

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

**April 13, 2004**

Those present at the April 13, 2004 Planning Board meeting were:

Planning Board: R. d'Amico, Vice Chairman, J. Marzola, S. Pace, J. Russell

Absent: S. Bulger, T. Karam, J. Larkin

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

Mr. d'Amico, Vice Chairman, called the meeting to order at 7:05p.m.

Public Hearings:

No public hearings were scheduled for this evening's meeting.

Old Business:

No items of old business were scheduled for this evening's meeting.

New Business:

[2004-018] The Estate of Harold Waite, Jr. – Proposed (2) lot subdivision, 15 Old Plank Road – Proposed conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that calls for the subdivision of 2.28 acres of land on the southerly side of Old Plank Road approximately 400 feet west of the intersection of Old Route 146 and Clifton Park Village Road. The project will create lots of 1.0 and 1.28 acres, respectively. The larger lot will contain the existing single-family home that is served by an existing on-site well and septic system. The new lot will also be served by an on-site well and septic system. Mr. VanGuilder explained that the new lot will be encumbered by an existing ingress/egress easement that is used by Lots #13 and 15 Old Plank Road. The new lot will have its driveway in the same location.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed this application and offered the following comments. The proposed project appears to be an unlisted action pursuant to SEQR, and as such, coordinated review is optional. The only involved agency appears to be the Planning Board with subdivision approval being required. The existing right-of-way along Old Plank Road is fifty feet; therefore, an additional ten feet of right-of-way should be deeded to the town to comply with the Town's standard sixty foot

right-of-way requirement. This additional right-of-way should extend along the frontage of the entire parcel prior to subdivision. According to space and bulk standards within the Neighborhood B-3 Zone regulations, the minimum lot width at the front of the building shall be 100-feet for residential structures. Setbacks, space requirements, and yard requirements should be shown for both parcels to ensure conformity with the regulations. In addition, the information will be used to confirm that the newly subdivided lot will not require variances during the site plan review process. Use of the parcel should be noted on the plans.

Clough, Harbour, and Associates also recommended that the means of access to the new parcel and the existing easement be evaluated further to ensure that sight distances are adequate and the layout incorporates sound engineering practices. Ownership of all adjacent parcels must be shown.

Mr. Grasso encouraged the applicant to provide a note on the plan that requires that the access point be located in the area that provides the optimum sight distance.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project, the ECC requested 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. 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 and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.

Mr. d'Amico recommended that significant buffering be provided along the northern edge of the lot that will contain the new residence to screen the proposed hotel and diner that will be constructed along Clifton Park Village Road. In response to his questions, both Mr. VanGuilder and Mr. Kemper explained that an existing wetland corridor would prevent access from the hotel and diner to Old Plank Road. Board members found the plan generally acceptable.

[2004-016] Witecki, Glenn – Proposed (2) lot subdivision, 87 Hubbs Road – Conceptual review.

Mr. Glenn Witecki, describing himself as the remainderman for the estate of Chester Witecki, presented this application that calls for the subdivision of nearly 80 acres of land in an R-3 zone into two lots. The lot to be created for the construction of a single family residence would contain 39,716 SF. It would be served by an on-site well and septic system. The speaker recognized the fact that the proposed lot was considerably smaller than required in the zoning district and stated that he has submitted an application for approval of an area variance to the Zoning Board of Appeals. He explained that the lot size allows for the continued preservation of open space and active farming.

Mr. Kemper explained that this project is located in the R-3 Zone and that the minimum lot size in this zone is 100,000 SF without water and sewer infrastructure. Since the existing parcel is approximately 80 acres in size, he recommended that the applicant design a layout that conforms to the space and bulk requirements of the zone. The applicant has also submitted an application to the Zoning Board of Appeals for a variance of 60,284 SF. Since the ZBA has referred the application to the Planning Board for its recommendation, comments may be made on the variance. The adequacy of the on-site septic system should be determined. The applicant should determine if there are any NYSDEC or ACOE wetlands located on the parcel. The entire parcel should be illustrated on the plan. The site statistics for the parcel should be placed on the map.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed this subdivision plan and offered several comments. The project site is located within the limits of the Western Clifton Park Generic Environmental Impact Statement (GEIS) study area which currently has a moratorium on subdivisions over four lots. Although the proposed one-lot subdivision is not subject to the moratorium, the project site includes one of the few remaining active agricultural farms in northern Clifton Park. During the initial phases of work on the GEIS, one of the significant impacts of development has determined to be the loss of farmlands and the rural character they provide for the Town. The development of the one lot in the middle of a large farm will create such an impact. In addition, mechanisms to preserve these features on parcels such as this are likely to be implemented through the GEIS process. The transfer of development rights or purchase of development rights are two examples that may be considered. Development of the one lot in the middle of the parcel may substantially decrease the intrinsic value of the property as it relates to farmland, open space, important views, and community character. In order to provide the most retention of overall property value, consideration should be given to relocating the proposed lot to a more appropriate location. The existing right-of-way along Hubbs Road is fifty feet; therefore, an additional ten feet of right-of-way should be provided to satisfy the Town's minimum sixty foot right-of-way requirement and to accommodate future highway and drainage improvements associated with cumulative impacts of development. This additional right-of-way should extend along the frontage of the entire parcel prior to subdivision. The parcel is located within an Agricultural/R-3 zone and the minimum lot size for parcels without central water or sewer is 100,000 square feet. According to the application, the parcel will require an area variance. Since the overall parcel is approximately 80 acres, it is recommended that the lot size be reconfigured to conform to zoning legislation. A drainage easement to be conveyed to the Town of Clifton Park should be established over the 12-inch PVC drainage pipe that transverses the proposed northwestern property line. The entire limits of the 78+/- parcel should be shown. The Short Environmental Assessment Form was incomplete: items 11 and 12 were left unanswered. Setbacks, space requirements, and yard requirements should also be shown for the remaining parcel to ensure that the remaining parcel meets these requirements. Ownership of all adjacent parcels must be shown. Test pits and percolation tests should be performed in the area of the proposed wastewater disposal system to verify that the new lot can accommodate future development. The proposed project appears to be an unlisted action pursuant to SEQR, and as such, coordinated review is optional. The only involved agency appears to be the

Planning Board with subdivision approval being required.

Mr. Witecki commented that it was his intention to minimize the impact to existing corn fields, to maintain farming activities, and to preserve a significant portion of this property that has been in his family for more than 80 years.

Mr. O'Brien, Environmental Specialist, reported that the ECC offered several comments on this application. The proposed lot appears to contain significant NYSDEC wetlands and Town of Clifton Park LC Zone. The applicant will need to obtain the proper permits and a variance to construct the proposed dwelling. Due to the potential for federal wetlands on this parcel, the applicant must determine the location and extent of disturbance of these lands before a building permit is issued.

Mr. d'Amico commented on the impact of GEIS findings on the proposed lot, agreeing with the Clough, Harbour, and Associates' comment that preservation of open space was a major objective of the study. He stated his opposition to this application, noting that Mr. Witecki had created the need for the substantial variance requested. He pointed out that even if water were to be supplied to the parcel, an 80,000 SF building lot would be required. He also expressed concern that the proposed placement of the lot would create a problem in achieving a "balanced" housing development in the future. Mr. d'Amico asked the applicant to consider relocating the parcel to the side boundary lines and increasing the area to a conforming size, though he recognized that identified wetlands may limit the placement of the lot. Summarizing his concerns, he stated that he would not be supportive of approval of the variance by the Zoning Board of Appeals or approval of the subdivision as proposed. Ms. Pace agreed that the proposed subdivision was unacceptable as positioned, citing a property on Route 67 in Malta that looks poorly designed because the residences are located in the center of the vacant land.

Mr. d'Amico asked that the applicant have the wetlands formally delineated and consult with Mr. Kemper and Mr. Grasso to prepare a more acceptable plan.

[2004-015] M & W Foods, Inc. – Proposed exterior alteration, 125 Old Route 146 – Conceptual site plan review.

Mr. Richard Getz, representative of M. & W. Foods, Inc., presented this application that calls for improvements to the building's façade. He explained that the proposed upgrades are part of a corporate plan that will require changes to all restaurants by 2007. He noted that no interior changes are proposed and that all signage will conform to zoning requirements.

Mr. Kemper explained that the applicant is proposing to change the exterior of the existing Kentucky Fried Chicken restaurant. He noted that the proposed size of the sign is excessive compared to other approvals that have been granted in the area. He asked that the colors proposed for the exterior of the building be depicted on the site plan. These colors should be consistent with other colors that have been approved in the area. Mr. Kemper also reported that Don Clemens, Director of Building and Development, stated

that the law only allows one wall sign with a maximum 32 SF: any logo or picture would meet the definition of sign.

Mr. Grasso offered no comment on this application.

Mr. O'Brien, Environmental Specialist, reported that the ECC reviewed this remodel that includes large illuminated signs. The Commission members recommended that the 6x8 "Colonel" sign be excluded because it would significantly detract from the visual appeal of the area.

Since Mr. Getz's proposal was significantly different than the building design presented with the formal application, Mr. d'Amico asked that the site plan application be revised to reflect the correct project plan. Mr. d'Amico noted that the previously proposed 6'x8' photograph of the Colonel to be placed on the new tower was of particular concern and he was pleased that the building renovation no longer included it. Board members agreed that the plan as presented at this meeting was generally acceptable: the applicant was directed to provide revised plans and proceed with a preliminary submission. Colored architectural renderings and samples of building materials should be submitted.

[2004-017] Grace Chapel – Proposed 2,840 SF addition to existing church, 996 Main Street – Conceptual site plan review.

Mr. Tom Andress, consultant for the applicant, described this application that calls for the construction of a 2,840 SF addition to the existing church facility that is located on a 10-acre parcel on Main Street, Jonesville. The extra space will be used for offices and classrooms. No other changes to the site or parking facilities are proposed.

Mr. Kemper asked the applicant to describe the purpose of the proposed addition. He also asked for assurance that adequate parking exists on the site. He explained that the proposed addition is less than the 25% expansion threshold that would require the approval of another special use permit. He asked that the dumpster enclosure be illustrated on the plans.

Mr. Grasso stated that Clough, Harbour, and Associates reviewed this project plan and offered the following comments. The proposed project appears to be an unlisted action pursuant to SEQR, and as such, coordinated review is optional. The only involved agency appears to be the Planning Board with a special use permit site plan approval being required. The proposed addition requires the removal of a portion of the existing sidewalk and eliminates a means of egress from the building. Compliance with NYS Building Code with respect to egress for the building should be reviewed further. In addition, the sidewalk from the remaining doorway at the southwest corner of the building should be revised such that it continues to the parking area. Increased water usage and sanitary sewer discharge information should be provided and the existing water and sewer facilities should be evaluated to ensure that they will not be adversely impacted. The sanitary sewer lateral shown on the current plans differs from that shown on the approved plans for the original facility. It appears that the sewer could be located under the

proposed addition. As-built and record information for the existing sewer should be reviewed. Any additional exterior lighting on the building addition should be shown. Although the plans noted that no additional parking was required, handicapped parking requirements should be reviewed. The existing facility does not have a suitable dumpster enclosure. This should be a condition of any future approvals for the site.

Mr. Andress agreed to add details regarding the dumpster enclosure and the relocation of the concrete sidewalk to the plan

Mr. O'Brien, Environmental Specialist, offered no comment on this application.

Mr. Marzola asked about the number of classrooms that would be provided by the expansion. A representative from the church explained that there will be five classrooms with approximately 20-25 children, respectively. He stated that there are now nearly 65 children enrolled in the Sunday school program.

The Board did not have significant concerns regarding this application; however, the applicant was asked to verify the location of the septic system and prepare architectural renderings prior to the preliminary submission.

#### Minutes Approval

Mr. Russell moved, seconded by Ms. Pace, approval of the minutes of the March 23, 2004 meeting as written. The motion was unanimously carried.

#### Discussion Items:

Mr. Kemper explained that there were three items for discussion at this evening's meeting. The first concerned the request of a pizza shop located on Longkill Road to extend its hours of operation from the 10p.m. closing time required by the approved Special Use Permit to 2a.m. on Friday and Saturday night in response to market demands. Board members recommended that the Zoning Board of Appeals consider the concerns expressed by the neighbors. No further recommendation was issued since Board members agreed that this was not a site plan issue.

The second referral concerned a lot located on Meadow Run that was approved several years ago. The 65' X 200' lot does not meet current zoning requirements. Board members agreed that the variance would be acceptable.

The third discussion item concerned the Dunkin' Donuts at Clifton Park Centre. The owner would like to move the front windows to the existing overhang to provide additional space for customer service. Board members requested additional information before offering an opinion since they were concerned with the possible loss of sidewalk area and parking spaces. They directed Mr. Kemper to request the applicant to provide a more detailed plan that included building details, colored architectural renderings, and any changes to sidewalk and parking locations.

Mr. Russell moved, seconded by Mr. Marzola, adjournment of the meeting at 7:50p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held on April 27, 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.