

Clifton Park Planning Board Meeting Minutes

September 26, 2001

Those present at the September 26, 2001 Planning Board meeting were:

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

Absent were: K. Bowman

Also present were: J. Kemper, Director of Planning, J. Grasso, Clough, Harbour and Associates,
M. O'Brien, ECC, P. Pelagalli, Counsel

Mr. O'Brien called the meeting to order at 7:10 P.M.

Public Hearing 7:10 PM

[2001- 044] Town of Clifton Park - Proposed (2) lot subdivision, Summerhill Subdivision, Vischer Ferry Road - Preliminary public hearing and possible determination.

Mr. O'Brien called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on September 20, 2001.

Mr. Kemper said the Town of Clifton Park is seeking to subdivide a portion of the open space that was required for the Summerhill subdivision. That land will in turn be deeded over to the Clifton Park Water Authority and will be used for the construction of a water tank. The remaining parcel will be retained by the Town as an open space parcel. Notices for the project were sent on September 13, 2001.

Mr. Grasso had no comments.

The ECC had the following comments: The ECC recognizes that there will be a potential visible impact and suggests to the applicant that the design consider the impact upon the viewscape.

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

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

Mr. O'Brien moved, seconded by Mr. Marzola, 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. Bulger offered Resolution #21, seconded by Mr. d'Amico, to grant preliminary and

final subdivision approval. Ayes: d'Amico, Czub, Bulger, Marzola, Russell, O'Brien.
Noes: None.

Public Hearing 7:15 PM

[2001-024] Klint, Tim - Proposed (2) lot subdivision, Vischer Ferry Road - Preliminary public hearing and possible determination.

Mr. O'Brien called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on September 20, 2001.

Mr. Todd Westervelt, ABD Engineers, said the parcel located on the east side of Vischer Ferry Road will be subdivided to create two lots of 2.3 acres and 13.2 acres. He said a septic system design has been submitted for Lot #1, and Lot #2 will use an existing septic system. A common driveway will be used to access both lots. The driveway is less than 500'. He said wetlands have been delineated and there will be some wetland disturbance.

Mr. Kemper had the following comments: The application was approved by the Saratoga County Planning Board on September 22, 2001 with the following comments: Missing from the plat of the proposed 2-lot subdivision is a depiction of the existing well and septic locations for the house on proposed Lot 2. The well location for the house proposed on Lot 1 has also not been identified; that the proposed and existing service locations are devoid of any distance separation conflicts needs to be presented on the subdivision map. The results of any soil borings and percolation tests conducted for the septic system of Lot 1 should also be presented on the subdivision map. As a crossing/access easement will be necessary for residents of the existing home on Lot 2 to gain access to Vischer Ferry Road the Town may want to review and approve the language of the easement as it is referenced in the new deeds. Proper house addressing in accordance with the Town's 911 system should be provided on the final subdivision map. 500' notices for the project were sent on September 5, 2001. Mr. Kemper said a letter from the Todd Westervelt dated September 5, 2001 states that there will be no wetland disturbance, however, the subdivision map indicates that there will be a wetland disturbance. Land should be deeded along Vischer Ferry for a future multi-use path. An ingress/egress easement will be required across lot #1, descriptions of this easement should be submitted with future submissions. Standard note for ingress/egress easement should be added to the plan.

Mr. Grasso had the following comments: We have reviewed the preliminary subdivision plan for the above project, prepared by ABD Engineers and Surveyors, last revised August 29, 2001 and offer the following comments: The proposed septic system for lot #1 is shown entirely on lot #2. Appendix 75A of New York State's Official Compilation of Codes, Rules and Regulations of the State of New York prohibits any part of a wastewater disposal system within ten feet of the perimeter of the property. As such, it appears that a NYS Building Code variance will be required. In addition, we do not support any new subdivision where each lot does not contain its own water supply and wastewater disposal system. As such, we do not recommend additional engineering

review of the subdivision until this issue is addressed.

The ECC had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The following standard statement should be added to the plot plan: Federal Jurisdictional Wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the Federal Wetlands.

Mr. O'Brien asked for public comments. Being none, he asked for Board comments. Mr. O'Brien asked Mr. Pelagalli for his input regarding having the proposed septic system for Lot #1 being located on Lot #2. Mr. Pelagalli said a permanent easement should be provided.

Mr. d'Amico said he can not support a proposal if the property is not self sustaining. Mr. Bulger agreed and said it will bind both owners to maintain the septic system and if it is not done, they would both be impacted. Mr. O'Brien agreed and asked if another configuration could be proposed.

Mr. Westervelt said with lot line adjustments, Lot #1 could be reduced to a 10 acre lot and Lot #2 would become a 5.5 acre lot. He said an easement would be required for a septic line but the main part of the septic system would be on Lot #1.

Mr. d'Amico asked if the entire line could remain on one lot. Mr. Westervelt said there would be too great a disturbance of Federal wetlands. Mr. d'Amico said if the entire system is not contained on one lot, he has a problem with it.

Mr. O'Brien said the Board should adjourn the public hearing and reopen it at a future date, to give Mr. Westervelt time to work out details with the applicant and come up with a more creative configuration. Mr. O'Brien said he has a problem with the septic tank being on another parcel, and said it could put future landowners in a bad situation. He said the second alternative is better than the first. Mr. d'Amico said he doesn't like either one.

Mr. Bulger moved, seconded by Mr. d'Amico, to adjourn the public hearing. The motion was unanimously approved.

Old Business

[2001-005] Teixeira, Carlos - Proposed Dunkin' Donuts (renovation of existing 3,040 square foot restaurant), 1607 Balltown Road - Final determination.

Mr. Dominick Arico, of Arico Associates, said originally two curb cuts was proposed. The revised plan proposes having two lanes out and one lane in, in a 36' curb cut. Landscaping and greenspace has been increased. Additional parking has been provided.

Mr. O'Brien asked if the façade will remain as originally proposed. Mr. Arico said it will.

Mr. Kemper had the following comments: N.Y.S.D.O.T. has requested an additional 20' for the improvements that will be completed as part of the Balltown Road project. This additional requirement should be indicated on the plot plans. Receipt of a N.Y.S.D.O.T. curb cut permit should be made a condition of final approval. He asked what the proposed exterior lighting for the site would be. The ECC standard statements should be placed on the plot plan. A silt fence should be placed around the area to be disturbed for the proposed leach field. A negative declaration was issued on April 10, 2001, and preliminary approval was granted.

Mr. d'Amico asked if the sign will be lighted. Mr. Arico said it will be lit from inside.

Mr. Grasso said all of Clough, Harbour's comments have been addressed.

The ECC had the following comments: ECC reiterates the comment requesting several standard statements be added to the plot plan as recommended at the April 10, 2001 Planning Board meeting.

Mr. O'Brien said there are some minor issues, and asked for Board comments. Ms. Czub moved, seconded by Mr. d'Amico, to grant final approval, conditioned on the comments of Mr. Kemper and the ECC. The motion was unanimously approved.

[2001-040] Kulak, John - 5,400 square foot Retail Landscaping and Nursery Sales Business, 1613-1615 Route 146, Rexford - Preliminary site plan review and possible determination.

Mr. Gordon Nicholson, Environmental Design Partnership, said the edge of stormwater management area will be moved out of the L-C zone. The D.O.T. wants minor curb cut modifications. He asked for approval conditioned on Clough, Harbour's review of the topo.

Mr. Kemper had the following comments: At the last board meeting, the applicant stated that they would evaluate relocating the organic storage bins. Signoff will be required from D.O.T. for curb cut permit. The approximate location of the D.O.T. taking limits for the improvements that will be done to Rt. 146 should be noted.

Mr. Grasso said all comments have been addressed and he believes the topo will be satisfactory.

Mr. d'Amico said sight distance should be maintained at the curb cut. Mr. Nicholson said that would not be a problem.

The ECC had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The ECC reiterates comments made at the September 4, 2001 review. The ECC notes that the plan shows a stormwater management area constructed in the LC Zone. This is a non-conforming use under

Section 208-69.2 of the Town Zoning Code.

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. Bulger moved, seconded by Mr. d'Amico, to grant preliminary and final approval, conditioned on the comments of Mr. Kemper and satisfactory final review by Clough, Harbour. The motion was unanimously approved.

New Business:

[2001-042] Equinox Companies - Proposed renovation of 125,000 square foot Builder's Square Facility - Conceptual site plan review.

Mr. Paul Goldman, attorney for Equinox, thanked the Town for their cooperation. He introduced Mr. Chris Smith, an engineer with C.T. Male.

Mr. Smith said the plan calls for demolition of the existing 139,000 square foot building, and construction of a new 125,000 square foot building for a Target store in nearly the same location. The parking lot will be reconfigured and will result in a net loss of about 100 parking spaces. Curbed islands in the remaining parking lot will be eliminated and the existing pavement resurfaced. New parking lot lighting will be installed. The exit of the drive at the intersection of Crossing Boulevard and Halfmoon Boulevard will be widened. Greenspace will increase from 37% to 47%. Large green areas will be created around the outer perimeter of the site. Variances will be requested for building signage and a freestanding pylon sign at the parking lot entrance.

Mr. Kemper had the following comments: Due to documented drainage problems downstream from this project the stormwater management basins will have to be inspected by an engineer to verify that they are operating correctly. Future submissions should include a detailed landscaping plan. Future submissions should include a rendering of the façade of the proposed building. Action is an unlisted action under SEQRA. The applicant is proposing to increase the greenspace on the parcel to 47%. Although not within the Exit 9 G.E.I.S. study area, the project will meet those requirements.

Mr. Grasso had the following comments: We have reviewed the concept site plan for the above project prepared by C.T. Male Associates dated August 28, 2001. We offer the following comments: The proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such, coordinated review is optional. The only involved agency is expected to be the Clifton Park Planning Board with site plan review being required. We assume that an environmental assessment form has been submitted. Based on the information submitted, it does not appear that the project will result in a significant environmental impact and a negative declaration pursuant to SEQR should be considered. We commend the applicant for proposing a major site plan application that involves adaptive re-use of

an existing developed property. The environmental benefits of such actions are significant. The applicant should verify that the intent of consolidating the development, thereby increasing greenspace around the periphery, is not to provide areas for future commercial development. If this is the intent, the evaluation of the impacts of such development should be addressed at this time. Although the proposed reconstruction of the parking lots will result in an overall increase in greenspace, we are concerned with the loss of significant existing greenspace within the site that provides significant visual mitigation of a large commercial building and expansive parking areas. In addition, no greenspace is provided between the parking areas or access drives and the building. This is not consistent with other comparable commercial properties. We recommend that the site plan be modified to continue to provide significant greenspace within the parking areas and between the parking areas and the building. We do not recommend having parking spaces backing directly onto an internal access drive (identified as the 34' wide aisle) as currently proposed on the west side of the site. The parking along this aisle should be eliminated. The plan should clarify the limits of pavement removal on the far western side of the site and should clarify the intended route of tractor-trailers through the site. Additional detail on the proposed landscaping concept and the building architecture should be provided. The proposed use appears to be of a big-box commercial retail nature which typically have high parking turnover and typically use less than half of the constructed parking areas. Consideration should be given to increasing the width of the parking spaces in closest proximity to the entrances, such as 9' 6" wide or 10' 0" wide. The stormwater management areas to which this property discharges should be inspected and certified by the design engineer to be in conformance with the original approved plans for such. Typically, these areas are not properly maintained and their stormwater management functions deteriorate over time. Any required remedial or maintenance measures should be completed at this time.

The ECC had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The following standard statements should be added to the plot plan: If hazardous materials will be stored on-site, the Applicant must submit a plan addressing the handling, storage, and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored. 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 in place and maintained at the initial phase of site preparation. The Applicant will control fugitive dust and debris during the construction/demolition phase of the project.

Mr. O'Brien said there were significant flooding problems last year and the engineers need to make sure that stormwater management works at full capacity. He said he prefers not to have parking in and on the service roads as shown on the plan, and is not happy to see that the parking islands are being eliminated.

Mr. d'Amico agreed, and said the parking islands keep drivers from cutting across the parking lot. Mr. Smith said he might be able to do one or two larger islands, or small islands at the light poles.

Mr. O'Brien said he doesn't see any major issues. He said he is happy to see something coming to the vacant site and is ready to welcome Target to Clifton Park.

Discussion Items:

Anthony Korniat - Mr. Kemper said Mr. Korniat has a 40' trailer and the driveway requirements are too narrow. He asked if he could keep the access width at 43'. He has had a couple of break-ins and wants to install two security lights.

Mr. O'Brien moved, seconded by Mr. Marzola, to allow a 43' driveway access, and to permit the installation of two security lights. The motion was unanimously approved.

Minutes Approval:

Mr. Russell moved, seconded by Ms. Czub, to approve the minutes of September 12, 2001 as written. The motion was unanimously approved.

Ms. Czub moved, seconded by Mr. Bulger, to adjourn. The motion was unanimously approved. The meeting was adjourned at 8:10 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 #21

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 September 26, 2001, at 7:10 P.M. there were:

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

Mr. Bulger offered Resolution #21 and Mr. d'Amico seconded, and

Whereas, an application has been made to this Board by The Town of Clifton Park for a (2) lot subdivision, Summerhill Subdivision, Vischer Ferry Road, and

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on September 26, 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 The Town of Clifton Park - (2) lot subdivision, Summerhill Subdivision, Vischer Ferry Road, is hereby granted preliminary and final approval.

RESOLUTION #21 passed 9/26/01

Ayes: d'Amico, Czub, Bulger, Marzola, Russell, O'Brien.

Noes: None

Kevin O'Brien
Chairman