

Clifton Park Planning Board Meeting Minutes

April 23, 2002

Those present at the April 23, 2002 Planning Board meeting were:

Planning Board: S. Bulger, R. d'Amico, J. Larkin, J. Marzola, J. Russell
Ms. Czub arrived at 7:15p.m. following the public hearing

Those absent were: K. O'Brien

Those also present were: J. Kemper, Director of Planning, J. Grasso, Clough, Harbour, and Associates, M. O'Brien, Environmental Specialist, P. Pelagalli, Counsel

Mr. Bulger, Vice-Chairman, called the meeting to order at 7:10p.m.

Public Hearing

[2002-016] Lindsey, Duane – Proposed (2) lot subdivision, Grooms Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on April 17, 2002.

Mr. Tom Andress, consultant for the applicant, stated that this application remains unchanged from the presentation of the March 26, 2002 meeting. The plan calls for the subdivision of 129 acres of land in an R-1 zone into lots of 2.3 acres and 127 acres, respectively. The applicant proposes the construction of a single-family residence on the smaller parcel to be serviced by an individual well and septic system.

Mr. Kemper asked that the standard note on the plan that deals with the land to be deeded for a future multi-use path be revised to indicate that the costs associated with deeding the land over will be the responsibility of the homeowner. In addition, it should be stated in the deed that land will have to be deeded over if a future multi-use path is proposed on the north side of Grooms Road. The date of the federal wetland delineation should be placed on the plot plan. The Saratoga County Planning Board approved the project on March 21, 2002 conditioned upon receipt of a Saratoga County DPW permit.

Mr. Grasso stated that all Clough, Harbour, and Associates' comments from the previous meeting have been satisfactorily addressed.

Mr. O'Brien explained that the ECC reviewed this application and asked that the following standard statement be added to the plan: The Land Conservation (LC) Zone has been delineated in accordance with section 208-69 of the Clifton Park Town Code. 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. Mr. Address reported that this statement had been added to the plan.

Since there was no public comment, Mr. d'Amico moved, seconded by Mr. Larkin, to close the public hearing at 7:13p.m. The motion was unanimously carried.

Mr. Bulger 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 carried.

Mr. Larkin offered Resolution #13, seconded by Mr. Marzola, to grant preliminary and final subdivision approval to this application, waiving the final hearing, conditioned upon satisfaction of the comments offered by Mr. Kemper. Ayes: Marzola, Russell, Larkin, d'Amico, Bulger. Noes: None.

Mr. Bulger moved, seconded by Mr. Larkin, to adjourn to executive session to discuss pending litigation at 7:15p.m. The motion was unanimously carried.

Mr. Larkin moved, seconded by Mr. Russell, to reconvene the Planning Board meeting at 7:25p.m. The motion was unanimously carried.

Old Business

[1999-023] Carnevale, Frank – 49,000 SF Comfort Suites Hotel, Route 9, Route 146, and Fire Road – Amended site plan review.

Mr. Pelagalli, Planning Board Counsel, briefly outlined the history of this application, noting that the applicant had filed an Article 78 action against the Planning Board following the February 26, 2002 meeting. At that time, Mr. Nicholson, consultant for the applicant, proposed façade changes for the hotel at Route 146 and Fire Road. The decision rendered by the Court required the Petitioner to submit a formal application for approval of an amendment to the site plan. At this time, however, Mr. Justin Heller, attorney for the applicant, has filed a “motion to renew” with the Court, thus reinstating the litigation. Mr. Pelagalli advised the Board to consider Mr. Nicholson’s presentation without comment and to take no action on the proposal.

Mr. Gordon Nicholson, Environmental Design Partnership, explained that the applicant proposes changes to the façade of the hotel. He noted that formal submission for review was made on April 3, 2002. He provided elevations for the Board members that depicted the proposed color schemes and texture of building materials. Mr. Nicholson reported that most of the site improvements remain as presented during the initial review. There have been no changes to parking, site circulation, or utility connections, though the dumpster location has been relocated approximately 8 feet in order to avoid a water hydrant previously installed by the Clifton Park Water Authority.

Mr. Nicholson proceeded to detail the proposed revisions to the building façade. He

stated that the roofline will be changed from the standing metal seam hipped roof. The proposed roof will conceal the HVAC unit. The porte cochere will be changed to include additional columns. The brick originally proposed for the first floor will now be changed to Effis material that will be scored to resemble limestone block. He pointed out the applicant has now become associated with Comfort Inns and Suites and façade changes are in keeping with the franchise requirements. Landscaping in front of the hotel will be identical to that originally proposed.

Mr. Heller, attorney for the applicant, added additional background to the application. He explained that it was the applicant's understanding following the February 26, 2002 meeting that the Board would not consider any application to amend the approved site plan. He stated that during the Article 78 proceedings, the applicant was surprised that the Board stated that "no formal application had been made at the February 26, 2002 meeting." Since the applicant, on this date, has presented the required formal application to amend the approved plan, he encouraged the Board to seriously consider the application and render a decision. He argued that "when a Board considers exterior façade aesthetics, they can only deny that which substantially offends the eye." He pointed out that Mr. Carnevale was also associated with the construction of the award-winning Comfort Inn and would apply similar standards to the building currently under review. He discussed architectural standards and concluded by stating that he could "conceive of no reason" for the Board not to act on his client's application.

Mr. Bulger requested clarification of the current Comfort Suites' design compared to the original design. Mr. Heller explained that the original design was presented as a Country Inns and Suites' design rather than the design required by Comfort Suites.

Ms. Czub moved, seconded by Mr. d'Amico, to table further consideration of this application until May 14, 2002 upon the advice of Counsel. The motion was unanimously carried.

New Business

[2002-019] Furlow-Johnston Residential Subdivision – Proposed (56) lot cluster subdivision, Route 146 – Conceptual review.

Mr. Jeffrey McCarthy, Ivan Zdrahal Associates, described the proposed subdivision to be located north of Route 146, approximately 1,000 feet west of the Route 146-Route 146A intersection. The proposal calls for the subdivision of 54.85 acres of land in an R-1 zone into 56 residential lots with a minimum lot size of 12,000 square feet. Two lots fronting on Route 146 will retain B-1 zoning. Since the parcel contains approximately 14.3 acres of NYSDEC and federally jurisdictional wetlands, the applicant proposes a cluster design to minimize impacts. Verification of the designated wetland areas by the Army Corps of Engineers is anticipated. Both a conventional design and cluster layout have been presented for the Board's consideration. Technical details such as the size of the transmission lines and locations of utility installations providing connection to the Clifton Park Water Authority system and the Saratoga County Sewer District were presented.

The applicant proposes the following setbacks: 90 feet at the front building line, side setbacks of 5 feet, and rear setbacks of 25 feet. Mr. McCarthy noted that the application calls for a reduction in the required 130-foot front yard setback requirement for the B-1 parcels, though the applicant will provide a 150-foot buffer between the B-1 parcels and adjoining residential properties. Open space areas would either be dedicated to the Town or retained by a homeowners' association. The consultant will request the evaluation of traffic flows, sight distances, and possible mitigation for impacts from NYSDOT.

Mr. Kemper explained that, at his request, Mr. McDonald, John M. McDonald Engineering, reviewed this project plan to determine its impact on the anticipated extension of water and sewer lines along the Route 146 corridor to the Corporate Commerce zone. Mr. McDonald reports that applicants will be required to extend water and sewer connections along Route 146: the Town will then be able to connect at that end of the infrastructure. This would benefit the Town by reducing the cost of extending the utilities to the Corporate Commerce zone. The proposed cluster subdivision layout is a significant improvement over the conventional layout. The applicant is proposing 48% greenspace in the cluster layout and the Town is in favor of continuous tracts of greenspace that create corridors. He recommended that Open Space Parcels A and C should be decreased and Open Space Parcel B should be increased to provide a larger continuous corridor on the westerly side of the project site. Since D.E.C. wetlands extend north from the project site, the addition of open space on that side of the development will create a larger continuous tract of greenspace. In addition, the open space tract in the center of the project should be connected to the open space resources on the exterior of the subdivision.

The applicant will need to provide a signoff from N.Y.S.D.O.T., S.C.S.D., and CPWA. In addition, the Town of Clifton Park Planning Department should be copied on all correspondence between N.Y.S.D.O.T. and the applicant. Lot areas for the cluster subdivision should be illustrated on the plot plan. The date of the N.Y.S.D.E.C. wetland delineation should be placed on the plot plan. Jack McDonald Engineering has reviewed the proposed project in accordance with the Route 146 sewer and water project. The size of the water line should be depicted on the plot plan. An 8-inch gravity sewer is being proposed, however this may need to be increased. There should be a buffer provided between the B-1 business uses and the residential uses on the project.

Mr. Grasso listed concerns identified by Clough, Harbour, and Associates. 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 Planning Board – Subdivision Approval; C.P.W.A. – Water Connection Permit; S.C.S.D. #1 – Sewer Connection Permit; N.Y.S.D.O.T. – 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 System Approval. CHA commended the applicant for proposing a cluster subdivision that minimizes environmental impacts. Pursuant to Section 179-37 of the Town's subdivision regulations, a sketch plan of a conventional subdivision layout of the property conforming to the minimum lot size, density requirements and all other

normally applicable requirements of the R-1 zone was submitted. In accordance with the regulations, the Planning Department shall then review the conventional layout and determine the number of building lots that could be practically created pursuant to the plan. The department shall then report its recommendations to the Planning Board, which shall establish the maximum number of units permitted in the subdivision. Based on the material submitted, we concur that 56 lots is a feasible development density that could be developed with a conventional subdivision. The traffic impacts of the project should be further analyzed. The applicant should contact NYSDOT to determine the appropriate level of analysis required. The lot areas for the proposed cluster subdivision should be shown on the plan. In addition, lot statistics should be provided including minimum lot area, maximum lot area, and average lot area, minimum lot width, and minimum setbacks. Consideration should be given to providing a 150' building setback from Route 146 and the conveyance of a dedicated strip of open space that will be retained in its natural state along the Route 146 corridor. A note should be added to the plan stating that access from lot # 38 and lot # 56 shall be from the proposed Town Road and not Route 146. There are large undeveloped properties to the north of the project site. A possible future access to the lands of Hockford should be analyzed. The appropriateness of the 8" sanitary sewer along NYS Route 146 should be evaluated based on future planned growth in the area. The size of the proposed water main along NYS Route 146 should be shown on the plan. The adequacy of sight distance at both curb cut locations on NYS Route 146 should be verified and shown on the plan. The proposed method of storm drainage, approximate limits of grading and clearing and north arrow should be shown on future plan submittals.

Mr. O'Brien stated that the ECC appreciated the cluster design, but had several comments regarding this proposal. The following standard statements should be added to the plot plan: The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federal Jurisdictional wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone and/or Federal wetlands. The EAF indicates the loss of .2 acres of wetland. This may require a permit from the Army Corp of Engineers. The Town of Clifton Park shall be provided with copies of all related correspondence. The ECC requested that the applicant explore with the DEC the possibility that the wetlands within the open space corridors may be associated with DEC wetland R-6. The ECC would like the applicant to consider alternative plans for open space management including possible total management by a homeowners' association.

Board discussion included a number of issues. Mr. Larkin noted the similarity of design between the proposed conventional layout and the cluster proposal. He supported Mr. Kemper's recommendation for revision of the plan to provide more contiguous open space areas. Mr. Bulger stated that he preferred the cluster design that minimizes impacts to wetland areas. Mr. Grasso agreed that smaller, "clustered" parcels would be more desirable for development of the area. Mr. d'Amico asked that the applicant provide information regarding potential development to the north and west of the site, noting that R-6 wetlands appear to cross both the parcel under review and adjoining parcels. He

asked that the feasibility of build-out in those areas and the possible connection to Tanner Road be investigated, asking that this application include topography and wetland mapping for adjoining properties in order to evaluate the potential for development in the corridor. He also questioned the efficacy of utilizing the property directly north of the B-1 properties since there is a delineated wetland area located on that lot. Mr. McCarthy responded that deed restrictions would be required to prevent disturbance of the wetlands on that particular lot.

Mr. Russell asked that the consultant contact NYSDOT to determine the appropriate level of analysis for this project since traffic flow at the school entrance during the morning “rush hour” is often constricted. He also asked about the noise that might be generated by the veterinary clinic adjoining the residential subdivision. Mr. Dean Taylor, realtor, explained that potential owners will be advised that boarding of dogs is part of Mr. Johnston’s business.

Minutes Approval

Mr. d’Amico moved, seconded by Mr. Russell, approval of the minutes of March 26, 2002 as written. The motion was unanimously carried.

Discussion Items

[2001-054] Tutor Time, Phase II – Amendment to site plan.

Mr. Tom Andress, ABD Engineers, presented this amended plan for Tutor Time, Phase II. In order to insure the proper working and uninterrupted service for the approved dialysis center, the applicant proposes the addition of an emergency generator and chiller to the site. This equipment will be located to the east of the approved 3,144 square foot addition and west of the play area for Tutor Time.

Both Mr. d’Amico and Mr. Larkin expressed concern about the noise generated by the placement of this equipment and the Board discussed the proximity of the play area to the equipment, decibel levels, screening, and times of operation. Mr. Andress explained that due to the type of facility to be serviced, the equipment would run quite steadily during the day. He told the Board that screening would be installed as necessary to reduce impacts to the neighboring tenant. Mr. Kemper will require a note on the plan stating that screening will be installed as required by the Town Engineer.

Mr. Pelagalli advised the Board to include the rationale for consideration of this site plan amendment as a discussion item rather than a formal submission. Mr. Bulger summarized the Board’s discussion as follows: Board members agreed that the proposed location of the chiller and generator on the Tutor Time site was acceptable as presented. The applicant’s representative acknowledged that appropriate screening would be installed as requested by the Town Engineer. This decision was rendered during the discussion portion of the meeting since the Board believes that this site plan revision was not so significant as to warrant a formal site plan amendment application.

Hampton Inn Sign – Referral from Zoning Board of Appeals

The applicant proposes several signs for the hotel currently under construction on Plank Road. The east elevation, the front of the hotel, is to display a set of channel letters totaling 55.71 square feet mounted at a height of 46'3", a variance of 26' from the required height. The north elevation will display a set of 48" channel letters totaling 99.03 square feet, an 18' height variance and 99 square foot variance to permit an additional wall-mounted sign. The south elevation will display a set of 48" channel letters totaling 99.03 square feet at a height of 37'8". This will require approval of an 18' height variance and approval of a 99 square foot additional wall sign. Elevations of the building including the signs with proposed color scheme were presented to the members for their consideration. Board members studied the renderings provided and generally found the proposal acceptable, but added the caveat that approved signage should be consistent with that displayed by other similar businesses in the area.

Target – Referral from Zoning Board of Appeals

Mr. Kemper presented the application from Saxton Sign Company for approval of proposed signage at the Target store. Five variances are requested from the Zoning Board of Appeals. The first is an area variance pursuant to Chapter 171 to permit a freestanding pylon sign of 81 square feet. The other four applications also require area variances: a sign variance of 110 square feet and a height variance of 5 feet for a wall sign and variances ranging from 56 square feet to 102 square feet for three additional wall signs. Mr. Bulger noted that the signs requested appear to be smaller than the previous Builder's Square sign. Board members agreed that the variances would be acceptable if the approved signage was consistent with that of other businesses in the area.

Subdivision of the Lands of Solar Associates, Inc. – Referral from Town of Halfmoon

Mr. Jeffrey Williams, Director of Planning for the Town of Halfmoon, has forwarded this application to this Board for consideration. Due to the proximity of this application to the town boundary, the Town of Halfmoon has provided information regarding this proposal that calls for the subdivision of the Lands of Solar Associates. Mr. Kemper explained that the plat shows the subdivision of a 12-acre parcel into two lots. One lot will contain the existing Linens-n-Things store: the remaining 8.07 acres will be used for leasing activities of Solar Associates, Inc. This property lies in a commercial zone. Board members appreciated this courtesy extended by the Halfmoon Planning Department and found the proposal acceptable.

Mr. Kemper explained that since the State has established Tuesday, May 28, 2002, as Grievance Day, it will be necessary to change the date of the scheduled Planning Board meeting. Members agreed that the meeting could be rescheduled for Wednesday, May 29, 2002.

Ms. Czub moved, seconded by Mr. Russell, adjournment of the meeting at 8:45p.m. The

motion was unanimously carried.

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 #13

Ayes: Marzola, Russell, Larkin, d'Amico, Bulger
Noes: None

Seve Bulger,
Vice-Chairman