

Clifton Park Planning Board Meeting Minutes

May 14, 2002

Those present at the Planning Board meeting of May 14, 2002 were:

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

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

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

Public Hearings:

[2002-003] Eagle Crest Plantation – Proposed (2) lot subdivision, Waite Road and NYS Route 146A – 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 May 6, 2002.

Mr. Gavin Vuillaume, Environmental Design Partnership, consultant for the applicant, presented this proposal for William Paulsen. The proposal calls for the subdivision of a portion of the Lands of Eagle Crest Plantation, a PUD adopted by the Town Board in 1993. The plans show the subdivision of 5.59 acres of land into lots 2.85 acres and 2.74 acres, respectively. The proposed single-family residences will be accessed from Waite Road and will be served by individual wells and septic systems. Mr. Vuillaume stated that engineering work has been undertaken to ensure that septic systems will meet NYSDOH and Town of Clifton Park Department of Building and Development standards.

Mr. Kemper offered several comments. He noted that the board reviewed this project on January 8, 2002, and generally found the plan acceptable. It was necessary, however, for the fill material for the raised bed septic systems to settle before the project could move forward. Descriptions for the easement to be deeded to the Town for multi-use trail improvements should be submitted for review. He explained that a memo from Don Clemens dated May 13, 2002 stated: "The proposed septic system does not meet NYSDOH guidelines for a fill system. The percolation rate for the fill is too fast to be acceptable, the fill is 49", the maximum allowed is 30". Mr. Clemens was also concerned with the accuracy of the depth to ground water report. At this time, the building department would not issue a building permit for the proposed system. Mr. Kemper reiterated his request of the January 8, 2002 Planning Board Meeting that the wetland portions of the proposed lots be preserved as Land Preservation areas. The name of the consultant and date of wetland delineation should be added to the subdivision plan.

Mr. Grasso listed the concerns of Clough, Harbour, and Associates. He stated that the Clifton Park zoning map indicates that the project site is located within an existing Planned Unit Development (PUD). He asked that a copy of the PUD legislation and development plan be submitted to verify that the proposed subdivision is in conformance with the allowable uses and development of the property. The reference to the R-3 zoning should be removed from the plan, as this zoning has been superceded. He further recommended that, given the environmental constraints of the site and incremental development that has progressed within the PUD, consideration should be given to the establishment of deed restrictions or easements over the environmentally sensitive features of the lots. Future plan submissions should include topography at two-foot contour intervals within the areas of proposed development. The proposed lots will require use of "raised septic systems" which shall be designed in accordance with NYSDOH requirements. The proposed septic designs submitted do not comply with the applicable design standards for raised systems. Revised plans should be submitted. In accordance with NYSDOH standards, the percolation rate for fill used for raised systems shall be between five and thirty minutes per inch. The percolation rate of the existing fill material is less than two minutes per inch. As such, the existing fill material does not appear to be acceptable.

Mr. Vuillaume responded to the engineering remarks, stating that the PUD legislation provides for "up to eleven" single-family residential lots, making this application acceptable. He also explained that the applicant is working to correct the problems with the fill and septic design. Revised plans will be provided to Clough, Harbour, and Associates for their consideration.

Mr. O'Brien, Environmental Specialist, stated that pursuant to the Commission's recommendations, applicable ECC standard statements have been included on the plat. The ECC had no additional comments.

There being no public comment, Mr. Bulger moved, seconded by Mr. Marzola, to close the public hearing at 7:17p.m. The motion was unanimously carried.

Mr. Larkin expressed concern regarding distance between the two proposed wells. Mr. Grasso explained that the proposed well locations were acceptable. Mr. Larkin asked for information regarding the extension of the Clifton Park Water Authority to this area. Both Mr. Kemper and Mr. O'Brien stated that the area would not be included within the service area in the foreseeable future.

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

Mr. d'Amico offered Resolution #14, seconded by Ms. Czub, to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso and the submission of adequate

designs for the septic systems for approval by Clough, Harbour, and Associates.
Ayes: Bulger, Marzola, Russell, Larkin, Czub, d'Amico, and O'Brien. Noes: None.

[2002-021] Sodergren, Olin – Proposed land transfer of 0.2 acres of the Lands of Country Club Acres, Inc. to a 3.1 acre parcel of the Lands of Country Club Acres, Inc. on Fairway Lane, Rexford – Preliminary public hearing and possible determination.

Mr. O'Brien called the public hearing to order at 7:20p.m. The Secretary read the public notice as published in the Daily Gazette on May 6, 2002.

Mr. Dean Taylor, licensed real estate agent, presented this application on behalf of Country Club Acres. He described the proposal as a simple consolidation of a .2 acre parcel and an adjoining 3.1-acre parcel on Fairway Lane. Both parcels are owned by Country Club Acres, Inc. A single family residence is proposed for the 3.1 acre portion of the property. The lot will be served by the Rexford Water District and an on-site septic system. All setbacks required in an R-1 zone will be respected.

Mr. Kemper reported that several residents have inquired about the project. Letters from Mr. White who resides at 16 Garnsey Road and Mr. and Mrs. Forkas of 5 Fairway Lane have been copies for Board members. Mr. Kemper stated that the applicant should determine whether there are any ACOE wetlands on the parcel. A consolidation deed will have to be submitted for review. The Saratoga County Planning Board sent a letter dated May 14, 2002 stating that they have reviewed the project and anticipate approving the project without comment on the 16th. Minimum frontage for a lot in the R-1 zone is 100 ft. If the applicant is proposing a keyhole lot then the 50 foot front, rear, and side yard setbacks should be illustrated on the subdivision plan and the site statistics on the plot plan should also be revised.

Clough, Harbour, and Associates offered no comment on the proposal.

Mr. Forkas, 5 Fairway Lane, spoke in opposition to the proposed residence, citing several issues that would impact his existing residence. He noted that access to his home has been provided on the .2 acre parcel since the house was constructed in the 1960's. This small parcel also contains a 10' wide drainage ditch. The strip was originally provided to ensure access to the public water facilities that were located on the 3.1 acre parcel. He commented that the proposed new construction would require him to contribute to the maintenance of a combined driveway and that the additional traffic and noise in the "forever wild woods" would be a detriment to his family and other adjoining property owners.

Mr. Pelagalli stated that he believes that Mr. Forkas will continue to utilize the established access to his property and that all existing easements will continue in perpetuity. He will review the documentation and deeds provided by Mr. Forkas.

Mr. Donald White, 16 Garnsey Road, stated that previous construction in the area has impacted drainage and that a swamp has been created on the 3-acre parcel. He believes

that he has an “undocumented easement by prescription” that has allowed him to access the rear portion of his property by way of Fairway Lane and the Lands of Country Club Arces. Mr. Pelagalli responded that such an easement must be legally determined and that the issue is one that must be settled between Mr. White and the owner of the parcel he has been using: the Town has no standing in the dispute.

Mr. Quirk, 1551 Route 146, stated that there are apparent wetlands on the 3.1 acre parcel and he asked if any wetland delineation had been completed. In response to his question regarding the location of the proposed home, Mr. Taylor explained that it would likely be located on the knoll located on the northwest portion of the parcel. Responding to the wetlands issue, Mr. O’Brien, Environmental Specialist, recommended that a delineation of ACOE jurisdictional wetlands be undertaken.

Ms. Jill Hyde, 2 Fairway Lane, lamented the loss of “natural surroundings” and stated that she believes that the additional traffic generated by this residence would be a problem. She asked if Board members were aware of the high water table in the area that could pose problems for the installation of septic systems. Mr. O’Brien responded that the Department of Building and Development would review all proposed septic systems.

Board members agreed that the issues of easements for use of the .2 acre strip and the wetland delineation should be resolved prior to Planning Board action. Mr. Forkas was directed to supply all relevant deeds and documents to Mr. Pelagalli for review and the applicant was asked to conduct a wetland investigation prior to the next meeting.

Mr. Marzola moved, seconded by Mr. Larkin, to close the public hearing at 7:40p.m. The motion was unanimously carried.

Old Business:

Carnevale, Frank – 49,000 SF Comfort Suites Hotel, Route 146 and Fire Road – Amended site plan review.

Mr. Gavin Vuillaume, Environmental Design Partnership, briefly outlined the proposed amendment to the hotel currently under construction on Fire Road. As described at the last Planning Board meeting, plans now call for the use of a material producing a stucco-like look to the first floor façade and a revision to the roof.

Mr. Justin Heller, attorney for the applicant, spoke on behalf of his client. He briefly chronicled the history of the amendment application, noting that at the previous Planning Board meeting, the Board took no action because an action to renew had been filed with the court. He stated that although Mr. Carnevale originally intended to establish a franchise for Country Inns and Suites, a business decision was made to construct a Comfort Inns and Suites hotel. This change of affiliation precipitated the revised construction plans. He urged the Board to approve the modifications, stating that the changes are an enhancement and create a “fine look” for the site.

Mr. O'Brien explained that the Board has the option of conducting a public hearing when a site plan is presented for approval. He recommended that the Board agree to conduct such a hearing on this application since the much public interest has been generated by the amendment request. He added that the review process itself was under scrutiny and that a public hearing would allow all interested individuals to comment.

Mr. O'Brien moved, seconded by Mr. Larkin, to withhold action on this application for an amendment to the approved site plan for the Comfort Inns and Suites hotel located on Fire Road until a public hearing has been conducted. The motion was unanimously carried. The Board will schedule a public hearing for May 29, 2002.

Mr. Heller stated that, regardless of public input, the Board had no legal right to deny the proposed aesthetic changes to the site plan and he asked the Board to render a decision. He further explained that any additional delays would cause a financial hardship for his client.

M.J. Rekucki – Proposed 28,000 SF office/warehouse facility, Route 9 – Revised conceptual site plan review.

Mr. Tom Andress, ABD Engineers, presented this revised plan for the Board's consideration. The plan was originally presented on May 5, 2001 by Raymond Baker, who was then the owner-applicant. At that time, Board members, Mr. Kemper, and Clough, Harbour, and Associates had extensive comments regarding construction on this parcel. Due to substantial wetlands, developable property on the site is severely limited. The applicant did receive a variance from the Zoning Board of Appeals August 21, 2001.

Mr. Andress presented the revised site plan for the Board's consideration. The project now calls for the construction of two buildings totaling 28,000 square feet on a 13.9-acre parcel in an L-I zone. The buildings would be served by on-site wells and septic systems. Two access points were provided on NYS Route 9: these would require a NYSDOT permit.

Mr. Kemper stated that the Saratoga County Planning Board disapproved this project on May 17, 2001. A signoff from ACOE will be required. An ACOE permit reference number is depicted on the plot plan: that permit should be submitted to the Planning Department. The applicant will need to provide a letter from DEC and ACOE on the location of the wetlands. A NYSDOT curb cut permit will be required. The applicant should indicate any wells located within 100' of the proposed septic system and the proposed well location for this site must be indicated on the plan. Erosion control measures should be depicted on the plot plan. The date and number of variance that was received from the ZBA should be included on the plot plan. An enclosure will have to be provided around the dumpster.

Mr. Kemper stated that Sheryl Reed submitted a memo stating that the developer must provide required fire flow or request a variance from Fire Code of Appeals Board. Don Clemens submitted a memo dated May 13, 2002 which stated: "The plan shows 2 curb

cuts, 208-66A allows one curb cut unless the Planning Board feels it is necessary for safety.” He also asks the following questions: “What is the applicant proposing for fire protection water? Are they planning to use one septic system for both buildings? If so it does not appear the elevations will allow gravity flow. Are they planning on a grinder pump? If so, additional information must be provided.” Mr. Clemens also stated that the location of the proposed septic system is located in the required 25’ side yard planted buffer. Since there is an adjoining residence, this buffer is important to maintain. Since there are no uses proposed at this time, it should be stipulated that the applicant must return to the Planning Board as required under 208-66E when a use is determined. The wetland areas should be protected by deed descriptions as has been done on other recent projects.

Mr. Kemper advised that Clough, Harbour, and Associates has outlined numerous conflicts between this project and the Wood Road GEIS. He asked that the applicant address this concern with the Planning Department and the Town Engineer prior to resubmitting the project for Planning Board review.

Mr. Grasso listed several concerns with the project with relation to SEQRA. The proposed project is located within the limits of the Wood Road Corridor GEIS Study Area. As such, if the proposed project is deemed consistent with the findings of the GEIS, no additional SEQR action may be required. Involved agencies are anticipated to include the following: Clifton Park Planning Board - Site Plan Approval; NYSDOT -Curb Cut Permit. Pursuant to the Findings Statement for the FGEIS for the Wood Road Corridor, the following issues should be addressed:

- Per Finding No. 34, traffic mitigation fees are required to address cumulative impacts of the proposed development. The fee is \$1,465.47 per trip generated during the highest peak hour, as defined by appropriate facility codes in the ITE Trip Generation Manual, 5th Edition. The applicant’s consultant should submit an analysis of the projected trip generation so that the respective mitigation fee can be assessed.
- A mitigation fee is due for the original review of the DGEIS in the amount of \$74.28 per acre. Based on a 13.9-acre site, the respective mitigation fee is \$1,032.00.
- Per Finding No. 47, development affecting wetlands shall be located farther than the required 100-foot buffer from the wetland boundaries. This requirement is not met, and as such, the development as proposed is not consistent with the findings of the GEIS. If the development continues to be proposed as currently planned, a supplemental EIS covering wetland impacts may be warranted.
- Per Finding No. 52, stormwater management for each project shall be in accordance with the NYSDEC Guidelines for Stormwater Management and Design Criteria, and per Finding No. 53, the stormwater management plan shall be designed to maintain infiltration at pre-development conditions based on a 25-year storm event.
- Per Finding No. 67, a visual buffer of approximately 250 feet is recommended to avoid and minimize significant visual impacts to travelers on NYS Route 9. This is not provided, and as such, a supplemental EIS covering visual impacts may be warranted.
- Per Finding No. 73, a Phase I Environmental Audit shall be conducted and submitted at the initiation of site plan review. This should be included with the next plan submission.
- Per Finding No. 78, the applicant shall contact NYSOPRHP regarding historic sites and

archeologically sensitive resources near the project area. Copies of the correspondence should be sent to the Town and to our office for our files.

- Per Finding No. 79, the Light Industrial zoning district was amended to allow only uses such as warehousing, fabrication and similar low intensity land uses. Additional information regarding the proposed uses is required to determine if the uses are consistent with those outlined in the GEIS and the zoning regulations.

Mr. Grasso also had a number of comments regarding the site plan. In order to evaluate the feasibility of this site accommodating an on-site wastewater disposal system, any existing wells or septic systems within 100 feet of the proposed wells or septic systems should be shown on the plans. Additional soil information including deep test pits, percolation tests, and wastewater disposal system design information should be provided before any determination can be made. If any portion of the site will be used for the automotive repair or similar uses, all floor drains and stormwater runoff should be routed through an oil/water separator prior to discharge to the stormwater management area.

Mr. Grasso offered the following additional comments. The location of the proposed wells should be shown on the plan. Pursuant to NYSDOH regulations, absorption fields should be a minimum of 20 feet from building foundations, 50 feet from open drainage and 50 feet from any culvert opening. The proposed eastern detention basin appears to be located at the highest point on the site. The practicality of conveying stormwater to this area should be investigated.

Mr. O'Brien listed the numerous concerns of the ECC. The Applicant should submit a stormwater management plan for review by the Town Engineer and the Environmental Conservation Commission. Because the site is located within a registered DEC wetland, the ECC expresses concern regarding the on-site disposal of sanitary waste. Pursuant to Section 86-7 of the Town Code, natural drainage channels should be preserved to the greatest extent practicable. The ECC notes that sensitive environments exist on 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 construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer. The ECC notes that the project may result in intrusion into Federal Jurisdictional Wetlands. The applicant must avoid intrusion into the ACOE wetlands or apply for a Federal Wetlands Permit for disturbances of more than .1 acre total for the entire project. The Town of Clifton Park should be provided with copies of all related correspondence. The applicant should refer to the guidelines established in the Wood Road GEIS to determine if the proposed project will be consistent with the findings of the GEIS. If not, a supplemental EIS will be required. The ECC also notes that the domestic drinking water supply for the Ruggles property is located near the proposed septic system. In as much as the variance on this property eliminates the protective buffer zone for the wetland areas on the property, the storage of hazardous materials should be prohibited, including but not limited to petroleum products, hazardous waste, pesticides and fertilizers.

Mr. Larkin commented on the close proximity of the Ruggles' water supply to the proposed building and septic system shown on the project site.

Mr. O'Brien stated that the Board recognized that severe constraints, particularly those caused by identified wetlands, resulted in the inability of the owner to develop the property. Though he recognized that the SEQRA Findings limited the applicant's ability to develop the property extensively, he told Mr. Andress that the Board would attempt to work with the applicant and consultant to reach a desirable outcome.

New Business:

Shishik, Serge – 4,000 SF office building, Plank Road – Amended site plan review.

Mr. Gavin Vuillaume, consultant for the applicant, presented the proposed amendment to an office building on Plank Road that was approved in August, 2001. He informed the Board that the current applicant proposes revisions to the architectural design of the office building and a relocation of the Clifton Park Water Authority service line. The water line will now connect to the existing line at the cul-de-sac at Abele Boulevard.

Mr. Kemper stated that, as part of the revised site plan, color façade renderings will have to be submitted for stamping with the final plans. The Planning Board granted preliminary and final approval to this application on August 14, 2001. The Planning Board reviewed the project as a 4,000 square foot single-story building. Façade renderings now indicate a two-story building. If a two-story building is proposed, additional review fees will be due. Mr. Kemper recommended that earth tones be used for the building's exterior.

Mr. Grasso recommended that the watermain size be increased to 8" diameter. The proposed watermain should be shifted so as not to go underneath the driveway on the Lands of Bapat. In addition, a profile of the proposed watermain should be provided. The site plans show the proposed footprint as a 4,000-square foot, one-story building. The Architectural plans, however, appear to show the building as being two stories. If the building is in fact two stories, or will include more than 4000 square feet of gross leasable floor area, additional parking may be required.

The ECC had no comment on this application.

Mr. O'Brien stated that he found the building elevations acceptable. He requested that a note be added to the plans stating that the basement will be used only for storage.

Mr. Bulger expressed his on-going concern regarding the driveway location. He asked if the number of parking spaces was acceptable for medical uses. Mr. Kemper responded that medical uses had been considered during initial review. Mr. Bulger asked that the light post at the entrance drive be moved closer to Plank Road to enhance driveway visibility. Mr. Kemper agreed with the recommendation and asked that the sign be moved closer to the proposed light fixture.

Mr. d'Amico also commented on the limited sight distance at the entrance to the site and suggested that "advance notice" signage be installed along Plank Road to warn approaching motorists of the parking lot entrance. Mr. Vuillaume will request the installation of such signs.

Mr. Larkin asked that the applicant provide accurate samples of the colors to be used on the building. Mr. Shishik stated that he had not decided on the exact color scheme, but that the colors would be earth tones as recommended by the Board.

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 a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Ms. Czub moved, seconded by Mr. Bulger, to grant preliminary and final site plan approval to this proposed amendment to the site plan for this 4,000 square foot office building conditioned upon the addition of a note to the plan which states that the basement will be used only for storage and that earth tones be used on the exterior of the building. The motion was unanimously carried.

Cingular Wireless - Proposed co-location at the telecommunications tower at 21st Century Park, Route 146 – Conceptual site plan review.

Mr. Robert Isgro, consultant for Cingular Wireless, explained that the company proposes to mount nine (9) 4-foot antennas on the existing monopole at 21st Century Park. Cingular will also require an equipment shelter within the fenced, leased area. A dedicated 200 amp electric service and a leased T-I telephone circuit will be provided to the equipment shelter. No sanitary disposal or water services are required.

Mr. Kemper reported that the applicant submitted all documents required under section 208-95 of the Town Code. The Saratoga County Planning Board stated that they will approve the project without any comments on May 16, 2002. C.T. Male has reviewed the application and determined that it conforms with the recently amended town code, however, the firm has requested the submission of additional documentation.

Mr. O'Brien explained that the ECC was concerned with chemicals that may be stored on site. The Commission stated that if hazardous materials will be stored on-site, the applicant must submit a plan addressing handling and storage and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored.

A question arose concerning the owner authorization form for this project. Mr. Isgro explained that there was a question regarding the proper signatures to be supplied to the Planning Department since the current lease holder for area containing the telecommunications tower has control of agreements regarding co-locations. Mr. Pelagalli will review the documents presented by Mr. Isgro and render a determination regarding the appropriate signatures required for this application.

Mr. d'Amico asked Mr. Pelagalli to consider the implications for other telecommunication sites and future Planning Board deliberations as he reviews the lease documents and considers who assumes responsibility for leasing such properties.

The Board agreed to table any action on this proposal until Mr. Pelagalli reviewed the documents presented.

Minutes Approval:

Mr. Bulger moved, seconded by Ms. Czub, approval of the minutes of April 23, 2002 as written. Ayes: Bulger, Marzola, Russell, Larkin, Czub, d'Amico. Noes: None. Abstained: O'Brien.

Mr. Larkin moved, seconded by Ms. Czub, adjournment of the meeting at 8:35p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held on Wednesday, May 29, 2002.

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 #14

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 May 14, 2002, at 7:10p.m. there were:

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

Absent: None

Mr. d'Amico offered Resolution #14, and Ms. Czub seconded, and

Whereas, an application has been made to this Board by William F. Paulsen for approval of a subdivision plat entitled the Subdivision of the Lands of W.P.A.M./LP consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 14, 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 May 14, 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 the Subdivision of the Lands of W.P.A.M./LP consisting of (2) lots, is hereby granted preliminary and final approval, conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso and the submission of an adequate design for the septic systems that are accepted by Clough, Harbour, and Associates.

Resolution #14 passed 5/14/02

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

Noes: None

Kevin O'Brien,
Chairman