

Clifton Park Planning Board Meeting Minutes April 12, 2005

Planning Board

Those present at the April 12, 2005 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, S. Hughes, T. Karam, A. Kramer, J. Larkin, S. Pace, J. Russell

Those absent were: None

Those also present were: 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. All in attendance stood for recitation of the Pledge of Allegiance.

Public Hearings:

[2004-056] Hockford, LeHuong – Proposed (4) lot subdivision, NYS Route 146A - Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:12p.m. The Secretary read the public notice as published in the Daily Gazette on April 5, 2005.

Mr. VanGuilder, consultant for the applicant, explained that this subdivision proposal calls for the subdivision of 14.3 acres into lots of .97 acres, 1.15 acres, 1.2 acres, and 10.86 acres, respectively. He reported that the Board found the proposal generally acceptable at the February 23, 2005 meeting, though assurance that a 60-foot right-of-way would be conveyed to the Town when required remained an issue. This has been addressed. Mr. VanGuilder explained that sanitary services will be provided via a connection to the existing main on Marlboro Drive. Individual homeowners will be responsible for the lines from the shut-off valves to the homes. Water service will be provided in the same manner. Proposed notes regarding ownership responsibilities for these connections will be reviewed by Mr. Pelagalli.

Mr. Kemper reported that this project last appeared before the Planning Board on February 23, 2005. The only remaining issue to be addressed after that meeting was that a mechanism be established to guarantee that the roadway which crosses the Hockford property from Sterling Heights to lands to the north will be dedicated to the Town when necessary. A NYSDOT curb cut permit must be provided before the stamping of the plans: this permit must include the water and sewer connection details. Descriptions for all easements must be provided for review. Sign-offs must be provided by the Clifton Park Water Authority and the Saratoga County Sewer District. A note should be added to the plans stating that the maximum number of lots to be granted in the future is one. The

appropriate postal addresses must be added to the ingress/egress note. Clearing limit lines must be illustrated on the plans following memo from Sheryl Reed dated April 12, 2005 states that postal verification information must be submitted.

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

Mr. O'Brien, Environmental Specialist, reported that the ECC reiterated previous comments. The following standard statements should be added to the project 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 run-off, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).

- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.

Mr. O'Brien stated that the applicant should be aware that if a project disturbs an acre or greater of land, a Stormwater Prevention Plan (SWPPP) is required.

There being no public comment, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 7:18p.m. The motion was unanimously carried.

Mr. Larkin moved, seconded by Ms. Pace, 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. Karam offered Resolution #7, seconded by Mr. Hughes, to waive the final hearing for this application, and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by Mr. Kemper. Ayes: Kramer, Larkin, Pace, Karam, Hughes, Russell, Bulger. Noes: None.

[2004-016] Witecki, Glenn – Proposed (2) lot subdivision, 87 Hubbs Road – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:20p.m. The Secretary read the public notice as published in the Daily Gazette on April 5, 2005.

Mr. Gil VanGuilder, consultant for the applicant, presented this subdivision plan for an 80-acre parcel located in an R-3 zone on the north side of Hubbs Road, explaining that proposal that has been revised since its original review by the Board on April 13, 2004. At that meeting, the plan called for the subdivision of a 39,716 SF parcel from an existing agricultural property. The Planning Board found that application unacceptable and recommended that the Zoning Board of Appeals deny the required area variance. On May 25, 2004, the applicant asked the Board to endorse a proposal that would create a 45,000 SF residential lot with an adjoining 55,000 SF area that would be retained by Witecki for agricultural use: deed restrictions would prohibit its development. Board members found this proposal reasonable. The Zoning Board approved the application on June 1, 2004.

Mr. VanGuilder explained that the plan has now been redrawn to illustrate the proposed building lot and deed-restricted parcel. All setback requirements for the R-3 zone will be respected. Access will be provided by a curb cut onto Hubbs Road and the lot will be served by individual well and septic systems. Percolation tests have been performed indicating that soils would be acceptable for the installation of a conventional septic system. No NYSDEC or federal wetlands were found on the site. The applicant was willing to convey a 10 foot strip of land along Hubbs Road to provide for future road improvements.

Mr. Kemper explained that this project last appeared before the Board in April of 2004. The applicant has since received a variance from the Zoning Board of Appeals for the proposed lot. Evidence of the deed restriction over the remaining lands of Witecki should be provided for review. A memo from Sheryl Reed dated April 12, 2005 requires the applicant to provide a completed postal verification form.

Mr. Grasso told the Board that the applicant apparently worked diligently to address all previous comments. Clough, Harbour, and Associates supports the subdivision plan as presented. He did ask that a 10 foot strip along Hubbs Road be conveyed to the Town to provide for future roadway improvements.

Mr. O'Brien, Environmental Specialist, reported that 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.

Mr. Larkin asked that the 1.26 acre parcel be considered part of the current proposal. It should not be used to determine build-out density in the future. Mr. Pelagalli advised that such a restriction be included as a note to future owners in the property deed as well as a note on the subdivision plan. In response to Ms. Pace's concern regarding the land conveyance to the Town, Mr. Grasso replied that the Town would approve the subdivision as currently drawn with the 10' strip shown as a portion of the new lot or with the adjustment of the northern property line 10' to the north. Mr. Bulger expressed the Board's appreciation for the applicant's willingness to cooperate with the Board to meet the intent of the existing zoning law.

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

Mr. Karam moved, seconded by Mr. Hughes, 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.

Ms. Pace offered Resolution #8, seconded by Mr. Larkin, to waive the final hearing for this application, and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by Mr. Kemper. Ayes: Kramer, Larkin, Pace, Karam, Hughes, Russell, Bulger. Noes: None.

Old Business:

[2005-009] Diamond Development Co. – Proposed 23,000 SF retail tractor sales building with 20,000 SF display area, NYS Route 9 – Conceptual site plan review.

Mr. Gavin Vuillaume, consultant for the applicant, distributed a conceptual site plan to each Board member and explained that the project plan remains generally as presented at the February 23, 2005 meeting. The proposed retail facility will be served by existing private driveway. Capital Communications currently operates a banking facility at the location. The stormwater management area will be revised to reflect the impacts of the proposed development. Mr. Vuillaume addressed the Board's concern with adequate buffering along the Northway corridor. He will mark the area to the west of the site that will remain undisturbed in order for Board members to determine if additional landscaping will be required. The tractor sales facility will require the paving of a 20,000 SF display yard for tractors and garden equipment. A widened access to Route 9 and a paved driveway will provide access for tractor-trailer traffic. A private grinder pump will be installed as part of the connection to the Saratoga County Sewer system.

Mr. Kemper reported that the project last appeared before the Board on February 23, 2005. The major issue raised by the Board was the reconfiguration of the parking lot. A sign-off will be required from the Saratoga County Sewer District as there are documented capacity limitations within that area. A sign-off will also be required from the Clifton Park Water Authority. Façade renderings will need to be provided with future submissions. The Saratoga County Planning Board approved the project on February 17, 2005 conditioned upon receipt of NYSDOT approval. The Board also required cross connections to the neighboring properties. At the last Board meeting the applicant stated that the boundaries of the proposed parking lot would be flagged: to date, this has not been completed. A letter must be provided from NYSDOT stating that the improvements planned for the section of Route 9 to the front of this project have already been completed.

Mr. Grasso offered comments from Clough, Harbour, and Associates. The original application included a subdivision and an additional building pad location. He recommended that development of the remaining area be discussed at this time to evaluate the potential impacts of the development and to coordinate with the proposed retail building. The traffic study for build-out of this project site identified required off-site transportation improvements. Although the center dual turn lane has been constructed by NYSDOT, the need for re-striping to create a dedicated left-turn lane should be

investigated. A letter to this effect from NYSDOT should be obtained. Pursuant to the zoning regulations, plantings should be installed along the property margins at the sides from the front of the building for a width of not less than fifteen feet. It shall be determined if the existing vegetation to remain satisfies this requirement. It appears as though the additional landscaping will be required. The material or merchandise to be located in the outdoor display area should be identified. All proposed building-mounted lighting should be shown on the plan and discussed with the Planning Board. The plan should indicate if curbing is proposed along the limits of pavement. If curbing is not proposed, it appears portions of impervious areas are not being treated for water quality prior to discharge. Details of the proposed water service connection to the existing main and of the grinder pump should be provided with the preliminary plans.

Clough, Harbour, and Associates also reviewed the Stormwater Management Report dated March 24, 2005 and offered the following comments. In light of the increased velocity at the end section to the stormwater management area it appears additional rip rap or a stone check dam appears appropriate. It appears development of the remaining area along Route 9 has been included in the stormwater analysis. The analysis should be evaluated at the time of the future development to determine if the assumptions of future development are valid. Per the NYSDEC Stormwater Management Design Manual a pretreatment volume of 100% of the water quality should be provided with soils having an infiltration rate of greater than 5 inches per hour. A plunge pool, sediment basin or other acceptable form of pretreatment should be added prior to the discharge to the stormwater management area.

Mr. O'Brien reported that the ECC reiterated the comments issued previously. The ECC requests that all greenspace be clearly delineated on the plot plan using shading. The proposed greenspace must be at least 35% including the parcel containing the Credit Union. In addition, the ECC recommends that the parcel not be further subdivided for additional lots unless it can meet the greenspace requirements.

Mr. Karam asked Mr. Vuillaume to explain how fuel leakage or spills from tractors and other equipment, particularly rental equipment, would be contained. Mr. Vuillaume explained that the oil separators in catch basins could be installed if the Board required. He was uncertain whether or not the business included rentals. Mr. Karam also asked that split-rail fencing be placed along the tree line on the western side of the site to prevent encroachment into the greenspace buffer. Mr. Russell commented that he had visited the Tractor Supply facility at Exit 15 and found it acceptable. In response to his question regarding the storage of utility trailers, Mr. Vuillaume stated that five spaces are provided along the northern border specifically for their storage. In response to Mr. Kramer's question, Mr. Vuillaume said that the chain link fence would be four feet high. Mr. Russell asked if there would be curbing to the rear of the site. Mr. Vuillaume explained that no curbing will be installed in order to provide for snow removal. Board members agreed that the proposed site improvements were acceptable.

New Business:

[2005-005] Clifton Park – Halfmoon Public Library Planned Unit Development District, Moe Road – Preliminary site plan review.

Mr. Gavin Vuillaume, consultant for the applicant and Bill Connor, architect, were present at the meeting. Mr. Vuillaume explained that the PUD was approved by the Town Board on April 4, 2005, an action that now permits site plan approval by the Planning Board. He pointed out that, pursuant to previous comments, the driveway design has been modified by the removal of the boulevard to reduce impacts to neighboring properties. 205 parking spaces are to be provided during initial construction, though future parking is available if warranted. The consultant described the proposed entranceway as a park-like area that will have trees, benches, and pavers. There will be no impacts to wetlands or heavily treed areas. The applicant proposes a subdivision to separate the existing residential house from the library property. The sanitary sewer will be extended along the east side of Moe Road and will provide easily-accessible connections for neighbors. There is an existing water main along Moe Road. A stormwater management area is proposed in the southwestern portion of the site. Mr. Connor presented colored façade renderings of the proposed library building.

Mr. Kemper reported that the Clifton Park Halfmoon Library PUD was approved by the Town Board on April 4, 2005. The Town Board members asked that the following issues be addressed during the site plan review process: buffering along Moe Road, lighting in the parking lot, and screening to minimize impacts to the residences across the street. Colored façade renderings with building materials will need to be provided for future submissions. Details and timing must be provided for the multi-use path connection. He noted that though the path connection was included as part of the submission to the Town Board, it no longer appears on the drawings. He recommended that additional lower plantings be placed along Moe Road. Plantings should also be provided around the stormwater management basins.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the proposed site plan and offered the following comments. Although the revised plans provide additional technical information, the review comments remain conceptual. Technical comments will be provided with the next review. The applicant has submitted Highway Improvement Plans and a Stormwater Management Report that are currently being reviewed. The proposed boulevard entrance has been eliminated and the access to the drop off area has been reconfigured increasing the maneuverability and sight lines through the entrance. Crosswalks and ADA accessible ramps should be placed at the existing shared-use trail to cross the driveway entrance to the library. A portion of the proposed parking lot and stormwater management area is located within the Archaeological Sensitive Area. “No Parking” signs should be added to the striped aisles adjacent to the handicap parking spaces.

Mr. O’Brien stated that the ECC recommended that adequate landscaping should be provided to reduce the visual impact to all properties across from Moe Road.

Mr. Bulger explained that a public hearing regarding this application would be held at the

April 26, 2005 meeting. Ms. Pace asked about the setback requirements for the lot containing the existing house. Mr. Vuillaume explained that the lot met all code requirements for frontage and setbacks. Mr. Grasso commented that it would be best if the applicant applied for a subdivision that would separate the residential use from the public facility. Mr. Karam addressed the issue of trail development, noting that the construction of the trail “within the next five years” was not acceptable. Ms. Chris Thurston, representative of the Library Board, explained that it was the library’s intention to construct the trail within a five year time frame when budgeting permitted. Mr. Larkin suggested that the subdivision of the property containing the home and its subsequent sale might provide the funding necessary for trail construction.

Mr. Bulger stated emphatically that the Board will not permit the delay of trail construction for five years, explaining that the trail connection was a significant link in connecting public sites in the general vicinity. Mr. Hughes cited the applicant’s mention of plans to expand the library facility in the future, pointing out that the trail was essential to the current proposal. Mr. Vuillaume described the sidewalk design in response to Mr. Karam’s question regarding pedestrian accommodations within the site. Mr. Vuillaume also reported that substantial landscaping would be provided along the stormwater management area and that low-growing plants would be added below the trees proposed for the area along Moe Road. Mr. Bulger asked that a photometric plan be submitted and he asked that all site lighting be focused inward. Mr. Vuillaume stated that 12 foot tall lights were proposed for the entranceway. Mr. Bulger stated that a sign-off from the State Office of Parks, Recreation, and Historic Preservation would be necessary since preliminary investigations indicated the possibility that archeologically significant materials may be found on the site.

Mr. Bill Connor presented colored façade renderings of the proposed library, stating that his design goal was to “mesh” site elements with the building. The “plaza” area was designed as a transition from the roadway and parking areas to the building. The building was described having a limestone base with lighter colored brick above. Mr. Kramer supported the Board’s request to have the trail constructed in conjunction with the building of the library.

In an effort to achieve an agreement regarding multi-use pathway development, Mr. Bulger recommended that a meeting with library representatives and school be scheduled. He stated that a preliminary public hearing regarding the library site plan would be scheduled for April 26, 2005.

[2005-023] Stewart’s Ice Cream Shops, Inc. – Proposed 6,600 SF retail complex, Grooms Road and Vischer Ferry Road – Conceptual site plan review.

Mr. Tom Lewis, real estate representative for Stewart’s Shops, presented this application for the Board’s consideration. He explained that the owners of Stewarts would like to construct two additional rental buildings totaling 6,600 SF on property at the intersection of Vischer Ferry Road and Grooms Road. The property was part of an original plan that included a 4,000 SF building that has been constructed as Phase I of this project plan.

Access to the site will be from Avenly Way, the new street that will serve the recently approved 15-lot subdivision to the east and by a curb cut on Vischer Ferry Road. Greenspace area will total 37.8% after the construction of both phases of development. 35 parking spaces will be provided. Required variances requiring approval from the Zoning Board of Appeals include two setback variances from the required 130 foot setback from the centerline of the road and a variance from the required 100 foot setback from a residential zone. The applicant has agreed to construct an 8' wide asphalt multi-use pathway along the east side of Vischer Ferry Road.

Mr. Kemper reported that sign-offs must be provided by Saratoga County Sewer District and the Clifton Park Water Authority. Façade renderings must be provided with future submissions. He also asked that the applicant provide additional plantings throughout the site.

Mr. Grasso offered engineering comments regarding the application as prepared by Clough, Harbour, and Associates. The proposed five foot wide concrete sidewalk should be changed to an eight foot wide asphalt multi-use path to be consistent with that which is proposed as part of the residential subdivision. The applicant should get a copy of the latest plans from ABD Engineers and Surveyors to match the proposed details. The plans should clarify if Phase 2 construction will include the path from the subdivision road to the easternmost curb cut on Grooms Road and a path from the Fire House to the southernmost curb cut on Vischer Ferry Road. The path should be shifted to the south approximately five feet off the adjoining property lines to the north. Shifting the edge of pavement to the south in the vicinity of catch basin #3 will be required. The resultant length of pipe, new invert and end section will be required for the culvert crossing the fire house property. A catch basin will likely be required along the existing storm sewer run in the vicinity of the paved apron just north of the southernmost curb cut on Vischer Ferry Road. The proposed project appears to be an unlisted action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency is expected to be the Clifton Park Planning Board with site plan approval being required.

Mr. O'Brien reported that the ECC found the application acceptable.

Board members found the plan acceptable. The Board preferred the trail location along the east side of Vischer Ferry Road and along the front of the Stewart's property. Ms. Pace recalled that the original plan proposed residential rental units above the proposed stores. Mr. Lewis explained that such construction would not be economically viable.

[2005-016] Figueroa, Ralph – Proposed (2) lot subdivision, 154 Vischer Ferry Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application. He explained that the applicant received Planning Board approval for a two (2) lot subdivision on July 21, 2004: the approved subdivision plat was filed at the County Real Property office on February 10, 2005. Since that filing, the applicant has decided that he would like to create two additional lots in addition to his existing residence. The proposed subdivision now

shows the existing residence on the 14.59-acre parcel and the creation of lots of 2.3 acres and 2.1 acres, respectively. Mr. VanGuilder explained that Lots # 1 and 2 will conform to R-3 zoning regulations. Lot #3 does not conform to zoning regulations because the owner would like to retain control of the established tree line. The reduced lot size would require approval by the Zoning Board of Appeals. The lots will be served by individual wells and septic systems.

Mr. Kemper explained that a 2-lot subdivision was approved on this parcel in July of 2004. The applicant is now proposing a 3 lot subdivision on the same lands. The original subdivision map was filed at the County Clerk's office. As proposed, Lot #3 does not conform to the zoning requirements: an area variance will be required for that parcel. Mr. Kemper observed that it is possible the location of Lot #3 will result in the incremental filling of the wetlands because of their proximity to the proposed residence.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the subdivision plan and offered comments. Lot #3 does not meet the minimum lot size of 100,000 square feet. As such a variance would be required. It should be noted that the Town Board is considering adoption of the Findings Statement for the Western Clifton Park GEIS study area in the very near future. The proposed three lot subdivision would not comply with those findings as currently proposed. The soil investigations conducted verified marginal soil conditions for on-site wastewater disposal systems. Test pits should be provided in each proposed wastewater disposal system location. Fifty percent expansion/replacement areas should be shown and the size of the system verified based on the marginal soil investigation results. An ingress/egress easement over the common drive will be required.

Mr. O'Brien, Environmental Specialist, reported that the ECC offered the following comments. The applicant should take appropriate measures to protect the proposed residences from high ground water on the property. The location and extent of the ACOE wetlands should be indicated on the individual plot plans.

Mr. Larkin described the subdivision plan as "too dense" and recommended that the applicant consider creating a new lot to the rear of the property behind the existing residence. He would not support approval of an area variance. Mr. Karam suggested that the owner consider creating a lot of the proper size with the existing trees protected by a deed restriction. Mr. VanGuilder told the Board that ownership of the trees was important to the applicant. Mr. Larkin believes that there is no existing hardship that would necessitate the approval of a variance. Mr. Hughes recommended reconfiguration of the lots in order to provide the required lot area. Though Board members offered a number of lay-out alternatives, Mr. VanGuilder did not believe the applicant would find them acceptable. Mr. Bulger agreed that the subdivision lay-out as presented was not acceptable. It was the consensus of the Board as a result of an informal vote that the Board would not support approval of an area variance by the Zoning Board of Appeals.

[2005-017] Unter, Paul – Proposed (4) lot subdivision, MacElroy Road and Trethorne Drive – Conceptual review.

Mr. Gordon Nicholson, consultant for the applicant, explained that this plan proposes the subdivision of 23 acres of land in an R-3 zone at the southwestern portion of the intersection of MacElroy Road and the proposed new street to be known as Trethorne Drive. The lots, ranging in size from 2.01 acres to 9.1 acres, will be accessed via a common drive from Trethorne Drive and will be served by central sewer and water from Phase II of the Fairway Woods subdivision. All R-3 zoning requirements will be met. There will be no curb cuts on MacElroy Road and there will be no disturbance of the designated NYSDEC or federally jurisdictional wetlands. Mr. Nicholson reported that the applicant understood that approval of the proposed subdivision was dependent upon the extension of Trethorne Drive and the water and sewer systems.

Mr. Kemper offered a number of comments regarding this application. Deed restrictions should be placed on the wetland buffer areas. Sign-offs will be required by Sheryl Reed and emergency services' agencies. The timing for the construction of the lots will be dependent upon extension of the water and sewer from Trethorne Drive. The attorneys will need to verify whether the lots can be subdivided before the road has been dedicated to the Town of Clifton Park. An ingress/egress easement will be required over the lots. Deed restrictions should be placed over the wetland portions of the property. Mr. Kemper reported receipt of the following comments from Jim DiPasquale in a memo dated April 5, 2005: "Submittals for sewer service will need to be made in compliance with the Sewer Districts Rules and Regulations." Phase II of Fairway Woods has not yet been stamped by the Planning Department. Sheryl Reed provided the following comments in a memo of April 12, 2005: the 500 ft. driveway note must be added to the plans; an adequate turn around for emergency vehicles must be provided.

Mr. Grasso stated that Clough, Harbour and Associates prepared several comments following review of this conceptual subdivision plan. The proposed project is located within the Western Clifton Park GEIS study area, but because it only involves the subdivision of four lots, it is not subject to the existing moratorium. As proposed, it does not appear that the project would be in conformance with the draft Findings Statement due to lack of measures to permanently protect open space and limiting density to one lot per three buildable acres. The subdivision is an "Unlisted" action pursuant to SEQR, and as such coordinated review is optional. The only involved agency is expected to be the Planning Board with subdivision approval being required. The applicant is proposing water and sanitary sewer connections from Phase II of the Fairways Woods subdivision that has not yet been constructed. Additionally, the frontage of Lot #4 is entirely located on the proposed Trethorne Drive. Building permits should not be issued until Trethorne Drive and associated utilities are constructed. The common ingress/egress and utility easements should extend continuously to Lots #2 and 3 together with a note stating that there should be no additional curb cuts created on MacElroy Road and Trethorne Drive. Drainage easements at least thirty feet in width should be provided at the culvert inlet located on Lot #1 and Lot #2. There is a proposed multi-use pathway being developed by Van Patten across this property's frontage on MacElroy Road. This project should provide sufficient right-of-way to accommodate that improvement. The pathway shown is not a minimum of eight feet wide and is not a minimum of ten feet from the road as

previously recommended by our office. A detail section of the proposed drive for the emergency turn around should be provided and contours should be shown across the entire property.

Mr. O'Brien, Environmental Specialist, reported that the ECC offered the following comments regarding this application. The applicant should take appropriate measure to protect the proposed residences from high ground water on the property. The following standard statements should be added to the plot plans:

- 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.

Board members found this application generally acceptable. It appeared that members preferred the circle-type drive provided for emergency vehicle maneuvering space. It was recommended that back yards be well screened from MacElroy Road. Mr. Nicholson reported that the stamping of plans for Phase II of Fairway Woods is anticipated in early July.

[2005-018] DCG Development Co. – Proposed 32,900 SF mixed use commercial, Sitterly Road and Crossing Boulevard – Conceptual site plan review.

Mr. Gordon Nicholson, consultant for the applicant, presented this application that calls for the development of a 5.05 acre parcel in a B-4 zone at the intersection of Crossing Boulevard and Sitterly Road. The project proposes the construction of a 4,500 SF banking building with drive-thru lanes, 26,000 SF of retail space in two attached buildings, and a 2,400 SF convenience store with 8 fueling dispensers. The buildings would be served by the Saratoga County Sewer District and municipal water. Two curb cuts along Crossing Boulevard would provide access to the site. 176 parking spaces are distributed throughout the site. The stormwater management area is to be located in the southwestern portion of the site.

Mr. Kemper provided a number of comments regarding this application. A traffic study will need to be performed for the project. Pedestrian access should be provided to the neighboring apartment complex. A planting plan must be submitted with future submissions. The plan should identify the system that will provide water to the parcel. A sign-off will be required from the Saratoga County Sewer District. The following comments from Mr. DiPasquale, Director of the Saratoga County Sewer District, on April 5, 2005 that read as follows: "Submittals for sewer service will need to be made in

compliance with the Sewer District Rules and Regulations. A manhole currently exists at the northeast corner of the Ambulance Corps property. Confirmation of the 20 foot easement on the east side of the Corps property will need to be made.”

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the concept site plan for this project 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 involved agencies are expected to be the Town and County Planning Boards. The proposed layout, access arrangement, and amount of parking appear to be logical and appropriate. A traffic study should be conducted to determine the need for improvements at the intersection of the Crossing Boulevard and Sitterly Road or if signal timing adjustments are required at that intersection or the intersection with Woodin Road. Because the proposed retail complex appears to be neighborhood business-type uses, the need for pedestrian improvements should be investigated, including but not limited to, a connection to Twin Lakes, pedestrian crossings at the intersection of Crossing Boulevard and Sitterly Road, and along Sitterly Road. The loss of vegetation that currently serves as a buffer to Twin Lakes should be evaluated. The adequacy of sight distance to the north should be verified.

Mr. O’Brien, Environmental Specialist reported that the ECC provided the following comments. Due to the significant stormwater issues that have been associated with this area, the applicant and the Town Engineer must examine whether the existing system has capacity for this project before moving forward. The applicant should complete a full EAF (long form) as soon as possible due to the complexity of issues surrounding this project. The handling of stormwater management in light of existing problems in the watershed should be of particular concern. The applicant should also address proposed gasoline storage and dispensing due to the close proximity of a primary aquifer.

Mr. Larkin commented on the existing traffic problems in the area and requested that a traffic study be prepared. He suggested that a turn lane at Woodin Road would help ease traffic congestion along Sitterly Road. Mr. Nicholson recommended that the timing of the lights at Sitterly Road and Crossing Boulevard and at Sitterly Road and Woodin Road be reviewed. He suggested that better coordination of these signals may improve traffic flow. In response to Mr. Karam’s question regarding connections to the Twin Lakes apartment complex, Mr. MacElroy, DCG representative, stated that although a pedestrian path may be installed, no other connections were proposed. Mr. Nicholson pointed out that connections to the Twin Lakes’ roadway were not desirable since the road alignments in Twin Lakes were designed only for internal traffic. Mr. Russell discussed traffic problems in the area and suggested a curb cut from Twin Lakes to Crossing Boulevard may relieve traffic congestion along Sitterly Road. Most members agreed that such a connection would not be feasible. Mr. Bulger asked that a traffic study be completed and that it be conducted during the school year.

[2003-039] Capital District YMCA – Proposed 3,720 SF addition to existing facility, 1 Wall Street – Extension of site plan approval.

Mr. Gordon Nicholson, consultant for the applicant, explained that attempts by the Capital District YMCA of Southern Saratoga County to finalize the architectural design of the approved building expansion and to secure funding for construction have delayed the project. Although the YMCA plans to submit an application for a Building Permit in the near future, Mr. Nicholson has asked for an extension to ensure that the approval will not lapse. Pursuant to §208-120(B), the applicant requests a one-year extension of the site plan approval that was granted on April 27, 2004.

Mr. Kemper explained that the Town Code permits an applicant to request an extension of time with which to comply with the site plan by written request at least 30 days prior to the expiration of the initial one-year approval. He noted that the extension is limited to one year: no further extensions are permitted.

Mr. Bulger moved, seconded by Mr. Karam, to grant the applicant a one-year extension within which to comply with the site plan approved on April 27, 2004. Approval will expire on April 27, 2006. No further extensions will be considered. The motion was unanimously carried.

Minutes Approval

Mr. Bulger moved, seconded by Mr. Hughes, approval of the minutes of March 22, 2005 as written. Ayes: Kramer, Larkin, Pace, Karam, Hughes, Bulger. Noes: None. Abstained: Russell.

Discussion Items

Panera Bread and Ruby Tuesday's Site Plan

Mr. Gordon Nicholson, consultant for DCG Development Company, explained that the two restaurants at the intersection of Maxwell Drive Extension and NYS Route 146 – Panera Bread and Ruby Tuesday – have recently opened for business. Response to the openings has been overwhelming and has resulted in the need for increased parking. DCG, therefore, has requested approval to pave the 14 spaces along Route 145 that were held in reserve. Board members agreed that the additional spaces were needed: no additional site review would be required.

Mr. Richard Yaco – “ACTS” Proposal

Mr. Richard Yaco, town resident and self-described “conceptualist,” asked to present his plan for a “downtown district” for the Board’s consideration. The speaker presented an informational packet entitled Acts (Advocacy for Creating a Town in Suburbia) to each Board member. A copy of this packet is attached to these minutes. He spoke at length regarding his vision for a centralized location for key civic and business interests that would galvanize the community and provide an area for residents to meet, shop, and enjoy. Presenting several graphic designs, the speaker stated his two-fold purpose: to

investigate the possibility for establishing a downtown for the Town and to delay the library project. He recommended that the Planning Board request that the proposed library site be moved to lands owned by the Shenendehowa Central School District in an attempt to implement his design plan.

Mr. Larkin expressed his appreciation for Mr. Yaco's zeal, though he noted that individuals and corporation have property and development rights. He also noted that the plans proposed by the speaker would likely require public funding.

Mr. Bulger explained that the library district was established by an action of the Town Board: that action would be respected by the Planning Board. He also pointed out that Board members work to implement zoning legislation – they are not policymakers. He concluded his comments by stating that he believes that the Town has a great identity as evidenced by the number of families and businesses seeking to locate here, that he takes pride in the development that has occurred, and that he is comfortable with approvals recently granted by the Board. He suggested that Mr. Yaco present his plans to the Town Board.

Mr. Karam moved, seconded by Mr. Bulger, adjournment of the meeting at 10:00p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on April 26, 2005.

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 #7

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 April 12, 2005, there were:

Present: S. Bulger, Chairman, S. Hughes, J. Larkin, T. Karam, A. Kramer, S. Pace, J. Russell

Absent: None

Mr. Karam offered Resolution #7, and Mr. Hughes seconded, and

Whereas, an application has been made to this Board by LeHuong Hockford for approval of a subdivision entitled Subdivision of the Lands of LeHuong Hockford consisting of (4) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on April 12, 2005 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 April 12, 2005, 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 that the final subdivision plat entitled Subdivision of the Lands of LeHuong Hockford consisting of (4) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper

Resolution #7 passed 4/12/05

Ayes: Kramer, Larkin, Pace, Karam, Hughes, Russell, Bulger

Noes: None

Steven J. Bulger, Chairman

Resolution #8

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 April 12, 2005, there were:

Present: S. Bulger, Chairman, S. Hughes, J. Larkin, T. Karam, A. Kramer, S. Pace, J. Russell

Absent: None

Ms. Pace offered Resolution #8, and Mr. Larkin seconded, and

Whereas, an application has been made to this Board by Glenn Witecki for approval of a subdivision entitled Subdivision of the Lands of Glenn J. Witecki consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on April 12, 2005 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 April 12, 2005, 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 that the final subdivision plat entitled Subdivision of the Lands of Glenn J. Witecki consisting of (2) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and the conveyance of a 10' strip of land along Hubbs Road to provide for future road improvements.

Resolution #8 passed 4/12/05

Ayes: Kramer, Larkin, Pace, Karam, Hughes, Russell, Bulger

Noes: None

Steven J. Bulger, Chairman