



Those present at the January 13, 2009 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, M. Hale, J. Koval, E. Ophardt,
S. Pace, T. Deleonardis (alternate)

Those absent were: T. Werner, K. Paulsen

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

Mr. Bulger, Chairman, called the meeting to order at 7:10 p.m. Joel Koval lead us in reciting the Pledge of Allegiance.

Mr. Bulger welcomed Tom Deleonardis as first planning board alternate. Ms. Kim Paulsen was appointed by the Town Board to fill James Larkin's expired term. Ms. Paulsen was not able to attend due to family surgery. Meg Springli from the Planning Department is filling in for Jan Dean as Planning Board Secretary.

Mr. Bulger stated that before the regular meeting agenda items are to begin, there are organizational appointments that the Planning Board must first do for the 2009 fiscal year. As such, Mr. Bulger made a motion to appoint Jan Dean as Planning Board Secretary for 2009, Paul Pelagalli as Planning Board Attorney for 2009 and Joel Koval as Vice Chairman for 2009.

Mr. Bulger moved, seconded by Mike Hale, to appoint Jan Dean as Planning Board Secretary, Paul Pelagalli as Planning Board Attorney, and Joel Koval as Vice Chairman. The motion was unanimously carried.

Mr. Bulger also introduced the others: Paul Pelagalli is a Town Attorney and Planning Board attorney. Joe Grasso from CHA(consulting engineers), John Scavo Director of Planning for the Town of Clifton Park, and Jim Quinn with ECC.

Under the heading of New Business on the Agenda, Mr. Bulger noted there was one change to the agenda: Bonneau Road was taken off at request of applicant and will be presented at the next meeting.

Due to a large amount of public attendance, Mr. Bulger then read the note about the conduction of public hearings as stated on the agenda. The length of agenda could mean that last project will be introduced by 12:00 am. Other projects not yet heard will



be put to the next available board meeting agenda and considered prior to any other scheduled items for that evening.

[2008-051] **Mazzone, Land Transfer** - Proposed land transfer of 18.6 +/- acres from 199 Riverview Road to 199A Riverview Road. Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:20 p.m. The Secretary read the public hearing notice as published in the Daily Gazette on January 5, 2009.

Mr. Gil VanGuilder, as a representative for the applicant, presented this application. He gave a description of the land transfer showing existing buildings and outline of property lines. Adjustments to the property line would create larger keyhole lot than currently exists. The initial 60 foot wide road frontage will be reduced to minimum requirement of 40 feet. Access will continue to be existing gravel drive. Notes to remove mobile home were added to the site plan and a note that prior to a building permit being issued for new construction or expansion a DEC wetlands delineation and ACOE delineation must be completed and submitted for review.

Mr. Scavo offered comments prepared by the Planning Department. No additional comments since the applicant has added the note to state the mobile home will be removed after 1-year of the final land transfer approval.

Mr. Myers provided the following written comments that were read by Mr. Scavo regarding this application. Land Transfer must be reviewed and approved by New York State DEC per 208-69.1B. The delineation needs to be approved, although the driveway appears to be allowed per 208-69.2A(3). There are other features that I believe New York State DEC needs to review for approval. They are as follows:

- a. One well in the wetland.
- b. One well in the LC zone.
- c. a mobile home and barn in the LC zone.

Mr. Scavo noted that Ms. Sheryl Reed had no written comments.

Mr. Grasso reported that Clough, Harbour, and Associates provided no comments regarding this application.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that, after review of the project plan, the Commission issued the following recommendation for the Planning Board's consideration: the LC Zone and the NYSDEC Wetlands shall be clearly delineated on the final plot plan for each individual lot.

Mr. Bill Keobbeman, 861 Riverview Road, wants to see display on screen in the future to make it easier to see what is being discussed. Is the land transfer something that could require SEQR in future or is it private residence? Mr. VanGuilder explained that



these are two existing residences that are maintaining the homes they currently have and are just adjusting the lot lines to settle a family estate.

There being no further public comment, Mr. Bulger moved, seconded by Ms. Pace to close the public hearing at 7:25 pm. The motion was unanimously carried.

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

Mr. Koval moved, seconded by Mr. Hale, to grant preliminary and final approval based on satisfying all conditions as outlined per the site by the recommendations of the Planning Board and Professional Staff. The motion was unanimously carried.

[2008-048] **Mohnen, Volker** - Proposed (2) lot subdivision, 34 Riverview Road. Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:25 p.m. The Secretary read the public hearing notice as published in the Daily Gazette on January 5, 2009.

Mr. Dave Flanders, representative for the applicant, presented this application he described the parcel with dividing lines and the creation of a parcel for sale. The applicant has plans to build a residence/garage with septic and well, designed by an engineer. The setback line from Wagar's Pond has been increased in the revised site plan since the last meeting to address the Planning Board's prior comments.

Mr. Scavo noted that the access referenced in old deed should remain in effect with the new deed and also the new driveway should be mentioned as well.

Mr. Myers provided the following comments regarding this application. Much of the property appears to be within flood plains. An "Elevation Certificate" for construction within a flood plain will be required for any building constructed. The National Flood Insurance Program forms to complete the elevation certificate are available in the Building Department.

Mr. Grasso reported that Clough, Harbour, and Associates provided the following comments regarding this application. We have reviewed the subdivision plan last revised December 3, 2008 for the above referenced project as prepared by David A. Flanders Surveying & Site Consultant, PLLC and have found all of our comments to have been adequately addressed.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that, after review of the project plan, the Commission issued the following



comments. The LC Zone shall be clearly delineated on the final plot plan for each individual lot.

Mr. Dan Hartnett, 32 Southbury Road, wanted to know about easement for trails along Riverview. Was this addressed by plans to go around Wagar's Pond?

Mr. Scavo noted that this was discussed in the conceptual meeting and has been addressed by the change previously mentioned regarding setback around the pond.

There being no further public comment, Mr. Bulger moved, seconded by Mr. Ophardt to close the public hearing at 7:35 pm. The motion was unanimously carried.

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

Mr. Ophardt moved, seconded by Mr. Koval, to grant preliminary and final subdivision approval based on fulfilling all conditions as outlined by the Planning Board and Professional staff. Ayes: Ophardt, Pace, Hale, Bulger, Koval, Noes: none



[2007-015] **Country Club Acres PUD** (Ushers Woods), Ushers Road –
Continuation of public hearing held on 9/10/08.

Mr. Bulger, Chairman, called the public hearing to order at 7:35 p.m. The Secretary read the public hearing notice as published in the Daily Gazette on January 5, 2009.

Mr. Kevin Dailey, and Mr. Dominick Ranieri, representatives for the applicant, presented this application. Peter Belmonte, Larry Boni and Country Club Acres are collaborating to work on this project. Mr. Dailey gave a marketing overview of project: 197 units for over 55+ aged residents of Clifton Park. Mr. Dailey pointed out that the population is aging and staying here and they are looking to downsize. He stated that since the last meeting they had addressed issues of sloping, streams and concerns of the public and the Planning Board in their most recent set of plans. As a result, Mr. Dailey stated that the number of proposed housing units has been reduced from 215 to 197 since last presented to the Planning Board.

Mr. Ranieri spoke next and stated that new urban principals are employed in project. He gave a brief overview for a property type that currently does not exist in Clifton Park. (It will not be intended to increase the student base, will provide ease of maintenance, while staying in the same town, in smaller houses, smaller lot sizes) Trying to incorporate new urbanism and smart growth with a sense of identity in the neighborhood and is more than just a bunch of houses. He noted that the applicant intends to keep trees, as much as possible. Mr. Ranieri then showed sketches of roadways with houses with a boulevard type entry. Neighborhood type businesses might be incorporated such as a hair salon, coffee shop, and other small businesses. A park-like setting, walkability and bike riding are stressed as easy modes of transportation within the community. Minimal architectural guidelines will be met within the PUD to create a cohesive sense of community. The applicant then presented plans for different house types, sizes, and amenities that will be available. He then described the topography of the area and how housing is integrated into the site by the Developers and showed buffer zones with existing neighborhoods.

Mr. Scavo offered comments prepared by the Planning Department. He has a draft resolution to establish Planning Board as Lead Agency and to look at merits of the project as presented and its' environmental significance and potential impacts

Mr. Myers and Ms. Reed provided no comments regarding this application.

Mr. Grasso reported that Clough, Harbour, and Associates provided the following comments regarding this application.

1. The proposed project appears to be a "Type I" action pursuant to SEQRA, and as such, coordinated review is required. The involved agencies are expected to include:
 - Clifton Park Planning Board – Site Plan Approval, Subdivision



Plan Approval

- Saratoga County Planning Board – Section 239 Referral
- NYSDOH – Water Supply System Approval
- Clifton Park Water Authority – Water Connection Permit
- Saratoga County Sewer District – Sanitary Sewer Connection Permit
- NYSDEC – 401 Water Quality Certification, Wastewater Disposal System Approval, SPDES Permit
- NYSOPRHP – Concurrence for 401 Water Quality Certification

2. Given the scale of the proposed project and the fact that the development includes a density of single family residential development and development pattern not currently found within the Town of Clifton Park, coupled with the fact that the project site includes important environmental features including wetlands, steep slopes and significant along the Adirondack Northway, there is a greater chance that the project as proposed may result in one or more significant environmental impacts. Because of the potential for environmental impacts, consideration should be given to the preparation of a site specific environmental impact statement (EIS). If an EIS is determined to be warranted, given the extent of local planning issues facing the project and the Planning Board's experience with the review of land development projects, we recommend that the Planning Board solicit for lead agency status.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that, after review of the project plan, the Commission issued the following comments. The ECC notes that Country Club Acres PUD project is on the January 13, 2009 agenda but the ECC has received no submittal from the Applicant for review. The ECC understands that a revised proposal was presented to the Planning Board as a discussion item on December 9, 2008 but the Commission has not seen any revised plans since the original 2008 submittal.

Mr. Michael Hale of the Planning Board offered the following comments. While the plan does a good job working with the available land to design a walkable, traditional neighborhood layout, there is lacking any tangible transition to the commercial component. Lots 91-100 for example, could be a location for a multi-family component, possibly townhomes. Lots 101-104 and 112-115 would also logically include a multi-family component such as attached condominiums, overlooking the common green. A mixed-retail commercial and residential street wall component could be placed in the vicinity of lots 105-107 and 108-112, also partially overlooking the common green and creating a street wall transition to the mixed office/commercial buildings to the south toward Ushers Road.

He further noted that the commercial component between Ushers Road and the Niagara Mohawk ROW as designed, appears to lack the characteristics that would create a pedestrian friendly public space, such as the continuous street wall with sidewalk shopping and dining opportunities. A number of separate, stand-alone buildings are shown, albeit with parking generally situated to the side and rear. The aforementioned



transition zone, situation slightly north of the planned commercial segment, could become a more pedestrian friendly center, and in doing so, be more accessible to a larger portion of the residential community and, with the multi-family component, have a larger population of would be consumers within walking distance.

Finally, Mr. Hale in conclusion stated that while the single-family residential component does a generally good job of providing common greens, the southwestern section in the area surrounding lots 30-37, provides no such common area.

Chairman Bulger stated that the applicant has been looking at this project for almost 3 years with the Planning Board and multiple revisions have been made by the applicant. Mr. Bulger then recommended to the other Planning Board members consideration of declaring a positive declaration under SEQR and issuing an EIS review. The bulk of the material is in place for a draft Environmental Impact Statement to be prepared by the applicant and much of the plan has been changed and in order to be sure we are not missing anything, Mr. Bulger would like to start the process to declare the Planning Board as lead agency for the project, given the significance of this project and all its multiple revisions and its potential impact to the area.

Mr. Jim Ruhl 168 Wooddale Dr. stated that he did not need to read his statement in entirety due to the EIS and positive declaration being considered by the Planning Board. He asked Board members to please read the statement he then handed out. He encouraged the board to do a thorough job. He then read 3rd paragraph of the statement out loud.

Mr. Ruhl read the following excerpt from his testimonial letter:

*On many occasions, the last on December 9, 2008, the Planning Board has been presented with a variety of development concepts concerning the 97+ parcel on Ushers Road referred to as the "Ushers Woods PDD". These site development presentations by the developers have stressed the architectural aspects of the project. Yet a thorough evaluation of the site's **environmental capacity** has yet to be accomplished. A study of "endangered species" may be a start but this token study does not deal with such critical factors as; slope, drainage, soil qualities and erosion, wetlands, foliage, noise, access, traffic and neighborhood impact, to name a few.*

Mr. Bulger then noted that the entire statement shall be entered into public record so it will remain in the file for future review.

Mr. Robert Cohen, 181 Wooddale Drive, asked if the board was contemplating putting some aspect of scoping into SEQRA?

Mr. Bulger answered yes, that is part of the process with public involvement.



Mr. Bill Koebbeman, 861 Riverview Road stated that he liked EIS and public scoping. He questioned if senior housing is used as a buzzword to move projects? He wanted to know how many housing units are needed in Clifton Park and if there are independent studies and or surveys? He then asked what is enough and what requirements are to use senior housing for seniors? Finally he asked if there are any escape clauses and contracts which can be seen?

Mr. Pelagalli noted that all Mr. Koebbeman's questions were not relevant to the Planning Board's consideration and are outside of its purview. Mr. Pelagalli answered that as a PDD, it is dealt with at the Town Board level. If there are questions about the legalities of the PDD, the public can ask Tom McCarthy, the Town Board Attorney, about the PDD as considered by the Town Board. The Planning Board can not speak for Town Board and its requirements. The Planning Board does not and cannot determine need and legislation. It is not the role of the Planning Board. The Planning Board addresses conformance to site plans and subdivisions.

Mr. Bulger added that he feels the demand is here. He noted that Clifton Park is growing in size and the supply of senior housing is a long-term goal of the Town Board, but there is not necessarily a set number. He added that the Town Board will set PDD legislation to make senior age a condition, and that it is not the Planning Board's responsibility.

Mr. Koebbeman asked if we can assure that these will be used as seniors or will families with children start to purchase them?

Mr. Bulger stated that the Town Board will set PDD legislation to make senior age a condition. That is not Planning Board's responsibility.

Ms. Pam Marshall, 5 Fairlawn Court, mentioned concerns about traffic issues and prior road improvement issues on Ushers Road. She stated that roundabouts at exit 12 were causing big trucks to use exit 10 instead. She believed that a larger volume of traffic will be a result of project, but no additional lanes can be added. She asked if additional curb cuts in sections along Ushers Road will be needed? She then asked if this project will require changing roads and adding lights at Van Patten and other difficulties with other businesses already in existence? She also wondered whether it will slow things down. She asked why the property couldn't be used for spinoff business from AMD instead of changing the zoning from industrial.

Ms. Margaret Rajczewski, 173 Wooddale Dr. then asked to clarify the buffer zone in the back area of Ushers Woods by Wooddale Drive in the northern end.

Mr. Ranieri said there would be a 100' buffer. It would be approximately 150' from the back of the property line to the back of the new house for the closest lot. Others are ranging from 150' up to 420' between the back of new homes and the property line of the older homes on Wooddale.



Ms. Gretchen Ruhl, 168 Wooddale Drive, asked if there will be 2 Entrances? Would one be from Ushers Road? She also wanted to know if one that had been previously designated for emergency vehicles was now a main road?

Mr. Ranieri stated that one road aligns with VanPatten Dr. Another access uses an existing curb cut for a business and makes it a road off Ushers Road. The last one is a paper street that would connect directly to Wooddale Drive.

Mr. Robert Cohen, 181 Wooddale Dr. asked if it was possible for the public to see plans?

Mr. Scavo, Planning Director stated that anyone can come and look at the plans in the Planning Department. He noted that the Planning Department has had many people come in to look at them. If somebody wanted a copy, they would have to file a FOIL request with the Town Clerk first.

Mr. Dailey addressed past concerns of how close the subdivision is to the Northway and showed through a visual graphic of the area that existing homes are this close to the Northway in large numbers. Relative to slopes, Mr. Dailey noted that there are deep ravines existing in Country Knolls and other subdivisions that build houses on both sides. He noted that developers in this town have a long history of building on slopes and that modern stormwater management plans will be addressed during the site plan review process. The applicants are trying to address connectivity with sidewalks and trails. Traffic studies have been done and are on file with town for public review. He commented that most people are going to go onto the Northway rather than West on Ushers Road, so traffic impact would be minimal heading on Ushers Road toward Jonesville. He stated that the developers understand the positive declaration and want to cooperate with the town and move this project forward.

Mr. Dailey then read a supportive letter from Mr. Clarence Bassett of December 28, 2008, and asked that it be entered into public record. It will be held in the file in the Planning Department.

There being no further public comment, Mr. Bulger moved, seconded by Ms. Pace to close the public hearing at 8:55 pm. The motion was unanimously carried.

Mr. Hale asked about “new urbanism” aspects of the plan and had some suggestions to make it more complete, details can come out later, with EIS. He noted that walkability, common areas, green pods, walking around ¼ mile is typical in this kind of neighborhood, and it would be helpful to see that delineated in an outline. He expressed concern that actual residents might not support the commercial properties in project. He felt that transitions were not mentioned to connect the commercial establishments to the residential section. He felt that the current plan shows 2 separate sections within the neighborhood.



Mr. Ranieri responded by talking about term new urbanism and the concepts' applications here. He noted that the commercial piece is not sustainable removed from Ushers Road and needs to be where it is so it can serve the whole area including the older developments off Ushers Road. He noted the plan is to provide walkability or bike accessibility to other homes as well. He further stated that not all customers will be within ¼ mile distance. He mentioned that based on the proposed businesses, industry standards state that businesses need about 700 residential units to support their viability and therefore the commercial component needs the other existing homeowners to sustain them and needs access off Ushers Road near the Northway. He stated that not all new urban plots can work with commercial buildings in the center.

Mr. Hale asked if there has been a discussion about other types of housing such as attached condos and apartments above the retail spaces. He also asked where are the common green spaces? He noted they are very important and critical to the overall plan.

Mr. Ranieri stated that apartments might be above retail. There are places that could be park areas that aren't suitable for houses. There is a lot of informal green wilderness with trees. It will have its own park area as part of Homeowners' Association. It would not be paid for by the other surrounding neighbors. There is a need to offset costs by not having too much maintained green space.

Mr. Dailey stated that the original concept included a 4-story condo with higher density housing and that they were eliminated through discussion with the Town Board and Professional staff.

Mr. Hartnett asked about the Workforce housing (apartments above commercial spaces) – how does that housing play into 55+ age?

Mr. Ranieri noted that anyone could possibly live in workforce housing because it is in the commercial mixed-use component and not part of the residential PDD. It would not be income dependent, nor age related.

Someone asked if that is in addition to the 197 for the residential portion?

Mr. Ranieri stated yes. They are not sure of the number, as it depends on approval by the Town Board, of the proposed PDD.

Steve Bulger noted that the Planning Board is in agreement that a Positive Declaration and EIS is the proper road to consider due to the size and scale of the project as currently proposed. It was agreed the process to establish the Planning Board as Lead Agent.



Mr. Bulger read a resolution to declare the Planning Board as Lead Agency for the proposal and begin a 30 challenge period by other involved agencies. If not challenged, after 30 days, the Planning Board will assume Lead Agency status.

Mr. Bulger moved, seconded by Mr. Koval, to establish the Planning Board as Lead Agency for the Ushers Woods PDD application, a Type I action, and to issue a positive declaration pursuant to SEQRA and require a draft EIS be prepared after a public scoping process is conducted. The motion was unanimously carried.

[2007-055] **Conifer Village at Clifton Park** – PDD – Proposed 80 unit apartment complex, Rt. 146 and Waite Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 9:00 p.m. The Secretary read the public hearing notice as published in the Daily Gazette on January 7, 2009.

Mr. Gavin Villaume, representative for the applicant, presented this application for preliminary review. He noted that the PDD was granted 2/2008 and then he gave an overview of the history of the project and showed sketches of elevations and layout on the map. He added that the applicants are looking at construction for Spring 2009. He stated that the project is proposed as affordable senior housing and questions about funding and costs can be addressed to Andy Bodewes. He showed the newer building orientation on the fields, wetlands and wooded area. He stated that the DEC has verified the perimeter and that they are actually Army Corps of Engineering Wetland, not DEC as previously thought. Mr. Villaume showed photos of the existing land with an overlay of the building elevation, noting that some trees will be left to provide screening. They plan to save a lot of vegetation along the side on 146. The applicants are looking for LEED certification for the building. He comment that emergency access around building is provided, but there is a need to negotiate the amount of asphalt pavement vs. gravel. Sewer and water connection to Waite and 146 and other notes per site plan. 90% of the green space of entire parcel is in wetland areas. 50% of the space within the building area is green space.

The speaker noted that elevations showed a 3 story building with vinyl on the upper level, a masonry base, porches, decks gables, mullions in windows, and a pyramidal entryway. The height is 46' to the roof ridge. The design is a double corridor with community spaces and main entrance off parking.

Mr. Scavo offered comments prepared by the Planning Department. He noted there was nothing in addition to staff recommendations that would preclude a preliminary approval at this point. According to written notes from Sheryl Reed, Mr. Scavo stated that the Emergency Access Road is required to meet Appendix D of the Fire Code of New York State. Specify on the plans that “No Parking – Fire Lane” signs will be placed



on both sides of the access road. Change the road detail to reflect the required minimum loading of 75,000 lbs.

Mr. Myers provided the following comments in a written statement regarding this application.

1. Detail sheet #6 - Hydrants will be required along access road which requires road to be 26' wide.
2. A maintenance agreement with the town shall be required for the SWMA.
3. Some discussion of the potential impact of this project on the Dwaaskill and its tributary the Cooley Kill, should be in the report due to its 303d status.
4. Certification by CHA of the SWppp is required prior to obtaining an NOI from NYSDEC.

Mr. Grasso reported that Clough, Harbour, and Associates provided the following comments regarding this application. The response letter from EDP indicates that an engineer's narrative regarding the sanitary sewer service will be provided to McDonald Engineering and the Saratoga County Sewer District for review and comment. Copies of these comment letters should be submitted for our files.

1. The response letter from EDP indicates that a revised traffic study will be prepared and submitted for review. If financial contributions toward future improvements are being proposed, a commitment letter to that effect should be submitted for review and made part of the application materials.
2. A profile of the proposed off-site watermain should be provided.
3. A limit of work line should be established for the off-site utility construction. A note should be added to the plan addressing the restoration of existing features impacted by the construction.
4. We are concerned with the proximity of the proposed 6" water service to the existing 38" tree to remain. It should be verified that the installation of the water service will not impact the root system of the existing tree.
5. The location of the full access curb cut will require an existing utility pole to be re-located. The plan should indicate the re-location and coordination with the utility company.
6. A structure is depicted adjacent to the proposed dumpster enclosure that is not labeled. The intended use of the structure should be provided.
7. The appropriateness of a chain link fence enclosure at this location should be discussed with the Planning Board.
8. A detailed signage plan should be provided. The plan should include the relocation of the signs impacted along Waite Road.
9. An engineer's report for the proposed water service should be provided.



10. We recommend the proposed 8" watermain be extended across the project Waite Road frontage to allow for future connections to the municipal water system.
11. "Emergency Vehicles Only" or "Do Not Enter Signs" should be provided at the emergency access drive. Access to the northern portion of the drive appears to be over a 6" reveal curb. It should be verified with the Chief of Fire Prevention that access over the curb is appropriate.
12. The photometric plan does not depict building mounted lighting. If building mounted lights will not be proposed, a note should be added to the plan.
13. Design information for the sanitary sewer manhole to be located within the Route 146 right-of-way should be provided.
14. The right-of-way along the northern side of Route 146 should be established to verify the utility connections can be made with the right-of-way limits. Appropriately sized receiving pits for the directional drilling or bores should be depicted on the plan.
15. The grading of the stormwater management area should be revised to provide a forebay. The grading depicted on the site plan does not provide separation between the forebay and the micropool.
16. We are concerned with the potential for long term erosion at the outlet of the stormwater management area. It does not appear the outlet discharges to a defined channel.
17. A maintenance access drive should be provided to the outlet control structure of the stormwater management area.
18. We offer the following comments on the Stormwater Pollution Prevention Plan dated December 2008:
 - The acres of proposed impervious surface should be provided in the site description.
 - The Runoff Coefficient, Soils and Rainfall Information section should be updated to refer to the proposed project site.
 - The Name of Receiving Waters section indicates an infiltration basin is proposed. The Stormwater Management report depicts a micropool extended detention basin.
 - The Long Term Operation and Maintenance Procedures section should be specific to the proposed micropool extended detention basin.
 - A concrete washout area and detail should be provided on the Erosion and Sediment Control Plan.
19. We offer the following comments on the Stormwater Management Report dated December 2008:
 - The report indicates that test pits have not been performed within the stormwater management area to determine the groundwater elevation. The groundwater elevation should be determined to verify the adequacy of the proposed design.



- The outlet control structure inverts modeled in the report do not correspond to the inverts depicted on the micropool extended detention detail.
- The time of concentration flow path and the design points should be depicted on the pre-development drainage area map.
- A post development drainage area map should be provided.
- It should be verified that a minimum of 20% of the water quality volume is maintained in the permanent pool.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that, after review of the project plan, the Commission issued the following comments for Planning Board consideration:

1. The ECC has concerns regarding the impact a three-story structure will have on the scenic vista in this part of the Town of Clifton Park. A façade rendering should be submitted for consideration as part of this review.
2. This project has the potential to change the visual character of the project area. As such the ECC recommends that the Applicant be required to conduct and submit a visual impact assessment for Planning Board and Environmental Conservation Commission review.

Gavin Villaume commented that he is not sure that the applicants are willing to extend water the main an extra 500' along Waite Road but they would be ok with the other recommendations.

Ms. Margaret Cologgi, 566 Waite Road is a neighbor across street. She stated that (3) stories in a residential area does not make her happy. She expressed her feeling that the scenic view will be destroyed. On her property, she commented that water is a large issue and drainage goes right into the fields of this property. She voiced concern about traffic at the intersection.

Mr. Bill Koebbemen, 861 Riverview is concerned about preserving 50% of greenspace and asked for a depiction.

Mr. Villaume stated that of 4.6 acres, 2.3 acres will be landscaping and trees and some retention/micropool area with plantings to look like a farm pond. The applicant pointed out that the area of the pond is approximately 2-3000 SF. Mr. Villaume then walked through the delineation on site plan rendering to clarify the 50% building vs. green space which conforms to current zoning.

Mr. Dan Hartnett 32 Southbury asked about trails and a right of way to extend coming down Route 146 and Waite Road.

Mr. Villaume replied – yes,

Mr. Hartnett asked if it would connect to Waite Meadows?

Mr. Joe Grasso replied not necessarily under this plan.

Ms. Elaine McCain 541 Waite Road asked if there are 70 units? The reply was,



yes. She also commented that 3 stories in rural setting looks like downtown Troy and is not appropriate for this setting and asked about the parking lot lights? She expressed fear there will be “a neon glow in the sky where we now have fireflies and moonlight”.

Mr. Villaume responded that low level lighting is taken into consideration, not looking for a lot of lights like a corporate commerce project as it is zoned.

The question of destroying the character of setting was responded to by Mr. Bulger who said the project was looked at by the Board and felt this was less impact than corporate commerce projects as code allows. He noted that it could have been a lot larger building. Now that there is water and sewer and there will be additional development in corridor, it was felt this was better than commercial buildings or warehouses which could be 40-50 feet high. It was considered by the Town Board when they considered the approved PDD. Alternatives would be equally or more out of character. The Planning Board can only respond to zoning as the Town Board dictates.

A question about the green space, was asked. It seems that the plans left a lot undeveloped. Will it be deeded forever green? Can it be sold off and developed?

Mr. Villaume responded that it will be forever green and undeveloped. Mr. Villaume also said the study showed not increased significantly enough to warrant traffic lights, or other improvements.

Mr. J. Koval of the Planning Board is a resident of Waite Road and stated that on one level he is dismayed, yet he realizes the whole section of town is a corporate commerce zone allowing for R&D, office parks, corporate headquarters so he feels that this is better alternative. The project provides a transition from a rural area to more heavily trafficked. He is concerned about visibility to the West which is not great and would like to see some improvements made at the intersection to 146.

Mr. Bulger says that any traffic in that area is a high concern and priority. Money is being dedicated to resolving some issues. NYSDOT controls access to 146 therefore it is a complicated issue.

Mr. Ophardt suggested that the developer may have to take on some of the impact by putting some money into a traffic mitigation fund. Mr. Ophardt suggested the Highway safety committee might need to look at the site and share their findings with DOT. He mentioned that the number of accidents may not be statistically significant for NYSDOT’s threshold but could be looked at by the town.

An unidentified person from the public asked could the height be increased? The PDD says 3 stories. Could they ask to go higher? Mr. Pelagalli stated that the PDD says 3 stories. Mr. Bulger added that yes, they could ask but it would ultimately be up to the Town Board. The consultant stated that it would not be feasible structurally to do this.

Mr. Bob Standish, 552 Waite Road stated that years ago a Masonry Company wanted to build in the area. The Town formally denied the request because they wanted more than 1 story. He stated that corporate commerce forbid any structure in excess of 1 story. He states that he was at the meeting when it was denied to build slightly above 1 story for that reason.

Mr. Pelagalli reminded the audience that the PDD minimum 10 acre rezoning is



only legislated by the Town Board. All the Planning Board is addressing is site plan review, not the law of height of buildings. This PDD now has its own legislation that supercedes the corporate commerce zoning. This Planning Board has no ability to change legislation.

Mr. Koebbeman asked does this go back to Town Board? Mr. Pelagalli stated, no it does not. Mr. Koebbeman then asked, "What is legislation of senior housing?"

Mr. Bodewes for Conifer stated 55+, meeting moderate income requirements. His company has been doing this for a long time and this is a great market, there will be no need for "escape" clause and selling to other types of residents. The units will be rentals and are not owner occupied.

Ms. Cologgi, noted that when zoning was changed, we were told it would be "aesthetically appealing and work into the rural character of area". She is not opposed to concept of senior housing, she would like to see it more architecturally pleasing to the eye and to the area. She says they are looking for balance.

Mr. Bulger noted that the town does not have specific architectural standards. What one considers appealing, someone else might not. As a board, we don't impose our individual views about the look of projects. Unless in legislation, the Planning Board can't enforce that. He added that visions change over time and the look of the town is changing. As the town grows and changes, zoning will too.

It was asked if there was to be a trail around site for people to walk and would they be able to access it easily. The representative noted that this is not a care facility. Visitors are free to come and go as they please. A nature trail is in the site plan.

Mr. Villaume added that there would be a patio, maybe benches and informal trail around wetlands. If residents want it, could possibly be developed. Road is really for emergency vehicles.

An unidentified resident then asked if there was to be staffing 24/7?

According to Mr. Bodewes, there is no assisted living component. There would be fulltime onsite maintenance and management staff but no 24 hour /7 day per week staff. 8-5 Mon-Fri and on-call for after hours. It was then asked if a Knox box was required?

Mr. Villaume stated that yes, a Knox Box would be there.

The representative for Conifer also said there would be a video monitor at entryways and emergency call pendant for residents.

Mr. Koval asked if upland is deed restricted? (Yes) No further development would be allowed.

Mr. Bulger asked about a grant from the state.

Conifer representative stated that the allocation of tax credits is being applied for and determination could be made in June '09 for tax credit reward.



Mr. Bulger asked if they could not get it right now, The representative stated they would not proceed without the tax credit reward, but it would still possibly go forward even if they don't meet deadline for this tax credit because they would still seek out other funding that is always being presented.

Mr. Bulger said there is still a need to look at waterline, planting and photometric questions.

There being no further public comment, Mr. Bulger moved, seconded by Mr. Ophardt to close the public hearing at 9:55 pm.

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

Mr. Hale moved, seconded by Mr. Bulger, to grant preliminary approval only of the site plan. The motion was unanimously carried.

Mr. Bulger called a 5 minute break at 10:00 pm

Old Business

[2002-054] **Route 9 & Clifton Park Village Road**(formerly Bardakjian)–
Proposed amendment to approved site plan, 1726 Route 9.

Mr. Dave Blumer, representative of the owner, presented this amendment to a site plan. The original site plan shows the dumpster in one place near the building and they need to place an additional one at the end of the parking lot with shrubbery. There will be two separate businesses: SHE Lighting Showroom, and one other.

Neither Clough, Harbour, and Associates nor the Environmental Conservation offered comment on this proposed site plan amendment.

Mr. John Scavo found the site plan acceptable and offered no other staff comments.

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

Mr. Koval moved, seconded by Mr. Bulger, to approve this site plan amendment.



[2008-010] **Prestige Motor Car Co.** –Proposed construction of (2) 9,800 SF Buildings, 1928 Route 9 – Preliminary Review and possible determination.

David Bogardus, representative for the applicant, presented this project plan that was last considered by the Board at its December 9, 2008 meeting. He stated that he has answered all questions.

Mr. Scavo offered no comments prepared by the Planning Department. He read written comments prepared by

Mr. Myers, Director of Building and Development, provided a number of comments regarding this application as read by Mr. Grasso

1. Pocket ponds are not allowed in Clifton Park
2. Phosphorous removal before discharge to the Dwaas Kill should be 100%. The town is responsible for proving no increase in phosphorous or sediment via modeling against current values. Your narrative states a 40%-80% removal depending on which figure is used. The wq from the design manual may be met but the fact the runoff contributes to a 303d stream is not.
3. Some of my previous comments are also not addressed.
4. A maintenance agreement is required.
5. Certification forms are required.
6. Straw bales are not allowed for dikes or inlet filters.
7. Landscaping trees in the slopes of the SWMA's is not recommended.
8. SMA #1 requires a fence as at SMA #2.

Mr. Bogardus will address those maintenance agreement issues.

Mr. Grasso reported that Clough, Harbour, and Associates issued the following comments regarding this application.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, explained that the ECC offered no comments regarding this application.

Mr. Bulger, no additional comments. Can be handled as conditional approval. Mr. Hale will get comments to Mr. Scavo to be relayed to the applicant's consultant.

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

Mr. Ophardt moved, seconded by Mr. Bulger, to grant final approval of the site plan. The motion was unanimously carried.



[2008-050] **Wheatfield's at the Crossings** – Proposed conversion of existing retail space to a 5,100 SF restaurant, 54 Crossing Boulevard - Preliminary site plan review and possible determination.

Mr. Jason Hoeffner, representing Equinox Properties? The owner also, presented this project plan that was last considered by the Board at its December 9, 2008 meeting. Seasonal patio seating in addition to indoor permanent seating. They would like to be open by May, permit approval pending.

Mr. Scavo offered no comments prepared by the Planning Department.

Mr. Myers, Director of Building and Development, provided no comments regarding this application Sheryl Reed, no comments.

Mr. Grasso reported that Clough, Harbour, and Associates issued the following comments regarding this application. The proposed project appears to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency is expected to be the Clifton Park Planning Board with site plan approval. The plans show a proposed planting bed to separate the eating area from the sidewalk. A plan dated November 7, 2008 indicates that there is six feet of separation between the proposed planting bed and the existing curb line. The current plans include the same drawing as was in the November 7 submission, but the separation to the curb is now labeled as being nine feet. It does not appear that other changes were made to the drawing to provide the larger separation. The applicant should confirm from field measurements that adequate space is available to build what is proposed and provide the nine foot separation outside the eating area for pedestrian use. *(Changed to 9 feet in latest plan).*

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, explained that the ECC offered no comments regarding this application.

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

Mr. Bulger moved, seconded by Ms. Pace, to grant preliminary and final approval of the site plan. The motion was unanimously carried.



[2008-041] **Northstar Church** - Special Use Permit to allow construction of a one-story church within the CR zone, Route 146A - Preliminary site plan review with possible determination from a public hearing held on 12/9/08.

Mr. Tom Andress, consultant for the applicant, presented this project plan that was last considered by the Board at its 12/9/08 meeting. He spoke about the location and description of property. Wetlands were examined by Army Corps and DEC. A 15,000 sf building proposed. Future expansion areas were taken off the proposal. The building was moved west of original proposal. They are looking for a Special Use Permit (SUP) to be granted tonight in order to proceed to buy land. But may be several years before they can have funds to finalize site plan and build the church.

Mr. Scavo offered comments prepared by the Planning Department. He recommended the Board approve the special use permit provided the applicant within 12-months of approval supplies the necessary documentation for site, landscaping and architectural elevation plans for consideration of site plan approval and additional conditions may be generated as a result of the additional information required.

For site plan approval going forward, a permit by the ACOE needs to be provided to show that it is the determination of the ACOE that jurisdictional wetlands will not be negatively impacted by the proposed project.

Mr. Myers, Director of Building and Development, provided the following comment: plans are still very preliminary, although parking has been relocated to the rear of the building. A full sprinkler system will be required for the entire building.

Ms. Sheryl Reed had no comments on this project.

Mr. Grasso reported that Clough, Harbour, and Associates issued the following comments regarding this application. No comment letter was issued, seeing changes that have been made from the conceptual plan, he feels that most concerns have been addressed as far as use of the site and general location of building for Use Permit. Thinks there may be some opportunities to change drive layout to include a more sweeping drive or change in curbcut and access road. He is concerned about the corner of the parking lot encroaching in wetlands but says that could be looked at during preliminary review.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, explained that the ECC offered the following comments regarding this application.

1. The ECC recommends that a minimum 50 foot (50') buffer be provided between all impervious surfaces and wetlands.
2. The ECC recommends that a proposed grading plan and stormwater management plan be provided and show that all proposed runoff from the parking lot area does not negatively impact the adjacent wetlands.



3. Additionally: The ECC recommends the following:
 - a. The ECC notes that sufficient unconstrained land exists to develop the property while accommodating natural and existing wetland and drainage features of the site currently shown as impacted by the development; in particular, the proposed parking lot should be relocated to the east as to be no closer than 50 feet (50') away from the ACOE wetlands.

Mr. Bulger reminded everyone of the need to focus on SUP. The use being proposed is an allowed use in zone or parcel, but PB is to make sure it is within character of area.

Mr. Pelagalli stated that the Planning Board can put other conditions on when it is not a "perfect" fit in area.

Mr. Bulger asked if SEQRA determination was made on SUP and also down the road for Site Plan Approval?

Mr. Hale stated that SEQRA – liquid waste disposal should be checked off as yes. Mr. Address stated that is not necessarily the way they interpret that term. But he would check it if needed.

Mr. Ophardt asked if it was realistic to ask one year window for site plan?

Mr. Scavo made a recommendation to start process to get site plans before Board as soon as possible. As a condition of approval, Mr. Scavo offered that if the SUP is approved this evening, a requirement of the applicant to provide preliminary plans for site plan review must occur within a 12 month time frame.

Mr. Address noted that he can start that and may need to seek extensions. But it is do-able.

Mr. Koval suggests that the building location ok, but the parking could be changed.

Mr. Address says the restriction of not building in wetland area, could have issues in future.



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

Mr. Ophardt moved, seconded by Mr. Bulger, to grant final approval of the Special Use Permit with the condition that the applicant submit additional plans for site plan review within 12 months from January 13, 2009. The motion was unanimously carried.

[2007-057] **Lussier Drive Subdivision** - Proposed (18) lot subdivision, 59 Boyack Road – Preliminary review and possible determination.

Removed from agenda at the request of the applicant.

[2008-052] **DCG – Clifton Park Center Mall Renovation (NW)** - Proposed renovation of a vacant 55,000 SF building at of Clifton Park Center, 22 Clifton Country Road – Preliminary site plan review.

[2008-037] **Clifton Park Center Mall Hotel** – Proposed 4 story hotel, Clifton Country Road – Preliminary site plan review.

Mr. Joe Dannible and Mr. Don MacElroy, presented these joint project plans. He highlighted that the hotel would have 105 rooms; a renovated façade to blend with current mall; masonry on lower level and stucco above; a porte cochiere entrance on Clifton Country Road; 61 new parking spaces. The proposal also added 10 more feet to the building all around on the mall renovation and resulted in no net change in green space. About 50-60 handicap spaces out of 3257 +61 spaces. The developer noted that he would be willing to add a couple more handicap spaces to reach 2% threshold. Park benches, flagpoles and landscaping would be present

Mr. MacElroy is planning to change the current service area on the existing building to a new urban landscaping along that portion of the mall.

Mr. Bulger asked how stores serviced by deliveries will be accomodated.

Mr. MacElroy said that this will be done during non peak hours as it currently is in other parts of the mall. The hotel has a service corridor for trucks to pull up in off – hours. The mall shops would receive through front door. But there is U shaped corridor within building to reach service doors within.



Mr. Scavo questioned the dumpster location as it is depicted on site plan. Mr. Greene says he is talking with Waste Management about alternatives including enclosed trash compactor in service corridor. Would show on later plan.

Mr. Scavo offered comments prepared by the Planning Department.

-Under site statistics the “total base square footage for proposed building additions” needs to be added to the Plan. A GEIS Fee will be applied to the base square foot addition at a contribution rate of \$.18 per square foot.

-Confirm that no additional dumpsters are being requested by the applicant for approval as part of this project.

-Shown on the Typical Parking, Stripping and Dimensioning Detail, Sign placement is shown behind curb however, if the heated sidewalk system will interfere with sign placement at the show location then the plans need to reflect the sign location in the asphalt placed flush against the proposed curb.

Mr. Myers, Director of Building and Development, provided a number of comments regarding this application

1. It appears a parking variance for the west parking is required (10’ present, 30’ required). A variance for parking in the area of the hotel is currently awaiting review by the ZBA. That variance is for 30’ or zero setback. It should cover the parking issue for this project as well.
2. The project may not result in a net increase in impervious area but there is a change, such as from controlled roof runoff to pavement with sheet flow. Since drainage has been an issue in the past at CPC, an analysis of the runoff from this project should be reviewed to ensure the capacity of the current facilities are not exceeded. Much of the runoff from this site will enter into town owned drainage. Confirmation this project will not adversely affect the town facilities is required.

Mr. Grasso reported that Clough, Harbour, and Associates issued the following comments regarding this application.

1. The Planning Board has previously reviewed the concept site plans for the hotel and building renovation projects separately. The current plan submittal appears to combine the two projects and as such, our review letter will address both projects.
2. Additional area adjacent to the proposed intersection with the southern curb cut along Clifton Country Road should be depicted on the plan. The proposed hotel will increase the number of vehicles making left turns from the access drive. The



vehicle movements of this intersection should be further investigated.

3. We continue to recommend that the drive aisle north of the proposed building renovation be located further to the south to accommodate left turn movements accessing the four-way stop intersection. While we agree that shifting the parking spaces away from the building will require patrons to walk across the parking access aisle, this is still customary practice and we feel the benefits of an improved intersection strongly outweighs the relocated parking spaces.
4. We have observed traffic circulation and pedestrian accommodation problems being created by the dual curb cut/single center parking aisle arrangement between the mall and the 19,100 square foot building. The siting of the hotel may substantially increase the traffic volumes in this area. As such, additional internal traffic circulation improvements and pedestrian accommodations should be considered.
5. A retaining wall is proposed within the right-of-way of Clifton Country Road. The ownership and maintenance responsibility of the retaining wall should be discussed with the board. A detail of the proposed wall should be provided. The wall will be visible from Clifton Country Road and as such the aesthetics should be considered when selecting the materials and color.
6. A detail of the guide rail to be installed on the top of the retaining wall should be provided. It should be noted if the guide rail will be located within the Clifton Country Road right-of-way.
7. Additional detail of the steps and railing proposed at the movie theater access doors should be provided. It should be verified that the doors do not need to be handicap accessible.
8. The grading plan does not provide the design information for the existing storm sewer system. The top of frame elevations, inverts and pipe sizes should be provided.
9. Although the plan indicates there will not be an increase in overall impervious area, the proposed improvements may increase the drainage areas contributing to the individual catch basins and closed storm sewer system. Of particular concern are the areas that are currently part of the building and will be converted to pavement. The run-off currently directed to the roof drain system will be converted to sheet flow directed to the catch basins in the proposed condition. The adequacy of existing closed storm sewer system should be verified.
10. The note regarding the requirement of a Stormwater Pollution Prevention Plan (SWPPP) is not correct. While a stormwater management report may not be required because there will not be an increase in impervious area, coverage under the SPDES General Permit GP-0-08-001 and the preparation of a SWPPP will be required if more than one acre of disturbance will occur during construction.
11. A detailed signage and striping plan should be provided. Adequate directional signage within the site will be critical to maintaining traffic patterns and minimizing vehicle conflicts.
12. A lighting plan should be provided for review. The plan should depict the proposed building mounted lights.
13. The hotel layout does not addresses delivery vehicles.



14. A detail of the proposed trash enclosure should be provided. The enclosure will be visible from Clifton County Road and as such consideration should be given to providing a masonry structure with an architectural finish.
15. The proposed crosswalk located north of the renovated building does not terminate at a logical location. Consideration should be given to providing a pedestrian refuge area within the existing curbed island. Dropped curbs should be detailed on the grading plan and detectable warning strips should be shown.
16. The existing crosswalk located along the east side of the building to be renovated should be extended through the proposed drop off area and connect to the accessible ramp.
17. The accessible parking and signage detail does not correspond to the depiction on the layout plan. We are concerned with the location of the "No Parking" signs limiting the accessible route.
18. A detail of the proposed ornamental fence should be provided.
19. The application materials indicate there will be an increase in greenspace. The site statistics should quantify the proposed increase.
20. The finished floor elevations of the existing building should be indicated on the plans.
21. A 3" minimum caliper should be provided for the proposed deciduous trees.
22. An easement will be required for the grading and the removal of trees within the Clifton Country Road right-of-way.
23. Information should be provided regarding the entire site parking. Additionally, an evaluation of the required handicap accessible spaces should be provided.
24. The proposed building heights should be depicted on the plan.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, explained that the ECC offered no comments regarding this application.

Mr. Matt Hartnett asked if trees would remain along Clifton Country Road. Mr. MacElroy replied some would remain but not all.

Ms. Pam Marshall, 5 Fairlawn Court questioned the elevation in relation to the cinema.

Mr. Dannible indicated that the existing cinema might reach the third story. He estimated that it will be about height of senior housing building on Wall Street.

Mr. Hale provided an idea of his own plan addressing parking including parallel parking and a change to left turn.

Mr. Dannible stated that he can't restrict turn for tractor trailers.



Mr. Bulger issued a reminder that this plan is not in for determination.

Mr. MacElroy would like to bring in for next submission date for February 10, 2009 Planning Board date. He will plan to address all the comments at that time.

Mr. Bulger stated that the Planning Board feels it looks like a good plan and needs to address those issues and comments.

[2008-033] **Zaika Indian Restaurant** - Proposed enclosure of existing 1,700 SF deck, 54 Clifton Country Road – Preliminary site plan review and possible determination.

Mr. Joe Dannible and Mr. Peter Murray, presented this project plan that was last considered by the Board at its September 10, 2008 meeting. Mr. Dannible showed a rendering of the façade and an added silt room for pond. He showed a graphic of sidewalks around property. The applicant is not planning to change parking and feel that they are not adding seats.

Mr. Scavo offered comments prepared by the Planning Department.

-Place a reference on the plan to note that a Use Variance was granted on March 25, 2006 for Permit No 80069.

Mr. Myers, Director of Building and Development, provided a number of comments regarding this application:

1. The geotechnical evaluation provided is based on very limited testing and information (one core location). The report does not appear to meet the requirements of NYSBC 1802.2 for Seismic Design Category “D”. There also should be a review of the original design plans to ensure they meet the requirements of Category “D” for structural issues, and can support the additional load. There is no mention of the current loading so it is unknown what load the footings were originally designed for.

Ms. Sheryl Reed stated that the Building Code of New York State will require the entire building to be sprinkled once the enclosure “D” deck is added.

Mr. Grasso reported that Clough, Harbour, and Associates issued the following comments regarding this application. In response to a prior request to provide a pedestrian connection across Clifton Country Road, the applicant has indicated that an existing crosswalk will be re-stripped. The crosswalk is located at the end of the driveway leading to the parking lot, mid-block between Clifton Park Center Road and Wall Street. The cross walk does not appear to lead to an existing sidewalk on the west side of Clifton Country Road. Based on safety concerns, we do not support mid-block crossings such as the one proposed. We recommend the crossing immediately north of Wall Street be investigated to determine if any improvements are warranted. The plan should include parking demand information for all uses on the site, including total demands per use,



requirements per zoning, and amount of parking proposed. If the amount of parking is not in accordance with the zoning requirements, justification for the reduction should be provided.

Mr. Murray addressed parking and states that history shows that there have been no issues with parking during peak hours in peak season at all according to the owner. And feels parking was addressed with past issuances.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, explained that the ECC offered no comments regarding this application.

Mr. Bulger wants to know if the curve on that crosswalk would be dangerous. He added that he does not want to stop project over that now. Planning Board will later discuss location of striping. Conditional approval to present parking information.

Mr. Hartnett wants to know who owns decks around pond. Mr. Scavo replied that the Town owns them and the Town Board voted last night to remove (Highway Dept.) as they are falling apart.

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

Mr. Koval moved, seconded by Mr. Hale, to grant final approval of the site plan. The motion was unanimously carried.



[2009-001] **Masseria + Gonseth, Land Transfer** - Proposed land transfer from 48 Hubbs Road to 60 Hubbs Road - Conceptual site plan review.

Mr. Gil VanGuilder, consultant for the applicant, presented this new land transfer site plan. He gave an overview of property. The son owns the smaller of two parcels. His mother and aunt jointly own the larger parcel. He wants to enlarge his parcel. Aunt also owns a parcel to the West. The access to the property might be affected and Gil showed how they could possibly make that adjustment if they treated it as one project. The new site plan will not change accessing the "other upland" area. There is an existing roadway that is currently used anyway.

Mr. Scavo explained that any future building permit for a new structure should require ACOE and NYS DEC Jurisdictional Determination Letters to validate the wetland delineations.

Mr. Myers, Director of Building and Development, offered the following comments on this application. The subdivision appears to make remaining vacant parcel unusable due to a lack of access by the presence of wetlands at Hubbs Road.

Ms. Sheryl Reed offered no additional comments.

Mr. Grasso reported that Clough, Harbour, and Associates prepared no comments after review of the conceptual plan.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that the ECC made the following recommendation. The ECC notes that moving the property line may preclude development of access to the back lot due to the presence of the DEC Wetlands and LC Zone.

1. Any LC Zone, the ACOE Wetlands and the NYSDEC Wetlands shall be clearly delineated on the final plot plan for each individual lot.

Mr. Bulger stated that there is a need to look into Trails agreements from prior meetings in relationship to a master trail plan along Hubbs Road.

Minutes Approval: December 9, 2008

Mr. Bulger moved, seconded by Mr. Koval, approval of the minutes of December 9, 2008 as written. The motion was unanimously carried. Ayes: Ophardt, Larkin, Koval, Hale, Bulger. Noes: None. Abstained: Pace.

Mr. Bulger moved, seconded by Mr. Ophardt, adjournment of the meeting at 11:50 p.m. The motion was unanimously carried. The next meeting will be held as scheduled on January 27, 2009.



January 13, 2009

Respectfully submitted,

Margaret L. Springli,
Secretary

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