

Clifton Park Planning Board Meeting Minutes July 11, 2006

Those present at the July 11, 2006 Planning Board meeting were:

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

Those absent were: T. Karam, J. Larkin

Those also present were: J. Romano, 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 were scheduled for this evening's meeting.

Old Business

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

Mr. Dave Pentkowski, legal representative for the applicant, presented this application on behalf of his client. The project remains generally as presented at the May 23, 2006 meeting. The speaker addressed the issue of outdoor storage that was identified as a concern by Board members at that meeting, stating that outdoor storage has been a standard practice at this location for several years. Manufacturing materials are stored outside, though cycling of materials occurs frequently. Mr. Pentkowski informed the Board that additions were “inadvertently” made to the building without benefit of Building Permits. It is expected that proper inspections by the Building Department will be completed once an approved, stamped site plan is available. In response to Ms. Reed's comments regarding information regarding the diesel tank located on site, Mr. Pentkowski stated that the tank was in conformance with all NYSDEC standards.

Mr. O'Brien, Environmental Specialist, read prepared comments provided by the Planning Department. The Saratoga County Planning Board approved of this application at its May 18, 2006 meeting. In response to Board comments, all existing and proposed parking has been shown on the plans. Documentation regarding compliance with all standards involving the diesel tank is requested as well as a sign-off from Ms. Reed. It is the Board's understanding that all appropriate site inspections will be completed upon stamping of the site plan.

Mr. O'Brien, Environmental Specialist, reported that the ECC offered no comments on this application. Mr. Romano stated that Clough, Harbour, and Associates were satisfied that the revised plans satisfactorily addressed all engineering concerns.

Mr. Russell 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. Kramer moved, seconded by Ms. Pace, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments provided by the Planning Department. The motion was unanimously carried.

New Business

[2006-021] Longkill Properties, LLC – Proposed (2) lot subdivision, 93 Longkill Road – Conceptual review.

Mr. Gil Van Guilder, consultant for the applicant, presented this application that calls for the subdivision of 6.58 acres of land in an R-1 residential zone along the Town's northern boundary line to create a 40,395 SF parcel for the existing single family residence. The subdivision will permit the applicant to continue renovations on the existing home and to offer it for sale. Upon application for a building permit for the remaining lands, a septic system design and well test will be submitted to the Building Department, though the applicant's intent is to connect to water and sewer utility systems that are to be extended to an adjoining property by Kain Development.

Mr. O'Brien, Environmental Specialist, read comments prepared by the Planning Department. Since the project lies adjacent to the Town of Ballston boundary, the application has been referred to the Saratoga County Planning Board for review and approval. The wetlands on the property should be formally delineated and appropriate sign-offs from the ACOE or NYSDEC should be provided. It is anticipated that water and sewer utilities will be extended to the adjoining property currently owned by Kain Development. The applicant should consider connecting to these systems rather than installing individual wells and septic systems. The proposed driveway location should be indicated on the plans: a Saratoga County DPW permit will be required prior to the stamping of the plans.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed this application and provided the following comments. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. The site lies adjacent to the Town of Ballston border and as such, Section 239 County Referral is required. This project site lies adjacent to the proposed Kain Development Group, LLC Longkill Subdivision, which has received preliminary approval and will be extending municipal water and sewer within 100 feet of this project site. Connections to these municipal facilities should be a requirement of subdivision approval for any new development of the project site. The plan should depict the location of the existing septic field to verify adequate separation from the existing well. If adequate separation is not

provided, either connection to proposed municipal utilities can be proposed or the lot lines adjusted to allow replacement in accordance with current separation requirements. It should be noted that the existing house and sheds do not conform to the required front yard setbacks per the zoning regulations. The width of the existing easement along the west property line must be shown and should be consistent with that which was shown on the adjoining subdivision plans. An easement will be required over the overhead electric service serving the existing house. Due to the extent of wetlands within the adjoining Longkill subdivision, wetlands may extend into the project site. Wetland limits should be verified to ensure adequate area exists to develop a lot in accordance with all rules and regulations. It is recommended that ten feet of right-of-way be granted to the Town to extend the proposed trail to the north, extending across both lots.

Mr. O'Brien, Environmental Specialist, reported that the ECC offered no comment on the proposed subdivision application.

Mr. Bulger considered the application to be "straightforward," noting that the formal wetland delineation would be important when considering future development. In response to concerns regarding the wetlands located on the adjoining property to the west, Mr. Vuillaume described the stream corridor that traverses the property and the pond located southwesterly of the existing residence. Mr. Hughes questioned whether or not NYSDEC wetlands were identified on the site. Mr. Vuillaume explained that no NYDEC jurisdictional wetlands were found on the site. He reported that all New York State Office of Parks, Recreation, and Historic Preservation concerns will be addressed. Mr. Bulger explained that because a trail system is proposed for this area, he was in support of Clough, Harbour, and Associates' request for additional right-of-way width along the property's frontage on Longkill. The Board was generally in support of the application.

[2006-025] Roth, Michael – Proposed (2) lot subdivision, 16 Cherry Lane – Conceptual review.

Mr. Michael Roth, applicant, presented this proposal that calls for the subdivision of a 1.04 acre parcel at 16 Cherry Lane in the existing Clifton Gardens subdivision. The site is located within an R-1 zoning district. The subdivision calls for the creation of a 20,819 SF lot and a 24,500 SF lot that would contain Mr. Roth's existing residence. He explained that on June 6, 2006 the Zoning Board of Appeals granted a variance that would allow for a 30' rear yard setback and a 1,440 SF area variance to permit the creation of an 18,560 SF lot. The plan has been revised to meet the 20,000 SF bulk requirement. Mr. Roth explained that an existing utility easement is located along the property boundary that separates 16 Cherry Lane from 15 Cherry Lane. The speaker also reported that the property owner at 15 Cherry Lane has expressed concerns regarding privacy. In response, Mr. Roth will install fencing or landscaping and maintain the existing hedgerow.

Mr. O'Brien, Environmental Specialist, read comment prepared by the Planning Department. He reported that Steve Myers, Director of Building and Development,

reported that necessary variances have been granted by the Zoning Board of Appeals. A comment was also made regarding the installation of the driveway: it should not be located on the existing utility easement.

Mr. O'Brien, Environmental Specialist, reported that the ECC found this project plan acceptable.

Mr. Romano reported that Clough, Harbour, and Associates prepared several comments regarding this application. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. The involved agencies are expected to include the following: Clifton Park Planning Board - Subdivision approval; Clifton Park Zoning Board of Appeals – Area Variances; Saratoga County Sewer District #1 – Sanitary Sewer Connection Permit. The proposed subdivision will require an area variance for the rear yard setback of the keyhole lot. The Short Environmental Assessment Form states that one of the lots does not meet the 20,000 SF minimum size, however the plan indicates both lot sizes are greater than 20,000 SF. Although the keyhole lot has 40' of frontage along the cul-de-sac of Cherry Lane, the width of the strip of land to the lot is only approximately 28' wide. Additionally, it does not appear as though the required 16' wide driveway can be constructed without encroaching within the sanitary sewer easement and possibly be located over the sanitary sewer line. Impacts on the hedge row shared with the adjoining Lot #15 should be addressed. Due to the very limited proposed building envelope, we recommend the proposed foundation be sited by a licensed surveyor and verified after construction and prior to issuance of a certificate of occupancy.

Mr. Bulger described the proposal as "unique," explaining that he was concerned that the frontage for the new lot provided on Cherry Lane did not meet code requirements. Mr. Pelagalli explained that a review of Section 208-7 of the zoning code indicated that a keyhole lot is defined as having a 40' strip of land attached to a Town road: this application does not appear to meet that requirement. He also referred to Section 208-86 of the code that states that the frontage lines are to be drawn parallel to the roadway. In response, the applicant agreed to reconfigure the lot lines to meet all zoning requirements. He also agreed to provide a 16' wide driveway as required, seeking approval from the owner of the easement area to pave the area if necessary. Mr. Bulger asked the applicant to determine who owns the existing utility easement. Board members agreed that the application was generally acceptable.

[2006-027] Clifton Park Food Group – Proposed renovation of existing Denny's Restaurant to IHOP Restaurant, 611 Plank Road – Conceptual site plan review.

Mr. Tony Amodio, District Manager for IHOP Restaurant, presented this application for the Board's review, explaining that the plan calls for the conversion of the existing Denny's Restaurant into an IHOP restaurant. The speaker explained that exterior renovation work would be limited to the addition of two pillars with an identifying sign at the entranceway. Cosmetic and decorative interior changes are planned as well as

changes to the kitchen area. The existing building is approximately 6,000 SF.

Mr. O'Brien, Environmental Specialist, read the comments prepared by the Department of Planning. Though the applicant proposes only minor changes to the restaurant, the building is located near the "entrance to Clifton Park." Since it has been in existence for many years, it would seem appropriate to re-visit site plan approval and consider upgrading handicapped accessibility features, landscaping, and parking. Based upon the required one space for every three seats, a total of 49 spaces would be required – the amount shown on the plan. The site rarely appears filled, however, and possible removal of some asphalt should be considered. The parking area is entirely asphalt with little or no landscaping to add visual interest.

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

Mr. Romano explained that Clough, Harbour, and Associates reviewed the proposed plan. The project appears to be an "Unlisted" action pursuant to SEQR, and as such coordinated review is optional. Involved agencies are expected to include the following: Clifton Park Planning Board – Site Plan Approval. Improvements should be made for the site to comply with ADA regulations. An additional handicap accessible parking space, "No Parking" aisles, and appropriate signage should be provided. The amount of customer service area should be provided to verify that the required parking calculated on the plan based upon the number of seats is the most restrictive. The site plan does not indicate if there is an existing grease trap provided for the sanitary sewer line. If one does not currently exist, it is recommended that one be installed. An easement should be obtained from the adjacent landowner for the off-site parking.

Mr. Bulger asked that the applicant provide an easement for the parking currently utilized by the restaurant but that is located on an adjoining property. In response to Mr. Kramer's question regarding signage. Mr. Amodio explained that a sign would be installed above the entranceway. He requested the Board's permission to add an additional sign to the eastern wall of the building: Mr. Bulger explained that the sign law was enforced by the Building Department. Mr. Bulger also explained that all ADA requirements must be met and that the site could benefit from some additional landscaping. Mr. Amodio agreed to provide "cut-ins" to add greenery and landscaping to the area. He also agreed to submit colored façade renderings. Mr. Bulger asked Planning Department personnel to contact the Highway Department regarding possible upgrades to the existing drainage area located in the Town right-of-way to the front of the site.

[2006-021] M. J. Properties of Clifton Park, Inc. – Proposed 12,600 SF warehouse, U.S. Route 9 – Conceptual site plan review

Mr. Matt Brobston, consultant for the applicant, described project proposal plans for a 2.88 acre parcel of land in the LI-2 zone on the east side of US Route 9 south of the Town's border with the Village of Round Lake. The applicant proposes the construction

of a 12,600 SF warehouse building with associated vehicular access improvements, landscaping, parking, and stormwater management. The consultant presented copies of a revised site plan for the Board's consideration. Mr. Brobston explained that the site contains no NYSDEC wetlands. The ACOE is scheduled to perform a site investigation to determine the extent of jurisdictional wetlands on the site. The speaker reported that, in response to comments prepared by Clough, Harbour, and Associates, the applicant will seek to connect to an existing trunk line at the existing manhole location to the north of the site. In conformance with zoning regulations, the building will be located 130' from the centerline of Route 9. A 25' rear yard setback has been shown on the revised plan and the proposed stormwater management area will be installed along Route 9.

Mr. Dean Taylor, real estate representative for the applicant, addressed the issue of review by the New York State Office of Parks, Recreation, and Historic Preservation, noting that referral to that agency was not necessary if site disturbance was less than 1/10th of an acre. He also stated that approximately 1/10th of the proposed building will be used for office space, the remainder will be used for warehousing. No tenants have yet been secured for the building. In response to Board questions, Mr. Taylor reported that the building would likely be 20 feet in height to accommodate conventional racking systems.

Mr. O'Brien, Environmental Specialist, read the comments that were prepared by the Planning Department. The project is located in an LI-2 zone: the warehouse use is a permitted use in this zone. All required setback lines should be shown on the plan. The applicant was reminded that the zoning code requires that architectural block or similar façade materials are to be used along the road frontage. Colored façade renderings and sample building materials should be provided with future submissions. Warehouse uses require one parking space for each 2,000 SF of gross floor area, plus one per employee.

Mr. O'Brien, Environmental Specialist, reported that the ECC issued several comments regarding this application. Members noted that the project may result in intrusion into Federal Jurisdictional Wetlands: the applicant must avoid intrusion into ACOE wetlands or apply for a Federal Wetlands Permit for the disturbance of more than one-tenth of an acre in total for the project. The Town of Clifton Park should be provided with copies of all related correspondence. The applicant must determine whether any DEC delineated wetlands exist on the parcel. The applicant must determine if the parcel is located within the 100 foot flood plain boundary. The applicant must determine if proper sewerage drainage is within the appropriate test pit data. The applicant must determine if appropriate well data and reporting of possible surface water infiltration is within the well located on this parcel. The applicant must determine if stormwater drainage and discharge thereof is adequate and feasible for this low lying area. The ECC notes that the applicant indicates that the project will tie into the existing Saratoga County Sewer District; however, the plot plan shows a proposed septic field. This contradiction should be clarified. >br>

Mr. Romano reported that Clough, Harbour, and Associates reviewed the project plan and offered the following comments. The first comments concerned SEQRA requirements. The proposed project is located within the limits of the Wood Road

Corridor GEIS Study Area. As such, if the proposed project is deemed consistent with the findings of the GEIS, no additional SEQR action may be required. Involved agencies are anticipated to include the following: Clifton Park Planning Board - Subdivision Plan Approval; Saratoga County Planning Board - Section 239 Referral; NYSDOT - Curb Cut Permit. Submission of a Full Environmental Assessment Form is recommended. Pursuant to the Findings Statement for the FGEIS for the Wood Road Corridor, the following issues should be addressed:

- Per Finding No. 34, traffic mitigation fees are required to address cumulative impacts of the proposed development. The applicant's consultant should submit an analysis of the projected trip generation so that the respective mitigation fee can be assessed.
- A mitigation fee is due for the original review of the DGEIS in the amount of \$74.28 per acre. Based on a 2.88-acre site, the respective mitigation fee is \$214.
- Per Finding No. 40 and No. 41, the habitat of the Karner Blue Butterfly is protected and that no site plan proposal will be approved if such would involve the destruction of or disturbance to the habitat. Because significant time has passed since the original investigation, an updated investigation of Karner Blue Butterfly habit should be performed within the limits of the project.
- Per Finding No. 53 the stormwater management will maintain infiltration at pre-development conditions based upon a 25 year storm event.
- Per Finding No. 73, a Phase I Environmental Audit shall be conducted and submitted at the initiation of site plan review.
- Per Finding No. 78, the applicant shall contact NYSOPRHP regarding historic sites and archeologically sensitive resources near the project area. Copies of the correspondence should be sent to the Town and to our office for our files

Mr. Romano provided additional comments. The proposed building does not meet the required 25' rear yard setback. A jurisdictional determination letter on the wetlands should be submitted from the ACOE and NYSDEC. Given the extent of NYSDEC jurisdictional wetlands in adjacent properties, NYSDEC may have jurisdiction over the wetlands on the project site. If so, the LC-Land Conservation zoning district and its requirements would apply and impact the developability of the site as proposed. Any proposed wetland impacts should be quantified. The zoning regulations require a minimum 25' planted buffer along the rear and side property lines. The applicant's engineer should investigate eliminating the proposed septic system and connecting to the Saratoga County Sewer District trunk sewer at an existing manhole location. Future plan submittals should include the following: building setbacks, building height, dumpster location, parking calculation, limits of proposed clearing and grading.

Board members found the project generally acceptable.

Discussion Items

Everitt Subdivision

Mr. Gil VanGuilder, consultant for the applicant, requested that the Board reconsider one of the conditions of approval required for final approval for the Everitt subdivision. He

explained that the Board had originally requested that the applicant provide a landscaping plan that would provide trees along the property line to the front of the proposed residence. The speaker reported that after revisiting the site, it was clear that the property gradually sloped to the north, limiting visibility from Crescent Road. He recommended that the future owner be permitted to install trees as desired along the driveway or to the front of the residence. Photographs of the area were presented to the Board. Board members agreed that the request was reasonable. This condition of approval would be rescinded.

Hockford Subdivision

Mr. VanGuilder, consultant for the applicant, explained that it had recently been brought to his attention that the subdivision plan approved for applicant LeHuong Hockford was conditioned upon a note being added to the plan that stated that “the maximum number of lots to be granted in the future is one.” Mr. VanGuilder explained that his client was hoping to seek approval for additional lots once the “future road” from Sterling Heights was constructed. He asked that the original condition regarding the number of future lots be rescinded.

Mr. Bulger compared this request to a recent request to reject a condition of site plan approval, noting that such requests would be considered if circumstances surrounding the decision had significantly changed. Mr. Pelagalli advised the Board to consider if new information or new development would substantially change the characteristics of the approved project plan. Mr. Bulger did not believe that the applicant presented any information that would cause him to reconsider the condition of approval. Mr. Russell, Mr. Hughes, Mr. Kramer, and Ms. Pace all agreed with Mr. Bulger’s assessment. The condition of approval would remain.

TBM Enterprises – Parking Expansion

The Board reviewed a plan prepared by Steve Lamb, consultant for the applicant that illustrated additional parking at the 532 Moe Road office site. The current 8,644 SF building has 36 spaces. The building’s owner reports that the building houses a pediatric medical practice and a pediatric dental practice. The total number of required spaces has been calculated as follows:

Pediatric medicine: 10 employees and 16 patients needed per hour

Pediatric dentistry: 15 employees and 24 patients needed per hour

In order to accommodate all employees and patients, the applicant proposes the installation of 28 new spaces. It is the owner’s intention to submit an application for an additional medical office building on the site with the next year. Current regulations would require one parking space for each 300 SF of gross floor area for a total of 29 spaces.

Board members decided that the proposal was acceptable, though they requested that the proposed drive aisle be increased to a 22’ width.

Minutes Approval

Mr. Bulger moved, seconded by Mr. Russell, approval of the minutes of the meeting of June 27, 2006 as written. Ayes: Pace, Russell, Bulger. Noes: None. Abstained: Hughes, Kramer.

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 August 8, 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.