

Town of Clifton Park

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PLANNING BOARD

STEVEN BULGER
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MARGARET SPRINGLI
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MEMBERS

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

(alternate) Emad Andarawis

Planning Board Minutes

March 9, 2010

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

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

Those absent were: S. Pace, Mike Montague

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

Mr. Bulger, Chairman, called the meeting to order at 7:04 p.m. Mr. Bulger introduced those in attendance. All in attendance stood for recitation of the Pledge of Allegiance as led by Mr. Andarawis.

I. Public Hearings:

None

II. Old Business:

- A. [2010-004] **Park Dental Care** – Proposed construction of a dental office, 923 Route 146, Revised conceptual site plan review. **SBL: 271.-2-24.1 Last seen on 1/12/2010.**

Mr. Gavin Villaume of Environmental Design Partnership , as a representative for the applicant, presented this application. The speaker showed the location of the application on the aerial site plan. Mr. Villaume then commented that the plan has

changed since the last meeting; with the demolition of the existing home on the western parcel and a new design of the building on the corner. The new building is a little larger than the prior building due to removal of the existing structure. It was noted that the applicant met at the site with representatives of the Historic Preservation Commission regarding the older building but it was agreed that little of the remaining building was original and worth being preserved. The driveway has been relocated farther north on the site plan along Bruno Road as requested by Planning Board members at the last meeting. Site distances have been examined. Mr. Villaume also discussed the parking lot and drainage for the proposal with underground and exterior stormwater management as possibilities. The speaker noted that the DEC has been to the site and told the applicant that the Class C stream designation has been delineated up to the boundaries of the property and will necessitate DEC permits. The LC zone will also be taken into consideration. Mr. Villaume offered that the applicant is willing to do further soil testing as existing fill material will need to be removed. The representative also stated that the applicant agrees to make voluntary contribution to traffic improvements.

Mr. Scavo stated that he is supportive of the changes made to the concept plan. Attention should be paid to the stream side zone. I would prefer to see 25' of undisturbed woods between the project and the stream bank. In addition to runoff protection this area would provide bank stabilization as well as shading and protection for the stream.

On the preliminary plans they will look to have the applicant establish limits of disturbance boundaries on the site plan.

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

- In general we support the revised concept site plan and believe the layout is a significant improvement over the previously proposed design. We feel the revised building location creates a desirable focal point at the intersection of Route 146 and Bruno Road, screens a portion of the parking lot from Route 146 and shifts the site entrance further to the north. *Current site plan is only about 90 ft from centerline of 146 not 130' but support moving closer to corner as John Scavo suggested... perhaps about 25' on both sides rather than 30. Also sidewalks as depicted serve the building only and Mr. Grasso suggested depicting future sidewalks along roadways that would be of benefit to the public*
- The response letter indicates the applicant is willing to make a voluntary contribution in an amount to be determined to help pay for future highway/pedestrian improvements or long range traffic planning studies for the Route 146 roadway corridor. *Should be consistent with what other projects have paid in the corridor in the past.*

- The response letter indicates the streams are not mapped and/or indexed by the New York State Department of Environmental Conservation and as such should not be considered L-C Zone. The Code Enforcement Officer should make the final determination regarding the presence of an L-C Zone. *Asked if LC Zone is being measured from stream and asked for future clarification.*
- The current site plan includes the demolition of the existing house. The response letter indicates the applicant has invited the Clifton Park Historical Society to perform an inspection or inventory of the existing house interior.
- The geotechnical report recommends removal of all fill materials within the limits of the proposed building.

Mr. Myers provided the following comments regarding this application.

Mr. Scavo read paragraph from Mark Kaz's letter regarding molding and staircase. He also noted that Ms. Sheryl Reed had no written comments. Scavo comments of support.

Saratoga County Sewer District comment from Jim DiPasquale.

Mr. Mike Montague, of the Environmental Conservation Commission, reported in written comments read by Mr. Scavo, that after review of the project plan, ECC makes the following recommendations:

- The areal extent of impervious surfaces and soil disturbances should be minimized to the fullest extent practicable in order to avoid reducing subsurface recharge of stormwater runoff, and to protect downstream surface water receptors from sedimentation.
- The ECC notes that sensitive environments exist within and adjacent to the project site, therefore the ECC is concerned about the potential for environmental impacts associated with the stormwater management plan. As such the Applicant's Drainage, Stormwater and Erosion Control Plans should be protective of these environments. The ECC requests additional detail on the stormwater management approach because it appears based on the submitted plan it is inadequate to protect the nearby sensitive areas.
- It appears there is a discrepancy in the delineation of the headwaters, and associated buffer zones, for both the streams. The limits of the stream buffer zone *shall* be clearly and accurately delineated on the plot plan.
- The ECC notes that the project intrudes into the 50 foot stream buffers. The proposed storm water management system within the designated 50 foot stream buffer on the west side should be relocated outside the buffer zone. In addition, the proposed land disturbance and parking intrudes into the 50 foot stream buffer on the north side and should be relocated.

- The proposed improvements on the site should take into account the environmentally sensitive characteristics and unique features associated with the Dwaas Kill and native brook trout.
- The ECC notes that the project includes extensive paving adjacent to, or in the vicinity of the buffer zone. The ECC recommends that the Planning Board require the Applicant to incorporate sediment traps and oil water separators with appropriate capacity to limit the migration of vehicular contaminants into these sensitive environments.
- If hazardous materials will be stored on this site, the Applicant must submit a plan for approval addressing handling and storage and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored.

Board Comments

Mr. Ophardt stated that he likes the design and would like to see it a little closer to the corner and he looks forward to seeing the façade renderings. Mr. Koval agreed and noted that he supports removal of the existing building. The Planning Board discussed the sidewalk as depicted on the plan and asked for some changes, Mr. Villaume responded that in this concept drawing, the applicant wanted to show that a sidewalk was planned but it could be placed wherever it made most sense to build one upon review of the site with input from the Planning Board. Mr. Werner asked about parking usage and the applicant stated that he will use about ½ the building for his dental practice and the other side could be medical or business offices. Currently, he would anticipate 3-4 patients per hour in his practice + employees, but at this point he does not know who will occupy the other half of the building and can not anticipate their parking needs exactly. Mr. Hale asked for future clarification about underground drainage from the parking lot. Mr. Bulger asked for architectural renderings at next meeting. Mr. Villaume stated that he will next go to ZBA for variances on setbacks. Mr. Grasso clarified that he recommended shifting the entire building 5 ft. closer to each road. Mr. Villaume said they might ask for an even greater variance to allow for a little more for flexibility in design.

Public Comments

Richard Zahnleuter, town resident and member of the ECC, mentioned that he is not speaking on behalf of the ECC but as a friend of the applicant. Mr. Zahnleuter commented that the Dwaaskill is very important to the Town for its environmental sensitivity. The speaker then noted that he is happy that the applicant is taking DEC and other interested party recommendations into account early in the process rather than after all the important decisions including stormwater management had already been made.

The Planning Board indicated that it found the plan generally acceptable and would like to see some adjustments to the location of the building relative to the corner at Bruno and Route 146 as well as the LC Zone. Mr. Bulger also asked for some architectural renderings for the next stage of the review.

B. [2009-022] **EJP Storage Shelter** – Proposed 1300 ft. fabric covered storage structure, 198 Ushers Road – Final site plan review with possible determination. SBL: 259.-2-30.22 Last seen on 2/9/2010.

Tom Andress with ABD Engineers, as a representative for the applicant, presented this application. He stated that the building is for UV and weathering protection of silt and erosion control fabrics. He showed the fencing and landscaping on the site plan as requested last time by the Planning Board.

Mr. Scavo stated that all prior comments from the Planning Department have been addressed. The Planning Board should consider specifying the colors for the approved structure within the notice of decision if the Board desires the use of specific colors.

Mr. Andress stated that applicant is leasing the property and does not have the authority to grant easements or right of ways.

Mr. Grasso reported that CHA Companies reviewed the site plan dated February 2010 for the above referenced project as prepared by ABD Engineers and Surveyors. All of our previous comments have been adequately addressed. The Town Engineer noted that he appreciates the applicant's willingness to delineate details on the site plan and that the applicant should just bear in mind that a trail may be requested in the future and not to expand in that area.

Board Comments

The Planning Board agreed that they would prefer a color that blends in with the surrounding area. They noted their preference for a white, off-white or neutral color choice and the final choice could be left up to the discretion of the Planning Director. Mr. Scavo asked for clarification that one tone was preferred vs. the two-tone that had been previously to the Board and it was agreed that one tone was more favorable.

Mr. Myers provided no additional comments that 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 requests that if hazardous materials will be stored on this site, the applicant must submit a plan for approval addressing handling and storage and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored.

Mr. Koval moved, seconded by Bulger , 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. Werner moved, seconded by Ophardt, to grant preliminary and final conditional approval based on satisfying all conditions as outlined per the site plan by the recommendations of the Planning Board and Professional Staff. Ayes: Unanimous. Noes: none Abstain: none.

[2007-027] **DeMarco-Stone Funeral Home**– Proposed 3,300 SF funeral home, 533 MacElroy Road - Revised conceptual site plan review. **SBL: 259.9-1-17 Last seen on 5/12/2009.** *Removed from agenda at request of applicant.*

III. New Business:

- A. [2009-019] **Dunkin Donuts, North Country Commons**– Proposed 2,400SF restaurant with drive through, 1208 Route 146 - Conceptual site plan review. **SBL: 270.-2-55.**

Mr. Scott Lansing, as a representative for the applicant, presented this application for a restaurant to be added to an existing PUD known as North Country Commons. Mr. Lansing stated that he felt most comments from Clough were addressed. #1 – The speaker agreed that DOT should be contacted #4 – It was noted that an evaluation of eastbound queuing proposed to create a better straight line south entry into North Country Commons and felt that adequate distance on 146 from light will be provided and queuing would not be a problem on the roadway. Mr. Lansing also noted that SWPP recommendations from Mr. Myers to do entire site review seems excessive for such a small addition and would like further discussion before proceeding.

Mr. Scavo commented that the relationship to existing and proposed traffic patterns appears to show a potentially significant conflict. Vehicles exiting the Dunkin Donuts facility will have to cross traffic entering the North County Commons Site from NYS Route 146. The building sited on the East side of the entrance would be a better location.

Mr. Scavo also commented that Green Space should be calculated for the site. Page 3 of the SEQR Part 1 Long Form shows 4.62 maintained lawn and landscaped area presently with 4.83 acres noted after completion. A General landscaping plan and planting schedule, including the treatment of buffer areas and types of trees, if any proposed to be planted should be depicted on the plan. The Planning Director also asked if a loading and unloading area was planned for deliveries other than within the drive-thru queue lane or parking area for patrons? The director also requested that the present concrete pads out by Route 146 should be removed from the site. Mr. Scavo also read a

statement from Jen Viggiani, the Open Space Co-ordinator about the site's proximity to and potential impact on the nearby Dwaas Kill.

Mr. Grasso reported that CHA Companies noted that Mr. Lansing had addressed their written comments. He stated that redoing the entire site's stormwater was overzealous for this particular project but that some treatment could be examined in particular segments of the site. He also addressed traffic during peak hours on 146 and suggested moving the curb-cut further to the west unless right in/right out at the existing drive.

Mr. Myers provided the following written comments that were read by Mr. Scavo regarding this application: an updated site plan for the entire should be submitted for the entire site and include all site improvement and utilities with future submittals.

Mr. Scavo noted that Ms. Sheryl Reed asked that a firelane be painted behind the building.

Mr. Mike Montague, of the Environmental Conservation Commission, reported that, after review of the project plan, ECC recommends that since the site discharges stormwater directly to the Dwaas Kill, the Storm Water Pollution Prevention Plan should be submitted for the entire site and approved by Steve Myers prior to any Planning Board approval. The storm water system should be sufficient to handle the combined storm water runoff projected for the entire site, including the proposed Dunkin Donuts location. The Applicant should relocate the eight parking spots between the proposed building and Route 146 to preserve the existing green space along Route 146.

Saratoga County Sewer comments will be forwarded as soon as they are received in Planning Department.

Board Comments

Mr. Werner agreed with comments from CHA regarding peak traffic times and remarked that would also be peak times for business at Dunkin Donuts. Mr. Bulger asked what, in his opinion, DOT would put into this review. Mr. Werner stated that he felt it might be significant and there should be traffic volume data for review. Mr. Lansing commented that the center lane exists on Route 146 for left turn lanes. Mr. Ophardt asked for location of the dumpster and Mr. Lansing stated it would probably be toward the back area of the property with some kind of screening. Mr. Bulger noted that this intersection is becoming a top priority for the town to concentrate upon and that comments regarding the larger picture for the area and corner access are important and DOT preferences will weigh in heavily. Mr. Bulger felt that review of the entire site's Stormwater was not

warranted but that if bigger plans for the site come in, that would be the time to bring the area up to current standards.

Pam Marshall, 31 Fairlawn Court stated she had heard the church was talking about expansion and was wondering where that might be and what effect that might have on stormwater. Mr. Bulger stated that is not part of this project.

Mr. Carr stated that he had not heard about church expansion but he is close to signing a lease for a tenant for a major portion of the building. He noted that relocating the main entrance would impact parking for the entire mall. Mr. Carr also noted that losing another curb cut would create another difficulty for the property.

B. [2010-006] **Lattan Addition**– Proposed (2) family dwelling in a R-1 zone - Conceptual site plan review and Special Use Permit. [SBL: 264.-3-17.1](#).

Mr. Paul Lattan, 876 Main Street, the applicant, presented this application stating that he is planning to add a garage onto the additional house and putting an in-law apartment over it. The applicant would like a sense from the Planning Board that it is a viable project, worth hiring a professional. Mr. Lattan asked how he would be able to get public sewer into his house since it is available in subdivision nearby.

Mr. Scavo made the following comments:

- The proposed in-law apartment will need to meet all building code requirements for a two-family dwelling unit.
- A public hearing will need to be scheduled for preliminary review consideration for the special use permit.
- Under Special Use Permit, the code states that as a condition of approval, the applicant will have to demonstrate that the septic is adequate to handle the additional flows. An updated certification of the septic system should be provided by a design professional. The report should discuss whether the system is currently operating as designed and note the age of the system. Over time, the infiltration rate of the original system may be reduced.
- Request the following note be added to any future plan for consideration, “If the apartment ceases to be maintained as the residence of a party related to the primary owner of the residence, the dual residency must be extinguished.” The requirement shall also be noted in any future deed of conveyance to new property owners.

Mr. Grasso from CHA Companies explained that there needs to be a septic system which is designed for 3 bedroom dwelling and that it has to be up to current standards because based on the age of the existing system, it would probably not comply. Mr.

Grasso explained that developers have put in the sewer lines in the new developments and that it might be cost prohibitive for an individual homeowner to do so. The Planning Board suggested that he could try to get his neighbors to work together to share the costs of hooking up to sewer. Mr. Hale asked if the driveway was going to be realigned and the applicant agreed and should not impact the existing hedgerow. Mr. Lattan indicated he might change siding on the house. Mr. Bulger asked for consistency around the entire building. Mr. Koval suggested septic that is there might be adequate and not to worry until a professional examines it. Mr. Bulger asked for an up-to-date site plan next and scheduling of a public hearing for that meeting.

Mr. Myers provided written comments that were read by Mr. Scavo 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.

Board Comments

The Planning Board was in general agreement about the project. Mr. Grasso suggested a meeting with CHA, John, the applicant and his engineer to discuss direction of the project at the Town Hall.

IV. Minutes Approval: Mr. Bulger moved, seconded by Mrs. Paulsen to approve the minutes of February 9, 2010. The motion was unanimously carried.

V. Discussion Items:

- Recommendation to Town Board for Term Conservation Easement Lands owned by Anne Caldwell.

Mr. Scavo explained where the parcel is located and that the applicant Mr. Bulger asked if Mr. Scavo felt it would be a good use of this property. He indicated yes and Planning Board agreed.

Mr. Bulger moved, seconded by Mr. Hale, that the Planning Board support a Term Conservation Easement. The decision was unanimous. Mr. Bulger stated that a draft memo would be forthcoming that indicates the Planning Board's support to the Town Board.

- Parkway Music
Tom Andress, presented a sketch with the building centered on the parcel and two separate parking lots – one for employees and one for customers

rather than one large parking lot and building set to the side of the lot as presented at the last discussion. Mr. Andress stated that the applicant would need to get ZBA variances due to overlapping setback lines. The Planning Director noted that if the ZBA grants variances, the site plan could be approved. Mr. Grasso noted that the shift of the building represents a large deviation from the current buildable portions of the parcel. Mr. Andress stated that the building lines are more in line with the surrounding properties and makes more sense. Mr. Ophardt asked if the building could be turned a bit and Mr. Andress replied that it would not be parallel to Rt. 9 and might look odd. Mr. Mr. McGoulaghan, town resident, commented that he has looked at this property in the past and felt that the current proposal is the best use for a difficult lot. Mr. Hale agreed that parallel to Rt. 9 makes most sense and also mentioned pursuing connectivity agreements with adjoining property owners. Mr. Andress noted that grades and slopes make it difficult but connectivity could be looked at. Mr. Bulger mentioned this is a bit involved for a discussion item and that the applicant can pursue variances but that the Planning Board does not feel prepared at this time to indicate support for the project until those have been obtained.

- DCG, CPC Mall Renovation – amendment to approved site plan for an outdoor dining patio area. John Scavo, the Director of Planning, stated that a request has been brought in to the Building Department for a tenant fit-up for Buffalo Wildwings adjacent to the Chipotle Mexican Grill. The tenant would not change handicap parking spaces and does not offer significant change to renderings and facades but the Director of Planning felt the Planning Board should be aware of changes. The Planning Board found the changes acceptable and not in need of further review.

Mr. Bulger moved, seconded by Mr. Hale, adjournment of the meeting at 8:56p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on March 23, 2010.