

Town of Clifton Park

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PLANNING BOARD

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Joel Koval

Eric Ophardt

Sandra Pace

Kim Paulsen

Tom Werner

(alternate) Emad Andarawis

Planning Board Meeting August 9, 2011

Those present at the August 9, 2011 Planning Board meeting were:

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

Those absent were: S. Pace

Those also present were: J. Scavo, Director of Planning
J. Westfall, Town Planner
J. Romano, 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. The Chairman announced that Mr. Andarawis would be sitting as a full voting member of the Board in Ms. Pace's absence.

Public Hearings:

[2011-009] Ray Road East – Fedesco Land Development, LLC – Proposed (8) lot subdivision, 43 Ray Road – Reconvening of the preliminary public hearing held on July 12, 2011 and possible determination. SBL: 282.-2-11.111

Mr. Ferraro called the public hearing to order at 7:05p.m. The Secretary read the public notice as published in the Daily Gazette on August 1, 2011. Mr. Koval moved, seconded by Mr.

Andarawis, to reconvene the public hearing that was adjourned on July 12, 2011. The motion was unanimously carried.

Mr. Lansing, consultant for the applicant, briefly described the development site conditions, stating that approximately 23.79 acres of the 53.56 acre property were to be labeled as delineated and verified wetlands. The plan remains generally as presented at the July 12, 2011 meeting. Though the density calculations allow for approval of a ten (10) lot subdivision, the applicant seeks approval of eight (8) residential lots. All lots will be five (5) acres or greater, far exceeding the 40,000 SF minimum lot size requirement. Describing the infrastructure, Mr. Lansing stated that the proposed roadway will be constructed to town standards and water will be provided from an extension of a Clifton Park Water Authority main located near Coburg Village at the intersection of Vischer Ferry and Grooms Roads. Individual on-site wastewater systems, designed by licensed professional engineer will serve each lot. A full Stormwater Pollution Prevention Plan has been prepared. Addressing comment #11 in the latest comment letter prepared by M J Engineering, Mr. Lansing stated that the proposed gate separating the first four lots from the rear four lots will be a visually appealing “ornamental gate.”

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, provided several comments regarding this application. The applicant was requested to provide verification of the postal addresses to the Bureau of Fire Prevention. Per Section D103.4 of the New York State Fire Code, an adequate turn around for emergency vehicles must be provided. Per Section 103.5 of the Fire Code, an approved gate and lock must be provided.

Mr. Scavo read from an e-mail submitted by Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, that stated that although the committee recognized that installation of a large trail section was prohibitively expensive relative to the scale of the project, the committee asked that when the water lines were back filled the developer cover the line with stone dust. This would provide a usable trail until the town could afford to pave it, establishing a link between the neighborhoods along Vischer Ferry Road and Grooms Road to the Mary Jane Row Dog Park.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application. Ownership of the stormwater management areas on a private roadway will – at a minimum – require access easements for the town. Mr. Myers does not recommend that the town assume ownership of these areas that are to be installed on private property. Any maintenance agreement for stormwater must be completed using the “town approved form.” The site statistics table should indicate that the minimum lot size is 40,000 SF – not 30,000 SF. Section 6.5.7 of the NYS stormwater management design manual requires the installation of an 18” minimum culvert pipe. Though three response letters were included with the preliminary submittal, it does not appear that copies of the correspondence were forwarded to M J Engineering for review: a sign-off from the Town Engineer at M J Engineering should be required.

Mr. Scavo reported that all previous Planning Department comments have been adequately addressed, though a note should be added to the plan which states the following: A

pre-construction meeting with Town Staff shall be conducted prior to the commencement of construction.

Mr. Milano reported that M J Engineering prepared the following comments regarding this preliminary subdivision plan after reviewing the revised Subdivision Plans and Stormwater Pollution Prevention Plan (SWPPP) prepared by Lansing Engineering, dated July 22, 2011 for the above referenced project. It appears that the percolation rates listed in the table on the Layout, Materials, & Grading Plan do not coincide with the renumbered lots or the lots that were not renumbered from the previous submission: the table should be revised accordingly. The following note should be added to the Subdivision Plan: "Final detailed on-site wastewater treatment system design plans shall be issued to the Town for review and approval prior to issuance of a Building Permit for each individual lot. All components of the systems as well as requirements for test pits and percolation testing for each individual lot shall comply with the Individual Residential Wastewater Treatment Systems Design Handbook, 1996, published by the New York State Department of Health. The model of the hydrant on Detail 1/Sheet DT-2 should coincide with the adjacent notes on the sheet for the materials required by the Clifton Park Water Authority. The type of proposed curbing should be indicated on Detail 1/Sheet DT-4. NYSDOT Type 4 subbase material should be indicated on Detail 2/Sheet DT-4. A typical driveway culvert section should be included in the details. The section is to indicate the size and material of the pipe including end sections, and show a minimum of 2 feet of cover over the top of the pipe. The inverts for the driveway culvert for Lot #2 are reversed and should be revised accordingly. Although additional silt fencing has been included on the Layout, Materials, & Grading Plan, there are down slope areas adjacent to the roadway that drain to the wetlands that still remain unprotected by the fence. Please indicate additional silt fencing along all areas to be disturbed by roadway construction and adjacent earthwork operations should be indicated on the plan. Erosion and sediment control measures are to be indicated for all off-site areas impacted by the water line installation. At a minimum, a general note should be added to the off-site plans to indicate that all erosion and sediment control measures are to be reviewed and approved by the design engineer and installed prior to the start of construction activities. The foundation drain laterals note on Detail 2/Sheet DT-1 indicates that all foundation drains are to be connected by gravity lines to nearby catch basins: based on the catch basin inverts, finished floor elevations, and criteria provided this appears feasible for Lots #5 thru 8. The consultant is asked to clarify how and where foundation drains will be discharged to from the residences on Lots #1 thru 4. The Planning Board and applicant should discuss acceptable styles for the roadway access gate indicated at roadway station 7+40 near the infiltration basin. Under "Standard Practices" there is a treatment credit of 0.04 ac ft.: clarification is necessary for what the credit is for. If it is for the infiltration basin, there is a statement later in the report that states that the infiltration basin also accommodates the remaining WQv. The consultant is asked to provide calculations for the basin sizing showing this. Provide the WQv elevation within the infiltration basin cross section. State within the Stormwater Pollution Prevention Plan the percentage of RRv treated. Provide the pretreatment calculations to illustrate that the pretreatment requirements for the soil conditions encountered were met for all practices. Within the HydroCAD models, the post development amount of woods is greater than the predevelopment acreage: verify and adjust the HydroCAD model accordingly. The sizing calculation for the dry wells indicates a 6' diameter, though the detail shows a 4' diameter: revise the detail to match the sizing calculation. Provide details for connection to the dry wells and clarify if surcharge pipes will be installed. The dry well sizing

calculations show the requirements for the treatment of 500 SF. Please clarify how the WQv is treated for Lots #1 and 8 where four dry wells are not proposed. Provide a summary of how the dry well design meets the rooftop disconnection requirements. The weir dimensions for the infiltration basin conflicts between the plans and the HydroCAD model: confirm if the plans or the HydroCAD model are correct. The basin forebay should be added to the HydroCAD model to ensure the system will work properly. The Cpv calculation has an impervious area of 1.4 and the remaining calculations show this area as 0.77: verify impervious area. In the reduction practices calculation, #10 shows an RRv of 0.07. This should be labeled WQv. Provide a summary of how the infiltration tests were conducted. Provide the depths at which each test was run and other supporting information. Clearly illustrate the location and provide the calculations for the vegetated swale. The infiltration basin requires one test per 200 square feet of basin area.

Mr. Montague, Environmental Specialist, reported that the ECC reiterated the comments issued for the meeting of July 12, 2011. Due to the wetlands located to the north of the proposed project, the road should not be extended to the north of the cul-de-sac. Lots #6 and 8 should share a common boundary.

There being no public comment, Mr. Werner moved, seconded by Ms. Paulsen, to close the public hearing at 7:18p.m. The motion was unanimously carried.

Mr. Hale thanked the applicant for working cooperatively with the Board to make this project a desirable one. He stated that the design of the gate was of no importance to him since it would not be visible from Ray Road. Mr. Koval was concerned with the gate design only to the extent that it would be accessible to not only emergency service personnel but to town employees for maintenance of the stormwater management areas. He supported the concept of the "stub street" that has been shown on the plan because any extension of the roadway would be dependent upon Planning Board review and approval. Mr. Ferraro stated his support for a possible roadway connection to the north since it allows for a future possible connection and allows for the assessment of impacts and mitigations should a plan for development of the parcel to the north be presented to the Board. Mr. Ophardt asked if the applicant had considered the impact to existing mature trees along Vischer Ferry Road and at the intersection of that road with Ray Road for installation of the water line extension. Mr. Lansing stated that it was likely that the large tree at the roads' intersection would be removed. Board members discussed the Trails Subcommittee's recommendation that the areas disturbed for water line installation be back filled with stone dust. Mr. Lansing explained that the installation is to be done quite close to the existing roadway making it difficult to position the trail without dangerous slopes: proper grading would be difficult. Though Mr. Ferraro asked that the applicant consider cost of trail installation as opposed to restoration of disturbed areas to existing conditions, Mr. Ophardt commented that approval of a trail that was not ADA compliant would not be prudent. Mr. Lansing explained that there was not sufficient room along Vischer Ferry Road to create a level trail at this time. Mr. Ophardt agreed. Mr. Koval also agreed, stating that it would not be wise to "invite people" to use a trail that has not been properly designed and installed. Mr. Ferraro stated his opposition to the use of "chain link" fencing in any part of the subdivision, particularly around the stormwater management areas. He recommended that the boundaries of the wetland areas be defined with split-rail with welded wire fencing – possibly in "sections" dispersed along the boundary lines. Mr. Ferraro requested that specific plot plans and individual deeds identify

the location of the permanently protected open space areas. He asked that meeting record reflect that Board members agree that, due to the circumstances associated with the lands that are to be labeled as open space lands for this particular subdivision, the Planning Board has determined that it is reasonable for those lands to remain under private ownership.

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. The motion was unanimously carried.

Mr. Koval offered Resolution #8 of 2011, seconded by Mr. Werner, to waive the final hearing and to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of the comments issued by the Planning Board, Planning Department, and M J Engineering. Ayes: Ophardt, Paulsen, Andarawis, Hale, Werner, Koval, Ferraro. Noes: None.

[2010-041] **Casale, Tony** – Proposed (3) lot subdivision and commercial development of 54,300 SF of office/retail space in four (4) buildings, 1751-1747 U S Route 9 – Preliminary public hearing, preliminary site plan review, and possible determination. SBL: 272.1-2-7; 272.1-2-8

Mr. Ferraro called the public hearing to order at 7:35p.m. The Secretary read the public notice as published in the Daily Gazette on August 1, 2011. Both Mr. Bianchine, the applicant's representative, Mr. Scavo, and Planning Board members acknowledged that the notice contained incorrect information; however, Mr. Ferraro explained that since the project plan was not detailed enough for preliminary consideration, the Board could review the application as submitted. No action would be taken at this evening's meeting.

Mr. Joe Bianchine, consultant for the applicant, presented this application that was last reviewed by the Board at its October 23, 2010 meeting. He described the project plan, noting that the applicant proposes to construct several buildings on a 6.4 acre portion of a ±11 acre parcel to provide retail and office space as permitted within the B4 zoning district. Since the site rises significantly from the front to the rear – nearly 50' – substantial grading will be required to prepare the site for development. Stormwater will be managed through the use of porous pavement, infiltration, and rain gardens. The site will be served by extension of the municipal water system and connection to the Saratoga County Sewer District via forcemain and grinder pumps. Mr. Bianchine reported that there is in excess of 35% greenspace on each lot. All lots will be accessed by a single curb cut onto Route 9 for which the applicant will seek approval from NYSDOT. Required variances were granted by the Zoning Board of Appeals on April 19, 2011. Appropriate landscaping will be provided throughout the site. There are currently no plans for development of the remaining 4.8 acres that lie within the Town of Halfmoon's residential zone.

Mr. Scavo stated that Mr. Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, noted that the proposed project features “great internal pedestrian connections.” The subcommittee recommends that a bike rack be installed at each building and that the internal sidewalk be extended to the bike lanes along Route 9.

Mr. Scavo stated that Ms. Reed, Chief of the Bureau of Fire Prevention, provided three comments regarding this application in a memo dated July 29, 2011. The applicant must provide adequate access for emergency vehicles to the two-story building located along the property's eastern boundary. A proposed hydrant layout must be submitted for review and approval. Approved postal addresses must be added to the plan.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided several comments regarding this application. Required variances were granted by the Zoning Board of Appeals on April 19, 2011. Since grading and erosion and sedimentation control appear to extend beyond the boundaries of the parcel, written agreements allowing for this work must be submitted to the town. No phasing plan has been submitted: work shall be limited to less than five (5) acres at a time. Comments on the stormwater management report will be provided once a Stormwater Pollution Prevention Plan is prepared by the applicant.

Mr. Scavo offered a number of comments prepared by the Planning Department. The variances granted by the Zoning Board of Appeals as well as date of approval should be included on the site plan. The site plan set should include a sheet that shows existing site conditions. Site plan detail sheets should clarify whether or not a cul-de-sac will be installed. A handicapped parking striping detail should be provided and appropriately-sized access aisles should be shown on the project plan. A subdivision plan absent of any proposed site improvements should be prepared and submitted for Planning Board consideration and approval. Mr. Scavo noted that though both the subdivision and site plan applications are being reviewed concurrently at this meeting, the application will require both site plan and subdivision approvals. The consultant is asked to provide two (2) additional copies of future plan submittals since both the Town of Halfmoon and NYSDOT will be asked to comment on the application. Notes for the operation and maintenance of the pervious pavement should be added to the site plan. The Saratoga County Planning Board recommended approval of the site plan at its December, 2010 meeting. Approved postal addresses must be included on the plan. The entrance for the bank drive-thru shows a dual entrance and exit due to the shared access with the adjacent parking area: this design may result in traffic conflicts. The speaker recommended that the applicant consider relocation of the drive-thru lane to reduce conflicts with pedestrians and drive-thru traffic.

Mr. Romano reported that CHA Companies reviewed the application materials and offered the following comments. The plan should be forwarded to NYSDOT for comments regarding the proposed curb cut and potential traffic impacts along the Route 9 corridor. CHA Companies previously requested that a traffic study be prepared evaluating the impacts to Route 9 which includes a queue analysis of the proposed drive and need for a dedicated left turn lane exiting to the south on Route 9. The traffic study should also be forwarded to NYDOT for comments. The comments received should be provided to CHA for coordination. As previously indicated, access management along the Route 9 corridor is becoming increasingly critical as the few remaining undeveloped parcels are developed. Every application should include physical cross access connections between properties and respective easements. The applicant should research what cross-access easements exist on adjacent properties. If none exist, blanket cross-access easements should be provided as part of this plan. Looking at the Route 9 corridor, it is expected that the first traffic signal that may be warranted to serve the corridor would occur at the Menneto (driving range) property immediately to the north, which would also align directly across from access to the Hoffman Plaza/Wit's End. This project site could benefit from a signal in such close proximity and should be planned accordingly. Given the scale of the project, phasing, etc. CHA Companies previously requested a Full Environmental Assessment Form be

provided for review. A subdivision plan should be provided that depicts the bearing and distances for the proposed lot lines and proposed easements. To promote improved access management along the Route 9 corridor, the potential for cross access easements to the adjacent parcels to the north and south should be investigated. Section 208.50.36 of the zoning code states that when abutting a residential zone, a minimum 100 foot buffer shall be maintained and supplemented as deemed appropriate by the Planning Board. The zoning in Halfmoon is residential: a 100 foot buffer is not provided along the town boundary line. Section 208.50.5 of the zoning code states that side yards shall be planted with trees and shrubs for a width of 15'. Although a limited planting schedule is provided, the proposed plantings are not depicted on the Landscaping Plan. The grading plan depicts work on the adjacent parcels to the north and south. The clearing and grading limits associated with site development should be depicted on the plans and additional information regarding the "agreement" with the adjacent land owners should be provided. The proposed grading depicts a significant amount of excess material within the existing site. The impacts associated with the removal of the material, including the vehicle traffic, should be evaluated. The Bureau of Fire Prevention should review the fire access and hydrant locations. It appears that the Phase I of the development will not include the construction of the cul-de-sac. A limit of clearing and grading that depicts the limit of vegetation to remain should be depicted on the plan. The plan depicts one dumpster for the Phase I development. It should be verified that the dumpster is adequately sized to serve both buildings. An enclosure is not proposed for the 5,300 SF bank/office building. It is assumed that all refuse will be contained within the building. It appears a culvert should be provided at the proposed curb cut to Route 9. Additional grading detail should be provided within the lawn areas around the proposed buildings. The area north of the 20,000 SF building appears to be flat and will not drain to dry well #7. Additionally, limited detail is provided south of the bank/office and north of the retail/office building. The grading depicts runoff being directed to the existing office building to the south: additional detail on the conveyance of the runoff should be provided. The spot elevations around the 12,000 SF retail/office building appear to depict curbing; however the proposed limit of curb cannot be determined on the plan. Handicap parking and no parking signs should be depicted for all accessible spaces and striped aisles. Additionally, all striped aisles should be depicted on the plan. The existing and proposed limit of vegetation should be more clearly represented on the plan. The proposed traffic control signage should be labeled on the plan. The size of the water and sanitary sewer services should be depicted on the plan. The location of the proposed rain garden(s) should be depicted on the plan and additional detail of the proposed plantings within the garden(s) should be provided. The location of the proposed building mounted lights should be depicted on the plan. The proposed lighting levels should be reviewed. Based upon the limited lighting levels provided, there are areas of parking that will have less than 0.5 footcandles. A more detailed photometric analysis that takes into account all light sources should be provided. The erosion and sediment control plan should depict the entire scope of work associated with the project. The grading within the eastern portion of the property is not depicted on the plan. The significant amount of grading to occur will likely require the clearing and earthwork portion of the project to be phased. The phasing should be represented on the erosion and sediment control plan as additional control measures may be required at different stages of the work. The proposed silt fence should be installed parallel to the proposed contours. The significant amount of grading will require additional phases of silt fencing than currently depicted on the plan. The erosion and sediment control plan should depict a topsoil stockpile area. The erosion and sediment control plan should depict the temporary sediment basin locations and swales to convey the runoff to the basin. In accordance with the NYSDEC Stormwater Design Manual, the bottom of the porous pavement section should be flat to promote infiltration into the underlying soil. As such, the thickness of one of the components of the section will need to vary to allow for a flat bottom: additional detail should be provided. The geotextile fabric provided at the bottom of the pavement section should be non-woven to allow for exfiltration into the underlying soils. Architectural elevations of the proposed buildings should be provided for review. The plan should list the granted variances.

Mr. Romano explained that CHA Companies provided the following comments on the Draft Stormwater Pollution Prevention Plan (SWPPP) dated July 19, 2011:

- The SWPPP references a stormwater management report that was not provided in the submission. The report should discuss the appropriateness of each of the proposed practices and conformance with the design manual.
- Section 1.4 should include additional data and maps of borings/test pits to determine the condition of the underlying soil condition. Since the stormwater management design will rely on infiltration, the depth of groundwater and the percolation rate of the underlying soils will impact the design.
- The SWPPP must include documentation supporting the determination of permit eligibility with regard to Part I.D.8 (Historic Places or Archeological resource.)
- Appendix B should include the Notice of Intent and MS4 SWPPP acceptance forms.

The total disturbed area and total proposed impervious area should be included in the Stormwater Pollution Prevention Plan. Disturbance of greater than 5 acres at one time will require a waiver.

Mr. Montague, Environmental Specialist, reported that the ECC requested that the applicant indicate the proposed amount and location of greenspace within the Town of Clifton Park portion for this project. The ECC notes that Sheet 1 of the site plans indicates four proposed buildings: the remaining sheets show only three buildings.

Mr. Werner supported CHA Companies' recommendation for the preparation of a traffic study, stating that analysis of traffic projections at peak hours would be useful in determining if mitigation measures may be warranted. He asked that the applicant provide more detailed information regarding landscaping, proposed architectural designs, and signage providing internal directions to guide travelers to their appropriate destinations. Mr. Koval recommended that substantial landscaping be provided along Route 9 and that the applicant consider a reduction in the parking area proposed for the building fronting Route 9 on Lot #2. Mr. Ophardt expressed concerns regarding the traffic pattern proposed for Lot #1 and recommended that the applicant consider a one-way in/one-way out design to eliminate the possibility of a head-on conflict for those leaving the drive-thru with those using the parking area. The speaker also asked that locations for dumpsters and plans for phasing the development be submitted. Mr. Ferraro recommended that the consultant prepare plans that are consistent throughout noting that the application materials submitted show both three and four proposed buildings. He asked that the plan clearly illustrate the proposed internal circulation patterns for traffic and the relationship to properties to the north and south. He suggested that a service road may be useful in providing a link between adjoining parcels. At a minimum, the applicant was asked to provide easements to these parcels. Though Mr. Bianchine explained that there are no plans to develop the portion of the property that lies within the Town of Halfmoon, Mr. Hale noted that since there is no access to that portion of the property from the east, the applicant may need to provide for access from the development site. He recommended that the applicant consider construction of a two-story building on Lot #2 and noted that the proposed rain garden may limit site development. Mr. Ferraro recommended that the parking for the front building on Lot #2 be reduced to a single line. Mr. Koval agreed and suggested that the building be moved forward. Mr. Ferraro

commended the applicant for creating an inviting network of internal walkways, though he asked that those walkways be extended to Route 9 along the southerly side of the proposed entryway. Board members generally agreed that the site plan and documents presented for review were inadequate and that the applicant and consultant should work to ensure that plans are consistent from one plan sheet to the next and that issues such as landscaping, connections to the remaining property as well as adjoining properties, landscaping, traffic flow, grading, and stormwater management are addressed. Members also agreed that a traffic study and Long Form EAF should be prepared and submitted for review.

[2011-022] **Velten, Anthony** - Proposed Special Use Permit #80836 to permit a two-family dwelling in an R-1 zone pursuant to Section 208-79, 17 Compton Road – Preliminary public hearing, site plan review, and possible determination. SBL: 283.11-1-20

Mr. Ferraro called the public hearing to order at 8:08p.m. The Secretary read the public notice as published in the Daily Gazette on August 1, 2011.

Mr. Anthony Velten, applicant, presented this application that calls for approval of Special Use Permti #80836 that would allow him to construct an in-law apartment for his ailing elderly parents. His residence is located on a 3.27 acre parcel at the end of Compton Road. The sketch plan presented indicates that the proposed addition will be located along the easterly side of the existing single-family residence, directly behind the two-car garage. The home is currently served by municipal water and sanitary sewer services. Construction plans, including front and side elevations were presented for the Board's consideration.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, has stated that the applicant has applied for a Building Permit. The application appears acceptable since the residence is served by municipal water and sewer.

Mr. Scavo commented that as a condition of approval the Board should request that the following note be added to the plan: When the apartment is no longer used for a family member, it shall be a requirement to incorporate the unit back into the main single-family structure.

Mr. Montague, Environmental Specialist, reported that the ECC recommended that the applicant submit a current site plan that details where the in-law apartment is proposed to be built to ensure that it does not impinge on the LC zone. The ECC notes that if the project encroaches on the LC zone, the applicant must file for an application for Approval of Work To Be Done in the LC zone.

There being no public comment, Mr. Werner moved, seconded by Mr. Ophardt, to close the public hearing at 8:17p.m. The motion was unanimously carried.

In response to Ms. Paulsen's question concerning the provision for a second entrance, Mr. Velten explained that building codes require a second access. The unit's primary access will be from the garage. A walkway will be provided from the driveway to the outside doorway. Mr. Ferraro commended the applicant for caring for his aging parents.

Mr. Ferraro explained that the Board must first consider the Special Use Permit.

Mr. Koval 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 offered Resolution #9, seconded by Mr. Andarawis, to approve the Special Use Permit #80836 that would permit the construction of a two (2) family dwelling within the R-1 zone conditioned upon the addition of a note to the plan that states the following: “When the apartment is no longer used for a family member, it shall be a requirement to incorporate the unit back into the main single-family structure.” Ayes: Ophardt, Paulsen, Andarawis, Hale, Werner, Koval, Ferraro. Noes: None.

The Board must act to approve the site plan.

Ms. Paulsen 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. Andarawis moved, seconded by Mr. Koval, to grant preliminary and final site plan approval to this application. The motion was unanimously carried.

Old Business:

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

Mr. Joe Dannible, consultant for the applicant, explained that the project proposal calling for the installation of an additional fifty-four (54) spaces to an existing LI site remains generally as presented at the June 28, 2011 meeting. He reported that he had submitted written responses to the June 22, 2011 comment letter authored by CHA Companies. Addressing some of the identified concerns, the speaker stated that the applicant will repair the existing driveway from the Route 9 curb cut to Trans-Border’s site entrance. The Saratoga County Sewer District No. 1 has confirmed the capacity of the existing mains to handle the additional flows: connection will be made to the county’s main trunk line that lies adjacent to the Trans-Border parcel. Areas of the site to be cleared and graded within the 25’ buffer area will be landscaped in order to provide the required 25’ buffer. Detailed grading plans indicate that there will be a total site disturbance of 39,000 SF. The applicant has proposed construction of a water quality basin at the end of the vegetative swale that will manage runoff from the parking lot expansion area on the easterly side of the building. The proposed refuse enclosure has now been depicted on the plans. Proposed lighting will be building-mounted. ADA accessibility will be evaluated and improved if necessary. A tree protection plan will be submitted. Per Mr. Scavo’s recommendation, the plan now includes a sidewalk along the easterly side of the building to accommodate those parking in the new lot.

In an e-mail dated August 5, 2011, Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requests that the applicant

provide a connection for pedestrians and bicyclists to the bike lanes on Route 9 and that a bike rack be installed near the building's entranceway.

Mr. Scavo read the following comment from Sheryl Reed, Chief of the Bureau of Fire Prevention. The applicant must obtain the required tenant fit up permits for the proposed project from the Building Department.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided a couple of comments regarding this application. Modifications to the building will require the issuance of a Building Permit. The addition of impervious pavement, significant grading, and the apparent addition of a vegetative swale and a retention basin will require – at a minimum – an erosion and sediment control plan. Some type of calculation of runoff values must be presented for consideration of why green practices should not be adhered to.

Mr. Scavo stated the Planning Department offered the following comments. The final site plan should display a north reference arrow. The following information should be added to the Site Statistics Table: Required 34 spaces for office; required 3 spaces for warehouse; total parking spaces required = 37. Mr. Scavo noted that the Saratoga County Planning Board determined that this project had no significant county-wide or inter-community impact at its meeting of July 21, 2011, though that Board recommended that if there are wetlands or an LC zone on or adjacent to the project site, the boundaries of these features be illustrated on the project plan.

Mr. Romano offered comments prepared by CHA Companies. He stated that the response letter indicates that the applicant is in the process of testing the adequacy of the existing water supply. The results of the testing should be provided and any required improvements should be indicated on the plan. Although the area of disturbance associated with the project does not require a SDPES permit and post construction stormwater controls, a vegetative swale and a basin are proposed to reduce peak flow discharge and provide water quality treatment for a portion of the site. The basin should include a defined spillway and measures to prevent long term erosion. The response letter indicates the lighting will be building mounted. The plan should depict the location of the proposed building mounted lights and a detail of a downward style cut-off fixture should be provided. Inlet protection measures should be provided for the existing closed storm sewer system during construction. The existing trees to remain adjacent to proposed construction should be indicated on the plan. A tree protection detail should be provided. Additional grading detail of the proposed handicap accessible spaces should be provided. Based upon the existing contours, it appears that the spaces will be in excess of the 2% maximum slope. Additional grading detail of the sidewalk to be extended to the parking area should be provided. It should be verified that the accessible route to the building meets ADA guidelines. The sidewalk to the building cannot exceed 5% slope. Proposed improvements and significant grading will occur within the limit of an existing utility easement. Additional detail of the easement should be provided to verify the proposed work can be completed and will not impact an existing agreement. Invert elevations of the existing sanitary sewer service should be depicted on the plan. It should be verified that the proposed grading will not impact the service. The proposed asphalt sidewalk along the west side of the building is located directly on top of the existing grinder pump. It appears modification to the grinder pump cover will be required.

The proposed surface treatment immediately adjacent to the west side of the building should be indicated on the plan. CHA Companies is concerned that vegetation will be difficult to establish and maintain on the proposed 2:1 slope. The property owner to the north should be indicated on the plan.

Speaking to CHA Companies' comment regarding the water supply, Mr. Dannible stated that well testing indicated that the existing well was inadequate to meet the increased demands of the site and that a new water source would be provided.

Mr. Montague, Environmental Specialist, reported that the ECC recommends that the applicant use porous pavement where the new parking spaces will be constructed.

Mr. Dannible explained that the applicant was unwilling to utilize porous pavement on the site due to its excessive cost and on-going maintenance requirements.

Though Mr. Ophardt asked that the applicant address the runoff from the existing trench drain, Mr. Romano explained that the applicant is not required to obtain a permit for construction of the swale and stormwater areas because proposed disturbance totals less than one acre. He noted that the site and trench drain were constructed prior to adoption of current regulations. Though Board members discussed the possibility of connection to the existing Zim-Smith trail that lies east of the site, it was agreed that the substantial grade change would make it impossible to install an ADA compliant link in the area. Mr. Ferraro suggested that the proposed swale and stormwater management design may not offset the absorption capacity of the number of mature trees to be cleared from the site. Mr. Hale, however, pointed out that most of the vegetation to be removed would be disturbed by the grading required to install the new parking area. Mr. Dannible agreed. Mr. Ferraro did encourage the applicant to preserve as many trees as practicable. He also asked that the applicant provide striping along the entrance drive to define a bike trail. Mr. Magoolaghan, representative for Plank Construction Services, explained that the business owner is an avid bicyclist and supports the installation of trails and bikeways.

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. The motion was unanimously carried.

Ms. Paulsen moved, seconded by Mr. Werner, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, CHA Companies, and the striping of the entrance drive to define a passageway for bicyclists and pedestrians. The motion was unanimously carried.

[2011-016] **T-Mobil Co-Location** – Proposed co-location of antennae and cable to an existing telecommunications tower, 753 Grooms Road – Preliminary site plan review and possible determination. SBL: 276.-3-30.1

Mr. Matthew Kerwin, legal representative for the applicant, presented this application that remains generally as presented at the June 14, 2011 meeting. The speaker addressed each of the issues of concern voiced at the June 14, 2011 meeting. Explaining that the closest property

boundary to the site was located more than 750' away, he stated that landscaping of the tower or its ancillary equipment boxes were not an issue. He stated that the applicant proposed use of "battery-powered" back-up equipment that would not pose a fire hazard.

Mr. Kerwin explained that communications between the Planning Department, engineering representatives for T-Mobil, Mr. Bill Johnson, the Town of Clifton Park's engineering consultant, and himself have been on-going for several days. He believes that as of this date T-Mobil has provided the consultant with all the documentation he requires the issuance of a positive sign-off for the project.

Mr. Scavo reported that Mr. Johnson has received all the information and documentation he requires to determine that the application as proposed by T-Mobil is acceptable, though he recommended that the Board condition its approval on a final sign-off from the consultant. Mr. Scavo also noted that the Special Use Permit granted prior to construction of the telecommunications tower is still valid and allows for approval of this co-location.

Mr. Montague, Environmental Specialist, reported that the ECC reviewed the preliminary project plan and found the application acceptable.

Mr. Koval pointed out that the tower site was subject of considerable review when initially proposed. Mr. Kerwin noted that Mr. Johnson agreed that the placement of the antennae on the pre-existing tower would improve the coverage gaps in T-Mobil's service area.

Mr. Ophardt moved, seconded by Mr. Werner, 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 moved, seconded by Mr. Andarawis, to grant preliminary and final site plan approval to this application conditioned upon the issuance of a final sign-off from Mr. Bill Johnson, Town Engineer. The motion was unanimously carried.

New Business:

[2011-021] **Boni Enterprises, LLC** – Proposed 2,996 office building, 313 Vischer Ferry Road – Conceptual site plan review. SBL: 277.13-4-2

Mr. Kevin Dailey, legal representative for the applicant, presented this application that has been submitted for conceptual review. The .57 acre site proposed for development is located in a B-3 zoning district just north of the existing Stewart's Shops, Inc. location at the intersection of Grooms and Vischer Ferry Roads. The consultant described the parcel as "a legally existing parcel created by the Clifton Park Planning Board" with frontage on Vischer Ferry Road. The owner/applicant proposes to utilize the property for an allowed use as a 2,996 SF office building with the required number of parking spaces. Mr. Dailey explained that the applicant desires to establish that (1) the lot is a legally existing lot with sufficient square footage to accommodate the desired structure and is located on a public highway (Vischer Ferry Road); (2) the applicant has a right to use his property; (3) that the proposed use in a B3 zone is permitted; (4) that the

proposed use is reasonable in terms of size and impact and conforms to conditions and structures found elsewhere in the district. The speaker noted that because the size of the parcel, the bulk space and lot setback requirements could not be met. Area variances were required and were granted by the Zoning Board of Appeals on June 21, 2011. Mr. Dailey noted that properties lying with B3 zoning districts act primarily as “transition type” properties between commercial and residential areas. He explained that permitted uses in a B3 zone include both residential uses and commercial uses: the proposed use for this parcel is a B1 use that allows construction of a 4,800 SF building. Though the parcel has the required frontage on a town roadway, it would be impractical to bring a driveway to the lot from that location due to the existence of a NYSDEC classified wetland, town LC zone, and NYSDEC classified stream that would be disturbed. The applicant has made arrangements with Stewart’s Shops, Inc. for an easement for access and utility installation through their existing site. The applicant contends that since it would be impracticable to build a residence on the site, the construction of an office building proportionately sized to the structures on nearby residential lots and consistent with the uses of commercial buildings immediately adjacent to the south appears appropriate and would offer the applicant a reasonable return on his investment. Mr. Dailey explained that Stewart’s Shop, Inc., has agreed to provide an easement for ingress/egress to the property and for utility installation in a letter dated June 3, 2011. He submitted copies of the correspondence to Mr. Ferraro. Residential use of the property would require a 20,000 SF lot; however, a B1 use as proposed would require 40,000 SF: an area variance was granted by the Zoning Board of Appeals. Variances from the setbacks required for keyhole lots and for the front, rear, and side yards were also granted by the Zoning Board of Appeals on June 21, 2011.

In an e-mail dated August 5, 2011, Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requests that the applicant provide a pedestrian connection to the existing Stewart’s Office Park/Shopping Center. A bike rack should be provided for the building.

Mr. Scavo stated that Mr. Myers, Director of Building and Development, reported that all required variances have been granted by the Zoning Board of Appeals. The applicant must submit more information regarding stormwater management for a full evaluation of its compliance with existing regulations.

Mr. Scavo offered comments prepared by the Planning Department. Approved postal addresses must be added to the plan. A detailed landscaping plan, particularly including specifications for the foundation plantings, must be provided. Evidence that notifications have been sent to neighbors residing within 500’ of the property’s boundaries must be included with the preliminary submission. The applicant is asked to clarify whether or not the proposed cross-easement with Stewart’s will require the elimination of parking spaces on that site: if so, the applicant should verify that the Stewart’s site will still meet parking requirements. Additional comments will be issued upon receipt of a preliminary site plan.

Mr. Romano provided comments prepared by CHA Companies. Although the existing parcel has been granted a number of variances based on the proposed site plan, the site plan is not in conformance with the Town’s zoning and site plan review regulations. Pursuant to Section 208-113A, the purpose of site plan review is to “assure functional and attractive

development and minimize adverse impacts on the natural and man-made environment.” The project site contains a very significant stream corridor which includes a permanent NYSDEC regulated stream, with known wetlands along its channel. This stream corridor has been afforded considerable protection through the development of other nearby properties including the Wishing Well Subdivision (to the west), Mill Creek Subdivision (to the north) and Country Club Acres Subdivision (to the east). This stream corridor is also protected by the Town’s LC (Land Conservation) zoning district which restricts any land alteration within 50 feet of the high water line of the stream. The current plan proposes an office building exactly at the limit of the LC zoning district boundary and further proposes significant grading and clearing within that zone. The project site is constrained by significantly sized old growth deciduous trees, many of which have not been properly shown on the plan, and one 48” maple that has been shown on the plan and is proposed for removal. The site is also adjacent to a recently developed residential housing development. Pursuant to Section 208-38.H of the zoning regulations, where a commercial use abuts a residential zone a minimum buffer of 100 feet shall be maintained and supplemented as deemed appropriate by the Planning Board. The plan proposes the building 11 feet from the residential parcel boundary and no buffer has been provided.

Mr. Romano offered a number of additional comments. With respect to SEQR, the proposed project has the potential to result in significant environmental impacts. It is recommended that a Full Environmental Assessment Form be prepared in order to determine other involved agencies and more fully evaluate the environmental sensitivities of the project site. Based on the above, CHA Companies has significant concerns over the developability of the project site and recommends that other involved agencies more fully evaluate the environmental features of the project site. Based on the above, the firm has significant concerns over the developability of the project site and recommends that the current application not move forward. Assuming development on the parcel continues to be pursued, the following additional items should be addressed in a revised submission. Section 208-40 of the zoning code requires the property margins at the sides from the front of the building to the rear property line shall be planted with trees and shrubs for a width of not less than 10 feet: no continuous buffer is proposed. A stream classification, wetland delineation, and jurisdictional determination should be provided with reviews by the NYSDEC, Army Corps of Engineers and Town’s ECC. A mapped NYSDEC freshwater wetland is located along the west side of Vischer Ferry Road. The mapped wetland includes the upstream portion of the stream located on the proposed project site. The classification of NYSDEC wetlands within or adjacent to the project site will impact the location of the Land Conservation zoning district and the development potential of the project site. Although the plan indicates a permeable pavement parking area, it does not follow the primary green infrastructure technique involving conservation of site’s environmentally sensitive features. Additional detail of the access through the adjacent Stewart’s parcel should be provided. The existing drive aisles, buildings, and parking spaces located on the Stewart’s parcel should be depicted. The location of the adjacent residences and the property owners should be depicted on the plan. Justification for additional parking beyond the code requirements should be provided. Additional detail of the existing vegetation to be removed should be provided. The location of the proposed curb cut to the Stewart’s parcel directs traffic over an existing catch basin. The drive location or the catch basin should be relocated outside of the wheel patch of vehicles exiting the site. The site plan does not depict a dumpster location: it should be verified that a dumpster will not be utilized. The plan depicts a basement finished floor elevation. The

intended use of the basement should be provided on the plan.

CHA Companies issued the following additional comments. The location of the existing watermain within Heavenly Way should be depicted on the plan. Future plan submittals should detail the utility connection and associated disturbance limits. The location of the nearest fire hydrant should be depicted on the plan. The plan should be reviewed by the Bureau of Fire Prevention. Test pits and percolation test pits should be conducted within the area of proposed permeable pavement to determine the adequacy of the underlying soils and groundwater elevation. The proposed greenspace percentage should be indicated on the plan. The access out of the easternmost parking spaces should be evaluated. Test pits and percolation test pits should be conducted within the area of proposed permeable pavement to determine the adequacy of the underlying soils and groundwater elevation. Future plan submittals should depict the ingress/egress and utility easements over the Stewart's property. It appears clearing and grading may be required on the adjacent fire station site. An easement from the adjacent land owner will be required. The handicap accessible and no parking signs should be depicted on the plan. The proposed building square footage should be depicted on the plan.

Mr. Montague, Environmental Specialist, reported that the ECC notes that construction of the project may result in intrusion into the LC zone. The applicant must file for an Application for Approval of Work To Be Done in the LC zone with the Town of Clifton Park. The ECC notes that sensitive environments exist on properties adjacent to the project site, creating a potential for environmental impacts to these areas in the event that the capacity of the stormwater management system is inadequate. As such, the applicant's Drainage, Stormwater and Erosion Control Plans should be protective of these environments during construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer.

Mr. Dave Rushford, 8 Heavenly Way, stated his objection to the proposed site plan, explaining that he and other residents of Heavenly Way were concerned with the increased commercial traffic that the site would generate, "potential dangers" from vandals, intrusive lighting, diminishment of the privacy his family now enjoys, and negative impacts for resale of the property.

Mr. Pelagalli recommended that the Planning Board consider recommending that the applicant consider amending the approved subdivision plat entitled Subdivision of the Lands of Country Club Acres, Inc. and Lands of William C. Cole to eliminate the wording that appears on the 25,010 SF lot that reads as follows: Lands to be Conveyed to the Vischer Ferry Fire District.

Mr. Mark Durkee, 6 Heavenly Way, stated that, although he and his wife were aware of the existing businesses that lie in close proximity to his residence, he is concerned that the proposed office building will have a negative impact on his two children. He stated that he does not "want to look at an office building" and that he is concerned with the negative impacts of a paved parking area, lighting, garbage storage, and signage. He requested that the site have no back lit or neon lighting. He explained that he had no knowledge that the Zoning Board of Appeals was considering setback variances at its June 21, 2011 meeting. The speaker asked that the applicant and Planning Board consider the comments offered by the residents of Heavenly Way to make the project the "best it could be."

Mr. Dan Towle, 10 Heavenly Way, reiterated the concerns expressed by his neighbors, stating that he was particularly concerned with the parking lot and lighting.

Mr. Gianleo Duca, 7 Heavenly Way, expressed his concerns that added traffic and parking would have a negative effect on his family life. He asked that the Board deny this application and “see that nothing” is constructed on the parcel.

Ms. Paulsen, referencing the dismay her family experienced when Route 7 was built adjacent to her family’s property, noted that there was no change to the portion of Heavenly Way that was located within the B3 zone when the subdivision was approved in 2004. She stated that the proposed office building would certainly be a less intense use of the property than a fire station and that “something would certainly be constructed on the parcel.” Addressing the issue of potential vandalism, Ms. Paulsen explained that a member of her family who lived within a residential neighborhood had recently been a victim of vandalism. She spoke to the applicant’s integrity, noting that all of his properties are meticulously maintained. She concluded her remarks by stating that it was the Board’s responsibility to ensure that sites are developed in accordance with existing zoning regulations. In response to Mr. Koval’s question regarding the possible sale of the property to the current owner of the old fire station, Mr. Dailey stated that the owner expressed some interest in the property; however, he was interested in purchasing it for a very minimal amount of money. Mr. Koval pointed out that the reference to the land conveyance on the subdivision plan was clear and he recommended that it be addressed before future site plan submittals are reviewed. He identified the issues of buffering and stream protection as significant concerns that must be addressed during site plan review. Mr. Werner asked that the applicant discuss the possible uses for the proposed building, provide information regarding the possible number of trips the anticipated use(s) would generate, and provide an overall concept plan for traffic flow through the site. He also asked that the applicant provide a computer “visualization” of the view of the site from residential locations on Heavenly Way. Mr. Dailey commented that the applicant has provided the number of parking spaces required by the zoning code: he is willing to “land-bank” a number of the spaces at the Board’s request. Mr. Dailey also stated that the applicant would willingly work with the neighbors to design an acceptable site. Their comments regarding buffering, fencing, and lighting would be welcomed. Mr. Hale explained that the B3 zone is often considered a “transitional zone” and he pointed out the existing subdivision limited options such as mixed retail and residential uses or multi-family residences that are normally situated in a transitional area. He noted that he would have preferred that the Planning Board review the application before the Zoning Board of Appeals considered all of the required variances necessary for the project as presented. Mr. Dailey explained that although the applicant considered several site designs, the one presented that reflected a residential character appeared most reasonable. Mr. Ophardt noted that protection of the LC zone and the stream corridor would be important. In response to his question regarding the installation of stormwater management facilities within the LC zone, Mr. Scavo reported that Mr. Myers views stormwater facilities as greenspace and permits their installation within the LC zone. Responding to Mr. Ophardt’s suggestion that the applicant seek a shared parking arrangement with Stewart’s, Mr. Dailey noted that although Stewart’s was granted use of the applicant’s stormwater management area, no *quid pro quo* was likely to be offered for needed parking: the cost of establishing a shared parking agreement would likely be prohibitive. Mr.

Koval explained that the town did not allow the construction of residences within 10' of a property line and suggested that a reduction in building size may reduce negative impacts to adjoining property owners and the environment. Mr. Boni, owner/applicant who was in attendance at the meeting, rejected this recommendation. Mr. Andarawis stated that he would like to see a revision to the site plan that would move the building further from the residences, protect the LC zone, and preserve the existing mature tree on the property. Mr. Ophardt agreed that moving the building forward would create a more substantial buffer between the office use and the residences along Heavenly Way. Mr. Hale suggested that the applicant consider construction of a two-story building. Mr. Dailey agreed to have the stream corridor delineated. Mr. Ferraro concluded the discussion by observing that there were a number of significant issues to be addressed prior to preliminary review.

Minutes Approval:

Mr. Hale moved, seconded by Mr. Andarawis, approval of the minutes of the July 12, 2011 meeting as amended. Ayes: Ophardt, Andarawis, Hale, Werner, Koval, Ferraro. Noes: None. Abstained: Paulsen.

Discussion Items:

Proposed Medical-Dental Office Complex – 715 Pierce Road

Mr. Koval recused himself from any comment and/or vote on this application since he represents the seller of the property.

Mr. Scavo introduced this proposed project, explaining that although the applicant has not submitted a formal proposal, he seeks to “gather general comments” from the Board on the concept plan.

Mr. Rabideau, consultant for the applicant, introduced Dr. James McDonald, Pediatric Dentist, who explained that since establishment of his business at the intersection of Moe Road and Route 146 in 2005, his practice has grown substantially and he seeks to create an office park to provide for its expansion and to accommodate other medical and dental practitioners. It is his vision to construct a modern office building on a wooded parcel that offers a serene setting for what can sometimes be a stressful experience. Since his business does not require visibility from a highway, the parcel on Pierce Road seems suitable for his proposal. It is his intention to preserve as much of the natural environment as possible.

Mr. Rabideau presented the project plan, explaining that the proposal calls for the construction of four (4) medical/dental office buildings of 10,000 SF each on a ±13 acre parcel that lies within an LI zone. The plan includes a private roadway, extension of municipal water and sewer services, and the required number of parking spaces. Substantial wetlands have been delineated on site: they have defined where the “buildable” areas of the site will be. A walkway has been provided along the roadway. Proposed speed bumps will restrict travel speeds through the site.

Board members found the plan generally acceptable. Mr. Werner commented that the applicant should be aware that proposed projects within the Exit 10 area may result in increased truck traffic. He recommended that the applicant provide signage to direct patients to the site. Mr. Ferraro encouraged the applicant to employ modern stormwater management techniques and “green” building methods. Though Mr. Hale recommended that the applicant consider relocating parking to the rear of the buildings, Dr. McDonald stated that the buildings had been oriented to provide visually appealing views from the exam rooms. Mr. Ophardt asked that the proposed walkway be separated from the proposed roadway.

Windsor Development Sign Variance Request

Mr. Scavo presented this item for discussion, explaining that the applicant has requested that the Planning Board review this proposal and, if deemed appropriate, provide a positive recommendation to the Zoning Board of Appeals. Windsor Development has asked that the new tenant – Men’s Warehouse – be permitted a third wall sign in addition to the two permitted by code to offer visibility from Park Avenue as well as from the east and south for the former Blockbuster Video building located between Park Avenue and Old Route 146. Mr. Scavo pointed out that in meetings with “stakeholders” involved in the proposed Town Center Study, business owners have recommended revisions to the town’s sign law that would allow increased signage for businesses. The speaker explained that the applicant is willing to continue the awning treatment along the roofline and to install a sidewalk connection between the store and Park Avenue in the area of the westerly entrance to Price Chopper. Board members agreed that the request was reasonable, though they recommended that the applicant reduce the size of the sign.

Ms. Paulsen moved, seconded by Mr. Andarawis, adjournment of the meeting at 11:00p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on Wednesday, September 14, 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 #8 of 2011

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 August 9, 2011, there were:

Present: R. Ferraro, Chairman, M. Hale, J. Koval, E. Ophardt, K. Paulsen
T. Werner, E. Andarawis, Alternate Member

Absent: S. Pace

Mr. Koval offered Resolution #8 of 2011, and Mr. Hale seconded, and

Whereas, an application has been made to this Board by Fedesco Land Development, LLC for approval of a subdivision entitled Ray Road East – Residential Subdivision consisting of (8) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on July 12, 2011 and reconvened on August 9, 2011;

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 August 9, 2011;

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 Ray Road East – Residential Subdivision consisting of (8) lots is granted preliminary and final subdivision approval conditioned upon satisfaction of all comments offered by the Planning Board, Planning Department, and M J Engineering.

Resolution #8 of 2011 passed 8/9/2011

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

Noes: None

Rocco Ferraro,

Chairman

NOTICE OF DECISION

Resolution #9 of 2011

APPROVAL

Special Use Permit

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 August 9, 2011 there were:

Present: R. Ferraro, Chairman, M. Hale, J. Koval, E. Ophardt, K. Paulsen
T. Werner
E. Andarawis – Alternate Member

Absent: S. Pace

Mr. Hale offered Resolution #9 of 2011 and Mr. Andarawis seconded, and

Whereas, an application has been made to this Board by Anthony Velten for approval of Special Use Permit #80836 to permit the construction of a two-family dwelling in an R-1 zone pursuant to Section 208-79 of the Town Code;

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on August 9, 2011 in the Town Office Building,

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

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

Now therefore, be it resolved that the Planning Board approves the application of Anthony Velten for approval of Special Use Permit #80836 to permit the construction of a two-family dwelling in an R-1 zone conditioned upon satisfaction of the comments provided by the Planning Department and the addition of a note to the plan that states the following: When the apartment is no longer used for a family member, it shall be a requirement to incorporate the unit back into the main single-family structure.

Resolution #9 of 2011 passed 8/9/2011

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

Noes: None

R. Ferraro,

Chairman