

Clifton Park Planning Board Meeting Minutes

October 28, 2003

Those present at the October 28, 2003 meeting were:

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

Those absent were: B. Czub

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

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m.

Public Hearings:

No public hearings were scheduled for this evening's meeting.

Old Business:

[2002-074] Special Projects Development, Inc. – Proposed 8,900 SF of medical office space in two buildings, 947 Route 146 – Preliminary site plan review.

Mr. Gil VanGuilder, consultant for the applicant, described this application that was originally presented to the Board on January 14, 2003. Though the project remains basically as presented at that time, necessary variances have been received from the Zoning Board of Appeals, a stormwater management report has been prepared, and a stormwater pollution prevention plan for construction activities have been submitted for review. On February 4, 2003, the Zoning Board of Appeals approved the following variances: a 68 foot setback to allow parking within 62 feet of the centerline of NYS Route 146 and an area variance of 29 feet that allows for a lot width of 151 feet at the building line. Preliminary plans now show the stormwater management areas, the grading limit lines, the boundaries of the land to be conveyed to the Town of Clifton Park, and 45 parking spaces. The plans illustrate areas designated for future parking expansion should additional spaces be warranted. The locations of the sewer and water connections have been shown on the project plans.

Mr. VanGuilder provided additional information regarding some elements of the project proposal. He described the steep slope to the rear of the project that will be conveyed to the Town. Explaining that this conveyance that would enlarge an existing area of town open space, he noted that this area would be "preserved forever." He also discussed the proposed number of parking spaces, stating that the applicants believe that the (44) permanent spaces proposed will be adequate for the proposed uses. The plan does include

an expansion area of (15) spaces should they be required in the future. (59) parking spaces are required by Town code.

Mr. VanGuilder explained that the lighting plan has been revised pursuant to comments provided by Mr. Grasso. The plans now call for poles with down lighting. Mr. VanGuilder asked if the applicants would be permitted to use some wall packs. The lighting design plan with photometric information will be provide for review by Clough, Harbour, and Associates. Board members agreed that the use of wall packs would not be acceptable. Mr. Bulger, referencing the lighting problems that have been identified on the DCG Development site, asked that the poles be lowered and that the lighting intensity be reduced to a minimal level.

Mr. VanGuilder reported that although necessary easements have been obtained in order to connect with existing water and sewer services on Green Meadow Drive, design plans may be revised since a project proposal on the adjacent site may make it more desirable to extend services along the NYS Route 146 right-of-way.

Mr. VanGuilder asked the Board for approval to include the stormwater management area as part of the green space calculation. This area will be maintained and substantial trees will be provided along its perimeter. Mr. Grasso commented that although the inclusion of the stormwater management area in the green space calculation is discretionary, he believes that it is reasonable in this instance since this project was developed as new stormwater management regulations were being instituted.

The consultant presented colored façade renderings based upon the architectural plans for the buildings. The Board found these designs acceptable; however, they asked that the brick treatment be continued on the western side of the front building because the area appears to be quite visible from the roadway.

Mr. Kemper explained that this project last appeared before the Board on January 14, 2003 at which time the Board asked that the applicant obtain required variances from the Zoning Board of Appeals. There was also concern about the amount of parking provided. The Saratoga County Planning Board approved the project on December 19, 2002. A NYSDOT curb cut permit will be required prior to the stamping of the plans. A signoff must be received from the Clifton Park Water Authority, the Saratoga County Sewer District, and from Sheryl Reed, Chief of the Bureau of Fire Prevention. Standard notes 1, 2, 6, and 8 under Town of Clifton Park Standard Notes are not applicable to this project and should be removed from the plans. The variances received from the Zoning Board of Appeals must be depicted on the plans. Colored architectural renderings must be provided prior to final approval. A detailed landscaping plan must be provided. Cross access easements should be included on the plans. The water service as proposed bisects two lots between this one and Green Meadow Drive. The applicant should explore the possibility of extending the water service within the Route 146 right-of-way. A sign-off will be required on the water service from the Clifton Park Water Authority.

Mr. Grasso explained that the following comments from Clough, Harbour, and

Associates are applicable to the preliminary site plans submitted for this project. The town code requires one parking space per 300 square feet of general office space or one space per 150 square feet of medical office space, including dental office space. Based on the size of both buildings, thirty spaces would be required if both buildings were general office space and sixty spaces would be required if all space was to be used for medical and dental offices. The plan indicates 45 parking spaces and only indicates that the plan is for dental offices. The plan, therefore, does not provide adequate parking for proposed uses. A note should be added to the plan stating that no more than 50% of the buildings shall be used for medical or dental offices or the plan should demonstrate that it can support more parking. The area of each of the buildings dedicated to general office space and/or medical office space should be clearly stated on the plans.

Mr. Grasso offered additional comments. In light of the recent trend of converting the existing single family homes along Route 146 to commercial office space, it is recommended that ingress and egress easements be established over the proposed driveway to adjacent properties in order to limit the number of future curb cuts onto Route 146 and incorporate access management strategies. In this regard it is recommended that the plan accommodate a future driveway parallel to Route 146 that will serve multiple properties and could eventually connect to Bruno Road, thus allowing access to a possible signal at this intersection. Due to the lack of islands within the parking area it does not appear that emergency vehicles would be able to maneuver around the site if the parking areas were full. The layout should be revised accordingly. The consultant should either provide documentation of the adequacy the emergency vehicle access by design templates or provide a letter from the Emergency Services Department that they have reviewed that plans and find them acceptable.

Clough, Harbour, and Associates offered the following additional review comments. The proposed project will result in additional traffic in the vicinity of the project site. 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 previously 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, it is recommended that the applicant offer an equitable contribution toward these future traffic improvements or studies. The plan does not adequately provide the required ten foot planted buffers along the side yards. It appears that much of this area is located within the side slopes of the stormwater management areas where proper maintenance of buffer will be difficult. An appropriately sized public water main should be extended across the front of the lots along the Route 146 right-of-way instead of a small service lateral bisecting two adjoining lots that can only serve this project site. In addition, use of a low pressure sewer service should only

be allowed after it is proven that extension of a gravity line to the project site is not possible. The Site Statistics on the Cover Sheet should be revised to account for the Special Setback Lines which apply to the project site located along NYS Route 146 including minimum lot width of 180 feet and minimum Front yard of 130 feet from the centerline of the road. Analysis should be provided for the proposed site layouts conformity with Section 208-35 D. (3) of the Town Zoning Code with regard to the required maximum lot coverage of 50% including building, parking areas, maneuvering areas, stormwater retention areas, and other site amenities. The proposed method of crossing Green Meadow Drive (open cut, directional bore or jack and bore) should be shown on the plans. It is recommended that the proposed water service to the 4,120 SF building be located outside the limits of the proposed stormwater pond. The use of wall pack style lighting fixtures should not be permitted. The lighting layout does not appear appropriate for the site design. The plan indicates lands to be deeded to the Town of Clifton Park. If this is proposed the appropriate setbacks and lot areas should be shown on the plan. The location of any existing wastewater disposal system on the adjoining lots within 100 feet of each stormwater management basin should be shown to verify adequate separation. The proposed dumpster locations and method of enclosure should be shown on the plan. The following additional information should be provided on future plan submittals: the proposed building heights not to exceed 35 feet; additional layout dimensions and data should be provided on a layout plan; a comprehensive landscaping plan including a planting schedule; a site lighting plan including light details, specifications, wattage, mounting height, style, photometric scan, etc.; a stormwater pollution prevention (erosion and sediment control) plan.

Mr. Grasso explained that several comments related to the Stormwater Management Report and the Stormwater Pollution Prevention Plan:

- The design points and time of concentration travel paths should be shown on the pre and post developed drainage maps;
- The pre-developed drainage map should show existing not proposed conditions;
- The post developed drainage map shows the entire roof runoff from the 4,120 SF building tributary to drainage area 1A. Roof downspout collectors discharging to the stormwater management areas should be shown on the plans;
- Although the stormwater management plan is designed for full retention of the 100-year storm event, it is recommended that provisions be made for safe overland conveyance of an unusual storm event or improper functioning of the system;
- In order to verify suitability of the existing soil conditions for infiltration, soil test pits and percolation tests should be performed within the limits of the proposed stormwater management areas to a depth of two feet below the bottom of the basins to identify soil type, impermeable layers, high groundwater and percolation rates;
- The maximum sheet flow length according to TR 55 is 300 feet, however the NYS Soil and Water Conservation Committee has suggested a maximum sheet flow length of 150 feet with a most likely length of 50-100 feet, due to field conditions in New York State;
- Since the project will involve the disturbance of greater than 1 acre of land, the applicant is required to submit a Notice of Intent (NOI) pursuant to the State Pollution Discharge Elimination System (SPDES). A copy of the NOI should be included in the Stormwater Pollution Prevention Plan (SWPPP).

- The stormwater report should have the seal and signature of licensed New York State Professional Engineer.

Mr. Grasso noted that the applicant would be asked to submit a voluntary contribution to the area's traffic impact study or highway improvements. The estimated amount of this contribution would be \$12,500.00. Mr. VanGuilder said that his client agreed to this payment, but asked that the payment be made due at the time of issuance of the Certificate of Occupancy. Board members agreed to this provision.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project, the ECC reiterated the comment made at the January 7, 2003 that recommended that any public water connection should be brought along Route 146 within the public right-of-way. In addition, the ECC asked that the following standard statement be added to the 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.

The ECC also recommends that the applicant provide accommodations for a future shared access driveway with adjacent properties onto Route 146.

Board members discussed property setbacks, the impact of the expanded stormwater management area on the site, and the location of utility connections. Mr. Larkin asked if the buildings could be moved more to the west: Mr. VanGuilder stated that such a revision would require additional variances. Board members also discussed the possibility of combining stormwater management areas. Mr. Grasso stated that due to liability issues, this was not a viable option for developers. Mr. d'Amico suggested that cross-easements be provided nearer the center of the site. Mr. VanGuilder explained that this would not be feasible since redesign of the stormwater management area would be required. Mr. Karam asked that additional plantings be provided between properties.

Mr. Bulger expressed his appreciation for the applicant's willingness to work with the Board and diligence in addressing Board concerns, but he noted that several issues remain to be finalized. He encouraged the extension of the water line along NYS Route 146, a lighting plan that was less intrusive than that provided on the DCG Development site, and the installation of additional plantings to buffer adjacent properties, and a sign-off from emergency services personnel.

[2003-036] Friello, James – Proposed (5) lot subdivision of the Lands of Erika Piller, 511 Kinns Road – Possible determination from preliminary public hearing held on September 9, 2003.

Mr. Gil VanGuilder, consultant for the applicant, presented this proposal on behalf of Mr. Friello. The project plan remains as presented on June 10, 2003 and at the public hearing held on September 9, 2003. He explained that the site is substantially forested and that the developer intends to limit clearing to the greatest extent practicable.

Mr. Kemper explained that since there was no public comment at the September 9th meeting, the public hearing was closed. At that time, the Board found the plan acceptable. He asked that standard note #10 under Town of Clifton Park standard notes be revised to include the correct street addresses. Sign-offs must be received from Saratoga County Sewer District and the Clifton Park Water Authority. Coordinated review was conducted and all involved agencies concur with the Town of Clifton Park Planning Board acting as lead agency for the project. Maintenance responsibilities for the common driveway must be included on the plans and a legal agreement submitted for Mr. Pelagalli's review. A Saratoga County Department of Public Works curb cut permit must be provided prior to the stamping of the plans.

Mr. Kemper asked Mr. VanGuilder if there were indications of wetlands on the property. Mr. VanGuilder explained that wetland areas were located more than 100 feet from the rear property lines. He also stated that no federally jurisdictional wetlands were located on the property. Mr. Kemper asked if Sheryl Reed's comment regarding the driveway extension had been addressed. Mr. VanGuilder explained that due to the limited sight distance at the proposed access location, Ms. Reed had rescinded her request.

Mr. Grasso reported that all engineering concerns have been adequately addressed by the applicant.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project, the ECC asked that the following standard statements shall 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.

Board members agreed that this project was acceptable. Mr. d'Amico asked that the existing foliage between Kinns Road and the proposed road be preserved. In response to Mr. Bulger's question regarding the type of homes to be built on the lots, Mr. Friello stated the he planned to build large, "estate-type" homes. Mr. Bulger expressed his appreciation to the applicant for his willingness to work with the Board.

Mr. Russell moved, seconded by Mr. Karam, to establish the Planning Board as Lead Agency for this application, a Type I action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Bulger offered Resolution #38, seconded by Mr. d'Amico, to grant preliminary and final subdivision approval to the this application, waiving the final hearing, conditioned upon satisfaction of the comments offered by Mr. Kemper. Ayes: Larkin, d'Amico, Karam, Marzola, Russell, Bulger. Noes: None.

New Business:

[2003-064] Russell, Jay and Tina – Proposed (3) lot subdivision, 171 Hubbs Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, explained that this application calls for the subdivision of 1.57 acres of land at the intersection of Hubbs and Hatlee Roads in an R-1 zone. The project plan proposes the creation of lots of 24,251 SF, 22,240 SF, and 21,786 SF, respectively. The largest lot contains an existing home that is serviced by an individual well and septic system. Though the original concept plan called for the installation of individual wells and septic systems designed and installed pursuant to NYSDOH standards on the additional lots, Mr. VanGuilder presented a revised project plan for the Board's consideration. Mr. VanGuilder explained that the Clifton Park Water Authority encouraged the applicant to connect to the public system that is currently located along western property boundary of the adjoining Hoffman property. C K Sanitary has verbally agreed to accept the flows from this project. Mr. VanGuilder further commented that although the applicant was willing to make the required connections, the design and completion of such connections would likely occur in the spring. He reported that the applicant would not request building permits for the additional lots until such time as the existing home is connected to public services.

Mr. VanGuilder addressed the issue of required setbacks. He explained that both Hubbs and Hatlee Roads have 50-foot rights-of-way. Though the applicant has agreed to provide an additional 5-foot strip along the roads, he asked that the setbacks be established from the existing boundaries.

Mr. VanGuilder explained that because of the limited sight distances, the driveway for Lot #2 should be located on the western side of the lot. This would not be feasible if the driveways were combined as recommended by the Town Engineer.

An area variance will be required because the minimum lot size for lots within the R-1 zone that utilize wells and septic systems is 40,000 SF. It is anticipated that water and sanitary sewer connections will be available to this area in the near future: the applicant agrees to connect to both utilities within one year of availability of service at the property line.

Mr. Kemper explained that his prepared comments were relevant to the original project plans. He found the revised plans that included connections to municipal services much more acceptable. He explained that the applicant proposes a 3 lot subdivision with lot sizes ranging from 21,786 sq. ft. to 24,251 SF, noting that the project is located in an R-1 zone where the minimum lot size without public sewer and water connection is 40,000 SF. Though the plans now indicate such connections, he noted that the comments made by Don Clemens concerning an area variance would remain applicable until all lots are connected to the municipal water and sewer systems. Mr. Kemper emphasized that the feasibility of shared driveways should be explored to reduce the number of curb cuts. He

noted that since it appears that a portion of the roadway is located on the applicant's property, this area should be given by the applicant to be added to the existing right-of-way. Sight distances must be included on the plans.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the concept subdivision plan for this application and offered the following comments. The project site is located within the limits of the Western Clifton Park Generic Environmental Impact Study (GEIS) Area. The Clifton Park Town Board has issued a moratorium on subdivisions involving more than four lots. Since the project only proposes two new lots, it is not subject to the moratorium. Pursuant to Section 208-11 of the Town Zoning Code, the minimum lot area without central water or sewer service is 40,000 square feet. The proposed lots range in size from 21,786 square feet to 24,251 square feet. Area variances for all three proposed lots are required for the project as proposed. The locations of the proposed drilled well and wastewater disposal system for each of the proposed lots should be shown on the plans. It may not be possible to locate these systems on the proposed lots while conforming to the minimum required separation distances listed on Table 2 of the Pursuant to the NYS Department of Health Publication "Individual Residential Wastewater Treatment Systems Design Handbook – 1996". In addition, due to the limited options for placement of the onsite wastewater disposal system, it is recommended that a design for each proposed system be provided in order to verify the adequacy of the soils to accept on-site wastewater disposal system including performing a minimum of two deep hole soil tests and two soil percolation tests within the limits of each of the proposed onsite wastewater disposal systems.

Mr. Grasso also explained that it appears that a portion of pavement at the intersection of Hubbs and Hatlee Road and overhead utility lines encroach onto Lot #1. There is poor alignment at the intersection of the two roads. In addition, the right-of-way for both Hatlee Road and Hubbs Road is only fifty feet wide. It is recommended that an additional five feet of right-of-way be provided across the project's road frontage and across the corner of the intersection to facilitate maintenance and future road improvements. The configuration of proposed Lot #3 results in an extraordinarily limited building envelope. Hubbs and Hatlee Roads serve as local collector streets: it is recommended that the number of driveways onto these roads be limited. Consideration should be given to shared driveway access. In addition, it is recommended that driveway turnarounds be provided to minimize the potential for vehicles exiting the lots and backing out into traffic.

Mr. Grasso approved of the proposed connections to water and sewer services. He recommended that the Board consider requiring site plan review when a residence is proposed for Lot #3 since the building envelope is severely restricted by the lot configuration. He suggested that such site plan review would allow the Board to consider such things as orientation and buffering to improve the visual impacts and increase the usable area of the parcel.

Mr. O'Brien, Environmental Specialist, stated that the ECC agreed that proposed subdivision should not be considered until public water and sewer is available because of

the size constraints of the property. In light of the revisions made to the project proposal, Mr. O'Brien believed that the ECC would find the proposal acceptable.

Mr. Bulger explained that though a "temporary variance" would be required, the revised project was much more acceptable than the original plan: he noted that the Board could take no further action until the Zoning Board had rendered a decision on the variance application. Mr. Russell, applicant, explained that he has received a purchase offer on the existing residence and will request the necessary area variance from the Zoning Board of Appeals. Mr. Bulger also explained that although this parcel lies within the boundaries of the GEIS study area, it is not effected by the moratorium because it falls below the (4) lot threshold. Board members asked that the driveways be located on Hatlee Road.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. d'Amico, approval of the minutes of the October 15, 2003 meeting as written. The motion was unanimously carried.

Discussions Items:

Meeting Announcement

Mr. Kemper called the Board's attention to the announcement concerning the Capital District Regional Planning Commission's workshop regarding local government planning and zoning matters. The workshop is scheduled for Friday, October 31, 2003 at Hudson Valley Community College. Mr. Larkin indicated that he would attend the meeting.

Kulak Landscaping

Mr. Kemper explained that he provided Board members with copies of correspondence sent to John Kulak concerning violations of Planning Board approvals granted for the Kulak Landscaping site on NYS Route 146. These violations include disturbance of wetland vegetation, the placement of concrete storage bins within the wetland buffer area, and the installation of a driveway with the L-C zone. Mr. Kulak must submit as-built drawings of the site for the Board's review.

Belmonte Builders – Tanglewood Subdivision

Mr. Kemper provided each Board member with a revised plan of the Tanglewood Subdivision. The new plans illustrate revised clearing limit lines that better illustrate the clearing required for the larger homes that are proposed for construction. Mr. Kemper's review of the revised plan finds that though the expanded areas of clearing are generally located outside of the designated wetland areas, the proposed clearing limits for Lots #21 and 23 are not acceptable. Since the Board agreed with Mr. Kemper's assessment, it was agreed that Mr. Kemper will notify the developer that, with the exception of these lots, the revised clearing limit lines are acceptable.

Board members also asked that all applicants and consultants be advised that footprints for proposed residences within subdivisions more accurately represent the size of the homes to be built.

TGIF's Restaurant

Mr. Kemper presented a sketch of a 32 SF addition to the rear of the existing restaurant on Southside Drive. The addition is necessary to accommodate electrical equipment storage. Board members agreed that the contractor could proceed with this project that was required to meet code requirements.

Comfort Suites

Mr. Kemper explained that the Zoning Board of Appeals has referred an application for an additional wall sign at the Comfort Suites site to the Board for its recommendation. The sign will be located on the wall facing NYS Route 146. Board members found the proposal acceptable since it was consistent with other signage in the area.

Mr. Bulger moved, seconded by Mr. Russell, adjournment of the meeting at 8:30p.m. The motion was unanimously carried. The next meeting of the Planning Board is scheduled for Wednesday, November 12, 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 #38

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 October 28, 2003, there were:

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

Absent: B. Czub

Mr. Bulger offered Resolution #38, and Mr. d'Amico seconded, and

Whereas, an application has been made to this Board by James Friello for approval of a subdivision entitled Friello Subdivision;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 9, 2003 and;

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 October 28, 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 subdivision plat entitled Friello Subdivision is hereby granted preliminary and final approval conditioned upon satisfaction the comments offered by Mr. Kemper.

Resolution #38 passed 10/28/03

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

Noes: None

Steven Bulger,
Chairman