



**Planning Board Agenda**  
**February 24, 2009**

Those present at the February 24, 2009 Planning Board meeting were:

Planning Board: J. Koval – Vice Chairman, M. Hale, E. Ophardt,  
S. Pace, T. Werner, K. Paulsen, T. Deleonardis (alternate)

Those absent were: S. Bulger

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. Koval, Vice Chairman, called the meeting to order at 7:10 p.m.

Mr. Koval welcomed everyone and introduced Board members and Staff members. The Vice Chairman noted that Mr. Steve Bulger is absent tonight and Mr. Deleonardis, as the Planning Board Alternate will be voting in his place. Mr. Koval noted that Mr. Deleonardis is familiar with the details of each project being considered this evening. Meg Springli from the Planning Department is filling in for Jan Dean as Planning Board Secretary.

Tom Deleonardis led us in reciting the Pledge of Allegiance.



**I. Public Hearings:**

[2005-011] **Abele Builders** - Proposed (26) lot subdivision, 1562 Crescent Road – Continuation of a public hearing on 4/24/07 and possible determination.

Mr. Koval, Vice 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 16, 2009.

Mr Tom Andress, as a representative for the applicant, presented this application. Mr. Andress noted that this is a continuation of a public hearing that was not closed from April 2007. Mr. Andress gave a brief background review of the project since its original conceptual plan for the benefit of the newer members on the Planning Board. The speaker explained that it has been through several revisions noting that the latest plan shows two roadcuts from Crescent Road. One will be a private road with a shared common drive for 6 homes. The other 15 homes will be on a road ending in a cul-de-sac. The speaker noted that they obtained wetland delineations from ACOE and NYS DEC and that Creighton-Manning had done a recent traffic study with stacking analysis for Southbury Road at the Crescent Road intersection. He also stated that an archaeological study had been done adding that the site plans show a restricted area in a location where remnants of an old house were found. Mr. Andress then stated that public water and sewer will be used in the subdivision with low pressure mains and grinder pumps. The speaker noted that the applicant was still working on the stormwater management issues as CHA and ECC have recommended. He stated that the road will not have catch basins and wing-edge curves but will have dry swales to help water run off from the roads, which will still meet town standards.

Mr. Scavo offered comments prepared by the Planning Department. He noted that the project had been prior to the appointment of many of those in attendance. Background notes were sent to newer board members for their review.

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

1. It appears for the second time ABD Engineers has gone directly to NYSDEC for their stormwater permit rather than through the Town. As a result it shall be clearly noted NYSDEC is the enforcement authority for violations of the SWPPP and not the Town.
2. It is my understanding that the Town Highway Department is aware of this project and the maintenance system (dry swales). Written confirmation from the highway department should be included with the plan.



3. The original version of the MS4 acceptance form (not the current version) direct from NYSDEC is also included. I do not believe the Town will review the plan since DEC has already granted the permit.

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

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

We have reviewed the subdivision plan dated March 2007 (last revised 1/30/09), the Stormwater Management Report last revised January 30, 2009 and the Stormwater Pollution Prevention Plan last revised June 24, 2008 all prepared by ABD Engineers and Surveyors for the above referenced project. Our review letter dated April 21, 2008 indicated that additional technical comments would be provided at final review. The following comments from our previous review letters do not appear to be addressed (*additional comments provided in italics*):

1. We are concerned with the long term maintenance responsibility of the proposed dry swales. Regular maintenance of the pea gravel diaphragm and underdrain will be required by the Town. It does not appear as though access is provided to clean the underdrains.

Mr. Romano recommended a meeting with CHA, Steve Myers and the applicant to satisfy these issues.

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:

After review of data presented at our February 17, 2009 meeting, the ECC again reiterates the following comments:

1. Although the project appears to meet each numeric requirement for the protection of Federal Wetlands, the intensity of the development continues to raise concerns to the ECC that the subdivision will not meet the intent of the Town of Clifton Park Comprehensive Plan; i.e., maintenance, liability, environmental and esthetic issues.
2. In sum, the ECC'S assessment is that this subdivision should not be approved by the Planning Board as presented.
3. Additionally, the ECC supports the concerns expressed by the US Army Corps of Engineers in its letter dated December 12, 2007.

Mr. Deleonardis asked Mr. Address to describe the roads in relationship to the ponds and wetlands and streams on the property, which Mr. Address then did.



## PUBLIC COMMENTS

Dan Hartnett, 32 Southbury – stated that he does not think it fits in with the character of that neighborhood with small lots and small homes. The speaker added that there are no shared driveways in the area. Mr. Hartnett stated that traffic does back up in that area all the time. Then, he also stated that water is a problem in the area and that the neighbors have all had to mitigate plumbing issues. In addition, Mr. Hartnett noted his concern about the number of mature trees that might be cut.

Mr. Andress replied that these were all good issues which they had been working on with the planning board. He noted that there are places on the property that will be no cut zones for the builder within preservation easements adding that ACOE delineated a lot of areas within the wetland buffers. Then, Mr. Andress addressed the drainage issues. Mr. Andress stated that existing bike path will be turned to Town and is adjacent to Town owned land.

Margaret Catellier, 26 Royal Oak Drive, asked if sump pumps would be needed. Mr. Andress stated yes, adding that basements would have to be 2' above water level. She asked why town allows developers to continue to put homes where they need pumps to keep cellars dry. She stated that more water problems have appeared as more developments are built adding that a new project will affect people who already live there. Then, Ms. Catellier asked Mr. Pelagalli if there is something that can protect existing homeowners. Mr. Pelagalli stated that the area is zoned residential and that the Planning Board is relegated to the task of seeing that a development fits into the allowable use and he noted that the use of sump pumps would not likely be enough for the Planning Board to deny a project. Mr. Koval stated that stormwater regulations have been made much more stringent in the last few years and as such, the planning staff and engineers are carefully looking to see that water from the site is well handled. Mr. Andress stated that the water table is a big concern and they have been carefully working on it for 2-3 years now to get the grading high enough and at the same time conserving trees.



Motion to close Ms. Pace, 2<sup>nd</sup> Ms. Paulsen at 7:45 pm. Motion unanimously carried.

Mr. Hale noted that he supported the use of bioswales vs. concentrated basins for stormwater management, because they are more ecologically friendly.

[2009-001] **Masseria & Gonseth, Land Transfer** – Proposed land transfer from 48 Hubbs Road to 60 Hubbs Road – Preliminary public hearing and possible determination. Last seen on 1/13/09.

Mr. Koval, Vice Chairman, called the public hearing to order at 7:50 p.m. The Secretary read the public hearing notice as published in the Daily Gazette on February 16, 2009.

Mr. Dwayne Rabideaux, as a representative for the applicant, presented this application. He noted the lot line adjustment as shown on the site plan.

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

Mr. Myers provided no written comments regarding this application.

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 recommendations for the Planning Board's consideration for this project.

#### PUBLIC COMMENTS

NONE

There being no further public comment, Mr. Koval moved, seconded Mr. Werner to close the public hearing at 7:52 pm. The motion was unanimously carried.

Mr. Ophardt 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 SEQR. The motion was unanimously carried.



Mr. Hale moved, seconded by Mr. Deleonardis, 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. [2008-037] **Clifton Park Center Mall Hotel** – Proposed 4 story hotel, Clifton Country Road – Final site plan review. Last seen on 2/10/09

Mr. Don Macelroy, as a representative for the applicant, presented this application. The elevations had been emailed to the board and based on some feedback received, the applicant made some changes to the elevation that faces the Northway, adding some extra windows.

Mr. Scavo noted that some of the staff and Planning Board suggestions were incorporated into the design. He then noted that the project had received preliminary approval from the previous Planning Board meeting. The only consideration to be addressed was the removal of the condition that the applicant provide visual rendering that met the satisfaction of the Planning Board.

Ms. Pace commented that the extra windows helped the appearance. Mr. Macelroy noted that there were some limitations due to the interior design of the building. He also added that there will be an access door from the inside of the mall into the hotel.

Mr. Werner asked if a specific hotel chain might want changes to the plan. Mr. Macelroy stated that the design is intended to fit in with the other mall renovation.

Ms. Paulsen liked the character of the entryway façade as it faces Clifton Country Road. She noted that driving from the Northway, and seeing this building as it appeared in the renderings could be made more artistic. She added that it would be quite prevalent from the Northway and would like it to be more appealing. Mr. Werner stated that he preferred the roof line of the Marriott by exit 12 from the Highway. Mr. Macelroy noted that was his own project and reiterated that the architect is trying to mimic the rest of the mall renovation but that something might be able to be done to help add character.

Mr. Hale agreed that the roof line does fit into the surrounding area. He added that windows and wall breaks help the appearance of the eastern elevation.



Ms. Pace asked for clarification on the view of the elevation. The drawing does not show the mall as it would be seen on the lower level. Mr. Macelroy stated that he might be able to do that for the next rendering.

Pam Marshall, 5 Fairlawn Drive, stated that it is going to be visible from the Northway but that in order to be a success, it must be appealing.

Mr. Macelroy agreed with that comment.

Dan Hartnett stated that the connection of the walkway across Clifton Country Road needs to be restriped.

Mr. Myers provided no additional written comments regarding this application.

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

Mr. Grasso reported that Clough, Harbour, and Associates stated that other comments previously submitted and held in the file had been addressed.

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. Koval noted that the Planning Board looks forward to next submittal.



- B. [2007-057] **Lussier Drive Subdivision** - Proposed (18) lot subdivision, 59 Boyack Road – Final review and possible determination. This project was last seen on 1/27/09

Mr. Lou Buckman, as a representative for the applicant, presented this application. He noted that Saratoga County Sewer District, CPWA and CHA had sent comments that are being addressed. Mr. Buckman gave a summary on water levels as tested for the SWPP. He noted that he was confident that stormwater issues had been addressed.

Mr. Scavo offered comments prepared by the Planning Department. He stated that a note should be added to the site plan that reads: Retaining walls shall be noted in the deed for each respective lot as the sole responsibility of the property owner for ownership, repair, and all levels of future maintenance that may be required. Mr. Scavo then handed Mr. Buckman a written statement with the above notation for inclusion in the site plan.

Mr. Myers provided written comments regarding this application.

1. Per the cover letter a SWPPP was not provided with this submittal yet much of the plan appears in the Engineering Report.
2. Further discussion of the SWPPP including the necessary maintenance agreement with the Town will occur once it is submitted.

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

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

1. Access to the stormwater management areas are proposed via a 20' wide plastic grass paver access road. A detail of the plastic grass paver should be provided. We do not see the need for the bollards adjacent to the two infiltration basins.
2. The plans continue to not depict an emergency overflow for infiltration basin #2.
3. The response letter indicates that the foundation drain laterals for Lot #2, Lot #16 and Lot #17 will discharge towards the infiltration basins. While the laterals are directed towards the infiltration basins, they discharge at a lower elevation than the perimeter access drive and as such will not drain to the basin. We are concerned with ponding around the lateral outlets.





4. Drywells have been added to each of the lots however, the plans do not depict if the roof drainage will be collected by the drywells. It should be verified that an adequate overflow is provided at each drywell by either a pipe connection to the storm sewer systems or by overland flow.
5. It should be verified that the storage volumes depicted in the stormwater model accounts for the pretreatment area berms. Typically these two areas will be modeled separately. The infiltration area will not be utilized until the pretreatment forebay overflows. As we previously commented, the elevations of the proposed spillways are high in relation to the top of the basin and the inlet pipes.
6. The stormwater management area planting plan does not depict the size of the proposed trees and shrubs.
7. The use and location of the post and chain detail should be verified.
8. The bottom of the proposed bollard at the entrance to infiltration basin #2 is in potential conflict with the top of the storm sewer pipe. The elevation of each should be verified.

*Mr. Romano recommended that these be addressed directly in a meeting with CHA, Steve Myers, John Scavo and the applicant.*

Mr. Buckman stated his belief there is no Crescent Estates Sewer District to deal with. Saratoga County Sewer has sent information and he is waiting for a letter from them.

CHA requested documentation from CPWA that they accept this project and that water flow is adequate.

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

Mr. Hale noted that fencing followed the contours but stated that he did not see inlet protection. Mr. Buckman stated that it was added to the erosion, sediment control plan, but may not be on the set that the Planning Board has. Mr. Hale stated that he expected erosion control material and did not see it. Mr. Buckman commented that in steeper areas, it would be in place. The representative stated that Lot 15 will have additional measures on it. Mr. Hale also asked for standard erosion control notes to be placed on the plan.



Board would like to see the revised SWPP and the letters of acceptance before going further on this project.

Mr. Scavo suggested sending SWPP directly to CHA for their review prior to the next submission.



- C. [2005-060] **Waite Meadows** – Proposed (33) lots (Waite Meadows Subdivision), 626 Waite Road – Final subdivision review and possible determination. This project was last seen by the Planning Board on 10/15/08.

Mr. Dominic Arico of Boswell Engineering, as a representative for the applicant, presented this application. Mr. Arico gave a brief description of the location of the subdivision. Each lot is 1 acre+ with dedicated open space for the Town. The two lots up front are smaller farm areas. He noted the wetlands and buffer zones and drainage of the subdivision on the site plan adding that sewer will run down Waite Road and connect to town sewer on Route 146 with low pressure.

Mr. Scavo offered comments prepared by the Planning Department. Mr. Scavo noted that the Town would like to keep the trail on the paper for future development and the town would be looking for the developer to help put in a trail along Waite Road instead of actually building the back trail at this time. He also asked that the Planning Department receive a copy of the low pressure sewer system engineering plan.

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

In the Engineers report for the water system expansion:

- Page 4 states the stormwater design is for a 10 year storm, the design must include 100 year storm.
- Page 7 states SPDES #NYR10254 which must be for some other municipality

In the SWPPP:

- The submission appears incomplete again
- Handwritten notes where plan sheets should be which say insert page 15 & 16 folded to 8 1/2 x 11
- Again design must cover 100 year storm not 10 year (pg 4). The 100 year storm is noted in other locations
- Submission of the Town's Certification forms is required
- The "SMP Maintenance Manual" consists of 1-2 sided checklist. More appropriate maintenance procedures are required
- The summary of proposed deviations states supporting documents are in Appendix F and are included with the NOI – none of this in Appendix F and the NOI needs a certification from the Town before it can be filled

It does not appear previous comments have been addressed

- Staked hay bales not allowed
- Employee training program not included
- Town maintenance agreement will be required
- Detail Sheet still states Town of Niskayuna



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

Mr. Romano reported that CHA Companies provided the following comments regarding this application. There is very little design detail for the proposed wood chip path and we are concerned about the level of maintenance this will require of the Town if not properly designed. We recommend consideration be given to the Town's standard multi-use pathway section. This should result in a path with appropriate clearing widths, subbase material and depth, and grading. Culverts should be shown and appropriately designed where the path crosses concentrated runoff areas. We continue to remain concerned with the long term maintenance of the proposed wood chip path.

The Trails Committee agreed with the suggestion to go with a path along Waite Road and leave path as a paper trail.

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:

After review of data presented at our February 17, 2009 meeting, the ECC again reiterates the following comments:

1. The ECC recommends that rather than terminating the trail on the roadway by the Stormwater Management Area, the Applicant extend the trail to the main roadway while running parallel to the Boulevard access road.
2. In addition, the ECC has the following comment: If the extension of the trail to the roadway is not required by the Planning Board, the ECC requests an easement alongside the remainder of the Boulevard road so that the path may be completed if desired in the future.

Mr. Ophardt asked what right of way is on Waite Road. Mr. Arico stated 15' so there is still sufficient space to build the trail on the east side of Waite Road and the distance between the road and the trail would be about 7'. The applicant stated that the funds they would have applied to a trail within the neighborhood would be applied to a trail along the roadway but may not make up 100% of the cost of constructing the trail along Waite Road. Mr. Scavo will work with the applicant to coordinate the effort adding that the applicant has complied with CR zoning and did not request any density bonuses.

Mr. Werner commented that the plan shows a striped median between roads 2 and 4 and should be stamped asphalt instead. Mr. Arico stated that has been changed in current plan.



Mr. Hale asked if sight distances had been addressed. Mr. Romano answered that it had been answered previously. Mr. Belmonte noted that development is completely surrounded by wetlands and cannot connect to other surrounding neighborhoods.

Mr. Scavo stated that acceptance of SWPPP could be added as a condition to Final Approval.

Mr. Werner moved, seconded by Mr. Ophardt, 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.



- D. [2009-002] **Bonneau Road Subdivision (Belmonte)** – Proposed (7) lot subdivision, Bonneau Road – Conceptual review. This project was last seen on 1/27/09.

Pulled from agenda at written request of the applicant.



**III. New Business:**

None

**IV. Minutes Approval:**

Ms. Paulsen moved, seconded by Ms. Pace, approval of the minutes of February 10, 2009 as written. Ayes: Ophardt, Paulsen, Pace, Hale, Werner, Koval. Noes: None. Abstained: Tom Deleonardis

Koval moved, seconded by Ophardt, adjournment of the meeting at 9:15 p.m. The motion was unanimously carried. The next meeting will be held as scheduled on March 10, 2009.

**Mr. Tom Werner will not be here in March. Mr. Deleonardis will substitute.**

**V. Discussion Items:**

None

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