



Those present at the February 10, 2009 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, M. Hale, J. Koval, E. Ophardt,  
S. Pace, T. Werner, K. Paulsen

Those absent were: T. Deleonardis (alternate)

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. Kim Paulsen led us in reciting the Pledge of Allegiance.

Mr. Bulger welcomed everyone and introduced Board members and Staff members. Meg Springli from the Planning Department is filling in for Jan Dean as Planning Board Secretary.

**I. Public Hearings:**

**DeMarco-Stone Funeral Home** - Proposed 4,000 SF funeral home, 533 MacElroy Road. Preliminary public hearing and possible determination. This projects was last seen on 9/25/07.

Mr. Bulger, Chairman, called the public hearing to order at 7:10 p.m. The Secretary read the public hearing notice as published in the Daily Gazette on February 2, 2009. He reminded that the Board did not anticipate granting approval tonight.

Mr. Scott Lansing, as a representative for the applicant, presented this application. Mr. Lansing described the parcel and its surrounding lots and current use. The speaker noted that variances for setbacks were approved by the Zoning Board of Appeals on August 21, 2007. Mr. Lansing also showed the overlay of the current plan on the aerial view of the parcel showing the parking spaces and overflow parking spaces using grass pavers. He noted that some of the spaces would be double spaces necessitating valet parking. Mr. Lansing noted that there are 80 parking spaces on the site with an additional 40 valet parking spaces on the site totaling 120 parking spaces in addition to any other reciprocal agreement for parking. Mr. Lansing noted that the code requirement is 75 parking spaces per zoning law. Mr. Lansing stated that he is aware of a reciprocal parking agreement with Jonesville Store as noted in a letter with the packet which the Planning Board received at the meeting to be entered into the file. He also



stated that a verbal agreement with Grace Chapel had also been reached for additional parking above the 135 prior mentioned sites. Mr. Lansing stated that portable No Parking signs would be set up for each event along MacElroy Road and Dyer Drive. The representative also noted that attendants would help direct traffic. He stated that no lighting plan was prepared yet for the project but will be shown in future plans if the project is advanced to preliminary design. Then Mr. Lansing noted that landscaping had been included in the proposed plan and he stated that the owner would be willing to develop whatever kind of aesthetic buffer is desired by the Planning Board. The representative also noted that water used at the site will be public water and he stated that septic will be used for typical wastewater only. The owner stated that no embalming will be done on the site.

Next Mr. Lansing spoke to the comments submitted by CHA Companies, Mr. Lansing noted that the applicant would be willing to work with the Planning Board to make necessary adjustments to sidewalk and then he noted that the applicant would also be willing to work with the Planning Board to place driveway access along Hatlee Road as a second means of ingress and egress to the property.

In regard to the Environmental Conservation Committee's comments, Mr. Lansing state that the applicant would be willing to put up a fence, trees, or whatever the Planning Board recommends to provided screening for the neighbors. He stated that the current 43% of green space shown on the site plan is over any minimum standard requirements that are currently in place.

The speaker then responded to the letter he received from the Historical Preservation Commission and noted that the applicant had expressed that he is committed to blending with the neighborhood and would work with the commission to provide a building that fits into the surrounding neighborhood.

Mr. Scavo offered comments prepared by the Planning Department.

-CDS plan

-Full Disclosure of Business Operations should be made as part of the application (i.e. embalming preparations).

-Final plans should include a planting schedule for proposed landscaping.

-Preliminary Plans must include Façade renderings to the Planning Board to ensure the building is visually compatible with existing architectural styles found in Jonesville.

-ZBA Area Variance was granted on 8/21/07.



- How long has the applicant owned the parcel?
  
- Temporary No Parking signs along the street right-of-ways should be incorporated as a condition for consideration of any potential future approval by the Planning Board.
  
- Complete a SEQR Long Form for Review.
  
- Do funeral processions originate from the funeral home typically for directly from a church?
  
- To date the Town has not received any complaints of traffic being disrupted by funeral processions from either of the two churches located in Jonesville.
  
- Will the applicant as a condition agree to remove snow from the site to ensure adequate parking is maintained during the winter months?
  
- Final Plans should show a lighting detail as the proposed lighting fixtures for the site. Lighting fixtures should be aesthetically pleasing and dark sky friendly.

Mr. Myers provided the following written comments that were read by Mr. Scavo regarding this application. Previous comments on 9/25/07 still apply

1. Maintenance of the CDS unit by whom?
2. Should get outside verification of acceptability of septic system use.
3. Septic plan must be stamped and signed by a NYSPE.
4. Suggest moving septic system to rear of property to put as much distance as possible between it and residents' water supply.
5. Does it qualify as a project entering into the waters of NYS – protected trout stream (Longkill) in close proximity?
6. The CDS sediment separator unit will be located on private property and maintenance will be required by the property owner. The owner may want to propose a maintenance agreement to the town for the unit since the owner does not possess the equipment needed for cleaning the unit and the town does. No maintenance proposal is included in the SWPPP, just information from the manufacturer on how to clean it. The manufacturer also makes general recommendations on when to clean the unit, but each installation needs to be analyzed for cleaning frequency.



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

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

1. The overflow parking spaces along the northern property line are only a few feet from the property line, and the spaces along MacElroy Road are as close as eighteen feet off the front property line. In addition, the overflow parking is proposed on turf areas, which could require special maintenance provisions during winter months to make sure they were readily available. The proposed overflow parking may also eliminate a portion of an existing vegetative buffer along the northern property line.
2. Pedestrians would not likely use the sidewalk where currently shown.

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:

1. The ECC reiterates concerns regarding the surrounding neighbors and screening from headlights in the parking lot and at the exits.
2. The Applicant should submit façade renderings for review by the Planning Board to ensure the building will be consistent with the surrounding area.
3. The following standard statements must be added to the plot plan:
  - a. 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.
  - b. 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.
  - c. The Applicant will control fugitive dust and debris during the construction/demolition phase of the project.
  - d. If hazardous materials will be stored on-site, the Applicant must submit a plan addressing handling and storage and spill response to the Town of Clifton Park before such materials are stored.



In addition:

1. The ECC has concerns that the overflow parking spaces may compromise greenspace; therefore, the anticipated utilization rate of the overflow parking spaces should be identified along with the pavement material that will be used and the screening techniques that will be applied along the northern perimeter of the parcel.
2. The uses for the area marked “waste water disposal” should be identified.

PUBLIC COMMENTS

Angela Krulls, 529 MacElroy Road. She expressed her belief that the aerial photographs are old. Ms. Krulls mentioned that she was concerned that her well was right on the property line and that her biggest concern was runoff from the increased pavement might affect her water quality, she added that she enjoyed her spring-fed drinking water and feared that in the Spring, the water that would pool in that corner would impact her well. Ms. Krulls asked for assurance that it won't be negatively affected. The speaker also expressed concern with traffic flow, as well as cars and headlights which she believed will aim into her bedrooms.

John Scherer, Town Historian, stated that the site was the Jonesville Hotel which was a two-story structure and burned down in 1915. Mr. Scherer noted that he would like to recommend an archaeological survey of the site. He then noted that the Historic Preservation Commission has shown that the area has a concentration of mid 19<sup>th</sup> century buildings, several of which are registered. Then, he commented that new buildings which are being built along the road mimic the atmosphere. Mr. Scherer stated that he was pleased the owner is willing to consider the style in his plan. Next, he noted that parking lot does come awfully close to the house next door.

Steve Bulger acknowledged Mark Kazmierczak was in attendance as a representative of the Historical Preservation Committee. Planning Board member, Sandy Pace as a liaison to the committee read into the record the document submitted by the Historic Preservation Committee which will remain in the file for public review. Ms. Pace noted that she was also pleased that the owner was willing to consider the architectural features of the area in his plans.

Frank Berlin, 980 Main Street. First Mr. Berlin indicated his house on the aerial view. He stated his concern with parking circulation and a need for another entrance. Mr. Berlin noted that he doesn't think the site fits the purpose and he is not convinced that there is enough parking for the needs. Then he stated that he took measurements from the map and did his own calculations for the amount of snow that might need to be cleared and wondered where it will go. The speaker also mentioned that flooding is a



concern as well as Stormwater management. Next he mentioned that traffic also concerns him at the intersection stating that he has counted cars going through the 4 way intersection and he stated that it will lengthen the amount of time that a firetruck can respond. He also commented that he believed one of the neighbors was denied building an ice cream parlor because of traffic in the past.

Jeff Ogle, 2 Dyer Drive – Mr. Ogle summarized an e-mail from his wife Beth which will be held as part of the public record for anyone to review. The Ogles were concerned with traffic on Dyer Drive, the number of parking spaces, snow removal, as well as the speed of traffic on MacElroy Road. He noted that the location of his house would be 40 ft. from where headlights will be. Next, Mr. Ogle stated that the parking lot lights will be a problem.

Charles Cleveland, 7 Dyer Drive noted that the culvert drainage is not maintained by the Town in the area currently and feels that all the asphalt in the parking lot will make it worse. Mr. Cleveland stated that flushing of the fire hydrant showed that drainage was a problem because it ended up in Ms. Krulls yard. Then he commented that the traffic problem on Dyer Drive would be terrible.

Mr. Bulger asked the speaker to contact the Highway Department to address the issues with the culvert.

Ms. Krulls responded that drainage did go into her front yard which is 4 ft below street level. She stated that she called the Highway Department yearly but that erosion has caused her yard to sink and adding a parking lot will add to this problem.

Walter Chaikowski, MacElroy Road stated that he was a new homeowner across from the proposed Funeral home. Mr. Chaikowski noted that he would like to see another access from Hatlee Road. The speaker voiced his concern with the parking agreement with The Jonesville Store. Next he mentioned that despite the Historical aspect, he would not prefer a 2<sup>nd</sup> floor because he would rather not see it. Also, Mr. Chaikowski stated that he would prefer high plantings versus a spaced picket fence. Finally, he asked that lighting be carefully reviewed.

Pam Marshall, 5 Fairlawn Court, stated that the access route to Country Knolls for the Jonesville Fire Department is through that intersection. Ms. Marshall commented that she was concerned with the appearance of rush hour traffic vs. a funeral home procession. Ms. Marshall added that she thought daytime running lights that many cars had today could make them look like part of a procession.

Ron Winters, 966 Main Street in Jonesville, stated that he was opposed to the project because of the harm to the historic character of the neighborhood, which still maintained the basic 19<sup>th</sup> century appearance that appealed to people living in area. The speaker noted that he was afraid of visual inconsistency and would not want anymore



structures with a large parking lot. Then he noted that even if the building could be made compatible, in his opinion a gravel parking lot would be better and more fitting. Mr. Winter stated that if those conditions were met he would not be opposed. Next, he asked for a definition of required green space. Mr. Grasso of CHA Companies, stated any lawn or grass or planting space. Then, Mr. Grasso, described the grass pavers.

Mr. Berlin mentioned Town code section 208-7 and stated that the double overflow parking did not conform. He also noted Hamlet section 208-32 of the Town code allowed for a mortuary or funeral home to operate– and wanted to know the difference between the two and whether this operation could be changed from a funeral home to a mortuary someday without further approvals.

Ms. Krulls, stated that she wanted to know if the project were approved, and her now dry basement would suddenly become wet, what would be her recourse, if any. Mr. Bulger stated that could not be answered at the time but that the Board and staff would carefully consider all the issues. He also stated that Professional Engineers will be looking at everything brought up and the Planning Board would not grant approval until they are satisfied that these are addressed.

Lorraine Cleveland, Dyer Drive, asked if school buses and school transportation was contacted to see the impact of buses and viewing times.

Pam Marshall asked to see façade renderings. Mr. Bulger stated that they are not available yet at this stage of the approval review process.

There being no further public comment, Mr. Bulger moved, seconded by Mr. Hale to close the public hearing at 8:15 pm. The motion was unanimously carried.

Mr. Lansing addressed the issue of low spot on property and that the applicant would account for surrounding properties within the Stormwater management plan . Then he mentioned that the property might have a treatment filter and underground retention system depending on the stormwater calculations that will be presented in a future submittal to the Planning Board. The applicant does not anticipate shedding off water to neighbors, but they would look at the existing culvert design point.

Mr. Werner stated that he liked the suggestion of an additional entrance on Hatlee Road. He mentioned that most traffic might be coming from Ushers Road and Northway and Mr. Werner would like a lighted sign so people don't miss the turn.

Mr. Ophardt – noted that the design needs to consider the historical aspect and character of the area. The speaker questioned the loop around driveway that separated the building from the road and would like to see the building pulled into the corner of the lot to improve the aesthetics and give more of a hamlet feel with the sidewalk along the corner.



Mr. Lansing stated that 80' front yard setback was originally set and they have gotten this 40' granted from the Zoning Board. He noted that the front along MacElroy Road would be used for a portion of the proposed valet parking.

Mr. Koval noted his concern for the intensity of use when a wake or funeral is going on. He then commented that traffic diverting down Dyer Drive would need to be taken into consideration and whether the firehouse service would be compromised. Mr. Koval stated that he thought the site was tight for parking with no other options available.

Mr. Lansing stated that the applicant felt this would be adequate and if there was a funeral that anticipated a large volume of people beyond what the site could contain, then they would schedule that in another location noting that the applicants have several other facilities in the area.

Mr. DeMarco stated that in the case of what he referred to as notable figures, the funeral director would try to be located to another larger facility in the area.

Mr. Bulger asked Mr. DeMarco to describe a "typical" funeral and number of wakes and funerals. Mr. DeMarco replied that the average would be 2 events per week. Mr. Bulger questioned the applicant about schedule. Mr. DeMarco responded that start times for funerals were generally 9-9:30 a.m. or even later for procession from funeral home. Then he stated that the funeral home director would try to make it so as not to compete with commuters. The speaker then explained that evenings are for wakes and processions are in the morning time and often, large groups are asked to meet directly at a church at a specific time rather than take part in the procession. Mr. DeMarco stated that most funerals are held at churches during the hours of 10:00 a.m. or 2-2:30 p.m.

Ms. Paulsen, questioned the past statement about embalming fluids and clarification that septic would not be handling embalming. Mr. Lansing answered that septic would be for sanitary – restrooms, etc. and there would be no embalming on the site.

Mr. Hale asked about removal of tree limbs for parking along northern property line. Mr. Hale also stated that since traffic at an intersection is generally slower, he would recommend moving the driveway entrance ½ way down the property line, further to the East on MacElroy Road. The speaker also wondered if there was any about archaeological impact of the property.

Mr. Bulger stated that overflow parking is biggest problem to be resolved. He stated that he felt the plan was generally acceptable but asked for the following clarifications:

1. How does stacked parking work?



*Mr. Lansing replied that those spots would be reserved strictly for valet parking spots and they would move the cars in both rows so that the vehicles could be jockeyed. He also noted that the Town Code requires parking numbers of 75 spaces.*

2. Snow removal described?

*Mr. Lansing responded that there is some storage on site for snow, but heavy snow would have to be removed from site and the applicant stated they do that elsewhere. The applicant would be willing to submit a snow removal plan for approval.*

Ms. Pace was concerned that people's automobile might get blocked in with the stacked parking. Mr. Grasso stated that 2<sup>nd</sup> curb cut on Hatlee Road would be desired. Mr. Ophardt asked if there would be a curb on parking lot. Mr. Lansing stated that a curb would be in place around the building but wing edges would be used elsewhere.

Mr. Werner asked about the Town Code regarding temporary signs for events and whether they would be regulated.

Mr. Bulger noted that the parking layout within the site added the 40 valet parking spaces. He then polled Board Members, whether parking with grass pavers was generally acceptable.

Mr. Koval asked if pavers could be plowed. *Mr. Lansing stated that they could be with specially adapted shoes on the plows to not harm the turf. Mr. Grasso stated they have been used before and cleared.*

Mr. Ophardt asked for description of valet parking.

Mr. Lansing then gave an overview of the parking operations within the site and how parking attendees would facilitate traffic flow.

Ms. Pace asked how much snow would be left with pavers. Mr. Lansing stated that sanding would be needed to prevent ice and slippage.

Mr. Hale commented that he was not concerned by the number of parking spaces. He stated that he wanted to see a historical fit of the proposed project.

Mr. Werner noted his concern about events that are larger and suggested looking into finding alternatives. He then asked if two wakes could be held at the same time. The applicant responded that there would be facilities for two events at the same time.

Jim Schultz, attorney for the applicant, stated that attendants will direct people for parking and traffic flow at all events, adding that customer service is high at these types



of events. In addition, for large funerals, the funeral home will contract state police and sheriffs department to help control traffic flow as is common practice at other funeral home facilities.

Mr. Koval asked about wakes – how often would you exceed parking at this site? Mr. DeMarco responded that at current facilities, they ran out of space maybe once or twice a year, noting that there is usually a large amount with kids' funerals. Mr. DeMarco added that the applicant would have garage keeper's insurance and a vehicle that is valet parked is covered immediately by their insurance.

Mr. Koval says based on parking overflow happening only a couple times a year, he felt the parking was adequate as planned.

Mr. Ophardt agreed that it is probably adequate.

Ms. Paulsen is concerned with turnover rate and how valet parking works. She noted her experience with valet parking is that people may slip in there and not leave keys, which would block people in, unless valet parking was mandatory

Mr. DeMarco says that his facility would do their best to try to control that with parking attendants.

Mr. Hale noted that some of it could be valet parked at Jonesville Store, as per the written agreement submitted for the record by the applicant.

Ms. Pace noted parking is tight and would like to see alternatives to break up the concrete but for the most part she is comfortable with plan. The speaker added that she would like to make sure the building is compatible with the area.

Mr. Bulger stated that this is a valuable piece of property in town, on a busy intersection, and he felt this use was a lot less intensive than other uses allowed in zone, such as a retail store, or business complex. Next, the chairman asked the applicant to address concerns noted at the Public Hearing in the next stage. He thanked community members for their input.

9:00 [2006-005] **21st Century Park Senior Townhouses, PUD** - Proposed 51 unit townhouse complex, 1315 Route 146. Preliminary public hearing and possible determination. **Last seen on 7/10/07**

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 February 2, 2009.



Mr. Tom Andress, as a representative for the applicant, presented this application. The PDD was amended by Town Board so that 80 % of occupants must be 50 or older. Then, he described the layout of the roads and the lots and noted that there would be a private road with a looped road for townhouses. Mr. Andress added that water and sewer on Route 146 will be brought through to the site and all preexisting buildings will be hooked into sewer at that time and taken off septic. The speaker noted that the Wetland review has been done with ACOE delineation for a small disturbance in the northwest corner of property. He also stated that a traffic impact study was reviewed and DOT has stated is not needed. However, the applicant is making a voluntary contribution to town to help fund future improvements that might be needed on Route 146. Mr. Andress stated that he can address the comments as stated by CHA. The representative commented that landscaping including trees on 3 sides of property (North, East and South) as well as shrubs that would help minimize the visual impact of the site to those travelling on Route 146. Mr. Andress added that large berms have been increased in height based on CHA comments and the Stormwater management area in the Southwest corner will also have some trees.

Mr. Andress mentioned that the emergency access route was added and that the road was originally proposed to be a paved surface, however NYSDOT did not want a second paved surface off of NYS Route 146 to the project site.

Mr. Scavo stated that \$85,000 was offered for a voluntary traffic mitigation and that a payment plan has been worked out and is going to be noted on the site plans.

Mr. Myers provided the following written comments that were read by Mr. Scavo regarding this application.

1. The Engineers' Report – water supply and sanitary sewer is mostly about Stormwater Management. My previous comments on 10/29/08 still apply
2. The Stormwater Management Report (SMR) cites that an F1 design will be used for stormwater management. An F1 design is a “surface sand filter” per the design manual. The system as shown is unclear, much more detail will be required when the full SWPPP is submitted. Details of the flow acceptable to NYSDEC for a CDS unit should be included. Ownership of the stormwater management area needs to be made clear also. Sand filters can require significant maintenance over time so a detailed maintenance plan must be included in the SWPPP.
3. It appears the stormwater management area will discharge to the roadside ditch owned by NYSDOT along Rt. 146. Sign off by NYSDOT will be required. There is not enough detail to fully evaluate the proposal.
4. It appears the traffic study has been approved by NYSDOT.



5. New pavement and a sediment basin outside the property limits of this project has been shown on this submission.
6. In the SWPPP
  - Page 11  
Repairs shall occur immediately, not within 24 hours.  
Silt fences maintenance shall occur as needed and not wait for fence to bulge.  
Straw bale dikes are not allowed.
  - Page 12  
Stabilized construction entrance and needed maintenance shall occur daily and not wait for rain events.
  - Page 15  
A maintenance agreement with the Town will be required.
  - Page 19  
The Town of Clifton Park Certification forms are required to be submitted.

Mr. Scavo noted that Ms. Sheryl Reed had the following written comments.

1. Obtain a variance from the Fire Code Appeals Board for a single entrance with more than 18 living units.
2. Postal Verification
3. Widen entrance into the court so fire apparatus can access all of the town homes.
4. Post private driveway on both sides – “No Parking – Fire Lanes”.

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

1. The proposed lighting for the relocated parking area for the existing commercial building should be depicted on the plan. The impacts of the existing and proposed lighting of the commercial facility on the proposed town homes should be evaluated.
2. A layout plan with setbacks and dimensions of all proposed improvements should be provided.
3. All sidewalks should have dropped curbs and detectable warnings and should be ADA compliant.
4. Stop signs should be provided at the intersection of the proposed private drive and the common access drive.
5. A plan should be provided depicting all proposed ingress/egress and utility easements. The entity being granted the easement should be clearly identified on the plan.



6. The proposed finished floor elevations should be depicted on the grading plan. It does not appear there is positive drainage away from the proposed buildings.
7. We recommend an additional fire hydrant at the southeastern curb cut to the southeastern cluster of five buildings to allow a hose to be dropped before entering the turnaround.
8. Since public utilities will be located within the limits of the proposed private drive, we recommend the preparation of a profile of the private drive and utilities showing depths of bury, separation of utilities, etc..
9. The existing utilities to be removed should be identified on the plans. An existing water service is located within the limits of the proposed town homes.
10. Additional drainage facilities should be provided at the base of the retaining wall proposed along the western property line. The proposed grading appear to pond the run-off within the rear yards along the base of the wall. The retaining wall detail depicts a swale and underdrain along the top of the wall. These features should be depicted on the grading plan. Additionally, the location and invert elevations of the proposed drain pipes should be depicted on the plan.
11. The design information for the proposed utility services to the existing buildings should be provided. It appears that two town houses will share a grinder pump. It should be verified that the sharing of sanitary sewer pumps by separate households is permitted. The ownership and maintenance responsibilities of the pumps should be discussed.
12. Provisions for access to the site while the entrance road is getting reconstructed should be shown.
13. The calculations sizing the temporary sediment basins should be provided. The calculations should include the spillway design calculations per the New York Standards and Specifications for Erosion and Sediment Control. The outlet of the proposed temporary sediment basins should be provided on the erosion control plan.
14. The erosion control plan should include the utility and parking expansion at the existing commercial facility. The plan should also include the proposed phase limits and the acreage of disturbance for each phase.
  - *Tom Andress states that a more recent letter from John McDonald date 1/2009 shows this and resolves concerns.*
15. We have reviewed the Stormwater Management Report dated January 18, 2009 and offer the following comments:
  - A design point that is in the same location for the pre-development and post development should be established and the flows at that point should



- be evaluated to determine the required storage volume.
  - A portion of the existing run-off will be redirected to the roadside swale along Route 146 following development of the site. Based upon the contours provided it is unclear as to the ultimate outlet of the swale.
  - The proposed stormwater management area appears to discharge on the adjacent lands of Pasquariello prior to the Route 146 right-of-way. We are concerned about the concentrated discharge onto the adjacent owner's property and the potential for erosion at the end of the rip-rap channel.
  - The proposed stormwater management area has been designed as a sand filter. Pursuant to the NYSDEC Stormwater Design Manual, a legally binding and enforceable agreement between the owner and the local review authority for maintenance should be provided.
  - The use of a sand filter requires a minimum of two feet of separation from ground water. The ground water elevation at the location of the sand filter should be verified.
  - Additional information regarding the outlet control structure should be provided. The detail appears to indicate a weir at elevation 341.02. However this weir does not appear to be accounted for in the storage calculations.
  - The proposed "open top" of the outlet control structure should be described in more detail. We are concerned with the safety of a 5' diameter manhole with an open top.
  - The operation of the basin during winter conditions should be evaluated.
  - The post development run-off of the 1-year event is stated as 5.93 cfs. It should be verified that the required 24 extended detention of this storm event is provided.
  - The sizing of the CDS unit should be provided for review. The required water quality volume should be converted to a flow rate to determine the adequacy of the unit proposed. The manufacturer's provided treatment flow rate should not be used. The Stormwater Design Manual refers to the testing results provided by the State of New Jersey Department of Environmental Protection. The treatment rates determined by the NJDEP should be utilized.
  - The modeling of the structure diverting the water quality volume to the sand filter and the larger events to the detention area should be provided for review.
16. We have reviewed the Stormwater Pollution Prevention Plan dated September 25, 2008 and offer the following comments:
- A completed Notice of Intent should be provided for review.
  - The NYSDEC Stormwater Design Manual states that a dense vegetative cover shall be established over the contributing pervious drainage areas before runoff can be accepted into the sand filter facility. This requirement should be included into the SWPPP sequencing.
  - The site inspection requirements should be updated to reflect the current GP-0-08-001 requirements.
  - The sequencing section of the SWPPP should discuss how the proposed disturbance will be limited to five acres at one time.
  - The long term post construction maintenance should be revised to describe the maintenance requirements per the NYSDEC Stormwater Design Manual.



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:

1. The location of the existing wetlands should be shown on the plans.
2. The ECC recommends that the Applicant provide and show on the plans the statistics for Lot #1.

PUBLIC COMMENTS (State Name and Address)

Dan Hartnett, 32 Southbury, asked what plans are for trails along 146.

Mr. Andress stated that a strip across the property was dedicated for an easement for future trail usage.

Mr. Hartnett asked what was the distance from Waite Road (the Conifer Village at Clifton Park Project) and how they would relate to each other. The measurement was about 1800 feet and was indicated on the map.

Pam Marshall, 5 Fairlawn Court asked about standard procedure with berms and plantings. What happens if plants die off?

Mr. Scavo stated that a landscaping security deposit was retained for 1 year after site plan inspection. Plants would have to be replaced if they had died at the one year point, then 80% of deposit is released and 20% retained until the Planning Board is satisfied.

Ms. Marshall asked about the time frame and phasing. Mr. Andress stated that there is a 5 year limitation from granting of a PDD until the start of building and at least one building permit must be given per year after building starts. It was added that February 12, 2007 was the approval date, therefore, the applicant must start digging within 3 years.

Mr. Hartnett asked if landscaping was comparable to Southwick Meadows. Mr. Grasso stated those are 8-14' high and these are considerably shorter.

There being no further public comment, Mr. Bulger moved, seconded Pace to close the public hearing at 9:25 pm. The motion was unanimously carried.

Ms. Pace asked about age restrictions. 80% of occupants 50 or older. The applicant explained that this would allow a surviving spouse under age 50 to be able to



remain in their home and that the Homeowner's Association would be regulating this. The applicant also commented that these are owner occupied townhomes.

Mr. Hale asked about road maintenance and whether the HOA would maintain commercial lots. Mr. Andress answered that HOA is only for the lot with Townhomes. Mr. Andress also indicated that parking on the commercial site would be realigned as part of this development project to create a new circulation pattern. Mr. Hale also mentioned that he did not like chain link fence and asked if landscaping would be maintained and groomed. Mr. Andress replied that the HOA would take care of that.

Mr. Ophardt asked whether the HOA would be maintaining drainage basin vs. the Town of Clifton Park. Mr. Andress stated that HOA would be involved because of private road and amount of maintenance needed there.

Mr. Scavo mentioned that Mr. Myers would require a maintenance plan to be on file.

Mr. Werner asked about emergency access. Mr. Andress said the current plan was gravel based on conversations with emergency services and NYSDOT. Mr. Werner stated that grass pavers might be more preferable. Mr. Andress replied that the applicant is aware that the emergency access must be plowed and maintained year round.

Mr. Ophardt asked about height of berm on the east side. Mr. Andress stated 2 ft. high from road, 7 ft. above townhomes. Trees on top of berm. Mr. Ophardt was concerned that sight lines might be obstructed turning left off the private road to the North by the berm and trees. HOA could put stop sign on private road at intersection to help that issue.

Mr. Koval stated that he felt the more plantings the better. He then suggested that willows around the dry pond would be a good idea. Mr. Koval next asked about flow rates and whether they were based on 2 bedrooms or more?

Mr. Andress replied that they used a per capita figure for the estimate.

Mr. Koval asked if there were current plans for the lot to the East. Mr. Andress stated, that currently there are none adding that access had been planned for potential future expansion to adjoining area as noted on plan.

Mr. Grasso comment that the ECC and CHA Companies don't support the added access. Mr. Andress said they could be removed from the plan.



Mr. Bulger stated that he is satisfied that sewer issues and landscaping berms have been adequately addressed. He noted that there would be conditions attached to this project prior to the applicant receiving any stamped plans.

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



## II. Old Business:

- A. [2008-010] **Walgreen's Store Old Route 146** – Proposed 14,800 SF pharmacy and site redevelopment, Old Route 146 – Preliminary site plan review and possible determination. **Last seen on 11/12/08**

Mr. Bruce Secor, as a representative for the applicant, and Dave Coleville presented this application. Mr. Secor noted the location on an aerial plan in relation to existing buildings. The current KFC and vacant mattress store will be removed and one building is proposed to be built in their place. Mr. Secor stated that a shared access point existed with McDonald's and that green space will be brought up to 35% and sidewalks will be in place along Park Avenue and Old 146 and 146. Next, the speaker added that existing access points on Park and Old Route 146 will remain. ZBA variances were granted to accommodate building on parcel one in regard to setbacks from parcel two. Language will be adopted to permanently link parcel one to parcel two for future development. Mr. Secor next showed landscaping as indicated on the site plan and pointed out that a drive thru lane is in plan for prescription drop off and pick up with a passing lane. He also noted that bike racks are shown on the site plan. A SWPP was submitted with the proposal for Town review. Finally, Mr. Secor commented that utilities are underground.

Dave Coleville showed the front elevations with a corner entrance highlighted by a tower and accent panel. He noted that manufactured limestone and brick would be used on the façade and standing seam metal roofing is used as awnings over the entrance, windows, and drive thru as well as the North side of the building which would be a service entry. The speaker commented that compactors are enclosed and screened from site and an awning was added on the tilt enclosure to dress up the rear of the building as it would be visible from Park Street. Mr. Coleville also noted that signage had been relocated to just the center of the elevation rather than spread across the entire elevation.

Mr. Scavo noted that he met with the applicant prior to the Planning Board Meeting and all his outstanding comments had been adequately addressed through the current submittal.

Mr. Myers provided the following written comments that were read by Mr. Scavo regarding this application.

1. All required variances have been granted by the ZBA
2. Stormwater revisions have not been received to date.

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



Mr. Grasso reported that Clough, Harbour, and Associates provided the following comments regarding this application. Mr. Grasso stated that notes that had been prepared and are on file had been addressed, but he would like to see a submission for lighting on the building.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that, after review of the project plan, the Commission issued no further recommendations for the Planning Board's consideration.

Mr. Werner commented on the location of the driveway on Old Route 146 and traffic that comes in from Route 146. He then addressed the Exit 9 study and potential future configuration along there and stated that traffic from Park Ave could become more of an issue and that the usage from that direction needs to be examined.

Ms. Pace asked for a description of the drive thru/bypass lane. The applicant noted that it would be only one lane. Ms. Pace then recommended moving the entry from Old Route 146 over to the East more.

Mr. Ophardt suggested shortening the cross walk to the front from the sidewalk at Old Route 146. Mr. Ophardt asked for a bit of an island at the front of the building.

The representative stated that this was a plan based on Walgreen's plan and he would have to check with corporate planning.

Mr. Bob Miller addressed the sidewalk and bump out as brought up by Mr. Ophardt. Mr. Miller indicated that it might be made diagonal from the West to the front door. Mr. Miller also stated there would be a concern of creating a cut through in the parking lot from Old 146 to Park Ave (through the drive thru lane) if the entry on Old 146 is moved to the Eastern edge of the property.

Mr. Werner asked if there were any traffic study numbers that have been generated noting that current conditions are likely to be quite different than future. Mr. Werner reiterated that he is concerned with the intersection.

Ms. Pam Marshall, 5 Fairlawn Court, stated that she would rather use Park Avenue to enter than Old Route 146.

Ms. Catellier also noted that she would use Maxwell to Park. She then asked if could be recommended to DOT that it should only be a right in, right out lane on Old Route 146.



The applicant stated that he would get more traffic generation information for the Board.

Ms. Pace commented on rampways to the front door being much easier to maneuver than curbs.

Mr. Hale suggested speed tables might be good along the bypass lane near the drive thru and can be helpful in moderating speed and added that they are easier to maintain for plowing and highly visible to drivers.

Mr. Miller mentioned the concern is not so much speed as it is volume in that lane if used as a cut through.

Mr. Hale suggested Maple rather than Locust trees near the McDonald's property line, then he asked about height of the sign. The representative stated that signs will be above the existing crabapple trees.

Mr. Hale showed some alternative peaked roof depictions from Walgreens' that he felt had more interest than the flat roofline that was currently shown in the elevations.

Mr. Coleville stated that peak roofs might be possible but serve no function in the design of the building, as well as being more expensive. Mr. Hale mentioned that green roofs might be an alternative to standard flat roofing. The representative stated that does not meet Walgreen's criteria and specifications and that they have to balance budget vs. appearance and fitting into community.

Mr. Ophardt expressed his preference for a pitched roof and noted that precedence had been set at some of the surrounding buildings on the main street that ran through our town.

Ms. Paulsen and Ms. Pace agreed with Mr. Ophardt about pitched rooflines. Mr. Bulger asked if Planning Board would like to see changes. Mr. Hale asked if Walgreen's could be approached to ask for a design change. Mr. Miller asked to see the photos that show the different elevations. Mr. Miller stated that he would be willing to look into it but that he would not want to be held to a standard that others in the area are not held to adding that it would have to work financially too.

Mr. Bulger stated that the sketch as shown looked good to him and he appreciated changes already made.

Mr. Hartnett referenced the new Exit 9 study that he believed would be asking for newer buildings to be held to a higher standard.



Mr. Bulger asked them to look at traffic mainly and then come back with revisions.

[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 – Revised Preliminary site plan review. **Last seen on 1/13/09**

[2008-037] **Clifton Park Center Mall Hotel** – Proposed 4 story hotel, Clifton Country Road – Revised Preliminary site plan review. **Last seen on 1/13/09**

Mr. Joe Dannible, as a representative for the applicant, and Donald MacElroy, presented this application. He showed the site plan and hotel and mall elevations. Mr. Dannible addressed the traffic patterns on the north side of the mall renovation, and along the front of the mall along Clifton Country Road. He stated that two restaurant alcoves had been added at the northeast and northwest corner of the mall renovation for patio seating. He noted a retaining wall in front of the hotel and passed out photos of examples. Mr. Dannible also showed images with proposed views of the hotel from various vantage points surrounding the property. Next Mr. Dannible showed a graphic noting the existing and proposed pedestrian sidewalks and crosswalks in the area along Clifton Country Road. He asked that approvals would be conditional upon satisfying comments by staff and engineers.

Mr. Scavo offered the following comments. The structure that was shown on the depictions gave a good idea of what would be shown as far as scale but not necessarily showing details of elevations.

Mr. Myers provided the following written comments that were read by Mr. Scavo regarding this application. The variances had been approved.

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

Mr. Grasso reported that Clough, Harbour, and Associates provided the following comments regarding this application. Other comments previously submitted and held in the file had been addressed.

1. The previous plan indicated a crosswalk located north of the proposed renovated building accessing additional parking across the mall entrance drive. The current plan does not provide a pedestrian access to this location. While the response letter indicates that future development plans will include this pedestrian connection, we feel that the installation of the connection is warranted with the currently proposed development. A limited number of parking spaces are proposed along the north and west



sides of the renovated building making the northern parking area a desirable location for additional parking.

2. The response letter indicates that the applicant will provide foot-candle readings of the existing site lighting and that no new site lighting is proposed. It should be verified that the existing fixtures will adequately illuminate the proposed parking areas that are currently located within the building limits.
3. We previously discussed use of a mountable curb for the one-way access drive to provide a visual clue to the restricted turning movements. A stop sign and stop bar should also be provided at the intersection of the existing access drive and the one-way drive aisle.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that, after review of the project plan, the Commission issued no further recommendations for the Planning Board's consideration.

Mr. Werner questioned the signage along the northwestern entrance into one way traffic and he stated that he thought some kind of textured block might force the right turn at that corner for traffic heading north along building. Then he asked for clarification of materials used in retaining wall along Clifton Country Road by the Hotel. Mr. MacElroy stated that it would blend in with the same stone and material as used on the hotel itself.

Mr. Bulger asked if simulated photos would be generally accurate to the actual building. Mr. Dannible stated that scale and height is most accurate and that they show a fairly close idea of the elevations. Mr. Bulger noted that the Board would want to see what the elevations are. Mr. Bulger noted that approval could be granted with a condition to approve the elevations in a future discussion item. Mr. MacElroy asked if the elevations could be sent over, could it be put on next agenda for Final Review.

Mr. Ophardt commended the applicant for his graphic on pedestrian walkways and activity. Mr. Bulger asked for clarification on the crosswalk with Zaika and Mr. Andress stated that at the final meeting with Zaika Restaurant, they had agreed to put sidewalk striping wherever the Planning Board recommended near their entry.

[2008-052] **DCG – Clifton Park Center Mall Renovation (NW)**

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

[2008-037] **Clifton Park Center Mall Hotel** – Proposed 4 story hotel, Clifton Country Road – Revised Preliminary site plan review. **Last seen on 1/13/09**

Mr. Koval moved, seconded by Mr. Werner, 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. Bulger moved, seconded by Ms. Pace, to grant preliminary site plan approval. The motion was unanimously carried.

- B. [2007-055] **Conifer Village at Clifton Park** – PDD – Proposed 80 unit apartment complex, Rt. 146 and Waite Road – Final review and possible determination. **Last seen on 1/13/09**

Mr. Gavin Villaume, as a representative for the applicant, presented this application. Mr. Villaume noted that landscaping and emergency access around the building was the biggest issue to address from previous meetings. He stated that large trees should provide some screening from Route 146 and along Waite Road and an easement was granted to the hydrant per conversations with Don Austin from CPWA.

Mr. Scavo offered comments prepared by the Planning Department.

- Landscaping plan should depict a planning schedule of type, height and caliber of plantings.
- A Landscaping security deposit will be required to be held one year beyond the final site plan inspection.

Mr. Myers provided the following written comments that were read by Mr. Scavo regarding this application. Hydrants will be required to be added at the ends of the access road at a minimum.

1. I have not received the revisions to the stormwater plan.
2. NYSDEC will be the responsible agency for enforcement of the SWPPP on this project since the Town of Clifton Park did not sign off on the project. The Town will still conduct inspections.



3. A permit for discharging to the wetland should be obtained from the appropriate agency.
4. Documentation by a licensed P.E. will be required as proof the proposed access road will meet the fire code requirements (75,000 Lb. vehicle, 20' wide road).
5. Confirm utility lines (power, cable, and phone) along Waite Road will be maintained at a minimum of 18' above entrances to project. All utility entrance lines to building should be underground and shown on site plan.

Mr. Scavo noted that Ms. Sheryl Reed had the following written comments.

1. If the proposed building is 30 ft. in height above the lowest level of fire department vehicle access, the fire vehicle access road shall be capable of accommodating fire departments aerial apparatus and have a width of 26 feet.
2. Post both sides of the fire access road with "No Parking – Fire Lane" signs.
3. Provide a plans note on the approval site plan stating that the fire access road shall be maintained year round including snow/ice removal and allowing for a minimum width of 26 feet clear opening at all times.

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

1. The response letter indicates the sewer report and comments received from Saratoga County Sewer District and McDonald Engineering will be forwarded to CHA and the Town. These reports have not been provided for review. The report should update the analysis of the Corporate Commerce sanitary sewer system prepared by McDonald Engineering and should include the proposed Waite Meadows Subdivision and the 21<sup>st</sup> Century Park Senior Housing. *Permit application needs to be sent in.*
2. A revised traffic study was not provided with the recent submission as previously requested and indicated. The response letter indicates the applicant has made a \$70,000 financial commitment towards future area impacts. At the last Planning Board meeting there was a request that a sight distance evaluation and gap analysis be conducted at the intersection of Waite Road and NYS Route 146. The evaluation should take into consideration the sight distance required for 85<sup>th</sup> percentile travel speeds and understanding the residents of the senior housing complex may require greater gaps to safely pull onto NYS Route 146. If improvements are deemed required, the timing and costs involved should be discussed with the Planning Board to determine if immediate improvements are required.



3. A note has been added to the plan indicating that the proposed watermain will be installed 20' from the base of the 38" diameter tree. The note also indicates that the owner may choose to remove the tree. Removal of the tree should be discussed with the Planning Board as the preservation of this significant tree has been depicted on the previous site plans. *The applicant is trying to preserve the tree, but it has suffered significant damage from the ice storm and can not say until Spring if it will survive.*
4. The response letter indicates the water supply report will be provided prior to plan stamping. We have not received a copy of the report.
5. The receiving pit associated with the water service connection appears to be located outside of the existing utility easement. Additional easements appear required.
6. The water main profile should include stationing.
7. The right-turn sign at the rights in/rights out entrance does not appear to be properly placed and a "No Left Turn" sign is required for southbound vehicles.
8. The landscaping plan lacks specification of species and sizes of plant material and the extent of landscaping is inadequate for the size and type of facility in this area. Fast growing columnar trees should be used to break up the scale and height of the structure when viewed from public right-of-ways.

Mr. Bulger would like confirmation that sight distance is ok on the road and a plan on what might be needed to improve if deficient.

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:

This project has the potential to change the visual character of the project area. To date, the ECC has not received the visual impact assessment for review as previously requested.

Mr. Werner suggested larger trees be planted along the back property line with condition for final approval.

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



**III. New Business:**

[2009-003] **Pilczuk In-Law Apartment** - Proposed conversion of a residence to a 2-family, 809 Plank Road - Conceptual site plan review. SUP

Mr. Scavo, acted as a representative for the applicant, as the applicant was forced to leave due to the late hour of the meeting and a prior conflict. He noted that code does not specifically address in-law apartments. He therefore stated that the request be treated as a 2-family dwelling unit with the condition under the Special Use Permit being considered that the applicant is restricted to immediate family members only within both dwelling units. Also, he commented that he would request the driveway also be restricted from any future expansions as a condition of the special use permit.

Mr. Scavo offered comments prepared by the Planning Department.

- The proposed in-law apartment will need to meet all building code requirement for a two-family dwelling unit.
- A public hearing will need to be scheduled for preliminary review consideration and consideration of the Special Use Permit.

Mr. Myers provided the following written comments that were read by Mr. Scavo regarding this application.

- Conversion of home to 2 family residence requested approval of SUP by Planning required.
- If approved a building permit for the conversion will be required.

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 no further recommendations for the Planning Board's consideration.

Mr. Hale asked if it was in a PUD, were there any provisions for an in-law apartment at all in the Town Code.



Mr. Pelagalli reiterated the provisions for in-law apartment do not exist. If this was in a PUD, then it would not be an allowable use and that would need to be checked before going forward. Other wise, Mr. Pelagalli noted that it might require an amendment per the Town Board. Mr. Pelagalli stated that it would be verified prior to the next meeting.

Mr. Bulger stated that it will be looked into to clarify the zoning of the particular parcel and if it goes forward, the next step will be a public hearing.

V. **Discussion Items:** None

**Minutes Approval:**

Mr. Bulger moved, seconded by Mr. Ophardt, approval of the minutes of January 27, 2009 as written. Ayes: Ophardt, Larkin, Koval, Hale, Werner, Pace. Noes: None. Abstained: None

Mr. Bulger moved, seconded by Mr. Hale, adjournment of the meeting at 11:55 p.m. The motion was unanimously carried. The next meeting will be held as scheduled on February 24, 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