

## **Clifton Park Planning Board Meeting Minutes May 23, 2006**

Those present at the May 23, 2006 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, S. Hughes, T. Karam, S. Pace, J. Russell  
J. Larkin arrived at 8:15p.m.

Those absent were: A. Kramer

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. Mr. Bulger explained that this would be Mr. Kemper's last meeting as Director of Planning since he has accepted a position as Director of Planning for Saratoga County. Mr. Bulger offered his congratulations and spoke of his appreciation for the contributions Mr. Kemper has made to the Planning Board and the Town of Clifton Park. Ms. Pace thanked Mr. Kemper for the assistance he has provided to all Board members and noted that he would be missed by those who worked with him. Mr. Pelagalli offered his thanks to Mr. Kemper and described him as a "phenomenal director" who will be sorely missed. Mr. Karam added his wishes for future success and stated that Mr. Kemper's ability to balance the interests of developers and the Town Board was a tremendous asset. Mr. Hughes echoed the well wishes of others, and added that he was happy that Mr. Kemper would be available at the County level. Mr. Russell added his thanks for the work Mr. Kemper has done to benefit the Town. All in attendance stood for recitation of the Pledge of Allegiance.

### **Public Hearings**

[2006-004] Lill, Daniel – Proposed (2) lot subdivision, Southbury Road - Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on May 15, 2006.

Mr. Flanders, consultant for the applicant, presented this application that remains generally as presented at the April 24, 2006 meeting. The speaker explained that the proposal calls for the subdivision of a 1.9 acre parcel owned by Lill into lots of 52,116 SF and 28,524 SF, respectively. A new single-family residence is proposed for the smaller lot. The application also calls for the transfer of 315 SF from the Lands of Dobreff to the Lands of Lill and the transfer of 2,968 SF from the Lands of Lill to the adjoining Lands of Patterson. Setback variances were approved by the Zoning Board of Appeals on April 4, 2006. Mr. Flanders reported that the requested ECC notes have been added to the plan.

Mr. Kemper stated that this project was last considered by the Board on April 25, 2006.

The plan was determined do be generally acceptable. Sign-offs must be provided by the Clifton Park Water Authority, the Saratoga County Sewer District, and the Crescent Estates Sewer Company. Mr. Kemper asked that any wetlands on the parcel be delineated and illustrated on the plot plan.

Mr. Grasso reported that Clough, Harbour, and Associates found the plan acceptable.

Mr. O'Brien reported that the ECC determined that all previous recommendations have been satisfied.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:23p.m. The motion was unanimously carried.

Board members found the project satisfactory, though they asked that the applicant install piping along the berm between the proposed new residence and the Patterson property to direct the drainage to the northeastern portion of the new lot.

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. Russell offered Resolution #12, seconded by Ms. Pace, to waive the final hearing and to grant preliminary and final subdivision approval to the application conditioned upon satisfaction of the comments offered by Mr. Kemper and Board members. Ayes: Pace, Karam, Russell, Hughes, Bulger. Noes: None.

[2006-014] Rucinski, John and Robin R. – Proposed (2) lot subdivision, 526 Grooms Road – Preliminary public hearing and possible determination.

The Chairman called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on May 15, 2006.

Mr. Gil VanGuilder, consultant for the applicant, presented this application for Board consideration. The proposal remains generally as presented on April 25, 2006, with the existing house contained within a 40,664 SF lot fronting on Grooms Road and a new lot of 1.47 acres for a proposed new single-family residence. Both lots are served by public water and sewer. Clearing and grading limits have been illustrated on the plan, though Mr. VanGuilder explained that there will be “minimal” clearing of the site. The plan shows a new driveway access to Grooms Road.

Mr. Kemper reported that this project last appeared before the Board on April 25, 2006. The Saratoga County Planning Board approved the project on April 20, 2006. A work permit from the Saratoga County Department of Public Works must be provided prior to the stamping of the plans. Postal verification must be provided. Sign-offs will be required from the Clifton Park Water Authority and the Saratoga County Sewer District.

Mr. Grasso reported that Clough, Harbour, and Associates found this application acceptable.

Mr. O'Brien, Environmental Specialist, reported that, after reviewing the project, the ECC reiterated the request that several standard statements be added to the plot plan:

- 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).
- Federal jurisdictional wetlands have been identified on this site. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in Federal wetlands.
- 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.

There being no public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:30p.m. The motion was unanimously carried.

Mr. Karam recommended that the two lots be served by a combined driveway from Grooms Road. Mr. VanGuilder explained that this may not be possible because of an existing sewer manhole that lies adjacent to the existing driveway. Mr. Bulger asked that the 50' minimum distance shown between the proposed house and the designated wetlands be maintained.

Mr. Karam 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 offered Resolution #13, seconded by Mr. Hughes, to waive the final hearing for this application, and to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of the comments offered by Mr. Kemper and the installation of a combined driveway if such construction is feasible. Ayes: Pace, Karam, Russell, Hughes, Bulger. Noes: None.

#### Old Business

[2006-009] NYCON Construction Corp. – Proposed 9,600 SF Office (2) Buildings, 3 and 4 Rosell Drive – Revised conceptual site plan review.

Mr. Scott Lansing, consultant for the applicant, presented this application for the Board's review. He explained that the plan calls for the development of Lots #3 and 4, Rosell

Drive that is located on the northern side of Ushers Road in a B-1 (Business Non-retail) zone. The project proposes the construction of two (2) 4,850 SF office buildings, 32 parking stalls for Building #3 and 16 parking stalls for Building #4. Connection will be made to the existing Clifton Park Water Line and to the existing Saratoga County Sewer District line that is located directly north of the properties. A single stormwater management plan has been designed. The buildings have been designed with walk-out basements for garage storage as well as general storage of business documents and other materials. Mr. Lansing explained that the applicant is prepared to address all engineering concerns. The speaker presented a colored façade rendering of the buildings for Board review.

Mr. Kemper explained that this project last appeared before the Board on March 28, 2006. He reported receipt of the following comments from Steve Myers, Director of Building and Development dated May 10, 2006: “100’ separation between curb cuts appears to have been corrected. 25’ parking setback is not present in all areas. 50 percent green space although noted as required, is not mentioned as being met.” Mr. Kemper asked that details regarding sewer service connections be provided on the plans. Colored façade renderings must be provided. Descriptions for all easements must be provided for review. A note must be added to the plans identifying the proposed use for each building: this note must be provided on every page of the set of plans. The number of plantings proposed should be specified in the planting legend. Sign-off letters will be required from the Clifton Park Water Authority and the Clifton Park Sewer District.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed this application and offered the following comments. A note should be added to the plans that no wall packs are permitted. The handicapped ramps have not been designed in accordance with ADA requirements. The handicapped ramps must contain a fully depressed panel (max. slope 2%) with sloped ramps (five feet wide by six feet long) on either side. This eliminates the need for an individual to swivel on a sloped ramp surface.

Mr. O’Brien, Environmental Specialist, reported that, after reviewing the project, the ECC offered the following recommendations. 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.

The ECC asked that the applicant submit a Stormwater Pollution Prevention Plan for review by the Town Engineer. The applicant shall maintain a minimum 35% greenspace in accordance with the Town of Clifton Park Code. The Town’s Comprehensive Plan encourages tree preservation to the greatest extent practicable; therefore, the ECC requests that the applicant make all efforts to preserve the wooded buffer areas identified on the site plan.

Board members commented favorably on the façade renderings and proposed architecture, though they requested that the applicant include a note on the plan stating that use of the basement is limited to storage – no office use may be accommodated in the basement space. Mr. Grasso asked that descriptions of the easements necessary for connection to the sewer system. In response to Mr. Bulger’s question regarding greenspace, Mr. Lansing explained that the stormwater management areas were included in the greenspace calculations. All management areas will be graded and planted. An agreement will be required to assure that all maintenance responsibilities will be shared by both property owners.

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. Hughes moved, seconded by Mr. Karam, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by Mr. Kemper, Mr. Grasso, and the Planning Board. The motion was unanimously carried.

#### New Business

[2006-016] PVC Industries – Proposed 3,041 SF addition to existing facility, 107 Pierce Road – Conceptual site plan review.

Mr. Steve Lamb, consultant for the applicant, presented this application that calls for the construction of a 3,041 SF addition plus five (5) additional loading docks for truck access to the existing PVC Industry facility at 107 Pierce Road. The consultant explained that is 6.255 acre site located in an LI zone. The building and impervious surfaces account for coverage of approximately 39.1% of the site. The applicant proposes 78 parking spaces.

Mr. Kemper explained that this application originally appeared before the Board as a discussion item: it was determined that formal site plan review would be required because of the violations that have occurred at the site. Steve Myers, Director of Building and Development provided a memo dated May 10, 2006 that reports that “the site plan approval is for a 3,041 sq. ft. addition that was built without any permits; therefore no inspections were completed during construction to ensure code compliance with Town Codes or State building requirements. As a result, the Building Department will not issue any code compliance or certificate of occupancy for the addition until these inspections occur. The current site plan shows violations of current zoning setback as follows: (1) 208-65(E)(1) – no parking in front yard; and (2) 208-65 (E)(2) – 25’ minimum rear yard setbacks, dumpster shown within the 25’ of the property boundary.” Mr. Kemper requested that all existing and proposed parking be shown on the plans. The Saratoga County Planning Board determined there was no significant county wide or inter-community impact at its May 18, 2006 Planning Board meeting. Sheryl Reed provided the following comments in a memo dated May 23, 2006:

- Specify if proposed diesel tank is above ground or underground tank, size of tank and if

it will have a dispenser for vehicle refueling.

- Clarify to applicant that all the proposed work including additions, loading dock area and any interior alterations to the affected areas, as well as the diesel tank installation are required to have a building permit prior to the beginning of any work.

Mr. Grasso explained 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 only involved agency is expected to be the Clifton Park Planning Board for site plan review. The proposed plan is to complete previously started additions to the existing building. The additions along the west side of the main building are currently enclosed, and have been for some time. The proposed work will not require further modifications to the existing site. The applicant is also proposing to add three loading docks along the south face of the existing building. These docks will require modifications to the building, but no site plan modifications. The use of these loading docks will eliminate the need for trucks to enter the building to load and make additional space available for manufacturing. The speaker noted that there are currently a lot of materials stored around the perimeter of the site, awaiting use in the manufacturing process. The completion of the additions and the use of the proposed loading docks will allow the owner to store more of these materials inside and improve the aesthetics of the site. He also stated that the existing site appears to provide sufficient parking for the current manufacturing business.

Mr. O’Brien, Environmental Specialist, reported that, after reviewing the project, the ECC was unable to comment given the submission's lack of detail regarding the proposed action.

Board members agreed that the tank for diesel fuel must be brought into compliance with existing codes. They also asked that the site be cleaned up and that a plan for outside storage of materials be provided with future submissions.

[2006-017] Compton, Erika – Proposed two-family residence in a C-R zone, 21 Lee Avenue, Rexford – Conceptual review

Mr. Shawn Compton, applicant, presented this application for a Special Use Permit that would allow the construction of a two-family dwelling in a CR (Conservation Residential) zone. The plan proposes a 20’ x 24’ addition to the east side of the existing residence.

Mr. Kemper reported the receipt of a memo from Steve Myers dated May 10, 2006 that reported that the applicant originally believed that a side setback variance was needed; however, because the zoning has been changed from R-3 (with 25’ setback) to CR (with 10’ setback), only the special use permit is required. Mr. Kemper asked that the proposed addition be illustrated on the plot plan. He asked that the plan clarify that the proposed building addition will match the existing residence. The use is allowed in the CR Zone with approval of a Special Use Permit.

The ECC offered no comment on this application.

In response to Mr. Karam's question regarding materials to be used on the exterior of the building, Mr. Compton stated that the materials would match the ones used for the existing house. Board members found the project proposal generally acceptable.

[2004-064] Dunkin' Donuts - Proposed amendment to existing site plan, Route 146 – Request for extension of site plan approval.

Mr. Kemper explained that Mr. Carlos Teixeira, owner of the Dunkin' Donuts shop on Route 146, Rexford has requested that the Board approve a one year extension of site plan approval that was received on June 14, 2005. Mr. Kemper explained that §208-120 of the Town Code permits only one year-long extension of site plan approvals. No further extensions may be granted.

Mr. Karam moved, seconded by Mr. Bulger, to grant the requested extension, making the final expiry date of the site plan June 14, 2007. The motion was unanimously carried.

#### Discussion Items

##### Proposed Townhomes in an HM zone

Mr. Gavin Vuillaume, consultant for the applicant explained that potential applicants propose the construction of six (6) duplex units on a parcel located on the northern side of Route 146 in an HM zone. A proposed homeowner's association will be responsible for maintenance of common lands and the private drive proposed to provide access to the site. Mr. Vuillaume explained that the proposed access will align with the proposed entrance to the recently-approved Brookhaven subdivision. A future connection to lands to the west has been illustrated on the plan. Mr. Kemper reported that although the original proposal called for 3-unit buildings, the revised plan showing 2-unit development appears to meet code requirements.

Mr. Pelagalli read from the code and explained that the proposal appears to meet the intent of the zoning code. The Board found the plan generally acceptable. Mr. Grasso asked that the applicant consider pedestrian features that may add to exiting trail links.

#### Minutes Approval

Mr. Bulger moved, seconded by Mr. Hughes approval of the minutes of May 9, 2006 as written. Ayes: Larkin, Karam, Hughes, Bulger. Noes: None. Abstained: Pace, Russell.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 8:30p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on June 13, 2006.

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 #12

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 23, 2006, there were:

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

Absent: A. Kramer, J. Larkin

Mr. Russell offered Resolution #12, and Ms. Pace seconded, and

Whereas, an application has been made to this Board by Dan Lill for approval of a subdivision entitled the Subdivision of the Lands of Dan Lill consisting of (2) lots, the transfer of 315 SF from the Lands of Dobreff to the Lands of Lill, and the transfer of 2,968 SF of land from the Lands of Lill to the adjoining Lands of Patterson.

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 23, 2006 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 23, 2006;

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 the Subdivision of the Lands of Dan Lill consisting of (2) lots, the transfer of 315 SF from the Lands of Dobreff to the Lands of Lill, and the transfer of 2,968 SF of land from the Lands of Lill to the adjoining Lands of Patterson is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and Planning Board members.

Resolution #12 passed 5/23/06

Ayes: Pace, Karam, Hughes, Russell, Bulger  
Noes: None

Steven J. Bulger,  
Chairman

Resolution #13  
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 23, 2006, there were:

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

Absent: A. Kramer, J. Larkin

Mr. Karam offered Resolution #13, and Mr. Hughes seconded, and

Whereas, an application has been made to this Board by John and Robin R. Rucinski for approval of a subdivision entitled the Subdivision of the Lands of John and Robin R. Rucinski consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 23, 2006 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 23, 2006;

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 the Subdivision of the Lands of John and Robin R. Rucinski is hereby granted preliminary and final approval conditioned upon satisfaction of the comments offered by Mr. Kemper and the installation of a combined driveway if such construction is feasible.

Resolution #13 passed 5/23/06  
Ayes: Pace, Karam, Hughes, Russell, Bulger  
Noes: None

Steven J. Bulger,  
Chairman