

Town of Clifton Park

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PLANNING BOARD

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Tom Werner

(alternate)Emad Andarawis

Planning Board Meeting November 23, 2010

Those present at the November 23, 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. Westfall, Town Planner
J. Grasso, CHA Companies
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 since all members of the Board were present, Mr. Andarawis would be sitting as an alternate member.

Public Hearings:

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

Old Business:

[2010-036] 1113 Route 146A – Proposed renovation of an existing commercial 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, explaining that it remains generally as presented at the October 13, 2010 meeting. Per comment provided by Mr. Scavo at that time, a note has been added to the plan that states that "the maximum number of utility trailers allowed to be stored on the site is twelve (12)." In response to one of CHA Companies' comments, the site plan now shows the possible storage location for the trailers: screening of the area will be provided as needed. The LC zone boundary has been illustrated on the plan: fencing will define the non-disturbance area, discouraging encroachment. Addressing Mr. Myers' concerns, Mr. Rabideau described the natural drainage flows on the site, noting that the proposed 160' separation between the well and septic system would be sufficient. The speaker also stated that representatives for the applicant have discussed stormwater management with Mr. Myers: he has approved of the proposed design. Mr. Rabideau explained that although CHA Companies had requested that the applicant pave a portion of the entrance drive (25' from Route 146A), the applicant is reluctant to do so since there will be a "low intensity" use of the site, the cost would be economically unfeasible, and the additional impervious surface would add stormwater runoff. The required handicapped parking space will be installed in compliance with all applicable guidelines and codes. Mr. Rabideau explained that since there was a minimal grade change in the area, such installation could be quite easily accomplished. Addressing other minor issues, Mr. Rabideau stated that there will be minimal site disturbance (no state permits will be required), that no additional lighting fixtures are proposed, and that construction details have been added to the plan. Applicable standard notes for land conservation areas and ECC notes have also been added to the plan.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo prepared on November 15, 2010. The well is located downslope of the septic area and must be located 200' away: it appears that there is only 160' of separation. The septic system must be designed by a licensed professional engineer. It is recommended that the applicant's consultant meet with town officials to discuss stormwater management issues. A grading plan must be submitted for review. Methods to infiltrate run off should be considered. Mr. Scavo explained that revised plan presented at this evening's meeting has been approved by Mr. Myers.

Mr. Scavo reported that all prior comments offered by the Planning Department have been addressed, though he stated his support of the comments offered by CHA Companies. He recommended that no additional exterior lighting be permitted without Planning Board review and approval. He also recommended that several thornless honey locust plants be added to the landscaping that will surround the front parking area.

Mr. Grasso offered comments prepared by CHA Companies. Consideration should be given to paving the first 25 feet of the drive from the curb cut to reduce the amount of gravel tracked onto the Route 146A. Handicap accessible parking in accordance with ADA Guidelines and NYS Building Code should be provided. A note on the plan indicates that a meeting is required with the Code Enforcement Officer to discuss stormwater management. Although a pre-construction meeting may be warranted, final plans must address the need for all erosion and sediment control and stormwater management issues. The total land disturbance should be quantified on the plans to determine if coverage under the NYSDEC SPDES Permit is required. A note on the plan indicates a maximum of 12 utility trailers to be stored on site. The location of utility trailer storage should be depicted on the plan. Proposed site lighting should be depicted

on the plan. If lighting is not proposed, a note should be added to the plan. Construction details for gravel parking, concrete sidewalk, fencing, and handicap signage should be provided.

After listening to Mr. Rabideau's presentation of the revised application, Mr. Grasso found it reasonable to "waive" the requirement that the first 25' of the entrance driveway be paved. He agreed that the stormwater management design was acceptable since disturbance was minimal, though he asked that the plan include erosion control measures around the septic area.

Mr. Westfall read comments prepared by Mr. Montague, Environmental Specialist, reporting that the ECC offered no additional comments regarding this application.

In response to Mr. Hale's question regarding the driveway, Mr. Rabideau explained that the existing access will be "raked out" and that additional crushed stone will be added as necessary. Though Mr. Ophardt questioned whether additional screening around the proposed chain link fencing would enhance "site aesthetics," Mr. Rabideau described "lines of sight" for those traveling along Route 146A and stated that the proposed screening appears to be sufficient. Though Mr. Ophardt expressed his preference for paving of the curb cut "at least to the right-of-way line," Mr. Bulger found that, in his opinion, the crushed gravel option was acceptable since there would be no other paving on site. Mr. Hale stated that although he would prefer paving, he realizes that, in this circumstance, it would not be economically feasible. Mr. Werner commented that if sight distance was limited and high travel speeds were usual, the applicant may be well advised to pave the front portion of the entrance drive for vehicles exiting the site to gain "more traction". Mr. Rabideau noted that sight distances exceeded standards and that the speed limit along Route 146A in this area was 35 mph. Mr. Werner conceded that a gravel driveway would be acceptable.

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

New Business:

[2010-040] **Olive Garden Subdivision and Site Plan** – Proposed subdivision and 7,500 SF restaurant, 22 Clifton Country Road – Conceptual review. SBL: 272.-1-31.11 and 31.12; 272.-1-24.3

Mr. Joe Dannible, consultant for the applicant, presented this application that calls for the demolition of the existing Dunkin' Donuts shop located at the northwesterly corner of the Clifton Park Center shopping mall and the construction of a 7,500 SF Olive Garden Restaurant in its stead. Concurrently, the applicant proposes to subdivide shopping center lands into three (3) parcels. The subdivision will accommodate the construction of the Olive Garden Restaurant on Parcel #3 and a future building on Parcel #4. Parcel #1 will consist of the remaining lands of

Clifton Park Center including Boscov's, JC Penney, Marshalls, Regal Cinema, and various smaller retail shops. Parcel #2 is the approved hotel lot.

Mr. Dannible explained that the site lies within the B4 (Highway Business) zoning district. The site statistics table notes that the total site consists of 53.6 acres of land. Building area will take up 644,000 SF of area: existing greenspace totals 12% of the site. Water will be supplied by an existing connection to the Clifton Park Water Authority system. Connection will be made to the Saratoga County Sewer District line. Subdivision information included on the combined subdivision/site plan indicates that sizes of the parcels will be 48.22 acres, .78 acres, 1.88 acres, and 2.72 acres, respectively. The proposed Olive Garden will be developed on the 1.88 acre site that will also contain 18% greenspace and 154 parking spaces. The speaker noted that an area variance was granted for a reduction in the required front yard setback from 30' to 0' by the Zoning Board of Appeals on January 6, 2009. On April 6, 2010 the same Board granted twenty-eight (28) variances related to Parcels #1 and 2. The proposed three lot subdivision will require several variances for building and parking setbacks. The applicant's consultant reported that an application was submitted to the Zoning Board of Appeals on November 16, 2010 for review and consideration by that Board on December 7, 2010.

Mr. Dannible addressed the issues raised by CHA Companies, explaining that the dumpster area will be "concealed" by a brick-faced wall. Mr. Dannible acknowledged CHA Companies' recommendation for the removal of fourteen (14) parking spaces along the easterly side of the internal corridor from the mall to Clifton Park Center Road, though he argued that the popular restaurant chain requires that considerable parking be provided and that the recommended 'curbed island' would make it difficult for delivery vehicles and garbage trucks to maneuver through the site.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated November 15, 2010. The applicant must clarify whether or not the parcel will be subdivided from the mall lands. Mr. Myers notes that it would have to be a separate parcel to qualify for a freestanding sign. The proposed sign location appears to be too close to the property line without a variance. Variances noted on the plan apply to the new hotel only and were not a part of this application. There is no discussion in the variances granted by the Zoning Board of Appeals referencing this parcel: it concerned only Parcel #2 on which the hotel is to be constructed. Since there appears to be no other way to manage stormwater, it is assumed that such management will require the installation of sub-surface containment facilities. A full Storm Water Pollution Prevention Plan will be required. There appears to be three (3) wall signs: only two (2) are permitted by code with a cumulative area of 38 SF, based on a 7,500 SF building. The plan states that the building is 644,000 SF, indicating that the proposed restaurant is part of the mall redevelopment plan. Previously granted variances are not applicable to this separate parcel. In fact, Mr. Myers notes, a stipulation was put on variance #80724 for parking setback that the variance only applied to properties located on Clifton Country Road: its intent was to be specific to the hotel. Mr. Myers stated that he does not believe that variances #80763 and #80724 are not applicable to this application.

Mr. Scavo offered comments prepared by the Planning Department. He asked that the applicant verify that green space calculations do not include the town's right-of-way area. He

recommended that the applicant provide a landscaped area between the two lane striped travel lane and the parking area. It is also recommended that the crosswalks be continued from Parcel #3 to Parcel #4 in the vicinity of the four-way stop intersection next to the Buffalo Wild Wings restaurant. The speaker advised the applicant that no outdoor seating would be permitted without Planning Board approval and that reciprocal parking agreements with adjoining parcels must be provided.

Mr. Grasso reported that CHA Companies provided the following comments and recommendations regarding this project plan after reviewing conceptual submission documents. The proposed project appears to be an unlisted action pursuant to SEQRA and as such coordinated review is optional. Involved agencies are anticipated to include the following: Clifton Park Planning Board – Site Plans and Subdivision Review; Clifton Park Zoning Board of Appeals – Area Variances; Saratoga County Sewer District – Sewer Connection Permit; Clifton Park Water Authority – Water Connection Permit. In general, the proposed layout and access to the site appears appropriate, though CHA Companies is concerned with the 14 parking spaces along the eastern property line adjacent to the access drive connecting Parcel #1 to Clifton Park Center Road. As the mall continues to redevelop, including Parcel #4, it is anticipated that an increased volume of traffic utilizing this access drive will conflict with the proposed parking spaces. It is recommended that these 14 spaces be eliminated and a curbed landscaped island be provided along the access drive. The site statistics table should include a required parking calculation. The proposed handicap parking spaces should be design to meet NYS Building Code with access to a minimum 8’ wide accessible aisle for each space. The “No Parking” signs should be depicted on the plans. The proposed subdivision may create the need to public water and sanitary sewer extensions. Concept utility locations should be depicted on the plans. A separate subdivision plan should be submitted that that includes ingress/egress easements over the drive on proposed Parcel #4 connecting Parcel #1 with Clifton Park Center Road. A note on the plan indicates that variances will be required. Future plan submittals should list the variances applicable to this parcel. Additional detail of the proposed screening of the service area and refuse enclosure should be provided since it appears that this area will be visible from the main access drive from Clifton Country Road. Future plan submittals should address the proposed method of stormwater management.

Mr. Grasso advised the applicant and Mr. Dannible to consider stormwater management while preparing the revised conceptual and preliminary design of this site since stormwater management plans would be considered in context of the entire redesign of the shopping center and not on a site-specific basis.

Mr. Westfall read comments prepared by Mr. Montague, Environmental Specialist, and the ECC regarding the proposed Olive Garden Restaurant. Due to the probability of food and liquid wastes leaking from the on-site dumpster(s) into a stormwater catch basin and/or surface water body, the ECC recommends that the applicant enclose the area on an impervious surface with a berm surrounding the dumpster(s) 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. The applicant should maintain a minimum 35% greenspace in accordance with 208-50.3 of the Town Code and the Route 9 GEIS, as calculated for each subdivided parcel. For parcel #3, the ECC recommends the conversion of the 14 spaces along the eastern border

into greenspace to address potential traffic conflicts between the parking spaces and internal road. The amount of impervious surfaces should be minimized to the fullest extent practicable in order to avoid reducing subsurface recharge of stormwater runoff. The ECC recommends green infrastructure solutions to address stormwater management and aesthetic concerns.

Mr. Werner stated that he foresees that travel lane from the internal mall parking lot to Clifton Country Road, rather than the internal roadway to the signalized intersection will soon become the “route of choice”. He therefore supports CHA Companies’ recommendation that calls for the removal of the proposed 14 parking spaces along the easterly side of the site. Mr. Bulger supported Mr. Scavo’s recommendation for improved crosswalk markings. Mr. Hale stated his support of the proposed variances: Mr. Bulger concurred, though he noted that the applicant should seriously consider modification of the 14 parking spaces along the eastern property line. An informal tally of Board members indicated unanimous support for a recommendation that the Zoning Board of Appeals act positively on the variance application. Mr. Ophardt noted that the northerly entranceway into the site was located in quite close proximity to Clifton Park Center Road, creating potentially hazardous traffic conflicts: he recommended that this curb cut be either eliminated or relocated. Ms. Paulsen agreed. Board members discussed alternative access points: Mr. Dannible stated that he would consider alternative site designs. Mr. Grasso stated that CHA Companies’ would not support a single entranceway to the site. Mr. Hale commented that the ECC’s comment regarding the utilization of “green infrastructure solutions” to address stormwater management and aesthetic concerns seemed reasonable, though Mr. Dannible stated that stormwater management will likely be directed to underground facilities. Board members found the application generally acceptable.

[2010-041] **Casale, Tony** – proposed commercial development of 54,300 SF of office/retail space in four (4) buildings – Conceptual site plan review. SBL: 272.1-2-7; 272.1-2-8

Mr. Andress, consultant for the applicant, presented this application that calls for the development of a small commercial complex, consisting of both retail and office uses on a 6.41 acre parcel of land located within a B-4A zoning district on the easterly side of Route 9 south of its intersection with Biette Road. The site statistics table lists the required building and parking setback requirements: apparently all setback requirements have been met. The parking calculations were based upon the following requirements: 1 space per 300 SF of office space; 1 space per 200 SF of banking space; 1 space per 200 SF of retail space. The project plan calls for the construction of 40,000 SF with 156 parking spaces, a 2,300 SF banking facility with 18 parking spaces, and 12,000 SF of retail space with 63 parking spaces. One curb cut from Route 9 will provide access for all proposed four lots and respective businesses. Connection to the Clifton Park Water Authority lines is proposed, though such a link will require the applicant to obtain approval for extension of the water district. It is proposed that sanitary provisions will be provided by Saratoga County Sewer District #1, though Mr. Andress acknowledged that the sewer line running along the westerly side of Route 9 is at or near capacity: negotiations with the district are on-going. The consultant stated that the parcel slated for development adjoins a ± 5 acre parcel lying in the Town of Halfmoon. That parcel is located within a designated residential zone.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, submitted a memo dated November 23, 2010, that recommended that the Planning Board determine the proposed use of the portion of the property lying within the Town of Halfmoon and clarify if that portion of the parcel will be accessed through the Town of Clifton Park ingress/egress from Route 9.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments in a memo dated November 15, 2010. Since the property extends into the Town of Halfmoon, the applicant should clarify what uses are proposed for that portion of the property. 6.41 acres of the parcel lies within the Town of Clifton Park's B4A zoning district. The remaining 4.83 acres lies within the Town of Halfmoon: the zoning district for the Town of Halfmoon is not indicated on the plan. Mr. Myers notes that the proposal calls for the construction of a "group of establishments" accessed by a private roadway. Management of stormwater will be of significant concern. Adequate parking will be of concern considering the number of buildings proposed. A full Storm Water Pollution Prevention Plan will be required.

Mr. Scavo provided comments prepared by the Planning Department, recommending that the applicant complete and submit a Long Form EAF. He recommended that the project design include a sidewalk connection between the proposed buildings and to Route 9. In response to his observation that the application did not provide the required 40' of frontage on Route 9, Mr. Andress asked that the application be considered "as a whole" as an integrated site.

Mr. Grasso offered the following comments provided 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 anticipated to include the following: Clifton Park Planning Board – Site Plan and Subdivision Review; Clifton Park Zoning Board of Appeals – Area Variances; Saratoga County Planning Board – Section 239 referral; Saratoga County Sewer District – Sewer Connection Permit; Clifton Park Water Authority – Water Connection Permit; NYSDOT - Curb Cut Permit. A Full Environmental Assessment Form should be provided for review. The proposed plan will require a number of area variances: future submittals should list all proposed and granted variances. It is not clear if the property extends into the Town of Halfmoon. The limits of the entire property and any improvements in the Town of Halfmoon should be depicted on the plan. The application indicates that the four proposed buildings will utilize a private common access drive from Route 9. Future subdivision submittals should depict a common ingress/egress easement for each parcel. Two of the proposed parcels do not have the required 40' minimum frontage for keyhole lots. A traffic study should be prepared that evaluates the impacts to Route 9 and recommends a lane configuration of the access drive. It appears dedicated right and left turn exit lanes may be warranted. Additionally, a queue analysis of the proposed access drive should be provided. Only 50' is provided from curb cut on Route 9 and the entrances to the first two buildings. The concept plan does not depict areas for stormwater management. Areas for stormwater management should be conceptually sized and located on the plan to verify the proposed project density is appropriate. It is recommended that a sidewalk be provided along the south side of the proposed access drive from the western curb cut of the retail building to the sidewalk in front of the 2-story office building along the eastern property line. It should be verified that the proposed cul-de-sac can accommodate emergency vehicles. Conceptual utility locations should be depicted on the plans. The location of exiting

public water and sanitary sewer should be depicted. The plan does not accommodate refuse areas. The proposed greenspace percentage should be provided within the site data table.

Mr. Grasso advised Board members to consider the potential traffic from the parcel lying within the Town of Halfmoon. He also recommended review by the Town of Clifton Park Highway Safety Commission. Mr. Grasso also noted that the consultant's stormwater management plan would be closing scrutinized.

Mr. Westfall stated that Mr. Montague, Environmental Specialist, reported that the ECC issued the following comments regarding this application. The applicant should indicate the proposed amount and location of greenspace for this project. The ECC recommends that this project be carried out in keeping with the goals of tree preservation as stated in the Town Comprehensive Plan to the greatest extent practicable.

In response to Mr. Hale's observation that the proposed development site was densely wooded, Mr. Andress explained that although the site is densely wooded with mature trees, it is likely that, particularly due to the slopes located on the property, the entire site will be cleared and graded. Mr. Hale stated that he appreciated the fact that most of the parking will be located to the rear of the site. He asked that the applicant consider the establishment of cross-connections between adjoining properties, particularly in the northeastern corner of the parcel. Mr. Koval commented that he views the 20' wide access as a concern, noting that the Zoning Board of Appeals is more amenable to setback variances than to limiting frontage widths. In response to Mr. Werner's question regarding potential retail uses, Mr. Andress explained that the applicant anticipates that multiple small tenants will occupy the retail space. Mr. Ophardt's question concerned shared parking possibilities: Mr. Andress stated that the plan had been designed to have each proposed site meet specific code requirements. Mr. Hale suggested that the consultant consider moving the middle building toward the front of the site, thus providing space for parking between the back two buildings. Board members agreed that there were many issues to be addressed by the applicant.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Werner, to approve the minutes of the Planning Board meeting of November 9, 2010 as written. The motion was unanimously carried.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 8:10p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on December 7, 2010.

Respectfully submitted,

Janis L. Dean,
Secretary

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