

Planning Board Meeting
November 12, 2008

Those present at the November 12, 2008 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, J. Koval, E. Ophardt, S. Pace,
T. Werner

Those absent were: J. Larkin

Those also present were: J. Scavo, Director of Planning;
J. Romano, 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. All in attendance stood for recitation of the Pledge of Allegiance.

Public Hearings:

[2008-038] **Deleonardis, Pat and Antoinette** – Proposed (2) lot subdivision, 403 Riverview Road – Preliminary public hearing and possible determination.

Mr. Bulger, Chairman, explained that due to a clerical error, the public hearing notice for this application was not published prior to the meeting of October 29, 2008. He called the public hearing to order at 7:10p.m. The Secretary read the public notice that was published in the Daily Gazette on November 7, 2008.

Mr. Scavo reported that the applicant's consultant was not in attendance at this evening's meeting. He explained that no new information or documents had been

submitted by the applicant for consideration. Since no revised plans have been provided for consideration, no comments were prepared by staff members, Clough, Harbour, and Associates, or the Environmental Conservation Commission.

Mr. Bulger noted that the main issue of concern at the last meeting was the applicant's failure to complete a formal delineation and to accurately map wetlands on the site. Board members offered no comment on the application.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:15p.m. The motion was unanimously carried.

Old Business:

[2008-034] **Currier, Gerald** – Proposed (3) lot subdivision, 1117 Route 146A – Proposed (3) lot subdivision – Preliminary review and possible determination from public hearing held on October 15, 2008.

Mr. Duane Rabideau, consultant for the applicant, listed the main issues of concern at the October 15, 2008 meeting as possible discrepancies in survey data, assurance that the area identified as permanent open space on the plan is protected in perpetuity, that appropriate separation is maintained between wells and septic systems, that grading plans for each proposed residence are provided prior to the issuance of a Building Permit, and the proximity of the proposed common driveway to the slope. He reported that his firm reviewed all of the deeds for the Currier property as well as adjoining properties and conducted a field survey to determine the accuracy of the metes and bounds shown on the subdivision plan. It was determined that the survey as prepared was accurate. Owners of adjoining properties that expressed concerns at the public hearing, particularly the Fragomenis, have been satisfied that their concerns have been considered and now agree with the property boundaries shown on the proposed plan. Mr. Rabideau explained that a note has been added to the plans that require those constructing the new residences to provide detailed grading plans to the Building Department prior to the issuance of the Building Permit for each lot. A note has been added to the plan that states that preservation of the area identified as permanent open space on the plan shall be assured and that any modifications to the area will require review and approval by the Town of Clifton Park Planning Board.

Mr. Scavo reported that all comments issued by Mr. Myers, Director of Building and Development, appear to have been addressed. Language proposed by the applicant regarding preservation of the open space area will be reviewed by the Planning Department to ensure that it meets the intent of the conditions of approval issued by the Board.

Mr. Romano reported that all of the comments and recommendations previously offered by Clough, Harbour, and Associates have been adequately addressed.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission reported that, after review of data presented at our November 5, 2008 meeting, the ECC

again reiterated the following recommendation. The ECC requests that the final grading plan of the two (2) proposed single family lots be reviewed closely to assure that existing drainage patterns are maintained and that the development does not trap storm water runoff and create future drainage issues. Mr. Quinn stated that he found the revised plans presented at this evening's meeting acceptable.

Mr. Bulger stated that the issue concerning the discrepancies in the surveys of the Currier parcel and adjoining properties was significant. He thanked Mr. Rabideau for working with adjoining property owners to resolve the apparent misunderstandings regarding the property survey. Since other issues have also been addressed, he finds the proposed subdivision plan acceptable. Mr. Koval stated that he visited the site to determine whether or not the location of the common driveway posed a safety hazard due to its proximity to the top of the steep slope. In his opinion, there are no safety concerns with the location of the proposed driveway because it is located a reasonable distance away from the top of the bank and because there is significant vegetation between the driveway and the slope. Board members agreed that the applicant had satisfactorily addressed their concerns.

Ms. Pace 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. Koval offered Resolution #20, seconded by Mr. Werner, to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department, Mr. Myers, Clough, Harbour, and Associates, and the Planning Board. Ayes: Ophardt, Pace, Koval, Werner, Bulger. Noes: None.

New Business:

[2008-046] **Davison and Gauss** – Proposed construction of (40) additional parking spaces and (2) new building entrances, 51 Wood Road – Conceptual site plan review.

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

[2008-047] **Walgreen's** – Proposed 14,800 SF pharmacy and site redevelopment, Old Route 146 – Conceptual site plan review.

Mr. Bruce Secor, consultant for the applicant, presented this application for the Board's review. He displayed an aerial view of the development site that visually depicted existing site conditions. The project plan calls for the razing of an existing 2,570 SF Kentucky Fried Chicken fast food restaurant situated on a 1.02 acre parcel identified as #271.-3-72.13 and a 6,650 SF commercial building on a 1 acre parcel identified as #271.-3-20. The adjoining parcels are located along the northerly side of Old Route 146 east of the intersection of Route 146 and Maxwell Drive. The site will be

redeveloped to contain a 14,800 SF Walgreen's pharmacy with two drive-thru lanes and a bypass lane. Fifty-three regular and four handicapped parking spaces are to be installed. The two existing driveways on Park Avenue and the one existing driveway on Old Route 146 will be widened to accommodate ingress and egress and truck turning movements. An existing connection to the Clifton Park Water Authority will be utilized and the site will be serviced by an existing sanitary sewer connection. Lighting and landscaping will be incorporated into the site design to enhance its aesthetics. A sidewalk along Old Route 146 and on-site pedestrian accommodations will be included in the site's design plans. The storm water management plan will comply with all current codes and requirements. Mr. Secor reported that a traffic study has concluded that the traffic generated by the new pharmacy would be less than the traffic generated by the existing uses. A Full Environmental Assessment Form has been submitted.

Mr. Secor addressed the number of variances identified by Mr. Myers, Director of Building and Development, that would be necessary if the plan was developed as proposed. The speaker presented a plan that clearly illustrated the lot boundaries, explaining that although consolidation of the parcels would eliminate the need for many of the variances, contractual issues prohibited such unification. Mr. Bob Miller, applicant, explained that as part of a lease contract with an adjoining Kmart, his firm is prohibited from building on lot #1. If the lots were combined, the existing encumbrance would apply to the entire parcel. He proposed that the Board approve a "declaration of restrictions" that would prohibit the parcels from being sold separately. These restrictions would be recorded and become part of the title. Mr. Pelagalli stated that he believes that Mr. Miller's recommendation is reasonable: he will review the language provided by the applicant.

Mr. Dave Colegrove, architect, presented colored renderings of the proposed Walgreen's building, describing the "high quality" construction details. He noted that the split-faced block will be used on the façade will be accented with manufactured limestone. Variations of the roof line and awnings above the windows are designed to visually enhance the building. The service area and trash enclosure will be located along the building's rear wall. The signage presented was described as "prototypical". Mr. Colegrove also presented a drawing illustrative of the store's interior lay-out. In response to Mr. Bulger's question regarding the installation of a pylon sign, Mr. Colegrove stated that final site plans have not been prepared. Mr. Bulger explained that final plans submitted for stamping should not include signage.

Mr. Scavo provided comments prepared by the Planning Department. He explained that because the project lines within the Exit 9 GEIS Study Area, all applicable mitigation fees will be calculated as prescribed by the Exit 9 GEIS Study' Statement of Findings. He supports either land banking the number of parking spaces that exceed the applicant's needs or a notation on the plan that would require that any future actions on either parcel will require site plan review specifically to evaluate parking. Sign variances may be required for the project.

Mr. Myers, Director of Building and Development, provided written comment on this application. He observed that it appears as though the proposal calls for the consolidation of the two adjoining parcels. As a result, zoning requirements must be met by both parcels. Parcel #1 has two fronts: one on Old Route 146 and one on Park Avenue. The zoning information table provided is not correct. Mr. Myers explained that the consultant must provide clarification of the building's location in order for him to determine if any portion of the building is situated on parcel #1: appropriate setbacks can then be determined. It appears that front and side-yard parking setback variances will be required. A buffer variance for east side of property will be required. Mr. Myers commented that parcel #2 will require a variance for rear building setback: 50' is required. A setback variance will be needed for the west side of the building because 30' is required. The required 20' parking setback on the westerly side of the parcel has not been met. A buffer variance for west side will be required. A green space variance required allowing a reduction in greenspace from 35% to 23% will be required. He also noted that there are sign variances for area and height shown and that wall signs are not discussed. It was noted that combining parcels into one would eliminate some of the variances needed. Only one entrance and one exit per establishment per public road are allowed. The two rear entrances and exits would require another variance. Mr. Myers concluded that it is his belief that the Zoning Board of Appeals would require some reconfiguring of this site prior to granting variances.

Mr. Myers provided comment on the storm water management plan, reporting that the narrative states that 25% of the water quality volume from the disturbed area must be captured and treated. Exact numbers for the current impervious area versus the new impervious area will be required to determine the applicability of the redevelopment chapter. Since the entire site will be disturbed and pervious and impervious areas reconfigured, it is his opinion that the redevelopment chapter will not apply. The three application criteria for redevelopment do not apply to date. A full Storm Water Pollution Prevention Plan will be required. A full 60 day review can be expected once the completed storm water management plan is submitted.

Mr. Scavo recommended that the applicant and/or consultant meet with Mr. Myers to determine if the declaration of restrictions proposed by Mr. Miller will eliminate the need for many of the variances he had identified as necessary.

Mr. Romano reported that Clough, Harbour, and Associates issued the following comments after reviewing the project plans. 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; Saratoga County Planning Board – Section 239 Referral. The submitted Full Environmental Assessment Form appears to adequately describe the proposed project. The subject property is located within the Exit 9 GEIS Study Area. From the information submitted, it appears the project is in conformance with the statement of findings except for the study's recommendation for 45% greenspace. This previous recommendation has not typically been supported by the Planning Board in recent years due to the Town's intent to promote well planned development in the Exit 9 corridor. The applicant should contribute to the mitigation fees established in the Exit 9 Area GEIS as deemed appropriate. In general,

Clough, Harbour, and Associates supports the proposed re-development of the site as planned. The applicant has indicated a need to maintain two separate tax parcels due to existing mortgage and use restrictions on each respective parcel, thus triggering the need for a number of variances including side yard building setback, rear yard building setback, side yard parking setback and rear yard parking setback. Because of the interdependence of each parcel on the other for access, parking, utilities, etc., a perpetual legal mechanism needs to be put in place as part of any site plan approval. The code requires 74 parking spaces while only 57 are proposed. The 17 additional spaces should be land banked and the proposed greenspace should be demonstrated and calculated as if these spaces will be constructed. If an off-site parcel will be used to satisfy the greenspace requirement, this should be documented as part of this site plan application and a legal mechanism put in place to insure the viability of the greenspace. The engineering firm is concerned with the configuration of the western access drive to Park Avenue. It is recommended that the access drive be re-located directly across from the adjacent Shopper's World Plaza access drive. Additionally it is recommended that stop controls be provided for vehicles exiting the McDonald's. A revised ingress/egress easement should be established for the McDonald's parcel. Clough, Harbour, and Associates recommends that landscaped berms be provided within the front and rear yards similar to the development at the northwest corner of Route 146 and Maxwell Drive. An ingress/egress easement established with the Hollywood Video parcel is recommended. Any future redevelopment of that parcel should include the potential for a shared access. It is recommended that the adjacent property owners be contacted to determine the viability of extending the sidewalk across the site's frontage continuous to the adjacent curb cuts. Future plan submittals should show the proposed utility connections, dumpster and lighting details with cut-sheets. The conceptual landscaping plan lacks a sufficient quantity of trees. Additionally, all street trees shall have a minimum caliper of 3.5". Section 208-48 of the zoning code requires the property margins at the sides from the front building line to the rear property line be planted with trees and shrubs for a width of not less than 15 feet.

After listening to the presentation made by Mr. Secor, Mr. Romano agreed to review the traffic management and landscaping plans for the site.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that the ECC offered no comment on the redevelopment plan.

Mr. Scavo summarized comments prepared by Ms. Jen Viggiani, Open Space Coordinator, regarding this application. Ms. Viggiani recommends that the Planning Board encourage the applicant to construct on-site pedestrian accommodations and sidewalks that would allow for connections to existing pathways. She further recommends that "the provision of sidewalks and pedestrian and bicyclist facilities should be factored into any accounting for offsetting some of the greenspace 'lost' during the project redevelopment." Ms. Viggiani's memo recommends that the site plan provide for ease of cross access for pedestrian and bicycle traffic to parcels both to the east and west of the site.

Mr. Werner expressed concern with what he viewed as the "relatively undefined" area from Route 146 to the proposed Walgreen's entranceway from Old Route 146, recommending that the access area be relocated to the east side of the property. In response to his observation that the dimensions of the proposed building as depicted on the site plan appeared to differ from those illustrated on the colored renderings, Mr.

Colegrove explained that the renderings were not prepared to scale. Mr. Ophardt suggested that it may be beneficial to restrict the northeastern ingress/egress drive to rights-out only, though Mr. Secor explained that the access drives were planned to accommodate tractor trailer traffic. In response to Mr. Ophardt's question regarding the anticipated number of deliveries, Mr. Colegrove reported that the store is generally serviced by one (1) full-sized tractor trailer per week and that deliveries are generally made during "off peak" hours. Mr. Bulger noted that the connection between the McDonald's and KFC sites – a condition of approval for the McDoanld's redevelopment project – had not been installed. Mr. Miller stated that his firm is involved in an on-going dialogue with McDonald's regarding site improvements: he will work to ensure that sidewalks and site connections are installed in accordance with the Board's conditions of approval. Mr. Ophardt asked that the bike racks shown on the plan be relocated to the front of the building. He also asked that since the redevelopment area is located in the Town's "entranceway," that the applicant consider designing a building with a "peaked roof" or other design features to make it more "aesthetically pleasing". Mr. Werner commented that the rear of the store looks "rather uninviting" and he recommended that the applicant consider the use of "faux windows" and awnings to achieve a more appealing view from Park Avenue. Though Mr. Ophardt encouraged the applicant to provide curbing at the store's entranceway, both Mr. Bulger and Ms. Pace approved of the proposed concrete walkway that was flush with the grade of the parking lot. Board members found the project plan generally acceptable.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Koval, approval of the minutes of October 29, 2008 as written. The motion was unanimously carried.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 8:20p.m. The motion was unanimously carried. The next meeting will be held as scheduled on November 25, 2008.

Respectfully submitted,

Janis L. Dean,
Secretary

Cc: Planning Board Members, Planning Department, Supervisor, Town Administrator, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Town Attorney, Lou Renzi, Town Attorney, Tom McCarthy, Town Attorney, Paul Pelagalli, Town Attorney, Department of Parks and Recreation, ECC, Clifton Park Water Authority

NOTICE OF DECISION

Resolution #20

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 November 12, 2008 there were:

Present: S. Bulger, Chairman, J. Koval, E. Ophardt, S. Pace
T. Werner

Absent: J. Larkin

Mr. Koval offered Resolution #20, and Mr. Werner seconded, and

Whereas, an application has been made to this Board by Gerald Currier for approval of a subdivision plat entitled Subdivision of Lands of Gerald Currier consisting of (3) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on November 12, 2008;

Whereas, the Planning Board established itself as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on November 12, 2008;

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 is waived and that the subdivision plat entitled Subdivision of Lands of Gerald Currier consisting of (3) lots is hereby granted preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by the Planning Department, Mr. Myers, Clough, Harbour, and Associates, and the Planning Board.

Resolution #20 passed 11/12/08

Ayes: Ophardt, Pace, Koval, Werner, Bulger

Noes: None

Steven J. Bulger,
Chairman