

# Town of Clifton Park

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## PLANNING BOARD

Rocco Ferraro  
Chairman

PAUL PELAGALLI  
Attorney

Margaret Springli  
Secretary



## MEMBERS

Michael Hale

Joel Koval

Eric Ophardt

Sandra Pace

Kim Paulsen

Tom Werner

(alternate) Emad Andarawis

Those present at the February 8, 2011 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, M. Hale, E. Ophardt, T. Werner, E. Andarawis  
– Alternate Member

Those absent were: K. Paulsen, J. Koval, S. Pace

Those also present were: J. Scavo, Director of Planning  
J. Grasso, CHA Companies  
M. Montague, ECC  
P. Pelagalli, Counsel  
M. Springli, Secretary

The Chairman, Rocco Ferraro called the meeting to order at 7:04 and ask everyone to stand for the Pledge of Allegiance. Next he announced that the meeting scheduled for February 25, 2011 has been cancelled. The next meeting of the Planning Board will take place on March 8, 2011.

## **Public Hearings:**

7:00pm [2010-017] **One Fairchild Square Subdivision** - Proposed (3) lot subdivision, off Van Patten Drive, Preliminary public hearing and possible determination. 259.-2-58 and 259.-2-83.1.

Mr. Ferraro opened the public hearing at 7:06 pm. The Planning Board Secretary read the public hearing notice as it was published in The Daily Gazette on January \_\_\_\_, 2011.

Tom Andress, consultant with ABD Engineers and Surveyors, presented the subdivision proposal. He noted this is a further subdivision subsequent to the earlier project which subdivided two parcels which have been issued building permits and/or certificates of

occupancy. The speaker showed the site plan that is proposed with the footprints of buildings that will be presented in a future site plan submittal and noted that variances have been obtained with ZBA. Mr. Andress stated that each lot can meet requirements for green space and parking spaces independently although there will also be some common shared parking spaces that may be banked as well. The consultant then commented that utility connections have been shown and an additional hydrant has been brought into site for fire protection. Mr. Andress noted that the applicant needs subdivision approval now so they can market the properties and that site plan approval will be sought in future when exact demands for each parcel are known. The speaker also added that a lot line adjustment is also proposed with this subdivision to add a ½ acre to an earlier parcel much of which will be left green and that an easement for common maintenance and utilities is in place with the prior subdivision and that it will run with the land and will be noted on the stamped plan.

### **Staff Comments**

#### Building and Zoning Director Comments read by Planning Director

- All variances granted 10/19/10 with condition that no additional curb cuts or access be added to Ushers Road or Vanpatten Drive.
- Existing access is acceptable.
- Additional parcel to be combined with Lot A not on previous submissions.
- No additional variances appear to be needed.
- Stormwater issues are being addressed on a site-wide basis rather than per parcel due to conditions.

#### Planning Director's comments

Mr. Scavo stated that any approvals will be strictly for subdivision but will allow permits to be pulled for lot clearing. The Director noted that he met with the applicant and consultant regarding potential tenant for Lot A and that the extra land in the lot line adjustment gives the tenant the best flexibility with parking entirely contained on that site as well as cross access easements and shared parking being noted in place.

#### CHA Comments

We have reviewed the subdivision plan dated January 2011 for the above referenced project as prepared by ABD Engineers and Surveyors and offer the following comments:

1. Our review has been limited to the proposed subdivision. Site plan review will be required as each lot is proposed for development. It should be verified that the site plan comments in our June 3, 2010 review letter are addressed with future submittals. It should be understood that comments relative to the future site plan applications may require revisions to the subdivision plan.

2. The proposed subdivision together with the future site plan applications will constitute a Type 1 Action pursuant to SEQR and a coordinated review should be conducted. We recommend a traffic study be provided evaluating the need for improvements along VanPatten Drive and at the Ushers Road/VanPatten Drive intersection.
3. There are notes on the plan that provide common rights of access, utilities and storm water management across all of the lots within the subdivision. This appears an acceptable approach and would appear to negate the need for defined easements over all such improvements. This should be confirmed as an acceptable approach with Planning Board legal counsel. There are no such notes regarding shared parking. The need for such provisions or lack thereof should be confirmed.
4. The common rights of utilities do not negate the need for each lot to be provided its own private water supply and sanitary sewer service and that all “common” utilities must be made public.
5. The subdivision plan should show the rights of access to the lands of Country Club Acres, Inc. over the access road.
6. The existing buildings on lots A and B should be shown. Because the disposition of lot A will change with the addition of 0.42 acres the lot data including building setbacks, total lot size, setbacks, and greenspace should be shown and tabulated. Similar data should be provided for lot C based on the existing development.
7. The limit of public water and sewer improvements will be very important as the site plans come under review. In order to provide proper coordinated review, the plans should be verified for accuracy by the Clifton Park Water Authority and the Saratoga County Sewer District.
8. A sanitary sewer easement should be extended from the southern property line to the existing manhole that will receive sanitary sewer flows from the proposed buildings. The easement should be dedicated to Saratoga County Sewer District #1.
9. An easement should be provided for all proposed public water mains. The easement location, bearings and distances should be depicted on the subdivision plan.
10. The subdivision plan should indicate any variances that have been granted for the property.

ECC Comments

1. “Per the Water Resources Investigations Report (01-4104), prepared in cooperation with the Clifton Park Water Authority, this project is located within the Colonie Channel aquifer/recharge area. No underground storage tanks shall be constructed on this property; during construction, any temporary above-ground storage tanks shall have secondary containment of no less than 110% of the tank volume to prevent releases to the aquifer/recharge area; during construction, contractors shall have a spill contingency plan which addresses prevention and cleanup of releases of petroleum and/or hazardous materials.
2. Since as noted above, an aquifer recharge area is present within the project limits, the Applicant must design a storm water management system that protects the aquifer resource.
3. The Applicant shall comply with the Town's Hazardous Materials Policy, which can be obtained from the Town Environmental Specialist.
4. This project has the potential to change the visual character of the project area from Ushers Road. As such the ECC recommends that the Applicant be required to conduct and submit a visual impact assessment for Planning Board and ECC review.
5. The Applicant should retain existing vegetation to the maximum extent practical, and use landscaping and grading to provide visual and auditory buffering between the project and adjacent roadway and subdivision.”

### **Public Discussion**

Pam Marshall, 51 Fairlawn, asked for clarification of sidewalk and pedestrian access internal to project from Van Patten Drive to Ushers Road. Mr. Address described the connection with existing sidewalks and proposed new ones.

Mr. Ferraro reminded the public that they may submit their written comments to the Planning Board to be included in the file for review if they would like to do so.

Mr. Hale moved that we close the public hearing at 7:23 pm. Seconded by Mr. Ophardt. All in favor, the motion was unanimously carried.

### **Planning Board Discussion**

Mr. Hale questioned the CHA comments that lot lines could shift in the future. Mr. Grasso said that it would potentially change depending on the buildings as they are planned for site plan review and might require lot line adjustments at that time. Mr. Address stated this is for purposes of marketing and that it might be feasible to adjust in the future with site plan review.

Mr. Werner made an observation that semi-trucks are using the Ushers Road entrance. Mr. Address replied that one occupant, Everett Charles, was currently only ones on site so they are continuing to use it as they always have. In the future they could conceivably use the Van Patten Dr. access. Mr. Address stated that the approach has recently been

improved and is a little easier. Mr. Grasso reiterated past concerns about traffic on this site per prior approval and that a sign might be needed.

Mr. Ophardt asked for clarification on reasoning for large parking area on lot C. Mr. Andress replied that it was designed for flexibility with the number of employees in the future businesses and there is a lot of extra parking available as well as a lot of green space and could be designed as needed. Mr. Ophardt also commended the applicant for the sidewalk layout and asked for crosswalk to Building Lot E. The consultant commented that could be done.

Mr. Ferraro suggested that a note about underground storage not being allowed on site should be put on stamped plan so that future tenants would know about it before purchase. Then Mr. Ferraro asked about the Stormwater management agreement for the whole site and the common maintenance agreement. Mr. Andress stated that it has already been drafted and is in place with the earlier subdivision and site plans on the site.

Mr. Ferraro then suggested trying to consider some “green” design and possible LEED designs for the future site plan review. The chairman also remarked that the Planning Board would like to make sure the buffer along Ushers Road and residential boundaries is maintained going forward and to make sure no clearing happens without site plan review.

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

Mr. Hale offered Resolution #2, seconded by Mr. Werner, to waive the final hearing for this application and to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, and CHA Companies.

Ayes: Mr. Ophardt, Mr. Hale, Mr. Werner, Mr. Andarawis, Mr. Ferraro Noes: none

The chairman also stated for the record, that the applicant will receive a Final Review Letter from Town Staff to note any remaining outstanding items for this application that must be satisfied prior to final stamping of the approved plan.

**Old Business:**

[2010-043] **Ellis Hospital Extension** – Proposed construction of 39,000 sq/ft Satellite Emergency Clinic, 103 Sitterly Road, Preliminary site plan review SBL: 272.-1-40.1

Gavin Vuillaume, consultant with Environmental Design Partnership, presented the site plan which was last presented in December 2010. The speaker noted that this is a 39,000

SF building with the 1<sup>st</sup> floor planned for enhanced urgent care, imaging and labs and the 2<sup>nd</sup> floor housing medical offices. Mr. Vuillaume noted that the old building will be demolished and the new building will be constructed in its place. The consultant remarked that most of the parking will be on the north side of the site and initially the applicant would like to landbank approximately 75 of the 250 parking spaces. It was also noted that the site would utilize the existing road entrance. Mr. Vuillaume then noted that pedestrian access was highlighted internally to the parking lot as well as to the corner of Sitterly Road along Old Sitterly Road which might be connected in the future and landscaping was depicted along the Northway with some buffer to service area. The speaker explained that lower shrubbery was chosen to cut headlights and to buffer parking but not to screen building. Next, a rendering of the building elevation was shown as seen from the Northway. Mr. Vuillaume pointed out where offsite sewer and water connected at Clifton Park Center and Garden Drive. It was noted that CPWA is in agreement and that sanitary sewer will connect near the existing Northstar Chevrolet although a pump station may be necessary. Mr. Vuillaume stated that Creighton Manning will prepare a traffic study and a representative will attend a future meeting to address those issues that are identified.

### **Staff Comments**

#### Building and Zoning read by Planning Director

- Allowed use in a B4 zone.
- Verify R-1 zone across Sitterly Road is the required minimum 100' away. Can be supplemented as needed by planning board.
- Although no setback variances appear to be currently required, other variances may be necessary once further detail is provided.
- A full SWPPP will be required.
- Further comments will be provided at a future date.

#### Planning Director's comments

Mr. Scavo would like to see additional low-lying shrubbery along the Northway although not to hide the building from view of Northway

The Planning Director added that new stormwater regulations will be pursued for this project

#### Per JenViggiani

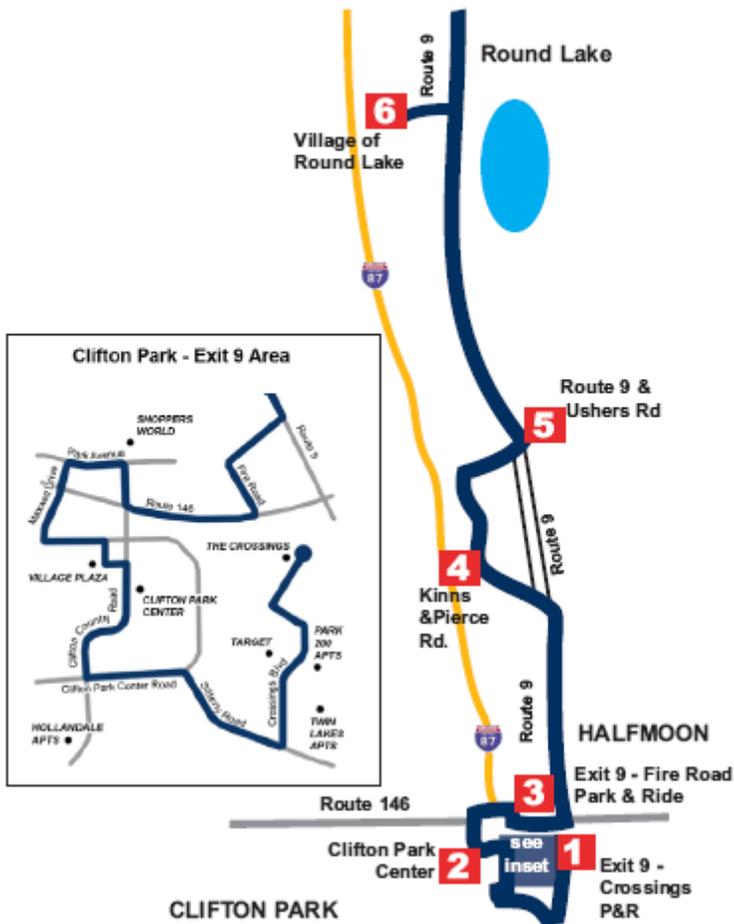
The project should include a traffic study that looks at not only vehicular trips generated by the new project, but also at the existing and projected pedestrian/bicyclist trips and use along Sitterly Road and Clifton Park Center Road, as well as the turning movements associated with Sitterly Road & Clifton Park Center Road. It would be helpful to evaluate movements at Crossing Blvd and Woodin Rd as well, to see where the traffic is coming and going.

**Bus Route/Bus Stop and Bus Pull-off Area.** The traffic study should also take into account, as well as the site plan configuration for pedestrian circulation, that the CDTA is operating a Route 409 Bus Service (Clifton Park, Malta, Saratoga

Springs) along this project site, along Sitterly Road and Clifton Park Center Road. The site plan should identify and note the bus route. The presence of Ellis Hospital would be expected to generate bus riders coming to and from the project site – by employees. The applicant should be in consultation with CDTA for ensuring an accessible bus stop to serve this project site. With the presence of a significant public right-of-way near the location of where the “trail” ends at Old Sitterly Road, this area could be the location for a bus stop/bus pull-off area. Also, see below comments for this location for a crosswalk across Sitterly Road to the south side of Clifton Park Center Road. Below is the bus route.

**409 Clifton Park, Saratoga Springs**

map continues on next panel



Onsite Pedestrian/Bicyclist Facilities –Layout and Circulation.

- The on-site pedestrian circulation plan should include internal site crosswalks to connect pedestrians across internal driveways – to remind drivers of pedestrian travel.
- Ideally, the employer should consider providing for employee bike parking storage that is comfortable and safe to facilitate reduction of employee trips by

car. As a medical facility this seems like a potentially palatable request for consideration at least. This could help reduce need for dedicated parking spaces, and likewise relieve pressure on impervious surfaces and reduce stormwater generated. The Capital District Transportation Committee (CDTC) offers a Bike Rack / Bike Facilities Grant program with a 50/50 grant that is geared for private entities.

- The site plan should note that the property owner will be responsible for private sidewalks on its entire property.

### **Off-Site Pedestrian/Bicyclist Facilities**

CDTC maintains a Priority Network Plan which is a benchmark for regional transportation funding prioritization. Both Clifton Park Center Road and Sitterly Road are squarely on this regional priority network, as part of an important east-west link identified along Clifton Park Center Road, from the intersection of Moe Road, and turning east onto Sitterly Road, all the way to US Route 9 in the Town of Halfmoon. Below is an excerpt of the listing on the Priority Network for these 2.3 miles:

Clifton Pk Center/ Sitterly Rd	Moe Road- US 9	2.3
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Thus, in anticipation of this network and desired future improvements along both Clifton Park Center Road (for off-site water main extension work) and Sitterly Road directly, it is recommended **that the water line extension that is proposed for off-site, along the south side of Clifton Park Center Road, from Garden Drive to Sitterly Road and then onto the property, be “restored” with a co-located trail or sidewalk.** Since the subject project is not being implemented with federal transportation dollars, the width conceivably could be less than the standard 10-foot width for federal multi-use paths. In fact, an uncurbed sidewalk could be considered, that was set off from the edge of pavement and separated from the shoulder by a grass buffer strip, such as was constructed along another section of Clifton Park Center Road, near the Shen School Campus Road and crosswalk.

The site plan should likewise include a crosswalk at Sitterly Road into the property, utilizing the benefit of the traffic light.

The Town of Clifton Park Trails Subcommittee is working on updating the Trails Master Plan, and this concept of linkages along Clifton Park Center Road and Sitterly Road are represented. The Trails Subcommittee is also developing a local complete streets policy for the Town Board’s consideration, and likewise, this proposal of restoring a water line installation with a sidewalk/trail surface as a co-located use is highly compatible with complete streets.

As CHA has noted in its review letter, the presence of utility poles and guy wires will have to be considered already for the water line main installation, just as it will for a sidewalk or trail as restored surface.

**Sidewalks/trails maintenance.** The site plan should note that the property owner will be responsible for private sidewalks on its entire property, while offsite trail enhancements in the public right-of-way could be maintained upon completion, by the Town of Clifton Park.

CHA Comments

We have reviewed the site plan dated January 19, 2011 for the above referenced project as prepared by Environmental Design Partnership LLP. **The following comments from our December 1, 2010 review letter remain to be addressed. Future submittals should include an item by item response to our comments. In general the plans lack sufficient detail to facilitate final site plan review. Additional review comments will be provided as the plans are progressed.**

1. The proposed medical use will generate more traffic than the previous RV Dealership, and of a different nature. A traffic study should be prepared evaluating the potential impacts associated with the additional traffic. In particular the study should evaluate the impacts at the existing traffic signal at the intersections of Sitterly Road and Clifton Park Center Road and Sitterly Road and Crossings Boulevard.
2. Sitterly Road has been identified as needing improved pedestrian accommodations, and this project will increase the need for such improvements. The Planning Board should evaluate and discuss the pedestrian accommodations needed for this project. At a minimum, sidewalks from the facility to Sitterly Road and along the north side of Sitterly Road to and across the intersection with Clifton Park Center Road should be considered.
3. The sight distance at the proposed curb cut location looking left should be evaluated.
4. The relocation of the existing access drive to the adjacent parcels appears to be outside of the existing ingress/egress easement afforded to the adjacent properties. These modifications will need to be done with the consent of the adjacent owners and the easement will need to be revised accordingly.
5. A project narrative should be provided that describes the proposed use, hours of operation, number of employees, shifts, etc. The narrative should include a discussion on the frequency of ambulances, emergency access routes to the facility, and the potential associated impacts.
6. The plan indicates that a fifteen foot vegetative buffer will remain along the Northway. The quality of the existing buffer is poor or non-existent. Substantial improvements should be made, and the fifteen

feet afforded for buffering and landscaping appears inappropriate.

7. The limits of the adjacent residential zoning district should be depicted on the plan. Section 208-46.G of the Code requires a minimum 100 ft buffer from a residential zone shall be maintained and supplemented as deemed appropriate by the Planning Board.
8. The proposed building height should be depicted on the plan. The owner's of the adjacent properties east of the lands labeled now or formerly of Peter J. Belmonte Sr. should be depicted on the plan.
9. Additional details of the proposed traffic circulation at the main building entrance should be provided with future submissions. Given the curvilinear nature and tight radii of the entrance drive, we recommend its width be increased to a minimum of twenty-eight feet.
10. Some of the site drains to the north side of the site which is reserved for future parking expansion if needed. It would appear a storm water management area would be required in this area to accommodate the initial development.
11. We offer the following additional comments:
12. The proposed grading and drainage system and inclusion of conventional end of pipe storm water management areas is not in accordance with the new storm water regulations. A Stormwater Management Report and Stormwater Pollution Prevention Plan should be provided for review that demonstrates compliance with the new requirements.
13. We do not support the proposed construction of a storm water management area with ponding water in such close proximity to the existing residence to the northwest.
14. A culvert is proposed within the right-of-way of the Northway. NYSDOT approval will be required. Additional detail of the drainage system to be replaced should be provided. The existing end section of the 24" CMP pipe is not depicted on the plan and there is limited topography provided in this area. The plan should indicate the limits of removal of the existing pipe.
15. A portion of the proposed stormwater management area is located within the Sitterly Road right-of-way. Permanent stormwater management features should not be located within the right-of-way. Grading within the right-of-way will require temporary grading permits.
16. The plan does not depict how roof run-off will be conveyed to the stormwater management areas.
17. The erosion and sediment control plan indicates a total land

disturbance of 5.8 acres. It should be verified that this acreage includes the off-site utility work. A phasing plan should be provided depicting the disturbance less than five acres at one time.

18. A water report for the proposed public water extension should be provided for review. The limit of proposed public water main should be identified on the plans. The water main should be kept within the Town right of way to a point past the entrance to the facility.
19. Substantial additional detail of the proposed off-site watermain should be provided. The proposed limit of disturbance and the method of crossing Sitterly Road and Garden Drive should be depicted on the plan. It appears the waterline installation may impact utility poles and roadway signage.
20. A profile of the proposed water main should be provided to determine if additional hydrants are warranted at high points along the line.
21. The northern edge of pavement of Sitterly Road should be depicted on the off-site utility plan. It should be verified that adequate separation is provided between the travel way and the hydrant.
22. The proposed cover depth of the watermain and sanitary sewer line should be depicted on the plan. Pipe elevations at all crossings should be depicted on the plan.
23. In general we do not support construction of a sanitary pump station to serve the proposed facility whereas a gravity sewer line is feasible and could serve other properties. It appears that the invert elevation of the existing gravity sewer main and the proposed finished floor elevation of the building will all gravity service. A Muffin Monster or suitable equivalent should be provided on the sanitary discharge line to address inappropriate waste materials from clogging downstream facilities.
24. A portion of the proposed off-site sewer line is located within an existing easement. Additional detail regarding the nature of the easement and permitted facilities should be provided to verify a new sewer line is permitted. It does not appear as though there is an existing easement within the land of Peter J. Belmonte Jr. Installation of a force main or gravity sewer is not possible in the area shown without significant risks of impacts to existing sewer facilities that are already situated in the easement.
25. Because of the developed condition of the site and required phasing of construction a demolition and removals plan should be provided.
26. The proposed material of the dumpster enclosure should be depicted on the plan. Since the enclosure will likely be highly visible, we recommend a masonry structure matching the building be utilized.
27. A photometric plan should be provided. The note regarding building

mounted lights is unacceptable. Details or cut sheets for all building mounted lights should be submitted for review in order to insure no glare or light spillage will occur on public areas or the adjacent properties. Glare reduction shields will be required on all fixtures along the perimeter of parking areas.

28. The site statistics should be expanded to identify required parking and greenspace. The proposed building height should not indicate plus or minus.

#### ECC Comments

After review of the data presented, the ECC made the following recommendations:

1. The areal extent of impervious surfaces should be minimized to the fullest extent practicable in order to avoid reducing subsurface recharge of storm water runoff. ECC recommends green infrastructure solutions to address storm water management and aesthetic concerns.
2. In keeping with the recommendations and goals of the Town Comprehensive Plan, the Applicant should use landscaping to provide visual buffering between the project and the Northway.
3. The Applicant should maintain a minimum 35% green space, calculated for the entire project, excluding the parking expansion area.

#### Public Input

Dan Hartnett, Trails Committee – commented that the Exit 9 study and the Trails Committee had both identified Sitterly Road as a high priority section for a multi-use trail not just a sidewalk. Pam Marshall, resident, also supported a pedestrian walkway in this area. She added that she would like to see some native trees along the Northway side of the project.

#### Planning Board Discussion

Mr. Ferraro stated that the Planning Board would like to see some landscaped plan where it is currently gravel. Mr. Vuillaume stated it might be turned into a lawn area with some planting.

David Leonard, 15 Sonat Dr. asked whether this was a 24/7 facility. The applicant responded that it would operate 10 am to midnight. The resident stated that he had concerns about the lighting that might disturb adjacent neighbors. Mr. Vuillaume said that lighting will be kept as low as possible and not spilling to adjacent areas. Mr. Leonard also asked about ambulances. The Ellis Hospital Representative stated that ambulances would only be transporting patients out of facility as current urgent cares do and not bringing patients in to the facility noting that Emergency Services would continue to transport those patients to full emergency rooms at area hospitals.

Next, a resident asked about landscaping along Sitterly Road and Mr. Vuillaume discussed that plan.

Mr. Werner asked the consultant to describe traffic flow into the entrance. Then, Mr. Werner asked if there were trip generation numbers from a similar type of facility and Mr. Vuillaume suggested that there were none locally but that the documents done for certificate of need did include some of the projections. Mr. Werner commented that the peak study traffic hours should match actual hours of operation, while Mr. Ferraro noted that weekend traffic and possibly holiday traffic could have significant impact due to the traffic at the mall, hotel, cinema expansions.

Mr. Andarawis asked for a summary of building usage. The Business Operations Manager from Ellis Hospital stated that the ground floor would house urgent care, radiology, and lab facilities which would operate 10 am –midnight. The speaker added that the upper floor would house doctor’s offices and the Ellis Management Office which may operate 9 am -5 pm.

Mr. Hale suggested getting some “runoff credits” by improving and decompacting and restoring that former gravel parking area. He also suggested that the current pavement could be recycled. Mr. Hale asked if potentially there could be some green roof planned for facility since Ellis has already done it before at the McLellan Building. The Ellis Representative stated that it is under consideration without being necessarily LEED Certified. Next, roof drainage and irrigation was discussed

Mr. Grasso asked if the Planning Board considered important to put sidewalk along Sitterly Road or not. Mr. Hartnett expressed that sidewalk leading up to bridge might demonstrate need to DOT for widening bridge at time of rebuilding. Mr. Werner suggested referring the issue to the Highway Safety Committee for review.

Discussion regarding the pedestrian trail led the chairman to suggest that the plan warranted further review as to appropriateness of its placement regarding proximity to the street, and commercial properties as opposed to residential properties. The chairman also asked to see what can be done along Sitterly despite the slope issues while maintaining existing vegetation there as much as possible.

[2010-026] **Coburg Village Expansion** – Proposed construction of 78 additional apartments and 170 parking spaces, 1 Coburg Village Way, Preliminary site plan review with possible determination. SBL: 276.-2-54

Gavin Vuillaume, consultant with Environmental Design Partnership presented the site plan review which was last seen on 1/25/2011. Additional information was provided and worked out in a meeting between the consultant and the Town designated engineer, CHA. A plan was shown that highlighted sidewalk connectivity for the entire site. Mr. Vuillaume also showed potential drainage that he said will be clarified after snow clears.

The phasing plan was also discussed although the developer would like to build the entire building all at one time if the economy allows. The consultant also stated that the SWPPP – has been designed with the Town Designated Engineer per the earlier regulations, utilizing an existing culvert on Grooms Road.

**Staff Comments**

Building and Zoning read by Planning Director

Need to get these from S. Myers

Planning Director's comments

- Mr. Scavo received written notification from Stewart's that their Legal Department does not want the connectivity across their property and would prefer it to be in the public right of way and connect up to the trail terminus.
- The Memorandum of Understanding regarding Birch Tavern needs to be stated on final stamped site plan and terms need to be recognized.

CHA Comments

Drainage – get CHA email. Confident no significant changes on plan based on calculations still outstanding. Will work with

Mr. Ferraro asked for considerations to be done to types of signs near a residential area and rep indicated no plans to add signs

ECC Comments - no comments

Planning Board Discussion with applicant and staff input

Mr. Scavo suggested that a landscaping deposit could include an amount of money to be held for escrow against a sidewalk not completed if all phases were not completed by a specific timeline so that connectivity would continue even if the building did not.

Mr. Ferraro asked to maintain as much as native plantings as possible along the road.

Mr. Ophardt moved, seconded by Mr. Hale, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. All in favor. None opposed. This motion was unanimously carried.

Mr. Werner moved, seconded by Mr. Andarawis, to waive the final hearing for this application and to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, and CHA Companies. All in favor. None opposed. This motion was unanimously carried.

Mr. Ferraro stated for the record, that the applicant will receive a Final Review Letter from Town Staff to note any remaining outstanding items for this application that must be satisfied prior to final stamping of the approved plan.

**New Business:**

None

**Minutes Approval:** January 25, 2011

Mr. Andarawis moved, seconded by Mr. Ophardt to accept the minutes of January 25, 2011.

Ayes: Mr. Ophardt, Mr. Hale, Mr. Andarawis, Mr. Ferraro

Noes: None

Abstained: Werner

**Discussion Items:**

[2008-041] Northstar Church – SUP renewal

Mr. Tom Andress with ABD Engineers and Surveyors stated that the fundraising campaign is still underway for the building of the Church. Mr. Scavo asked for an annual update of its status to grant an extension of the original SUP. The Applicant had asked for a 3-year extension prior to commencing site plan review. Mr. Scavo suggested that an annual letter regarding the status update of project rather than requiring the item to be on a planning board agenda each year. Mr. Andress stated it could be 5 years before the capital campaign has raised enough funds. The consultant then requested that the SUP be changed to run with the land but would agree to 3-year requirement. After discussion, the Planning Board expressed the opinion that a 3-year extension was preferred with an annual letter to the Planning Director.

[2010-020] Fairchild Square Site Plan

A brief review was given during subdivision review. No further discussion needed.

Mr. Werner moved, seconded by Mr. Ophardt to close the meeting at 9:18 pm. All in favor, the motion was unanimously carried.