



**Planning Board Meeting**  
**September 23, 2008**

Those present at the September 23, 2008 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, J. Koval, J. Larkin, E. Ophardt, S. Pace,  
J. Thorne

Those absent were: T. Werner

Those also present were: J. Scavo, Director of Planning;  
J. Grasso, Clough, Harbour and Associates;  
J. Quinn, Chairman, Environmental Conservation  
Commission;  
P. Pelagalli, Counsel;  
J. Dean, Secretary

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m. Mr. Bulger explained that because the Planning Board meeting of September 10, 2008 was adjourned prior to Board review of the last agenda item: that item would be considered first at this evening's meeting. Mr. Bulger reported that Jennifer Thorne, who has been a member of the Planning Board since June, 2007 will be leaving the Board in anticipation of a move to Virginia. All in attendance stood for recitation of the Pledge of Allegiance.

**Public Hearings:**

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

**Old Business:**

[2008-038] **Deleonardis, Pat and Antoinette** – Proposed (2) lot subdivision, 403 Riverview Road – Conceptual review.

Mr. Joe Bianchine, consultant for the applicant, presented this subdivision plan for Board members to review. The property proposed for subdivision is located on the easterly side of Riverview Road opposite its intersection with Ferry Drive in the CR (Conservation Residential) zoning district. The proposed single-family residence will be accessed via a private driveway from Riverview Road. Since the subdivision of 5.6 acres out of 49.3 acres is to be used by a family member, the one time exemption pursuant to §208-16E 2c of the zoning code allowing for a one time subdivision for family members is applicable. The lot will be served by an individual well and septic system. Several notes have been added to the plan including applicable ECC notes and the standard note for a driveway over 500' in length.

Mr. Scavo provided comments prepared by the Planning Department. He recommended that since the project design calls for a keyhole lot, the configuration be reviewed by the Planning Board to determine if the plan contains unique features that would warrant such a design plan. Should the Board determine that the design is acceptable, additional comments will be provided when preliminary design plans are submitted. Mr. Scavo explained that the Board may consider the following facts as rationale for approval of the "keyhole" lot: the subdivision provides for a single-family residence for a family member; 150' of frontage on Riverview Road has been provided.

Mr. Myers, Director of Building and Development, reported that the application appears to meet requirements of Section 208-16 E2c allowing a one-time subdivision for family members. The driveway will have to meet the requirements of the NYS Fire Code: it must be 20' wide, be capable of supporting a 75,000 lb. vehicle and have a turnaround within 100' of the proposed house.

Mr. Scavo reported that Mr. Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommends that the Planning Board request conveyance of a 15' strip of land along Riverview Road since Riverview continues to the southern terminus of the trail network. Mr. Mackesey notes that Riverview Road is a designated route of the Erie Canal Towpath Byway Trail.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the subdivision plan prepared by ABD Engineers and Surveyors and offered the following comments. 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 project site lies within the Western Clifton Park GEIS study area. The site is located within the CR (Conservation Residential) zoning district and is subject to the Findings Statement. It appears that the proposed subdivision meets the requirements of Section 208-16E 2c of the zoning code allowing for a one time subdivision for family members. Some form of

long-term tracking system should be implemented to ensure the one time exemption is recognized for future applications involving these parcels. Although the proposed lot exceeds the minimum lot width of the CR zone, due to the location of the proposed house being behind the adjoining residence, the proposed lot may meet the definition of a keyhole lot. If so deemed by the Planning Board, the Board should verify that the layout of the proposed lot is justified due to the unique nature of the site and surrounding lands. Soil investigations including deep test pits and percolation tests should be conducted in the area of the proposed wastewater disposal systems to verify the adequacy of the soils to accept an on-site wastewater disposal system. Any raised septic system designs require design by a licensed professional engineer and review and approval prior to subdivision approval. There appears to be an existing stream located north of the proposed septic location. The actual stream location should be verified and shown on the subdivision plan to verify adequate separation from the proposed tile field. The proposed well location should be located a minimum of 100' from the proposed septic system. A 200' separation is required if the proposed well is located down gradient from the septic field. The proposed driveway does not provide the required turnaround for emergency vehicles within 100' of the proposed house. The adequacy of sight distance should be verified at the proposed driveway location along Riverview Road. Accurate bearings and distances should be provided on the final subdivision plan. There appears to be an existing adjoining parcel that does not appear to have frontage on a public right-of-way and the proposed subdivision may limit the ability to provide access and legal frontage at some point in the future. As such, the lack of frontage for this parcel should be addressed at this time.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that, after review of data presented at its September 2, 2008 meeting, the ECC made the following recommendations. The proposed water well and the proposed septic system should have the proper separation distance as per NYSDOH and NYSDEC. The ECC requests clarification on whether the LC (Land Conservation) zone was measured from the centerline of the stream or from the edge of any adjoining wetlands.

Though Mr. Koval observed that the subdivision configuration appeared to meet the definition of a keyhole lot per Town code, he found the design acceptable since the applicant could locate the house closer to Riverview Road because 150' of frontage was provided. Board members agreed that the lot configuration was reasonable and acceptable. Board members requested the conveyance of a 15' strip of land along Riverview Road to allow for possible future roadway and/or multi-use pathway construction. Mr. Larkin noted that existing setbacks could be used for future development of the property: the owner should not be "penalized" by providing the 15' strip of land to the Town. Wetland boundaries should be verified and correct L-C (Land Conservation) zoning boundaries indicated on the plan.

[2008-010] **Prestige Motor Car Co.** – Proposed construction of (2) 9,800 SF buildings, 1928 Route 9 – Preliminary review and possible determination.

Mr. Dave Bogardus, consultant for the applicant, presented this project plan for the Board's consideration, reporting that this project was last considered by the Board at a meeting in March, 2008. He explained that the 3.76 acre parcel slated for development is located on the westerly side of US Route 9 south of its intersection with Ushers Road.

As a condition of site plan approval, two adjoining parcels owned by the applicant will be merged to create a single property. The property lies within a LI-2 (Light Industrial) zone with an L-C (Land Conservation) district overlay that adjoins the Dwass Kill Creek. Zoning requires a minimum lot size of 43,560 SF and a minimum lot width of 200 feet. A front setback of 130 feet from the centerline of the roadway is required as are 25' setbacks from the side and rear property boundaries. Green space on site must total 40%. A use variance (Permit # 80692) for automotive sales was granted by the Zoning Board of Appeals at its April 15, 2008 meeting. Mr. Bogardus explained that, due to setback restrictions contained within the zoning code, the presence of federally protected wetlands, and the 100-foot setback required for the Land Conservation zoning boundary, an area of 1.59 acres of developable land is available. No disturbance of the wetlands is proposed. The proposed development includes the construction of two (2) 9,800 SF buildings. One building will contain Prestige Motor Car Company's automotive sales, service, and restoration business. The second building will provide additional vehicle storage for the company operation and, possibly, the "opportunity for the company to lease space to future tenants." The project has been designed with thirty-six (36) parking spaces: one handicapped spot near the office/showroom has been provided. No setback or area variances are required. Water will be supplied by an on-site well. Connection will be made to the Saratoga County Sewer District. All storm water will be managed on site and the plan for water treatment and discharge will comply with all current storm water management standards. Since the project fronts on a state highway, a NYSDOT Highway Entrance Permit will be required. The consultant reported that the sight distance at the proposed curb cut exceeds all ASTHO requirements. No on-site fuel or oil tanks are proposed. Mr. Gay provided colored façade renderings for the Board's consideration.

Mr. Scavo offered comments regarding the project plan. Details for the proposed handicapped parking spaces must be provided. A "No Parking Anytime" sign for must be installed near the access aisle. Sign mounting height should be minimum 5' from the bottom of the sign to the ground. The applicant is requested to provide samples of building materials and/or a façade rendering that more appropriately represents the true color of the building. Though Mr. Scavo observed that the windows proposed are not typical of those used for showroom displays, Mr. Verillo, applicant, explained that they met his business needs. The applicant was asked to provide further explanation of the note that states: "Building No. 2 is being constructed to provide additional vehicle storage for the Prestige Motor Car company operation and to provide the opportunity to lease excess space to future tenants." Board members were concerned that businesses requiring more intense use of the space would become lessees. Mr. Scavo reported that the Saratoga County Planning Board reviewed this application at its March 20, 2008 meeting and determined that it would have no significant county-wide or inter-community impact. That Board did, however, provide the following comments. The application should be submitted to the Saratoga County Sewer District #1 for review and verification of available capacity, the applicant should contact NYSDOT representatives to obtain a curb cut application and discuss the requirements for a commercial driveway onto a state highway, and impacts to wetlands as a result of previous clearing and grading on the site should be addressed.

Mr. Bogardus explained that the applicant has done no site clearing: there has been no disturbance of the designated L-C zone.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated September 22, 2008. Storm water discharge from SMA #1 will require an ACOE permit. Discharge from SMA #2 to a NYSDOT roadway ditch will require a permit. If the storm water management areas are to be privately owned, a maintenance agreement with the Town will be required. He noted that the applicant was granted a variance from the Zoning Board of Appeals to allow retail sales in LI-2 zone. No parking or maneuvering of area is allowed in the front yard per 208-65E. Mr. Myers notes that display pads could be classified as parking areas, though, unlike parking areas, they are not continuous. He, therefore, believes that the design meets the intent of the code. SMA #1 will require fencing as is indicated at SMA #2. Overhead power lines must be 18' above pavement. Bioretention areas should be considered for islands to assist storm water management from large paved areas.

Mr. Bogardus explained that the applicant has been working with the electrical utility company: all electrical lines will be placed underground.

Mr. Scavo reported that Mr. Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommends that the applicant plan to install a trail design that is 8' wide and "offset" from Route 9 by a "green strip". The purpose of the recommendation is to take advantage of the re-development of the land and develop a safe pedestrian corridor along Route 9.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the site plan dated December 21, 2007 prepared by Northeast Land Survey & Land Development Consultants, P.C and the Storm Water Management Narrative dated September, 2008 prepared by Environmental Design Partnership for the above referenced project. The following comments were issued. Any proposed lighting for the three display pads should be shown on the lighting plan. Documentation from the NYSDEC indicating they do not have jurisdiction over the federal wetlands along the Dwaas Kill should be provided. A 100 foot regulated adjacent area will significantly impact the development potential of the site. If applicable, this area should be shown on the plan. In accordance with Section 503.2.1 of the Fire Code of New York State, fire apparatus access roads shall have an unobstructed width of not less than twenty feet. The proposed boulevard entrance does not meet this requirement. The design information for the proposed sanitary sewer services should be provided. Additionally, a design report should be provided for the proposed grinder pump duplex station that will discharge to the existing forcemain along Route 9. Clough, Harbour, and Associates is concerned with the existing 6" culvert to remain that will be located beneath Building No. 1. The condition of the existing pipe should be verified and the proposed separation between the pipe and proposed foundation should be depicted on the plan. Replacement of the culvert is recommended. The proposed location of the relocated utility poles and the proposed height of the lines should be depicted on the plans. The Fire Prevention Bureau should review the plans for review to determine if the proposed pole locations will allow for adequate emergency access. The site plan does not depict adequate signage for the

proposed handicap accessible space. Additionally, it would appear appropriate to provide an additional handicap accessible space for Building No. 2. It should be verified that the closed storm sewer system has adequate cover. All proposed exterior building doors should be depicted on the plans. It should be verified that doors required to be handicapped accessible provide the required landing area outside of the building. Additional grading detail should be provided along the swale behind Building No. 2. The proposed contours should be supplemented with spot elevations along the swale length. The design of the proposed retaining wall should be provided and should be stamped and signed by a NYS Licensed Professional Engineer. The refuse area can not be accessed if cars are parked in the two adjacent parking spaces. It is recommended that the refuse area be located in an area that can be accessed at all times. A detail of the proposed refuse area should be provided for review.

Mr. Bogardus explained that he had recently received the comments from Clough, Harbour, and Associates. He provided a copy of written responses to the issues raised by both Clough, Harbour, and Associates and the ECC, explaining that most of the concerns and recommendations have been addressed. Specifically, he stated that the lighting for the display pads would be limited to the pad area, with lights focused on the display vehicles, that documentation regarding wetlands has been received from NYSDEC, and that the site contains 71% green space. Landscaping will be provided along the southern boundary line since other areas of the site have substantial existing vegetation.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that, after review of data presented at the September 16, 2008 meeting, the ECC reiterated the following recommendations. If hazardous materials will be stored on-site, the applicant must submit a plan addressing handling and storage and spill response to the Town of Clifton Park before such materials are stored. The plans should clearly identify if the existing water well is to be reused for the proposed buildings. If so, the plans should show the water services to the two (2) new buildings and the existing water well should be tested for capacity and potability. The ECC recommends that any impervious areas, including buildings, be moved to at least fifty feet (50') from the adjacent federal wetlands to minimize potential future environmental impacts. The proposed green space should be shown numerically and graphically on the plans.

Mr. Larkin agreed with Mr. Bogardus that the southern portion of the site will require additional landscaping. Though Mr. Koval found Mr. Ophardt's request for a cross-access easement between this property and the property to the south consistent with Planning Board approval conditions imposed for other site developments, he did not believe that the traffic generated by the sites would warrant such a connection. Mr. Bogardus noted that such a connection would be difficult to install due to the topography of the site, building locations, L-C zoned areas, and storm water management areas. Board members agreed that in lieu of installing a sidewalk along the property frontage, the applicant should provide an easement for such use: Mr. Verillo agreed to provide the requested easement. Mr. Bulger found the proposed lighting of the display pads acceptable. Though Board members agreed that fencing of the storm water retention area was reasonable, they requested that the applicant consider installation of a split-rail fence that would be less than 5' high. Board members found the plan generally acceptable, though they asked that the outstanding issues identified by Clough, Harbour,

and Associates and the Planning Department be addressed prior to issuance of a SEQRA determination and project approvals.

[2008-028] **Peddlers' Restaurant**, 16 Clifton Park Village Road – Proposed 7,198 SF restaurant – Preliminary review and possible determination.

Mr. Joe Bianchine, consultant for the applicant, presented this project plan that was last reviewed by the Board at its September 10, 2008 meeting. He explained that all concerns identified by Mr. Steve Myers, Director of Building and Development, have been addressed.

All professional staff members and the Environmental Conservation Commission have found that all issues have been addressed.

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

#### **New Business:**

[2008-039] **Hoffman, Charles**, 1772 and 1768 Route 9 – Proposed transfer of 16,000 SF from 1772 Route 9 to 1768 Route 9 – Conceptual review.

Mr. Joe Dannible, consultant for the applicant, presented this application for the Board's consideration. The subdivision plan submitted to the Board indicates that the adjoining properties to be reconfigured are located within a B-4A zone on the western side of Route 9 north of its intersection with Clifton Park Village Road. Plans show that the existing 74,201 SF parcel at 1772 Route 9 currently containing an existing self-storage facility will be reduced by 16,115 SF to 58,086 SF (1.33 acres). The building on this parcel will comply with the 30' minimum side yard setback. The parcel at 1768 Route 9 will be increased by 16,115 SF to 57,481 SF (1.32 acres). The consultant explained that the existing self-storage building may not comply with current zoning codes: area variances may be required in order to bring the site into compliance with the current zoning code.

Mr. Scavo offered comments prepared by the Planning Department. He asked that the applicant provide a "floating cross access easement" when the entire complex is redeveloped. He reported that Mr. Steve Myers, Director of Building and Development will continue to monitor the project to ensure no additional variances will be required. It is recommended that the storm water management area be evaluated to ensure that storm water is contained on site. If part of an existing management area is located on adjoining property, a private agreement for maintenance of the area should be provided for review.

Mr. Myers, Director of Building and Development, has reported that there are several existing variances for the parcels involved in the proposed land transfer. He notes that these variances may be useful during development.

Mr. Scavo reported that Mr. Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommends that the applicant plan to install a trail design that is 8' wide and "offset" from Route 9 by a "green strip". The purpose of the recommendation is to take advantage of the re-development of the land and develop a safe pedestrian corridor along Route 9.

Mr. Grasso stated that Clough, Harbour, and Associates reviewed the concept subdivision plan dated September 3, 2008 for the above referenced project prepared by Environmental Design Partnership, LLP and 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: Clifton Park Planning Board – Subdivision Approval; Clifton Park Zoning Board of Appeals – Area Variances; Saratoga County Planning Board – Section 239 Referral. The existing side and rear yard setbacks of the self storage building do not meet the zoning regulations. The Code Enforcement Officer should determine if area variances will be required. The ownership of each adjacent parcel should be depicted on the plan. All existing improvements within the area of the proposed transfer should be depicted on the plan. It should be verified that the proposed lands to be transferred do not contain storm water management facilities for the self storage building. Cross access exists between many of the lots in the immediate area, allowing traffic to distribute to the various access points along Route 9 and reducing turning movements along Route 9. It is Clough, Harbour, and Associates' understanding that there is an existing cross access arrangement across the self storage parcel. If one does not exist, consideration should be given to establishing one and making sure it extends across the lands to be conveyed to the Jiffy Lube parcel.

Mr. Quinn, Chairman of the Environmental Conservation Commission, reported that the Commission offered no comment on this application at this time.

Board members found the plan generally acceptable. Mr. Bulger noted that the land transfer was necessary for the anticipated re-development of several adjoining properties. In response to Mr. Koval's question regarding the amount of green space on the self-storage building parcel, Mr. Dannible reported that it does meet code requirements. Mr. Bulger noted that the issue of the sidewalk would be discussed during site plan review of the entire site.

### **Discussion Items:**

Mr. Scavo reported that the Planning Department now has the capability to distribute project-related information and documents to Planning Board members electronically. He asked that they consider receiving information via e-mail. Paper copies of plans and documents could be provided upon request. Most Board members stated that although they would like to receive electronically transmitted materials prior to the meeting, paper copies for their consideration during the meeting would be helpful.

### **Minutes Approval:**

Mr. Larkin moved, seconded by Ms. Pace, approval of the minutes of September 10, 2008 as written. The motion was unanimously carried.

Mr. Bulger expressed his appreciation for the knowledge that Ms. Thorne brought to the Board since her appointment in June, 2007, stating that he believed that the residents of the Town were well-served by her commitment and hard work. He presented her with a plaque commending her for her service to the Town of Clifton Park. Ms. Thorne thanked all those who have worked with her on the Board and commended all members and professional staff for their professional approach to issues and their dedication to the Town.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 8:05p.m. The motion was unanimously carried. The next meeting will be held as scheduled on Wednesday October 15, 2008.

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, Tom McCarthy, Town Attorney, Paul Pelagalli, Town Attorney, Department of Parks and Recreation, ECC, Saratoga County Planning Board, Clifton Park Water Authority