

Town of Clifton Park

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PLANNING BOARD

Rocco Ferraro
Chairman

Paul Pelagalli
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Meg Springli
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MEMBERS

Michael Hale

Joel Koval

Eric Ophardt

Sandra Pace

Kim Paulsen

Tom Werner

(alternate) Emad Andarawis

Planning Board Minutes

January 10, 2012

Those present at the January 10, 2012 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, J. Koval, M. Hale, E. Ophardt, S. Pace, T. Werner, K. Paulsen

Those absent were: None

Those also present were: J. Scavo, Director of Planning
R. Milano, M.J. Engineering
M. Montague, ECC
P. Pelagalli, Counsel
E. Andarawis – Alternate Member
M. Springli, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:03p.m. All in attendance stood for recitation of the Pledge of Allegiance. The Chairman welcomed everyone back from the holidays and congratulated Tom Werner and Emad Andarawis for being reappointed to the Planning board and as well as thanking them for their contributions in the past. He also reminded the members that the County Planning and Zoning workshop is scheduled for January 25th and applications must be submitted by the next day. Rocky noted that he will be a panelist not registering.

Next, the chairman announced that there were changes on the agenda for tonight. 2012-001 Fairchild Square Amendment and 2012-002 Genstar FZE SUP were being pulled per request from the applicants and may be placed on an agenda at a later date.

I. Public Hearings:

[2011-038] Ward Brothers Timber Harvesting, Proposed selective harvesting of 52 acres, 216 Sugar Hill Road, Zoned; CR, preliminary public hearing and Special use permit review with possible determination, SBL: 282.-1-10.1.

Mr. Ferraro opened the Public hearing for the Ward Brothers Special Use Permit and site plan review at 7:03pm. The Planning Board Secretary read the public hearing notice as it was published in The Daily Gazette on December 29, 2011.

Mr. Kenneth Marshall of Ward Brothers Tree Service explained that the proposal involves a 52 acre selective timber harvest of the total 102 acres on the parcel. The applicant would like to harvest during winter months when the ground is frozen. He noted that they will enter the property from the road on the east and go across the yard at the back of the Kenneth Cotton house. The speaker also commented that any wet areas should be frozen enough to not be impacted by machinery, but if they find that is not the case while in the field, they would put down corduroy logs to allow trucks to drive across without leaving ruts in the fields.

Staff Comments

Building and Zoning read by Planning Director

- Details for all the required information from Chapter 184 of town code need to be submitted and approved. These include: number of trees to be cut, diameter range, a map showing restoration plan and access road, classified streams and wetlands, adjacent property owners, logging operations area, product loading area, landowner statement, ECC review, highway superintendent notification, security submittal and erosion and sediment control plans.

Planning Director's comments

1. All skid trails will be required to be smoothed of ruts and cleared of tops and other debris.
2. Please locate on a location map the loading (landing area) which shall also be smoothed and all debris removed.
3. Prior to timber harvesting commencing Town Staff should be notified to allow for a site inspection to ensure any silt fencing has been installed properly.
4. Town Staff will conduct a closeout report of the site to ensure adequate restoration to disturbed areas affected from timbering activities.

MJE Comments

None

ECC Comments

None

Public Discussion

Carla Lukerman of 227 Sugar Hill Road, a neighbor, asked why the owner is timbering and what does selective harvest mean.

Mr. Marshall stated this is not a clear cut and added that the forest is thinned by taking out damaged or older trees so smaller younger trees can thrive. The speaker also remarked that it will actually help to create a healthier forest. Mr. Marshall explained that trees will be removed with some stumps left which should decompose within about a year. The applicant also indicated on iMap the buffer around the pond and the drainage area to the northwest corner of the property. Mr. Marshall then stated that a “ton of trees will be left behind.” Mr. Ferraro asked that a true buffer be delineated on a map so that there is proof that 100 foot buffer is shown. The consultant noted that they will flag it and added that the Basal area is the amount of square foot of wood per acre. He noted that there is currently 120 SF per acre and the harvesting will bring down to a minimum of 50 SF per acre but most of the property would have more density than that.

There being no additional public comment, Mr. Ferraro asked for a motion to close the public hearing at 7:22 pm.

So moved: Mrs. Pace

Seconded by: Mr. Ophardt

Ayes: All

Opposed: None

The motion is: unanimously carried

Planning Board Discussion

Mr. Tom Werner asked for an estimate of how many truckloads might be moved across the proposed project area. The consultant replied that it could be hard to give an estimate of that as weights vary greatly depending on whether the trees are dry or wet. Mr. Ophardt asked if there would be a gravel apron. The applicant replied yes and stated that mud would stay in field and there is a 50' buffer no skid trail around the property that will help to minimize visual impacts to neighbors. Mr. Koval asked if a sketch on aerial map could be submitted to show the buffer areas and stream and pond. Consultant thought he had submitted to Building dept with SUP and said he would submit that to the Planning Director the next day if needed. Mr. Ferraro noted that should be done before going ahead with this project as the Planning Board would like to see skid trail – main area, landing area and buffer areas to sensitive areas identified on a map. The applicant also acknowledged that each tree would be marked twice. The chairman added that a restoration plan that would include smoothing of ruts and landing needs to be indicated in writing with specific bulleted tasks rather than a vague general statement. It was noted that a \$2000 fine could be assessed if a violation of code occurred. Next Mr. Ferraro

stated that knowing that weather is a concern for ideal conditions, he would give support conditioned upon the items being presented to Planning department prior to beginning any work and stamping of SUP. The Planning Board was in general agreement.

Mr. Ferraro asked for a motion to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA.

So moved by: Mr. Koval

Seconded by: Mr. Hale

Ayes: All

Opposed: None

This motion is: unanimously carried

Motion SPR

The chairman asked for a motion to waive the final hearing for this application and to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, and CHA Companies.

So moved by: Mrs. Paulsen

Seconded by: Mr. Werner

Ayes: All

Opposed: None

The motion is: unanimously carried

SPECIAL USE PERMIT

Mr. Ferraro noted that the applicant will receive a Final Review Letter from Town Staff to note any remaining outstanding items for this application that must be satisfied prior to final stamping of the approved plan.

The Chairman then asked for a member to offer Resolution #1, to waive the final hearing for this application and to grant preliminary and final approval to this Special Use Permit application conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, and CHA Companies?

So moved by: Mr. Ophardt

Seconded by: Mr. Werner

Ayes: R. Ferraro, J. Koval, M. Hale, E. Ophardt, S. Pace, T. Werner, K. Paulsen

Opposed: None

Old Business:

[2011-033] **Medical Office Complex** –

Gavin Vuillaume, a consultant with Environmental Design Partnership presented the project that was last seen on October 25, 2011. It should be noted that Joel Koval recused

himself from this action. Mr. Vuillaume was here to represent Dr. James McDonald. It had been previously noted that the layout was deemed acceptable at concept review, so the applicant has proceeded with wetland delineation and boring analysis. The speaker noted that this was the first look at site plans but they were not actually seeking approval at this meeting. Mr. Vuillaume stated that impacts to any wetlands are minimal, adding that .08 acre of 8 acres of wetlands was to be disturbed from the overall property. The speaker noted that the applicant would like this project to fit well into the surrounding landscape. It was also stated that the location of dumpster areas and parking have been relocated away from buffers around the edge of the property and building layout has also been adjusted after looking at the drainage. The consultant stated that the first building to be built is in the center of the property and the two buildings at the back might actually be merged into one larger building depending on future needs. The applicant requests the option for landbanked parking stating that what is often required is more than that really required by a particular occupant and it could be adjusted as needed in the future. The speaker also stated that some porous pavement will be used in part of the parking area. It was stated that a traffic study has been done and reviewed and the owner felt that impacts would be from North more than study indicates but that has been addressed in a written response that will be forwarded to the Town Designated Engineer. CPWA and Saratoga County Sewer have agreed there would be no negative impact to their systems. Mr. Vuillaume added that no pump stations will be needed and the gravity sewer will work in this location and that stormwater management is being addressed and discussed with the engineers. With this submittal it was noted that a planting plan was submitted and snow storage was indicated on the site plan. An architectural rendering of an Adirondack style building was shown as an example of the style proposed for the initial building.

Staff Comments

Building and Zoning read by Planning Director

- A full SWPPP will be required.
- Parcel zoned Light Industrial and is considered an allowed use (offices and office parks).
- Field verification of wetlands and associated buffer boundaries yet to be determined. Both town and state buffers should be shown on site plan since they may differ.
- Traffic study indicates both involved intersections are already at LOS D and that the new trips to this facility would be split at 75% from Kinns and 25% from Ushers. At the very most I would expect it to be a 50-50 split and in actuality it should lean towards more trips from Ushers. The additional traffic from this proposal will certainly not improve the level of service at the intersections in question and in fact may lower the LOS to an E rating although the study does not reflect that. A signal at Kinns and Pierce seems warranted. Pierce and Ushers would be more difficult due to the intersection's configuration.

Planning Director's comments

- Page 9 of the traffic study notes, “it was estimated that 25% of the site-related traffic should travel to/from the north, 75% would travel to/from the south? The applicant should demonstrate what the estimate is based on. It is my opinion that the estimate may be reversed with 75% coming from the north and 25% from the south.
- The site distances noted on Page 16 at the proposed site driveway approach to Pierce Road should be shown on the site plan.
- Page 16 of the Traffic Study states, “If a traffic signal is eventually installed at this intersection, as is being studied by the Towns Highway Safety Committee, minimal traffic delays and good Levels of Service would be expected.” A warrant analysis has not nor is anticipated to be completed by the Town’s Highway Safety Committee. The Town did have turning movements analyzed at the intersection of Pierce Road with Twilight & Kinns to evaluate complaints of excessive speeds and limited site distance on Kinns Road. The County has cut back vegetation within their ROW on Kinns Road West of where Twilight Drive intersects to improve sight distance at the intersection.
- I want to verify the clearing & grading limits on the plan. I am concerned that that proximity of the proposed buildings to the clearing and grading lines will necessitate additional clearing beyond what is shown. The clearing & grading limits shall be marked prior to any tree clearing occurring.
- A stop sign and stop bar should be shown at the end of the driveway on Pierce Road. Other stop signs should also be shown exiting parking areas onto the main private driveway. A stop sign detail should be added to the plan and the detail should reflect diamond grade reflective sheeting for the signs in addition to compliance with the 2009 MUTCD and current NYS Supplemental.
- Is an office park monument sign proposed for the entrance of the site. If so it should be shown on the site plan and located outside of the Town’s ROW. Also, if a monument sign is used it should be verified it will not impact vehicle site distance for cars exiting the private driveway onto Pierce Road.
- An ACOE work permit will be required for the project. The limits of the ACOE wetlands should be marked prior to any tree clearing or site disturbance occurring. The limits of clearing appear to go right up to the ACOE wetland boundary in many locations. If the project is to be phased the applicant should show on the site plan clearing limits for phases and note within the SWPPP clearing and grading activities for each phase with adequate soil stabilization.

Per my comments offered on October 25, 2011:

- The striped multi-use path along the driveway should be added back onto the plans.
- A defined easement to the Dwaas Kill for public access should be shown on the plan. Terms of the easement can be discussed.

MJE Comments

Mr. Milano stated that most of his comments from a previous comment letter had been addressed with this submittal. In particular, the speaker noted that the dumpster which had been encroaching on a property line was moved, snow storage areas needed to be shown because of issues with snow and ice chemicals near area of Dwaas Kill. Mr. Milano requested added detail on retaining walls and boardwalk crossings be shown on future submittals along with clarification on the roof top drainage, lighting plans and

standard notes for CPWA, Saratoga County Sewer, infiltration and soil borings. The speaker also stated that the following details need to be addressed: the Traffic study needed dates and percentage of increase and projected population growth. It was stated that the delineation of wetlands has been verified with DEC and ACOE and application for permits should have response by next meeting. Mr. Milano further stated that other technical comments can be addressed between the project consultant and M.J. Engineering.

ECC Comments

Mr. Mike Montague asked that the sensitive environments and 100' buffer zone to be made clear on the site plan and that a maintenance plan be provided for any porous pavement.

Public Input

Dan Hartnett – a representative of the Trails Committee, noted that there has been discussion of development of a trail on the east side of Pierce Road and would like to see a 15' right of way for that future use. Mr. Hartnett also suggested a pedestrian plan for internal movement between buildings.

Planning Board Discussion

Mr. Ophardt stated that the depicted bike lane should be on both sides of road not just one, and asked to clarify that there are no sidewalks shown on the site plan. Mr. Ophardt further added that he felt a bike lane on the side of the driveway was not a good design and would prefer a sidewalk or bike lane on each side of the road. Mr. Vuillaume stated they could look at alternatives but the expense of two bike lanes was not likely to be financially feasible.

Mr. Ferraro also stated that he recalled earlier discussion about the use of the natural areas for trails and does not feel that is presented in the current plan. The chairman added that he was impressed with design of building and integrating natural landscape and would like to see better advantage of that theme near the Dwaas Kill area.

Mike Hale commended Mr. Vuillaume for avoiding development in the wetlands and using native species and would like to avoid euonymus in the area as it can be invasive. The board member suggested that a note that landscaping may be modified per building permit and to use native plants as possible might be added to the plan. Mr. Hale also remarked that he like the use of porous pavement and the resulting reduction of salts.

Mr. Ferraro noted that the wetlands are close to disturbed areas and would like to see that included in the landscape plan adding that the applicant should continue to be sensitive to the plants that are there naturally and build around them as much as possible.

Mrs. Sandra Pace as a representative of the town's Historic Preservation Commission stated that the historic home has been visited and inventoried and a letter from Mark Kazmierczak notes that while it was originally built in 1850's it had many internal and

external modifications that the Commission did not see a reason to preserve it based on observations; a demolition permit has been requested.

Mr. Tom Werner asked about the feasibility of using a traffic study based on a project that has not been approved. Mr. Werner noted that peak hours should be specified in the study.

Mr. Ferraro then asked for clarification on when traffic lights might be warranted and Mr. Werner said it might be at that threshold now and if so, a mitigation fee might be necessary for off-site improvements. Mr. Pelagalli commented that mitigation fees can't be mandated without a study such as GEIS or SEQ. Mr. Werner stated that he felt that this proposal would have a minimal impact but each one in the area is incrementally adding to the flow. Mr. Scavo remarked that a separate meeting on Friday will be discussing these impacts all over town.

Mr. Vuillaume thanked the board for its review and added that he hoped the next step will be ready for vote.

[2011-041] **1751-1747 Route 9 Commercial Dev.** –

Tom Andress, consultant with ABD Engineering presented the application amendment. Mr. Andress remarked that it was a plan that had received previous site plan approval and that the clearing of trees was begun and there are large changes in grade on site. The speaker noted that some changes to the limit of clearing were made in the field that differed from the approved plan of phase 1 adding that some areas that were supposed to be cut were not and some areas that should have been preserved at this point were not preserved. Mr. Andress then stated that 6 or 7 large diameter trees that were the only buffer with an adjoining property were cleared. Next, he stated that the applicant is proposing additional plantings to be put in that buffer shown on the existing plan and that at a future date, that phase will be back to the Planning Board for review as previously agreed. Mr. Andress also remarked that eventually the trees were intended to be cut but not in this phase. He further stated that significant grading will have to occur for this phase, most of which occurs in the Town of Halfmoon, but that a site plan approval would not be required in Halfmoon because they are not building there but will seek a grading permit in Halfmoon. John Scavo, Planning Director stated that a coordinated review will be performed with the Town of Halfmoon as per standard practice.

Mitigation measures suggested by Tom Andress were to put 6 additional 8' high Norway Spruce trees which will have a better lower coverage than where the original trees actually had them. Also, the consultant noted that ten additional 8' high trees were to be located further North on the site.

Mr. Ferraro stated that he looked at the site and met with the adjacent property owner and they were satisfied with the proposal .

Staff Comments

Building and Zoning read by Planning Director

Mr. Myers noted that he felt all issues were being addressed by the Planning Department and Planning Board at this time.

Planning Director's comments

-The proposed mitigation for clearing trees beyond the conditions of the Planning Board's Notice of Decision has been discussed with the applicant. The proposal before the board to mitigate the violation of the original approval is based on discussions with the Planning Department and professional staff.

-The MS4 has been accepted by the Town and filed with NYS DEC. Weekly SWPPP inspections will monitor the site for compliance with erosion control measures and practices written into the SWPPP.

ECC Comments

No comments

Planning Board Discussion

Planning Board Discussion

Mike Hale stated that he likes Norway spruces as a choice. The Planning Board indicated that they felt this was a good solution for adequate mitigation

Public Input -no comment.

Mr. Ferraro asked for a motion to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA.

So moved by: Mr. Werner

Seconded by: Mr. Ophardt

Ayes: All

Opposed: None

This motion is: unanimously carried

Motion SPR

It was noted that the applicant will receive a Final Review Letter from Town Staff to note any remaining outstanding items for this application that must be satisfied prior to final stamping of the approved plan.

The chairman asked for a motion to grant this amendment to a previously approved site plan conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, and CHA Companies.

So moved by: Mr. Koval

Seconded by: Mr. Hale

Ayes: All
Opposed: None
The motion is: unanimously carried

New Business:

None – both items were removed from tonight’s agenda per applicant requests.

Minutes Approval: December 13, 2011

Moved by: Mrs. Pace
Seconded by: Mr. Werner
Ayes: Mr. Ferraro, Mr. Ophardt, Mrs. Pace, Mrs. Paulsen, Mr. Koval, Werner, Mr. Hale,
Noes: None
The motion is: unanimously carried

Discussion Items:

- Mrs. Pace commented that she liked the project location map that was included with the Agendas emailed to Board.
- Registrations were handed out for Planning and Zoning Conference.
- Oaths of office and Ethics Statements were also handed out for renewal to be notarized as needed by Mr. Pelagalli after the meeting.

The chairman asked for a motion to close the meeting at: 8:46 pm
Moved by: Mrs. Paulsen
Seconded by: Mrs. Pace
Ayes: All
Opposed: None
This motion is: unanimously carried

Respectfully submitted,

Meg Springli
Acting Planning Board Secretary