

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

**May 11, 2004**

Those present at the May 11, 2004 Planning Board meeting were:

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

Absent: S. Bulger, J. Marzola

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 7:10p.m.

Mr. Larkin moved, seconded by Mr. Karam to establish a policy of reciting the Pledge of Allegiance before each meeting. The motion was unanimously carried. Board members and members of the audience rose to recite the Pledge.

Minutes Approval:

Mr. Larkin moved, seconded by Mr. Karam, approval of the minutes of April 27, 2004 as written. The motion was unanimously carried.

Public Hearings:

[2004-018] The Estate of Harold Waite, Jr. – Proposed (2) lot subdivision, 15 Old Plank Road – Preliminary public hearing and possible determination.

Mr. d'Amico, Vice-Chairman, called the public hearing to order. The Secretary read the public notice as published in the Daily Gazette on May 3, 2004.

Mr. VanGuilder explained that this application remains generally as presented on April 13, 2004. He briefly described the project, stating that it involves the subdivision of 2.28 acres of land in a B-3 zone on Old Plank Road into lots of 1 acre and 1.28 acres, respectively. The largest lot contains an existing residence. The lots will be served by on-site wells and septic systems. The consultant explained that the new lot will be encumbered by an existing ingress/egress easement that is currently used by Lots #13 and 15 Old Plank Road. The new lot will have its driveway in the same location. He will add a note to the plan that states that the newly created lot will access over the existing driveway. Though there is limited sight distance at the driveway location, Mr. VanGuilder believes, and Mr. Grasso concurs, that the minimal traffic on Old Plank Road will not be impacted by this subdivision. Mr. VanGuilder also stated that the vegetation to the front of the proposed lot will be retained: he recommended that the larger pine trees

be removed to allow the second story vegetative growth to develop. This should form a visual buffer that will minimize the impact of the proposed hotel and diner planned for the parcel across Old Plank Road.

Mr. Kemper reported that the project last appeared before the Board on April 13, 2004 at which time the only outstanding issue was the submission of a perc test report. The Saratoga County Planning Board determined that the project had No Significant County Wide or Inter Community Impact at its April 15, 2004 meeting. Descriptions must be provided for the ingress/egress easement.

Mr. Grasso offered no comment on this application.

Mr. O'Brien, Environmental Specialist, reported that the ECC had no comment on this application.

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

Mr. Larkin moved, seconded by Karam, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Larkin offered Resolution #10, seconded by Mr. d'Amico, 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. Ayes: Larkin, Pace, Karam, Russell, d'Amico. Noes: None.

Old Business:

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

Since there were no representatives in attendance to present the project, the Board took no action on this application.

[2003-042] Winfield LLC – Proposed Capital Care Office Development – Proposed 7,873 SF building, 942 Route 146 – Preliminary site plan review and possible determination.

Mr. Frank Palumbo of C.T. Male Associates and consultant for the applicant presented this application for the Board's review. The plan remains generally as presented at the June 24, 2003 meeting. The applicant proposes the construction of an 8,063 SF medical office building on the south side of NYS Route 146. The existing office facility on the parcel will be renovated and rented once the new building is constructed. The site statistics' table indicates that the buildings will be located on a 2.47 acre parcel. The total

building area on the site will be 10,330 SF or 10.42% of the site and the greenspace totals 55,780 SF or 51.8% of the site. The plan shows 88 parking spaces, including 4 handicapped spaces. On November 18, 2003, the Zoning Board of Appeals voted unanimously to approve several variances related to this application. This approval includes a variance of 3,263 SF to allow for a building size of 8,063 SF, an area variance of .4% to allow for a lot density of 12.4%, an area variance of 4 feet on the east side, and an area variance of 7 feet to allow for a setback of 18 feet on the west side of the building with the condition that the existing building also be remodeled to be compatible with the new building to the maximum extent possible. The consultant noted that the applicant withdrew the portion of the variance request that would permit a variance from the mandatory architectural restriction in a B-1 zone that requires that all building be consistent with residential dwellings in character.

Mr. Palumbo presented members with black-and-white drawings of the proposed architecture. Addressing one of the comments from Clough, Harbour, and Associates, Mr. Palumbo stated that the “dead end” parking to the south of the site is desirable since it will provide parking for employees. He also stated that he will discuss the “equitable voluntary contribution” recommended for area traffic improvements with his client.

Mr. Kemper explained that when this project last appeared before the Board on June 24, 2003, the major concerns included the building’s size and architectural renderings of the buildings. He stated that the project received the following variances from the ZBA at the November 18, 2003 meeting.

- Building size variance to allow for 8,063 S.F.
- Allowable lot coverage variance to allow for 12.4%
- Side yard setback variance
- At the request of the board, the applicant withdrew the request for a waiver from the mandatory architectural restriction in the B-1 zone that states the buildings must be residential in character.

These variances should be listed on the plans. Colored façade renderings with samples of building materials must be provided to the Board. These renderings must include the façade renderings for the existing building. The size of the plantings must increased to 3-3.5” caliper for deciduous trees, 6’ height minimum for evergreens, and 24” spread or height minimum for ornamentals. Sign-offs must be received from Saratoga County Sewer District and the Clifton Park Water Authority. The sizes of the existing and proposed buildings must be depicted on the plans. A sign-off must be received from Sheryl Reed and emergency services. Sheryl submitted the following comments for this project. The applicant must provide a turning radius or turn around area that emergency services can maneuver and must provide a fire hydrant at the main entrance and near the new proposed building. Town law requires that all grinder pumps be located outside of the structure. Cross access easements must be shown to adjoining parcels. Lighting and stormwater management plans must be submitted for review.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the site plans for this project and offered several comments. The applicant has provided a Full Environmental Assessment Form - Part I, a letter from Ecological Solutions LLC, dated April 21, 2004

regarding the absence of federal wetlands on the site, and a copy of the Town of Clifton Park Zoning Board of Appeals Notice of decision regarding variances granted to the applicant. He noted that the following comments from the review letter of June 17, 2003 have not been addressed. Future submissions should include architectural elevations of the proposed building, taking into consideration the requirements included in paragraph D of Section 208-33 of the Town Zoning Regulations. The dead end parking area proposed on the south side of the proposed building is a poor design. The dead end configuration presents problems for automobiles needing to turn around if spaces are not available and can cause problems for emergency vehicles attempting to exit the site. It is suggested that the applicant explore the possibility of moving the thirty-four space lot being proposed on the north side of the building to the south side, and replacing it with a smaller lot with better circulation features. If dead end rows are unavoidable, they should be coordinated with the features of the adjoining parcels so they can be eliminated in the future. The proposed project will result in additional traffic in the vicinity of the project site. As the Board will recall, poor levels of service have been documented in this area in recently conducted traffic studies. The development along Route 146, in the B-1 and B-2 Zones is typically small office buildings or complexes as allowed by the zoning. As a result, the projects individually will generally not have a significant impact on traffic. Construction of many of these small projects over time, however, will have a significant cumulative impact on traffic. In order to address this cumulative impact on the corridor, a recently approved office project on the north side of Route 146 that included six 4,800 square foot office buildings provided a voluntary contribution of \$40,000 to the Town of Clifton Park. Those funds are intended for future traffic improvements or long range traffic planning studies for this corridor. In order for this proposed project to mitigate its fair share of the cumulative traffic related impacts on the corridor, we recommend the applicant offer an equitable contribution toward these future traffic improvements or studies. Other recently approved projects in this area have provided cross-access easements across the drives parallel to Route 146 in the hopes of minimizing curb cuts and possibly establish a service road. Provisions for cross access should be included in the development plans.

Mr. Grasso offered several additional comments on the preliminary plans. Property line data should be provided. Pedestrian access from the new parking area to the existing and proposed building appears to be through the parking lots as opposed to on sidewalks over much of the site. The applicant should consider adding sidewalks for better pedestrian accessibility. A handicap ramp should be provided at the curb line in front of the proposed building. The locations of the handicapped accessible parking sign and "No Parking" signs should be coordinated so as to not obstruct travel. The existing site drains to a storm water recharge basin at the center of the site. In the proposed case this recharge basin is eliminated and the site drains to a smaller recharge basin with a proposed overflow onto the adjacent property. This design appears questionable. A storm water management report that addresses the stormwater recharge that the existing site provides should be provided. As currently designed stormwater will pond in the southwest corner of the new parking lot on the east side of the existing building. Though, a grinder pump station is proposed, it appears that a gravity system may be feasible. At a minimum, calculations for the pump station, wet well volume and forcemain should be submitted. A

copy of the commitment letter from the SCSD #1 to accept flows from the facility must also be provided. The sewer lateral to the new building consists of an 8-inch PVC at minimal slope. The design should be checked to ensure that cleansing velocities are achieved. Water and sewer services extend off the property and outside of the right-of-way. Easements will be required. The limits of the public utility improvements must be shown. NYSDEC and NYSDOH approvals will be required for the public improvements. The proposed waterline appears in conflict with the existing gas main along Route 146. Details of how the water and sewer crossing of Route 146 will be accomplished should be provided. The plans should clarify if the existing building will be serviced by the new water line. Additional detail should be provided for the lighting design including layout, heights, photometrics, etc. The waterline size and information on the connection to the existing waterline should be provided. Hydrants should be provided for fire protection. A cleanout should be provided where the existing building sewer connects to the new lateral. The water service detail provided indicates a copper water service. The plan seems to indicate a larger diameter waterline. This should be clarified. The paving schedule and transition details contain conflicting information about pavement thickness and asphalt type.

Mr. O'Brien, Environmental Specialist, offered the comments prepared by the ECC. The ECC reiterates the comment regarding pedestrian access from Route 146 that was issued for the June 24, 2003 meeting. In addition, the Commission asked that the following standard statements 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. Palumbo addressed some of the concerns identified by Mr. Kemper and Clough, Harbour, and Associates. He stated he does not believe that the requested sidewalks should be required because the site is not generally accessed by pedestrians. He does not view the "dead end" parking to the south of the site as a significant issue. He agreed that the stormwater management plan needs to be improved and he stated that detailed plans for sewer and water service are being prepared. He did state that development of an adequate stormwater management plan would require substantial clearing of the site. He also believes that the proposed parking will be adequate: it meets zoning codes. He also asked the applicant to consider redesign of the parking areas.

Mr. d'Amico recognized that the size of the building restricts site development; however, he noted that there are many issues to be addressed by the applicant and that some of those may be interdependent. He encouraged that establishment of a cross-access easement with the property to the east and recommended that the applicant consider reasonable alternatives for such connections. Mr. Palumbo stated that the applicants and consultants will consider "floating" easement location that would be finalized when plans

for the adjoining parcels are developed. Mr. d'Amico stated that he viewed the dead end parking as a "safety issue," and recommended that adequate turning areas be included in the plan.

Mr. Larkin stated that he was pleased that the business was doing well. He favored the establishment of cross-easements and cited phone company policies that might be employed in this situation to provide them. He recommended that the applicant consider a single access with the property to the east. He suggested that the applicant consult with Sheryl Reed regarding the requirements for emergency service accessibility. He also suggested that the applicant consider reorienting the building toward NYS Route 146. Mr. Palumbo explained that the size of the building would make this difficult. Mr. Larkin stated that since the Zoning Board of Appeals had "magnanimously" granted approvals that permitted the construction of such a large facility, the client should consider the impact of this expansion and offer a contribution for the long-range traffic study and possible improvements for the corridor. Though Mr. Palumbo argued that this medical office was an expansion of an existing use rather than a new business and that it would not contribute significantly to peak hour traffic congestion, he did acknowledge that the applicant has many site development issues to consider. In response to Mr. Palumbo's contention that the requested contribution was unexpected, Mr. Larkin noted that the issue was included as a part of Clough, Harbour, and Associates' initial comment letter.

Mr. Karam asked that the use for the existing building that is slated for renovation be identified and that the façade treatments for both buildings be compatible. He encouraged the use of brick on the buildings asked that colored façade renderings be submitted for Board review. In response to Mr. Palumbo's request for direction, Mr. d'Amico recommended that the consultant meet with Mr. Kemper and Mr. Grasso in attempt to satisfy the Board's concerns.

New Business:

[2004-021] Mawad, Gretta – Proposed 18,222 SF commercial and industrial building, 2041 Route 9 – Conceptual site plan review.

Since there were no representatives in attendance to present the project, the Board took no action on this application.

[2004-020] Fitzgerald, Patricia E. – Proposed (2) lot subdivision, 586 Riverview Road - Conceptual review.

This application was withdrawn from this evening's agenda at the request of the applicant.

[2004-022] VanGuilder, Gilbert – Proposed 1,184 SF addition to existing office, 988 Route 146 – Conceptual review.

Mr. VanGuilder, applicant, presented this application that calls for the construction of a

1,184 SF addition to the existing 1,770 SF professional office in a BNR 2 zone that he currently occupies. The site is located on the south side of NYS Route 146 at the intersection of Lace Lane. The office will continue to be served by the Clifton Park Water Authority and the Saratoga County Sewer District. Six additional parking spaces will be added to the existing 12 spaces, making a total of 18 spaces. Mr. VanGuilder presented colored façade renderings for the Board's review and stated that the architecture of the addition will be consistent with the existing building. Though cedar siding and architectural shingles have been proposed, Mr. VanGuilder stated that he was considering using a high quality vinyl siding on the building to reduce maintenance costs. Additional plantings that are consistent with the existing landscaping will be furnished. Mr. VanGuilder explained that the Zoning Board of Appeals granted approval on March 12, 2004 for variances from the required front yard setbacks, side yard for parking, and lot area.

Mr. Kemper offered no comment on this application.

Mr. Grasso reported 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 SEQRA, as such a coordinated review is optional. The involved agencies are expected to include the following: Clifton Park Planning Board -Site Plan Approval; Saratoga County Planning Board – Section 239 referral; Zoning Board – Setback variances. In general the plan conforms to the requirements of §208-114 of the zoning code for a conceptual plan submission.

Mr. Grasso noted that the proposed project will result in additional traffic in the vicinity of the project site. He reminded the Board that poor levels of service have been documented in this area in recently conducted traffic studies. The development along Route 146, in the B-1 and B-2 Zones is typically small office buildings or complexes as allowed by the zoning. As a result, the projects individually will generally not have a significant impact on traffic. Construction of many of these small projects over time, however, will have a significant cumulative impact on traffic. In order to address this cumulative impact on the corridor, a previously approved office project on the north side of Route 146 that included six 4,800 square foot office buildings provided a voluntary contribution of \$40,000 to the Town of Clifton Park. Those funds are intended for future traffic improvements or long range traffic planning studies for this corridor. In order for this proposed project to mitigate its fair share of the cumulative traffic related impacts on the corridor, it is recommended that the applicant offer an equitable contribution toward these future traffic improvements or studies. According to the plan, area variances were granted on March 12, 2003 for front yard setbacks, side yard for parking, and lot area.

Mr. VanGuilder stated that he would willingly provide a "voluntary contribution" to the long-range traffic study for the corridor that has been recommended by the Planning Board to assess and remediate traffic impacts along NYS Route 146.

Mr. O'Brien, Environmental Specialist, offered the comments prepared by the ECC. 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.

Board members found Mr. VanGuilder's proposal acceptable. Mr. d'Amico thanked the applicant for his "philanthropy" in the form of his contribution to the traffic study and possible improvement to the highway.

#### Discussion Items:

Mr. Kemper explained that, at Mr. Paolucci's request, the Secretary reviewed the audio tapes of the meeting of March 9, 2004. The minutes were amended to reflect a more accurate and detailed text of the comments he issued at that meeting. Following the Board's review of the proposed amendment, Mr. Karam moved, seconded by Mr. Russell, to approve the amendment to the Planning Board meeting minutes of March 9, 2004. The motion was unanimously carried. A copy of the amendment is attached to these minutes. Mr. Larkin asked that the record show that this amendment has been approved as a courtesy to a Town Board member. Mr. Pelagalli noted that since the project in question, Exxon Mobil-on-the-Run, has been controversial and may result in litigation, it may be wise to adopt the changes requested by the Town Councilman.

4/11/04

#### Cumberland Farms

Mr. Kemper presented a façade rendering of the recently constructed Cumberland Farms store located at the intersection of NYS Route 146 and Vischer Ferry Road that illustrated the proposed signage. Board members agreed that the existing signage is sufficient: they recommended that the variance requested to permit additional signs on the building be denied.

Ms. Pace moved, seconded by Mr. Larkin, adjournment of the meeting at 8:30 p.m. The motion was unanimously carried. The next meeting of the Planning Board is scheduled for May 25, 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 #10

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 11, 2004, there were:

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

Absent: S. Bulger, J. Marzola

Mr. Larkin offered Resolution #10, and Mr. d'Amico seconded, and

Whereas, an application has been made to this Board by The Estate of Harold Waite for approval of a subdivision entitled Subdivision of the Lands of Harold L. Waite, Jr. and Marjorie V. Waite consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 11, 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 May 11, 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 of the Lands of Harold L. Waite, Jr. and Marjorie V. Waite consisting of (2) lots is hereby granted preliminary and final approval.

Resolution #10 passed 5/11/04

Ayes: Larkin, Pace, d'Amico, Karam, Russell,

Noes: None

Raymond d'Amico,  
Vice-Chairman