



Planning Board Meeting
November 28, 2007

Those present at the November 28, 2007 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, A. Kramer, J. Larkin, J. Thorne,
T. Werner

Those absent were: S. Pace

Those also present were: K. Maynard, Director of Planning;
J. Grasso, Clough, Harbour and Associates;
P. Pelagalli, Counsel;
J. Dean, Secretary and Assistant Director of
Planning

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

[2007-050] **Barry, George and Joanne** – Proposed two-family residence in an R-3 zone, 7 Dutch Meadow Lane – Public hearing for Special Use Permit and preliminary site plan review – 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 November 20, 2007.

Mrs. Barry, applicant, presented this application, stating that she requests permission to construct an addition to their existing residence to provide a 700 SF – 800 SF in-law apartment for her mother. The plan provided illustrates the proposed location

for the addition which will be constructed of materials that complement the existing home. Mrs. Barry explained that the residence sits on a 1.4 acre parcel.

Ms. Maynard explained that this application was considered by the Planning Board at its October 23, 2007 meeting at which time the Board found the plan generally acceptable. The required plot plan illustrating the exact location of the proposed addition on the site has been provided as requested.

Both Mr. Grasso and Mr. O'Brien found the proposed addition acceptable.

There being no public comment, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 7:15p.m. The motion was unanimously carried.

In response to Mr. Larkin's question regarding the adequacy of the existing septic system to handle the increased flow, Mr. Grasso stated that the Building Department will ensure that all design standards are met prior to the issuance of a Building Permit.

Mr. Bulger moved, seconded by Mr. Kramer, to establish the Planning Board as Lead Agency for the Special Use Permit application and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Werner offered Resolution #26, seconded by Mr. Larkin, to approve Special Use Permit application #80678 to permit the construction of a two-family dwelling in an R-3 zone. Ayes: Kramer, Larkin, Thorne, Werner, Bulger. Noes: None.

Mr. Bulger moved, seconded by Mr. Larkin, to establish the Planning Board as Lead Agency for the site plan application and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

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

Old Business:

[2007-024] **PVC Industries** - Proposed 25,000 SF addition to existing building, 107 Pierce Road – Preliminary site plan review and possible determination.

Mr. Scott Price, consultant for the applicant, outlined the revisions that had been made to the proposed site plan in response to comments and recommendations provided at previous meetings. A 6' high stockade fence has been provided around the dumpster, bollards have been shown around the fire hydrant, landscaping has been added to areas near the entranceways, and a note has been added to the plan to ensure that understory plantings along Pierce Road will be preserved. Colored façade renderings were distributed for the Board's consideration.

Ms. Maynard offered Planning Department comments, stating that the project was last reviewed by the Planning Board on October 23, 2007. The consultant has provided a colored façade rendering and addressed other issues of concern. The speaker explained that although Mr. Steve Myers, Director of Building and Development identified several issues of concern with the proposed storm water management plan, he has not reviewed the revised Storm Water Pollution and Prevention Plan. The consultant was directed to provide a copy for his review.

Mr. Steve Myers, Director of Building and Development, provided the following comments regarding this application. The applicant should determine the water table elevation. On-site storm water management with infiltrators and CDS proposed. . The CDS sediment separator unit will be located on private property and maintenance will be required by the property owner. The owner may want to propose a maintenance agreement to the town for the unit since the owner does not possess the equipment needed for cleaning the unit: the Town does. No maintenance proposal is included in the Storm Water Pollution and Prevention Plan, just information from the manufacturer on how to clean it. Though the manufacturer provides general recommendations on when to clean the unit, each installation needs to be specifically analyzed for cleaning frequency. The SWPPP is incomplete. Though the following is not intended to be an all-inclusive list, the following items are still required: NOI, inspection forms, the General permit; re-submit correct infiltrators – proposed units are for septic systems not storm water; specify the qualifications needed of the inspection professional; specify maintenance of the CDS units; erosion and sediment controls; temporary and permanent measures on drawings, including materials, specifications, etc.; maintenance procedures; pollution and waste prevention measures; post construction controls.

In the absence of Mr. O'Brien, Environmental Specialist, Ms. Maynard reported that the ECC found the project acceptable.

Mr. Grasso explained that Clough, Harbour, and Associates reviewed the site plan for the above referenced project and noted that the following comments from previous review letters remain to be addressed. It should be verified that the existing grinder pump has adequate capacity for the proposed additional flows. Additionally, design information for the proposed sanitary service lateral and the location of the existing service should be provided. The following comments related to the Storm Water Management Report dated October 2, 2007:

- A more detailed Storm Water Pollution and Prevention Plan should be included as part of the Storm Water Management Report. The SWPPP should include a discussion on the proposed construction phasing, long term maintenance responsibilities of the system, standard NYSDEC inspection forms, a copy of the General permit and the Notice of Intent.

Mr. Grasso provided the following additional comments. The location of the existing 8" water main has been depicted on the plan with a note stating that should the water main interfere with the proposed storm system, it would be relocated to 25' outside of the drainage system. The definition of "interfere" should be clearly defined. The water main should be relocated if it is within 18" of the bottom of the proposed storm sewer system. Based upon the depth of the proposed storm sewer system, it is likely that

the water main will be relocated. Approximate design information should be shown on the plans. Approval by the Clifton park Water Authority should be obtained and the work subject to full-time inspection. The clearing limit/limit of disturbance line should be revised to include the disturbance required for the proposed 4" water service.

Mr. Grasso reported that the applicant provided additional information at this evening's meeting that appeared to satisfactorily address issues of concern. He requested that the applicant submit a revised Storm Water Pollution and Prevention Plan for review by Clough, Harbour, and Associates and the Director of Building and Development.

Mr. Werner moved, seconded by Mr. Larkin, 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 Ms. Thorne, to grant preliminary and final site plan approval to this application, conditioned upon satisfaction of the comments offered by the Planning Department and Clough, Harbour, and Associates. The motion was unanimously carried.

Ms. Margaret Catellier, 26 Royal Oak Drive, questioned the amount of green space that was to remain on the parcel. Mr. Price pointed out the clearing limit lines on the project plan and explained that the 40% of the site would remain as green space, meeting the code requirements. Mr. Larkin pointed out that the applicant, in compliance with Town Codes, had prepared a tree inventory for the area.

New Business

[2007-058] **Adirondack Dental** – Proposed 1,152 SF addition, 1753 Route 9 – Conceptual site plan review.

Mr. Gil VanGuilder, consultant for the applicant, presented this application that calls for an 1,152 SF addition to an existing dental office located in a B-4A zone on the east side of Route 9, approximately 950 feet south of the intersection of U. S. Route 9 and Biette Road. The total number of parking spaces will be increased to 21, including one handicapped space. The existing well will continue to be used for the water supply and connection will be made to the existing Saratoga County Sewer District line that is located on the westerly side of Route 9 via a low pressure force main. Additional run-off from impervious surfaces will be handled by an infiltration system installed under the parking area: run-off currently contained in a small detention basin located in the northeastern corner of the site will be included in the storm water management capacity calculations. Green space on the site will be reduced from 61% to 49%. Access to the site will not change. Mr. VanGuilder stated that existing lighting at the site appears adequate. All of Clough, Harbour, and Associate's comments will be addressed.

Ms. Maynard provided several comments prepared by the Planning Department. It appears that the applicant has positioned the proposed addition reasonably on the lot: though the parking will be located a bit closer to the east, the addition will not change the

visual impact from Route 9. Existing and proposed vegetation should be shown on the plan: a planting plan will be required. Site lighting details must be provided. The deed reference section indicates that an easement was provided to an electric and gas corporation in 1963. The location of the easement should be identified on the plan. A façade rendering should be provided to illustrate that the building materials to be used on the addition will complement the existing building. The site statistics table should include both the zoning designation and information regarding green space. All variances must be approved by the Zoning Board of Appeals prior to action by the Planning Board.

In response to Ms. Maynard's request for the incorporation of a cross access easement with properties to the north and the south, Mr. VanGuilder stated that the applicant would likely be amenable to providing an easement for such future connections.

Mr. Steve Myers, Director of Building and Development, provided the following comment in a memo dated November 26, 2007. The following variances will be required since the office is located within the B-4A zone: lot size = 1 acre minimum; front setback = 80' required; side setback = 30' required; parking setback = 20' required; 35 % green space required; 15' landscaped areas from front to rear property lines. A full Storm Water Pollution and Prevention Plan will be required.

Ms. Maynard read the comments prepared by the ECC. The Commission requests that the following standard statements be added to the plot plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris building the construction/demolition phase of the project.

The ECC requests that the applicant provide current details for the storm water system and any modifications that may be caused by this expansion. The proposed green space should be indicated on the plan. Any exterior lighting should be directional and limited.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the concept site plan for the above referenced 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 involved agencies are expected to include: Clifton Park Planning Board – Site Plan Approval; Saratoga Co. Planning Board – Section 239 Referral; Saratoga County Sewer District – Sanitary Sewer Permit. The site is located within the B-4A Highway Business District. This should be indicated in the site statistics table. Additionally, the site statistics should include the amount of existing and proposed green space. The zoning code requires plantings along the side lot line of a width of a minimum 15'. The proposed pavement along both side lot lines is within 15' of the property line. If the layout is deemed acceptable by the Planning Board, it is recommended that significant landscaping be installed to provide acceptable mitigation.

Details of the proposed storm water management system mentioned in the application form should be provided. Proposed grading should be provided to verify that the handicap accessible route to the building is ADA compliant. The proposed dumpster location should be depicted on the plan. The existing and proposed sanitary sewer service should be depicted on the plan. The handicap signage should be shown on the plan. The proposed building height should be indicated on the plan. It should be verified that the existing lighting is sufficient for the additional parking area. The Short Environmental Assessment Form should be signed.

Mr. Grasso recommended that since site constraints would prohibit the required landscaping along property boundaries, the applicant should consider the site “comprehensively” to determine the best location for the placement of landscaping materials. Board members found the plan generally acceptable, though additional landscaping of the site was recommended. The applicant was advised to seek the required variances from the Zoning Board of Appeals.

Discussion Items

M. J. Rekucki Construction – Warehouse Facility, 2084 Route 9

Mr. Tom Andress, consultant for the applicant, requested the Board’s guidance regarding the sewer connection for this warehouse building that was approved by the Planning Board on January 9, 2007 and is nearing completion of construction. Mr. Andress explained that although Mr. Rekucki has attempted to work with the adjoining property owner, they have been unable to reach an amenable agreement that would provide Mr. Rekucki the easement necessary to connect to an existing sewer line on the XAR parcel. The situation must now be resolved since issuance of a Certificate of Occupancy for the warehouse facility is imminent. The approved, stamped plans for the project show that the sewer connection will be accomplished by installation of infrastructure along Route 9. This has been deemed unacceptable by NYSDOT, the Saratoga County Sewer District, and Clough, Harbour, and Associates. At this time, Mr. Rekucki requests permission to install a septic system and a sewer line to the property boundary. Connection to the sewer line will be made when possible. Mr. Grasso advised that installation of the proposed septic would comply with code requirements. He recommended that the applicant note on the plan that connection to the municipal system will be made within twelve (12) months of availability. An escrow account will be established to ensure that the work is completed. Though Mr. Bulger suggested a \$12,000 escrow amount, Mr. Grasso viewed that as excessive. Mr. Larkin noted that the easement area was only 35’ in length. Mr. Grasso noted that since XAR has a pending project before the Board, it would be prudent for that applicant to supply the necessary easement in a timely manner. Ms. Maynard reported that the attorney for XAR, James Boglioli, has stated that XAR remains committed to providing the easement to Mr. Rekucki for a \$12,000.00 fee. Mr. Kramer encouraged XAR’s cooperation in providing the easement at this time. Mr. Pelagalli advised that applicant that a supplemental submission would be required for Planning Board approval: the submission should include the revised site plan illustrating the septic installation and accompanying note

regarding future connection to the municipal system. 500' notifications will be required with the submission.

[2007-053] **Rucinski – (3) lot subdivision**

Mr. Gil VanGuilder, consultant for the applicant, Mrs. Rucinski, applicant, and Ms. Koney, adjacent property owner and the Rucinskis' daughter, were in attendance at the meeting. Mr. VanGuilder explained that there were two issues regarding the proposed subdivision application that they would ask the Board to consider. The first involved the existing vegetable stand at southeastern corner of the Grooms Road – Moe Road intersection. He stated that the Rucinskis would like to continue to oversee operation of the farm stand because it has been in Mrs. Rucinski's family for many years. At this time the intent is to transfer ownership of the newly created lot containing the stand to Ms. Koney. The family approves the addition of a note to the plan stating that should the parcel be developed as a single-family lot, the farm stand will be removed. Mr. Bulger read the following comments prepared by Mr. Myers, Director of Building and Development:

- Per 208-10B(1)(a)(3), roadside stands for the sale of farm products is not allowed on lots smaller than 5 acres in size. The subdivision would put the stand on a lot of 1.74 acres where it had previously been on a 6.21 acre lot.
- The stand has 2 curb cuts at a corner, neither of which I expect were permitted.
- The stand does not meet the accessory structure setback requirements, sits on the county sewer easement and has concrete within the town and county ROW.
- I do not believe the stand is operated by the current landowners and any pre-existing nonconforming allowance would be dissolved once the subdivision is completed.

Mrs. Rucinski's daughter read a prepared statement by her mother that explained that the vegetable stand was built and operated by her family: it has been maintained and operated seasonally for many years. She believes that there is sufficient parking to accommodate the "many hundreds" of people who shop at the stand for fresh produce. She asks that the Board permit continued operation of the stand that provides additional income that helps pay for a portion of her and her husband's expenses. Mrs. Rucinski's note states that the land and vegetable stand will not change ownership until after she and her husband have passed away. Addressing the second issue of concern regarding the parking of tractor trailer trucks on adjoining property owned by her son, Mrs. Rucinski pointed out that the subdivision application currently pending before the Board does not include her son's parcel.

Mr. Bulger explained that Mr. Myers is responsible for determining whether or not variances from the Zoning Board of Appeals would be required prior to Planning Board decisions. He recommended that Mr. VanGuilder and the applicant discuss the

Mr. Myers' concerns and, if necessary, request the required Zoning Board of Appeals' approvals.

Minutes Approval

Mr. Bulger moved, seconded by Ms. Thorne, approval of the minutes of November 14, 2007 as amended. The motion was unanimously carried.

Mr. Bulger moved, seconded by Ms. Thorne, adjournment of the meeting at 8:20p.m. The motion was unanimously carried. The next meeting of the Board will be held as scheduled on December 11, 2007.

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, Tom McCarthy, 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.

NOTICE OF DECISION**Resolution #26****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 28, 2007 there were:

Present: S. Bulger, Chairman, A. Kramer, J. Larkin, J. Thorne,
T. Werner

Absent: S. Pace

Mr. Werner offered Resolution #26 and Mr. Larkin seconded, and

Whereas, an application has been made to this Board by George and Joanne Barry for approval of Special Use Permit #80678 to permit the construction of a two-family dwelling in an R-3 zone pursuant to Section 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 28, 2007 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 Planning Board approves the application of George and Joanne Barry for approval of Special Use Permit #80678 to permit the construction of a two-family dwelling in an R-3 zone conditioned upon satisfaction of the comments provided by the Planning Department.

Resolution #26 passed 11/28/07

Ayes: Kramer, Larkin, Thorne, Werner, Bulger

Noes: None

Steven Bulger,
Chairman