

Clifton Park Planning Board Meeting Minutes November 9, 2005

Those present at the November 9, 2005 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, S. Hughes, T. Karam, A. Kramer, J. Russell, S. Pace

Those absent were: J. Larkin

Those also present were: J. Kemper, Director of Planning; J. Grasso, Clough, Harbour, and Associates; P. Pelagalli, Counsel

Mr. Bulger, Chairman, called the meeting to order at 7:10p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Public Hearings

[2005-053] Baptist Church of Clifton Park – Proposed (2) lot subdivision, Clifton Park Center Road – Preliminary public hearing and possible determination.

Mr. Bulger called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on October 31, 2005.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that remains as presented at the October 25, 2005 Planning Board. He explained that the existing church property is bisected by Clifton Park Center Road. The smaller parcel to the south of Clifton Park Center Road that contains the former parsonage and wood frame garage will be separated from the larger church property. The single-family residence has been connected to both public water and sewer services. The consultant reported that because the home was in existence at the time of the Vischer Ferry Road Corridor GEIS and resultant Capital Improvement Plan, no mitigation fees will be required.

Mr. Kemper reported this project last appeared before the Board on October 25, 2005 at which time the Board found the project acceptable.

Mr. Grasso reported that Clough, Harbour, and Associates had no comment on the proposed subdivision. The ECC had no comment on the application.

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

Mr. Karam moved, seconded by Mr. Russell, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration

pursuant to SEQRA. The motion was unanimously carried.

Ms. Pace offered Resolution #34, seconded by Mr. Hughes, to waive the final hearing for this application and to grant preliminary and final subdivision approval. Ayes: Kramer, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

[2004-004] Wilton Development LLC – Proposed 760 SF addition and renovation of existing retail facility, Crescent Road – Special Use Permit and preliminary site plan review and possible determination.

Mr. Bulger called the public hearing to order at 7:18p.m. The Secretary read the public notice as published in the Daily Gazette on October 31, 2005.

Mr. Gavin Vuillaume, consultant for the applicant, explained that the Planning Board found this application generally acceptable at the October 25, 2005 meeting. Though the members preferred a driveway connection to the Park and Ride lot, all proposed designs for the right turn from the site to the park and ride lot have been rejected by the New York State Department of Transportation. The site design now includes a right-out only onto Crescent Road. Mr. Vuillaume also explained that a Special Use Permit is required for this application since the zoning code defines the proposed Planet Fitness as a commercial recreational facility. The applicant seeks approval of the permit at this meeting. Colored building elevations were presented for the Board's consideration.

Mr. Kemper reported that this project was last reviewed by the Board on October 25, 2005. The only concern identified by Board members at that time was the access onto the access drive to the Park and Ride. The Board asked the applicant to consult with DOT representatives in an attempt resolve the issue. Though NYSDOT officials were willing to consider a revised layout for the driveway, the grade change between the site and the park and ride lot would makes construction of the connection impossible. Façade renderings need to be provided with the set of plans submitted for stamping. A NYSDOT curb cut permit must be provided to permit access to Crescent Road prior to the stamping of the plans and that access must be reconfigured to allow "right only" turns.

Mr. Grasso agreed that the proposed right-out only onto Crescent Road is acceptable; however, he recommended that signage be installed to direct those intending to travel west on Crescent Road to the signaled intersection located between the shopping center and Plaza 8. The speaker asked that handicapped access be clearly marked and that the drive-through area be improved.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace to close the public hearing at 7:22p.m. The motion was unanimously carried.

Mr. Karam asked that the right-out curbing be designed to discourage both "right-ins" and "left-outs". Mr. Grasso noted that the design would employ "full reveal" curbing that would conform to NYSDOT standards. Mr. Karam also supported Mr. Grasso's recommendation regarding signage to direct westbound travelers. Mr. Bulger stated that

the applicant must ensure that the design plan for the access onto Crescent Road conforms to accepted highway standards and receives approval from Clough, Harbour, and Associates. Mr. Kramer stated his appreciation for the applicant's willingness to work cooperatively with the Board to achieve a practical and desirable project.

The Board considered the Special Use Permit. Mr. Karam 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. Kramer offered Resolution #35, seconded by Ms. Pace, to approve the Special Use Permit as requested to permit construction of a recreational facility in a B-3 zone. Ayes: Kramer, Pace, Karam, Russell, Hughes, Bulger. Noes: None.

The Board then considered site plan approval. Mr. Karam moved, seconded by Mr. Hughes, 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. Karam, to grant preliminary and final site plan approval for the plan as presented conditioned upon satisfaction of the comments offered by Mr. Kemper and Mr. Grasso and approval of the final curb design for access onto Crescent Road by Clough, Harbour, and Associates. The motion was unanimously carried.

Old Business

[2003-053] Mama Vee's, Inc. – Proposed 1,031 SF Addition, NYS Route 146 – Preliminary site plan review and possible determination.

Mr. VanGuilder, consultant for the applicant, explained that this application remains generally as presented at the last meeting. The applicant has addressed the two concerns that were expressed by the Board at that time. The first concerned the establishment of cross-easements with adjoining properties. Mr. VanGuilder reported that the current owner of the North Country Commons Property – Whitney Holding – is in favor of continuing the existing agreement that allows both the restaurant and the plaza tenants to share the available parking lot. The applicant also agrees to work with Gold's Gym to provide a connection between the two properties. The second issue concerned the evaluation of the existing grease traps. The property has been connected to the Saratoga County Sewer System. Mr. DiPasquale, Director of the Saratoga County Sewer system reports that there have been no problems at the restaurant location. Mr. Lansing of Lansing Engineering has evaluated the traps, taking into consideration the hours of operation and the number of seats contained within the facility. He determined that the grease traps are of adequate size to function properly. Mr. VanGuilder also noted that the Department of Health checks the system during inspections. He presented a colored façade rendering for the Board's consideration.

Mr. Kemper stated that this project was considered by the Board on October 25, 2005. At that time, Board members asked that additional plantings be placed along the front of the building. The locations of handicapped parking spaces and no parking signs must be shown on the plans. Sign-offs must be provided from the Saratoga County Sewer District and the Clifton Park Water Authority. Colored façade renderings must be included with the plans submitted for final stamping.

Mr. Grasso reported that all previous comments have been satisfied. The ECC offered no comment on the application.

Mr. Karam expressed concerns regarding the location of the entranceway, noting that patrons must step directly into the path of exiting vehicles. He recommended that signs be posted at the rear of the building to warn drivers of the pedestrian crossing. Mr. VanGuilder suggested striping of the pavement as a means of making drivers aware of the situation. Mr. Russell commented that run-off from the roof often creates dangerous icing conditions along the east side of the building during winter months. It was recommended that gutters be added to help direct water away from the pavement. Mr. Bulger supported a future connection to the plaza property to the east and encouraged a connection to the Gold's Gym property to the west.

Mr. Hughes moved, seconded by Mr. 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. Russell moved, seconded by Mr. Kramer, to grant preliminary and final approval for the plan as presented conditioned upon satisfaction of the comments offered by Mr. Kemper. The motion was unanimously carried.

[2004-012] Galick, Lewis and Eva – Proposed (18) lot subdivision – Miller Road – Revised conceptual subdivision review.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that was originally presented as a 53 lot subdivision. The parcel to be subdivided is located in an R-1 zone. Comparing the project to the Fairway Woods project located on NYS Route 146A, Mr. Vuillaume explained that the revised plan now proposes the subdivision of a 55.76 acre parcel into (18) single-family residential lots. The lots will range in size from 23,901 SF to 3.90 acres. The revision was necessary because of the extensive wetlands delineated on the property. The subdivision will connect to the existing subdivision – The Oaks – to the east: no access will be provided to Miller Road. The project will connect to both public sewer and water. Stormwater management will be provided on site. Mr. Vuillaume noted that the reduced density of the project would benefit the Town by reducing the amount of pavement to be maintained and preserving the significant view shed along Miller Road.

Mr. Kemper explained that when this project was last reviewed by the Board as a 53-lot

subdivision on March 23, 2004 meeting, members were extremely concerned with the proposed access on to Miller Road. The applicant has since revised the application: the plan now calls for development of an 18-lot subdivision on a cul-de-sac. Mr. Kemper recommended that a significant no cut buffer be provided along the existing Oaks neighborhood. He asked the applicant to determine if a homeowners association will be established. Sign-offs will be required from NYSDEC and ACOE on the delineated wetland locations. Steve Myers, Director of Building and Development commented that “only 18 lots shown on the plan, though agenda says 53. Wetlands severely restricting house placements. Extremely long driveways (1000’ +). Access from Miller Road should be considered.” Mr. Kemper reported receipt of the following comments from Sheryl Reed in a memo dated November 9, 2005: “Provide turn around within 100 feet of each structure which has a driveway over 500 feet in length. Place driveway note on subdivision map per Section 73-19 of the Code of the Town of Clifton Park.”

Mr. Grasso reported that after reviewing the subdivision plan for this project, Clough, Harbour, and Associates offered the following comments. This project was initially presented to the Town in March 2004 as a fifty-three (53) lot conventional subdivision layout in accordance with current subdivision design standards. It was recommended at that time, due to the significant amount of wetland areas suspected to exist on the parcel, that the applicant consider designing a cluster type subdivision. Also, the parcel is located within the limits of the Vischer Ferry Road Corridor GEIS Study area. The Vischer Ferry Road Corridor contains an overlay zoning district that limits density to one lot per 40,000 S.F. of area, excluding any NYSDEC and federal wetland areas. As initially suspected, the applicant has delineated large areas of NYSDEC wetlands and other areas that are potentially federal wetlands. The DEC wetlands, and their associated buffer areas, render the western portion of the property undevelopable. The applicant has submitted what amounts to a conventional eighteen lot subdivision on the easterly half of the parcel. The eighteen lots proposed is below the number allowed to the applicant by the density restriction imposed by the Vischer Ferry Road Corridor Overlay Zone. Lots No. 17 and 18 are located at the end of a proposed 1100 foot long common driveway serving three lots. It is recommended that these lots be eliminated and that the remaining lots be modified to achieve the same number of lots.

Mr. Grasso reported that the following comments were included in the March 18, 2004 comment letter for the initial fifty-three lot subdivision: the comments remain valid relative to the new layout. The subject property is located within the Vischer Ferry Road Corridor GEIS Study Area. If development of the project is deemed to be in conformance with the Statement of Findings, then a negative declaration pursuant to SEQR may be appropriate. The applicant should contribute to the mitigation fees established in the Vischer Ferry Road Corridor GEIS and Capital Improvement Plan. An estimate of the C.I.P. fees are as follows:

- Transportation 18 Trips x \$268/Trip = \$ 4,824
- Sanitary Sewer 18 EDU's x \$3,314/EDU = \$ 59,652
- Water Distribution 18 EDU's x \$1,728/EDU = \$ 31,104
- GEIS Preparation 18 EDU's x \$310/EDU = \$ 5,580

- CIP Preparation 18 EDU's x \$ 49/EDU = \$ 882
Total: = \$102,042

The proposed project appears to be a Type 1 action pursuant to SEQRA, and as such, coordinated review is required. Involved agencies are expected to include the following: Clifton Park Planning Board – Subdivision Plan Approval; Saratoga County Sewer District – Sewer Connection Permit; Clifton Park Water Authority – Water Connection Permit; NYSDEC – Wastewater Disposal System Approval; NYSDOH – Water Supply System Approval.

Mr. Grasso offered several additional comments. Miller Road is identified in the Town of Clifton Park Trails Master Plan as a road recommended for pedestrian improvements. In order to accommodate these improvements which are required to address the cumulative impacts of development in the area, it is recommended that the applicant convey an additional ten feet of right-of-way along the project's road frontage. The sight distance along Miller Road should be verified. In accordance with the Statement of Findings, any aquifer recharge areas within the site should be identified and afforded proper protection. The Statement of Findings states that projects within the corridor shall provide multi-use pathways to encourage non-motorized transportation throughout the corridor. These should be incorporated into the development plans. In accordance with the Statement of Findings, a Stage 1B Archeological Investigation should be conducted within areas proposed for development. The Statement of Findings also indicates that view sheds should be retained by the preservation and/or establishment of vegetative buffers and clustering. The plan as proposed does not adequately minimize visual impacts of the project from Miller Road. The proposed water supply system should include a connection to the existing water main along Miller Road. A Full Environmental Assessment Form should be submitted for review. The limits of the Land Conservation zoning district and building setback line from Miller Road should be shown on the plan. Future plan submittals should include the names of adjacent land owners.

The ECC provided the following comments. Due to the potential of a high water table, the applicant should put comments to that effect on each individual plot plan. The following standard statements should be added to the plot plan:

- The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Federal jurisdictional wetlands have also been identified on this parcel. Uses in these areas are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone and /or Federal Wetlands.
- No salts, fertilizers, pesticides, or other materials may be used on this property where they will contaminate any wetland areas or surface water through runoff, leaching, or in any other manner which violates the New York State Environmental Conservation Law (ECL).
- 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.

- This parcel (subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, 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.

The ECC also observed that Lots #8, 10, and 11 may need to be reconfigured pending a ruling from the Army Corps of Engineers (ACOE).

Mr. Kramer expressed concerns with the extremely long driveways, noting that run-off from the impervious surfaces would cause stormwater management problems. The driveways will also be difficult to maintain in the wintertime. In response to his question concerning the ownership of wetlands, Mr. Vuillaume explained that the wetland areas would be conveyed to the Town. Mr. Karam asked that no residence be located behind another in order to maintain a sense of privacy for all residents. A representative for Belmonte Builders agreed to establish a no cut 50-foot selective clearing buffer along the existing Oaks subdivision. A brief discussion of the trail system resulted in a recommendation that Clough, Harbour, and Associates review links in the area to determine if a connection would be warranted through the proposed subdivision. Mr. Bulger described the reduction in the number of proposed housing units as a significant revision to the project plan, though he did ask that the locations of existing residences in the Oaks be shown on the plans. Mr. Vuillaume stated that the proposed homes would be comparable in size and construction detail to the adjoining homes in the Oaks. Mr. Russell suggested a location for a multi-use pathway link.

New Business

[2005-054] Clifton Country Road Associates – Proposed 324 SF loading dock, Village Plaza – Conceptual site plan review.

Mr. Tom Andress, consultant for the applicant, explained that this proposal calls for the construction of an 18' x 18' loading dock to the rear of Village Plaza to service a proposed Petsmart store.

Mr. Kemper asked that colored renderings of the proposed addition be provided with the final plans. Mr. Grasso reported that Clough, Harbour, and Associates found the proposal acceptable. The ECC offered no comment on the application.

Mr. Bulger asked that the number and location of stop signs throughout the plaza be evaluated to ensure that they comply with traffic laws and approved standards.

Mr. Bulger moved, seconded by Ms. Pace, 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. Karam moved, seconded by Mr. Hughes, to grant preliminary and final site plan approval conditioned upon satisfaction of the comments offered by Mr. Kemper. The motion was unanimously carried.

[2005-055] Taylor, Alan D. and Carolyn A. – Proposed lot line adjustment between 767R and 765R, Waite Road – Conceptual review.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that calls for the transfer of 5,246 SF of land from Lot #767R owned by Alan D. and Carolyn A. Taylor to adjoining Lot #765R owned by Gerald T. and Mary Ann Currier. The properties are located east of Waite Road, south of the Waite Road-Route 146A intersection. Both properties lie within the Eagle Crest PDD. The transfer is requested in order to create a larger back yard for Lot #767R.

Mr. Kemper, Clough, Harbour, and Associates, and the ECC found the application acceptable.

Board members found the application acceptable, noting that the more generous rear yard area for Lot #767R would be more in conformance with recently-established Planning Board policies.

[2005-056] Guyer, Richard H., III – Proposed transfer of 2.53 acres of land from 186 Blue Barns Road to an adjoining property – Conceptual review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that involves a transfer of land from a parcel of land owned by the applicant that lies entirely within the Town of Clifton Park to an adjoining 159.62 acre parcel that is bisected by the Town of Ballston/Town of Clifton Park boundary. The property is located in the C-R zone: this application is an attempt to ensure that all zoning requirements will be met when future development of the property is proposed. Mr. VanGuilder explained that the applicant owns two parcels of land that are adjacent to each other. The property at 186 Blue Barns Road consists of 4.5 acres. The adjoining property consists of 159 acres of vacant land that lies in the Town of Ballston and the Town of Clifton Park. The application calls for the transfer of 2.5 acres of land from 186 Blue Barns Road to the larger parcel. The purpose of the transfer is to provide access to the larger parcel from Blue Barns Road. The applicant anticipates the eventual development of estate type lots on the unconstrained lands in the larger parcel. The access would be over the 60-foot wide future right-of-way depicted on the plan. Public water is available to the site via a new water main along Blue Barns Road. Since no municipal sewer system is available at this time, it is anticipated that individual septic systems will be utilized for the proposed lots. At least 1.07 acres of the larger property will be “permanently deed restricted” to prohibit future development in accordance with Conservation Residential section of the zoning code. Mr. VanGuilder explained that because the developer is considering the use of a private roadway, he has met with Sheryl Reed, Chief of the Bureau of Fire Prevention, to determine what emergency service access standards must be met.

Mr. Grasso reported that, after reviewing this application, the proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency is expected to include the Clifton Park Planning Board for subdivision approval. He explained that the applicant is proposing to transfer land between adjoining parcels to provide a means of access to the larger parcel in anticipation of development of the larger parcel in the future as a separate action. The applicant should be aware that the action of providing the sixty foot wide strip for access to Blue Barns Road does not necessarily assure that an acceptable access can be developed at this location. The applicant was asked to complete some preliminary design evaluations of the intersection to confirm that the geometrics are acceptable and that adequate sight distance exists at the proposed roadway. It is recommended that the applicant review this information with the Town prior to completing the subject transfer. Mr. Grasso encouraged the Board to review the application in light of the future development: he was concerned about impacts to the wetlands and adjacent buffer areas and disturbance of existing stream corridors.

The ECC did not provide comments on this application.

Mr. Bulger expressed his appreciation to Mr. VanGuilder for attempting to plan for future development while meeting the requirements of the C-R zone, though he cautioned that the proposed intersection must be viable. He also thanked Mr. Grasso for identifying issues that may arise when development is proposed and encouraging the Board to view the application from a broader perspective. Mr. Kramer added a word of appreciation to Mr. Grasso for clarifying the issues involved in this application and to Mr. VanGuilder for attempting to work within the confines of the zoning code.

Minutes Approval

Mr. Bulger moved, seconded by Ms. Pace, approval of the minutes of October 25, 2005 as written. Ayes: Kramer, Pace, Karam, Russell, Bulger. Noes: None. Abstained: Hughes.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 8:40p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on November 22, 2005.

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

Resolution #34

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 November 9, 2005, there were:

Present: S. Bulger, Chairman, S. Hughes, T. Karam, A. Kramer, S. Pace, J. Russell

Absent: J. Larkin

Ms. Pace offered Resolution #34, and Mr. Russell seconded, and

Whereas, an application has been made to this Board by the Baptist Church of Clifton Park for approval of a subdivision entitled Subdivision of Lands of the Baptist Church of Clifton Park consisting of (2) lots.

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held November 9, 2005 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 November 9, 2005, 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 that the final subdivision plat entitled Subdivision of Lands of the Baptist Church of Clifton Park consisting of (2) lots is hereby granted preliminary and final approval.

Resolution #34 passed 11/9/05

Ayes: Kramer, Pace, Karam, Hughes, Russell, Bulger

Noes: None

Steven J. Bulger,
Chairman

Resolution #35

APPROVAL

Special Use Permit

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 November 9, 2005 there were:

Present: S. Bulger, Chairman, S. Hughes, T. Karam, A. Kramer
S. Pace, J. Russell

Absent: J. Larkin

Mr. Bulger offered Resolution #35 and Mr. Karam seconded, and

Whereas, an application has been made to this Board by Wilton Development, LLC for approval of Special Use Permit #80580 to allow the construction of a commercial recreational facility in a B-3 zone pursuant to Section 208-37 and 208-79 of the Town Code;

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on November 9, 2005 in the Town Office Building,

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA, 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 application of Wilton Development, LLC for Special Use Permit #80580 to allow the construction of a commercial recreational facility in a B-3 zone pursuant to Section 208-37 and 208-79 of the Town Code in an R-1 zone is hereby approved.

Resolution #35 passed 11/9/05

Ayes: Kramer, Pace, Karam, Russell, Hughes, Bulger

Noes: None

Steven Bulger,
Chairman