raised by Clough, Harbour, and Associates. He and his client believe that a conventional subdivision lay-out offers the best use of the property and noted that the Town's cluster legislation requires a minimal parcel of 20 acres for such a design. Mr. Fazio also stated that there is a .07 acre wetland disturbance proposed. Negotiations are on-going with the adjoining property owner regarding an agreement to establish a road that would provide access to the existing Wassenaar property as well as the new subdivision.

Mr. Kemper offered a number of comments regarding this application. A sign-off will be required from CK Sanitary as well as from the Clifton Park Water Authority. The project is a Type 1 action under SEQRA and as such coordinated review is required. A full EAF must be provided for review and comment. Only ACOE or DEC regulated wetlands must be shown on the plans. The Saratoga County Planning Board has not yet reviewed the project. A Saratoga County Department of Public Works work permit will be required. A multi-use path should be provided to the athletic fields at Parkside Trail. A site statistics table should be added to the plan which includes lot information, zoning, number of lots, municipal water and sewer connections, etc. The applicant should consider a cluster subdivision layout since it appears that the conventional layout is proposing a number of residences with small rear yards that immediately abut other homes. The Saratoga County Sewer District reviewed the project and submitted the following comments on October 4, 2004: "As presented, connection will be to the existing CK Sanitary System. CK Sanitary will need to accept the flows and sewer system in compliance with Saratoga County Sewer District Rules and Regulations." The Clifton Park Water Authority sent the applicant a letter which outlined the following concerns:

- The connection to the water main in the Woodstead section of Country Knolls is unacceptable. Connection must be made to the end of the 16-inch water main at the intersection of Woodstead Road and Longkill Road. The main will be required to be 16-inch Class 50 ductile iron with the CPWA paying the difference in cost between installation of 8-inch versus 16-inch pipe. Difference in cost of installation to be

determined through bidding process.

- Hydrant proposed for Lot #5 should be moved to the property line between Lots #4 and 5.
- Two valves should be located on the tee at the intersection of the two cul-de-sacs and the main road coming into the subdivision. These valves should be situated on the cul-de-sac sides of the tee

Mr. Grasso presented the comments offered by Clough, Harbour, and Associates following engineering review of the propose project plan. He stated that although the general subdivision design is acceptable and in conformance with the Town's subdivision regulations, a cluster layout should be considered. A number of lots have short rear yards that back up to other lots. This typically results in poor lot arrangements that compromise privacy. It appears that the same number of lots and less road could be created with 100 foot wide lots and a generally "T" configured road layout that bisects the site. Mr. Grasso expressed concern for the close proximity of the proposed house sites to the wetlands on Lots #12, 13, and 16. Reduction in the proposed density appears warranted. It is more desirable to provide the routing of proposed water mains along public right-of-ways rather than between lots as shown. Since the front and rear setback lines for Lot #5 do not provide enough room for the typical lot development of a deck, shed, or pool, it would appear that this lot should be reconfigured or eliminated. The subdivision plan should identify the future owners of the lot containing the proposed retention basin and Lot #3 located to the north of the proposed town road. With the development of the town road, the lands of Wassenaar will become a corner lot. Setback lines and any structures located on the parcel should be shown on the plan to confirm the lot will conform to zoning regulations. The southern right-of-way line of the proposed town road does not connect to Longkill Road. A portion of the existing driveway of Parcel 1 Lands of Wassenaar is located on the proposed Lot #1. The proposed property line should be revised to eliminate any encroachments. All proposed easements should be shown on the plan. Utility easements shall be a minimum of 30' in width. The sight distance at the proposed roadway location should be verified. A Full Environmental Assessment Form should be provided. 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; NYSDEC – Wastewater Disposal System Approval; NYSDOH – Water Supply System Approval; Saratoga County Sewer District #1 – Sewer Connection Permit; Saratoga County Planning Board – Section 239 Referral.

Mr. Grasso acknowledged that Mr. Fazio did address a number of the comments issued by Clough, Harbour, and Associates. He emphasized the importance of revising the proposed lay-out to make the project more appealing to potential property owners.

Mr. O'Brien listed the comments prepared by the ECC. The applicant must indicate the total amount of wetland that will be impacted by the project. Extensive buffering should be retained along existing property lines to reduce potential impacts to surrounding residents. The ECC notes that the project may have significant environmental impacts and recommends that the applicant complete a long Environmental Assessment Form for

Planning Board and ECC review.

Mr. Bulger found the project lay-out undesirable and asked the applicant to consider clustering or an alternative lay-out. He asked that no-cut buffers and clearing-limit lines be established to provide screening and privacy for future homeowners. Mr. Larkin asked about the parcels shown on the Wasserman parcel. His main concern, however, was to determine if the Town should provide a future connection to the lands to the north. Since the Town of Ballston lies directly north of the parcel, Mr. Kemper will contact town officials to determine if they are interested in establishing such a future road connection.

[2004-049] Burke, Stephen – Proposed 20,000 SF motel, Fire Road – Conceptual site plan review.

Mr. Vuillaume, consultant for the applicant, presented this application that calls for the construction of a 20,000 SF three-story motel on a 1.87 acre parcel in a B-3 zone on the north side of Fire Road approximately ¼ mile west of the intersection of Fire Road and NYS Route 9. The proposed motel will connect to the Clifton Park Water Authority and to the Saratoga County Sewer District. A stormwater management plan designed to contain run-off on site will be prepared and submitted with a preliminary plan. 47 parking spaces have been provided and 35% greenspace has been provided on site. Mr. Vuillaume noted that area variances from the Zoning Board of Appeals for building and parking setbacks will be required. Access will be provided by a single curb cut onto Fire Road. There are no designated wetlands located on the property. The slope rising to the rear of the property must be reduced to provide for parking and allow space for the identified truck turn around area.

Mr. Kemper offered a number of comments on this application. The Saratoga County Sewer District provided the following comments dated October 4, 2004: “With the connected and commitments to serve, capacity restrictions exist in the Route 146 crossing.” The project will require a sign-off from the Clifton Park Water Authority. Since the property will be connecting to the Fire Road Water District, all appropriate agreements must be approved by the Town Board. The project is proposing significant grading within close proximity of I-87. NYSDOT has expressed concerns with this site in the past and, therefore, should be consulted on this project. A planting plan should be provided. Mr. Kemper asked if the applicant has made a submission to the Zoning Board of Appeals for the required approvals. Colored façade renderings should be provided.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the site plan for this project and offered the following comments. From a site design and circulation standpoint, the Town Engineer is concerned with the layout as currently proposed. It appears that too much development is proposed on the site. The firm does not recommend development on the rear slope of the project site. A retaining wall should be constructed to protect the berm and existing vegetation. The limits of the existing vegetation should be shown on the plan and should be appropriately preserved. In addition, the parking area should be redesigned to provide a service area that is screened from view from public right-of-ways and allows for service vehicles to appropriately

access the site. The proposed access drive encroaches in front of the adjoining lot to the west and the plan does not address the use of the parcel for the entrance drive for the adjacent lot to the east. A common drive should be used. The proposed project appears to be an unlisted action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include: Clifton Park Planning Board –Site Plan Approval; Clifton Park Zoning Board of Appeals - Area Variances; Saratoga County Planning Board – Section 239 Referral; Clifton Park Water Authority – Water Connection Permit; Saratoga County Sewer District #1 – Sewer Connection Permit; NYSDEC – SPDES Permit for Storm Water Associated with Construction Activity. Mr. Grasso asked that the following information be shown on future submittals: proposed water and sanitary sewer service locations; proposed dumpster location; proposed building height; north arrow.

Mr. O'Brien provided the comments prepared by the ECC. The Commission recommends that any proposed exterior lighting shall be directional and limited. The applicant must indicate the proposed greenspace for the parcel after project completion.

Board members were concerned that the proposed site development plan was significantly more intense than the project previously approved for the site. Mr. Larkin observed that disturbance of the slope was not a component of the previous approval and he believes that issues such as extensive site clearing and proper compaction of soils must be carefully scrutinized. Mr. Bulger encouraged the review of the approvals that were previously granted. Mr. Vuillaume stated that he would contact NYSDOT for comment regarding the proposed grading plan.

[2004-050] Kulak Landscaping – Proposed 4,200 SF greenhouse and amended site plan – Conceptual site plan review.

Mr. Gavin Vuillaume, consultant for the applicant, presented this project plan that calls for the construction of a greenhouse and various site plan amendments. He indicated that the plan now shows that the 10 storage bins that were originally located to the front of the site have been relocated to the rear of the existing masonry building and he described other site changes, including the “new edge of woods” that has resulted from removal of a number of large trees. A 42' x 100' greenhouse is proposed for construction on an impervious area that adjoins the existing retail facility. Installation of a sediment basin has also been proposed.

Mr. Kemper offered a lengthy history of this project that was originally approved by the Planning Board on September 26, 2001. During the deliberations prior to the issuance of the approval, a significant amount of time was spent discussing the importance of the L-C zone located on the parcel and its preservation and protection. The plans stamped by the Planning Board Chairman contained all necessary precautions to ensure that the environmentally sensitive portions of the site would be protected. It became evident in late 2002 that Mr. Kulak was not adhering to the approved plan. He was sent a letter by the Environmental Specialist on September 11, 2002 and by Don Clemens and Mr. Kemper on October 24, 2003 outlining the requirements of the approved plans and the

restrictions associated with the L-C zoning designation. Mr. Kulak provided the Board with a set of plans on November 9, 2003 and appeared before the Planning Board on December 9, 2003 for consideration of a revised site plan. At that time, the Board advised Mr. Kulak that the restoration work would need to be completed and he was advised to meet with the Mr. Kemper and Mr. Grasso. That meeting occurred on March 4, 2004 and Mr. Kulak was advised by all those in attendance on what needed to be completed. By early May none of the items had been completed and Mr. Kulak was issued an appearance ticket for the violations. On August 15, 2004, Mr. Kulak was scheduled to appear in court. Mr. Kulak was fined and reached an agreement with Mr. Clemens, Mike O'Brien, and Mr. Kemper. Mr. Kulak was to present a revised plan to the Planning Board and complete all necessary remediation work within 90 days. The revised site plans were submitted to the Planning Department until September 22, 2004. Mr. Kemper reported that additional land has been cleared by Mr. Kulak and that he continues to be in violation of the approved site plan. The applicant now proposes an additional greenhouse as well as site plan changes. Mr. Kemper suggested that prior to any decision by the Board, NYSDEC and ACOE wetland delineations be completed and that the appropriate agencies provide sign-offs on that delineation.

Mr. Grasso offered several comments that were prepared by Clough, Harbour, and Associates following a 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 only involved agency appears to be the Clifton Park Planning Board because site plan approval is required. The plan proposes substantial development and activity within the L-C (Land Conservation) zoning district. This significant issue was raised during previous site plan reviews. Based on the information shown, it doesn't appear that the site was constructed in accordance with the previous approvals. In order to provide a physical and visual barrier for the protected area, it is recommended that a split rail fence be installed along the limits of the land conservation zone and that all activity be prohibited within the fenced area. Existing wetlands within the area reserved for future plant expansion should be shown on the plan. The cumulative impacts to the environmentally sensitive resources on the site are of great concern. The proposed site modifications will increase the impervious area of the site. Documentation should be provided on how the site will comply with the Unified Stormwater Sizing Criteria as outlined in the New York State Stormwater Design Manual.

Mr. O'Brien reported that the ECC simply stated that the applicant should not conduct non-conforming activities within the environmentally sensitive L-C zone.

Mr. Larkin believes that Mr. Kulak has improved this property; however, he was adamant that the Board should conduct no further review of the greenhouse addition or site amendments until the previous conditions of approval are met. He supported Clough, Harbour, and Associates' recommendations that all wetlands be delineated and that physical barriers such as split rail fencing be installed to create a clear and visible separation between lands to be used for the business and the lands to be protected. Mr. Russell supported Mr. Larkin's position, commenting that the Board should defer any review of proposed business expansion until site issues are resolved. Board members all

appeared to agree with these comments.

Discussion Items:

Mr. Randy Martin and Rich Palmetto, owners of 1770 Route 9, presented a project plan for updating the existing office building. They plan to expand the parking lot from 62 to 85 spaces, improve the entranceway, and create a turn around area. Interior renovation will also be completed. Mr. Kemper reported that the site plan will still meet the greenspace requirement and that all zoning requirements will be met. Mr. Bulger stated, and Board members agreed, that the changes were insignificant and that no formal site plan review would be required. The members did request that any new lighting plans be submitted for review and that a colored rendering be prepared by a licensed architect and presented to the Board before any repainting of the building is scheduled.

Minutes Approval:

Mr. Bulger moved, seconded by Ms. Pace, approval of the minutes of September 28, 2004 as written. Ayes: Larkin, Pace, Marzola, Russell, Bulger. Noes: None: Abstained: Kramer.

Discussion Items:

Mr. Kemper explained that the Zoning Board of Appeals had forwarded an application for sign variances to the Board for review and recommendations. He stated that application has been made for variances from the required sign standards for the new restaurant at Maxwell Drive and Route 146. Board members found the proposals acceptable as long as they were consistent with other signs placed on adjoining buildings.

The second item involved the conservation easement submitted by the Drescher family for Town Board approval of a conservation easement. The Dreschers have submitted an application to the Town Board asking that their 21.87 acre parcel of land located on Droms Road be approved for conservation easement designation. Board members found this application acceptable.

Mr. Bulger moved, seconded by Mr. Larkin, adjournment of the meeting at 11:20p.m. The motion was unanimously carried. The next meeting of the Planning Board is scheduled for Tuesday, October 26, 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 #24
Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on October 13, 2004, there were:

Present: S. Bulger, Chairman, J. Larkin, A. Kramer, J. Marzola, J. Russell,
S. Pace

Absent: T. Karam

Mr. Bulger offered Resolution #24, and Ms. Pace seconded, and

Whereas, an application has been made to this Board by Robert L. Carr for approval of a subdivision entitled Land Transfer between Lots 240 and 242 Lapp Road consisting of the transfer of 551 SF from the Lands of Robert L. Carr, 242 Lapp Road to the Lands of Lands of Robert L. Carr, Jr., 240 Lapp Road;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on October 13, 2004 and;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on October 13, 2004, 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 hearing for this application is waived and the final subdivision plat entitled Land Transfer between Lots 240 and 242 Lapp Road consisting of the transfer of 551 SF from the Lands of Robert L. Carr, 242 Lapp Road to the Lands of Lands of Robert L. Carr, Jr., 240 Lapp Road is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper.

Resolution #24 passed 10/13/04
Ayes: Larkin, Pace, Marzola, Russell, Bulger
Noes: None
Abstained: Kramer

Steven J. Bulger, Chairman