

Clifton Park Planning Board Meeting Minutes

March 12, 2002

Those present at the March 12, 2002 Planning Board meeting were:

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

Mr. Bulger arrived at 7:30p.m. during consideration of the Exit 9 Convenient Mart

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

Mr. O'Brien, Chairman, called the meeting to order at 7:10p.m.

Public Hearing

[2002-012] Sciocchetti, Paul – Proposed (3) lot subdivision, Riverview Road – Preliminary public hearing and possible determination.

Mr. O'Brien called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on March 6, 2002.

Mr. Tom Andress, ABD Engineers and Surveyors, presented this subdivision proposal on behalf of the applicant, ATS Masonry. The proposal calls for the subdivision of 30 acres of land on the west side of Riverview Road into lots of 2.72 acres, 15.67 acres, and 11.85 acres, respectively. The two larger lots will be served by a common driveway and each lot will be served by an individual well and septic system. Pursuant to Ms. Reed's request at the February 12th meeting, all lots will be assigned Riverview Road postal addresses.

Mr. Kemper reported that the project was previously considered by the Board on February 12, 2002 and that the main issue at that time concerned drainage in the area of the proposed access drive. A culvert has been installed on the proposed driveway and no further evidence of ponding is evident. The L-C Zone associated with the N.Y.S.D.E.C. wetland and stream on the northern side of the project should be depicted on the large subdivision plot. Erosion control measures should be shown on the plot plan. Revised postal addresses should be indicated on the plan. Mr. Kemper said that since this area has been identified in the noise compatibility study being completed by the Albany Airport, the plan should include a note stating that potential property owners should be aware that this area lies within some of the flight path boundaries and there may be noise associated with planes using the Albany International Airport. Descriptions of the ingress/egress easement should be submitted for review. Mr. Kemper also stated that the ECC was concerned about the encroachment of the house closest to Riverview Road upon the L-C zone. The ECC further advised that if a variance were granted for work within the LC Zone, it would be necessary to fill several feet into the LC Zone resulting in an increase

to the slope to approximately 30 degrees in at least part of the remaining LC Zone. This would substantially decrease the effectiveness of the remaining buffer zone. It is suggested that either this house be eliminated or that the lot be reconfigured to avoid or minimize incursion into the LC Zone. The ECC also noted that the proposed driveway is located across the indicated wetlands. While it is an accepted use to put a driveway across a wetland, it is recommended that the applicant consider the possibility of sharing the existing driveway on the adjacent parcel. This would minimize impact on the wetland and eliminate an existing curb cut for the property.

Mr. Grasso, Clough, Harbour, and Associates, stated that all engineering concerns have been addressed.

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

Mr. O'Brien moved, seconded by Mr. Larkin, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue negative declaration pursuant to SEQRA. The motion was unanimously carried.

Ms. Czub offered Resolution #10, seconded by Mr. Marzola, to grant preliminary and final subdivision approval, waiving the final hearing, to this (3) lot subdivision conditioned upon the satisfaction of all Mr. Kemper's comments. Ayes: Marzola, Russell, Larkin, Czub, d'Amico, O'Brien. Noes: None.

Old Business

[2002-015] Caputo, John – Exit 9 Convenient Mart – Proposed renovation of existing 2,026 SF automobile service station, Route 146 and Plank Road – Preliminary site plan review and possible determination.

Dave Flanders, representative for the applicant, presented details of this proposed renovation on behalf of the applicant. A detailed description of the proposed project is included in the meeting minutes of February 26, 2002. Mr. Flanders explained that the site plan now reflects incorporation of the comments provided by Clough, Harbour, and Associates. Mr. Grasso confirmed the engineering firm was satisfied with the revised plan since it now includes appropriate signage, dimensions of the reduced entrance widths, a detailed lighting plan, and increased landscaping.

Mr. Flanders referenced the comment from the ECC that requested a letter from NYSDEC regarding the chemical spill that had occurred on the site. He stated that a closure report had been prepared and approved by NYSDEC.

Mr. Kemper reported that this project was approved by the Saratoga County Planning Board on February 21, 2002. All items discussed at the February 26, 2002 meeting have been addressed with the exception of the condition that was placed on the project from the ZBA requiring that the applicant connect to natural gas if it was available. If natural

gas is not available, ZBA approval requires that the propane tank be substantially buffered.

In Mr. O'Brien's absence, Mr. Kemper also read the comments submitted by the ECC. The ECC reiterated comments from the February 26, 2002 meeting. In addition, it was recommended that the following standard statements be added to the plan: 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; any new proposed exterior lighting shall be directional and limited. The ECC noted that an aquifer recharge area is present within the project limits and asked that the applicant design a stormwater management system that protects the aquifer resource. Mr. Flanders pointed out that surface water flowing toward Plank Road is collected in an existing stormwater containment area. Drainage from other areas of the site will flow to the proposed buffer areas.

Mr. Russell expressed his concern about the propane tank. He asked that if a tank is necessary that it be placed underground. Mr. d'Amico asked that the applicant investigate the availability of natural gas in the Plank Road corridor, noting that since this store will be adjacent to a restaurant and hotel, it is likely that natural gas is readily available. Mr. d'Amico also asked that the applicant provide substantial plantings to the east of the building and along Route 146 to enhance site aesthetics and conceal the rear of the building. Mr. Flanders explained that the most recent plan shows several 8' evergreens to the east of the building.

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 carried.

Ms. Czub moved, seconded by Mr. d'Amico, to grant preliminary and final site plan approval to this application conditioned upon either connection to natural gas or the burying of the propane tank and the installation of 8-foot evergreens to the east of the site. The motion was unanimously carried.

New Business

[2002-013] Parkside Community Church – Proposed 12,000 SF church, Grooms Road – Conceptual site plan review.

[2002-014] Jarose, George and Eva – Proposed (20) lot subdivision, Grooms Road – Conceptual review.

Since approval for the proposed church is dependent upon the approval of the (20) lot subdivision, the Board reviewed these proposals concurrently.

Mr. Andress, ABD Engineers and Surveyors, presented these applications on behalf of the respective applicants.

The application for the proposed Parkside Community Church calls for the construction of a 12,000 SF church on a 5.11-acre parcel in an R-1 zone. The property is located on the south side of Grooms Road approximately one-half mile west of the Grooms Road and Lapp Road intersection. Mr. Andress explained that the project calls for access from a proposed town road that will serve a new parsonage and an additional (17) lots. Connection will be made to the Clifton Park Water Authority and the Saratoga County Sewer District.

Mr. Kemper offered several comments. According to section 208-10 (B) (9) (a) (8) a special use permit is required for a church or other place of worship to operate in an R-1 zone. As illustrated on the current plan, the stormwater management area is shown on private land. If this is the case, an easement will need to be shown on the plans for maintenance purposes. A signoff from the CPWA and the SCSD will be required. The application should identify the square footage of the proposed church as well as anticipated future expansions. A significant portion of this site has been identified as N.Y.S.D.E.C. wetland. The wetland and associated LC Zone should be depicted on the plot plan. Future submissions should include proposed plantings, site lighting, parking details, and façade renderings for the proposed parsonage.

The ECC asked that the following standard statements be added to the plot plan: no salts, fertilizers, pesticides or other material 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); the borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins and all on-site boundary markers shall remain until construction is complete 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 ECC also asks that the applicant control fugitive dust and debris during the construction/demolition phase of the project.

Mr. Grasso offered several comments related to the proposed church. The proposed project appears to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. Involved agencies are expected to include the following: Town of Clifton Park Planning Board – Special Use Permit, Site Plan Approval. It appears the project will require a Special Use Permit. Although the minimum front yard setback is fifty feet, the proposed church is shown forty feet from the town road right-of-way. We recommend that an undisturbed buffer be provided along the adjacent property lines. The proposed stormwater management area is located in an area with no defined drainage course. It was recommended that the outlet to the basin be either to a closed storm sewer system or to a defined drainage course. Future plan submissions should include the following: project data including site statistics, building setbacks, and a detailed parking summary; method of water supply, sanitary sewer service, storm drainage; layout dimensions; proposed lighting; proposed landscaping; handicap parking spaces and signage; limits of clearing and grading.

The Paulsen Development Company, in conjunction with the proposed church, has submitted application for an (18) lot residential subdivision with lots ranging in size from 20,000 square feet to 1.097 acres. All lots are to be served by the Clifton Park Water Authority and the Saratoga Country Sewer District.

Mr. Kemper offered several comments on the subdivision proposal. Town Code requires that for projects with more than (18) dwellings, a second means of access should be provided. The ESAB will have to be consulted on this project. Since there is an LC Zone associated with the N.Y.S.D.E.C. classified stream on the property, this zone should be depicted on the plot plan. It appears that there are proposed D.E.C. wetlands on the site: these should be illustrated on the plot plan prior to any further plan submissions. It would appear that there will also be ACOE jurisdictional wetlands on the parcel. These wetlands should be placed on the plot plan prior to any future plan submissions. It appears that with the addition of the LC Zone and appropriate setbacks, lots #13 and #14 may not have a large enough building envelope to contain a house. As with other subdivisions, the applicant should illustrate future proposed access to the vacant lands adjacent to the project. A catch basin should be installed in the center of the cul-de-sac for stormwater. Future submissions should include clearing limit lines.

The ECC offered several recommendations. Due to the potential of DEC wetlands on the property, the applicant should identify and delineate the wetlands and the corresponding buffer zone on the map. Several standard statements should be added to the plot plan. The Land Conservation (LC) Zone shall be delineated in accordance with Section 208-69 of the Clifton Park Town Code. Since uses in this area are restricted, the Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone. No salts, fertilizers, pesticides or other materials may be used on this property where they will contaminate any wetland or surface water through runoff, leaching or in any other manner which violates the New York State Environmental Conservation Law (ECL). The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins and on-site boundary markers shall remain until construction is completed and soils are stabilized. 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.

Mr. Grasso had numerous comments regarding this application. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. Involved agencies are expected to include the following: Town of Clifton Park Planning Board – Subdivision Approval; C.P.W.A. – Water Connection Permit; S.C.S.D. #1 – Sewer Connection Permit; S.C.D.P.W. – Curb Cut Permit; Saratoga County Planning Board – Section 239 Referral; N.Y.S.D.O.H. – Realty Subdivision Approval, Water Supply System Approval; N.Y.S.D.E.C. – SPDES Permit, Wastewater Disposal Permit. Pursuant to Section 179-25.H. of the subdivision regulations, where a residential subdivision is proposed with more than (18) dwelling units, two means of access must be provided. Although the proposed church does not qualify as a dwelling unit, based on a comparison between the amount of traffic generated by a single family home and that of

a church, two means of access are required. If one access point continues to be proposed, the number of lots should be reduced. The applicant should provide anticipated trip generation from the proposed church and that of a typical residential lot to ensure the intent of the regulations is being met.

In addition, pursuant to section 179-25.G. of the subdivision regulations, where a subdivision is traversed by a watercourse, there shall be a stormwater easement not less than 25 feet in width.... parkways may be required in connection therewith. The plan lacks any proposed stormwater management area for the residential lot and road drainage. These measures are required and should be located along the road with an outlet to a defined drainage course.

The plan does not provide any proposed parkland, open space area, or provide any protection of buffers or environmentally features on the site. The need for these should be considered. There are large undeveloped properties to the south, east and west of the project site. The appropriateness of access to these properties should be analyzed. It would appear that due to the presence of the stream at the back of the site, access to the south may not outweigh the associated environmental impacts. Pursuant to section 86-6.C.2. of the Construction and Design Standards, a tangent of at least 150 feet shall be required between reverse curves. Any wetlands contained within the project limits should be shown on the plans. The proposed method of water supply, sanitary sewer service, storm drainage and limits of grading and clearing should be shown on the plans. The consultant should verify the adequacy of the site distance at the intersection of the proposed Town Road and Grooms Road.

Mr. Marzola asked about the type of lighting that will be installed on the church property. Mr. Andress stated that the lighting will be similar to that installed at Grace Chapel in Jonesville. He also stated that substantial buffering will be provided to protect adjoining property owners.

Mr. O'Brien expressed concerns regarding the density of the project. He explained that it is the Board's responsibility to ensure the health and safety of residents and stated that the ability of emergency services to access the church site and multi-lot subdivision was critical. The project will be referred to the Emergency Services Advisory Board for review and comment. Mr. O'Brien commended the applicant for maintaining a natural buffer along the northern property line and asked that the paved parking areas be limited: areas for future expansion should remain green until additional parking is necessary. He advised the applicant to apply for a Special Use Permit allowing for the construction of a church in an R-1 zone.

Minutes Approval

Mr. O'Brien recommended that the minutes of February 26, 2002 be amended by adding as presented to page 7, paragraph 2. Mr. Russell moved, seconded by Ms. Czub, approval of the minutes as amended. The motion was unanimously carried.

Mr. O'Brien welcomed the Boy Scout troop in attendance at this evening's meeting. He offered a brief overview of the Planning Board's role in local government and answered a number of questions from troop members.

Mr. John D'Alessandro, a member of the Town of Halfmoon Planning Board, was recognized by Mr. O'Brien. Mr. Delassandro thanked the Board members for their perseverance in requiring that the Abele hotel on Fire Road be constructed as approved during site plan review. He stated that he considered architectural review a significant part of the planning process and believes that applicants and developers must adhere to conditions imposed upon them during the site plan process.

Mr. O'Brien moved, seconded by Mr. Marzola, adjournment to Executive Session to discuss pending litigation at 8:10p.m. The motion was unanimously carried.

Mr. d'Amico moved, seconded by Mr. Larkin, to close the Executive Session at 8:25p.m. The motion was unanimously carried.

Discussion Items

New York Development – Tanner Road

Mr. Kemper explained that the applicants for Falcon Crest had met with Mr. Bushman and had come to an agreement regarding mitigation for alignment of the new road directly across from Mr. Bushman's residence. The agreement includes the installation of a fence, the addition of landscaping, the relocation of the current driveway, and the extension of the water line to the Bushman property line. Board members agreed that the applicants have provided significant compensation to the Bushmans. They would not request more of the developer.

Park Pools

The owner of Parkside Pools has requested approval to install a pool as shown on the original site approval. Board members agreed that the pool could be installed with no further Planning Board consideration.

Spectrasite

This applicant has requested approval to install an underground power line on the Sugar Hill site prior to formal Planning Board review in an effort to meet the deadline for expiration of the FCC license. Board members agreed that the applicant could proceed "at his own risk". No antennas are to be installed on the existing tower prior to Planning Board action.

Ms. Czub moved, seconded by Mr. Russell, adjournment of the meeting at 8:35p.m. The motion was unanimously carried. The next meeting will be held on March 26, 2002 as scheduled.

Respectfully submitted,

Janis L. Dean,
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 # 10

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 February 12, 2002, at 7:30 P.M. there were:

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

Ms. Czub offered Resolution #8 and Mr. Marzola seconded, and

Whereas, an application has been made to this Board by ATS Masonry for approval of subdivision consisting of (3) lot,

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on March 12, 2002 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 on February 12, 2002, 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 hearing for this application is waived and the final plat entitled Subdivision of the Lands of Sciocchetti consisting of (3) lots, is hereby granted preliminary and final approval conditioned upon satisfaction of the comments of Mr. Kemper.

RESOLUTION #8 passed 2/12/02

Ayes: Czub, d'Amico, Russell, Larkin, Marzola, O'Brien
Noes: None

Kevin P.O'Brien,
Chairman