

Town of Clifton Park

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PLANNING BOARD



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MEMBERS
Michael Hale
Joel Koval
Eric Ophardt
Sandra Pace
Kim Paulsen
Tom Werner
(alternate) Emad Andarawis

Planning Board Meeting November 9, 2010

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

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

Those absent were: None

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.

Public Hearings:

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

Old Business:

[2010-002] Dunkin' Donuts - Proposed 2,400 SF restaurant with drive-through, 1208 Route 146 – Preliminary site plan review and possible determination. SBL: 270.-2-55

Mr. Scott Lansing, consultant for the applicant, Mr. Howard Carr, real estate representative for the applicant, and Ms. Wendy Cimino, traffic engineer with Creighton-Manning Engineering were in attendance at the meeting. Mr. Lansing explained that this application that has been before the Board on several occasions and that the site plan had been

revised in response to comments and concerns identified by the Board members, CHA Companies, and Town officials. Addressing the comments issued by CHA Companies, Mr. Lansing explained that at the request of Planning Board members, the proposed right-in/right-out restricted curb cut has been relocated to the west. Although CHA Companies asked that the applicant establish a cross easement with the adjoining Stewart's property, Mr. Lansing believes that the revised plan "would eliminate the functional purpose of a cross easement" with that property. The speaker also believes that the revised plan would result in significant "internal traffic conflicts," making it less desirable than the original concept plan. Mr. Lansing explained that, as recommended by CHA Companies, traffic controls and striping or a reconfiguration of the approaches at the intersection of the realigned access drive east of the Dunkin' Donuts and the existing parking lot will be provided.

Mr. Scavo reported that Mr. Myers provided the following comments in a memo dated October 28, 2010. Mr. Myers asked that the applicant provide information regarding the distance to a residential zone. The Storm Water Pollution and Prevention Plan must be prepared and submitted for review. He also commented that the recommended connection to the adjoining Stewart's Shop "should not be an option".

Mr. Scavo commented that further plan review would be based upon the Board's decision regarding the most desirable ingress/egress location along Route 146.

Mr. Grasso stated that he found the revised site plan preferable to the original, noting that the intersection would be moved further from the Vischer Ferry Road – Route 146 intersection and the curb cut that serves the Stewart's Shop. He stated that CHA Companies continued to recommend that a cross-easement be provided with the adjoining property since re-development of the entire corner appears imminent and such an easement would be useful in providing a practical connection to a non-competitive businesses that might locate there.

Mr. Montague, Environmental Specialist, offered the following comments prepared by the ECC. The applicant should reconfigure the placement, or provide buffering, of the front parking lot out of view from NYS Route 146. Due to the probability of food and liquid wastes leaking from the on-site dumpsters into a storm water catch basin and surface water body, the ECC recommends the applicant enclose the area on an impervious surface with a berm surrounding the dumpsters that accept food and liquid wastes. If necessary, the applicant will need to periodically pump out the accumulated wastes within the bermed area to avoid any overflow.

Mr. Bulger directed Board members to focus on the issue concerning the location of the access location onto Route 146 to provide the applicant with a "solid direction" for preparing a preliminary plan. Mr. Werner stated his preference for the revised plan, explaining that it provides a "natural corridor" between the bank and the proposed Dunkin' Donuts outlet. He also agreed that a cross-easement would provide for better traffic flow through this site and adjoining parcels. Mr. Ophardt agreed with Mr. Werner's comments. Ms. Paulsen did not support the construction of a Dunkin' Donuts shop in the North Country Commons complex, citing speeding traffic through a vacant parking lot as a potential safety hazard. Her concerns were based upon her observation of the "high volume and condensed traffic" in the area during the morning's

peak travel times. Mr. Hale thanked the applicant for preparing an alternate design plan for review.

Ms. Cimino addressed the Board, stating that the revised plan did not provide as "direct" a traffic flow as the plan originally presented for consideration nor did it provide a reasonable location for a cross-easement connection with the adjoining Stewart's parcel. She defended her client's contention that the latest plan would result in "more interaction and invasion" of the Dunkin' Donuts site if a cross-access was linked to the internal travel lane nearest Route 146.

Board members discussed the proposed ingress/egress plan and possible cross-easement location at length. Mr. Ophardt observed that a cross-easement connection in the rear of the Stewart's parcel may be more workable than one located nearer Route 146. Mr. Carr spoke in response, stating that he was reluctant to provide an easement because an easement could last "forever" and be difficult to rescind. He asked that Board members consider the "limited visibility" for those drivers exiting the bank site onto the new access drive and the "quasi-ditch" and slope behind the Stewart's shop that would make the installation of a cross-easement access in that area difficult. He stated that "from a business standpoint" the original site plan was preferable. Mr. Carr noted that NYS DOT approved the original ingress/egress location and would have jurisdiction over any modifications to curb cuts from businesses along the Route 146 corridor. Though Mr. Hale stated his support for a future connection from the rear of the Stewart's site, Mr. Koval pointed out that the property was not owned by Stewart's Shops and would not move traffic from Route 146. Mr. Bulger explained that the Board may opt to require the establishment of a "floating easement" that would permit the cross-easement to be located in the most practical location when redevelopment of adjoining properties is proposed. He stated that the Planning Board would "insist on an easement" when redevelopment plans are reviewed, though he noted that the location of such an easement would result from review of project proposals and negotiations between the Planning Board, the applicant, and the owner of the Dunkin' Donuts' parcel. An informal tally of Board members resulted in unanimous support for the revised site plan that showed a relocation of the access road to the west of the existing ingress/egress location. Mr. Bulger offered his thanks to the applicant and Mr. Lansing, stating his appreciation for their positive response to Board recommendations. He then asked that the applicant develop preliminary plans based upon the revised site plan with the ingress/egress location moved to the westerly portion of the Dunkin' Donuts' site.

[2010-024] **Enterprise Rent-A-Car** – Proposed parking lot expansion, 21st Century Drive – Final site plan review. SBL: 270.-2-2

Mr. Scott Lansing, consultant for the applicant, presented an "update" of this application that was last considered by the Planning Board at its October 26, 2010 meeting, addressing four (4) issues of concern. The first issue concerned the use of grass pavers in the northeasterly portion of the site. He explained that since these spaces would be used only in September and October, the area would be minimally used and damage would be unlikely. He stated that, as verified by the NYSDEC, there are no DEC wetlands located on the property. As requested by the Planning Board, a vegetated buffer area has been provided along the property's eastern boundary. Since the proposed method of storm water management at the 21st Century site was the most significant item of concern, the speaker explained that "pocket wetlands" have been

incorporated in the design to manage storm water, though this method of control has resulted in a 15% reduction in the number of parking spaces that may be installed.

Mr. Scavo stated that the handling of storm water on the site was of primary concern. It appears that Mr. Myers, Director of Building and Development, and Mr. Grasso, CHA Companies, have agreed that the creation of "pocket wetlands" is a sensible means of to manage storm water at this location.

Ms. Paulsen commended the applicant for responding to the comments and concerns of the Planning Board, Town Engineer, and Town officials in a very professional manner. She stated her support of this project on the 21st Century site. Mr. Koval noted that because the plan presented at this evening's meeting reflected the "worst case scenario" for the amount of disturbance necessary for construction of storm water management areas, he found the project plan acceptable. In response to Mr. Koval's question regarding the proposed buffer area along the easterly property line, Mr. Lansing stated that the landscaping materials would be a mix of deciduous and evergreen plants. Mr. Grasso reported that CHA Companies found the plan generally acceptable as presented. Mr. Grasso provided an explanation of the differences between "pocket ponds" and "wetland ponds" in response to Mr. Ophardt's question regarding such a distinction. Mr. Hale approved of the types of plantings proposed and stated his general support of the project plan.

Ms. Paulsen moved, seconded by Mr. Ophardt 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. Hale moved, seconded by Mr. Bulger, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by the Planning Board, CHA Companies, and the Planning Department. The motion was unanimously carried.

New Business:

[2010-039] **Triple Threat Allstars** – Proposed reuse of an existing commercial structure in a LI 2 zone – Conceptual site plan review. SBL: 265.-1-9.3

Mr. Dean Taylor, Associate Broker with ReMax Realtors, presented this application that calls for the reuse of an existing building located on a 1.7 acre parcel located on the westerly side of Pierce Road in the LI 2 zoning district. The only proposed change to the site involves removal of the existing handicapped parking spaces and reinstallation of those required spaces closer to the entrance door. The applicant proposes the use of 7,140 SF of an existing 17,425 SF commercial building for a competitive cheer and dance program for children and adults. There are twenty-two (22) parking spaces on site. Mr. Taylor reported that the landscaping on the site conforms to the original approved site plan and that all plantings are in good condition. The speaker explained that an insurance company operates from the other half of the building. Mr. Taylor explained that the owners of this cheer and dance business seek to re-locate to this facility

because of its high ceilings and reasonable rent. Since parents of students are not encouraged to stay during learning sessions, the limited number of parking spaces should be sufficient.

Mr. Eunique Priest, owner/operator of the business, explained that since the business has attracted 65 – 75 participants, there is a need for a larger space to conduct lessons and practice sessions. He proudly reported that teams coached by Triple Threat All Stars instructors competed in the “finals” of the national competitions in 2009. The speaker anticipates that the hours of operation will be from 5:00p.m. to 10:00p.m. Monday through Friday and from 3:00p.m. to 10:00p.m. Saturday and Sunday. There will be no competitive events held at the Pierce Road location.

Mr. Scavo reported that Mr. Myers provided the following comments in a memo dated October 28, 2010. The property is zoned LI 2 (Light Industrial). The proposed use most closely resembles a “commercial recreation” facility. Since the code is silent on this proposed use and it is viewed as a “fairly benign” use of a vacant building because it is not as intense use of as it could be, Mr. Myers has determined that it may be allowed within the zone.

Mr. Scavo asked that the applicant clarify the number of students attending sessions at one time. Mr. Priest explained that there are usually two classes held at a time and that each class or “team” is limited by national rules to thirty-six (36) members. Mr. Scavo expressed concern about the limited number of striped parking spaces on the site. Mr. Taylor explained that the property owner would willingly stripe the parking lot if necessary.

Mr. Grasso reported that CHA Companies found this application acceptable. He recommended that a note be added to the plan that states that striping of the parking lot will be required if deemed necessary by the Zoning Enforcement Officer. He recommended, and Board members agreed, no parking would be permitted along Pierce Road. The applicant agreed to this restriction.

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

Ms. Paulsen commented that there are a number of businesses along Pierce Road that require regular tractor-trailer traffic. She found the proposed use of this light industrial building to be reasonable. Mr. Taylor stated that many such businesses – martial arts studios, gymnastics programs, and dance companies – are searching for such light industrial buildings due to the open floor areas and reasonable rents. Board members found the application acceptable.

Ms. Pace moved, seconded by Mr. Bulger 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. Werner moved, seconded by Mr. Ophardt, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by the Planning Board and the Planning Department. The motion was unanimously carried.

Discussion Item:

Mr. Scavo reminded Board members that the annual Saratoga County Planning and Zoning Conference will be held on January 26, 2011 in Saratoga Springs.

Minutes Approval:

Ms. Pace moved, seconded by Mr. Ophardt, approval of the minutes of October 26, 2010 as written. Ayes: Ophardt, Paulsen, Pace, Andarawis, Hale, Koval. Noes: None. Abstained: Bulger, Werner.

Mr. Bulger moved, seconded by Mr. Koval, adjournment of the meeting at 8:20p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on November 23, 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