

Clifton Park Planning Board Meeting Minutes

October 23, 2001

Those present at the October 23, 2001 Planning Board meeting were:

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

Absent were: K. O'Brien

Also present were: J. Kemper, Director of Planning, J. Grasso, Clough, Harbour and Associates,
P. Pelagalli, Counsel

Mr. Bowman called the meeting to order at 7:10 P.M.

Public Hearing 7:10 PM

[2001-024] Klint, Tim - Proposed (2) lot subdivision, Vischer Ferry Road - Reconvening of September 26, 2001 preliminary public hearing and possible determination.

Mr. Bowman called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on October 18, 2001.

Mr. Tom Andress said at the September 26, 2001 meeting the Board had concerns regarding access to the septic system. He said an odd lot configuration has been created to self-contain the entire septic system. He said an additional 10' strip of land along the roadway will be conveyed to the Town of Clifton Park.

Mr. Kemper said the Public Hearing was adjourned on September 26, 2001 due to concerns with the septic tank being located on a separate lot. He noted that the graphic scale is incorrect on the septic plan. The standard note for the ingress/egress easement should be added to the plan, and descriptions for ingress/egress easements should be submitted to the Planning Department for review. Postal numbers should be added on the plan. He said the driveway appears to be over 500' in length. Mr. Kemper said the stream indicated on the plans on the south side of the property is an L-C regulated stream, and therefore there is a 50' buffer associated with that.

The ECC had no comments, and Mr. Grasso said all of Clough, Harbour's comments have been addressed.

Mr. Bowman asked for public comments. Being none, he asked for Board comments. Mr. Bulger moved, seconded by Mr. d'Amico, to close the public hearing. The motion

was unanimously approved.

Mr. d'Amico 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. Bulger offered Resolution #23, seconded by Mr. d'Amico, to grant preliminary and final approval, conditioned on the comments of Mr. Kemper. Ayes: d'Amico, Czub, Bulger, Marzola, Russell, Bowman. Noes: None.

Old Business

[2001-008] Hidden Crest - Proposed (22) lot subdivision, Vischer Ferry Road and Englemore Road - Determination from preliminary public hearing held September 12, 2001.

Mr. Jeffrey McCarthy said 19 new building lots will be created. The sewer layout has been revised and the Clifton Park Water Authority will run water through Lot #10. There will be two stormwater management basins. Mr. McCarthy said Mr. Lou Gerard evaluated the access from Englemore road and suggested that the speed limit be reduced from 45 m.p.h. to 35 m.p.h.

Mr. Kemper had the following comments: The project will require a signoff from the Saratoga County Sewer District. The applicant, Clough, Harbour, and Lou Gerard met on site to discuss the site distances along Englemore Road. In response to the meeting Lou sent a memo dated September 19, 2001 stating that "After further review with Ivan and Joe and the hill in question, I do not see where there would be a serious problem with the location of the new road at the top of the hill. I do recommend that the current speed limit on Englemore Road of 45 m.p.h. be reduced to 35 m.p.h. in order to alleviate any danger at the intersection of the new road at Englemore." Some significant landscaping will have to be provided along the side of the stormwater management area. A street light will have to be installed over the intersection of Hidden Crest Court and Englemore Road. At the September 12, 2001 Planning Board meeting the applicant was going to draft some language that would be placed in the deeds so that people who purchased homes in the subdivision would be aware of the gun club, this has still not been completed. The Saratoga County Planning Board approved the project on June 21, 2001 with the following concerns/comments: a curb cut will be required from the Saratoga County Department of Public Works for the access to Grooms Road. The applicant and DPW had discussions in regards to extending the present right of way by ten feet and this additional land should be indicated on the plans, there needs to be some sort of mechanism in place to guarantee that the no-cut buffer will not be removed.

A curb cut permit will be required from Saratoga County DPW for access onto Grooms Road. Some plantings need to be added along the sides of the existing residential and the proposed lots. Due to the proximity to residential homes, limits on the hours of construction should be established for the project.

Mr. Grasso had the following comments: We have reviewed the final subdivision plans for the above project prepared by Ivan Zdrahal Associates, PLLC last revised October 8, 2001. The following comments from our September 6, 2001 review letter have not been adequately addressed: A street light should be provided at the intersection of the proposed town road with Englemore Road pursuant to the Town's Construction and Design Standards Section 86-6, E.5. We recommend that the light be oriented over the new roadway rather than over Englemore Road to aid in definition of the new roadway. Landscaping including a mixture of evergreen trees and deciduous shrubs should be provided on the road side of the stormwater management area. A copy of the Engineer's Water Supply Report including a DOH Form 348 should be sent to our office for our files. The plans and report should be submitted to NYSDOH for review and approval of the proposed public water supply improvement. A copy of the Engineer's Sanitary Sewer Report should be sent to our office for our files. The plans, Sanitary Sewer Report, Stormwater Management Report, Design of Sewers Checklist and Stormwater Management Self-Assessment Checklist should be submitted to NYSDEC for review and approval of the proposed public sanitary sewer system and SPDES permit. The subdivision plan should be stamped and signed by a New York State Licensed Professional Land Surveyor and contain the Town's standard subdivision plan certification statement.

The ECC had no comments.

Mr. d'Amico asked if signage is an option and he would like to see 35 m.p.h. be around the intersection only. Mr. Grasso said Mr. Gerard is looking for blanket reductions, not specific to the site. Mr. d'Amico said he is more concerned about travel from east to west. Mr. Kemper said he will talk to Mr. Gerard regarding hidden entrance signage.

Mr. Bowman suggested placement of a hydrant near the intersection.

Mr. d'Amico asked about the parcel labeled "HOA". Mr. McCarthy said it will be maintained by the HOA. Mr. Grasso said the HOA lot can not stand alone as a building lot if the HOA is dissolved. Mr. Pelagalli said it would provide more protection to make it a Town right of way. Mr. Dean Taylor said the builder/developer wants the HOA to maintain it but he intends to keep it wooded. He said the HOA will police it to make sure leaves aren't dumped.

Ms. Czub 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 #24, seconded by Ms. Czub, to grant preliminary and final approval, conditioned on the comments of Mr. Kemper, Clough, Harbour, and on signoff from the Clifton Park Water Authority. Ayes: d'Amico, Czub, Bulger, Marzola, Russell, Bowman. Noes: None.

New Business:

[2001-043] Wassenaar, Bertha J. - Proposed 864 square foot addition and Special Use Permit for a two-family dwelling in an R-1 zone, 428 Moe Road - Conceptual review.

Mr. Dana Wassenaar said he is moving into his mother's house. The proposed addition will have its own electric and heat. Two existing wells will be used, and the roof line and siding will be continued.

Mr. Kemper had the following comments: The applicant is proposing to construct a 18' x 48' addition onto an existing residence, and as part of the expansion the applicant is also seeking install a new septic tank and leachfield. He said the applicant should show on the proposed plan where the proposed septic tank and leachfield will be located.

Mr. Grasso had no comments.

The ECC had the following comment: The Applicant should submit a more detailed plan indicating proposed septic expansion and parking.

Mr. Wassenaar said he can address all comments.

[2001-047] Stewart's Ice Cream Shops, Inc. - Proposed 3,600 square foot rental building, 639 Grooms Road - Conceptual site plan review.

Mr. Tom Lewis said the parcel of land next to the existing Stewart's was purchased. Stewart's is looking to build a building to lease to a bank or retail store. He said this Stewart's is one of the most productive in the area and they also want to increase gas operations. He said a third island will relieve pressure of cars waiting for gas. Landscaping will be increased.

Mr. Kemper had the following comments: He received a memo from the Saratoga County Sewer District dated October 2, 2001 which stated the applicant will need to apply for a permit, along with providing proposed use and flows for the project. A curb cut permit will be required from the Saratoga County DPW. The applicant should consider the possibility of consolidating the parcels. Some significant landscaping will need to be provided along the building. The proposed canopy is considerably larger than the existing canopy. A memo from Don Clemens stated that the existing gas station is a pre-existing non-conforming use, and the expansion of gas pumps would be prohibited under 208-97(2)(A) and would require a use variance. 208-93 requires gas pumps to be setback 50' from the property line, the plan as shown is approximately 30'. A variance will be required. The layout with the new canopy and gas pumps would not allow cars to pass through the site when cars are at the pumps. The front setback from the center of Grooms Road is 130', the plans are showing 100', a variance will be required. 208-40 requires 10' planted buffers on the side property lines. The N.Y.S. Building Code will not allow parking within 10' of the building. If the applicant is not hooked up to water and sewer then it should be made a condition of this approval.

Mr. Grasso had the following comments: We have reviewed the concept site plan for the above project prepared by Stewart's Shops dated September 27, 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. Involved agencies are expected to include the following: Town of Clifton Park Zoning Board of Appeals, Town of Clifton Park Planning Board, Saratoga County Planning Board, Saratoga County Department of Public Works, Saratoga County Sewer District #1, and the Clifton Park Water Authority. It appears that front yard setback variances will be required for both the proposed new fuel pump canopy and the rental building. The proposed front yard setbacks for the fuel pump canopy are 45 feet from the centerline of Vischer Ferry Road and 72 feet from the centerline of Grooms Road, whereas the required setback is 130 feet. The proposed setbacks do not appear consistent with those provided on other similar developments. As such, we recommend that the canopy be relocated or decreased in size to more fully comply with the zoning regulations. In order to provide effective access management along a heavily used road and in close proximity to an intersection, we do not support the establishment of another curb cut onto Grooms Road as proposed. The new access onto Grooms Road should be eliminated. The refuse areas for the Stewart's and the new building should be consolidated into one location. The plan should specify that the two existing parcels are to be combined into one single parcel for ownership and tax purposes. The proposed rental unit usage should be specified in order to determine if the use is permitted under the Zoning Regulations. Consideration should be given to deeding a 10' wide strip of land along Vischer Ferry Road and Grooms Road to the Saratoga County Sewer District for potential future highway or pedestrian improvements. This is consistent with what has been provided for other developments along these roads. The consultant should verify the adequacy of the sight distance at the proposed driveway location. A highway work permit is required from the Saratoga County Department of Public Works. The plan lacks any form of foundation plantings. In order to reduce potential visual impacts of the proposed establishment, berming should be provided along the project site's frontage. We recommend that a curbed landscaped island be used in the area between parking spaces number 5 and 6. The consultant should contact the building department regarding the minimum parking space setback from a building based on building construction and opening type and locations. Generally a 10' minimum setback is required. The locations of handicap parking and no parking signs should be shown on the plan. No parking or standing any time" signs should be installed along the site's frontage to discourage trucks from parking along the roadway and thereby restricting sight distance and vehicular circulation. The locations of the existing sanitary sewer forcemain, watermain and associated easements should be shown on the plans. The applicant shall obtain all necessary permits and approvals from regulatory agencies for the installation and/or operation of a fueling station including an underground storage tank permit from the NYSDEC and a spill response/containment plan. Future plan submissions should include the following additional information in accordance with the zoning regulations: Existing topography, site location map, method of stormwater management, sanitary sewer service and water supply, and layout dimensions.

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 for review by the Town Engineer. Any proposed lighting should be directional and limited. The following standard statements should be placed on the plot plan: The borders of all lands 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. Bulger asked if there is any other gas pump configuration that could be proposed. Mr. Lewis said they have tried, but only one configuration will work. Mr. Marzola said he is uncomfortable with the proposed gas layout.

Mr. d'Amico asked if the store entrance could be moved to the other end of the building to make room for more pumps. He suggested that if the Grooms Road entrance is eliminated, parking would be gained.

Mr. Russell asked if a bank use is being considered just to gain parking for Stewart's during the busy early morning hours. Mr. Lewis said a bank seems like a best use scenario.

Mr. Russell asked the height of the existing canopy. Mr. Lewis said it is 14.6' from the ground.

Mr. Lewis said Stewart's will do whatever it takes to please the Board in order to get a third gas island. Mr. Bowman asked Mr. Lewis to come back with other layout options.

[2001-048] Clifton Country Road Associates - Proposed parking lot expansion, Village Plaza - Conceptual site plan review.

Mr. Tom Andress said Windsor Development is trying to lease the rest of the building where Starbuck's and the Mohawk Community Bank are located. He said there is potential for two or three small tenants, but prospective tenants feel there is too little parking. He said originally parking spaces were eliminated in order to get Planning Board approval. Mr. Andress said the proposed parking will be within 3' to 5' from the pedestrian path. Plantings are proposed as a buffer between the parking and Clifton Country Road. Greenspace will be at 37.5%.

Mr. Kemper had the following comments: The applicant sent out notices for the project on October 4, 2001. Parking should be added on the north or south side of the existing building. The proposed parking lot will be located in close proximity to the existing pathway. The proposed greenspace on the project is still above the 45% minimum as required in the exit 9 G.E.I.S. This project received preliminary and final approval at the October 14, 1998 Planning Board meeting. At that meeting members of the Board and the chairman expressed concerns with the parking being located so close to the pedestrian path. It was also stated that if future parking is necessary then it can be discussed at a

future point in time.

Mr. Grasso had the following comments: We have reviewed the site plan for the above project prepared by ABD Engineers and Surveyors dated September 28, 2001 and 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 Town of Clifton Park Planning Board with site plan approval required. Given the proposed parking's proximity to the existing pedestrian path, which is as little as three feet, we do not recommend the construction of the parking as shown. It appears that additional parking can easily be accommodated on the north side of the building or utilize unused parking in the Village Square complex.

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 placed on the plot plan: The borders of all lands 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. To reduce visual impact of the proposed expansion, the ECC recommends that a dense vegetative screen be established between the lot and Clifton Park Center Road.

Mr. Andress said north parking would be convenient to Starbuck's but the visual impact would be greater, and noted that there are two 24' maples in that location. Mr. Dave Sussman said Windsor Development is looking for convenient parking and feels that cars will park on the grass if spaces are not designated.

Mr. d'Amico said the area is sparse and he would prefer more of a buffer between the road and the building, not less. He suggested building a berm to hide the cars.

Mr. Bulger asked if the bike path could be moved closer to the road in that area. Mr. Andress said it could probably be moved out 7' to 8'. Mr. Russell agreed that moving the bike path and adding landscaping and a retaining wall or barrier would be more acceptable.

Mr. Sussman said something could be done similar to what is at the Fleet location. Mr. Andress said he will do some more work with the plans.

Discussion Items:

Ravenswood - Mr. Kemper said Ravenswood wants to build a 12' x 16' storage building in back of the restaurant to store patio furniture. Board members said they did not have any problem with them adding the building.

Minutes Approval:

Mr. d'Amico moved, seconded by Mr. Russell, to approve the minutes of October 10, 2001 as written. The motion was approved. Ms. Czub and Mr. Bulger abstained.

Ms. Czub moved, seconded by Mr. Russell, to adjourn. The motion was unanimously approved. The meeting was adjourned at 8:30 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 #23

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 23, 2001, at 7:10 P.M. there were:

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

Mr. Bulger offered Resolution #23 and Mr. d'Amico seconded, and

Whereas, an application has been made to this Board by Tim Klint for a two lot 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, and reconvened on October 23, 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 Tim Klint - two lot subdivision, Vischer Ferry Road, is hereby granted preliminary and final approval, conditioned on the comments of Mr. Kemper.

RESOLUTION #23 passed 10/23/01

Ayes: d'Amico, Czub, Bulger, Marzola, Russell, Bowman.

Noes: None

Kevin Bowman
Acting Chairman

Resolution #24

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 23, 2001, at 7:10 P.M. there were:

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

Mr. Bulger offered Resolution #24 and Ms. Czub seconded, and

Whereas, an application has been made to this Board by Hidden Crest for a 22 lot subdivision, Vischer Ferry Road and Englemore Road, and

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on September 12, 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 Hidden Crest - 22 lot subdivision, Vischer Ferry Road and Englemore Road, is hereby granted preliminary and final approval, conditioned on the comments of Mr. Kemper, Clough, Harbour, and on signoff from the Clifton Park Water Authority.

RESOLUTION #24 passed 10/23/01

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

Kevin Bowman
Acting Chairman