

Clifton Park Planning Board Meeting Minutes

March 25, 2003

Those present at the March 25, 2003 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, B. Czub, R. d'Amico, J. Larkin, J. Marzola, J. Russell

Absent: T. Karam

Those also present were: 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.

Public Hearings:

[2003-008] Burns and Brand Subdivision – Proposed (2) lot subdivision, 989 Hatlee Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on March 19, 2003.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that calls for the subdivision of 5.7 acres of land in an R-1 zone into lots of 1.57 and 4.1 acres, respectively. The larger lot will contain an existing residence. The property is located on the east side of Hatlee Road, approximately 1,400 feet north of its intersection with Willow Brook Lane. The well and septic system for the existing residence will remain in use; a new well and septic system will be installed to serve the new residence. The new lot will meet all setback requirements for a keyhole lot. Mr. VanGuilder stated that the applicant has agreed to convey a 10-foot strip along Hatlee Road to the Town for future road improvements.

Mr. Kemper explained that this project last appeared before the Board on February 25, 2003 at which time no major concerns were identified. The Board did recommend that a 10' strip be deeded to the Town. The standard note for lots with wells should be added to the plans.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the final subdivision plan for the above referenced project as prepared by Gilbert VanGuilder Land Surveyor, PLLC, dated January 7, 2003 and last revised February 26, 2003. All engineering comments have been adequately addressed.

Mr. O'Brien, Environmental Specialist, stated that, after reviewing project plans, the

ECC had no additional comments.

There being no public comment, Mr. Russell moved, seconded by Mr. Larkin, to close the public hearing at 7:14p.m. The motion was unanimously carried.

Mr. Bulger expressed his appreciation to the applicant for the conveyance of a 10-foot strip along Hatlee Road for future road improvements and the installation of multi-use pathway segments.

Mr. Larkin noted that the Board often prefers combined access drives. Mr. VanGuilder explained that because of the location of the septic system for the existing home, a combined drive is not possible for this subdivision.

Mr. Bulger moved, seconded by Mr. Larkin, 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. Czub offered Resolution #4, seconded by Mr. Marzola, to grant preliminary and final approval, waiving the final hearing, for this application conditioned upon satisfaction of the comments issued by Mr. Kemper. Ayes: Larkin, Czub, d'Amico, Marzola, Russell, Bulger. Noes: None.

New Business:

[2003-017] RPJ Holding Co. LLC– Proposed 30,000 SF commercial office building, Maxwell Drive – Conceptual site plan review.

Mr. Gavin Villiaume, Environmental Design Partnership, presented this application that calls for the construction of a 30,000 SF two-story office building with 115 parking spaces on a 4.79 acre parcel on Maxwell Drive. The property is located on the east side of Maxwell Drive in a B-1 zone. Connection will be made to the Clifton Park Water Authority and the Saratoga County Sewer District. The stormwater management plan calls for discharge to an existing drainage corridor and the installation of two basins on the easterly side of the property. Appropriate landscaping, lighting, and signage will be provided. The consultant explained that if the stormwater management area is included in the greenspace calculation, the site will contain nearly 60% greenspace. Two access points have been provided on Maxwell Drive.

Mr. Villiaume explained that the Zoning Board of Appeals granted several variances to the applicant on February 4, 2003. The first was a 40-foot variance from the required front yard parking setback along Maxwell Drive, making the front yard parking setback will be 30 feet. The Zoning Board also approved a 2.4% area variance, permitting building construction on 14.4% of the lot rather than 12% as permitted by code. The final variance allowed for a 25,200 SF area variance. Though 4,800 SF is permitted in a single building within the B-1 zone, this variance allows for the construction of 30,000 SF of office space.

Mr. Kemper's review of the application resulted in several comments. The site statistics table should include the amount of greenspace for the project and the greenspace should be depicted on the plot plan. He noted that since the project lies within the Exit 9 GEIS Study Area, it is subject to the Findings Statement. Those findings include: a 45% greenspace allotment; payment of the applicable GEIS mitigation fee; preparation of an archeological study; submission of a tree survey; completion of federal wetland delineation; creation of a stormwater management plan. Future submissions should also include a detailed landscaping plan. Façade renderings must be included with the next submission and samples of colors and materials to be used on the building should be submitted for the Board's consideration. Significant berming and landscaping should be provided along Maxwell Drive. Since the amount of parking proposed is in excess of what the code requires, justification should be provided for the additional parking. If it is deemed necessary to have the additional parking, the applicant should explore the possibility of land banking some of the parking spaces. The amount of grading in close proximity to the steep slopes on the site raises some concerns for erosion and the stability of the bank. The location of the sanitary sewer line also causes some concern. The trash enclosure should be moved to a less visible portion of the site. The stormwater basin should not be calculated as greenspace for the site plan because it currently exists.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the concept site plan for the above referenced project as prepared by Environmental Design Partnership, LLP dated March 5, 2003. He offered several comments. 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; Saratoga County Sewer District – Sewer Connection Point; Clifton Park Water Authority – Water Connection Point.

The proposed project is also within the limits of the Exit 9 GEIS study area. In order to make a determination regarding conformance with the Statement of Findings, the following items should be addressed as part of the application:

- Site specific erosion control measures and a stormwater management plan.
- Site specific state and federal wetland delineation and surveys for threatened and endangered species.
- A tree survey to identify trees with 12" diameter and larger. If there are no trees on the site greater than 12" diameter, this should be so noted.
- Visual resources such as architectural style and building height should be determined.
- Unless the site has previously been disturbed, a Phase 1B archeological field investigation shall be prepared and concurrence received from NYSOPRHP.
- Based on the plan submitted, the respective GEIS mitigation fee would appear to be \$5,400 (30,000 SF x 0.18/SF)

The GEIS recommended a minimum greenspace amount of 45%. Because there was no distinction in the GEIS regarding whether or not stormwater management areas can be counted toward the 45% requirement, we assume that such areas can be included; therefore, 45% greenspace is provided. This should be verified.

It appears that significant grading may be required to build the section of the parking lot in the area of the proposed trash enclosures. The proposed layout with respect to impact on the sloped areas around the stormwater management areas and steepness of the proposed parking areas is of concern. It appears that a reduction in the density or footprint of development will be required to address these concerns. The conceptual site plan proposes two full access drives onto Maxwell Road. Section 208-35 of Article IV of the Zoning Regulations provides that "There shall no be more than one curb cut per lot unless the Planning Board finds that traffic safety will be improved with the addition of another curb cut." During a visit to the site, it was observed that sight distance to the south along Maxwell Road from the proposed northerly drive is limited due to the change in grade of the road. The adequacy of this sight distance should be confirmed. The proposed driveway is also very close to the Abele Road intersection. The marginal sight distance to the south combined with the proximity of Abele Road to the north presents concerns for conflicting turning movements. It is recommended that the northerly access drive be eliminated.

Per the zoning regulations, the existing stormwater retention area can be included as green space upon proof that it will be improved and maintained as an integral part of the landscaping scheme, thus enhancing the overall site aesthetics. Based on an inspection of the stormwater management area, it does not appear that greenspace requirements are met. In addition, the stormwater management area is included within an easement that is controlled by another party. The plan should quantify the amount of greenspace provided outside of the stormwater management area.

Mr. O'Brien, Environmental Specialist, reported that the ECC issued several comments regarding this application. The existing stormwater management system has been ineffective in preventing sediment from accumulating in the Bear Brook. The ECC recommends that the applicant evaluate the existing system's performance and correct any shortcomings prior to the start of this project. The applicant should submit a storm water management plan that mitigates the problems associated with the existing system to the Town's Engineer and the ECC for review. The ECC notes that the parking spaces exceed the number that is required; therefore, the ECC recommends the parking spaces be reduced until a need is determined. Since the proposed dumpster is very close to the stormwater management basin, it is recommended that a contaminant system be installed to prevent unsightliness. In keeping with the recommendations and goals of the Town Comprehensive Plan, the applicant should be encouraged to consider retaining existing vegetation to the maximum extent practical and/or the use of landscaping and grading to provide visual and auditory buffering between this project and adjacent roadways and/or other properties. The applicant shall maintain a minimum of 45% greenspace in accordance with the Exit 9 GEIS. Any new proposed lighting shall be directional and limited. The applicant should consider relocating the parking area to the rear of the building to improve aesthetics from the street. A pedestrian access to the existing sidewalk is also recommended.

Mr. Bulger recalled that a project plan for this parcel had been submitted by Northside Partnership in 2000. At that time Board members recognized that the proposed 28,800 SF

office building superseded the building size allowed within the B-1 zoning district and the 4,800 SF of building per 40,000 SF of lot area. Other issues identified at that time included recurring stormwater management problems, the excessive number of curb cuts on Maxwell Drive, and the delineation of state and federal wetlands. He expressed his surprise at the number of variances granted to the current application and recommended that the applicant consider reducing the density of the project in order to mitigate impacts to the slopes in the area and the existing drainage areas. He stated his opposition to the inclusion of the stormwater management area in the green space calculations and asked the applicant to consider eliminating one access onto Maxwell Drive.

Mr. d'Amico agreed that a single access would be desirable. He recommended that the Board consider future development in the area when approving the location of access drives because coordination of the projects would permit planning for smoother traffic flow. Mr. Larkin supported land banking of extra parking spaces that would be used only if warranted by the building's tenants. He asked that the applicant evaluate traffic impacts to Mooney Way, NYS Route 146, and Plank Road. Mr. VanGuilder assured the Board that he would address their concerns.

[2003-013] A T & T – Proposed telecommunication tower co-location, 14 Crossing Boulevard – Conceptual site plan review.

Board discussion was deferred until all three A T & T applications were presented.

Ms. Maureen B. Elwell, legal representative for AT&T Wireless Services, Inc., presented this application that proposes the placement of up to six (6) panel antennas at a centerline height of 115 feet, and to install a 6'x10' concrete pad at the base of the existing 150-foot monopole located at 14 Crossing Boulevard.

Mr. Kemper offered no comment on this application.

Per the Town Code, this application was reviewed C.T. Male. In his letter of March 21, 2003, Mr. Vopelak, consultant, stated that he reviewed the letter of intent, Construction Drawings, AT & T Wireless's FCC license, Radio Frequency Propagation Plots, the Redacted Site Lease Agreement, the Full Environmental Assessment Form with Visual Addendum, the Structural Analysis Report, and the completed Site Plan application forms.

Mr. Vopelak's correspondence states that it appears that the correct design standard was followed and that the tower is structurally adequate for the addition of the new antennas. The engineer's report further notes that the project proposal includes the construction of a 6' x 10' concrete pad at the base of the tower which will support two (2) outdoor equipment cabinets. Utility connections between this shelter and the tower as well as to existing electrical and telephone utility service at the site are proposed. The proposed co-location has been designed in accordance with standard engineering practices and appears to meet Town code requirements. The co-location is located within a B-4 zone and is more than 500 feet from the nearest residential structure.

The engineering firm also reviewed Part I of the Environmental Assessment Form. The technical information provided is accurate and, in Mr. Vopelak's opinion, could provide a substantial basis for completing Part II of the EAF and serves to support the adoption of a negative declaration by the SEQRA lead agency. The Visual EAF Addendum and results of the visual analysis appear accurate and complete. In summary, the report states that "the proposed co-location as described in the application is not anticipated to have any significant adverse environmental impact."

Mr. O'Brien, Environmental Specialist, reported that the only comment from the ECC was to request that if hazardous materials will be stored on-site, the applicant submit a plan addressing handling and storage and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored.

[2003-014] A T & T – Proposed telecommunication tower co-location, 129 Sugar Hill Road – Conceptual site plan review.

Board discussion was deferred until all three A T & T applications were presented.

Ms. Maureen Elwell, legal representative for AT&T Wireless Services, Inc., presented this application that proposes the placement of up to six (6) panel antennas on an existing 250' guyed tower at a centerline height of 200 feet and to install a 6' x 10' concrete pad at the base of the existing tower.

Mr. Kemper explained that with the recent adoption of Section 208-95 of the Town Code, communications providers who propose to co-locate on an existing structure located within 500 ft. of a residence, must receive a variance from the Zoning Board of Appeals. Since this property received a variance last year for a previous application, Mr. Kemper will consult with Mr. Clemens and Mr. Pelagalli to determine if the existing variance also applies to this application.

Following a review of the documents submitted for the application, Mr. Vopelak, C.T. Male representative, reports that the tower is structurally adequate for the addition of the new antennas. He also stated that the design of all the facilities, including the placement of the (6) panel antennas, the installation of the (2) equipment cabinets, and the utility connections between the shelter and the tower has been completed in accordance with standard engineering practices. He further explained that the SEQRA documents presented support the adoption of a negative declaration by the Lead Agency: the project is not anticipated to have any significant adverse environmental impact.

Mr. O'Brien, Environmental Specialist, reported that the only comment from the ECC was to request that if hazardous materials will be stored on-site, the applicant submit a plan addressing handling and storage and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored.

[2003-015] A T & T – Proposed telecommunication tower co-location, 56 Blue Barns

Road – Conceptual site plan review.

Ms. Maureen Elwell, legal representative for AT&T Wireless Services, Inc., presented this application that proposes the placement of up to six (6) panel antennas on an existing 120' guyed tower at a centerline height of 83 feet and to install a 6' x 10' concrete pad at the base of the existing tower.

Mr. Kemper explained that with the recent adoption of Section 208-95 of the Town Code, communications providers who propose to co-locate on an existing structure located within 500 ft. of a residence, must receive a variance from the Zoning Board of Appeals. As C.T. Male outlined in their letter, there are residences located within 500 ft. and therefore a variance will be required. This variance must be granted before the Board acts on this application.

Mr. Vopelak, C.T. Male, explained that he reviewed the documents submitted with this application. He noted that according to the EIA/TIA Standard, the design wind speed for towers in Saratoga County is 70 mph, not the 75 mph indicated in the structural analysis. His conclusion was that “the proper design standard was used for the structural analysis, and because a conservative wind load was used, the steel tower is structurally adequate for the additional antennas.” Mr. Vopelak’s report states that calculations for the foundation review were not included with this application: copies of these calculations stamped by a professional engineer must be submitted for review. Although the proposed co-location is in accordance with standard engineering practices, it is to be installed in a residential zone and is less than 500 feet from the nearest residential structure. In fact, there are four residences located within 500 feet. A variance will be required in accordance with Section 208-95B(2). The application is not anticipated to have any significant adverse environmental impact pursuant to SEQRA.

Mr. O’Brien, Environmental Specialist, reported that the only comment from the ECC was to request that if hazardous materials will be stored on-site, the applicant submit a plan addressing handling and storage and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored.

Mr. Bulger explained that these applications represent the first multiple applications submitted since telecommunication tower legislation was amended last year. He asked if the radio frequency emissions would conform to FCC standards. Ms. Elwell assured the Board that the FCC reviews all propagation studies and cumulative emissions during the licensing process. She noted that all applications presented this evening fall within acceptable standards. This was confirmed by Mr. Vopelak who described the FCC guidelines for co-locations. Mr. d’Amico asked if the Town was “nearing full capacity” with co-locations on existing towers. Mr. Vopelak responded that some existing towers may be structurally enhanced to allow for increased load capacities. Each co-location request will be reviewed to determine if design thresholds have been exceeded. Board members found the A T & T proposals acceptable and recommended that Ms. Elwell apply for the necessary zoning variance.

Discussion Items:

New York Development – Subdivision of the Lands of Doty

Mr. Gil VanGuilder, consultant for the applicant, presented revised project plans for the Board's consideration. He explained that the existing drainage channel along the southern portion of the site has been shown on the plan, that the L-C zone has been labeled, and that ten residences are proposed. He also presented several house plans that "fit" on the parcels adjoining the drainage area. The applicant believes that further reduction of subdivision will create an "economic hardship". In response to Mr. Grasso's comment that grading and foundation construction on several of the lots would be difficult, Mr. VanGuilder stated that the contractor would have to be extremely careful during site preparation. Mr. d'Amico, noting that it is difficult to control an owner's use of property, recommended that the homes along the southern property boundary be shifted to the east. Mr. Bulger, stating that property owners would be able to "take only 3 or 4 steps from the back door before being in the non-disturbance zone," supported Mr. d'Amico's recommendation. Mr. Bulger expressed his appreciation for the applicant's willingness to work with the Board and suggested that consideration be given to the development of a small park in the stormwater management area. Since this area adjoins the Moe Road multi-use trail, he suggested that some landscaping and benches might be desirable.

Kohl's Signs – Referral from Zoning Board of Appeals

Board members agreed that if the signs proposed by Kohl's are consistent with others in the area, they would be acceptable.

Hidden Crest

Mr. Kemper asked the Board to consider the request by Steven M. Cangialosi, in correspondence dated March 17, 2003, to "reevaluate the necessity" of removing his driveway. Mr. Kemper explained that Mr. Cangialosi resides at 677 Englemore Road. As a condition of approval for the Hidden Crest subdivision, the Board required the removal of the driveway from Mr. Cangialosi's home to Vischer Ferry Road. Following a brief discussion, Board members agreed that removal of the driveway was still warranted.

Minutes Approval:

Mr. d'Amico moved, seconded by Mr. Larkin, approval of the minutes of March 11, 2003 as amended. Ayes: Larkin, d'Amico, Marzola, Russell, Bulger. Noes: None. Abstained: Czub.

Ms. Czub moved, seconded by Mr. Larkin, adjournment of the meeting at 8:45p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on April 8, 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, Lou Renzi, 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 #4

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 March 25, 2003

Present: S. Bulger, Chairman B. Czub, R. d'Amico, J. Larkin, J. Marzola, J. Russell

Absent: T. Karam

Ms. Czub offered Resolution #4, and Mr. Marzola seconded, and

Whereas, an application has been made to this Board by Kimberly Burns for approval of a subdivision plat entitled Subdivision of the Lands of Kimberly Burns and Ronald Brand, consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on and March 25, 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 March 25, 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 Kimberly Burns and Ronald Brand consisting of (2) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper.

Resolution #4 passed 3/25/03

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

Noes: None

Steven Bulger,
Chairman