

## **Clifton Park Planning Board Meeting Minutes May 9, 2006**

Those present at the April 25, 2006 Planning Board meeting were:

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

Those absent were: S. Pace, J. Russell

Those also present were: 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. All in attendance stood for recitation of the Pledge of Allegiance.

### **Public Hearings**

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

### **Old Business**

[2005-067] DCG Development Company – Proposed revisions to Clifton Park Center Mall, 22 Clifton Country Road – Preliminary site plan review and possible determination.

Mr. Gordon Nicholson, consultant for the applicant, presented this project plan that calls for the significant renovation and redevelopment of the Clifton Park Center Mall that lies in a B-4 (Highway Business) zone and an L-C (Land Conservation) zone south of NYS Route 146. The site statistics table indicates that the existing square footage of the mall totals 656,638 SF: the proposed revisions to the mall proposed for the spring of 2006 indicates a total of 643,890 SF. The mall property will contain 12% green area and will be served by the Saratoga County Sewer District and the Clifton Park Water Authority. Stormwater will be managed on site. Though 2,786 parking spaces were provided for the existing mall, the revised plan calls for a total of 3,423 spaces. Mr. Nicholson explained that the additional spaces were necessary because of lease agreement requirements with the two largest tenants – Boscov's and Penney's. The increased parking placed on the 99 Restaurant site will require the approval of setback variances from the Zoning Board of Appeals. Greenspace at the site will be reduced from 16% to 12%.

The plan involves demolition of several stores that connected the portion of the mall containing Marshall's to the Penny's on the east and the former Steinbeck store to the west. A portion of the site to the north has been labeled as a "future development area" that is slated to include approximately 40,000 SF of commercial buildings. A 60,000 SF commercial building is proposed for the southwestern corner of the mall property. A variance will be required for a portion of the building and service drive that is to be

located within the L-C (Land Conservation) zone. The project includes plans for renovation of store fronts with exterior access and signage at the southeaster portion of the site and additional parking areas, sidewalks and landscaping within a portion of the former building footprint to the front of Marshall's. The plan shows the proposed removal of a portion of the existing berm along the southern property boundary and "modification of existing plantings along Clifton Country Road to increase visibility to store fronts." The maintenance facility will be relocated.

Mr. MacElroy, representative of DCG Development, presented a colored façade rendering for the Board's consideration, explaining that building elevations were lowered as a result of engineering studies that determined that adding additional height to the buildings would not be feasible because of increased snow loads. The speaker also reported that the owner of the mall will provide the number of parking spaces required for the skate board park throughout the site – no parking spaces will be specifically designated for its use. Mr. MacElroy also reported that it is possible that a restaurant will occupy one of the buildings to the north of the site.

Mr. Nicholson addressed several of the comments offered by Clough, Harbour, and Associates, stating that parking near the rear entrance of Marshall's would be revised to provide for better traffic circulation, that all driving aisles will be two-way, and that sufficient parking will be provided for the Town's skate board park.

Mr. Kemper questioned the status of the proposed 60,000 SF building, since a portion of the building is located within the L-C zone. Should the building be constructed as proposed, a use variance will be required for work within that zone. He recommended that the additional parking located near the 99 restaurant be removed from the plans. A detailed grading plan must be provided. Colored façade renderings with building materials must be provided with the plans submitted for stamping. A landscaping plan should be provided. Mr. Kemper reported that Sheryl Reed's (Chief of the Bureau of Fire Prevention) comments have been addressed.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the revised plan submitted for this application and offered the following comments. He noted that many of the comments from the December review letter remained applicable to the revised plan and should be addressed as the plans advance. The plan proposes parking along some of the fronts of the buildings. This can be a desirable feature especially in New Urbanism style developments, however, these spaces typically have the highest turnover and their adjacency to heavily traveled access drives requires special design consideration, including adequacy of visibility and adequate backing out area before entering into the drive aisle. This has not been provided. Clough, Harbour, and Associates does not support the loss of the buffer and plantings along Clifton Park Center Road as proposed in the project plan. If development in this area is required, one option would be to integrate the development with the Clifton Park Center Road corridor through the creation of a New Urbanism style streetscape with landscaping, sidewalks, pedestrian scale lighting, etc. If this cannot be done, Clough, Harbour, and Associates recommends leaving the buffer as is. The 60,000 SF building along Clifton Park Center Road appears

out of scale with the land available and the adjacent pond and the Town's skate park currently being developed. This area was previously slated for a 50,000 SF building. A 20,000 to 30,000 SF building appears more appropriate, with the lost square footage being made up elsewhere, perhaps in two story structures. The firm does not support the relocation of the parking spaces that were covered by an easement to the Town and available for the skate park to a location across from a drive aisle. The plan proposes an increase in the amount of parking from 2,786 spaces to 3,423 spaces with an increase in the parking index from 4.2 to 5.4 per 1,000 square feet. There appears to be no anecdotal evidence that the additional parking is warranted either based on historical site parking demands or industry standards. Developments that are transforming into mixed-use style developments are typically seeing decreases in the required parking indices. The firm does not support the additional parking being proposed on the existing Ninety-Nine Restaurant: the locations chosen are unacceptable from a vehicular circulation design standpoint. The lack of integration between the mall's redevelopment and the adjoining sites is inconsistent with design theories previously discussed for the project. Reconstruction work may be subject to conformance with NYSDEC's Phase 2 regulations. Although redevelopment guidelines have been issued by NYSDEC, storm water management may be a critical design component: it is recommended that NYSDEC be consulted early on in the design process. The plans should include the existing and proposed overall site statistics and a comparison of same with the statistics approved for the previous site plan approval.

Mr. O'Brien, Environmental Specialist, after reviewing the project, the ECC offers the following comments. The ECC recommends that the applicant identify the amount of greenspace before and after construction is completed. The applicant should also include any variations in the "99 Restaurant" property greenspace caused by the loss of parking easements as indicated on the proposed plan. The applicant should redesign or reposition the building in the southwest corner of the property to avoid the need for setback variance and avoid intrusion into the LC zone. The ECC has concerns regarding the loss of vegetative screening on the south edge of property as well as removal of trees along the western border. It is the ECC's position that vegetation should be enhanced and not reduced.

Board members discussed several aspects of the project proposal. In response to Mr. Kramer's question regarding a tenant for the proposed 60,000 SF commercial building, Mr. MacElroy explained that company representatives were negotiating lease terms with a prominent national chain. Members discussed building placements and parking requirements. Mr. Nicholson reported that one of the goals of the redevelopment would be to relocate that parking for 99 Restaurant to the northern side of Clifton Country Road. This would reduce the pedestrian traffic that results from the shared parking arrangement with the mall. The parking lay-out as it currently exists will be maintained along Clifton Country Road. Though Mr. Karam commented that he found the applicant's proposal to remove trees along Clifton Country Road acceptable, Mr. Nicholson explained that the larger shade trees will be relocated to other vegetated sections of the site. In response to comments regarding the encroachment of the 60,000 SF building into the L-C zone, Mr. Nicholson stated that the proposed access that surrounds the building may be removed

and, depending upon tenant requirements, the building size reduced. Members agreed that the proposed development was very important to the economic viability of the mall. Mr. Kramer agreed, though he requested that the applicant maintain the berm along the southern property boundary. Mr. MacElroy reported that the Sheriff's Department will remain in its current location. He also said that the projected date for completion of the renovation will be early July, 2006. Owners are hopeful that the reopening will correspond with the opening of the skate board park.

Mr. Bulger explained that the project proposal pending approval at this meeting includes the center portion of the mall. Separate buildings along the northern property boundary, parking revisions for 99 Restaurant site, and the 60,000 SF commercial building illustrated on the plan along the southern property line will be reviewed at a later date.

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. Hughes moved, seconded by Mr. Karam, to grant preliminary and final site plan approval to this application, noting that the approval was specifically concerned with redevelopment of the central portion of the mall that is currently being razed; out parcel development including the 60,000 SF commercial building located in the southwestern portion of the site and the area of the site labeled "proposed future development area to include approximately 40,000 SF of commercial buildings" are not included in this approval. The motion was unanimously carried.

[2006-011] Weiss, Jeffrey – Proposed 3,000 SF restaurant and retail building. Plank Road and NYS Rt. 146 – Revised conceptual site plan review.

Mr. Paul Olund, consultant for the applicant, explained that this application remains generally as presented at the March 28, 2006 meeting. Pursuant to Planning Board comments, however, Mr. Olund explained that the plan has been revised to show an additional drive thru lane that would provide an "escape route" for patrons who must leave the site before reaching the pick-up window. The plan also shows the location of a possible future connection to the adjoining property to the west. Though the greenspace on the site is less than 35%, the revised landscaping plan includes several large-caliper shade trees along the site boundaries as well as several smaller shrubs for screening. A pedestrian access has been shown at the northeastern portion of the site.

Mr. Olund addressed the issue of the current condition of the site, stating that disposal of the debris left on the site has become difficult because of the possible contaminants that it may contain. An environmental clean-up survey and map is being prepared and the applicant is seeking waste management firms to dispose of the rubble.

Mr. Kemper reported that this project last appeared before the Board on March 28, 2006. The landscaping plan must be increased. The proposed greenspace is less than what is allowed in the B-4 zone. Colored façade renderings with building materials must be

provided at the next submission. The following comments were provided by Steve Myers, Director of Building and Development in a memo dated April 27, 2006:

- 1 acre minimum (has .773 acres)
- Front yard setback from Plank Road (need 130' has 122')
- Only 1 entrance and exit allowed – plan shows 2 exits
- 35% greenspace required – plan shows 31.85 %
- Per 208-48 – 15' wide area of plantings along sides of building not met (west side)
- 80' front setback along Rt. 146 (64' present)

It was Mr. Myers' position that approval of the listed variances would be required from the Zoning Board of Appeals.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the revised site plan presented by the applicant and offered the following comments. The plan proposes 31.85% greenspace. This is less than the 35% required in the zoning regulations and less than the 45% recommended in the Exit 9 Area GEIS. The plan fails to provide any appreciable landscaping along the west side of the site as discussed with the Planning Board. The existing condition of the site in its razed state is not in conformance with any approved site plan and NYSDEC's storm water management requirements. The site should be cleaned up and stabilized immediately.

Mr. O'Brien, Environmental Specialist, reported that after reviewing the project, the ECC offered the following comments. He explained that the ECC reiterated a continued concern regarding the proper handling of underground storage tanks and contaminated soils. Commission members also asked that 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. Bulger expressed his concern over site conditions and asked that the applicant provide correspondence from the environmental company involved in the clean up that indicates that removal of debris from the site is not possible. He would also like information regarding the NYSDEC policy that is being followed as well as a detailed explanation of the situation. Mr. Kramer commented that site is important since it serves as the "gateway to Clifton Park." He recommended that the Board defer any action on the application until the site is cleaned up. Mr. Karam and Mr. Hughes supported this position. Mr. Kramer also asked that colored façade renderings be presented for review. Mr. Olund provided black-and-white sketches of the proposed façade. Board members found the architectural renderings acceptable, noting that the store would be similar in design to the Dunkin' Donuts store in Malta. Mr. Bulger explained he supports approval of a variance from the Zoning Board of Appeals for a reduction in greenspace, though he recommended that such a recommendation would be delayed until site conditions are

improved. Board members discussed the landscaping plan, encouraging the applicant to approach the adjoining property owner with a plan to place trees on the property to the west.

#### New Business

No items of new business are scheduled for this evening's meeting

#### Minutes Approval:

Mr. Bulger moved, seconded by Mr. Kramer, approval of the minutes of April 25, 2006 as written. The motion was unanimously carried.

#### Discussion Items:

Board members expressed concerns about the length of time that some speakers took to express their comments at recent public hearings. Members discussed the issue of limiting the time granted to each person who wished to speak. Based upon information provided by Mr. Pelagalli, it was determined that the Board could not limit public comment to Town residents. A time limit could, however, be instituted. Board members agreed that such an action would be reasonable.

Mr. Bulger moved, seconded by Mr. Larkin, to provide each individual who wishes to comment on an application the opportunity to comment for up to five minutes: additional speaking time may be granted by the Planning Board Chairman. The motion was unanimously carried.

Board members requested that a note regarding the time limits on public comment be added to the agenda.

Mr. Kramer moved, seconded by Mr. Karam, adjournment of the meeting at 8:30p.m. The motion was unanimously carried.

Respectfully submitted, Janis L. Dean,

Secretary