

Town of Clifton Park

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PLANNING BOARD

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Kim Paulsen

Tom Werner

(alternate) Emad Andarawis

Planning Board Meeting June 28, 2011

Those present at the June 28, 2011 Planning Board meeting were:

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

Those absent were: E. Andarawis – Alternate Member

Those also present were: J. Scavo, Director of Planning
J. Westfall, Town Planner
J. Grasso, CHA Companies
R. Milano, M J Engineering and Land Surveying, P. C.
M. Montague, Environmental Specialist
P. Pelagalli, Counsel
J. Dean, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance.

[2011-006] **Triller Development, LLC – Subdivision of the Lands of William F. Connors** – Proposed (3) lot subdivision, 491 Moe Road – Preliminary public hearing and possible determination. SBL: 271.-2-42.

Mr. Ferraro, Chairman, called the public hearing to order at 7:05p.m. The Secretary read the public notice as published in the Daily Gazette on June 21, 2011.

Mr. Duane Rabideau, consultant for the applicant, presented this application that calls for the subdivision of 3.13 acres of land in an R1 zone into lots of 1.65 acres, 40,077 SF, and 24,470 SF, respectively, and generally remains as presented at the April 26, 2011 meeting. The smallest

lot will contain the existing house and improvements. The property is located on the easterly side of Moe Road approximately 1,750 feet north of its intersection with Clifton Park Center Road. All lots will be served by public water and sewer. All required setbacks will be respected. Mr. Rabideau reported that the delineated NYSDEC wetlands and associated buffer area located along the easterly property boundary have been indicated on the subdivision plan as has the federally jurisdictional isolated wetland that lies over the property line between Lots #1 and 2. The two new proposed residences will be accessed via a common ingress/egress that will also allow for utility extensions. An equalization culvert will be installed to ensure adequate storage for water run-off.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application. The significant wetlands shown in multiple areas of the property will require permits from the ACOE and NYSDEC. The proposed lots appear to meet zoning requirements for setbacks and lot size. The driveway note on the site plan is incorrect: it should comply with Sections 503 and 511 of the NYS Fire Code which states that driveways over 300' in length must be able to support emergency apparatus weighing up to 75,000 pounds.

Mr. Scavo provided Planning Department comments. As a condition of approval sediment and erosion control plan should be submitted to Building Department and MJ Engineering for review and comment prior to the issuance of a Building Permit. The following note should be added to the plan:

The property owner is required to notify the Town of Clifton Park Highway Superintendent in writing at a minimum of four (4) business days in advance of commencing any street opening activities for utility connections and a curb-cut permit.

Mr. Scavo also asked that the applicant add the following notes to the site plan per Section 86-12 of the Town Code:

- (1) The owner shall clean up all debris or materials left as a result of his work and completely repair damage caused by him to any public or private property, including any existing street he may have used. Resetting of surveying points and reseeding roadside areas are included in repairs required.
- (2) This cleanup shall include regular removal of mud and dirt from existing town roads adjoining the owners project or over which the owner's construction traffic travels on a regular basis. Cleanup shall be as required by construction activity, but may be required at the end of each day as conditions warrant.

Mr. Scavo explained that the comments prepared by the Trails Subcommittee of the Open Space, Riverfront, and Trails Committee were forwarded to all Planning Board members. The subcommittee notes that since the Moe Road Trail crosses the front of this project, the trail should be kept cleared and open for use during construction of this project.

Mr. Randall Milano, MJ Engineering representative and Town Engineer, stated that many of the comments issued in the letter provided in April appear to be adequately addressed. The speaker did recommend that the applicant verify fire hydrant requirements with Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, that a sign-off letter from the Clifton Park Water

Authority be submitted to the Planning Department, and that the proposed grading plan indicate positive drainage away from all structures.

Mr. Montague, Environmental Specialist, reported that the ECC found the preliminary plan acceptable.

There being no public comment, Mr. Ferraro moved, seconded by Mr. Koval, to close the public hearing at 7:16p.m. The motion was unanimously carried.

Mr. Ferraro stated that he has visited the Connors property on several occasions - the last time on Sunday, June 26, 2011. On each visit he has observed standing water on the parcel, causing him to be concerned that impacts to environmental features from additional run-off from proposed impervious surfaces will negatively impact the integrity of the proposed access drive and culvert. He commented that although he generally endorses a "buyer beware" philosophy, he understands that the public often holds a regulatory board responsible for the well being of its citizens. He asked that Board members consider deferring any action on this application until such concerns have been addressed. In his view, the situation could be improved by relocating the existing garage to the southerly portion of the site and installing the common driveway to the north. Another possibility for reducing impacts of the development would be to reduce the number of new lots to one (1). Mr. Ferraro stated that he would like to ensure that prospective homeowners are aware of their responsibility for the maintenance and any "capital improvements" the proposed culvert, its associated substructure, and driveway may require. Summarizing his concerns, he stated that he considered the proposed subdivision to be an "overuse" of the parcel that held the potential for severe impacts to existing conditions and proposed development.

Mr. Hale recalled that Board members had discussed the relocation of the garage at its April 26th meeting. Mr. Rabideau explained that such relocation would significantly impact an existing residence directly to the north and reduce salability of the property. He pointed out that the proposed culvert was designed to "equalize" the retained water area: it was not designed to provide for flowing water. Mr. Hale suggested that engineering review may result in a design that would mitigate changes to the "footprint of the wetlands". Mr. Rabideau stated that he believes that impacts have been minimized. A discussion regarding the topographic features of the site and finished floor elevations ensued. In response to Mr. Koval's question regarding permits for wetland disturbance, Mr. Rabideau stated that no permits were required for the driveway installation. Mr. Koval commented that he found the proposed driveway location more acceptable than its relocation to the north due to impacts to the existing residence on the adjoining property, though he asked for the assurance that existing wetland between Lots #1 and 2 will not significantly change. In response to Mr. Hale's request for information regarding the size of the necessary wetland disturbance, Mr. Rabideau reported that the area of disturbance totaled approximately 1,800 SF. Mr. Hale then recommended that either the driveway be offset or that small "pockets" be created on either side of the drive during site grading and driveway installation to allow for containment of the displaced water and minimal change to the wetland area: Mr. Rabideau agreed that such changes to the plan may be reasonable. Ms. Paulsen agreed that the addition of a note to the plan regarding the homeowner's responsibility for maintenance of the culvert and driveway was sensible, that the driveway location along the southern property

boundary was preferable to its relocation to the north, and that the proposed “offset” of the wetland area disturbed by the driveway seemed logical. Mr. Werner observed that the proposed driveway was not directly aligned with the curb cut for Tracy Court on the opposite side of Moe Road. Since there are no sidewalks located within that subdivision, he saw no need for the installation of a crosswalk between the two properties. Mr. Hale asked if Mr. Kukuk, Highway Superintendent, had been consulted regarding impacts of the development on an existing catch basin along Moe Road. Mr. Scavo reported that Mr. Kukuk found the subdivision acceptable. Mr. Ferraro stated that the Board would defer action on this application until issues surrounding the driveway design and potential wetland impacts are satisfactorily addressed.

[2011-008] **Boni Enterprises - Cole, William and Theresa M.** – Proposed (3) lot subdivision, 310 Vischer Ferry Road – Conceptual review. SBL: 276.-2-9.

Mr. Ferraro, Chairman, called the public hearing to order at 7:00p.m. The Secretary read the public notice as published in the Daily Gazette on June 21, 2011.

Mr. Duane Rabideau, consultant for Boni Enterprises, applicant, presented this application that remains generally as presented at the May 10, 2011 meeting. He stated that revised plans now include details regarding public water and sewer connections. He explained that he is in receipt of correspondence from the NYSDEC Division of Fish, Wildlife, and Marine Resources that states that there are “no records of rare or state-listed animals or plants, significant natural communities or other significant habitats, on or in the immediate vicinity of your [Lands of Cole] site.”

Mr. Scavo reported that Mr. Myers, Director of Building and Development offered the following comments regarding this application. Significant wetlands along the south side of the property appear protected. A full Storm Water Pollution Prevention Plan will be required. The driveway must meet the requirements of Sections 503 and 511 of the Fire Code. The proposal appears to meet zoning requirements, though modifications to the existing residence may require variances due to setbacks and conflict with the LC zone.

Mr. Scavo issued the following Planning Department comments. A sediment and erosion control plan should be submitted to the Building Department and MJ Engineering for review and comment prior to the issuance of a Building Permit. The following note should be added to the plan:

The property owner is required to notify the Town of Clifton Park Highway Superintendent in writing at a minimum of four (4) business days in advance of commencing any street opening activities for utility connections and a curb-cut permit.

Mr. Scavo also asked that the applicant add the following notes to the site plan per Section 86-12 of the Town Code:

(1) The owner shall clean up all debris or materials left as a result of his work and completely repair damage caused by him to any public or private property, including any existing street he may have used. Resetting of surveying points and reseeded roadside areas are included in repairs required.

(2) This cleanup shall include regular removal of mud and dirt from existing town roads adjoining the owners project or over which the owner's construction traffic travels on a regular basis. Cleanup shall be as required by construction activity, but may be required at the end of each day as conditions warrant.

A note must be added to the plan that states: The proposed driveway will not be dedicated to the Town of Clifton Park now or in the future. The standard note regarding the site's proximity aviation activity must be added to the plan.

Mr. Randall Millano, MJ Engineering representative and Town Engineer, reported that nearly all of the comments issued by his firm had been addressed. He asked that the applicant ensure that all proposed grading be shown on the plan to indicate positive drainage away from all structures and that four (4) feet of cover be provided on all sanitary laterals.

Mr. Montague, Environmental Specialist, reported that the ECC found the preliminary plan acceptable.

There being no public comment, Ms. Pace moved, seconded by Mr. Hale, to close the public hearing at 7:56p.m. The motion was unanimously carried.

Mr. Koval asked that Mr. Myers' recommendation regarding the 300' driveway length that requires construction sufficient to support a 75,000 pound vehicle be clarified since it was his understanding that the requirement applied to driveways of 500' or greater. [Mr. Myers subsequently explained that the latest NYS Fire Code requires more stringent standards for driveways 300' in length or greater.]

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

Mr. Koval offered Resolution #4 of 2011, seconded by Mr. Hale, to waive the final hearing and to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of all comments issued by the Planning Department and M J Engineering and Land Surveying, P.C. Ayes: Ophardt, Paulsen, Pace, Hale, Werner, Koval, Ferraro. Noes: None.

Mr. Koval stated that it has been his experience as a real estate agent that home buyers are not always aware of ingress/egress agreements that are associated with a residence. He recommended that information regarding such agreements is incorporated into property deeds. Other members appeared to support this recommendation.

[2010-020] **One Fairchild Square** – Proposed construction of 124,000 SF of office/warehouse space, One Fairchild Square – Preliminary site plan review and possible determination. SBL: 269.-2-58; 259.-2-83.1

Mr. Tom Andress, consultant for the applicant, introduced Mr. Mark Rekucki, applicant, and Mr. Chris Abele, owner/developer of a 7,000 SF building on Lot A of the Fairchild Complex

who were in attendance at the meeting. The speaker then offered a brief history of the project, explaining that Mr. Rekucki has completed more than a million dollars worth of improvements to the site since purchasing it nearly five years ago. There now appears to be significant demand for office/warehouse space in the Exit 10 area because of the development of the Global Foundries manufacturing complex in Malta. In a letter presented to the Board by Mr. Rekucki at this meeting, Mr. Dean Taylor, Associate Broker for Re/Max, states that the “demand [for flexible light industrial space] will continue as companies come to the area to take advantage of the opportunities Global Foundries has created.” It is Mr. Rekucki’s intent to provide such space for supporting businesses within the Fairchild complex that lies in close proximity to Exit 10 within a Light Industrial zone. It is his intention to provide four (4) additional commercial looking buildings within the ±15 acre tract. Mr. Andress stated that there are no wetlands on the property: the site contains generally sandy soils. In an effort to reduce negative impacts to adjoining residential neighborhoods, proposed development will take place a significant distance away from such properties. Although there are some “differences of opinion” regarding storm water management on the site, the applicant and consultant have agreed to work with CHA Companies to prepare an acceptable storm water management plan. The speaker reported that common easements have been established for all parcels and that that information regarding such easements has been incorporated in each individual deed. The easements created include language regarding responsibility for maintenance and capital improvements required for roads, utilities, storm water management areas, and other shared facilities.

Mr. Scavo read the comments offered by the Trails Subcommittee of the Open Space, Riverfront, and Trails Committee. The subcommittee commended the applicant for the “great internal pedestrian and bike connections” within the project and for providing connections to both the Ushers Road and VanPatten trails. It was recommended that the applicant provide a pedestrian connection to Lot E, that a pedestrian connection link the 7,000 SF building located on the southerly side of Lot C to the rest of the site, that the proposed picnic area be connected to other parts of the site, that bike racks be placed at each building, and that a striped crosswalk be provided across VanPatten Drive to the VanPatten Trail.

Mr. Scavo reported that Mr. Myers, Director of Building and Development reported that although the claim has been made that all storm water will remain on site, it has been pointed out to the applicant several times that the grading details do not support this.

Mr. Scavo stated the following comments are offered by the Planning Department. A note must be added to the plan that states the following: No Building Permit is to be issued until a pre-construction meeting is conducted for each of the individual lots. Prior to the issuance of a Building Permit for each individual lot, a security deposit shall be submitted for the value of landscaping improvements and a site-specific inspection escrow account shall be created.

Mr. Grasso explained that comment letter dated June 23, 2011 from CHA Companies elicited a written response from Mr. Andress that specifically addressed each issue of concern. Though many of the comments have been satisfactorily addressed, Mr. Grasso called the Board’s attention to a few items. The first concerned the traffic circulation throughout the site since it appears that while trucks are maneuvering into the loading dock on Lot E, the main access drive will be blocked. Mr. Andress stated that the building in question has been designed as a multiple

tenant building and that it is expected that truck traffic will be limited. He added that trucks would block the effected intersection for “only a short time,” and, since there are no building tenants at this time, it is uncertain what the demand for the loading dock will be. Mr. Werner recommended that the applicant provide a comprehensive traffic control plan that would include pedestrian accommodations with signage. Though Mr. Koval suggested moving the loading dock to the easterly side of the building, Mr. Scavo pointed out that such relocation would necessitate removal of a vegetative buffer that should be preserved. In response to Mr. Ferraro’s question concerning recommendations from the Highway Safety Committee, Mr. Scavo reported that the plan had not been submitted to that committee for review. Board members agreed that a minor modification to the plan would allow tractor trailers to access the loading dock through the parking lot, allowing for easier maneuverability through the site and provide for stacking. Mr. Ferraro commended that applicant for providing internal pedestrian connections, though he recommended that a crossing be provided to the picnic area and that the sidewalk located easterly of the largest building be extended through the site. Mr. Grasso addressed comment number 9, emphasizing that “way-finding” signage would be helpful in directing automobile and truck traffic through the site. Mr. Andress agreed to provide adequate signage. Referencing comment letter item number 10, Mr. Grasso recommended that the landscaped islands be a minimum of 10’ wide: Mr. Andress agreed that this could be accomplished. Mr. Andress also agreed to provide dumpster enclosure details on the project plan sheets, though he stated that no gates will be installed in areas with minimal car and pedestrian traffic. The enclosure near the picnic area will be enclosed with chain link with slats.

Mr. Montague, Environmental Specialist, reported that the ECC is resubmitting the following comments as previously issued the last time this project was considered by the Planning Board. In keeping with the rural nature of the project area and the recommendations of the Town Comprehensive Plan, 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 (roadway, subdivision, school, etc). The ECC notes that an aquifer recharge area is present within the project limits. The applicant must design a storm water management system that protects the aquifer resource. Also, no underground storage tanks shall be constructed on this property. Any temporary above-ground storage tanks installed during construction shall have secondary containment of no less than 110% of the tank volume to prevent releases to the aquifer/recharge area and contractors shall have a spill contingency plan which addresses prevention and cleanup of releases of petroleum and/or hazardous materials.

Mr. Werner questioned whether or not off-site intersections such as those at Ushers Road – VanPatten Drive and Ushers Road – Pierce Road may be approaching levels of service that may require signalization. Mr. Andress stated that the proposed development at the Fairchild site would have minimal impact on traffic in the Ushers Road corridor. Mr. Werner stated that he was unaware of the traffic counts in the area: Mr. Ferraro recommended that the Traffic Safety Committee review levels of service in the area. Mr. Ferraro reiterated his appreciation of the site design that incorporated numerous pedestrian accommodations in the plan. He expressed “mild concern” for preservation of the existing buffer area along Ushers Road and asked that the applicant strictly respect clearing limits and the designated no cut buffer. Mr. Andress offered to ensure that all site lighting function by motion sensors. Mr. Ferraro asked that lighting be minimized in areas that adjoin residential neighborhoods. Board members found the plan

acceptable though Mr. Werner recommended that approval be conditioned upon the inclusion of a comprehensive traffic control plan in the final site plan set and that a note be added to the plan stating that all traffic control striping and signage be installed in accordance with federal highway safety standards.

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

Mr. Hale moved, seconded by Mr. Ophardt, 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, and that the final site plan set specifically include a comprehensive traffic control plan for the site that includes all striping, stop signs, and directional signals for both vehicular and pedestrian traffic and a note on the plan that all such signage will comply with federal highway safety standards. The motion was unanimously carried.

New Business:

[2011-017] **LaVigne, Johnny (Lavigne Financial)** - re-use of an single-family residence as an office, 302 Vischer Ferry Road – Preliminary site plan review and possible determination. SBL: 276.-2-10

Mr. Johnny LaVigne, applicant, presented this application that requests approval to reuse and existing single-family residence as a professional office. The 6.18 acre site is located on the northwesterly quadrant of the Vischer Ferry – Grooms Road intersection, lying within a B3 zoning district. The existing building totals 1,535 SF and is currently served by an existing well and individual septic system, though the applicant proposes connection to existing utilities that lie within the right-of-way along Vischer Ferry Road. Mr. LaVigne proposes no structural changes to the property: basic painting and cleaning will be done to improve the property. The applicant explained that he proposes to use the property as his office, though no clients will visit the site: all client meetings take place at the clients' residences.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application. The building appears to be an allowed use in a B3 zone. The proposed scope of work to the existing house may not require a permit; however, the Building Department should be consulted when renovation plans are complete.

Mr. Scavo offered the following Planning Department comments. A detail showing the sewer connection should be added to the site plan. Mr. Scavo agreed with CHA Companies' comment regarding the location of client meetings. The Board may wish to condition its approval on the assurance that client meetings will take place outside of the proposed office. Referencing the recommendation issued by the Trails Subcommittee of the Open Space, Riverfront, and Trails Committee, Mr. Scavo noted that a 15' right-of-way already exists along Vischer Ferry Road.

Mr. Grasso reported that CHA Companies reviewed this application and provided the following comments. The proposed project appears to be an unlisted action pursuant to SEQRA and, as such, coordinated review is optional. The only involved agencies are expected to be the Town and County Planning Boards with site plan approval and Section 239 referrals being required, respectively. The site is located within the limit of the Vischer Ferry Road Corridor GEIS study area. Based upon the use described in the application materials it appears the proposed use will be roughly the same or less intensive than the previous residential use and as such the application of mitigation fees does not appear warranted. The proposed project appears to be a reasonable re-use of a former residence into a small office space. The proposed concept plan appears reasonable. The change in use of the building may increase the amount of water usage and wastewater discharges. The design engineer should evaluate the capacity of these systems to determine if any upgrades or maintenance activities are warranted at this time. Additional detail regarding the proposed water and sanitary sewer connections should be provided: if the existing well and septic system are to be abandoned this should be indicated. The application indicates that client meetings will take place at the client's residence and not at the proposed office. This should be a condition of site approval as only four parking spaces are provided on the site. Any increase in the intensity of use from what is described in the application should require additional site plan review. It appears that a handicap accessible parking space, striped aisle, and signage will be required.

Mr. Montague reported that the ECC offered no comment on this application.

In response to Mr. Ferraro's question regarding the recommendation that the applicant provide handicapped parking and building accessibility, Mr. Grasso explained that these improvements are required for any building that is to be used commercially. Mr. Hale offered additional rationale, explaining that an identification sign may encourage a handicapped individual to stop at the location to inquire about the services provided: ADA compliant facilities would be necessary to serve such an individual. Mr. Grasso advised the applicant that future development in the area – such as the approved expansion of Coburg Village – may require additional pedestrian improvements and a crosswalk at the Vischer Ferry Road – Grooms Road intersection. Mr. LaVigne stated his support of the town's network of multi-use pathways and pedestrian connections. Mr. Koval described the parcel as a "very visible, very valuable" corner and asked if the applicant had plans for additional development on the site. The applicant explained that he has no plans for expansion of his business or additional site development at this time, though he is aware of the uses that are permitted within the B3 zone.

Ms. Pace 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. The motion was unanimously carried.

Mr. Werner moved, seconded by Mr. Ophardt, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by the Planning Department and CHA Companies. The motion was unanimously carried.

[2011-018] **Trans-Border** – Proposed parking lot expansion, 2103 Route 9 – Conceptual site plan review. SBL: 250.-2-34.3

Mr. Joe Dannible, consultant for the applicant, introduced Mr. Josh Spiegel, owner of the business to be relocated and Mr. Gerry Magoolaghan, representative of Plank Construction Services, who were in attendance at the meeting. Mr. Dannible then presented this application that calls for the addition of fifty-two (52) parking spaces to serve an existing 15,000 SF building located on the easterly side of Route 9 opposite its northerly intersection with Wood Road. The office-warehouse building is located within the LI2 (Light Industrial) zone and is served by the Saratoga County Sewer District #1 and a private well: no changes to utilities are proposed. The applicant proposes to convert the existing space to 10,000 SF of office space and 5,000 SF of industrial space. The site will provide employment for approximately fifty-five (55) workers. Since there are only thirteen parking spaces currently available, the additional spaces are needed to accommodate the increased number of workers and provide for future growth. Mr. Dannible explained that although less than one acre of disturbance is proposed, a full erosion control plan will be prepared and submitted for review to the town and CHA Companies. He reported that the existing shared driveway which serves the Trans-Border building as well as an industrial building located to the east of the property is in disrepair and stated that the applicant will improve the roadway up to Trans-Border's entranceway. It is the applicant's intent to preserve or relocate the mature spruce trees on the site. There are no apparent sewer capacity issues since a main sewer line runs near the site. An enclosed dumpster will be provided and site lighting will be installed as appropriate.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application. The application involves the re-use of an existing building in the LI-2 zone. There does not appear to be any wetlands affected by this proposal and all setback requirements appear to be met. Mr. Myers recommends that some type of erosion and sediment control plan be prepared to address the increased run-off be prepared for review.

Mr. Scavo offered the following Planning Department comment, recommending that the applicant provide a sidewalk along the easterly side of the building to provide a walkway for those parking in the new lot.

Mr. Grasso reported that CHA Companies reviewed this application and provided the following comments. The proposed project appears to be an unlisted action pursuant to SEQRA and as such coordinated review is optional. The only involved agencies are expected to be the Town and County Planning Boards with site plan approval and Section 239 referral being required, respectively. The site appears to be located outside of the Wood Road Corridor GEIS study area. It appears the proposed project represents conversion of an existing light industrial warehouse building into a building with additional office space, with an appreciable increase in on-site parking. In general, the proposed concept plan appears reasonable and represents an appropriate re-use of an existing developed site. Additional detail regarding the proposed use should be provided to verify conformance with the zoning code and the performance standards identified in Section 208-64-F. The plan depicts approximately thirty more parking spaces than required by code. Additional clarification and justification should be provided for the additional parking spaces, as this will result in an increase in impervious surfaces, loss of greenspace, and

storm water runoff impacts. The plan should not provide any more parking than that required to accommodate the proposed use. The existing common drive access appears to be in poor condition. The pavement should be evaluated for necessary maintenance improvements including pavement, striping, signage, etc. The site is served by a private well and municipal sanitary sewer. The capacity of the existing systems should be verified as it appears the project will increase water and sewer demands. Section 208-65-C of the Town Code requires a 25' planted buffer along the rear and side property lines. The site appears appropriately landscaped, with clearing anticipated in the front of the site and to the rear of the site. Measures to reduce the extent of vegetation removal should be investigated. Future plans should verify that the Town requirement will still be met. The site statistics indicate that 30,000 SF of area will be disturbed. The area of disturbance should be recalculated once a grading plan is prepared. Although the area of disturbance associated with the project may not require a SDPES permit and post construction stormwater controls, erosion control methods should be proposed during construction. Additionally, it does not appear as though the site contains existing stormwater management facilities. The proposed plan should include measures to reduce peak flow discharges from the site. The plan does not depict proposed site lighting or refuse locations. Future submissions should address site lighting and refuse storage.

Mr. Montague reported that the ECC provided the following recommendations. The limits of the LC zone and 100 foot buffer zone, DEC wetlands, federal jurisdictional wetlands, and any other environmental features (e.g. ponds, streams), shall be identified on the plot plan. The ECC recommends that this project be carried out in keeping with the goals of tree preservation as stated in the Town Comprehensive Plan to the greatest extent practicable.

In response to Mr. Ophardt's question regarding the use of the existing building to the east, Mr. Magoolaghan reported that it is apparently used only for storage. The applicant and consultant have tried unsuccessfully to contact the owner to determine whether there is an existing maintenance agreement for the roadway. Mr. Hale proposed that the applicant consider land banking some of the parking spaces until their use is warranted, perhaps saving the applicant costs associated with storm water management improvements. Though Mr. Dannible stated that the applicant considers it reasonable to install seven (7) extra spaces at this time to provide for anticipated growth, he agreed to consider all options. Mr. Ferraro noted that many businesses are pursuing "green strategies" when constructing new buildings and parking areas and he encouraged the applicant to consider using pervious materials on a portion of the site. Mr. Dannible agreed to consider use of such materials. Board members found the project plan generally acceptable.

[2011-019] **Panera Bread Co.** – Proposed 335 SF addition to existing restaurant, 22 Maxwell Drive – Conceptual site plan review. SBL: 271.16-1-3.

This application was withdrawn from this evening's agenda at the request of the applicant.

Minutes Approval:

Mr. Koval moved, seconded by Mr. Ophardt, approval of the minutes of the June 14, 2011 meeting as amended. Ayes: Ophardt, Pace, Hale, Werner, Koval, Ferraro. Noes: None. Abstained: Paulsen.

Discussion Item

Mr. Koval moved, seconded by Mr. Werner, adjournment of the meeting at 9:26p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on July 12, 2011.

Respectfully submitted,

Janis L. Dean,
Secretary

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

NOTICE OF DECISION**Resolution #4****Preliminary and Final Subdivision Approval**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on June 28, 2011, there were:

Present: R. Ferraro, Chairman, M. Hale, J. Koval, E. Ophardt, S. Pace, K. Paulsen
T. Werner

Absent: E. Andarawis, Alternate Member

Mr. Koval offered Resolution #4 of 2011, and Mr. Hale seconded, and

Whereas, an application has been made to this Board by Boni Enterprises, LLC for approval of a subdivision entitled Subdivision of the Lands of William C. and Theresa M. Cole consisting of (3) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 28, 2010;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on June 28, 2010;

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and that the subdivision plat entitled the Subdivision of the Lands of William C. and Theresa M. Cole consisting of (3) lots is granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered provided by the Planning Department and M J Engineering and Land Surveying, P.C.

Resolution #4 of 2011 passed 6/28/2011

Ayes: Ophardt, Paulsen, Pace, Hale, Werner, Koval, Ferraro

Noes: None

Rocco Ferraro,

Chairman

