

Clifton Park Planning Board Meeting Minutes

February 11, 2003

Those present at the February 11, 2003 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, B. Czub, R. d'Amico, T. Karam, J. Larkin, J. Marzola, J. Russell

Absent: None

Those also present: J. Kemper, Director of Planning, J. Grasso, Clough, Harbour, and Associates, M. O'Brien, Environmental Specialist, P. Pelagalli, Counsel

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m. He welcomed Mr. Karam, noting that he was appointed by the Town Board at its January 6, 2003 organizational meeting to fill the position by Kevin O'Brien.

Minutes Approval:

Mr. Marzola moved, seconded by Ms. Czub, approval of the minutes of January 14, 2003 as written. Ayes: Larkin, Czub, d'Amico, Marzola, Russell, Bulger. Noes: None. Abstained: Karam.

Public Hearings:

[2000-035] Belmonte, Peter – Proposed (16) lot subdivision, West Sky Drive – Reconvening of preliminary public hearing held on November 13, 2002 and possible determination.

This application was withdrawn from this evening's meeting at the request of the applicant.

[2002-026] Quarry Development, LLC – Proposed (6) lot subdivision, Vischer Ferry Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:15p.m. The Secretary read the public notice as published in the Daily Gazette on February 3, 2003.

Mr. Steven Elsbree, Professional Land Surveyor, presented this application to the Board, explaining that it remains basically unchanged from the one presented for the Board's consideration on October 8, 2002. The (6) single-family lots on the 102-acre parcel will range in size from 4.1 acres to 52.5 acres and each will be served by an individual well and septic system. This conservation density subdivision replaces an (8) lot subdivision that was approved in 1996. The existing private drive was constructed with previous

permits from Saratoga County Department of Public Works, the Town of Clifton Park, NYSDEC, and the Army Corps of Engineers.

Mr. Kemper explained that when this project last appeared before the Planning Board on October 8, 2002, the main issues of concern to members were a sign-off on the location of the wetlands, a sign-off from ACOE, and a sign-off on the road from the Emergency Services Advisory Board. Sheryl Reed, Chief of the Bureau of Fire Prevention, has approved the plan. Mr. Elsbree explained that the needs of emergency service vehicles would be accommodated on the private drive.

Mr. Kemper requested that the location of the existing completed roadway and the sections proposed for construction be depicted on the plot plan and that the standard note for airport activity be added to the plot plan. A copy of the Saratoga County Department of Public Works' curb cut permit has been provided by the applicant.

Mr. O'Brien, Environmental Specialist, reported that the ECC recommended that the following standard statement be added to the plot plan: the applicant will control fugitive dust and debris during the construction phase of the project.

Mr. Grasso offered comments from Clough, Harbour, and Associates. The applicant shall submit a detailed plan with draft documents which specify the manner in which the private roadway is to be maintained. Consideration should be given to the relocation of lot #6 to the rear of the site, thus allowing the project site to be viewed as undeveloped open space when viewed from the public right-of-ways.

He offered additional comments on the preliminary plan submittal. Since the project will involve the disturbance of a parcel greater than one acre, stormwater management and pollution prevention plans should be submitted for review. Both should conform to NYSDEC's recently adopted SPDES stormwater management regulations. A grading plan showing the grading of the proposed road will be required. The profile should show existing grades, proposed grades, and any culverts that are proposed. Erosion controls should be provided in accordance with NYSDEC's erosion and sediment control guidelines for new development.

Board members agreed that the location of Lot #6 was acceptable. Since the lots are very large, the plan provides for "high-end" development.

There being no public comment, Mr. Larkin moved, seconded by Ms. Czub, to close the public hearing at 7:20p.m. The motion was unanimously carried.

Mr. Bulger moved, seconded by Mr. d'Amico, to establish the Planning Board as Lead Agency for this application and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Russell offered Resolution #1, seconded by Mr. Marzola, to grant preliminary and final subdivision approval, waiving the final hearing, to this application conditioned upon

satisfaction of the comments offered by Mr. Kemper, Mr. Grasso, and sign-off from the NYSDEC. Ayes: Larkin, Czub, d'Amico, Karam, Marzola, Russell, Bulger. Noes: None.

Old Business:

[2002-041] Quinn Master Plan – Medical Park – Proposed 28,800 SF medical office use in (6) buildings, Route 146 – Preliminary site plan review and possible determination.

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

[2002-047] Riggi, Vincent - Proposed two-family residence in an R-1 zone – request to rescind approval.

Mr. Kemper explained that the Planning Department was in receipt of a letter from Vincent Riggi requesting that the Planning Board rescind the approval for a Special Use Permit allowing for the construction of a two-family residence at 92 Robinwood Drive. Mr. Clemens, Director of Building and Development, has endorsed such an action since the residence was not constructed in accordance with state building codes. He recommends that the Special Use Permit be formally rescinded in order to preclude any uncertainty relating to future use of the property.

Mr. Bulger read the memo from Mr. Clemens that states that documentation from on-going inspection of the property and site investigation substantiates the fact that the originally proposed apartment was not built in accordance with state building codes and that the required privacy separations were not constructed.

Ms. Czub moved, seconded by Mr. d'Amico, 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. d'Amico moved, seconded by Mr. Marzola, to rescind the Special Use Permit that was granted on September 11, 2002 to 92 Robinwood Drive to permit the construction of a two-family dwelling at that location. The motion was unanimously carried.

New Business:

[2003-006] Hicks, Thomas – Proposed sand and gravel mine – 164 Sugar Hill Road – Special Use Permit and site plan review – Conceptual review.

Mr. Brian Milliman, representative of Griggs-Lang Consulting Geologists, Inc., presented this application that calls for the operation of a 15 acre sand and gravel mine within a 134-acre parcel owned by the applicant. Material processing will consist of a dry screen and mining operation conducted at least five (5) feet above the mean annual high groundwater table. Approximately 1 acre has been previously affected; therefore, the NYSDEC area of the mine is 14 acres. Substantial documentation regarding this project

has been provided to the Planning Department, Clough, Harbour, and Associates, and the New York State Department of Environmental Conservation. A mining plan and soils map, reclamation plan, long EAF, project narrative, and the approved NYSDEC Mining Permit have been submitted for review.

The consultant explained that mining occurs on an “as needed” basis. It serves local developers during the construction of residential subdivisions and commercial building projects. Topsoil removed from the area will be stored in berms that will surround the disturbed area and will be replaced upon completion of the mining activity. The mining operation will move from the southern portion of the site to the north. The area will be accessed from an existing farm road and drainage will be maintained within the designated mining area. The necessary SEQRA review has been completed by NYSDEC and the area will be reclaimed as active agricultural property. At Mr. Bulger’s request, Mr. Milliman described the mining process and the change to the topography of the site.

Mr. Kemper explained that the Town of Clifton Park submitted written comments to George Casey of NYSDEC during the DEC review process for the mining application. In that letter, he asked that the hours of operation be limited to 9 a.m. and 5 p.m. weekdays with no activity on Saturday. He encouraged the Planning Board to consider establishing work hours during preliminary review. Lou Gerard, Highway Superintendent, requested that all trucks leaving the site travel from Sugar Hill Road to Riverview Road and then easterly on Riverview Road since the condition of the westerly portion of Riverview Road could deteriorate because of increased heavy truck traffic. Mr. Kemper also recommended that the buffers to adjoining properties be increased to reduce noise and visual impacts.

Mr. O’Brien, Environmental Specialist, explained that the ECC made several recommendations after reviewing the project plan. The Special Use Permit should restrict mine operations to weekdays. Trucks should be regulated to ensure they are covered and not overloaded because debris and dust from exiting vehicles would create a hazardous condition on Sugar Hill Road. The appropriate agency should be notified of this activity to monitor this aspect of the project. On-site erosion control measures must be continually installed and monitored to prevent excessive silt loading in streams and ponds within close proximity of the mine. These measures must be kept in working order for the duration of the operation. All spills (broken/leaky fuel tanks, ruptured hydraulics, oil and antifreeze spills) must be reported to the NYSDEC Spill Hotline. Due to the proposed 5’ buffer to the water table, immediate containment measures may be necessary to prevent groundwater contamination.

The ECC requested that the following standard statements be added to the permit conditions and adhered to:

- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.
- The borders of all land that is to remain undisturbed shall be clearly marked on the site

before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.

- No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).

If hazardous materials will be stored on-site, the applicant must submit a plan addressing handling and storage and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored.

Mr. Grasso explained that the proposed project is a Type 1 action pursuant to SEQRA, and coordinated review is being conducted by NYSDEC. NYSDEC will also be acting as lead agent. The Planning Board, therefore, does not need to make a SEQR determination.

Pursuant to NYSDEC's Mined Land Reclamation Law, issues which the Planning Board may consider in its determination of a Special Use Permit and Site Plan approval of a mining application are restricted to the following:

- Whether setbacks are appropriate
- Whether access restrictions are appropriate
- Whether dust control measures are appropriate
- Whether the proposed hours of operation are appropriate
- Whether mining is prohibited at the proposed location.

The Town Engineer recommends that the proposed setback of 25 feet to the Gilson and Miller properties to the north be increased to a minimum of fifty feet or 100 feet to reduce potential changes to the visual character of the area when viewed from those properties.

Mr. Bulger explained that the issuance of the NYSDEC Mining Permit reduces the opportunity for the Planning Board to place additional restrictions upon the applicant and work at the mining site. Mr. Larkin stated that he believes that the review conducted by NYSDEC was quite thorough and that he found extended hours of operation acceptable because local construction was sometimes dependent upon timely mining activity. Mr. Russell requested further clarification regarding suitability of the access road, additional information concerning the placement of berms as related to property setback requirements, and a determination regarding the crushing of materials on site. The consultant explained that all setback requirements will be met or exceeded, that the berms will be created around the mine area, and that, due to the small amount of gravel available, no crushing of the stone will take place on the property.

Since NYSDEC has conducted the SEQRA review and has issued a permit for this activity, the Board found the project plan acceptable and agreed that no SEQRA determination was required.

NYS Route 9 – Conceptual site plan review.

Mr. Tom Andress, ABD Engineers and Surveyors, presented this application for the Board's review. The project proposal calls for a 2,000 SF addition to the existing 6,200 SF retail outlet to allow expansion of the display area. Plans call for the redesign of the front parking area and construction of additional parking spaces. Appliance Giant is located in a B-3 zone on NYS Route 9 north of its intersection with Biette Road. The .9 acre parcel will contain 38.3% greenspace. Mr. Andress stated that although 41 parking spaces are required pursuant to the Zoning Code, the existing parking is more than sufficient for the business. He suggested that many of the spaces be held in abeyance until future needs warrant their construction.

Mr. Kemper offered a number of comments on the project plan. Future submissions should include a landscaping plan that depicts screening around the dumpster enclosure. The applicant should evaluate the feasibility of banking some parking spaces. Don Clemens has forwarded a memo dated February 11, 2003 to the Board stating that Green's Appliance received a Special Use Permit for the 6,200 SF building on October 11, 1989. He points out that Section 208-79 G (3) of the Town Code requires that an expansion of a SUP greater than 25% requires submission of a new SUP application. A front setback variance from Biette Road is required. Though a variance of 46' was previously granted, the proposed addition will require a 48.5' variance from the required 80' setback. A front setback variance from Route 9 will be required for parking: 30' required, 12' proposed, variance = 18'. A side setback variance from 208-38 D for parking 15' from southern property line is also necessary since 20 feet is required. A 5-foot variance is required.

The ECC recommends that the following standard statements be added to the plot plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

The ECC also recommends that any proposed exterior lighting shall be directional and limited. The ECC has concerns regarding discarded appliances that are stored on site: this matter must be addressed. The ECC asks that the applicant provide a raised vegetative berm to screen the property from NYS Route 9.

Mr. Grasso presented the comments from Clough, Harbour, and Associates. The proposed project appears to be an unlisted action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include: Clifton Park Planning Board -Site Plan Approval; Clifton Park Zoning Board of Appeals – Front Yard Setback Variance.

The proposed addition is shown 31.6 feet from Biette Road which has an eighty foot front yard setback requirement. Although the existing building may have a variance for a front yard setback encroachment, it would appear a modification to the variance would be required for the expanded building. Confirmation should be provided by the Code Enforcement Officer.

In order to provide parking in accordance with the zoning regulations that require 41 spaces, parking would need to be provided within the thirty foot front yard parking setback. A variance will be required for such placement.

In accordance with Section 208-40 of the zoning regulations, sites within the B-3 zone shall have the property margins landscaped with trees and shrubs for a width not less than ten feet. In addition, landscaping should be provided along Route 9 to improve the aesthetics of the site.

Board members agreed that the number of parking spaces to be installed on the site was sufficient: additional spaces necessary to meet code requirements would be held in abeyance until required by a change of use or lease to a new tenant. After considering the location of the existing store entrance and site access, they found the project acceptable.

[2003-004] DCG Development, Co. – Proposed 163,000 SF light industrial flex space, Wood Road – Conceptual site plan review.

Mr. Gordon Nicholson, Environmental Design Partnership, presented this project plan that calls for the development of a 36-acre parcel on Wood Road. The concept plan shows 35,000 SF of storage space in seven buildings, two 40,000 SF flex buildings, and four 12,000 SF flex buildings. Two access roads will be installed on Wood Road, parking for 160 vehicles will be provided, and at least 40% of the parcel will remain as greenspace. The applicant proposes on-site stormwater management, connection to the Clifton Park Water Authority and Saratoga County Sewer District #1, landscaping, site lighting, and signage. Substantial screening will be provided along both Wood Road and Route 9. Mr. Nicholson noted that a portion of the site lies within a designated Empire Zone and care has been taken to configure the space to adequately and efficiently place the larger warehouse facilities on the parcel so as not to extend the designated zone.

Mr. Kemper reported that he had consulted with Sheryl Reed regarding this application since she has expressed concerns about the storage area and the proposed gate. The applicant is asked to discuss this issue with Ms. Reed to arrive at a mutually acceptable resolution of the problem. A memo from Jim DiPasquale at the Saratoga County Sewer District stated the following: “Sanitary sewer service for the proposed project will need to be evaluated on the basis of existing connections in the sewer system. As presented in engineering reviews for prior connections to the Ushers Road Industrial Park Sewer System, construction of the central pump station will be required. Presentations for the project must be made to the District in compliance with the recently adopted Rules and Regulations”. Sign-offs will be required from Clifton Park Water Authority, NYSDEC, NYSDOH, Saratoga County Sewer District, and the Saratoga County Planning Board.

The NYSDEC wetlands delineation will have to be updated and any ACOE wetlands on the parcel must be depicted on the plan. Peak hour trip generation numbers need to be provided so that the appropriate traffic mitigation fees can be established. A project narrative should include a description of the proposed uses for the buildings. The project conflicts with items numbered 67,73,78,79 as listed in the Findings Statement for the Wood Road Corridor GEIS. A sign-off will have to be provided from NYSDEC regarding the evidence of the endangered Karner Blue Butterfly or its habitat on the site.

In response to Mr. Kemper's comment regarding the Karner Blue Butterfly, Mr. Nicholson noted that the species appears to be diminishing due to "natural succession" and that the area has been continually monitored by qualified biologists during the past five years. Reports will be submitted for the Board's review.

Mr. O'Brien, Environmental Specialist, stated that the ECC offered the following comments for this application:

- The applicant needs to survey the property to provide updated wetland boundaries (State, Federal). Only after this survey will the usable area be accurately represented.
- The plot plan should have a site location map.
- Consideration should be given to a generous right-of-way for multi-use trails parallel to Wood Road.

Mr. Grasso explained that Clough, Harbour, and Associates identified several items related to the SEQRA review of the application. He listed these as follows:

1. The proposed project is located within the limits of the Wood Road Corridor GEIS Study Area. As such, if the proposed project is deemed consistent with the findings of the GEIS, no additional SEQRA action may be required. Involved agencies are anticipated to include the following:

- Clifton Park Planning Board - Site Plan Approval
- Saratoga County Planning Board - Section 239 Referral
- NYSDOH - Water Supply Extension Approval
- NYSDEC - Wastewater Disposal System Approval (SPDES Permit)

2. Submission of a Full Environmental Assessment Form is recommended. Pursuant to the Findings Statement for the FGEIS for the Wood Road Corridor, the following issues should be addressed:

- Per Finding No. 34, traffic mitigation fees are required to address cumulative impacts of the proposed development. The fee is \$1,465.47 per trip generated during the highest peak hour, as defined by appropriate facility codes in the ITE Trip Generation Manual, 5th Edition. The applicant's consultant should submit an analysis of the projected trip generation so that the respective mitigation fee can be assessed.
- A mitigation fee is due for the original review of the DGEIS in the amount of \$74.28 per acre. Based on a 36-acre site, the respective mitigation fee is \$2,674.00.
- Per Finding No. 67, a visual buffer of approximately 250 feet is recommended to avoid and minimize significant visual impacts to travelers on NYS Route 9. This is not provided, and as such, a supplemental visual impact assessment should be completed.
- Per Finding No. 73, a Phase I Environmental Audit shall be conducted and submitted at

the initiation of site plan review. This should be included in the next plan submission.

- Per Finding No. 78, the applicant shall contact NYSOPRHP regarding historic sites and archeologically sensitive resources near the project area. Copies of the correspondence should be sent to the Town and to our office for our files.
- Per Finding No. 79, the Light Industrial zoning district was amended to allow only uses such as warehousing, fabrication and similar low intensity land uses. Additional information regarding the proposed uses is required to determine if the uses are consistent with those outlined in the GEIS and the zoning regulations.

One item of concern was related to the general site plan. Pursuant to Section 208-65.E.1 of the zoning regulations, no maneuvering area should be located within the required front yard setback. The locations of the backing areas for the 12,000 SF flex buildings should be adjusted accordingly.

Mr. Donald MacElroy, representative of DCG Development Co., explained that the required traffic mitigation fees were established in 1994. Since significant traffic improvements have been completed within and adjacent to the Wood Road Corridor in the past several years, DCG is preparing an analysis that may result in further reduction of the required mitigation fees.

Mr. Bulger commented that the “flex plan” appeared to be a desirable use within the designated Empire Zone. He asked that the realignment of the Wood Road-Route 9 intersection be considered as part of this application. Board members found the project acceptable.

Discussion Items:

Taymor Trail – Grooms Road

Mr. Scott Wilshire and Mr. Gerry Beston, residents of Cheviot Court, asked that the Board address the possible drainage problems that may be produced by the addition of fill on lots that back directly to their residential properties. They report that the apparent builder/owner of the lots on Taymor Trail have placed more than 100 truckloads of soil on the properties. They ask that the Town monitor the situation to ensure that such fill will not impact drainage in the area.

Board members were concerned about the changes to the development site and asked that Mr. Kemper and Mr. Clemens, Director of Building and Development continue to assess the situation and take whatever action is necessary to ensure that there are no adverse impacts to adjoining properties.

Stewart’s Ice Cream Shop – Rexford

Mr. Kemper explained that Stewart’s requires the installation of a storage shed to provide storage for non-perishables. The shed will be installed directly behind the store and will be screened from view. Board members found the addition as an insignificant change to

the site: it will not require formal site plan review.

Gilbert VanGuilder Surveyors – 988 Route 146

Mr. Kemper stated that Mr. VanGuilder proposes a small addition to his existing professional office at the intersection of Route 146 and Lace Lane. This proposed addition will require a setback variance from the Zoning Board of Appeals. Board members found the proposal acceptable, and recommended that Mr. VanGuilder obtain the required variance and then submit the plan for site plan approval.

Mr. Bulger moved, seconded by Mr. Larkin, to adjourn to executive session at 8:50p.m. to discuss pending litigation. The motion was unanimously carried.

Mr. Bulger moved, seconded by Mr. Larkin, to end the executive session at 9:30p.m. and to continue the scheduled meeting. The motion was unanimously carried.

Ms. Czub moved, seconded by Mr. Larkin, adjournment of the meeting at 9:30p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on Tuesday, February 25, 2003.

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, Joel Peller, Town Attorney, Oscar Schreiber, Town Attorney, Jim Trainor, Town Attorney, Paul Pelagalli, Town Attorney, Department of Parks and Recreation, ECC, Saratoga County Planning Board, Shenendehowa Central School, Clifton Park Water Authority, Fire Districts.

Resolution #1
Preliminary and Final 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 February 11, 2003:

Present: S. Bulger, Chairman B. Czub, R. d'Amico, T. Karam,
J. Larkin, J. Marzola, J. Russell

Absent: None

Mr. Russell offered Resolution #1, and Mr. Marzola seconded, and

Whereas, an application has been made to this Board by Quarry Development, LLC for approval of a subdivision plat entitled Subdivision of the Lands of Quarry Development, LLC, consisting of (6) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on and February 11, 2003;

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 February 11, 2003, 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 final hearing for this application is waived and the final plat entitled the Subdivision of the Lands of Quarry Development, LLC consisting of (6) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso and a final sign-off from NYSDEC.

Resolution #1 passed 2/11/03

Ayes: Czub, d'Amico, Karam, Marzola, Larkin, Russell, Bulger, O'Brien

Noes: None

Steven Bulger,
Chairman