

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

**January 9, 2001**

Those present at the January 9, 2001 Planning Board meeting were:

Planning Board: K. O'Brien, R. d'Amico, B. Czub, K. Bowman , S. Bulger, J. Marzola, J. Russell

Also present were: M. Bianchino, Clough, Harbour and Associates, J. Peller, Counsel

Mr. O'Brien called the meeting to order at 7:10 P.M. He welcomed Jay Russell, a new Planning Board member, and noted that he brings welcome experience as a former member of the Zoning Board. Mr. O'Brien said Jim Romano has left the Planning Board to take an appointment as co-chairman of the open space committee. He wished him well and thanked him for his great work and support during his years of service on the Planning Board.

Mr. O'Brien made a resolution, seconded by Mr. Bowman, to accept and approve the 2001 Planning Board calendar as published by the Planning Department, and noted that meetings will begin at 7:10 P.M. The resolution was unanimously approved.

Mr. O'Brien made a resolution, seconded by Mr. Bulger to establish the following re-appointments: Joel Peller as counsel, Elaine Hughes as secretary, and Kevin Bowman as vice-chairman of the Planning Board. The resolution was unanimously approved.

Mr. O'Brien announced that Jason Kemper has been appointed as Director of Planning, to replace Kathy Simmonds. His absence this evening was due to injuries received in an accident. He wished him a speedy recovery.

Public Hearing 7:10 PM

[2001-001] Gregory and Wyman - Proposed land transfer of 12,253 square feet from 1 Georgio Court to 3 Georgio Court, and 7,960 square feet from 1 Georgio Court to 11 Leonardo Drive (eliminating 1 Georgio Court) - Preliminary public hearing and determination.

Mr. O'Brien called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on January , 2001.

Mr. Wyman said Margaret and Steve Gregory, residing at 3 Georgio Court and Kent and Priscilla Wyman, residing at 11 Leonardo Drive, have purchased 1 Georgio Court for the purpose of splitting said property and adding that portion to their respective lots. The lot is to be divided in a pie-like shape with the portion bordering the Gregory's to be added

tot heir existing property, and the portion bordering the Wyman's to be added to their existing property.

Mr. O'Brien said consolidation deeds are required and should be submitted before stamping of the plans. Mr. Wyman said their respective attorneys will prepare the deeds.

Mr. Bianchino and the ECC had no comments.

Mr. O'Brien asked for public comments. Being none, he asked for Board comments.

Mr. Bulger moved, seconded by Mr. Marzola, to close the public hearing. The motion was unanimously approved.

Mr. O'Brien moved, seconded by Mr. d'Amico, 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 approved.

Mr. Bowman proposed Resolution #1, seconded by Ms. Czub, to grant preliminary and final approval, conditioned on submitting consolidation deeds Ayes: d'Amico, Czub, Bowman, Bulger, Marzola, Russell, O'Brien. Noes: None.

Public Hearing 7:20 PM

[2000-024] Delgaudio, Teresa - Proposed (4) lot subdivision, Moe Road - Preliminary public hearing and determination.

Mr. O'Brien called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on January , 2001.

Mr. Tom Andress, ABD Engineers, said variances have been received for the setback on Lot 2, and for the minimum lot width on Lot 4. Each house will have a grinder pump.

Mr. Bianchino said all comments have been addressed, but approval should be conditioned on his satisfactory final review.

Mr. O'Brien asked for public comments.

Mr. Frank Barilla, 12 Royal Oak Drive, said he did not receive a 500' notice. Mr. Andress said the tax rolls show the address for Mr. Barilla as 4352 Buckingham Drive, and that is where the notice was sent. Mr. O'Brien reviewed the file and confirmed that notice had been sent to 4352 Buckingham Drive.

Mr. Barilla is concerned that the subdivision might create a drainage issue. Mr. Bianchino said that grading plans are not required for small subdivisions, but the grading can not change drainage characteristics of adjoining lots. Mr. O'Brien said that on the request of the Planning Board, this proposal has been reduced from 7 lots on a cul de sac to 4 lots on a private road, and noted that this was quite an improvement.

Ms. Margaret Catalier thanked Mr. Andress for working with the adjoining residents, and said by changing the configuration, their concerns have been addressed. She added that the water table is high, and was also concerned with drainage. Mr. O'Brien said each site will be evaluated individually by the Building Department with respect to drainage.

Mr. O'Brien asked for Board comments.

Mr. d'Amico asked if the existing buildings would be removed. Mr. Andress said they would.

Mr. Bowman asked if there are adequate turnarounds for emergency vehicles. Mr. Andress said a note has been added in that regard.

Mr. Russell moved, seconded by Mr. Bowman, to close the public hearing. The motion was unanimously approved.

Mr. O'Brien moved, seconded by Ms. Czub, 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 approved.

Mr. Bowman proposed Resolution #2, seconded by Mr. Bulger, to grant preliminary and final approval, conditioned on Clough, Harbour's final review and approval. Ayes: d'Amico, Czub, Bowman, Bulger, Marzola, Russell, O'Brien. Noes: None.

#### Old Business

[1999-073] Belmonte, Peter - Proposed 58,000 square foot medical and general office use, 1744 Route 9 - Preliminary site plan review.

Mr. Gordon Nicholson, Environmental Design Partnership, said originally the plan proposed 315 parking spaces and 35% greenspace, and has been revised to 41% greenspace. He said 15 parking spaces will be eliminated, and the tree lined boulevard through the site will break up the large expanse of parking. Vegetation will be preserved along Route 9 and the Northway. Phase II will not be cleared until tenants have been secured. Turning radii have been revised. Mr. Nicholson said the site will be developed in phases, and he asked the Board to grant final approval for the 10,000 square foot building which will be Phase I, and asked for preliminary approval for the overall site.

The ECC submitted no comments.

Mr. Bianchino said this plan is much improved and noted that the DOT concurs with Mr. Nicholson's improvements. He had prepared the following comments: Although the revised plans have some improved site design features regarding access and circulation, the plans continue to indicate extensive removal of vegetation throughout the site including clearing nearly to the boundary fence along the Northway and right up to the

adjoining properties bordering the site. This issue was raised within previous comment letters and was also raised as an issue by the Planning Board during planning meetings. In addition, pursuant to Section 208-40 of the zoning regulations, the property margins at the sides from the front building line to the rear property line shall be planted with trees and shrubs for a width of not less than 10 feet. This requirement is not met. As such, consideration should be given to a modified layout and density that reduces the required clearcutting throughout the site or providing substantial additional vegetative buffers along the property margins. Given the difficulty in determining the adequacy of the thin strips of vegetation to be retained along the frontage in terms of usefulness as an aesthetic buffer, we recommend that the note regarding “the existing vegetation to be selectively managed and retained along Route 9” be expanded to state that “additional planting material may be required by the Planning Department, subject to final review during the sitework inspection and prior to the issuing of the certificate of occupancy for each building.” We recommend that either ingress/egress easements be provided through the site over the access drives that connect to the adjacent properties, or a note added to the plans indicating that these easements shall be provided in the future at the sole expense of the applicant at such time as deemed appropriate by the Planning Board. The site plan layout should be reviewed by the Fire Department to determine the adequacy of emergency vehicle access within the project site. Additional hay bale dikes should be placed in the grassed swales along the southern property boundary. We offer the following comments regarding the revised Stormwater Management Report, dated December 18, 2000: The time of concentration travel path should be shown on the Drainage Divide maps. Calculation of the time of concentration should be by SCS methods (sheet flow, shallow concentrated and channel flow). The curve number lag method is not acceptable. The detention basin outlet culvert is shown as a 12” diameter on the plans while the stormwater program models the outlet culvert as an 8” diameter. Either the plans or the report should be revised to match one another. The grading as proposed between Route 9 and the front parking lot for the 10,000 SF building would result in stormwater runoff onto the adjacent property to the south. Either the grading should be revised or the drainage should be picked up in the storm system by adding a catch basin or end section. The swale located just east of the stormwater management basin should be revised to divert stormwater into the basin, rather than onto the adjacent property. The swale located adjacent to the DeStefano property is currently proposed at a relatively flat 0.5% slope. The swale should be redesigned to a 2% preferred slope or 1% minimum slope to ensure positive drainage. The proposed sanitary service for the 24,000 SF office closest to Route 9 is shown crossing the proposed storm sewer with less than 4” vertical separation. The elevation of the sewer should be lowered to provide 12” (preferred) or 6” (minimum) vertical separation. The 24” oak tree located at the southwest corner of the property should have a note stating that it is to be retained. The “334” and “336” contours in the southeast corner of the site appear inaccurate and will have a large impact on the amount of drainage directed onto the adjacent property and required clearing of vegetation. Clarification is required. Future plan submissions should either show the proposed off-site improvements or at a minimum provide a note cross-referencing the off-site improvement plans that are to be constructed as part of the project. The revised and re-submitted traffic study indicates that the amount of traffic generated by the Phase 1 development will not necessitate the off-site improvements, and

that the offsite improvements will be required and implemented at such time that any portion of the Phase 2 development occurs. In general, this phased approach appears acceptable, however our technical review of the data within the study has not been completed. Any concerns or comments we have on the submitted information will be contained in a subsequent comment letter.

Mr. O'Brien said he is concerned with only having a 10' buffer along the north side of the property. He asked if the applicant considered putting the smaller building closer to the concerned neighbor. Mr. Nicholson said the smaller building has a lower level access which would create drainage problems, and said he would prefer to increase the landscaped buffer. Mr. O'Brien asked if parking could be reduced in order to move the building away from the neighbor. Mr. Nicholson said there may be more parking than is actually needed. Mr. Bianchino suggested moving the building forward.

Mr. O'Brien said when the site plan comes back for final approval, buffering and landscaping will need to be addressed.

Mr. Nicholson showed elevations for the small building, which will be a traditional design, and for the two story buildings which have a contemporary look with brick and glass, similar to the Abele buildings on Plank Road. Mr. O'Brien asked how the developer plans to blend the two different designs. Mr. Belmonte said it is difficult to have the designs complement each other, but the colors will blend.

Mr. O'Brien moved, seconded by Ms. Czub, to establish the Planning Board as Lead Agency for Phase I of this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously approved.

Mr. O'Brien moved, seconded by Mr. Bulger, to grant preliminary site plan approval for the overall parcel. It should be noted that Phase II final approval will be conditioned on addressing outstanding engineering details, and conditioned on better definition of the required level of parking, setback depths and site distance, and on greater detail on landscaping with respect to the visual impacts to the adjoining properties. Individual details for each of the phases will be evaluated separately. The motion was unanimously approved.

Ms. Czub moved, seconded by Mr. Bowman, to grant final site plan approval for Phase I. The motion was unanimously approved.

Mr. O'Brien said Ms. Simmonds was satisfied with the landscaping detail for Phase I, and the DOT is satisfied with the proposal to expand Route 9. He said engineering details will have to be reviewed before final approval is given to the overall site plan.

[1999-031] Verillo, Joseph and Sunday - Prestige Motor Car Co. - Proposed 18,250 square foot automobile showroom and service, Route 9 - Request one year extension of final site plan approval granted February 29, 2000.

Mr. O'Brien said Mr. Verillo had difficulty with financing, but it has been resolved. There are no changes to the plan.

Mr. d'Amico moved, seconded by Mr. Russell, to grant the extension as requested. The motion was unanimously approved.

[1998-029] Exit 9 Convenient Mart (Exxon), Route 146 and Plank Road - Proposed 560 square foot addition to convert to mini-mart - Request one year extension of final site plan approval granted January 11, 2000.

Mr. O'Brien said the proposed Exxon will become a Sunoco, but there are no changes to the plan.

Mr. Bowman moved, seconded by Mr. Bulger, to grant the extension as requested. The motion was unanimously approved.

[1999-065] Landmark Square - Proposed renovation of the Clifton Park Hotel (located in Halfmoon and Clifton Park), Route 9 - Request one year extension of final site plan approval granted April 25, 2000.

Mr. O'Brien said financing details have been worked out, and there are no changes to the plan.

Mr. d'Amico moved, seconded by Mr. Marzola, to grant the extension as requested. The motion was unanimously approved.

New Business: No new business scheduled.

Discussion Item:

VanPatten office building, Plank Road - Mr. O'Brien said he has been approached to reconsider denial of the Plank Road application, which was turned down because the Board did not receive enough information regarding traffic concerns. He said counsel has encouraged the Planning Board to review any additional information submitted by the applicant in order to avoid a potential Article 78 lawsuit. Mr. O'Brien said Mr. Nicholson will address the Planning Board's concerns on January 23.

Minutes Approval:

Mr. d'Amico moved, seconded by Ms. Czub, to approve the minutes of December 12, 2000 as written. The motion was approved. Mr. Russell abstained.

Mr. Bulger moved, seconded by Ms. Czub, to adjourn. The motion was unanimously approved. The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Elaine Hughes  
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, Oscar Schreiber, 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 #1

#### 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 January 9, 2001, at 7:10 P.M. there were:

Present: K. O'Brien, R. d'Amico, B. Czub, K. Bowman, S. Bulger, J. Marzola, J. Russell

Mr. Bowman offered Resolution #1 and Ms. Czub seconded, and

Whereas, an application has been made to this Board by Wyman and Gregory for a land transfer of 12,253 square feet from 1 Georgio Court to 3 Georgio Court, and 7,960 square feet from 1 Georgio Court to 11 Leonardo Drive (eliminating 1 Georgio Court), and

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on January 9, 2001 in the Town Office Building, 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, 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 plat entitled Wyman and Gregory - land transfer of 12,253 square feet from 1 Georgio Court to 3 Georgio Court, and 7,960 square feet from 1 Georgio Court to 11 Leonardo Drive (eliminating 1 Georgio Court) is hereby granted final approval, conditioned on the submission of consolidation deeds.

RESOLUTION #1 passed 1/9/01

Ayes: d'Amico, Czub, Bowman, Bulger, Marzola, Russell, O'Brien.  
Noes: None

Kevin O'Brien  
Chairman

Resolution #2

#### 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 January 9, 2001, at 7:10 P.M. there were:

Present: K. O'Brien, R. d'Amico, B. Czub, K. Bowman , S. Bulger, J. Marzola, J. Russell

Mr. Bowman offered Resolution #2 and Mr. Bulger seconded, and

Whereas, an application has been made to this Board by Teresa Delgaudio for a (4) lot subdivision, Moe Road, and

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on January 9, 2001 in the Town Office Building, 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, 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 plat entitled Teresa Delgaudio - (4) lot subdivision, Moe Road, is hereby granted preliminary and final approval, conditioned Clough, Harbour's final review and approval.

RESOLUTION #2 passed 1/9/01

Ayes: d'Amico, Czub, Bowman, Bulger, Marzola, Russell, O'Brien.  
Noes: None

Kevin O'Brien  
Chairman