

## **Clifton Park Planning Board Meeting Minutes**

**October 22, 2002**

Those present at the October 22, 2002 Planning Board meeting were:

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

Those absent were: J. Marzola

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 Hearings:

There were no public hearings scheduled for this evening's meeting.

Old Business:

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

Mr. Ivan Zdrahal, consultant for the applicant, described this project plan that received preliminary approval on September 11, 2002. The plan remains as presented at that meeting and plans have been submitted to NYSDEC and NYSDOH for approval. The applicant is consulting with NYSDOT to resolve several minor issues involving work within the state owned right-of-way.

Mr. Kemper explained that the project last appeared before the Planning Board on September 11, 2002, at which time the Board closed the public hearing, granted preliminary approval, and issued a negative declaration under SEQRA. The project will require a signoff from NYSDOT. prior to the stamping of the plans and a copy of the curb cut permit must be supplied. A signoff must be provided from the ACOE prior to the stamping of plans. Per resolution #333 of 2001, park districts will no longer be responsible for the placement of entrance signs. Maintenance and construction of entrance signs will be the responsibility of the developer or homeowners' association. A note stating this should be added to the plans. Note #1 under specific subdivision notes should be revised to include the lot numbers for the parcels along Route 146. A signoff will have to be provided on the August 6, 2002 comment letter received from the NYSDEC as well as from Jack McDonald of McDonald Engineering. Mr. McDonald has stated that he is comfortable with the Board moving ahead with the approval process, although he stated that the sewer line may need to be placed deeper. This issue must be

resolved prior to the stamping of the plans. A signoff will have to be provided from the Saratoga County Sewer District.

A memo from Doug Connor on September 30, 2002 states that the Water Authority has reviewed the proposed Sterling Estates subdivision plan and finds it in compliance with the Clifton Park Water Authority Standards and Specifications. Each unit will be required to pay an \$800.00 hook up fee and a \$225.00 meter fee prior to the issuance of a Certificate of Occupancy.

A memo from Eric Hamilton, Chairman of the Trails Advisory Committee, concerns the construction of a multi-use pathway east along Rt. 146 that would connect to the proposed Vischer Ferry Road Multi-Use Pathway. Mr. Kemper, Mr. Zdrahal, and Eric Hamilton, and I discussed the issue on October 21, 2002 at which time Mr. Zdrahal agreed to submit a design and construction estimate for the pathway. Since the route of this multi-use path may change as development occurs on other vacant parcels, the best alternative may be for the developer to contribute money for such development in lieu of constructing the path. This money would then be used for the construction of multi-use pathway in the NYS Route 146, NYS Route 146A, and Vischer Ferry Road corridor. Mr. Zdrahal estimates the cost for the construction of the multi-use path to be \$78,200.00. Since the proposed trail will serve a significant area, Mr. Kemper recommends that the applicant be responsible for \$30,000.00 toward the cost of proposed trail project.

Don Clemens has commented that the normal setbacks for that zone would need to be placed on the plans for the commercial lots (64 and 79) since the cluster subdivision regulations do not apply to non-residential parcels. If the regular setbacks for the B-1 zone are not acceptable, area variances will be required. A note should be added to the plans stating that all accessory structures must comply with the setbacks established for the subdivision. Descriptions will have to be submitted for all roads, open space, easements, and stormwater management areas. The proposed subdivision will be placed in the Sherwood Forest Park District: a note stating this must be added to the plans.

Mr. Grasso stated that Clough, Harbour, and Associates has reviewed the final subdivision plans for the above project last revised by Ivan Zdrahal on September 30, 2002 and has found all have been adequately addressed. Evidence of final sign-off from the involved agencies should be provided to the Planning Department prior to final stamping of the plans.

Mr. d'Amico asked about the types of uses that may be developed on the B-1-zoned parcels. Mr. Kemper replied that the zone generally provides for the development of general office uses such as medical and dental offices, attorneys' offices, funeral homes, and private schools. Mr. Bulger asked if a proposed trail location had been determined. Mr. Kemper reported that although the committee has planned an expansion of the trail network near the Route 146 and Route 146A intersection, the exact location of the path will be determined as additional projects are presented to the Planning Board for approval. In response to Mr. Larkin's question concerning the ownership of the open space, Mr. Zdrahal stated that the area will be conveyed to the Town as Class "B" open

space.

Mr. Russell offered Resolution #32, seconded by Mr. Larkin, to grant final subdivision approval to this application conditioned upon satisfaction of the comments submitted by Mr. Kemper and Mr. Clemens and the submission of \$30,000.00 for the construction of the multi-use pathway. Ayes: Larkin, Czub, d'Amico, Bulger, Russell, O'Brien. Noes: None.

[2002-055] Yum Brands – Proposed 230 SF addition to the existing Taco Bell restaurant, 811 NYS Route 146 – Preliminary site plan review.

Mr. Rob Spiak, Bohler Engineering, reported that the trees recently removed from the Taco Bell site have been replaced. He described this project proposal that calls for the addition of 230 SF to the rear of the building for additional storage and an overall building façade upgrade. This renovation includes replacement of the existing asphalt shingled mansard roof and gabled entrances with driveway walls rising straight up to a flat roofline. Mr. Spiak provided building elevations including color samples of the building for the Board's consideration.

Though Mr. O'Brien stated that he preferred the mansard roof design, Mr. Spiak stated that the applicant would prefer to build according to the new "national brand" design.

Mr. Kemper reported that the Saratoga County Planning Board reviewed the project at their September 19, 2002 meeting and determined that there was no significant county-wide or inter-community impact. The project last appeared before the Planning Board on September 11, 2002 at which time the Board encouraged the applicant to explore a façade renovation that would maintain the mansard roof and the architectural character of the existing building. The applicant was also advised that the application would not be considered until the trees were replaced: these were replaced on the project site last week.

Mr. Grasso asked about the building height. Mr. Spiak stated that the "towers" to be constructed would result in a building height of approximately 23 feet. Board members asked Mr. Spiak to explore other options for the roofline that would blend with other buildings in the area.

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.

Mr. Bulger moved, seconded by Mr. Larkin, to grant preliminary site plan approval to this application, delaying final approval until the applicant presents an alternative plan for the roofline, preferably maintaining the mansard design. The motion was unanimously carried.

[2002-005] US Foodservice – Proposed 109,188 SF expansion of existing facility, Pierce Road – Amended site plan review.

Mr. Ed Vopelak, C.T. Male, explained that the Planning Board approved a major expansion at the US Foodservice facility on Pierce Road on September 24, 2002. Although that plan remains generally as presented, the applicant now proposes the reconfiguration of an existing battery storage area and the addition of an office and will-call area resulting in an addition of approximately 2,550 SF.

Mr. Kemper summarized the proposal that calls for a 2,551 SF addition to the existing U.S. Food Service approval that was previously granted last month. Sheryl Reed submitted a memo on October 22, 2002 that asked that the new ingress/egress point is accessible for emergency services. The project will still require her signoff and a sign-off from all emergency service agencies prior to the stamping of plans.

Mr. Grasso reported that he found the plan acceptable, though he asked that the use of floodlights be restricted.

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.

Mr. Bulger moved, seconded by Mr. Larkin, to grant preliminary and final site plan approval to this application conditioned upon the satisfaction of comments offered by Ms. Reed, Chief of the Bureau of Fire Prevention. The motion was unanimously carried.

New Business:

[2002-064] Ivan Zdrahal – Proposed (3) bay garage, 959 Route 146 – Preliminary site plan review and possible determination.

Mr. Ivan Zdrahal, applicant, presented this proposal that calls for the construction of a 1,008 SF (3) bay garage to the rear of property that currently houses his engineering firm. The 1.92 acre property is located in a B-1 zone on the north side Route 146 east of the Shenendehowa United Methodist Church and west of Green Meadow Drive. The 28' x 36' garage will be situated behind the existing business. Substantial vegetation to the east will remain: the garage will face the parking lot on the adjoining parcel to the west. Lighting will be limited to residential-type lighting on the front of the garage.

Mr. Kemper presented architectural façade renderings of the proposed garage for the Board's review. Mr. Zdrahal explained that the building materials used for the garage construction will be the same as those used for the main building. Mr. Kemper asked that a note be added to the plans stating that the proposed garage will be used for storage purposes only. Mr. Grasso had no comment on the application.

Mr. O'Brien read a letter from Mary Lou Oliver whose main concerns dealt with the proposed uses in the garage, the vegetative buffer, and the orientation of the garage. Ms. Oliver, 29 Green Meadow Drive, was in attendance at the meeting and asked for a

response to the issues she raised in her letter to the Board. Mr. O'Brien explained that although land owners could clear up to an acre without any approvals, a minimum of 50% greenspace must be maintained on properties in the B-1 zone and a 10' planted buffer to existing residential areas must be provided. Mr. Zdrahal confirmed that the garage would be used solely for the storage of his vehicles and business records. Garage doors will be placed on the western side of the building. Existing vegetation to the east will remain.

A woman residing at 30 Green Meadow Drive stated that she had informed the Planning Department of clearing and placement of brush and debris behind her property. She asked that this be removed and that no such dumping occur on property adjacent to hers. Mr. Kemper stated that he had visited the site and that the Building Department would ensure that construction takes place as approved.

Mr. d'Amico asked that the applicant consider establishing an ingress/egress easement with adjoining property owners to the east who recently received approval for substantial site development at 957 NYS Route 146. Mr. Zdrahal explained that he had such an arrangement with the owners of property to the west of his parcel: he was not able to provide such a connection for a third party.

A resident of 21 Green Meadow Drive expressed his concern about the "encroachment" of business into the residential area on Green Meadow Drive. Another resident of Green Meadow Drive expressed concern about the traffic at the intersection of Green Meadow and NYS Route 146, noting that it was very difficult to make lefts-in and lefts-out during peak travel times. She asked that a traffic signal be installed at that location.

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.

Mr. Larkin moved, seconded by Ms. Czub, to grant preliminary and final site plan approval to this application. The motion was unanimously carried.

[2002-041] Quinn Master Plan – Medical Park – Proposed 28,800 SF medical office use in (6) buildings, Route 146 – Conceptual site plan review.

Mr. Tom Andress, ABD Engineers, presented this application that calls for the construction of six 4,800 SF medical office buildings and associated site improvements on a 7.1 acre parcel with the Verbeck Frank PUD. Connection will be made to the Clifton Park Water Authority and to the Saratoga County Sewer District. Site development is generally regulated by the PUD that was approved by the Town Board in 1996 and its 1997 amendment that permits the proposed 28,800 SF of office space. Project plans show two ingress/egress locations on NYS Route 146: one at the existing entrance to the skilled nursing facility and the other through the apartment complex known as Wood's Edge. Required setbacks from the existing residential area have been respected and, per PUD legislation, buffering will be maintained to minimize visual impacts to the surrounding

areas.

Mr. Kemper explained that although the project was submitted for the July 9, 2002 Planning Board meeting, it was withdrawn at the applicant's request. The Saratoga County Planning Board reviewed the application at their July 18, 2002 Planning Board meeting and asked that additional information concerning traffic and sewer design be provided before the Board completes its GML 239 review. The site plan should indicate the adjacent uses as well as proposed cross easements for access and pedestrian access. Sheryl Reed's memo of July 9, 2002 requires the applicant to specify the location of existing hydrants and provide adequate maneuvering for emergency vehicles. Future plan submissions should include zoning district boundaries, a planting plan, site statistics, parking lot statistics, trash enclosure locations, and a project narrative. The existing PUD legislation will need to be analyzed to determine if the application complies with the PUD legislation.

Mr. Kemper read the comments issued by the ECC. Since this location presents a unique traffic problem due to a dangerous merge in the vicinity of the proposed park, multiple curb cuts may exacerbate the problem. It is therefore recommended that the Town engineer review this aspect of the plan. Any proposed outdoor lighting shall be directional and limited.

Mr. Grasso explained that the proposed project involves development of the third and final phase of the Verbek Frank Planned Unit Development District. The P.U.D. appears to have been approved with the office development portion consisting of 24,000 square feet of office space. Since the current proposal is for 28,800 square feet of office space, modification of the existing P.U.D. legislation may be required. Because the zoning action involves a parcel greater than ten acres, the project may meet the thresholds for a Type 1 action pursuant to SEQR. Involved agencies are expected to include the following: Town of Clifton Park Planning Board for site plan approval; Saratoga County Planning Board for Section 239 referral; NYSDOT – Curb-cut and Utility Work Permits; S.C.S.D. #1 – Connection Permit; NYSDEC – SPDES Permit for Stormwater Discharge.

A project narrative should be provided that describes how the proposed project fits within the framework of the previously approved P.U.D. and existing buildings on the project site. The narrative should also include a discussion of potential impacts on adjoining properties, traffic, utilities, etc. A copy of the final P.U.D. legislation and a new Full Environmental Assessment Form should be provided within the narrative as attachments. Site statistics should be provided including zoning district boundaries, lot area, bulk and area requirements, site coverage statistics and a parking summary.

The architectural design and choice of exterior facades and building materials should take into consideration the character of the area as they will be located in the transition zone between commercial uses and residential properties. Building elevations should be provided for review and comment.

The former traffic analysis was predicated on a signal being installed at the intersection

of Route 146 and Bruno Road. Unless there are current plans for the signal to be installed in the near future, the previously prepared traffic study may need to be revised to reflect the anticipated full-build condition without an operating signal.

The proposed sewer connection should be made to facilities of the S.C.S.D. #1. A copy of the letter accepting flows from the proposed office buildings should be provided. The proposed method of water supply and fire protection should be specified. If a public watermain is proposed, the design is subject to review and approval by the NYS Department of Health.

In response to Mr. Larkin's inquiry regarding the discrepancy in the amount of office space permitted, Mr. Kemper explained that an amendment to the original PUD legislation allowed for the increased square footage.

Mr. O'Brien's concerns focused on the roadway that provides an ingress/egress location through the apartment complex parking area. Members agreed that traffic flow from NYS Route 146 and through the site was a major concern and they asked that a traffic study be conducted. Mr. d'Amico expressed serious concerns for the problems that may be created in the area of the merge lane that currently exists just east of the existing entrance to the nursing home. Mr. Bulger asked if there were plans to install a traffic signal at the intersection of Bruno Road and NYS Route 146: no signal is currently proposed for that location. Mr. d'Amico suggested that NYSDOT evaluate the cumulative impacts of development along this major corridor.

[2002-065] Belmonte, Peter – Proposed 58,000 SF professional office space, 1744 Route 9 – Conceptual site plan review.

Mr. Gordon Nicholson, consultant for the applicant, explained that this project proposal calls for the development of a 58,000 SF office complex on 5.76 acres of land in a B-3 zone on Route 9. The Planning Board previously approved the project on January 9, 2001. Since the applicant failed to request an extension of the approval within the required time frame, it is necessary for the application to be resubmitted. The plan remains unchanged from the past approval, containing commercial development in three two-story buildings, 255 parking spaces, stormwater infrastructure, site lighting, landscaping, and 35% greenspace. Connection will be made to the Clifton Park Water Authority and to the Saratoga County Sewer District. Mr. Nicholson said that all necessary reviews, approvals and permitting has been completed for the Clifton Park Water Authority, Saratoga County Sewer District, and the NYSDOT. Four ingress/egress easements have been provided in anticipation of future connections to adjoining properties.

Mr. Kemper recommended that the applicant provide vegetative screening along the property bordering the Northway in keeping with the intent of the Town of Clifton Park's Comprehensive Plan. He further stated that the ECC notes that the proximity of the discharge pipe and drainage swale at the outlet of the stormwater management basin, although protected by rip-rap, has the potential to cause increased erosion along the

existing drainage swale on the adjacent property to the south. In addition, the ECC recommends that due to the potential for federal wetlands on the parcel, the applicant should determine the location and extent of disturbance of such wetlands before a building permit is issued.

Mr. Grasso emphasized that off-site traffic improvements will be required prior to the issuance of a Certificate of Occupancy for any development in excess of 10,000 square feet on the project site. Final plans must be submitted to the Town and NYSDOT for review prior to final approval of development beyond the initial 10,000 SF.

Mr. O'Brien moved, seconded by Mr. Bulger, 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. d'Amico moved, seconded by Mr. Bulger, to grant preliminary site plan approval to this application conditioned upon satisfaction of all the comments issued by Mr. Kemper and Mr. Grasso. The motion was unanimously carried.

[2002-066] Sanzen, David – Proposed (4) lot subdivision, Bradt Road – Conceptual review.

A representative from Ingalls, Smart Associates described this proposal that calls for the subdivision of 13.52 acres of land in an R-3 zone into lots of 3.06 acres, 3.5 acres, 3.5 acres, and 3.45 acres, respectively: all front on Bradt Road. The proposed residences will be served by the Rexford Water District and on-site septic systems. All lots meet the minimum bulk standards required by zoning. The applicant proposes to restrict building on the lots to single-family residences of 2,500 SF or greater and each residence must incorporate stone in the façade.

A (6) lot subdivision on this parcel received approval on February 9, 1999 conditioned upon the completion of upgrades to the Rexford Water system. Although these upgrades were completed in 2000 and approval to connect was received in April, 2000, the former owner/applicant did not submit final subdivision plans for stamping.

Mr. Kemper explained that although the applicant received Planning Board approval, he had difficulty receiving approval from D.O.H. for the proposed septic systems. Though the current plan does not require NYSDOH review, the proposed septic systems will have to be evaluated to determine if they will operate effectively. The Land Preservation Areas should be incorporated into the subdivision plan. Sight distances should be included on the plot plan.

Mr. Kemper reported that the ECC has recommended that the following standard statements should be added to the plot plan: the borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins and these 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 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 offered several comments on the application. The proposed project is an unlisted action 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. The adequacy of sight distance along Bradt Road, as it relates to proposed driveways, should be verified and shown on the plan. A note should be added addressing the presence of any existing wells on adjacent properties in accordance with the minimum separation distances table shown on the plan. Deep test pits should be performed in the location of proposed wastewater disposal systems for each individual lot.

The site should be investigated for federal wetlands. If none exist, it should be so noted on the plan. The “Area West of the Haybale Dike Remaining Undisturbed” should be established by use of deed restrictions and should be a locatable line described by bearings and distances. A permanent drainage easement should be described along the Southerly property line of lot 16 to accommodate stormwater runoff from the existing 12” cmp culvert through the site. Foundation drains should be provided for the lots and identified on the Typical Lot Layout detail.

Mr. Grasso also said that concerns had been raised in the past regarding the potential degradation of water pressure along Bradt Road due to additional residences. A reassessment of this issue should be examined due to the length of time (October 1994) since these issues were reviewed to better determine if this situation has worsened or is unchanged.

Mr. Kemper asked that federally jurisdictional wetlands be delineated in order to protect them from disturbance. Mr. Grasso emphasized the fact that the Town requires that developers adhere to NYSDOH standards when installing septic systems: fill placed on the site must settle through at least one frost cycle prior to construction.

Mr. O’Brien asked the applicant obtain a letter from the Rexford Water District that ensures that service will be provided to these four lots. He also believes that deed restrictions should be listed on the subdivision plan to prevent disturbance of the environmentally sensitive areas of the lots. He supported the requirement that deep test pit information be provided. Board members agreed that the applicant must adhere to these conditions.

Minutes Approval:

Mr. Russell moved, seconded by Mr. Bulger, approval of the minutes of the September 24, 2002 Planning Board meeting. Ayes: Czub, d’Amico, Bulger, Russell, O’Brien. Noes: None. Abstained: Larkin.

Mr. O’Brien moved, seconded by Mr. d’Amico, approval of the minutes of the October 8,

2002 Planning Board meeting. Ayes: Larkin, d'Amico, Russell, O'Brien. Noes: None. Abstained: Czub, Bulger.

#### Discussion Items:

##### D'Ambra Equine Stables

Mr. Kemper explained that the D'Ambras have requested approval to build a 12' x 30' hay barn on property currently containing a riding stable. The storage shed meets all setback requirements and will not be visible from Riverview Road. The building will be approximately 12' in height and include metal siding, metal roof, concrete floor, and sliding doors. Due to the size of the proposed barn and the size of the riding facility, Board members agreed that site plan review would be required.

##### Northpark Mobil Service Station

Mr. Kemper explained that the owners of the Mobil Service Station at the intersection of Clifton Country Road and NYS Route 146 have requested permission to construct a 100 SF shed on the property. Since the new construction is limited to 100 SF and since the shed will have limited visibility from the adjoining highways, the Board found the proposal acceptable: no further review will be necessary.

##### Northside Partnership

The developer of the property adjoining TGIFriday's restaurant has requested a revision to façade of the building currently under construction. Instead of an effis material on all of the building, the applicant requests approval for a brick façade. Board members found the change to be an upgrade from the original plan, but asked that a formal site plan amendment be presented for consideration.

Ms. Czub moved, seconded by Mr. Larkin, adjournment of the meeting at 8:45p.m. The motion was unanimously carried. The next meeting is scheduled for Wednesday, November 13, 2002.

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 #32

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 22, 2002, there were:

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

Absent: J. Marzola

Mr. Russell offered Resolution #32, and Mr. Larkin seconded, and

Whereas, an application has been made to this Board by Mark and Nancy Johnston and John and Geraldine Furlow for approval of a subdivision plat entitled Sterling Heights consisting of (56) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 11, 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 September 11, 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 plat entitled the Sterling Heights is hereby granted final approval, conditioned upon the satisfaction of issues identified by Mr. Kemper and Clough, Harbour, and Associates.

Resolution #32 passed 10/22/02

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

Noes: None

Kevin O'Brien,  
Chairman