

Clifton Park Planning Board Meeting Minutes

February 10, 2004

Those present at the February 10, 2004 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, R. d'Amico, T. Karam, J. Larkin, J. Marzola, S. Pace, J. Russell

Absent: None

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

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

Public Hearings:

[2004-002] Triller, David – Proposed (3) lot subdivision, Vischer Ferry 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 February 4, 2004.

Mr. Dave Flanders, consultant for the applicant, presented this project that calls for the subdivision of 3.79 acres of land on Vischer Ferry Road, north of Wild Flower Way, into lots of .9 acres, 1.6 acres, and 1.2 acres, respectively. The smallest lot will contain an existing residence. This residence is currently undergoing a substantial renovation and several of the deteriorating outbuildings will be demolished. As shown on the subdivision plan, a stream corridor and associated L-C zone crosses the northern portion of the property. Plans call for connection to the Clifton Park Water Authority and the Saratoga County Sewer District. Mr. Flanders explained that Lot #2 shows the disturbance of .07 acres of Army Corps of Engineer designated wetlands. The plan has been revised pursuant to Board comments to provide all three residences with accesses via a common driveway from Vischer Ferry Road.

Mr. Kemper explained that when this project was presented to the Board on January 13, 2004, the only item of significant concern was the use of a shared access driveway for all three parcels. The land preservation area associated with the ACOE wetlands should be added to the plans. Descriptions for the drainage easement and ingress/egress easement must be submitted for review. The date and firm that performed the wetland delineation should be added to the plans. Postal addresses must be added to the plans. The Clifton Park Water Authority has signed off on the project. A Saratoga County DPW work permit must be submitted prior to the stamping of the plans. The Saratoga County

Planning Board approved the project on January 15, 2004 with the following comments: "The proposed three lot subdivision has a large area of DEC wetlands on site. Wetlands are indicated on the map; however, the 100' required buffer is not clearly shown. Secondly, the applicant notes wetland disturbance for Lot #2: NYSDEC should be contacted regarding a disturbance permit for this wetland area. If the development is within the 100' buffer, that area will also need to be included on the disturbance permit. The applicant will need to contact Saratoga County DPW for a driveway permit onto Vischer Ferry Road. A maintenance agreement should be drawn up with respect to the shared driveways for Lots #1 and 2. Deed restrictions for the wetland areas should also be considered to lessen potential impacts to the wetlands and stream corridor areas." Don Clemens submitted a memo stating that a note should be added to the plans stating that any grinder pumps for the parcels must be located on the exterior of the residences.

Mr. Grasso reported that Clough, Harbour, and Associates found that all engineering comments were adequately addressed in the preliminary submission. Mr. Grasso did note that one of the firm's previous comments concerned this applicant's payment of mitigation fees pursuant to the Vischer Ferry Road GEIS Capital Improvement Plan. Since the proposed development would utilize reserve capacity within those improvements, fees for water and sewer would total \$10,084.00. After learning that other applicants bordering the GEIS boundaries were also assessed for such reserve capacity, Mr. Triller agreed to pay the established amount.

Mr. O'Brien, Environmental Specialist, reported that the ECC requested that the following standard statement be added to the plot plan:

This parcel (subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, and hours of operation and other associated activities. A study describing this impact in detail is available for inspection in the office of the Albany International Airport.

There being no public comment on this application, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 7:16p.m. The motion was unanimously carried.

Mr. Bulger thanked the applicant for working with the Board to revise the subdivision plan in accordance with Planning Board recommendations. He appreciated the applicant's cooperation and for paying the mitigation fees as outlined by Clough, Harbour, and Associates.

Mr. Larkin moved, seconded by Mr. d'Amico, 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. Marzola offered Resolution #3, seconded by Mr. Larkin, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments offered by Mr. Kemper and the payment of applicable mitigation fees pursuant to the Vischer Ferry Road Capital Improvement Plan. Ayes: Larkin, Pace, d'Amico, Karam, Marzola, Russell, Bulger. Noes: None.

Old Business:

[2003-062] Tanski, Bruce – Proposed (2) lot subdivision, 1359 Route 146, Rexford – Determination from preliminary public hearing held on January 13, 2004.

Mr. Gil VanGuilder, the applicant's representative, presented this application that was last discussed at the public hearing held on January 13, 2004. Although the plans remain basically unchanged, the applicant has revised the plan to include a 20-foot wide ingress/egress easement along the northern property boundary. This easement will allow the relocation of the driveway for Lot #2 when turn lanes are constructed on NYS Route 146. Mr. VanGuilder also explained that the applicant will convey a 10-foot strip along both Waite Road and NYS Route 146 to the Town to allow for future road improvements. Since this conveyance will reduce the setback for the existing farmhouse located on Lot #1, a variance will be required from the Zoning Board of Appeals. The variance application will be presented to the ZBA at its March 2, 2004 meeting. Mr. VanGuilder asked the Board to grant final approval conditioned upon approval of the variance since past experience has shown that the ZBA is sympathetic to projects such as this where the residence was pre-existing and the applicant has provided land to the Town.

Mr. Kemper reported that this project last appeared before the Board on January 13, 2004 at which time the major concern was driveway access onto NYS Route 146. All other Board concerns were answered at that meeting. Though the Board closed the public hearing at that time, no action was taken on the application. A letter from Al Hulstrunk, resident of Route 146, expresses his displeasure with the proposed subdivision since he believes that the minimum lot area within this zone was 2.5 acres. Mr. Kemper explained that the subdivision does comply with the 40,000 SF minimum lot size required in the R-1 zone. With the conveyance of a strip of land along Route 146, an area variance will be required. This must be obtained prior to the Board making any decision on the application. Descriptions for the land to be deeded to the Town of Clifton Park must be submitted for review. Don Clemens submitted a memo which stated that an area variance for Lot #1 for the front yard setback will be required. He encouraged the Board to support approval of the variance.

Mr. Grasso stated that although most of the issues have been addressed, a note regarding the driveway for Lot #2 should also state that the curb cut on Route 146 will be eliminated at the time of the construction of the turn lanes.

Mr. O'Brien, Environmental Specialist, explained that, after reviewing the project, the ECC recommends that the following standard statements should be added to the plot plan:

- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.

- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

In response to Mr. Karam's interest in the zoning regulations with this zone, Mr. Grasso confirmed that the applicant had indeed complied with code regulations. Mr. Karam also questioned the enforcement of the note regarding driveway installation. Mr. Pelagalli advised that a note on the filed plan would be the most effective way to assure compliance with this condition of approval. Mr. d'Amico observed that the applicant and/or consultant may consider revising the proposed locations for the residence and septic system to allow for more practical installation of the driveway to Waite Road. Mr. VanGuilder agreed that such a reconfiguration may be beneficial. He added that the note regarding relocation of the driveway would be "prominently posted" on the plan. Although Ms. Pace suggested that there be a time limit placed on the note regarding the driveway relocation, members agreed that the wording requiring installation upon completion of the turn lanes at the NYS Route 146 – Waite Road intersection would be sufficient. Mr. Bulger expressed his appreciation to the applicant and Mr. VanGuilder for working with the Board to address all concerns. Board members agreed to recommend Zoning Board approval of the required setback variance.

[2003-073] Capital Communications Credit Union – Proposed 8,072 SF, 1744 Route 9 - Preliminary site plan review and possible determination.

Mr. Chuck Peters, Architect, presented the preliminary plan for the Capital Communications site which remains generally as presented during conceptual review on December 9, 2003. He explained that the revised plan shows a 7,372 SF building – a reduction from the 8,072 SF building originally planned. The right turn lane on the southeastern portion of the site has been eliminated and the rear entrance has been redesigned. Mr. Peters also noted that several "common improvements" such as the access to Route 9, the driveway, extension of water and sewer services, and the installation of the stormwater management area will be provided.

Mr. Kemper stated that this project was reviewed by the Board on December 9, 2003. The comments raised by the Board at that meeting included the presentation of façade renderings, the status of the NYSDOT improvements, and the access control for the driveway. A signoff must be received from the Saratoga County Sewer District. He also reported that the Saratoga County Planning Board approved the project with the following comments: "The applicant should indicate the stormwater management methods proposed for the project on the site plan. NYSDOT will need to review and issue a permit for the proposed egress onto Route 9. The applicant is proposing shared access through the neighboring property. There should be a map note referencing the access easement on the final site plan map." The comment letter addressed to Tom Andress from the Clifton Park Water Authority must be addressed. A signoff must be received from Sheryl Reed and emergency service agencies. Façade renderings will need to be incorporated into the plans that are submitted for stamping.

Mr. Grasso offered the following comments that were prepared by Clough, Harbour, and

Associates. The location of the ingress/egress easement to the Harbor House site to the south should be shown as discussed during the subdivision plan review meeting. The location of the light pole should be shifted to more easily allow this connection if it becomes available. It appears the proposed grading will direct a significant amount of runoff to the adjacent property to the south. A well defined swale should be provided to direct the runoff to CB 6-A. The grinder pump calculations should be provided and should include design flow rates, time between pump starts, buoyancy calculation and emergency operation parameters. The location of the flush curb for handicap access should be clearly shown on the plan. A detail of the proposed dumpster enclosure including the material and color should be provided. Due to potential freezing problems, roof drain laterals should not be tied into the open air catch basins so close to the building.

Addressing Mr. Grasso's comments regarding the roof drains, the applicant explained that drainage will be handled in such a manner as to prevent the lines from freezing. Lighting will be redesigned to comply with recommendations from Clough, Harbour, and Associates. The ingress/egress easement requested by the Board will be shown on the plan to the western side of the Capital Communications Credit Union site.

Mr. O'Brien, Environmental Specialist, reported that the ECC found this project acceptable.

Mr. Bulger thanked the applicant and the project consultants for their positive response to Board comments and recommendations. Members agreed that the proposed ingress/egress connection along the western boundary line of this site to the property to the parcel to the south was acceptable.

Mr. Bulger moved, seconded by Mr. Russell, to establish the Planning Board as Lead Agency and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

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

New Business:

[2004-006] Bellosa, John and Sissum, Martin – Proposed land transfer, 2 and 6 Ashdown Road – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, explained that the two applicants, John Bellosa and Martin Sissum, are co-owners of a 30,500 SF parcel that lies between their respective properties. In order to resolve an existing encroachment issue that involves Mr. Sissum's installation of an asphalt and crushed stone driveway on the commonly held lands, the two applicants propose to subdivide the property. Mr. Bellosa will then consolidate 15,382 SF of land with his existing lot and Mr. Sissum will add 15,165 SF to

his lot. The property, located in an R-3 zone, is bounded by Blue Barns and Ashdown Roads.

Mr. Kemper's only comment was that descriptions for the land transfer areas must be submitted for review.

Mr. Grasso found the application acceptable. Mr. O'Brien, Environmental Specialist, reported that the ECC found this project acceptable and offered no comment.

In response to Mr. Larkin's question concerning the lot sizes in an R-3 zone, Mr. VanGuilder explained that although zoning now requires a lot to be 100,000 SF in size if no water and sewer services are available, these lots were created before this zoning was adopted. Mr. Kemper stated that Mr. Clemens has determined that no variances are required for either property.

Board members agreed that the plan was acceptable. A public hearing will be held on February 24, 2004.

[2004-005] Fortune Construction Co. – Proposed 3,200 SF warehouse, 192-194 Ushers Road – Conceptual site plan review.

Mr. Tony Fortune, applicant, presented this project proposal that calls for the construction of an additional 3,200 SF warehouse building on a 3.7 acre parcel on the south side of Ushers Road east of its intersection with Route 9. The purpose of the new building is to provide additional rental storage space. He explained that the new building will be designed to match the existing two buildings.

Mr. Kemper reported receipt of a memo from Don Clemens, Director of Building and Development, that stated the following: "Although the zoning district has changed for this parcel from light industrial to B-3 Neighborhood Business since the original site plan approval in 1996, in keeping with past decisions concerning similar parcels, because the site plan had been substantially completed the light industrial use is grandfathered. The build out of one more warehouse would be allowed without a use variance. Since there is very little detail on the site plan, it may well be that setback variances may be required when this information is presented." A memo from Jim DiPasquale at the Saratoga County Sewer District read as follows: "The applicant is proposing a septic system. The closest sewer line is the line installed to serve Corpus Christi Church." The project received approval from the Planning Board in 1996 for the construction of three warehouse buildings; however, the applicant came back to the Board in 1998 and requested an expansion of the outdoor storage area surrounding one of the buildings. As a condition for that approval, Mr. Fortune eliminated one of the proposed warehouse buildings from the site plan. He is now requesting approval to construct the third building. If the Board agrees to consider the application for approval of the additional building, Mr. Kemper recommended that detailed plans will be submitted for review.

Mr. Grasso explained that Clough, Harbour, and Associates' review of this application

resulted in a number of comments. The site plan submitted is well below the typical standards for a concept submittal. The plan lacks sufficient detail with respect to the location of proposed utilities, existing contours representing the current site and site statistics. In addition, the overall readability of the plan is deficient in conveying the improvements proposed. Lack of clarity and plan detail limits the ability of the Planning Board and the other involved agencies to make a determination in regard to potential impacts of the project. It is recommended that a detailed site plan based upon a current planimetric and topographical survey be prepared and submitted for review purposes. The project is located within the B-3 zoning district in which warehouse facilities are not an allowed use. It appears a use variance will be required.

Mr. Grasso observed that the project is located in a highly visible, increasingly traveled area of the town. The proposed use and anticipated appearance of the building based upon the previous two buildings constructed is not consistent with the neighboring land uses and the intent of the zoning district. The existing office trailer should be removed from the site. This has been a longstanding comment during the initial phases of development of the parcel. There is an existing dumpster without an enclosure located at the second building that is visible from Ushers Road.

He provided additional comments. The proposed building does not appear to meet the required 30 foot rear yard setback. The location of the septic system should be shown on the plan. Soil tests and percolation tests within the limits of the proposed system should be performed to accurately determine the design infiltration rate. The location of the proposed well should be shown on the plan. The proposed method of stormwater management should be shown on the plan. The stormwater management plan should be designed in accordance the Unified Stormwater Sizing Criteria as outlined in the New York State Stormwater Design Manual, dated October 1, 2001. If the existing stormwater management area is to be used, it will likely need to be modified to meet these requirements. It should be verified that the area labeled retaining area is the existing stormwater management area. The existing contours throughout the site and especially in this area should be represented on the plan. The proposed building height should be labeled on the plan. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include: Clifton Park Planning Board -Site Plan Approval; Clifton Park Zoning Board of Appeals – Use Variance.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project, the ECC offered the following comments. The applicant should specify the proposed greenspace on the plot plan. The applicant should enhance the landscaping along the northern boundary of the property. Paved surface construction details are illustrated on the plan; however, the proposed location of paved surfaces is not shown. If impervious pavement is planned, it must be identified on the plot plan. The applicant should detail plans for stormwater management of run-off from impervious surfaces.

Board members requested information regarding previous approvals and agreements. Mr. John Fortune, the applicant's son, explained that Fortune Construction agreed to

eliminate one building in 1998 to accommodate a tenant who required a significant outdoor storage area. The applicant explained, however, that he always intended to add the third warehouse. The building will be served by the existing wells. Mr. d'Amico, upon confirmation that there were two existing curb cuts for the site, expressed his reluctance to approve a third curb cut at this location on Ushers Road. Mr. Marzola did not believe the application to have any merit because the applicant had already agreed to eliminate the proposed warehouse.

Mr. Fortune explained that he faces a difficult “hardship” since he requires the additional building to make the site economically feasible.

Board members discussed the parking situation. Mr. Russell stated that he has witnessed employees and/or customers parking in the church parking lot across the road. He asked that future submissions include a description of the proposed use of the building and the number of required parking spaces as compared to the number provided. Mr. Karam was concerned with the ability of trucks to maneuver through the site. Mr. Fortune responded by stating he was “very selective” when choosing tenants. The current lessees operate only small panel trucks and have no difficulty traveling through the site. In response to Mr. Larkin’s question regarding the need to increase the capacity of the stormwater management area to comply with recently-enacted standards, Mr. Grasso stated that the new regulation would apply to disturbances of one acre or more. Mr. Russell asked about the required greenspace. Mr. Kemper stated that the site must have 35% greenspace at maximum build-out. Following Mr. Bulger’s observation that the site appears to be deficient with regard to greenspace, Mr. d’Amico pointed out that this application asks approval to place a fourth component on a site that was approved for only three. The site density, therefore, will increase.

Board members offered several suggestions for improving the project plan. Mr. Larkin suggested that Mr. Fortune consider removal of some of the existing asphalt. Mr. Russell recommended that he add berming and additional landscaping along Ushers Road to screen the parking and make the site more visually appealing.

Mr. Bulger summarized the Board’s concerns and recommended that Mr. Fortune submit a detailed application that conforms to all state codes and Town zoning requirements. An acceptable site plan should include greenspace, parking lay-outs, stormwater management calculations and adequate control measures, traffic design, and ingress/egress information. Mr. Fortune stated that he paid a substantial amount of taxes on this parcel and that he offered his tenants reasonable rental. To Mr. Fortune’s admonition that the Planning Board is too restrictive and his question concerning the establishment of Board policy and control, Mr. Bulger explained that the Board is charged with applying the laws adopted by the Town Board in a fair and consistent manner. He recommended that the applicant retain a consulting engineer who could prepare a detailed site plan in accordance with Town law.

[2004-008] Carey Development Group – Proposed 72,000 SF hotel, 1765 Route 9 – Conceptual site plan review.

Mr. Ernest Gailor, Harlan-McGee of North America, presented this application for the Board's review. He explained that he represented Staybridge Suites and offered details regarding the proposed project. The plan calls for the construction of a 102-room 3-story hotel within the Parkwood Plaza commercial site. The site will contain 35% greenspace and 108 parking spaces will be provided. This represents one parking space per room plus six spaces for employees. The building will utilize an "arch type" construction. The site will be accessed by existing ingress/egress sites and the hotel will direct stormwater to the existing management system. In response to Mr. Russell's comment regarding debris that may have been buried on site, Mr. Gailor stated that no environmental site evaluations have been completed. He did state that no basement will be constructed.

Mr. Kemper reported that Don Clemens submitted a memo which stated the following: "More information is needed to determine setbacks and height restrictions. It should be noted that this lot as part of the plaza would not be allowed a freestanding sign of its own." He also received a memo from Jim DiPasquale at the Saratoga County Sewer District dated February 4, 2004 which stated that this project will have significant impacts on the capacity of receiving sewer lines since limited capacity exists in the receiving line. The project will require a signoff from the CPWA. The project will require a signoff from the Saratoga County Sewer District. A revised site plan should be submitted that correctly depicts the proposed limits of the project. Setbacks should be illustrated on the plans. The total number of rooms and parking spaces associated with the hotel should be placed on the plans. A stormwater management plan should be prepared and submitted for review. There are documented drainage concerns downstream from this project, therefore, the project's stormwater management plan will need to be reviewed thoroughly. Since there is only one entrance/exit proposed for the project, a signoff from emergency service agencies will be required. A signoff will be required from NYSDOT since the access is located on Route 9. Significant visual buffering along the Northway will need to be provided.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the concept site plan for this project and offered the following comments. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include: Clifton Park Planning Board -Site Plan and Subdivision Approval; Saratoga County Sewer District – Sewer Connection Permit; Clifton Park Water Authority – Water Connection Permit; Saratoga County Planning Board – Section 239 Referral.

Mr. Grasso explained that the submitted plan is of very poor graphic quality and does not clearly present the proposed work. Project limits, property lines, property owners, existing easements, approach to stormwater management and drawing scale should be clearly identified on the plan. In addition, the site plan should include a site statistics table that contains the following information: required and proposed building setbacks; site statistics including lot area; greenspace and pavement area; proposed building height; required and proposed number of parking spaces. Access to this site must be coordinated with the existing access drives serving the adjacent properties. The intent should be to

minimize the number of curb-cuts on Route 9 and provide a logical hierarchical progression of access drives to the various properties based on usage levels. There appears to be unnecessary pavement areas within the parking lot at the corners of the proposed building. The need for these areas should be justified or the areas should be converted to green space. It should be verified that emergency vehicles can adequately maneuver through the facility.

Mr. O'Brien, Environmental Specialist, offered the following comments on behalf of the ECC. The overall greenspace total should be calculated for the entire project area to insure that the minimum has not been exceeded. The applicant must evaluate the impacts the proposed project may have on the existing stormwater system.

Mr. Bulger recommended that the applicant prepare a more detailed plan that more clearly defines ingress/egress locations, traffic flow through the site, greenspace areas, site drainage, and stormwater management methods. Though these items are of significant concern, the access from Route 9 through Parkwood Plaza is of utmost concern. The Chairman called for a "comprehensive solution" to the ingress/egress problem.

[2004-007] Our Islands, LLC – Proposed 12,250 SF Adirondack Pet Lodge, Old Route 9 – Conceptual site plan review.

Mr. Rob Osterhout, Boswell Engineering, presented a detailed description of this application. The project is to be located on the former Noradki block Facility parcel on the west side of Old Route 9 approximately ½ mile north of Kinns Road. Though the 9-acre site lies predominantly within the Town of Clifton Park, a small strip area on the eastern portion of the site is located in the Town of Halfmoon. The applicant proposes the demolition of an existing 2,100 SF collapsed block manufacturing facility and constructing a new 12,250 SF state-of-the-art animal care facility. The facility will contain a 900 SF second floor employee lounge that has been designed with two bedrooms, kitchenette, full bathroom, and sitting quarters.

The consultant explained that a use variance was granted by the Zoning Board of Appeals on January 6, 2004 since the proposed use within the B-5 zoning district was not compliant with the Town's Zoning Ordinance. He described the lands along both Route 9 and Old Route 9 that currently contain residential, commercial, and agricultural uses. A private well will supply water to the site. Although the Saratoga County Sewer District has a trunk line on the west side of the Dwaas Kill that traverses the site, the steep slopes and deep manholes would make it difficult to connect to the municipal system. A septic system will be installed. There will be no impacts to the L-C zone. Access to Old Route 9 will be provided with one curb cut and a paved access drive. 22 parking spaces are proposed. Mr. Osterhout reported that the roadway is to be maintained by the Town of Halfmoon. The site will be well landscaped around the building and the substantial natural vegetation will be maintained on the western portion of the site in the vicinity of the steep slopes and the Dwaas Kill. Building mounted lighting is proposed and a 10-foot planted buffer will be provided along the existing residence to the south.

The project site will be graded to collect and temporarily store the post-development storm water runoff in detention ponds. The storm sewer collection system will be designed for a 10-year storm and areas for the detention ponds will be dedicated in areas of low elevation. The grading plans will incorporate an erosion and sediment control plan which will control runoff, stabilize the soils, and control sediment transport. Erosion and sediment controls will be included for all construction activities where any excavation, stripping, filling, grading, or earth moving occurs.

Mr. Osterhout introduced Mr. Matt Sames and Dr. Tom Brown who are also involved in this project. Mr. Sames described the facility as an environmentally friendly “Hilton” for dogs and cats, noting that the facility would be equipped with heated floors and video cameras. “Doggie day care,” “doggie” happy hours, and other pet amenities would be provided. The pet lodge would provide 98 spaces for dogs and 20 spaces for cats. No animals will be allowed outside in the exterior kennels between 10p.m. to 7a.m. The hours of operation will be from 7a.m. to 7p.m., though someone will be on site at all times.

Mr. Kemper reported that Don Clemens submitted a memo which stated the following: “A use variance was granted for this use on January 6, 2004 by the Zoning Board of Appeals. The ZBA did have some concerns regarding the handling of wastes and noise control. Due to the relative proximity of several residences, the ZBA was concerned that these neighbors be protected. The outside kennels were of some concern but members felt that the Planning Board would look at it closely.”

He also received a memo from Jim DiPasquale dated February 4, 2004 which stated the following: “The project is proposing a septic system. SCSD’s Clifton Park trunk sewer passes through the property. Access and easements for the line will need to be obtained.” Mr. Kemper also received letters from Joseph Noradki and Thomas Ruchlicki outlining their concerns with the project. Mr. Noradki asked the Board to consider not only the possible impacts to his existing well but also noise generated by the operation and possible impacts to the Dwaas Kill. Mr. Ruchlicki, 1872 Route 9, asked that his residence be shown on the site plan. His concerns included noise and odor that may be generated by the facility, methods of waste removal, storage of pet food, animal control, impacts to his existing water supply, and the use of out door play areas.

Mr. Kemper also recommended that the stipulations of the use variance received from the Zoning Board of Appeals be depicted on the plans. Since the applicant is proposing some disturbance of the steep slopes in the rear of the building, the plan should include details of any retaining walls proposed for this area. The applicant should provide assurance that the Town of Halfmoon Highway Department will maintain the access road.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the concept site plan for this project and offered the following comments. The proposed project appears to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include: Clifton Park Planning Board -Site Plan Approval; Town of Halfmoon Planning Board – Site Plan Approval; Clifton Park Zoning

Board of Appeals – Use Variance (Obtained January 6, 2004); Saratoga County Planning Board – Section 239 Referral.

Clough, Harbour, and Associates offered several other comments on the project proposal. Although the hours that animals may be kept outside are limited to 7:00a.m. to 10:00p.m., there is some concern over potential noise impacts from the proposed use. A noise study is recommended. The size of the proposed septic system should be shown on the plan. The area indicated appears too small. A design for the proposed system should be provided in order to verify the adequacy of the soils to accept on-site wastewater disposal system. Soil tests and percolation tests within the limits of the proposed system should be performed. In addition, the location of the existing well and septic system for the adjacent lands of Noradki should be shown on the plan to verify that adequate separation distances will be maintained. The potential for connection to the existing Saratoga County sewer should be investigated. The ownership and maintenance responsibilities of Old Route 9 should be indicated. At the time of a recent site inspection, it did not appear that the roadway is currently being maintained. In addition, the current condition of Old Route 9 should be documented to determine the adequacy of the roadway to accept the increased traffic volumes. The applicant should verify that the proposed 22 parking spaces will be adequate. The plan indicates a building square footage of 12,250 SF while the site statistics table indicates a square footage of 11,350 SF: clarification is required. Notes should be added to the plan addressing the removal of the animal waste and the hours the animals must be inside the facility.

Mr. O'Brien, Environmental Specialist, listed the comments prepared by the ECC. The ECC has concerns regarding the proximity of a residential home to this project. As proposed, the project will have outside pen areas that could lead to noise problems. The project will require a stormwater management system on site. In reference to the Clifton Park Town Zoning Board of Appeal's condition associated with the use variance granted for the project, the applicant must provide an animal waste management plan that affords protection to the environment and prevents exposure risks. The applicant should close out all abandoned underground storage tanks in accordance with all applicable Federal and New York State Laws and Regulations, specifically 6 NYCRR Part 316.

Although Board members were concerned with waste removal, impacts to the Dwaas Kill, and the issues raised by Mr. Ruchlicki, noise was of the most concern. Mr. Grasso recommended that "qualifiers" be added to site plan approval. Conditions of approval would provide the Board with the ability to require mitigation measures should the facility create nuisance because of noise levels. Mr. Bulger directed the Planning Department to check with code enforcement offices in towns that have such facilities to determine if noise has been an issue. Mr. Larkin will ask a colleague to visit the Fairfax, Virginia facility to investigate noise containment. Mr. Bulger also asked that the Department contact involved agencies prior to the issuance of a SEQRA determination.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Karam, approval of the minutes of the January 27,

2004 meeting as written. The motion was unanimously carried.

Mr. Bulger moved, seconded by Mr. Russell, adjournment of the meeting at 9:30p.m. The motion was unanimously carried. The next meeting of the Planning Board is scheduled for February 24, 2004.

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, Lou Renzi, 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 #3
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 10, 2004, there were:

Present: S. Bulger, Chairman, R. d'Amico, T. Karam, J. Larkin, J. Marzola, S. Pace, J. Russell

Absent: None

Mr. Marzola offered Resolution #3, and Mr. Larkin seconded, and

Whereas, an application has been made to this Board by David P. Triller for approval of a subdivision entitled Subdivision Plan of a 3.7 acre parcel prepared for David P. Triller consisting of (3) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on February 10, 2004 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 27, 2004, 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 subdivision plat entitled Subdivision Plan of a 3.7 acre Parcel Prepared for David P. Triller consisting of (3) lots is hereby granted preliminary and final approval conditioned upon satisfaction the comments offered by Mr. Kemper and Mr. Grasso.

Resolution #3 passed 1/10/04

Ayes: Larkin, Pace, D'Amico Karam, Marzola, Russell, Bulger

Noes: None

Steven Bulger,
Chairman