

**Planning Board Meeting**  
**December 7, 2010**

Those present at the December 7, 2010 Planning Board meeting were:

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

Those absent were:    None

Those also present were:    J. Scavo, Director of Planning  
                                      J. Westfall, Town Planner  
                                      J. Romano, CHA Companies  
                                      R. Ferraro, ECC Chairman  
                                      P. Pelagalli, Counsel  
                                      J. Dean, Secretary

Mr. Bulger, Chairman, called the meeting to order at 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance. Mr. Bulger explained that since all Board members were present, Mr. Andarawis would be sitting as an alternate member.

**Public Hearings:**

There were no public hearings scheduled for this evening's meeting.

**Old Business:**

[2010-038] **Windhover Farms (2010)** – Proposed (25) lot subdivision, Grooms Road – Conceptual review. SBL: 276.-1-9; 276.-1-15.21, 276.-1-27.111; 276.-1-77

Mr. Kevin Dailey, legal representative for the applicant, Eleven and Company, presented this application that was last reviewed by the Planning Board on October 26, 2010. The speaker explained that application involves the same lands that were part of a 2008 proposal that

requested a forty-six (46) lot subdivision with equestrian amenities. Pursuant to current applicable CR (Conservation Residential) zoning regulations, the project sponsor now requests approval of a twenty-five (25) lot subdivision with lots ranging in size from .4 acres to .9 acres. Mr. Dailey explained that the roadway labeled as “proposed access drive” is a 44½’ wide access strip that was approved per the 1984 Special Use Permit: there will be no utilities installed within this access area. He explained the method employed for calculating the allowable number of subdivision lots and presented a plan which included all of the parcels associated with the application. The speaker presented a plan on which a 1984 site plan was overlaid to show the location of formerly-used soccer fields and stated that the current “contract vendee” for purchase of these lands is the Clifton Park Soccer Club. Mr. Dailey elaborated on this statement, informing the Board that the Special Use Permit approved in 1984 allows for the sports fields to remain under private ownership. He commented that although many believed that at the time that they were approved and developed, the fields at Clifton Common would serve the community for many years, there is now a recognized need for expansion more such facilities. Referencing the application for Curnyn Meadows submitted six or seven years ago, Mr. Dailey provided a copy of correspondence from Mr. John Bonafide of the New York State Office of Parks, Recreation, and Historic Preservation dated October 21, 2010 that states the following:

Based on the proposed site plan for the Windhover Farm project and the previously submitted Phase I Archaeology assessment, it is the recommendation of this office that the project as presented will require no additional archaeological testing. However, we strongly recommend that any future development (requiring ground disturbance) at the northern end of this 91.62 acre parcel undergo additional consultation with this office to determine if archaeological testing is warranted.

Mr. Dailey then provided a copy of a letter from William Muermann of the New York State Department of Environmental Conservation that was prepared on January 9, 1984 that states the following:

It appears that the northern field is within one hundred feet of a freshwater wetland. However, I remember walking this area and will state that as long as the development is confined to the already existing field area and the extent of development.....then a Department of Environmental Conservation Freshwater Wetlands permit will not be required.

Mr. Dailey noted that the restriction issued in 1984 would govern the Clifton Park Soccer Club as property owner.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated November 29, 2010. A full Storm Water Pollution Prevention Plan, including consideration of the parcel shown as “Open Space,” will be required. Permits from the ACOE and NYSDEC will be required if the current plans are followed since a stormwater management basin is shown within the limits of the ACOE wetland and it discharges to a NYSDEC wetland. Review by the ECC will also be required since the plan will impact an LC zone.

Mr. Scavo reported that the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee offered two recommendations. The first requests the conveyance of a 15’ strip of land along the property’s Miller Road frontage. The second requests conveyance of a

15' strip of land along the property's Grooms Road frontage, including negotiating with the respective owners of the two properties situated between the two access points.

Mr. Scavo offered the following comments. All public street signs will have to have a minimum Diamond Grad Reflective Sheeting: the sign detail should be updated to reflect the requirement. The bottom of all public signs should be at a height of no less than 7' from the bottom of the sign to the ground. A full Stormwater Pollution Prevention Plan will be required.

Mr. Romano provided comments prepared by CHA Companies, reporting that the firm reviewed the subdivision plan dated November, 2010 as prepared by Infinigy Engineering and Surveying. The following comments from the October 20, 2010 review letter remain to be addressed. Additional comments have also been provided. The wetland delineation map should be submitted to both the United States Army Corps of Engineers and NYS Department of Environmental Conservation for jurisdictional determinations. All correspondence from these agencies should be copied to the Town and CHA Companies for the respective project records. The plan should depict the proposed ownership and intended use of the open space areas. It has been discussed that the open space may be utilized for active recreation. A note should be added to the plan describing the proposed use. If uses are inconsistent with previously approved uses, the potential impacts should be evaluated. If the stormwater management areas will be maintained by the Town, it is recommended that they be conveyed to the Town. The access to Lot #26 should utilize the existing curb cut of the adjacent parcel. It appears that an existing ingress/egress easement is in place. The sight distance at the proposed curb cuts should be evaluated. CHA Companies continues to remain concerned with the proposed dead end town road with a T-type turnaround provision. Because more than 18 lots are proposed, two means of access are required. Use of the proposed access drive on the west side of the site as emergency access only appears appropriate, and its width of twenty feet appears adequate. It is presumed that maintenance of this road by the town would be required. CHA Companies does not support a dead end public road without suitable provisions for turning around vehicles, trucks, school busses, etc., so a cul-de-sac appears required.

Mr. Romano offered the following additional comments. The proposed subdivision may impact the limits of the previously granted Special Use Permit. The limits of the previously approved Special Use Permit should be depicted on the plan. If the proposed subdivision will change the area or uses approved in that permit, a revised permit may be warranted. The plan does not depict an access to the proposed stormwater management area. Portions of the proposed stormwater management area are located within the NYSDEC regulated 100' wetland adjacent area. This will trigger the need for a NYSDEC Article 24 Wetland Permit. A force main is proposed to connect to the Settler's Hill pump station. An evaluation of the capacity of the existing sanitary sewer system should be provided. The limit of the entire force main should be depicted on the plan. Future plan submittals should include the Town's standard roadway section. It appears use of a cluster subdivision roadway section appears appropriate. This roadway consists of a twenty-six foot pavement width including two foot wing wedge curbs and a closed drainage system. Open drainage along the west side of the entrance road may be considered assuming stormwater treatment can be accommodated. The applicant's consultant can contact our office for a copy of the section. There are a number of additional plans and schematic details that have not been customized based on the type and location of the proposed project: this information can be omitted from future concept plan submittals.

Mr. Dailey stated that, per CHA Companies' recommendation, the proposed emergency access roadway will be constructed to standard roadway specifications.

Mr. Ferraro read the comments prepared by the ECC. The speaker stated that the ECC was "pleased to see" that the proposed lots had been removed from the LC zone. The Commission recommends that the following note be added to the plan:

The subdivision is located in an area which may be impacted by aviation activity. Impacts may include noise or vibration. A study describing this impact in detail is available for inspection in the offices of Albany International Airport.

Mr. Werner recused himself from any discussion or vote on this application, explaining that he served as a Director of the Clifton Park Soccer Club. Mr. Bulger then noted that Mr. Andarawis would become a voting member of the Board for this application.

In response to Mr. Koval's query regarding whether or not the parcel to be subdivided into residential lots was a part of lands referenced in the Special Use Permit issued in 1984, Mr. Dailey explained that only a small (approximately one-half acre) parcel contained within that area would be included in the subdivision plan. Mr. Pelagalli pointed out that such inclusion could possibly "change the use of the land" and require amendment of the Special Use Permit. Mr. Dailey directed the Board's attention to a site plan that included an overlay of a 1984 site plan, providing a visual illustration of the land being lost from the playing fields and added to the subdivision. In response to Mr. Pelagalli's question regarding the transfer of ownership over the years, Mr. Dailey explained that although the ownership of the properties has changed, Eleven and Company, the current property owner, has maintained separate property deeds for each parcel included in this application. Mr. Koval asked if the proposed soccer fields were currently "in playing condition". Mr. Dailey explained that the three playing terraces – 10 acres each - created in the 1980's were still in place. Mr. Dailey explained that the areas have been farmed in order to reduce secondary growth and that the areas must be plowed, raked, and seeded. It is the applicant's intention to reclaim the field area and plant "turf grass" in the spring of 2011. In response to Mr. Koval's question regarding access to the "fields," Mr. Dailey explained that the access road is shown on the plan was previously approved: it is the intention of the applicant to widen the roadway and make it more accessible.

Mr. Hale questioned the validity of the NYSDEC letter from 1984, observing that regulated buffer zones appear to extend into the "confines of existing fields." Mr. Pelagalli noted that the Special Use Permit provided by Mr. Dailey offered sparse information regarding the conditions of approval and that no reference to the location of the wetland jurisdictional limit line is made in the document. He noted that because LC zoning came into effect after the issuance of the Special Use Permit the Board may be able to apply its restrictions to this application. Mr. Hale observed that the proposed stormwater management area has no public access. Though Mr. Dailey stated that a 20' easement will be provided to the town for maintenance purposes, Mr. Romano stated that CHA Companies would prefer that the applicant provide access to the area from a town right-of-way. Mr. Hale encouraged the applicant to utilize "creative stormwater management techniques" when designing the stormwater management area. Mr. Ophardt requested that the developer construct the access labeled

“proposes access drive” to required standard roadway specifications when other subdivision roadways are constructed. Mr. Dailey assured him that this would be done.

Mr. Bulger advised the Board to be certain that the two separate projects identifiable in this application – the subdivision of lands into twenty-five (25) subdivision lots and the redevelopment of soccer fields developed per a Special Use Permit issued in 1984 - both require reviewed in-depth review by the Board. He noted that since a small portion of lands originally included in the Special Use Permit are included within the proposed subdivision lands, the Board is charged with ensuring that access, parking, and stormwater management proposals meet current zoning regulations and construction standards. Mr. Pelagalli stated that the Planning Board always has the ability to conduct site plan review for applications that propose development of the vacant parcels. In response to Mr. Bulger’s question regarding the timing for review of the two components of this specific application, Mr. Dailey explained that at this time the subdivision is the only proposal to be considered since it is uncertain when the fields will be developed. Mr. Koval pointed out that consecutive, rather than concurrent review of two project components may result in negative impacts to the one first approved. His main concerns were related to roadway construction and traffic impacts associated with the development of the soccer fields on those purchasing the residential properties. Mr. Dailey explained that notes regarding the development of soccer fields on adjoining properties will be included in each property deed.

Mr. Romano pointed out that the formula utilized to determine the number of developable lots may need to be modified if such items as accessory buildings constructed on the open space parcel may reduce the “definable” open space for the project, in turn reducing the number of developable lots. Mr. Koval noted that active recreational uses on open space were limited to publicly owned properties, though Mr. Dailey argued that the lands involved in this application were controlled by the existing Special Use Permit. Mr. Pelagalli described the Special Use Permit and CR (Conservation Residential) zoning requirements for open space as presenting the Board with a “double-edged” sword. He believes that though the Special Use Permit remains in effect, a determination must be made as to whether or not the proposed fields may be developed and used by a private organization rather than the town. Mr. Bulger commented that, in his opinion, since a portion of the lands included in the Special Use Permit are now incorporated within the proposed subdivision, the specific terms of the Special Use Permit have been altered. Mr. Dailey explained that it is estimated that the cost of providing sewer and water services to the proposed subdivision from existing lines is more than \$400,000.00, it is the development of soccer fields that makes the project economically feasible. Mr. Dailey also pointed out that land suitable for the creation of sports fields within town boundaries is rapidly diminishing. Mr. Bulger recognized that there were a number of people in the audience who were interested in this application. He described the project proposal as “a very complicated application” that required additional research and refinement. He explained that a public hearing would be held when the application is resubmitted, stating that the Board would look forward to receiving public comment at that time.

[2010-034] **DeLeonardis, Michael** – Proposed 900 SF office, 7,200 SF warehouse, and 4,500 SF storage area , 1858 Route 9 – Conceptual site plan review. SBL: 265.-1-15.11 and 265.-1-15.2

Mr. Kevin Dailey, legal representative for the applicant, presented this application for the Board's consideration, stating that the application has been revised since it was reviewed at the September 15, 2010 Planning Board meeting. He explained that the site plan application now proposes the construction of a 900 SF office, 7,200 SF warehouse, and 4,500 SF storage area with seven (7) parking spaces including one (1) handicap-accessible space. The proposed subdivision has been withdrawn from consideration, though the applicant anticipates subdivision of the property when development plans for adjoining properties are prepared. Existing wetlands have been flagged and delineated by the Environmental Design Partnership and have been verified by the Army Corps of Engineers. The proposed plan now includes a retaining wall that will help avoid potential impacts to the existing wetlands. Since the nearest public water supply is located approximately .8 miles from the project site, the applicant requests approval to drill a private well on the site. The plan indicates that connection will be made to the sewer system at an existing sanitary manhole on the easterly side of Route 9. Stormwater runoff from the site will be collected via surface runoff and directed to a proposed stormwater management area located to the south of the proposed building and parking area. Mr. Dailey stated that the plan currently meets all zoning requirements.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application. The proposed access is actually in the Town of Halfmoon. Approval from the Town of Halfmoon as well as new access approval from NYSDOT will be required. A full Storm Water Pollution Prevention Plan will be required. Mr. Myers noted that because no more than five (5) acres of land can be disturbed at one time, a phasing plan will be required. The portion of the site that is located within the Town of Clifton Park lies within a B5 (Corporate Commerce) zone: the proposed use is permitted within this zone. Referencing the original proposal, Mr. Myers' memo lists several variances that will be required should the project plan move forward. Variances include relief from the required 180' of frontage at the front building line; approval for creation of a 5.82 acre lot since Section 208-54A of the Town Code establishes a maximum lot size of three (3) acres within this zone; approval for the reduction of required green space per Section 208-54B of the code. Mr. Myers observes that the lot configuration "meets the definition of a keyhole lot;" however, he notes that keyhole lots are not allowed per Section 208-86. He states that 50' setbacks for the main structure from all property lines may be required. Parking in the front yard is not permitted pursuant to Section 208-54E unless the Planning Board approves due to the keyhole lot configuration. Per Section 208-55D, the applicant will be required to connect to public sewer and water if systems are available. Mr. Myers observed that the property to the north and west of the development parcel is being considered for development. The access from that parcel to Route 9 would be directly adjacent to this proposed access and would create conflicting traffic movements. Mr. Myers recommends that the Board consideration requiring that the proposed access be relocated to the new private road when it is constructed.

Mr. Scavo reported that the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee recommended that the applicant provide a sidewalk from the proposed building to Route 9.

Mr. Scavo stated that the Planning Department “is supportive of the revised layout” for the site. He reported that the original subdivision proposal has been withdrawn by the applicant.

Mr. Grasso reported that CHA Companies provided the following comments regarding this application as prepared by MJ Engineering and Land Surveying, P.C. In general the revised layout addresses previous concerns. In particular the revised plan reduces the impacts on the drainage course upstream of the Dwaas Kill. The plan title indicates a proposed subdivision, however, proposed lot lines do not appear to be depicted. The acreage and limits of the proposed lots should be depicted on the plan. Proposed lot lines should not be depicted on the existing condition plan. The plan indicates the removal of an existing structure on Lot #1 with an existing shed to remain. The proposed use and development of Lot #1 should be depicted on the plan. The following comments from the previous letter have not been addressed. Future submissions should include a written response to comments. The applicant should investigate the possibility of a sanitary sewer connection to the Dwaas Kill trunk sewer. The need for access management is very important as this area continues to develop. As such, the number of curb cuts associated with the development of the site should be kept to minimum. All proposed curb cuts should include an access easement to the adjacent parcels for potential future connections. The sight distance at the proposed curb cut should be verified. A NYSDOT curb cut permit will be required. An on-site well is proposed: connection to municipal water supply should be investigated.

Mr. Ferraro reported that the ECC offered the following comments regarding this application. Due to the location of this project relative to the aquifer/recharge area, no underground storage tanks shall be constructed on this property; during construction, any temporary above-ground storage tanks shall have secondary containment of no less than 110% of the tank volume to prevent releases to the aquifer/recharge area; during construction, contractors shall have a spill contingency plan which addresses prevention and cleanup of releases of petroleum and/or hazardous materials. The applicant should also disclose what types of materials will be stored in the fenced gravel storage area. If hazardous materials will be stored on this site, the applicant must submit a plan for approval addressing handling and storage and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored. The ECC requests that the applicant identify the jurisdiction of the wetland on the northwestern corner of the proposed site.

Mr. Hale observed that the retaining wall as shown on the site plan is nearly 10' in height. He recommended that it be constructed with “a strong foundation” to ensure “a long life”. Mr. Ophardt noted that the rather narrow 10' setback between the proposed building and southern property boundary may not provide enough space for adequate access to the building or enough area for necessary building maintenance. Though Mr. Hale commented that the building's proximity to the property boundary was not of concern since the building was not designed for “public congregating,” Mr. Dailey stated that it may be possible to move the building a bit further to the north. In response to Mr. Werner's question regarding the type of traffic generated by the site, Mr. DeLeonardis reported that the site would be used by two (2) large trucks, several smaller trucks, and various types of equipment used in the masonry business. Mr. Bulger labeled the site design as “good plan,” remarking that the applicant may wish to re-submit the subdivision plan when the owners of the adjoining property formulate a development plan. Addressing Mr. Myers' comment regarding the lot's configuration as a “keyhole lot,” Mr. Bulger explained that the Planning Board could, if necessary, provide a

waiver in the future. He urged the applicant and his consultant to address the technical issues identified by CHA Companies. Board members appeared to find the application acceptable.

[2010-025] **Addison Estates** – Proposed amendment to the approved Addison Estates subdivision for relocation of existing multi-use pathway – Conceptual review. SBL: 276-2-121

Mr. Gavin Vuillaume, consultant for the applicant, presented this project plan for Mr. Paul Amedore, applicant, explaining that although the rationale for the proposed relocation of the multi-use pathway remains the same, the plan has been revised in accordance with Planning Board recommendations issued at the July 21, 2010 Planning Board meeting. The proposed 8-foot wide asphalt multi-use pathway approximately 1,215 feet in length is now proposed to be installed along Miller Road from Addison Way south to the existing trail that connects to the Summer Hill subdivision. Specifications for the path's design are included on the site plan. A note on the plan states that the existing trail connection – approximately 760 feet in length - which is located along 23 Addison Way will be removed: the total length of that existing trail bed will be topsoiled, seeded, and mulched. Mr. Vuillaume explained that it may be necessary to request a 10' – 15' strip of land along Miller Road from the two property owners that would be impacted by the trail's construction.

Mr. Scavo reported the Mr. Myers, Director of Building and Development, provided the following comments in a memo dated November 29, 2010. It appears that the path crosses the right-of-way onto the Greene property. Removal of the existing pathway will require a permit from the ACOE. In addition, a Stormwater Pollution Prevention Plan will be required to ensure protection of wetlands. Potential drainage effects from construction of the path along Miller Road are not detailed: it appears that the filling of ditches would be required. It is not clear if the new path will be constructed using the typical section or the extended shoulder. The extended shoulder option is obviously much more hazardous to path users, especially on the inside of a curve in the road.

Mr. Scavo reported that the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee requested the construction of a crosswalk to Blue Jay Way. Members of that subcommittee also stated their preference for an 8' route the entire length of the pathway. The applicant should verify that property owners along the proposed trail support its construction and agree to any easements or land conveyances required. The Trails Subcommittee notes that Planning Board approval of this trail amendment may establish a very serious precedent for future requests to relocate existing trails.

Mr. Scavo recommended that the applicant contact the property owners Carol Ann Greene and Jason Greene as soon as possible regarding their willingness to provide additional right-of-way width that will likely be necessary to construct the proposed pathway. He asked that the project plan ensure that drainage along Miller Road will not be negatively impacted by the proposed trail.

Mr. Romano offered the following comments that were prepared by CHA Companies. In general, the proposed path location along the east side of Miller Road appears to be an acceptable replacement of the proposed section of path within Addison Estates to be removed. The applicant should verify if a Stormwater Pollution Prevention Plan will be required. The plans

include an extended shoulder option cross section. The extended shoulder was not supported by the Planning Board at the last meeting. CHA Companies does not support this option as it does not provide adequate protection from trail users travelling in both directions and would be problematic to maintain: the option should be removed from the plans. It is recommended that a minimum offset distance of ten feet be provided from the edge of pavement (shoulder) of the roadway and the closest edge of pavement of the trail, wherever possible. A distance of five feet is generally used for avoiding obstructions. It would appear ten feet of separation would be possible along Lot #1 given the extra right-of-way that was granted. Where the trail crosses existing gravel or paved driveways, a new paved driveway apron should be provided. The trail's intersection with Addison Way should be shifted to the east to avoid the existing catch basin frameset. The connection to Addison Way will require a landing pad with detectable warning strip and removal of the existing wing wedge curb in order to make it handicapped accessible. In order to avoid the hazard associated with the open end section, the culvert should be extended and a catch basin installed on the existing 12" cross culvert. Temporary work easements and additional right-of-way may be required from parcels 12 and 73.1 to effectuate the work. A minimum of 4" topsoil, seeding and mulch should be applied over the gravel shoulders. Due to the difficulty in re-establishing vegetation in the area between the roadway and trail, continuous erosion control matting should be used. Adequate separation from existing signs must be maintained in accordance with M.U.T.C.D. Typical sign locations and minimum offsets should be shown on the typical sections. Future plan submittals must include very detailed grading and layout information. Additional topography should be along the frontage lands of Greene. Final plans should include appropriate maintenance and protection of traffic control notes and details to effectuate the work. Given seasonal constraints, no work should be initiated prior to April 1, 2011.

Mr. Ferraro read the comments provided by the ECC. The existing trail is part of the defined network of the Town's Trails Master Plan and was previously approved as part of the subdivision review. The trail realignment would deny the public access to the scenic vista of the wetland area, and also result in safety concerns for the trail users. Therefore, the ECC does not recommend approval of the proposed trail alignment.

Mr. Hale commented on the ECC's observation that the proposed removal of the existing trail would "deny public access to the scenic vista of the wetland area," stating that the Board may wish to consider preserving a portion of the trail and providing a cleared area that would offer trail users such a view. Mr. Werner recommended that, due to sight distance constraints along Miller Road, he supported "as much separation as possible" between the carriage way and the trail. In response to his comments regarding improved markings at the Addison Way – Miller Road intersection, Mr. Vuillaume explained that appropriate signage will be provided. Mr. Ophardt considered the proposed trail location a "good alternative" to the existing trail segment.

Mr. Jason Greene, 419 Miller Road, stated his disapproval of the proposal, explaining that there is limited land between the existing pavement and existing property lines for installation of the proposed trail. He believes that the removal of existing mature trees along the roadway would diminish his privacy and increase noise. The speaker expressed his concern for impacts to existing drainage along Miller Road, labeling the proposal a "bad idea".

Mr. Vuillaume addressed Mr. Greene's concerns, stating that although it was possible that some disturbance of existing landscaping may be required for grading and trail construction,

the applicant would be willing to replace plantings that needed to be removed. He agreed that existing drainage must be maintained.

In response to Mr. Bulger's comment regarding CHA's recommendation that a Stormwater Pollution Prevention Plan for the project be prepared, Mr. Vuillaume explained that such a document would likely be unnecessary because anticipated land disturbance amounted to less than one acre. Mr. Greene commented that disturbance of existing vegetation and the mature trees that line Miller Road should be expected due to grading requirements. Mr. Bulger explained that Mr. Greene and his mother, who resides at 421 Miller Road, may be required to approve of grading and/or provide land conveyances for Mr. Amedore's project to move forward: he noted that they could deny such requests and prevent the trail's construction. Mr. Hale stated that it would be necessary for the applicant to prepare an existing conditions plan in order for the Board to reasonably assess the project's viability. Board members did not comment positively or negatively on the application.

### **New Business:**

[2010-043] **Ellis Hospital Extension Clinic** – Proposed 39,000 SF medical facility, 103 Sitterly Road – Conceptual site plan review. SBL: 272.-1-40.1

Mr. Paul Milton, representative of the applicant, Ellis Hospital, provided a brief description of the proposed medical facility, explaining that there is an apparent demand for an “urgent care” facility in the Clifton Park area. The proposed facility received state approval after what the speaker described as “rigorous” review. It is expected that the clinic will operate daily from 10:00a.m. to midnight with ER-trained nurses and physicians. Six (6) treatment bays, laboratory facilities, and imaging areas will be included in the building's design. A portion of the building will house medical offices. Mr. Milton explained that although the hospital has purchased the land, the project plan calls for the site to be developed by a private land developer: the hospital will then lease the facility.

Mr. Gavin Vuillaume, consultant for the applicant, explained that this application calls for the construction of a new 39,000 SF medical facility – a satellite emergency clinic – associated with Ellis Hospital. The facility will be located within the B-4 (Highway Business) zoning district on the easterly side of Sitterly Road near its intersection with Clifton Park Center Road. The 7 acre site formerly housed a recreational vehicle retail outlet: Mr. Vuillaume presented an “existing conditions” sketch, explaining that it appears that there are currently approximately fifty (50) parking spaces provided on site. Mr. Vuillaume reported that the project plan includes removal of the existing dealership, the installation of approximately 260 parking spaces, reconstruction of an existing driveway entrance on Sitterly Road, on-site stormwater management, and connections to public water and sewer systems. It is likely that the existing stormwater piping will be relocated to a recharge basin that utilizes and infiltration design. A Stormwater Pollution Prevention Plan will be prepared. The speaker acknowledged that, as recommended by CHA Companies, a traffic study appears warranted. Since impervious surface areas will be reduced, it is expected that green space will total approximately 45% of the site.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in memo dated November 29, 2010. Mr. Myers states that the proposed use is permitted within the B4 zone. He requests that the applicant verify that the R1 zone across Sitterly Road is the required minimum 100' away, though he notes that this "can be supplemented as needed by the Planning Board." Although no setback variances appear to be required, other variances may be required once the preliminary plan is submitted for review. A full Storm Water Pollution Prevention Plan. Mr. Myers reserved the right to make additional comments when a more detailed plan is prepared and presented for consideration.

Mr. Scavo reported that the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee requested the conveyance of a 15' strip of land along Clifton Park Center Road for future trail development or roadway improvements. The installation of a sidewalk connection from the proposed building to Sitterly Road was also recommended.

Mr. Scavo offered the following comments provided by the Planning Department. He recommended that "an adequate landscaping buffer" be provided along the Northway corridor, that a sidewalk be installed from the driveway access to Sitterly Road, and that a "floating easement" be provided to adjoining property owners to allow for possible future cross-connections.

Mr. Romano reported that CHA Companies provided the following comments and recommendations after review of the site plan dated November 16, 2010 as prepared by Environmental Design Partnership, LLP. The project is located within the limits of the Exit 9 Area GEIS. Conformance with the associated Statement of Findings should be verified. The proposed project appears to be an unlisted action pursuant to SEQRA and as such coordinated review is optional. Involved and interested agencies are anticipated to include the following: Clifton Park Planning Board – Site Plan Review; Saratoga County Planning Board – Section 239 referral; NYSDOH – Certificate of Need; Saratoga County Sewer District #1 – Sanitary Sewer Connection Permit; Clifton Park Water Authority – Water Connection Permit. The proposed medical use will generate more traffic than the previous RV Dealership, and of a different nature. A traffic study should be prepared evaluating the potential impacts associated with the additional traffic. In particular the study should evaluate the impacts at the existing traffic signal at the intersections of Sitterly Road and Clifton Park Center Road and Sitterly Road and Crossings Boulevard. Sitterly Road has been identified as needing improved pedestrian accommodations: this project will increase the need for such improvements. The Planning Board should evaluate and discuss the pedestrian accommodations needed for this project. At a minimum, sidewalks from the facility to Sitterly Road and along the north side of Sitterly Road to and across the intersection with Clifton Park Center Road should be considered. The sight distance at the proposed curb cut location looking left should be evaluated. The relocation of the existing access drive to the adjacent parcels appears to be outside of the existing ingress/egress easement afforded to the adjacent properties. These modifications will need to be done with the consent of the adjacent owners and the easement will need to be revised accordingly. The required building and parking setbacks should be depicted on the plan. The Code Enforcement Officer should determine if the property line adjacent to the Northway will be considered a front yard. The site statics table should include the existing green space, building area and parking count. ADA guidelines require 10% of the total parking spaces servicing a medical facility to be handicapped accessible. The proposed plan does not meet this requirement. A project narrative should be provided that describes the proposed use, hours of operation, number of employees, shifts, etc. The narrative should include a discussion on the frequency of ambulances, emergency access routes to the facility, and the potential associated impacts. The plan indicates that a fifteen foot

vegetative buffer will remain along the Northway. The quality of the existing buffer is poor or non-existent. Substantial improvements should be made, and the fifteen feet afforded for buffering and landscaping appears inappropriate. These types of facilities typically have significant service area requirements. The service area shown is non-descript and in a very visible location from the Northway. Additional planning work in this area is required. The limits of the adjacent residential zoning district should be depicted on the plan. Section 208-46.G of the Code requires that a minimum 100-foot buffer from a residential zone shall be maintained and supplemented as deemed appropriate by the Planning Board. The proposed building height should be depicted on the plan. The owner's of the adjacent properties east of the lands labeled now or formerly of Peter J. Belmonte Sr. should be depicted on the plan. Additional details of the proposed traffic circulation at the main building entrance should be provided with future submissions. Given the curvilinear nature and tight radii of the entrance drive, it is recommended that its width be increased to a minimum of twenty-eight feet. Some of the site drains to the north side of the site which is reserved for future parking expansion if needed. It would appear a stormwater management area would be required in this area to accommodate the initial development.

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

In response to Mr. Koval's question regarding whether or not Old Sitterly Road would remain, Mr. Vuillaume explained that the road would remain since it was used by the adjoining property owner. Mr. Koval supported the "landbanking" of excess parking spaces. He noted that Sitterly Road was extremely hazardous for pedestrians and asked that the applicant consider improvements to the area roadways and site access point. Mr. Werner asked if the "enhanced care" facility would involve ambulance traffic. Mr. Milton explained that ambulances would not be transporting patients to the site, though, after evaluation, patients may be transported by ambulance from the site to other medical facilities. Mr. Werner recommended that the applicant consider the installation of signage along major roadways such as Route 9 and Route 146 to provide directions to the new facility. Mr. Hale sought clarification as to whether the number of handicapped spaces (10% of the total number) recommended by CHA Companies applied to the entire building or only the urgent care portion to be used by Ellis. Mr. Romano explained that the number was derived from ADA guidelines for the proposed type of medical facility. The project architect who was in attendance at the meeting explained that he had researched this point and determined that it only applied to the urgent care portion of the building. It is likely that fewer handicapped spaces than the number recommended by CHA Companies will be needed on site. Mr. Hale supported the ECC's recommendation that the applicant consider the utilization of "sustainable measures" within the stormwater management and designs. Mr. Bulger reported that there was significant interest in developing the adjoining property and he noted that re-development of that site may impact existing "access arrangements". Mr. Bulger explained that the Board should be very pleased to be presented with this application since the Town has been in need of such an urgent care facility for quite some time and he urged Board

members to work with the applicant to ensure that the facility becomes a reality.

**Minutes Approval:**

Mr. Bulger moved, seconded by Mr. Werner, approval of the minutes of November 23, 2010 as amended. The motion was unanimously carried.

Discussion Items:

Mr. Scavo distributed the tentative Planning Board schedule for 2011 for Board members' review and comment.

Mr. Scavo explained that this would be Mr. Bulger's last Planning Board meeting since he had accepted a new position to serve with recently-elected Congressman Chris Gibson as a regional representative. Mr. Scavo expressed his thanks to Mr. Bulger for all his service to the Planning Board and the Town and wished him well in his new endeavor. Mr. Ferraro stated his appreciation for Mr. Bulger's dedication to the planning process and his fairness as Chairman of the Board.

Mr. Bulger explained that although he was reluctant to leave the Planning Board after serving as a member and as Chairman for several years, he was excited about joining Congressman Gibson's team. Specifically addressing several individuals he stated his appreciation for the help provided by Ms. Patricia O'Donnell, Town Clerk, the Town's Planning Department staff, representatives of CHA Companies, Mr. Ferraro, ECC Chairman, Mr. Jim Romano, Town Board member, Planning Board members, applicants, and citizens during his tenure. He described the Town of Clifton Park Planning Board as well-respected and commended all for their participation in the planning process.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 9:15p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on January 11, 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