

Clifton Park Planning Board Meeting Minutes

October 10, 2001

Those present at the October 10, 2001 Planning Board meeting were:

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

Absent were: B. Czub, S. Bulger

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- 046] Neet, Timothy - Proposed land transfer, NYS Route 9 - 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 30, 2001.

Mr. Stephen Lamb did not appear, so Mr. Kemper described the application. He said this lot line adjustment will help separate the commercial and residential uses on these two properties. This solution was recommended to the applicant at the March 13, 2001 Planning Board meeting.

Mr. Kemper said a variance will be required for the minimum frontage requirement of 200', and it is his understanding that there is an application before the Zoning Board of Appeals for this variance. This application was referred to the Saratoga County Planning Board on September 26, 2001. When the Saratoga County Planning Board referred the site plan for this project they recommended that the uses on the property be separated. 500' notices were sent out on October 10, 2001. Topography should be illustrated on the plot plan to determine if the well is down gradient from the septic system and associated tile field.

Mr. Grasso had the following comments: An office addition is proposed on the existing commercial building which will encroach within the required 130' front yard setback from the centerline of Route 9. In addition, the minimum lot width requirement of 200' at the front building line will not be met. As such, area variances from the Zoning Board of Appeals appear required. The plans should clearly state the date and type of variances granted by the Zoning Board of Appeals if any.

The ECC had no comments.

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

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

Mr. O'Brien moved, seconded by Mr. Russell, 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 offered Resolution #22, seconded by Mr. d'Amico, to grant preliminary and final approval, conditioning the stamping of the plans on receiving a minimum frontage variance from the Zoning Board of Appeals. Ayes: Bowman, d'Amico, Marzola, Russell, O'Brien. Noes: None.

Old Business

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

Mr. Paul Goldman, attorney for Equinox, introduced Mr. Chris Smith, an engineer with C.T. Male, and Mr. Tom Bonneville, a Target representative. He said all engineering comments from the September 26, 2001 meeting have been addressed. All other comments will be addressed. Mr. Bonneville said he is very excited to bring Target to Clifton Park.

Mr. Kemper had the following comments: The application was approved by the Saratoga County Planning Board on September 27, 2001. Notices for this project were sent on September 27, 2001. At the last Planning Board meeting, members of the Board expressed some concerns in regards to the parking of vehicles on the eastern side of the building. The applicant has tried to address this issue by placing a safety zone along the proposed driveway. The Planning Board also expressed concern in regards to the large expanse of blacktop on the parking lot. The applicant has addressed this issue by adding planted islands to break up the parking lot. These islands will coincide with the lighting poles being proposed for the parking lot. The stormwater management areas were inspected and found to be generally as were specified in previous plans. The applicant did find two discrepancies from the original plans. These two issues will be corrected as part of the current plan. The 500' notices were sent out on October 1, 2001.

Mr. Grasso had the following comments: We have reviewed the final site plans for the above project prepared by C.T. Male Associates last revised October 3, 2001. All of our comments made on the concept plan submission have been adequately addressed. We offer the following comments on the final plans: We do not recommend the proposed "selective clearing" of the existing wooded areas along the Northway corridor. Selective clearing typically results in significant loss of the visual buffer that the wooded areas

provide. We recommend that the height of the four proposed lights along the west and south sides of the building be reduced from 38 feet to 25 feet and the lamp wattage be reduced from 1000 watt to 400 watt for these specific fixtures.

Mr. Smith said Target has asked to keep parking on the east side of the building, and the 34' wide drive aisle will be clearly striped. The reference to selective clearing along the Northway will be removed. Mr. Smith said if the poles were shorter and reduced to less wattage, more poles would be required. He said the lighting is not excessive. Mr. Bonneville asked why they should be lowered. Mr. Grasso said the excessive lighting comments were specific to two on the west side and two on the south side, and feels there would be sky glow and would be visible from the highway. Mr. Bonneville said the lights will be mounted vertically in a cube and won't be visible. Mr. O'Brien said he has no strong issues with the lighting in this location.

The ECC had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The ECC reiterates its comments made on September 18, 2001 with the exception of comment "a". Further, the ECC recommends that any new proposed outdoor lighting be directional and limited.

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. d'Amico moved, seconded by Mr. Marzola, to grant preliminary and final approval, conditioned on removing the language regarding selective clearing on the Northway, and on the comments of Mr. Kemper. The motion was unanimously approved.

[2001-006] Neet's Automotive Repair - Proposed 1,591 square foot addition, NYS Route 9 - Preliminary site plan review and possible determination.

Mr. Stephen Lamb, representing the applicant, said he will meet whatever landscaping requirements the Planning Board suggests.

Mr. Kemper had the following comments: The Saratoga County Planning Board approved the project on March 19, 2001, and the board expressed some concerns in regards to either consolidating the lots or having a lot line adjustment done. The applicant has agreed to do a lot line adjustment to alleviate the concerns expressed by the Saratoga County Planning Board and the Town of Clifton Park Planning Board. If any variances have been granted by the Zoning Board of Appeals then they should be indicated on the plot plan. More details need to be provided on the proposed plantings for the site, and some additional plantings will have to be placed on the site plan. The 500' notices were sent out on October 10, 2001.

Mr. Grasso had the following comments: We have reviewed the preliminary Site Plan and Lot Line Adjustment Plan for the above project, prepared by Stephen E. Lamb L.S., dated February 16, 2001 and September 18, 2001. The following comments from our

March 8, 2001 review letter have not been adequately addressed (Additional clarification provided in bold italics) : An office addition is proposed on the existing commercial building which will encroach within the required 130' front yard setback from the centerline of Route 9. In addition, the minimum lot width requirement of 200' at the front building line will not be met. As such, area variances from the Zoning Board of Appeals appear required. The plans should clearly state the date and type of variances granted by the ZBA if any. Given the proposed use as a collision repair facility, consideration should be given to extensive screening, berming and/or landscaping to reduce the aesthetic impacts of the use from the Route 9 viewshed corridor. The plans should also clearly indicate where vehicles will be parked and/or stored on the site, including visitor vehicles, employee vehicles, and vehicles awaiting repair. The proposed landscaping should be greatly increased. A comprehensive landscaping plan should be provided with a planting list complete with species, size and handling recommendations. In accordance with the New York State Department of Health (NYSDOH) design standards, at least two percolation tests and one deep test pit shall be performed within the location of the proposed wastewater disposal system. Due to the likelihood of poor soils onsite, we recommend a New York State Licensed Professional Engineer design the proposed wastewater disposal system as part of the site plan application. The system design calculations should be expanded to include application rates, required area, septic tank sizing. Construction details, system type and inspection notes should be provided. The 100% expansion area should be shown on the plans. In accordance with NYSDOH standards, there shall be a minimum of two hundred feet between the tile field and the proposed well if the well is down gradient from the proposed tile field. In addition, a drilled well will be required which provides a minimum of five gallons per minute water supply. The well point as proposed is not permitted for use as potable water supply. The location of the proposed well should be shown on the plan. The proposed tile field is less than 200 feet from the existing well point apparently serving the existing house. A minimum of 200 feet should be provided upgradient of a well or a new well should be provided for the existing house. If the proposed wastewater disposal system remains in its current location, a diversion swale or trench drain should be provided on the uphill side of the system to direct surface water away from the area. An oil/water separator should be provided for all floor drains and for all areas of the site which will be used for the storage of damaged vehicles or vehicles awaiting repair. The location of the proposed wastewater disposal system appears to be uphill of the proposed facility. Therefore, the consultant should provide plans, details and specifications for any proposed pump station. The consultant should verify if federal or state wetlands exist in the southern and eastern portions of the site along the adjacent stream, or within 100 feet of the proposed wastewater disposal system. An access easement appears appropriate to lot 14 for ingress and egress over lot 10. The consultant should contact the Building Department regarding the required separation distances between the automobile parking spaces and the building, based on the type of building construction. Future Site Plan submissions should include the following: Proposed grading, method of stormwater management and erosion and sediment control. Lighting and landscaping plans. Parking summary including total required and proposed parking. Proposed building height. Construction details. We offer the following additional comments: The proposed two-way drive aisle west of the existing building should be 24 feet. An apron should be provided to allow for vehicles in

the last parking space in the rear parking lot to back out. Additional layout dimensions should be provided. Handicap parking signs and no parking sign locations should be shown on the plan. A lighting plan should be provided showing all proposed site lights with the light style, manufacturer, model, mounting height, wattage and lamp type.

The ECC had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The Applicant should submit a Stormwater Management Plan. Due to the potential of Federal Wetlands on this parcel, the ECC recommends that the Applicant determine the location and the extent of disturbance before a building permit is issued. The following standard statements should be added to the plot plan: No salts, fertilizers, pesticides or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching or in any other manner which violates the New York State Environmental Conservation Law (ECL). All erosion and water quality controls shall be put into 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. The ECC notes that sensitive environments exist on properties adjacent to the project site, thus there is a potential for environmental impacts to these areas in the event that the capacity of the stormwater management system is inadequate. As such, the Applicant's Drainage, Stormwater and Erosion Control Plans should be protective of these environments during the construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer.

Mr. O'Brien said Mr. Grasso has a lot of issues with this proposal, and he is not inclined to go forward until Clough, Harbour and Mr. Lamb can come up with some resolutions. He suggested tabling action until the next meeting.

Mr. d'Amico moved, seconded by Mr. Russell, to table action on this application. The motion was unanimously approved.

New Business:

[2001-045] Gibbs, Ralph and Marie - Proposed (4) lot subdivision, 696 Clifton Park Center Road - Conceptual site plan review.

Mr. Tom Andress said Mr. Dave Triller is the applicant/purchaser of the 8.4 acre site. The center two lots will be built with a common driveway. There are federal wetlands on the site. The applicant proposes to hook up to Clifton Park Water Authority water and public sewer.

Mr. Kemper had the following comments: This project is located in the Vischer Ferry Road G.E.I.S. study area and if it conforms with the findings statement then no additional SEQRA review is necessary. Signoff will be required from the Saratoga County Sewer District for hookup to the sanitary sewer system. The project is located within the Vischer

Ferry Road G.E.I.S. study area and therefore subject to the Vischer Ferry Road Capital Improvement Plan. Currently there are no new hookups being allowed by the C.P.W.A., therefore the project will not be able to receive any sort of approvals.

Mr. Grasso had the following comments: We have reviewed the concept subdivision plan for the above project prepared by ABD Engineers & Surveyors, dated September, 2001 and offer the following comments: The subject property is located within the Vischer Ferry Corridor GEIS Study Area. As such, if the project is deemed to be consistent with the Statement of Findings, no additional SEQRA review may be required. In addition, the project will benefit from capital improvement projects constructed or planned for the corridor. As such, this applicant should contribute to the mitigation fees established in the Vischer Ferry Corridor GEIS and Capital Improvement Plan. Consideration should be given to providing deed restrictions over the federal wetland areas. The adequacy of stopping and turning sight distances should be verified at the proposed driveway locations and indicated on the plan. The proposed common access easement for Lots 2 and 3 should be shown on the plan. A note should be added to the plan stating that driveway turnarounds shall be provided to discourage vehicles from backing onto Clifton Park Center Road. In addition, the proposed driveways should be located so as not to result in automobile headlights flashing in the residences across Clifton Park Center Road. The consultant should provide a letter from the Saratoga County Sewer District stating that they will accept the flows from the proposed homes. Future plan submittals should include the following: The names of all adjoining property owners. Existing contours at two-foot intervals. Town's standard certification statement.

The ECC had the following comments: The ECC has reviewed the project information and offers the following comments and recommendations. The ECC suggests that the Applicant consider consolidating Lot #1 and Lot # 2 so as to combine the wetland feature. The following standard statements 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. 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. In keeping with the goals and recommendations of the Town Comprehensive Plan, fragmentation of stream and wetland corridors should be minimized to the extent practicable by redrawing lot lines to keep all such environments on one lot.

Mr. d'Amico said he is concerned when wetlands are being divided, and noted that they are being broken into three lots. Mr. Address said he looked at different proposals, and two acre lots are more than is required.

Mr. d'Amico asked if sewer hookups are being allowed. Mr. Kemper said they are allowed. Mr. d'Amico asked if wells will have to be used if the Clifton Park Water Authority won't connect. Mr. Grasso said he has no problems if wells are used. Mr. Address said the application will be resubmitted showing well locations.

Discussion Items:

Nextel -Knoll Top - Mr. O'Brien said he had a meeting with Mr. Pelagalli, Mr. Kemper, Mr. Barrett and Mr. Rick Miller, who represented Knoll Top residents. Mr. Miller said the residents are suing in federal court based on improper procedure by the Planning Board, and he said they have further evidence to present that a variance by the Zoning Board of Appeals is required. Mr. Pelagalli said he interprets that requirement differently. Mr. O'Brien said residents allege that the Planning Board did not look at property valuation. Mr. Pelagalli said the residents feel the Planning Board should have hired a real estate appraiser to estimate the impact on property values. Mr. O'Brien said property values don't carry much weight since housing values are impacted by many variables, including the economy and number of homes on the market.

Mr. d'Amico asked what Nextel's legal standing would be. Mr. Pelagalli said if approval is reversed, Nextel could move to the federal courts for injunctive relief. The federal courts would look at whether the Planning Board's decision was arbitrary and capricious. Mr. Pelagalli said he feels there is substantial evidence to support the Board's decision.

Mr. O'Brien said this is a pre-existing tower and many of Mr. Miller's objections pertain to a new cell tower. Mr. Pelagalli said setback language Mr. Miller referred to applies to new cell towers.

Mr. O'Brien said based on Mr. Pelagalli's interpretation of the law, the Planning Board has not made any mistakes in the review of this application. He asked Board members if they wanted to revisit this application. Mr. d'Amico, Mr. Bowman, Mr. Marzola and Mr. Russell said they did not.

Minutes Approval:

Mr. d'Amico moved, seconded by Mr. Marzola, to approve the minutes of September 26, 2001 as written. The motion was approved. Mr. Bowman abstained.

Mr. O'Brien welcomed Brian Alexander, a boy scout, who attended the meeting and took notes to earn his communications badge.

Mr. Bowman moved, seconded by Mr. Russell, to adjourn. The motion was unanimously approved. The meeting was adjourned at 8:15 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 #22

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

Present: K. O'Brien, K. Bowman, R. d'Amico, J. Marzola, J. Russell

Mr. Bowman offered Resolution #22 and Mr. d'Amico seconded, and

Whereas, an application has been made to this Board by Timothy Neet for a land transfer, NYS Route 9, and

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on October 10, 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 Timothy Neet - land transfer, NYS Route 9, is hereby granted preliminary and final approval, conditioning the stamping of the plans on receiving a minimum frontage variance from the Zoning Board of Appeals.

RESOLUTION #22 passed 10/10/01

Ayes: Bowman, d'Amico, Marzola, Russell, O'Brien.

Noes: None

Kevin O'Brien
Chairman