

## **Clifton Park Planning Board Meeting Minutes**

**June 24, 2003**

Those present at the June 24, 2003 meeting were:

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

Those absent were: None

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:

[2003-028] Owen, Charles W. Trust – Proposed (2) lot subdivision, 675 MacElroy Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on June 16, 2003.

Mr. Andrew Schauffert, consultant for the applicant, described this proposal that was presented to the Board on May 13, 2003. The proposal remains as presented at that meeting, with the subdivision of 68.17 acres of land in an R-3 zone into lots of 46.7 and 21.5 acres, respectively. The larger lot will have 100 feet of frontage on MacElroy Road. Mr. Schauffert explained that the 46.7 acre parcel to be acquired by Mr. Heflin adjoins property he currently owns. Future plans call for the development of a cluster subdivision that will connect with Winkle Way and Denhelder Drive in the Dutch Meadows development and will also have an access on MacElroy Road.

Mr. Kemper explained that this project last appeared before the board on May 13, 2003 at which time the Board asked that sight distances along MacElroy Road be shown on the plan. A note should be added to the plan stating that access to adjoining parcel cannot be guaranteed. The firm that performed the wetland delineation should be depicted on the plot plan.

Mr. Grasso stated that Clough, Harbour, and Associates reviewed the preliminary subdivision plan for this project and offered the following comments concerning the trail network. This section of MacElroy Road is identified in the Town's Trails Master Plan as being designated for an on-road bike route and that shoulder improvements are required to improve bicycling facilities along the route. Ultimate development of the project site will increase the demand for pedestrian facilities within the Town. In order to mitigate

these impacts and accommodate future improvements, it is recommended that a strip of additional right-of-way be provided. Though ten feet of additional width is preferred, five feet would be an acceptable minimum along both sides of the right-of-way controlled by the project sponsor.

Mr. O'Brien, Environmental Specialist, reported that the ECC found this application acceptable.

There being no public comment, Ms. Czub moved, seconded by Mr. d'Amico, to close the public hearing at 7:10p.m. The motion was unanimously carried.

Mr. Bulger asked that, based upon the comments of Mr. Kemper and Mr. Grasso, that a 5 foot conveyance be obtained from the remaining Lands of Owen for future trail development, explaining that it is the goal of the Town to provide trail links through-out the Town. Mr. Schauffert reported that, although Mr. Heflin was willing to grant such a conveyance, representatives of the Owen Trust were reluctant to provide the additional land. Mr. Larkin supported imposing a condition on the approval to be granted, noting that the conveyance was "necessary from a community perspective." Mr. d'Amico also supported acquisition of the additional land since this was the only time that the Owen parcel would be reviewed by the Board

The second issue of Board concern was the anticipated impact to the wetlands that have been identified within the area to be used for the roadway for the new subdivision. Describing this as a "serious situation," Mr. Bulger cautioned the applicant that the Board would scrutinize any proposed wetland disturbance. Mr. Schauffert explained that the applicant is aware of the problem. Mr. Larkin noted that the applicant has previously submitted concept plans for development on lands adjoining Dutch Meadows. Mr. Schauffert confirmed that although previous plans have been presented for Board consideration, ingress/egress concerns as well as sewer capacity issues have delayed built-out.

Mr. Karam 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 #18, seconded by Mr. Karam, to grant preliminary and final subdivision approval, waiving the final hearing, to this application conditioned upon the satisfaction of all comments offered by Mr. Kemper and Mr. Grasso, particularly conditioned upon the conveyance of a 5-foot strip of land along the lands retained by Owen for future road improvements or extension of the trail network. Ayes: Larkin, Czub, d'Amico, Karam, Marzola, Russell, Bulger. Noes: None.

[2003-038] Stewart's Shops Corp. – Proposed transfer of 1.8 acres of land to an existing 1.19 acre parcel, Vischer Ferry Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on June 16, 2003.

Mr. Tom Lewis, representative of Stewart's Shops Corp., described this proposed land transfer in a B-3 zone. The proposal that calls for the subdivision of a 1.8-acre parcel from the Lands of William Cole that lies northerly of the existing Stewart's store at the intersection of Vischer Ferry and Grooms Road. Mr. Cole will retain the remaining 10.35 acres. The 1.8 acres will remain as a separate parcel: Stewart's is simply planning for possible future growth.

Mr. Kemper asked Mr. Lewis to clarify whether or not the applicant proposes to consolidate the 1.8 acres with the existing lot. Mr. Lewis explained that Stewart's would like to maintain this parcel separately. Mr. Kemper asked that descriptions for the proposed lots be provided.

Mr. Grasso reported that a review of the proposed subdivision plan resulted in the following comments. The proposed project appears to be an unlisted action pursuant to SEQR, and as such, coordinated review is optional. Involved agencies are expected to include the following: Town of Clifton Park Planning Board – Subdivision Approval; Saratoga County Planning Board – Section 239 Referral.

He further recommended that the applicant be prepared to discuss the long term development plans for the affected properties. The expansion of existing retail uses at the corner of Grooms Road and Vischer Ferry Road will create additional traffic and pedestrian related impacts that will need to be addressed as part of future development proposals. There is an existing multi-use pathway within the nearby Wishing Well subdivision that now provides a continuous trail network to the Clifton Common and the sidewalk system along Route 146. The master plan calls for extension of this trail to the intersection of Grooms and Vischer Ferry Roads. One alternative to accomplish this includes extending the multi-use pathway from its current terminus within the Wishing Well subdivision, thence along Grooms Road to the corner. A second alternative involves extending a multi-use pathway from Four Leaf Manor along Vischer Ferry Road to the corner. Both alternatives would require additional right-of-way, and the Cole property that is now part of this subdivision application controls the necessary right-of-way on the east side of Vischer Ferry Road to accomplish the second alternative.

Mr. Grasso recommended that, given the significant NYSDEC protected stream corridor running through the lands to be retained by Cole, the Board should consider the long term preservation of the stream and suitable buffer. Conveyance of this area to the Town as permanent open space would be desirable. In order to accommodate future roadway widening along Grooms Road, it is recommended that a ten foot wide strip of land along Grooms Road be deeded to Saratoga County. This is consistent with what has been provided for other developments along Grooms Road. The subdivision plan should include all applicable Town of Clifton Park Standard Notes for Subdivisions.

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

ECC asks that the following standard statement should be added to the plot plan:

- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone.

Mr. Bulger asked Mr. Lewis to secure a 5-foot strip of land from the Lands of Cole on the east side of Vischer Ferry Road south from Four Leaf Manor to the Lands of Stewart's Shops to provide for future trail development. Mr. Lewis agreed to speak with Mr. Cole regarding this condition of approval.

There being no public comment, Mr. d'Amico moved, seconded by Ms. Czub, to close the public hearing at 7:35p.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, an unlisted action pursuant to SEQRA and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Karam offered Resolution #19, seconded by Mr. Larkin, to grant preliminary and final subdivision approval, waiving the final hearing, for this application conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso, particularly conditioned upon the conveyance of a 5-foot strip from the Lands of Cole along Vischer Ferry Road and the Lands of Cole south from Four Leaf Manor to the Lands of Stewart's Shops. Ayes: Larkin, Czub, d'Amico, Karam, Marzola, Russell, Bulger. Noes: None.

[2003-043] Ragozzino, Pasquale – Proposed two-family residence in R-3 zone, 942 Grooms Road –Special Use Permit public hearing and preliminary site plan review.

Mr. Bulger called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on June 16, 2003.

Mr. Pasquale "Pat" Ragozzino, presented this application. He explained that he requests approval to convert an existing three stall garage to living space to provide a handicapped accessible space for a family member who has recently become disabled. The property is located on an 8.4 acre parcel in an R-3 zone. The residence is currently served by an on-site well and septic system. The renovation will include the installation of a new 1,000 gallon septic tank, distribution box, and leach field.

Mr. Kemper explained that the applicant is proposing to convert an existing 3 stall garage into a living space for a family member who recently became handicapped. He noted that there was a previous wetland disturbance that occurred on this property that required enforcement by NYSDEC. He asked that the status of the negotiations with DEC be clarified. Mr. Ragozzino stated that all NYSDEC issues have been resolved.

Neither Mr. Grasso nor Mr. O'Brien, Environmental Specialist, offered comment on this application.

Board members discussed requiring the applicant to add a note to the plan that would limit use of the proposed second residence to related family members. Mr. Pelagalli explained that although the Board may append conditions to its approvals, the Building Department finds it difficult to enforce such conditions. Though Mr. Larkin reasoned that “reluctance to enforce the conditions of approval does not negate the Board’s responsibility,” other members noted that this property is not located in a densely-developed subdivision where there would be impacts to the character of the neighborhood or traffic flow. All agreed that the condition would not be applicable.

There being no public comment, Mr. d’Amico moved, seconded by Mr. Marzola, to close the public hearing at 7:40p.m. The motion was unanimously carried.

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

Mr. Russell offered Resolution #20, seconded by Mr. Marzola, to grant approval for the Special Use Permit to allow the construction of a two-family residence in an R-3 zone conditioned upon the sign-off form NYSDEC for disturbance of the NYSDEC wetland. Ayes: Larkin, Czub, d’Amico, Karam, Marzola, Russell, Bulger. Noes: None.

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

Mr. Larkin moved, seconded by Mr. Karam, to grant preliminary and final site plan approval to this application. The motion was unanimously carried.

Old Business:

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

Mr. Gordon Nicholson, consultant for the applicant, presented this application on behalf of the applicant. He explained that, in response to the Board’s concerns, numerous revisions have been made to the site plan. The maximum water storage elevation in the stormwater management basin has been indicated on the plan, additional plantings have been added through-out the site, details regarding the dumpster enclosures have been provided, the proposed light poles have been reduced to a 22’ height, sanitary sewer installations and drainage proposals have been redesigned according to Clough, Harbour, and Associates’ recommendations, the multi-use pathway in the area will be repaired, and a colored architectural rendering will be submitted.

Mr. Nicholson explained that the building will be constructed of “attractive brick and glass” and will contain a state-of-the-art conference room with video conferencing

capabilities and fiber optic cable connections. The conference room will provide seating for approximately 50 people and will be located near a full-service kitchen and patio area. The applicant has described the facility as a “community conference center,” though no rental price has been established at this time.

Mr. Kemper offered a number of comments on the proposal. The project last appeared before the Board on May 27, 2003 at which time the following concerns were raised: greenspace requirements, excess parking, use of the proposed building to be consistent with what was outlined to the ZBA, landscaping to be provided in the stormwater management basin, and construction in close proximity to the steep banks. Colored façade renderings with samples of building materials will need to be submitted with the final plot plans. Mr. Kemper stated that Mr. Grasso and he met with a representative from the applicant’s design firm at the site on June 23, 2003 to discuss the landscaping that would be required on the site. Details still need to be provided on the trash enclosure. The project will require a sign-off from Sheryl Reed and emergency services.

Mr. Grasso explained that Clough, Harbour, and Associates has reviewed the preliminary site plan for this project. The following comments were issued. Though the applicant was to address Board concerns that the parking being proposed in excess of that which is required, this issue has not been addressed on the current plans. The applicant has added a note indicating that the greenspace area excludes the area below the maximum water storage elevation, but does not indicate the maximum water storage elevation. This information should be added to the plan.

The Planting Plan indicates that plantings have been added around the existing trees, but the proposed plantings are not labeled on the plan. The size and type of the proposed plantings must be added to the plan. It is recommended that vegetative screening be provided around the dumpster enclosure. The plans indicate that 230 feet of six inch PVC sewer pipe is required between MH #2 and the existing manhole on Abele Boulevard. The distance scales to be 190 feet. Any comments regarding the improvement to the stormwater management area to make it function as aesthetically pleasing greenspace should be shown on the final plans.

Mr. O’Brien, Environmental Specialist, reported that the ECC offered the following comments after a review of the project plan. The Commission reiterates the concerns raised previously regarding sedimentation in the Bear Brook. The following standard statements should 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 recommended that any proposed exterior lighting should be directional and limited. A Stormwater Management Plan should be submitted for review by the Town

Engineer and the ECC. The applicant is urged to consider locating the parking area to the rear of the building in order to improve aesthetics from the street and also to provide pedestrian access to the existing sidewalk.

Mr. Nicholson explained that although the applicant realizes that the number of parking spaces is in excess of code requirements, the conference center component may require the additional spaces. He asks that the plan be approved as presented. In response to ECC comments, Mr. Nicholson pointed out that the applicant will employ the federal stormwater standards to ensure that appropriate erosion control measures are adequately maintained.

Board members found the plan much improved from previous submissions. Mr. d'Amico expressed concern about the effect of vehicle lights in the parking lot on traffic traveling on Maxwell Drive. Mr. Grasso explained that there will be no parking spaces directly adjacent to Maxwell Drive and that the proposed landscaping will provide screen, reducing much of the lights' intensity. Mr. Bulger clarified the greenspace calculations: there would be 55% greenspace on the site if the stormwater management area is included and 41% greenspace if the area is excluded from such calculations. Mr. Bulger also recognizes that Mr. Phillips, as developer of this parcel, is only one of several property owners who are responsible for maintaining the stormwater management area.

Mr. Bulger commended the applicant's willingness to cooperate with the Board to create a desirable site and he looked forward to the "community conference center." He noted that colored architectural renderings will be required prior to the release of the stamped plans.

Ms. Czub 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.

Mr. Bulger moved, seconded by Mr. Larkin, to grant preliminary and final approval to this application conditioned upon the comments offered by Mr. Kemper and Mr. Grasso and sign-off from the Building Department that the building will be constructed with the conference center as presented. The motion was unanimously carried.

[2003-015] Giles, Keith and Kathleen – Proposed (8) lot subdivision, Moe Road – Revised conceptual review.

Mr. Kevin Dailey, legal representative for the applicant, presented this application for the owner. He explained that Mr. Boni has now purchased this property from Keith and Kathleen Giles, the former owners. Although the conceptual proposal presented to the Board on April 21, 2001 called for the subdivision of 10 acres in an R-1 zone into (12) lots, the revised plan proposes (8) single-family lots. All lots will be served by a private drive with an access on Moe Road and will connect to public water and sewer systems. Mr. Dailey explained that the project plan will be modified to provide a shorter roadway length and to allow residences to be moved farther from the wetlands. He stated that a

revised long Environmental Assessment Form will be prepared. Should the relocation of the proposed residences require setback variances from the Zoning Board of Appeals, the applicant will pursue such approvals.

Mr. Kemper explained that this project last appeared before the Board on June 26, 2001 for a public hearing at which time the public hearing was adjourned. The application at that time proposed a (12) lot subdivision on a town road. The applicant now proposes an (8) lot subdivision on a private drive. The use variance for the Town of Clifton Park L-C Zone was granted by the Supreme Court on December 13, 2002. It appears that the length of driveway proposed can be reduced in length, allowing the reconfiguration of Lots #3, 4, 5. A NYSDEC wetland permit will be required for the new proposed layout. The standard note for aviation activity should be added to the plans. Clearing limit lines and erosion control measures must be depicted on the plans. The project will require a sign-off from Saratoga County Sewer District and the Clifton Park Water Authority. The project is a Type 1 action under SEQRA coordinated review will be required. A revised Full EAF must be submitted. The proper setbacks for keyhole lots should be depicted on the plans. The project will require a sign-off from the ESAB. The firm that performed the wetland delineation should be depicted on the plot plan. An ingress/egress easement will need to be provided over the access drive. Land Preservation Areas must be provided over the wetland portions of the project. The 500-foot notices will need to be resent.

Mr. Grasso explained that Clough, Harbour, and Associates has reviewed the revised concept subdivision plan that has been significantly revised. The following are some of the most significant changes:

- The number of proposed lots has been reduced from 13 lots to 8 lots.
- The previous development proposal included a 700 foot long new Town road, whereas all lots currently proposed will be served by private drives.
- The average lot size previously proposed was 22,000 square feet, whereas the average lot size currently proposed is 54,000 square feet.
- The new plan proposes less impact to federal wetlands.

Although the revised plan continues to propose some development within the LC-Land Conservation zoning district, the planned revisions will reduce the amount of environmental impact of the proposed project. Assuming the following comments can be incorporated into the final plans, it appears that the project would not have a significant impact on the environment and a negative declaration pursuant to SEQRA may be appropriate:

The Town Engineer recommended that the alignment of the proposed common driveway between Lots #3, #4 and #5 be shifted approximately thirty feet to the south to allow all home sites to be at least fifty feet from the limits of the federal wetlands. It is also recommended that land conservation areas be established around all federal wetland areas to be preserved at a location that would provide a minimum buffer of thirty feet around such lands. Pursuant to the zoning regulations, all keyhole lots are subject to minimum setback from all lot lines of fifty feet. To allow the most flexibility in locating the homes in areas that would reduce wetland impacts, setback variances will be required. The

proposed project will result in greater than one acre of land disturbance; therefore, compliance with NYSDEC's new stormwater requirements will be required.

Mr. O'Brien, Environmental Specialist, asked that all the standard statements regarding wetlands be added to the plan.

Mr. Bulger stated that the revisions to the plan appear to be acceptable and represent a significant improvement over previous plans: the Board will consider approval after coordinated review has been completed.

New Business:

[2003-041] Schell, Edith – Proposed (4) lot subdivision and land transfer, 655 Waite Road – Conceptual review

Mr. Gil VanGuilder, consultant for the applicant, presented this application that calls for the subdivision of 45.39 acres of land in an R-3 zone on the east side of Waite Road into four (4) lots ranging in size from 2.3 acres to 36 acres. The project also calls for the transfer of lands to three adjoining properties to add additional area to existing lots that front on Waite Road. The new lots meet all R-3 zoning standards. Septic systems will be designed by a NYS licensed professional engineer to required NYSDOH standards. These designs will be submitted to the Town's Building Department at the time of application for building permits. The lots will be served by individual wells. Mr. VanGuilder reported that NYSDEC has concurred with the wetland delineation. Mr. VanGuilder explained that the driveway for Lot #1 will be installed as far to the south as practicable in order to improve the sight distance. A clearing easement will also be established to improve visibility along this portion of Waite Road. The combined access location for Lots #2 and 3 and the remaining lands appears to have adequate sight distances.

Mr. Kemper asked that the date and firm that performed the wetland delineation be depicted on the plot plan. Sight distances along Waite Road will have to be depicted on the plot plan. The future plans for the 36.46 acre parcel must be clarified. Descriptions must be submitted for the lands to be combined with the adjoining properties. The house location for Lot #1 should be depicted on the plot plan. As proposed, the access for the large lot will have to cross a considerable DEC wetland: the applicant should consider other alternatives. If Lots #2 and 3 will use a common access, the location should be shown on the plan. In the notes on the plan it refers to a common access between Lots #3 and 4: Lot # 4 should be labeled on the plot plan.

Mr. Grasso explained that review by Clough, Harbour, and Associates indicates that the proposed project appears to be an unlisted action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency is expected to be the Clifton Park Planning Board with subdivision approval being required. The adequacy of sight distance should be confirmed at any proposed driveway locations and shown on the plan.

It does not appear that there is adequate room on Lot #1 to construct a septic system and provide the required 100 foot minimum separation distance. Federal wetlands should be investigated around Lots #2 and #3 to determine if similar restrictions exist. Waite Road is identified in the Town's Trails Master Plan as being planned for an on-road bike route. Given the limited right-of-way, additional right-of-way is expected to be required. In order to mitigate this project's impact on the need for increased pedestrian facilities, the conveyance of an additional ten feet of right-of-way should be considered.

Mr. Grasso also asked that the plan clarify to which lot the remaining 36 acres will be annexed. If this will be a separate lot, it must be looked at as a new principal building lot and should address access, water supply, and wastewater disposal. Any wells within 100 feet and any septic systems within two hundred feet of the proposed lots should be shown to determine the appropriateness of setbacks to proposed wells and septic systems. Under "Standard Town Notes," note #11 refers to an ingress-egress easement between Lots #3 and #4. There is no Lot #4 in the plan. In addition, note #19 does not appear to apply to this project. The plan should specify that the three existing parcels, and that parcels that each will be acquiring, are to be combined into single parcels for ownership and tax purposes.

The ECC reviewed this project and requested that the applicant label the L-C zone associated with the NYSDEC wetlands on the plot plan.

Board members discussed the requirement of providing 40 feet of frontage on a Town road for each building lot. Though 53 feet of frontage on Waite Road has been provided for the 36.4-acre lot adjacent to Lot #1, access will be via a combined access with Lots #2 and 3. Access from this point will prevent disturbance of the wetlands that traverse the frontage location. Mr. Kemper explained that a sign-off from Sheryl Reed will be required and that a note must be added to the plan stating that no further subdivision will be permitted.

[2003-040] Berg, Paul C. – Proposed reciprocal transfer of land between Lot # 6 and Lot #8 Barry Spur – Conceptual review.

Mr. Gordon Nicholson, consultant for the applicant, explained that this application proposes a transfer of land between adjoining property owners on Barry Spur. The reorganization of the parcels calls for the transfer of 1,933 SF of land from the Lands of Castelli to the Lands of Lockett and the transfer of an equal amount of Land from Lockett to Castelli. This reciprocal transfer provides adequate frontage on Barry Spur for the construction of a new residence.

Mr. Kemper explained that the proposed plan will require the removal of the existing gabion retaining wall that is located within the right-of-way. Removal of this wall will require a sign-off from Lou Gerard, Highway Superintendent and a sign-off from CHA. Descriptions for the new lots must be submitted for review.

Mr. Grasso stated that review by Clough, Harbour, and Associates will be required before

the gabion retaining wall is removed and site grading begins. Mr. O'Brien, Environmental Specialist, stated that the ECC had no concerns regarding this application.

Board members found this proposal acceptable.

[2003-039] Capital District YMCA – Proposed 5,500 SF addition to existing facility, 1 Wall Street – Conceptual site plan review.

Mr. Gordon Nicholson, consultant for the applicant, presented this project plan that calls for the construction of a 5,500 SF addition to the existing facility located on Wall Street. An outdoor picnic area will also be added to the site. The YMCA is currently served by the Clifton Park Water Authority and the Saratoga County Sewer District. Mr. Nicholson noted that the project parcel lies within the PIR (Public, Institutional and Recreational) and L-C zones and is adjacent to the Shenendehowa Public Library, Arongen Elementary School, and the Village Plaza shopping center. He explained that the expansion will encroach on the 100-foot wetland buffer area and will, therefore, require a NYSDEC Article 24 wetland disturbance permit. A land use variance from the Town of Clifton Park Zoning Board will also be required.

Mr. Kemper reported that since this project is proposing work within the Town of Clifton Park LC Zone, a use variance will be required from the ZBA. Due to the proximity of the building to the LC Zone, the applicant should explore the possibility of locating the addition to another area. A memo from Don Clemens dated June 24, 2003 which stated the following: “The intrusion into the LC Zone is extensive and is very difficult to justify. The proposed 10’ of disturbance behind the proposed construction is unrealistic and will be much more like 25’-50’. This will only add to the disturbance into the LC Zone. A use variance will be required from the ZBA. A use variance is very difficult to obtain due to the strict requirements under NYS Town Law.” Sheryl Reed’s memo of June 24, 2002 stated that: “A cursory review of the building shows that the proposed addition would exceed the allowable building area permitted under the Building Code of New York State based on Occupancy Classification and Building Construction Type. An engineer should be consulted to review code compliance with the State Building Code.”

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. He offered the following 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 the following: Clifton Park Planning Board – Site Plan Approval; Clifton Park Zoning Board of Appeals – Land Use Variance relating to L-C Zone; NYSDEC – Article 24 Wetland Disturbance Permit.

Mr. Grasso also said that construction of the proposed addition would result in the disturbance of approximately 6,500 S.F. of land situated in the 100 foot wide buffer adjacent to a DEC wetland. Work within this buffer cannot proceed without a permit for the NYSDEC and a variance from the Zoning Board of Appeals for work in the L-C Land Conservation zone. It does not appear that impacts to the wetland buffer have been

considered in the planning of the addition and outdoor picnic area. Clough, Harbour, and Associates recommends that alternatives to the location of the expansion be considered.

The construction of the proposed addition would bring the overall size of the facility to 48,200 S.F. Based on the requirement that one parking space be provided for each 200 square feet of gross floor area (recreation establishments, exhibit halls and other similar places of assembly), a minimum of 241 parking spaces would be required. The application states that there are currently 151 parking spaces available but 134 spaces are shown on the concept plan. Future submissions should identify the location of the additional existing spaces and what provisions are proposed to provide the required number of spaces. Future plan submissions should include a Site Statistics Table to include information relating to space and bulk standards and parking.

In response to Mr. Grasso's comment regarding the number of parking spaces, Mr. Relyea, YMCA representative, explained that the concept plan did not show the existing parking lot to the north that contains additional spaces.

Mr. O'Brien, Environmental Specialist, reported that the ECC recommended that the YMCA find a better location for the proposed addition because the planned expansion is not a permitted use in the LC Zone. He also asked that the LC Zone be clearly labeled on the site plan.

Mr. Larkin asked if the proposed "teen recreation" area would require the elimination of the play area for the day care. Mr. Relyea stated that the outdoor play area did not receive a great deal of use. Mr. Bulger observed that although the Town would like to like to work with the YMCA, the expansion should be moved from the L-C zone.

Mr. Nicholson explained that the expansion proposal was based upon the interior configuration of the existing facility: the extension of the east-west corridor appeared to be most reasonable location for the teen center. He will consult with the applicant in an attempt to find a more desirable location for the addition.

[2003-042] Winfield LLC – Proposed Capital Care Office Development – Proposed 7,873 SF building, 942 Route 146 – Conceptual site plan review.

Mr. Chris Smith, C. T. Male, presented this application that calls for the construction of a 7,873 SF medical office building to the rear of the existing facility on the site. The existing building will be leased once the new building is constructed. Mr. Smith explained that, although the proposed building was larger than permitted in the B-1 zone, this applicant is attempting to accommodate an expanding practice. The applicant would like to remain in the same location, a parcel of 2.4 acres on the south side of Route 146, where her medical practice has operated for many years. The consultant reported that the applicant has applied to the Zoning Board of Appeals for two variances: one to permit the construction of a building that is larger than the required 4,800 SF and one for the site development of the parcel which is greater than the 12% required. The building will be served by public water and sewer. For comparison purposes, Mr. Smith provided a sketch

of the parcel that showed three separate buildings and associated parking, illustrating the type of build-out permitted by existing zoning legislation.

Mr. Kemper offered several comments regarding the application. The project will require a sign-off from Saratoga County Sewer District and the Clifton Park Water Authority. As proposed the project will need a variance for the size of the building and building area on the parcel, since the proposed building is significantly larger than what is allowed under the Town Code. He expressed his concern with the precedent that would be set by allowing a significant increase over what is allowed in light of the numerous other proposals to convert residential properties to office space. Don Clemens' memo of June 24, 2003 stated the following: "The request for a 7,873 sq ft. building is a dramatic variance from the maximum of 4,800 SF allowed in the B-1 zone. There is currently a 5,300 SF building on the lot which I assume is to stay. This proposal will seriously alter the character of the zone and will only encourage further erosion of the B-1 zone with more requests for similar proposals. The intent of the B-1 zoning is to prevent the march of big commercial development into residential areas. I would have to believe that a variance of this nature will meet serious scrutiny from the ZBA." A memo from Sheryl Reed also dated June 24, 2003 asked that the applicant widen the turning radius at the rear drive adjacent to the back parking lot. Façade renderings will have to be provided with future submissions.

Mr. Grasso offered several 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 - Area Variances; NYSDOT - Curb Cut Permit; Saratoga County Planning Board – Section 239 Referral; Clifton Park Water Authority – Water Connection Permit; Saratoga County Sewer District #1 – Sewer Connection Permit; NYSDEC – SPDES Permit for Stormwater Associated with Construction Activity.

Town Zoning Regulations limit total building area on a parcel to 12% of the lot size. The combined area of the existing building and the one being proposed is 13,173 S.F., or approximately 12.5 % of the total lot size. In addition, the Town Zoning regulations limit building size in a B-1 zone to 4800 S.F. The building being proposed has an area of 7,873 S.F. The applicant will need to receive variances for the project to proceed as conceived. Future submissions should include architectural elevations of the proposed building, taking in to consideration the requirements included in paragraph D of Section 208-33 of the Town Zoning Regulations.

Mr. Grasso also stated that the dead-end parking area proposed on the south side of the proposed building is not an advisable design detail. The dead end configuration presents problems for automobiles that need to turn around if no spaces are available, and can cause problems for emergency vehicles attempting to access this building or needing to exit this site quickly to respond to another emergency call. It is recommended that the applicant explore the possibility of moving the thirty-four space lot being proposed on the north side of the building to the south side, and replacing it with a smaller lot with better

circulation features

The proposed project will result in additional traffic in the vicinity of the project site. As the Board will recall, poor levels of service have been documented in this area in recently conducted traffic studies. The development along Route 146, in the B-1 and B-2 Zones is typically small office buildings or complexes as allowed by the zoning. As a result, the projects individually will generally not have a significant impact on traffic. Construction of many of these small projects over time, however, will have a significant cumulative impact on traffic. In order to address this cumulative impact on the corridor, a recently approved office project on the north side of Route 146 that included six 4,800 square foot office buildings provided a voluntary contribution of \$40,000 to the Town of Clifton Park. Those funds are intended for future traffic improvements or long range traffic planning studies for this corridor. In order for this proposed project to mitigate its fair share of the cumulative traffic related impacts on the corridor, Clough, Harbour, and Associates recommends that the applicant offer an equitable contribution toward these future traffic improvements or studies.

Other recently approved projects in this area have provided cross-access easements across the drives parallel to Route 146 in the hopes of minimizing curb cuts. Provisions for such cross access should be included in the development plans. In order to be able to comment on the method of water supply, sewer service, and need for appropriate buffers, additional information regarding the location and condition of these features should be shown on the plans.

Mr. O'Brien, Environmental Specialist, reported that the ECC recommends that the applicant consider providing pedestrian access to the existing sidewalk along Route 146.

Board members discussed the proposed building size. Mr. Pelagalli pointed out that the Zoning Board of Appeals granted a significant variance for the RPJ Holding Co. building in spite of the fact that the applicant produced no evidence of a hardship. He stated that he would support a variance for Capital Care because of the applicant's long-standing contribution to the community and the apparent need for the 7,873 SF building for the efficient operation of an expanding business. Mr. Bulger noted that the Planning Board is attempting to work more closely with the Zoning Board to ensure that policies are applied consistently. He also explained that other applications that exceeded the required density have been denied and he stated that the Board must consider the impact of development on traffic. He was uncertain whether approving this application as submitted would establish a precedent for future applications. Mr. Karam stated that although he understood the intent of the B-1 zoning legislation, he believes that the Board must consider the purpose buildings and tenant needs when approving site designs. Mr. Larkin pointed out that the adjoining parcel is also owned by the applicant and he recommended that a combined access be provided to serve both sites.

As determined by an informal vote, the Board members were divided on the issue of permitting the construction of a building larger than that permitted by zoning: four members indicated support of the project and three members were opposed to the

increased density.

Minutes Approval: May 27, 2003 and June 10, 2003

Mr. Bulger moved, seconded by Ms. Czub, approval of the minutes of May 27, 2003 as written. Ayes: Bulger, Czub, d'Amico, Marzola. Noes: None. Abstained: Karam, Larkin, Russell.

Mr. Bulger moved, seconded by Mr. Karam, approval of the minutes of June 10, 2003 as written. Ayes: Bulger, Karam, Marzola, Russell. Noes: None. Abstained: Czub, d'Amico, Larkin.

Discussion Items:

Clifton Park Center Baptist Church

Mr. Kemper explained that when this two (2) lot subdivision was presented to the Board at its April 8, 2003 meeting, Mr. Grasso advised that Board that pursuant to §208.77-B of the Town Code, "all parcels within the Vischer Ferry Road Corridor shall be subject to a density limitation of one dwelling unit per 40,000 SF." Since the two proposed lots are less than 22,000 SF, the proposed subdivision would create two lots inconsistent with this restriction. He recommended that the applicant be allowed to preserve a portion of the developable land on the church property. Mr. Kemper explained that the church proposes to restrict a parcel located to the rear of the site under its ownership for use only as a cemetery. Board members found this proposal acceptable.

Mr. Bulger moved, seconded by Mr. Larkin, adjournment of the meeting at 9:50p.m. The motion was unanimously carried.

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 #18  
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 June 24, 2003

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

Absent: None

Ms. Czub offered Resolution #18, and Mr. Karam seconded, and

Whereas, an application has been made to this Board by Garry R. Heflin for approval of a subdivision plat entitled the Proposed Subdivision of the Lands of Charles W. Owen Trust consisting of (2) lots.

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on and June 24, 2003;

Whereas, the Planning Board was established as Lead Agency for this application, a Type I action, and a negative declaration was issued pursuant to SEQRA on June 24, 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 Proposed Subdivision of the Lands of Charles W. Owen Trust consisting of (2) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso, and the conveyance of a 5-foot strip of land along the entire length of the lands currently owned by the Owen Trust.

Resolution #18 passed 6/24/03

Ayes: Larkin, Czub, d'Amico, Marzola, Karam, Russell, Bulger  
Noes: None

Steven Bulger,  
Chairman

Resolution #19  
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 June 24, 2003

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

Absent: None

Mr. Karam offered Resolution #19, and Mr. Larkin seconded, and

Whereas, an application has been made to this Board by Stewart's Shops Corp. for approval of a subdivision plat entitled the Subdivision of the Lands of Cole consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on and June 24, 2003;

Whereas, the Planning Board was established as Lead Agency for this application, a Type I action, and a negative declaration was issued pursuant to SEQRA on June 24, 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 Cole consisting of (2) lots is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso, and the conveyance of a 5-foot strip of land along the east side of Vischer Ferry Road from Four Leaf Manor to the Lands of Stewart's.

Resolution #19 passed 6/24/03

Ayes: Larkin, Czub, d'Amico, Marzola, Karam, Russell, Bulger  
Noes: None

Steven Bulger,  
Chairman

Resolution #20

**PRELIMINARY AND FINAL APPROVAL**  
Special Use Permit

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on June 24, 2003, at 7:10 P.M. there were:

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

Absent: None

Mr. Russell offered Resolution #20 and Mr. Marzola seconded, and

Whereas, an application has been made to this Board by Pasquale Ragozzino for approval of a special use permit pursuant to Section 208-10B(9)(a) and 208-79 to permit the construction of a two-family dwelling in an R-3 zone; and

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on June 24, 2003 in the Town Office Building,

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

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

Now therefore, be it resolved that the Special Use Permit pursuant to Section 208-10B(9)(a)5 and 208-79 to permit the construction of a two-family dwelling in an R-3 zone is hereby approved conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso, and upon the sign-off form NYSDEC for disturbance of wetland delineated on this property.

RESOLUTION #20 passed 6/24/03

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

Noes: None

Abstained: None

Steven Bulger,  
Chairman