

Town of Clifton Park

One Town Hall Plaza
Clifton Park, New York 12065
(518) 371-6054 FAX (518)371-1136

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 February 9, 2010

Those present at the February 9, 2010 Planning Board meeting were:

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

Those absent were: K. Paulsen

Those also present were: J. Scavo, Director of Planning;
J. Grasso, CHA Companies;
M. Montague, Environmental Specialist;
P. Pelagalli, Counsel;
M. Springli, Secretary

Mr. Bulger, Chairman, called the meeting to order at 7:06 p.m. Mr. Bulger announced that Emad Andarawis, Planning Board Alternate Member will be sitting in on the Planning Board for Kim Paulsen tonight. Mr. Bulger introduced those in attendance. All in attendance stood for recitation of the Pledge of Allegiance as led by Mr. Hale.

I. Public Hearings:

7:00 pm [2009-029] **Balsam Way (Carlson Farms)** – Proposed (3) lot subdivision, 4 Balsam Way – Reconvening of a public hearing from 1/26/2010 and possible determination. [SBL: 277.20-3-46](#)

Mr. Bulger, Chairman, called the public hearing to order at 7:08p.m. The Secretary read the public hearing notice as published in the Daily Gazette on February 3, 2010.

Mr. Joe Dannible, as a representative for the applicant, presented this application by reviewing the project as it was presented in January. It was noted that 500' notifications

had not previously been sent and the public hearing was adjourned at the last Planning Board Meeting being reconvened this evening to allow an opportunity to be heard for those who had not previously received their letters.

Mr. Scavo stated that he had no additional comments at this time.

Mr. Grasso reported that CHA Companies provided the following comments regarding this application. We have reviewed the subdivision plan last revised January 27, 2010 for the above referenced project as prepared by the Environmental Design Partnership and have found our previous comments to have been adequately addressed.

Mr. Myers provided the no additional comments regarding this application.

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

Mr. Mike Montague, of the Environmental Conservation Commission, reported that, after review of the project plan, ECC has no further comments.

Public Comments

None.

Board Comments

The Planning Board agreed that its concerns were addressed at the last meeting.

There being no further public comment, Mr. Bulger moved, seconded by Mr. Hale to close the public hearing at 7:11pm. The motion was unanimously carried.

Mr. Werner 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. Ophardt, to grant preliminary and final conditional approval based on satisfying all conditions as outlined per the subdivision plan by the recommendations of the Planning Board and Professional Staff which is to include specific notations on the plan regarding Historic Preservation as well as time lines for finishing and obtaining permits and certificates of occupancy for the various parcels. Ayes: Unanimous Noes: None Abstain: None.

7:05 pm [2010-001] **Lands of de-Aprix** - Proposed (2) lot subdivision , 940 Main Street,
- Preliminary public hearing and possible determination. [SBL: 258.-2-34.1](#) **Last
seen on 1/12/10**

Mr. Bulger, Chairman, called the public hearing to order at 7:13p.m. The Secretary read the public hearing notice as published in the Daily Gazette on February 3, 2010.

Mr. Duane Rabideau, as a representative for the applicant, presented this application for a subdivision on Main Street. He indicated the location of the lots on the site plan showing the existing home and the location of a proposed home. Mr. Rabideau stated that required area variances have been granted by the Zoning Board of Appeals. The speaker noted that he felt he had attempted to address all previous comments by staff and professional staff.

Mr. Scavo commented that no additional comments were need at this time.

Mr. Grasso reported that CHA Companies provided the following comments regarding this application. We have reviewed the subdivision plan last revised January 19, 2010 for the above referenced project as prepared by Gilbert VanGuilder and Associates and have found our previous comments to have been adequately addressed. As stated on the plan, the on-site septic system is to be designed by a NYS professional Engineer.

Mr. Myers provided the following written comments that were read by Mr. Scavo regarding this application. Zoning variances granted. No further comment.

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

Mr. Mike Montague, of the Environmental Conservation Commission, reported that, after review of the project plan, ECC has no further comments.

Public Comments

None

Board Comments

Mr. Bulger stated that it had been previously requested that the applicant might consider speaking to the Historic Preservation Commission to try to fit any new construction with the character of the surrounding area. The chairman stated that it could be a request or recommendation but not a requirement. The owner then provided an illustration of a one-story home that is being considered.

There being no further public comment, Mr. Bulger moved, seconded by Mr. Werner to close the public hearing at 7:16pm. The motion was unanimously carried.

Mr. Hale moved, seconded by Mr. Ophardt, 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. Ophardt moved, seconded by Mrs. Pace, to grant preliminary and final conditional approval based on satisfying all conditions as outlined per the subdivision plan by the recommendations of the Planning Board and Professional Staff which is to include a notation on the site plan reminding the applicant that at their choice, they may confer with the Historic Preservation Commission prior to obtaining a building permit. Ayes: Unanimous. Noes: none Abstain: none.

II. Old Business:

- A. [2009-022] **EJP Storage Shelter** – Proposed 1300 ft. fabric covered storage structure, 198 Ushers Road – Preliminary site plan review with possible determination. [SBL: 259.-2-30.22](#) [Last seen for Concept Review 10/14/09](#) and as a [Discussion Item 10/27/09](#)

Mr. Brian Flagg with EJ Prescott, as a representative for the applicant, presented this application for a Rubb Building which is a temporary structure without electricity or heat. The speaker stated that filter fabric and erosion control products will be stored in the structure. Then the representative stated that they have been using 7-8 buildings like these throughout New England and New York.

Mr. Scavo read Mr. Mackesey's comments regarding trails.

Mr. Grasso reported that CHA Companies provided no additional comments regarding this application. The engineer reiterated his comment letter from last October with outstanding issues. Mr. Flagg stated that a fence has been installed to delineate the boundary between two parcels. Mr. Grasso commented that he would like to see an updated site plan that is reflective of existing conditions and structures on the site and Mr. Flagg replied that he will work on that as soon as possible.

Mr. Myers provided the following written comments that were read by Mr. Scavo regarding this application. No plans for review. This project was discussed with the owner. It was determined the project would have to meet all the NYS building code requirements and it could not (snow and wind load, seismic requirement and full foundation). These requirements are still necessary.

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

Mr. Mike Montague, of the Environmental Conservation Commission, reported that, after review of the project plan, ECC has no further comments.

Board Comments

Mr. Bulger felt that it could be finalized at one more meeting as long those few items are addressed and taken care of. Mr. Werner wanted to know what the color of the building would be. Mr. Flagg brought samples and indicated EJP preferred Blue and/or white as that is their corporate colors and consistent with what has been erected elsewhere, but would be willing to consider any of the samples. Mr. Flagg also produced a photo of an existing building. Mr. Hale mentioned that it should be something that blends in with its surroundings rather than stand out. Mr. Ophardt asked about service life of the building and Mr. Flagg commented they have one that is 11 years old and still looks like new with proper maintenance and cleaning. Mr. Bulger asked if there was a right-of-way along Ushers Road. Mr. Scavo showed the tax map and Mr. Grasso stated that there are a lot of trees that were required to be planted on the property line. Mr. Bulger mentioned that he would like to look at availability of right-of-way for a trail's future use depicted on the map for the next meeting.

III. New Business:

- B. [2010-005] **PVC Addition** - Proposed 24,000 SF addition to existing site plan, 107 Pierce Road, - Conceptual site plan review. **SBL: 259.-2-52 Former site plan approval was granted on 7/11/06 Project # [2006-016]. Project #[2007-024] is superceded by this application and no longer active.**

Mr. Tom Andress, ABD Engineers and Surveyors, as a representative for the applicant, presented this application which had been before the Planning Board in 2006 and 2007. The speaker mentioned that PVC Industries has had to rework the plan due to expense and complications with prior site plans as well as expiration of approvals. Mr. Andress stated that the existing drives will remain and parking has been simplified. The speaker mentioned that the addition may be built in two stages as demand and the economy allows.

Mr. Scavo noted that the applicant should provide evidence that when the ground is frozen in the winter months the proposed stormwater drainage system will still be able to function properly in absence of an underground containment system.

Mr. Grasso reported that CHA Companies provided the following comments regarding this application. We have reviewed the site plan dated January 2010 for the above referenced project as prepared by ABD Engineers and Surveyors and offer the following comments:

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 Review
2. We are concerned with vehicles using the northern access road to leave the site due to its proximity to Ushers Road. We recommend this access drive be one-way in only and signage directing exiting vehicles to use the southern access drive.
 3. The proposed loading dock orientation appears to limit access to twenty of the 82 parking spaces when a truck is at the dock. The timing of truck deliveries and the impact on the parking spaces should be verified.
 4. We are concerned with the shallowness of the proposed drywells and lack of provisions for emergency overflow if they become clogged or are affected by frost conditions.
 5. Given the excessive depth to groundwater and soils with high permeability, we strongly recommend use of pervious asphalt for the parking area..
 6. Additional spot elevations should be provided along the proposed sidewalks and along the accessible routes.
 7. The previously approved site plan included evergreen plantings between the proposed building and Pierce Road. Additionally, a note was provided on the plan indicating that all understory vegetation to remain in the existing woods to remain between the building and Pierce Road. Similar provisions should be provided on the site plan.
 8. The plan does not depict a dumpster location or address the outdoor storage of materials.
 9. We offer the following comments on the Stormwater Pollution Prevention Plan dated January 20, 2010:
 - The most current General Permit (GP-0-10-001) should be referenced in the report and the updated forms should be utilized.
 - A completed Notice of Intent should be provided.
 - We are concerned with the potential for long term erosion in the channels between the stilling basins and the infiltration basins.
 - The Erosion and Sediment Control plan should include provisions to divert construction related run-off from the proposed infiltration basins.
 10. We offer the following comments on the Stormwater Management Report dated January 11, 2010:
 - Based upon the infiltration rate of the underlying soils, 100% of the water quality volume shall be pretreated prior to entry into the infiltration facility. The report indicates only 25% of the water quality volume will be pretreated.
 - The report indicates that all drainage areas will ultimately discharge to an infiltration basin following pre-treatment. It is not clear how this is accomplished for drainage areas 2, 4 and 5.

- A defined channel and level spreader should be provided between the stilling basin and the infiltration basin east of the proposed building.
- The post development drainage area map should depict the drainage pattern of the existing roof. If directed towards the proposed stormwater management facilities the existing roof drainage could significantly impact the storage of the proposed basins.

Mr. Myers provided the following written comments that were read by Mr. Scavo regarding this application.

- The stormwater areas need to be added to the building and pavement areas per 208-65B to determine if the coverage is over 60%. Current building and pavement = 57.1%.
- There are currently two points of egress to the property, only one allowed without planning board approval. (208-66A).
- Appears to be a significant slope at north end of new building that will direct runoff at building.
- Stilling basins are not believed to be an acceptable management practice.
- Unclear where pipes outlet , insufficient detail.
- Building size may require access road around entire building.

Mr. Scavo noted that Ms. Sheryl Reed provided the following written comments:

- Revise existing foot print to reflect current status of the structure. In January 2006 (2) additions were constructed without the required building permits. As of July 30, 2008 both additions had been removed so the foot print on the existing building should reflect this change.

Mr. Mike Montague, of the Environmental Conservation Commission, reported that, after review of the project plan,

1. The Applicant shall submit a Stormwater Management Plan for review by the Town's Engineer.
2. In keeping with the recommendations and goals of the Town Comprehensive Plan, the Applicant should retain existing vegetation to the maximum extent practical and/or the use landscaping and grading to provide visual buffering between the project and Pierce Road.
3. Applicant should explain what their intended activities will be within the proposed structure and modify their application accordingly.

Mr. Andress stated that the applicant would like to keep two access points and that they are looking for pervious surfaces for the parking lot that will improve much of the drainage issues. Mr. Andress stated that the applicant will add notations for retaining undergrowth and foliage and that some landscaping will be provided but not heavily considering the existing buffer. Mr. Bulger asked for a description of pervious asphalt. Mr. Andress explained that instead of the surfaces that would be used normally that they would use pervious pavement that has not been very successful in the Northeast but he indicated that with careful designing it would be permeable and that in a parking lot such as this without high intensity use, it might work here.

Board Comments

Mr. Werner asked about the number of employees working at the site and Mr. Andress replied that 42 is the current number with 6-8 on a second shift but they might eventually be able to add a few more. The representative stated that the second building is primarily for storage. Mr. Bulger questioned the location of the loading dock and its apparent blocking of some cars in the parking lot. Mr. Andress commented that it would only be a small number of employees who might be affected and should not be a problem. Mr. Hale noted that some spots will be lost by future connections. Mr. Grasso stated that blocking in vehicles was somewhat problematic but trucks were only unloading temporarily. Mr. Ophardt recommended eliminating two parking spaces so cars could maneuver around the truck in the loading dock area. Mr. Hale asked for clarification of slopes toward the building. Mr. Andress explained that the area is sandy soil and drainage should not be a problem. Mr. Hale suggested the use of some lower maintenance native shrubs to help give coverage and stability in the slope. Mr. Ophardt asked how many parking spots vs. # of employees and the reply was almost 2:1. Mr. Bulger suggested that they think about banking some extra spots in the southern parking lot portion of the site. Mr. Bulger suggested some signs could be posted for truck traffic. Mr. Andress commented that the applicant does not want restrictions to cars exiting to the north but signs for the trucks are fine although the existing slopes make it unnecessary. The Planning Board found the plan generally agreeable with discussed modifications.

- C. [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](#)

Mr. Bulger reminded everyone present that we are simply looking at the new construction being proposed and that we were not going to discuss old building issues due to pending litigation. Mr. Bulger also explained that no public comments would be taken until a public hearing was officially scheduled in the future if the project advances. Mr. Victor Caponera, Esq. as a representative for the applicant, presented this application . Mr. Kenneth Rotondo and Mr. Michael Kelly were also in attendance. Mr. Caponera gave a history of the location and submitted graphics to the Planning Board to illustrate his narrative. The graphics showed both original building permit and demolition plans and proposed building permit and demolition plans. The speaker commented that architecture

of the new building would replicate the streetscape of the building removed and the only difference is that all comments "to matching existing" is to be removed and new materials will be used. Mr. Caponera stated that removal of the building is a moot issue as it has been done. The speaker then stated that the Planning Board had denied approval to demolish it, adding that they felt that the streetscape needed to be preserved. Mr. Caponera then commented that his client reviewed approved plans and that they only took walls down with the intention to rebuild. Mr. Caponera stated that the applicant had had conversations with both the Building Department and the Historic Preservation Commission in which it was discussed that so many changes had been made that little original structure was left and the applicant decided to go a different route. Mr. Caponera commented that the Site Plan review application that had been approved allowed for new materials to be used. He then stated that the newly proposed structure may not have historic significance, but it strives to maintain the character of the early Greek Revival type of building that had been used throughout the area. The speaker commented that his clients are committed to reconstruct the building in a similar fashion and streetscape so it will be a Greek-style architecture except it will meet current NYS building code standards for commercial office space. The speaker acknowledged that prior to taking down walls, the applicant met with Building and Planning Officers to go over plans and always intended to preserve the streetscape of this area and that it was always the applicants' intent to rebuild.

Mr. Scavo offered no comments at this time.

Mr. Grasso reported that CHA Companies provided the following comments regarding this application. We have reviewed the plans last revised December 22, 2009 for the above referenced project as prepared by Peterson Group Architects and offer the following comments:

1. The footprint of the proposed foundation appears to be consistent with the building depicted to remain on the approved site plans dated February 27, 2008.
2. The plans should clarify where mechanical equipment will be located and whether it will be visible from the exterior of the building.
3. We recommend exterior façade lighting be provided to hi-lite the architectural features of the building.
4. A site plan should be provided with the final plans depicting the proposed building footprint, door locations, utility connections, handicap accessible route and spot elevations around the perimeter of the building.

Mr. Myers provided no written comments regarding this application.

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

Mr. Mike Montague, of the Environmental Conservation Commission, reported that, after review of the project plan, When last reviewed, ECC recommended:

- a. The Applicant should maintain a minimum 35% greenspace in accordance with Section 208-50.3, calculated for the entire project.
- b. The Applicant must indicate the proposed amount of greenspace for this project.
- c. Construction should not result in a net loss of greenspace on this parcel. The Applicant should indicate the change, if any, in percentage of greenspace as a result of the proposed construction.
- d. Since a site plan was not submitted as part of the application, the ECC was unable to evaluate all the potential environmental impacts of the proposed project.

Board Comments

Mr. Bulger commented that he believed the most immediate issue is that the variances that had been granted by ZBA for the original approval are now in question. Before moving forward with review, Mr. Bulger stated that a ruling from the Zoning Officer would need to be established as to whether they are still in force. Until that is affirmed or revoked, Mr. Bulger recommended that the Planning Board would not move forward with review. Mr. Pelagalli commented that a reapplication for the previously issued area variances will be required due to the destruction of the building. In addition, Mr. Pelagalli stated that a use variance may be required since the building was a nonconforming use and it was destroyed by demolition rather than by natural causes. Mr. Myers has not yet made any determination. Mr. Bulger suggested the applicant approach the Chief Zoning Officer for a written ruling before submitting the next step. Mr. Caponera responded that the applicants had discussed zoning issues and stated that Mr. Myers referred to the original 2002 project to raze the building, the Planning Board's decision of allowing demolition or reconstruction of the building could influence the Zoning Board. Mr. Bulger stated that Zoning officer would have to stipulate that the variances are either in-force or no longer valid before the Planning Board will consider it further. Mr. Bulger added that the Planning Board will not move ahead if the ZBA denies variances.

IV. Minutes Approval: Mr. Bulger moved, seconded by Mr. Hale and Mr. Ophardt to approve the minutes of January 26, 2010. The motion was unanimously carried.

IV. Discussion Items:

[2006-005] 21st Century Townhomes - 1 year extension of approval. Mr. Bulger moved, seconded by Mr. Werner to grant a 1-year extension of site plan approval to with a final expiry date of February 9, 2011. The motion was unanimously carried .

[2005-011] Abele Builders 21-lot Subdivision- Tom Andress asked that prior conditions for subdivision approval for a 21-lot subdivision on Crescent Road to Abele Builders be removed. Mr. Andress explained that DEC comments were required for approval, and that his office has pursued every angle with no response and would like to meet with Planning staff and Stormwater Officer and CHA Companies in lieu of that. Mr. Grasso felt that the plan was not in conformance with DEC as did Steve Myers and felt that although the plan was not compliant, it was a good plan and that once an agreement has been reached, the Town and CHA could accept responsibility for the design. Mr. Abele requested that the DEC condition be removed because they are motivated to get the timing right for the project to begin. Mr. Bulger asked the Planning Board if they would agree to removing the DEC requirement as long as CHA, the Town Planning Director, and Building Director sign off on the plan. Mr. Scavo suggested a follow-up meeting for discussing the conditions. The Board agreed that this would be desirable. Then, the applicant will come back for a Discussion item at the next scheduled Planning Board Meeting following this meeting. Mr. Abele asked if the Planning Board felt that being a Discussion Item was necessary because conditional approval was already granted. The Planning Board members decided that since all parties involved could meet promptly, it would be best to bring the agreement back as a discussion item.

Mr. Bulger moved, seconded by Mrs. Pace, adjournment of the meeting at 8:35p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on February 23, 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