

Town of Clifton Park

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

PLANNING BOARD

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Kim Paulsen
Tom Werner

(alternate) Emad Andarawis

Planning Board Meeting October 13, 2010

Those present at the October 13, 2010 Planning Board meeting were:

Planning Board: S. Bulger, Chairman, J. Koval, E. Ophardt, S. Pace
E. Andarawis – Alternate Member

Those absent were: M. Hale, K. Paulsen, T. Werner

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

Mr. Bulger, Chairman, called the meeting to order at 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance. Mr. Bulger explained that Mr. Andarawis would be sitting as a full voting member in the absence of Mr. Hale, Ms. Paulsen, and Mr. Werner.

Public Hearings:

There were no public hearings scheduled for this evening's meeting.

Old Business:

[2010-004] **Park Dental** – Proposed 9,000 SF dental office, 923 Route 146 – Preliminary site plan review and possible determination. SBL: 271.-2-24

Mr. Joe Dannible, consultant for the applicant, provided a brief overview of this project plan that remains generally as presented at the September 15, 2010 Planning Board meeting. At that time one of the major issues of concern was the applicant's ability to provide adequate parking on the site. The speaker explained that the proposal calls for the construction of fifty (50) parking spaces and ten (10) to be "landbanked" spaces. Since a portion of the building will be leased, it is the applicant's intent to provide site plans that illustrate parking designs for both general office uses and medical offices. Site drainage will be improved by the installation of a vegetative swale along the property's frontage and porous matting along Bruno Road. Connection to utilities located along the easterly side of Bruno Road will be made via a directional bore under the roadway to prevent disturbance of the paved surface.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, found the revised project plan acceptable.

Mr. Scavo reported receipt of a memo dated October 13, 2010 from Mr. Mark Kazmierczak, Chairman of the Historic Preservation Commission, that reported that the Commission approved the applicant's request to demolish the existing circa 1850 building on the site because "extensive alterations of the interior and exterior" have rendered the building unworthy of preservation. Commission members did request that the applicant donate an old metal sign that at one time belonged to a historic home currently located at 7 Nadler Road, the staircase post with rail and balusters, and any interior period doors to property owners with historic homes who may wish to incorporate them in restoration projects.

Mr. Scavo stated that he had received correspondence from Mr. Don Austin, Director of the Clifton Park Water Authority that requested that the site plan include specific details for connection to the CPWA system in accordance with the Authority's guidelines.

Mr. Scavo explained that the Planning Department was concerned with thermal impacts to the stream that traverses the property: the applicant appears to have satisfactorily addressed this issue. He asked that sidewalk and driveway details as well as properly located signage for the handicapped parking spaces be included on the plan's detail sheets.

Mr. Grasso reported that CHA Companies reviewed the preliminary site plan, the Storm Water Pollution Prevention Plan dated September, 2010, and the Storm Water Management Report dated October, 2010 for this project and offered the following comments. The site statics table should indicate the required parking to be 60 spaces, as the proposed use is medical office and the requirement is one space per 150 square feet. The table indicates 50 parking spaces will be constructed and 10 spaces will be land banked, though the location of the land banked spaces is not shown. It is recommended that these be in an area where they will be easily constructed if deemed necessary by the Code Enforcement Officer without significant impacts to the site. It appears that a low area is being created in lawn area in front of the proposed building. Measures to drain this area should be provided unless it is shown as a storm water management area with provisions for safe overland conveyance of the 100 year storm. Additionally, it appears that roof drains are being discharged to this area. The roof run-off should be conveyed to the storm water management system. Additional spot elevations should be provided at the proposed curb cut location. The run-off from the pavement areas should be conveyed to the storm water management system. As depicted it appears that the run-off from the approximately 70 feet of the entrance drive will be conveyed down the slope to an existing wetland area. The bends and thrust blocks required for the installation of the 8" watermain should be depicted on the plan.

The use of 90 degree bends is not recommended. A detail of the proposed thrust blocks should be provided. The dumpster enclosure detail depicts the use of chain link fence with vinyl slats. Since the enclosure will be highly visible from Route 146, it is recommended that a masonry enclosure matching the building exterior be provided. A light pole, storm water outfall, clearing and grading are all proposed within the LC Zone: it appears a variance will be required. The orientation of the handicap accessible parking adjacent to the main entrance will not allow for the installation of a "No Parking" sign. The use of directional drilling across Bruno Road to install the proposed 8" water service should be depicted on the plan. Test pits should be performed within the limit of the proposed underground storm water management area. Details of the underground storm water management area should be provided. CHA Companies is concerned with the proposed grading located in the concaved section at the north end of the site. The contour grades tie in to the hillside at 1.5H:1V slopes. It is recommended that alternatives such as providing a retaining wall structure or other earth re-enforcement methods to stabilize this steep slope area be investigated. It is recommended that the erosion control matting be used continuously on all newly graded slopes upgradient of the wetlands and drainage channels, including the sideslopes of the storm water management area. According to the New York State Standards and Specifications for Erosion and Sediment Control, silt fencing should be placed on contours and never downhill through contours. Several sections of the perimeter silt fence are proposed to be installed uphill and downhill. The fence should be broken into sections oriented parallel to the contours at the base of the slope. Inlet protection should be provided at the catch basins on the Erosion and Sediment Control Plan. The outlet of the sediment basin should be depicted on the Erosion and Sediment Control Plan. CHA Companies is concerned with the potential of long term erosion at the outfall of the storm water management system. The rip rap should be extended to the existing channel and the velocity of the discharge should be evaluated. The concrete curb should be extended across the existing driveway along Route 146 following the driveway removal. A NYSDOT highway work permit will be required.

Mr. Grasso reported that CHA Companies offered the following comments regarding the Storm Water Pollution Prevention Plan dated September, 2010.

- Note that as required by Part III.B.2 of the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001), an owner or operator of a construction project must begin using the revised version of the Design Manual to prepare their SWPPP six (6) months from the final revision date (August 2010) of the Design Manual. For projects that are currently in the planning, design or review stages, the owner (or their design professional) should strongly consider using the updated version of the Design Manual to prepare their SWPPP (or update their SWPPP) if they do not feel that they can get all other required project approvals, develop the final SWPPP and submit a completed Notice of Intent by the end of February, 2011. Updates to the New York State Stormwater Design Manual (NYSSDM) include new design standards for runoff reduction requirements, green infrastructure principles, water quality treatment, and water quantity control.
- The SWPPP should include the sediment basin sizing calculations and outlet details.
- Question #2 of the Notice of Intent should be checked as "New Construction".
- The temporary swale option of question #26 of the Notice of Intent should be checked. A detail of the diversion swale should be provided and the location should be depicted on the plan.
- The SWPPP should indicate that the unnamed tributary of the Dwaas Kill is a 303-D Stream.

The following comments related to the Storm Water Management Narrative dated October 2010:

- In Section 3.0 Pre-Development Stormwater Analysis (Page 4 of the SWMR), a CN value for green areas is listed as 37. In Section 4.0 Post-Development Stormwater Analysis, a CN value for green areas is listed as 39. It should be verified that these two values are correct.
- A row in Table 2 is missing for storm water management area #2.
- The storm water management areas should be labeled on the post development storm water figure.

Mr. Montague, Environmental Specialist, reported that the ECC found the plan acceptable.

Mr. Bulger explained that since the building's intended use may change as future tenants are considered, it is imperative that the applicant provide adequate parking on site. The applicant may elect to provide adequate parking for the medical portion of the building while limiting the leased portion of the building to general office space, thereby reducing the number of parking spaces required on site or provide enough parking to support both spaces as medical offices. Final plans must provide specific parking details. Mr. Ophardt asked the applicant to provide colored façade renderings for the Board's consideration since the building would be located on a very prominent intersection and aesthetic views were important. In response to Mr. Bulger's question regarding the grading of the slope, Mr. Dannible explained that it would be a 2:1 slope that would be treated with rip-rap. Mr. Bulger noted that the applicant would be asked to contribute to the "voluntary traffic fee" imposed upon development within this portion of the Route 146 corridor to fund traffic studies and/or roadway improvements to the area. Mr. Koval focused on the comment issued by CHA Companies regarding the need for a variance for work within the LC zone. Mr. Dannible explained that Mr. Myers, Director of Building and Development, determined that no variances would be required. Mr. Rocco Ferraro, Chairman of the Environmental Conservation Commission (ECC), commended that applicant for working cooperatively with the ECC and Planning Board to produce a desirable plan that respected the stream corridor and slopes on the property, though he asked that the ECC have time to review and comment on the final plan that shows all required parking on the site before the Planning Board renders a decision on the application. Mr. Dannible explained that the building contains a rather large reception area: occupied office space would be approximately 7,000 SF. Board members found the plan generally acceptable, though they deferred any action until a plan including all required parking is presented for review.

[2010-018] **Muralidhar Office/Warehouse** – Proposed 20,400 SF and 7,980 SF office/warehouse buildings, US Route 9 – Preliminary site plan review and possible determination. SBL: 259.-2-81

This application was withdrawn from this evening's agenda at the request of the applicant.

[2008-028] **Peddler's Restaurant** – Proposed amendment to parking lot, 16 Clifton Park Village Road – Review and possible determination. SBL: 272.9-1-1.2

Mr. Tom Andress, consultant for the applicant, explained that this application that proposes expansion of the parking lot at Peddlers' Restaurant was considered by the Planning Board at its May 26, 2010 meeting. The project at that time included parking with the Town

right-of-way. On June 1, 2010, the Zoning Board of Appeals granted a 30' variance that would permit parking to be constructed to the property line. The project was then submitted to the Town Board for approval to construct parking within the Town's right-of-way: the Town Board denied this request. The plan has now been revised to include all parking within Peddler's Restaurant's property boundaries. The site originally had sixty-six (66) spaces: the plan as presented will provide 107-109 spaces. Drainage from the site will be piped to improve existing site drainage facilities. The plan also addressed Planning Board concerns regarding installation of a sidewalk within the right-of-way: limiting parking facilities within the property line will permit such construction. The applicant now proposes the installation of underground storm water storage in the existing storm water area so that the area may be used for additional parking. Mr. Andress explained that the owners of the restaurant have secured off-site parking and utilize valet parking to shuttle patrons between the business and their vehicles. Although this arrangement has helped alleviate the parking problems temporarily, the project plan presented at this evening's meeting provides a more desirable long-term parking accommodation plan.

Mr. Scavo reported that Mr. Myers issued a number of comments in a memo dated October 4, 2010. At a minimum proposal will require modification to the Storm Water Pollution Prevention Plan to reflect new conditions. The original Storm Water Pollution Prevention Plan went to NYSDEC: it will need to be resubmitted to the town for approval. The new parking configuration eliminates part of the fire lane at the rear of the building and at the front: this will not be allowed. Fourteen (14) of the proposed spaces will be eliminated. The turning area resulting from the new spaces at the front of the building is not acceptable. Removal of these spaces will correct the issue. The spaces along the stream's bank should be turned perpendicular to the building to avoid the excessive turning motion needed to exit the parking area. The drainage easement that will remain needs to be more clearly shown. Full details on the additional drainage needs to be supplied. The three spaces proposed in the middle of the parking area should be removed. A striped island may be more appropriate. Previously granted parking setback variances should be applicable to this proposal. If even more parking is desired, piping even more of the stream should be considered.

Mr. Scavo reported that the issues identified by CHA Companies reflected Planning Department concerns.

Mr. Grasso provided the comments issued by CHA Companies. 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; Clifton Park Zoning Board – Area Variance. Although CHA Companies is generally supportive of a parking expansion on the site due to the illegal parking that routinely occurs on the site, it is not supportive of the proposed locations of some of the spaces and expects that it will cause safety concerns and result in significant impacts. In addition, company representatives cannot follow the proposed parking count, including the number and location of shared spaces. For suggested parking modifications, the removal of one space on each end of the row of spaces along Clifton Park Village Road to avoid parking in such close proximity to the access aisles and in order to provide room for landscaped islands is recommended. It is recommended that the applicant eliminate the parallel parking spaces in the southwest corner. Twenty-two foot long parallel parking spaces are of insufficient length and CHA Companies does not support conversion of the access aisle to one-way. The parking reductions mentioned would apparently yield a total of 109 parking spaces. A photometric plan should be provided

based upon the revised lighting configuration. Future submittals should include a detailed grading plan. It appears a retaining wall may be required between the proposed storm sewer outlet and the one-way exit drive. Details and calculations of the proposed underground storm sewer system should be provided. Additionally, a Storm Water Pollution Prevention Plan should be provided. The revised handicap parking spaces may require a new accessible ramp. A note should be added to the plans indicating the variance that have been granted for the project site. Additional detail for the proposed landscaping modifications should be provided. The site statistics data should indicate the number of restaurant seats to confirm the required number of parking spaces.

Mr. Montague, Environmental Specialist, offered comments prepared by the ECC. Due to concerns about stream bank erosion, the applicant should investigate green infrastructure measures, such as porous pavement, to minimize the flow to the conveyance system and ultimately the stream. The Commission recommends the elimination of the diagonal parking spaces on the southerly side of property and relocation of the exit to the north. This will allow the newly piped stream to drain to the existing natural swale prior to merging with the other stream thereby minimizing the environmental impact of channelizing the stream. ECC members expressed concerns about maintenance of the channelized stream that is located on town property.

Mr. Andress stated that he would address the issue of maneuverability of emergency service vehicles with Mr. Myers: it is the applicant's intent to comply with all code requirements. He explained that since the applicant is likely to spend nearly \$100,000.00 for site improvements, any reduction in the number of proposed parking spaces would minimize the benefit to be gained by the cost.

Mr. Koval questioned the reason for making a portion of the previously two-way drive a one-way only section. Mr. Andress explained that the circulation pattern has changed, making the one-way section more feasible. Mr. Koval commented that the site plan presented for review was too "busy" to make it clearly understandable. Mr. Bulger noted that at this time, the southeasterly intersection would be restricted to right-outs only. Mr. Ophardt stated his support of the proposed "encapsulating" of the ditch and the improved drainage that would result from such an improvement. Mr. Andress responded negatively to Mr. Ophardt's question concerning an existing easement with the town for maintenance of the drainage facility. In response to Mr. Ophardt's question regarding cross-easement agreements with adjoining properties, Mr. Andress stated that there were none. Mr. Bulger thanked the applicant for working cooperatively with the Board to achieve an acceptable parking arrangement at the Peddler's Restaurant location.

New Business:

[2010-036] **1113 Route 146A** – Proposed renovation of existing building within the HM (Hamlet Mixed Use) zone, 1113 Route 146A – Conceptual site plan review. SBL: 272.9-1-1.2

Mr. Duane Rabideau, consultant for the applicant, presented this application for the Board's consideration. The applicant requests approval to relocate an existing asbestos removal business to this 1.43 acre parcel that is located on the easterly side of NYS Route 146A approximately 2,300 feet northwest of the intersection of NYS Route 146A and Ashdown Road. The parcel lies within a HM (Hamlet Mixed Use) zoning district. No hazardous waste materials

will be returned to or stored on the site and there will be no structural changes to the building with the exception of a new roof, vinyl siding, and renovation of an existing bathroom. The actual office space will be approximately 630 SF of the 1,800 SF available; the remainder of the building will be used for storage of equipment and materials. Employees that work on site will be 2 – 3 part time workers. The perimeter of the site will be fenced by a 5' high chain link fence. The applicant will store two 8' x 10' trailers on the site when they are not needed at the job sites. It is anticipated that due to new state and federal regulations that an additional two trailers will be required to serve the business. The site will have a private well and septic system designed by a NYS Professional Engineer. Mr. Rabideau addressed comments issued by CHA Companies, stating that parking to the front of the building is proposed since a large septic area is required in the southern portion of the property and storage for work trailers is provided to the rear of the parcel.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comment in a memo dated October 4, 2010. The use is believed to meet the intent of the HM (Hamlet Mixed Use) zone since the use is considered to be “light commercial” rather than “heavy commercial or construction”.

Mr. Scavo provided comments prepared by the Planning Department. He recommended that the Planning Board limit the number of utility trailers to be stored on site, that the LC zone be indicated on the site plan, and that the permanent open space be appropriately labeled. He explained that although design guidelines for development within the HM (Hamlet Mixed Use) zoning district had been forwarded to the applicant’s consultant, the guidelines appeared to be more applicable to new construction than to renovation of existing buildings.

Mr. Grasso reported that CHA Companies provided the following comments after review of the project plan. The proposed project appears to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency is expected to include the Clifton Park Planning Board with a site plan review. The proposed parking area should be reconfigured to orient the spaces perpendicular to the building to reduce the paved area within the front yard. Alternatively, parking should be located within the side or rear yards in accordance with the hamlet district design guidelines. The perimeter fence should not extend beyond the building face and should be installed straight across the rear yard at the buffer line. A gate should be added at the front building face for access control. Landscaping should be provided with the front yard to improve the streetscape. Consideration should be given to including a monument sign and landscaping at the site entrance.

Mr. Montague, Environmental Specialist, reported that the ECC offered no comment on this application at this time.

In response to CHA Companies’ comment regarding the area to be fenced, Mr. Rabideau stated that fencing will not extend beyond the building.

In response to Mr. Koval’s question regarding the use of washing equipment at the site, Mr. Rabideau explained that no such cleaning will be done at the site. Mr. Koval also asked about the storage of asbestos products that the company may remove from job sites. Mr. Rabideau explained that materials removed from buildings are placed in sealed containers and removed directly from the work sites by another company: no hazardous materials will be

returned to or stored at this site. Mr. Bulger asked that the applicant provide more definitive information regarding the potential number of trailers that may be stored at the site. Board members found the project proposal generally acceptable.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Koval, approval of the minutes of September 28, 2010 as written. Ayes: Ophardt, Andarawis, Koval, Bulger. Noes: None. Abstained: Pace.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 8:05p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held on October 26, 2010.

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, Lou Renzi, Town Attorney, Tom McCarthy, Town Attorney, Paul Pelagalli, Town Attorney, ECC, Clifton Park Water Authority