

Town of Clifton Park

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PLANNING BOARD

STEVEN BULGER
Chairman

PAUL PELAGALLI
Attorney

MARGARET SPRINGLI
Secretary



MEMBERS

Michael Hale
Joel Koval
Eric Ophardt
Sandra Pace
Kim Paulsen
Tom Werner

(alternate) Emad Andarawis

Planning Board Minutes January 26, 2010

Those present at the January 26, 2010 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, M. Hale, J. Koval, E. Ophardt,
S. Pace, K. Paulsen, T. Werner
Emad Andarawis – Alternate

Those absent were: None

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

Mr. Bulger, Chairman, called the meeting to order at 7:03p.m. Mr. Bulger explained that one item has been pulled from the agenda at the request of the applicant. Mr. Bulger spoke of presentations by Board members at the Saratoga County Planning and zoning conference. All in attendance stood for recitation of the Pledge of Allegiance as led by Joel Koval.

I. Public Hearings:

7:00 pm [2009-029] **Balsam Way (Carlson Farms)** – Proposed (3) lot subdivision,
4 Balsam Way – Preliminary public hearing and possible determination. **SBL:**
277.20-3-46

Mr. Bulger, Chairman, called the public hearing to order at 7:04p.m. The Secretary read the public hearing notice as published in the Daily Gazette on January 21, 2010.

Mr. Joe Dannible of EDP, as a representative for the applicant, Shaker Builders, presented this application and noted that the applicant proposes to resubdivide the parcel



(4 Balsam Way) into three lots as a portion of the existing Carlson Farms. The speaker spoke of plans to rehabilitate and preserve the existing farmhouse. Mr. Dannible said that the applicant proposes to rehabilitate to a point that they can obtain a CO within two years of approval. The speaker also stated that the applicant would not be seeking a building for either of the other two lots in this project until a Certificate of Occupancy has been issued for the farmhouse. He stated that the existing farmhouse will remain as 4 Balsam Way and two new building lots with frontage on Balsam Way will be created. The applicant proposes that all parcels will be connected to Municipal sewer and water supplies available within the R.O.W. of Balsam Way.

Mr. Scavo issued the following comment that no building permit for 6 or 8 Balsam Way will be obtainable until the Farmhouse has first gotten a Certificate of Occupancy.

Mr. Bill Mackesey, stated in a letter to Mr. Scavo that at this time the Trails Committee will default to support the action of the Planning Department. The Trails Committee would support the trail cut through into Huntwood Drive at this time. The cut through is on Town of Clifton Park Property, which is a stub street off of Huntwood Drive that is also Town Property.

Mr. Grasso reported that CHA Companies provided the following comments regarding this application.

1. The required 10' minimum separation between the existing watermain and the proposed sanitary sewer should be depicted on the plan.
2. The proposed sanitary sewer easement should be extended across the frontage of 4 Balsam Way to allow for a potential future connection.
3. The size and species of the proposed evergreen screen plantings should be depicted on the plan. We recommend an 8' minimum height for the proposed evergreen trees.
4. The impact of the proposed grading on the existing trees to remain on 4 Balsam Way should be evaluated.
5. Erosion and sediment controls should be provided for the proposed grading.
6. The invert in pipe for proposed Manhole #2 should be 6". The invert in elevation should be established by matching the top of the 6" invert in to the top of the 8" invert out.

Mr. Dannible stated that he has CHA's comment letter and is preparing a reply to that.

Mr. Kazmierczak commented that Historic Preservation Committee felt that the terms and comments previously requested have been satisfied to this point including the



time frame for delivery and the ability to review the façade renderings prior to building permit being issued.

Mr. Bulger asked for clarification of building permit issuance and Mr. Kazmierczak stated that demolition permits could be granted but that agreements had to be reached before a full building permit was issued.

Mr. Paul Coons, under contract to purchase 4 Balsam Way stated the project is viable and that they are anxious to begin and feel that the timeline is attainable and all terms agreeable

Mr. Myers provided no additional comments regarding this application.

Mr. Scavo noted that Ms. Sheryl Reed had no written comments.

Mr. Scavo then stated that the Environmental Conservation Commission, reported that, after review of the project plan, the Commission had no further comments.

PUBLIC COMMENTS

There being no further public comment, Mr. Bulger moved, seconded by Mrs. Pace to adjourn but not close the public hearing at 7:13pm. The motion was unanimously carried.

BOARD COMMENTS

Mr. Bulger clarified with the Historic Preservation Representatives that the garage and louvered front porch will not be subject to same restrictions as original area since they were an addition to the original structure and not old enough to be historically significant. The Coonses indicated that they did not intend to retain those.

Mr. Ophardt asked when the two year time frame would start. Mr. Pelagalli stated that when the Notice of Decision is filed with the clerk the clock starts ticking and would end with the building department's issuance of certificate of occupancy. Mr. Coons stated that he and his wife are anxious and ready to start the renovations and restoration once the paperwork is completed.

Mr. Bulger noted the application will send out the 500' notifications to the neighboring properties and as a result the Public Hearing will be adjourned and continued at the February 9, 2010 meeting of the Planning Board.



II. Old Business:

- A. [2008-010] **Prestige Motor Car** – Proposed amendment to an existing site plan. SBL: 259.-2-30.111 Last seen on 1/13/2009

Mr. David Bogardus with Northeast Land Survey, as a representative for the applicant, presented this application and noted that the applicant proposes a modification to an existing stamped plan prior to issuance of a Certificate of Occupancy. Building #1 would have an additional 3,000 SF added to the back portion. Mr. Bogardus has addressed the comments in an email earlier today from CHA Companies along with some slightly modified plans to address the concerns of the Planning Board's engineers.

The consultant stated that a new SWPP report was done by EDP showing the need to increase the height of the dike and the berm to handle the addition. Also, that parking should not change as neither additional employees nor customers are anticipated as the addition is associated with the operations of the vehicle restoration business. The speaker stated that the new addition requires some changes to footing because a stormwater drainage pipe is to be located under the addition and those modifications would be noted on the site plan. He also mentioned that additional lighting would not need but applicant would add additional lighting if deemed necessary by Town Professional Staff once construction is completed. He then concluded his statement by noting that the drainage for the loading dock would have an added storm basin.

Mr. Scavo noted that the Planning Department would like to see a notation be added to the notice of decision that states, "No exterior storage of product or materials shall be placed behind structure number two between the building and the LC Zone.

Mr. Grasso reported that CHA Companies provided the following comments regarding this application.

1. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. Involved agencies are expected to include the following:
 - Clifton Park Planning Board – Site Plan Amendment
2. The transmittal letter indicates an analysis was conducted to determine the required modifications of the stormwater management area. The calculations should be provided for review.
3. The proposed amendment includes an additional 3,000 sf of building. As such, a revised parking analysis should be provided for review.
4. The proposed addition is located directly above a 12" storm sewer pipe. The impacts of the proposed footings on the pipe should be evaluated.



5. All proposed building mounted lights should be depicted on the plan. The previously approved site plan depicted a light pole in the area of the proposed addition.
6. The grading within the loading dock should be verified. It appears the design intent is to sheet flow run-off to the rip-rap swale. However, the loading dock does not appear to be sloped to provide positive drainage to the swale.

Mr. Myers provided the following written comments that were read by Mr. Scavo regarding this application, "If the additional 3,000 sq. ft. is used for storage then a party wall may have to be constructed to comply with New York State Building Code."

Mr. Scavo noted that Ms. Sheryl Reed had no written comments.

Mr. Scavo, noted that the Environmental Conservation Commission, reported that, after review of the project plan, the Commission has no comments.

BOARD COMMENTS

Mr. Werner asked about elevation and exterior materials. The applicant noted that it would be a continuation building materials and style of what is currently found on the building.

Mr. Koval asked for clarification about separation with the pipe. The speaker read the note that has been added to the site plan.

Mr. Hale asked for information about the light pole. The speaker stated that it was per the existing site plan. Mr. Verillo in response, explained what is installed and Mr. Hale commented that it sounded like it should be adequate lighting.

Mrs. Paulsen said she felt comfortable with moving to vote because the applicant was prepared with comments to address the concerns of CHA and professional staff and questions seemed to be answered.

Mrs. Paulsen moved, seconded by Mr. Hale, to establish the Planning Board as Lead Agency for the this application, an unlisted action, and to issue a negative declaration pursuant to SEQR. The motion was unanimously carried.

Mr. Bulger moved, seconded by Mr. Koval, to grant the amendment to the existing site plan conditional approval based on satisfying all conditions as outlined per the subdivision plan by the recommendations of the Planning Board and Professional Staff including verifying that the SWPPP report as been updated and is satisfactory. Ayes: S. Bulger, M. Hale, J. Koval, E. Ophardt, S. Pace, K. Paulsen, T. Werner Noes: None Abstain: None.

**III. New Business:**

~~B. [2010-003] Greek Revival Building Proposed construction of a Greek Revival Style Building, 37 Old Route 146, Conceptual site plan review (rescheduled from original date of 1/12/2010). SBL: 258.2 34.1 pulled at request of applicant~~

IV. Minutes Approval:

Mr. Hale moved, seconded by Mr. Koval to approve the minutes of January 12, 2010. Ayes: S. Bulger, M. Hale, J. Koval, E. Ophardt, S. Pace, K. Paulsen, T. Werner
Noes: None Abstain: Werner

V. Discussion Items: Explore potential ZBA recommendation.

Mr. Scavo mentioned that at the last Planning Board meeting there was a project on Main Street in Jonesville where the applicant chose not to agree with the Planning Board's request to allow input from the Town's Historic Preservation Commission in regards to the façade and style of the new home that is proposed. Mr. Scavo also commented that per our town code, the Planning Board would not have legal standing if the applicant was denied approval based on the applicants unwillingness to comply with that sole request. The Planning Director commented that the Board could explore whether this is something that should be evaluated by the Town Board to determine if a Special Use Permit should be required in certain areas within zoning districts to allow for special conditions to be applied with the approval of the Planning Board. These special conditions will include that the character of the existing uses and approved future development in the district will not be adversely affected by the location of the proposed special use in the proposed location.

Mr. Bulger stated that the front setback consideration would still be an issue with ZBA through an area variance. The chairman also mentioned that input from the Historic Preservation Commission could be considered when the Planning Board entertains future applications for a Special Use Permit.. Mr. Bulger explained that if the Planning Board Members agree there is a desire for further consideration, the Planning Board could send a letter to the Supervisor and Town Board Members asking them to consider this issue.

Mr. Ophardt asked if other hamlet type areas such as Rexford or Vischer Ferry would be included. Mr. Pellagalli said architectural review standards would have to be enacted but it could be difficult and that hamlets would have to be geographically defined stating that the question is whether they should all be defined at the same time rather than piecemeal.

Mrs. Paulsen asked how this will make a difference since there is basically only one lot left on Main Street and many that have been built in the past 16 years without constraints and special conditions. The Board agreed this might really effect future demolition and site re-construction projects. Generally it was agreed that it would be proactive to suggest that the Town Board consider preservation in general throughout the



entire town in a way that gives the Planning Board some involvement through the Special Use Permit. The Town Board through further consideration can determine what areas specifically within the Town's boundaries would benefit from such special condition on new construction.

Margaret Catellier, 26 Royal Oak Drive, asked if this only effected new construction or would additions to existing structures be subject to this as well. Mr. Pellagalli stated that a house burning down is not subject to subdivision or site plan approval. Mr. Scavo stated that it could be limited to structures that require a Certificate of Occupancy and not a certificate of compliance, so basically it is new subdivisions and any other project that currently require site plan review per the Town Code.

Mr. Bulger moved, seconded by Mr. Werner, asking the Town Board to consider placing a Special Use Permitting process for new construction on any areas of the Town of Clifton Park that the Town Board deems appropriate to ensure that the character within a geographic area, existing uses, and structures are not jeopardized and new buildings are in harmony with existing structures. The motion was unanimously carried.

Mr. Bulger clarified that Ethics training is good for 2 years. This year's ethics training is scheduled for February 3rd for those who did not attend last year's.

Mr. Bulger moved, seconded by Mrs. Pace, adjournment of the meeting at 7:52p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on February 9, 2010.

Respectfully submitted,

Margaret L. Springli

Cc: Patricia O'Donnell, Town Clerk



cc: Planning Board Members, Planning Department, CHA Companies, Supervisor, Town Administrator, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Lou Renzi, Town Attorney, Tom McCarthy, Town Attorney, Paul Pelagalli, Town Attorney, ECC, Clifton Park Water Authority