

Town of Clifton Park

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PLANNING BOARD

Rocco Ferraro
Chairman

Paul Pelagalli
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Meg Springli
Acting Secretary



MEMBERS

Michael Hale

Joel Koval

Eric Ophardt

Sandra Pace

Kim Paulsen

Tom Werner

(alternate) Emad Andarawis

Planning Board Minutes

February 28, 2012

Those present at the February 28, 2012 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, J. Koval, M. Hale, E. Ophardt, S. Pace, E. Andarawis (alternate)

Those absent were: T. Werner, K. Paulsen

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

Mr. Ferraro, Chairman, called the meeting to order at 7:05p.m. All in attendance stood for recitation of the Pledge of Allegiance.

I. Public Hearings - NONE

Mr. Ferraro requested that [2012-007] be allowed to present first this evening.

III. New Business

A. [2012-007] World Class Gymnastics - Proposed use of space at Clifton Park Center Mall for gymnastics training, classes, competitions, private parties and retail sale of related items, 22 Clifton Country Road, Zoned: B-4, PB Concept Review of a Special Use Permit, SBL: 272.-1-.1.112 To be reviewed by N/A Consultant: P. Murray

Peter Murray was the representative for Piehler's Inc., of World Class Gymnastics Academy. Mr.

Murray stated that commercial recreational facilities allowed with a Special Use Permit and added that no change to the existing site footprint at the mall is required and there would be no environmental impact. The consultant then said that only interior adjustments would be needed for this application and there were no negative impacts to adjacent tenants as it fits within the uses of the comprehensive plan in this area, there would be no increase in vehicle congestion and there was adequate existing parking. Mr. Murray stated that he knew that a referral to Saratoga County planning needs to be done and he would like to request that a public hearing be scheduled within 30 days of referral being sent.

Staff Comments

Building and Zoning read by Planning Director -

- Proposal is for a mixed use occupancy of mercantile and assembly (commercial recreation facility).
- The commercial recreation facility requires a SUP from planning per 208-45 C.(1)(a).

Planning Director's comments -

The Planning Department has no issues with the proposed special use permit. I recommend that the public hearing be scheduled for the second Planning Board Meeting in March at which time preliminary and final approval may be considered.

MJE Comments -

No comment

ECC Comments –

No comment

Trails committee -

No comment

Public Input – no comment

Discussion

Mrs. Pace stated that she felt it was a nice location in the mall for this business. Mr. Ferraro commented that he felt it fits in with discussions of the recent Clifton Park Town Center Study Plan being developed. Mr. Ferraro then asked about signage. Mr. Murray stated that a lighted sign on the exterior of the building is planned and will be reviewed by Mr. Myers in the Building Department as customary. Mr. Koval asked if competitions would be held there and Mr. Murray answered affirmatively. Mrs. Pace asked for an idea of how many people might participate in competitions and exhibitions and Mr. Murray stated that it would be limited by the 8900 SF space. Mr. Ferraro also suggested requesting a bike rack of the landlord.

The Planning Board seemed in general agreement with the concept of this Special Use Permit.

II. Old Business

- B. **[2012-001] Fairchild Sq. Amendment** - Proposed amendment to Planning Board Project #[2010-020] consisting of an addition to Building 1 and (1) 7,000 SF building on Lot C , 1 Fairchild Square, Zoned: L 1, Preliminary site plan amendment review with possible determination, SBL: 259.-2-83.11 To be reviewed by: MJE Consultant: ABD Last Seen on: 1/10/2012

Tom Andress, ABD Engineers, summarized the plan as it was essentially presented on 1/10/2012. Mr. Andress noted that the only significant change is to the dumpster location area.

Staff Comments

Building and Zoning read by Planning Director -

- An evaluation of the stormwater modifications against the original SWPPP by the TDE is required to ensure no issues arise from the changes.
- Once the review is complete changes required to the NOI will be determined by the Town.

Planning Director's comments -

- I have similar ADA comments as noted in MJ's review letter. The applicant should adequately address these concerns prior to final stamping of any approved project.

MJE Comments -

We have reviewed the preliminary Site Plan Amendment dated February 8, 2012 and the Supplemental Stormwater Management Report dated February 7, 2012 prepared by your firm, ABD Engineers and Surveyors, for the above referenced project. All previous comments from our letter dated January 20, 2012 have been addressed. We offer the following additional comments:

Site Plans:

1. A portion of the revised location of the trash dumpster area and a portion of the sidewalk along the western side of the parking area encroach into the 100 foot residential district buffer area. Verification should be provided that the previous variance received on October 19, 2010 as noted on the plans is applicable to these site elements.
2. The current configuration of the trash dumpster area appears problematic for truck access.
3. Verify that existing walkway grades and proposed grades at the handicap ramp and accessible route to the existing one story manufacturing and office building are coordinated to be ADA compliant.

4. Additional spot grades should be added at the handicap accessible parking and access aisle near the main entrance to the proposed building addition and the 282 contour should be revised accordingly.
5. Consideration should be given to the addition of a sanitary manhole at the junction of the proposed 6 inch sanitary laterals from the two 7,000 square foot buildings for future access and maintenance purposes.
6. A callout should be added to the plans for the “handicap parking” and “no parking signs” near the main entrance to the proposed building addition.
7. A callout should be added to the Erosion Control Plan for typical inlet protection for all drainage structures.
8. A callout for end sections with rip-rap aprons should be added to the plans.
9. Provide the elevation for top of the stone berm shown in the stormwater management area adjacent to the proposed 7,000 square foot building.
10. The stormwater management areas should be fenced due to the overall depths.
11. The length, size, and slope of all storm lines should be indicated on the plans.
12. The length of the proposed 6 inch sanitary lateral from the proposed building addition should be corrected.
13. Inverts should be provided for all drywells tied to the roof drains, and the drywell detail should clearly identify if the structures are to be equipped with a solid cover or a grate.
14. A detail and top of wall elevations should be provided for the proposed retaining wall at the loading dock area.

Stormwater:

15. Provide the calculations that illustrate the channel protection volume for the 10-year storm, as well as the 100-year storm.
16. Utilizing HydroCAD, volume and peak flow numbers are approximately 50% higher than what is provided.
17. Provide the WQv requirement calculations and calculations for what is provided for WQv.
18. The drywell storage volumes are based on infiltration rates of 3 inches per hour. Provide clarification on how the pretreatment of 50% of the WQv is achieved.

19. Provide clarification on the stone volume calculation for the drywells including what void percentage was utilized and how the volume was calculated.
20. The drywell calculations illustrate that the 100 year flow volume is stored within the drywells, surrounding stone or infiltrated. However, this does not illustrate what occurs during the peak flow conditions for the drywells. Do the drywells overflow when the peak flow occurs? Storage of the overall volume does not ensure sufficient storage under peak flow conditions.
21. Provide emergency overflows for the stormwater treatment practices.

Mr. Milano asked whether variances applied to the dumpster area and Mr. Andress said this plan is actually improving a previously existing encroachment area. Mr. Scavo added that Mr. Myers did not express concern about it. Mr. Milano then questioned the walkway on the west and its grading. Mr. Andress stated that after walking the property, it was deemed best to level out the walkway some.

Mr. Ferraro asked if impervious surfaces were any greater than had been previously planned. Mr. Andress replied that there were no more, it was just shifted around in a different configuration.

ECC Comments – asked that the applicant provide a site plan that indicates, through shading, the proposed greenspace.

Public Input

None

Trails Committee

Dan Hartnett pointed out one of the sidewalk crossings needed striping and it was indicated that has been updated on the latest site plan.

Discussion

Mr. Ferraro asked whether fencing of stormwater basins was necessary. Mr. Andress stated that they are dry basins and should not need fencing. Mr. Ferraro stated that if it was found that there was fencing needed, he would ask that it be more decorative rather than chain-link, more similar to a residential fence. The chairman added that the applicant might consider split rail possibly next to sidewalks.

Mr. Ophardt asked about some changes to the sidewalk plan from the northeastern quadrant of the site plan to the Western side of the building and Mr. Andress explained that the position of loading docks made the redesign a more pleasing and safer location. Mr. Ophardt asked if that path would be lit, and Mr. Andress stated that it is already well lit. Also, Mr. Ophardt asked

about a maintenance agreement for sidewalk clearing and Mr. Address stated that it was a common shared agreement for all tenants/owners under one snow-clearing maintenance contract. Mr. Ophardt also asked to be shown where the picnic areas might be onsite and Mr. Address pointed them out on the plan. Mr. Ophardt asked if bike racks were to be installed and Mr. Address stated there was one for each building.

Mr. Ferraro polled the board regarding outstanding (stormwater) SWPP issues. Mr. Hale indicated that he felt they could be readily handled by the staff without major changes to the plan. Mr. Milano also felt that approval could be given conditionally. Mr. Pelagalli stated that he agreed. The Planning Board indicated general agreement of conditioned approval.

Motion SEQR

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: Ophardt

Seconded by: Hale

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 MJ Engineering , and satisfaction of SWPP issues being addressed with consultant and staff, also conditioned that if the details are not satisfactorily reached , the applicant shall appear before the Planning Board to readdress outstanding issues.

So moved by: Ophardt

Seconded by: Emad

Ayes: All

Opposed: None

The motion is: unanimously carried

III. New Business

- C. [2012-004] **Bonneau Road (Belmonte)** – Proposed (2) lot subdivision of a parcel previously approved as part of 2009-002 , Bonneau Rd, Zoned: R-1, Conceptual Subdivision Review SBL: 283.-1-29.1 To be reviewed by: MJE Consultant: EDP & Belmonte Builders

Joe Dannible with Environmental Design Partnership summarized the history of various

proposals for this location and their subsequent approvals. He also discussed the attempts to gain access from Latham Water District which has not been granted at this time. Mr. Belmonte currently has a buyer interested in purchasing Lot 1A. Mr. Dannible explained that Lot 1B would be planned for development at a later date and that the applicant would agree to put a note on the subdivision plan that access through the wetlands would not be pursued. The consultant further stated that access to Lot 1B would be pursued in the future only through the current Latham Water District Roadway. Mr. Dannible also added that the applicant is willing to put a note on plan that no further subdivision would be pursued. Next, he stated that the applicant has indicated that he might eventually turn Lot 1B over to the Town. It was added that Lot 1A does have frontage on Bonneau Road from the previously approved subdivision. Mr. Dannible also added that Lot 1B would be a flag lot fitting town code.

Staff Comments

Building and Zoning read by Planning Director -

- The submittal is confusing as to what is requested. Access to a parcel via a Latham Water District road is requested yet the parcel where the road originates appears to belong to Belmonte. Both Belmonte and Latham Water District are shown as owners.
- A full map showing where the road originates at a public road needs to be developed for proper consideration of proposal.
- The distance to the public road will be great and many code requirements for a driveway over 500' will be required.
- If a driveway is over 750' special approval is required by fire code.
- The driveway is proposed to cross an LC Zone which is allowed per 208-69.2A. (3) if no other reasonable means of access is available and proper permits are obtained. Without a full understanding of the area this determination cannot be made.
- The environmental impact statement I believe will show some type of effect considering all the adjacent wetlands once completed by planning.
- More detail is required.

Sheryl Reed -

- Postal Verification
- Provide a complete overview of where the proposed driveway and access to the parcel originate from. Any driveway over 500 feet in length is required to meet all of the requirements of the Fire Code of New York State.

Planning Director's comments -

A notation on the Plan should note that "Parcel 1B shall not be further subdivided with the intent to develop an additional residential dwelling unit."

MJE Comments -

1. The proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such a coordinated review is optional. Involved agencies are expected to include, but are not limited to the following:

- Town of Clifton Park Planning Board – Subdivision Approval
 - Town of Clifton Park Zoning Board of Appeals – Frontage and front setback variances.
 - Crescent Waste – Sewer Connection Permit
 - Clifton Park Water District #1 – Water Connection Permit
 - Latham Water District – Approval for Shared Access to Lot #1B
2. Based upon the information provided, it is difficult to determine if the Conceptual Subdivision Plan meets R-1 and LC District zoning, space, and bulk standard requirements. At this time, the following items appear to not meet the requirements.
 - Lot #1A and #1B do not have the required 100 feet of frontage.
 - Lot #1A does not have the required 50 feet of front setback.
 - Although keyhole lots are permitted at the discretion of the Planning Board, it does not appear that allowing every lot within this subdivision as a keyhole lot meets the intent of the zoning. This should be discussed further between the applicant and the Planning Board.
 3. Correspondence from NYSDEC New York Natural Heritage Program should be provided to identify if areas of rare, threatened or endangered species exist on or in the immediate vicinity of the project site.
 4. All wetland boundaries should be clearly identified and labeled on the plan and correspondence from USACOE and/or NYSDEC should be provided to confirm agreement of the wetland delineation identified on the Conceptual Subdivision Plan.
 5. The LC Land Conservation Zone boundaries and buffer areas should be clearly identified and labeled on the plan.
 6. Based on the constraints of the site and the close proximity of the proposed subdivision to the Stony Creek Reservoir, wetland areas, and other environmentally sensitive areas, the following items are of concern and should be discussed in detail to help fully evaluate potential disturbance to wetland areas, possible wetland mitigation, stormwater managements options and overall impacts of the project at this time:
 - The driveway to access Lot #1B is approximately 2,000 feet in length from Bonneau Road and must meet the requirements of Town Code Section 208-86 (D). To accomplish this it appears that significant clearing and disturbance will be required. In order to fully evaluate the impacts, the mapping should extend to the south to show the entire limits of the existing Latham Water District access road, clearly identify wetlands and/or other environmentally sensitive areas, and provide existing topography and proposed grading.
 - Also, based on the length of the driveway, it appears that disturbance will necessitate a full SWPPP and stormwater management options will need to incorporate green infrastructure practices.
 - Detailed plans for erosion and sediment control measures should be provided.
 - It appears that the access to Lot #1B encroaches into the 100 foot buffer area.

7. Provide clarification on any discussions with Latham Water District for shared use of the existing access drive. If shared use of this roadway is feasible, a shared maintenance agreement will be necessary.
8. All existing and proposed utilities and easements should be shown on the plan including any wetland impacts.
9. The plan should show the entire limits of the overall property to be subdivided.
10. Bearings and distances should be shown on the plan for all individual lots and easements. All easements should be clearly labeled.
11. All setback lines should be shown on the plan.
12. Any existing shared maintenance agreements for the roadway may require amending.
13. Existing topography and proposed grading should be shown on the plan.
14. Proposed principal and accessory building footprints, square footages, and limits of clearing should be indicated on the plan.
15. There is a minor discrepancy in the parcel area on the site statistics and the areas listed on the plan. The discrepancy should be revised accordingly.

ECC Comments -

1. Due to the fact that access to the proposed subdivided lot, and access to the proposed utilities, can only occur through ACOE wetlands, NYSDEC wetlands, and/or the 100' foot buffer, the ECC does not recommend subdividing this lot to another single family residential lot.
2. In any event, it appears the Latham Water District access road, the Applicant intends to use to provide access to the proposed lot, crosses NYSDEC wetlands. The Applicant should provide additional information regarding existing Latham Water District access road conditions, any planned improvements by the Applicant, and potential impact to the wetland.

Trails Subcommittee -

Dan Hartnett noted that he had read in minutes regarding the prior subdivision in this area and there had been discussion about donating the upper Northern section of Lot 1B and added that he was wondering where that stood. Mr. Scavo stated that the Board would consider that it could be donated in lieu of Parkland fees. It was further noted that it is a lot that is contiguous with Town owned land on the East and Latham Water District Land on the West.

Public Input - None

Discussion

Mr. Hale asked if the applicant could show a possible building envelope on Lot 1 B to demonstrate where the prime buildable lot is on that heavily constrained land. Mr. Dannible remarked that it would be agreeable to make future site plan approval mandated on the subdivision filing map for Lot 1B. Next, Mr. Andarawis asked how a plan can create an essentially landlocked lot without having the access. Mr. Ferraro stated that he felt the plan would have to state that the access is not guaranteed and without that access, it is an unbuildable parcel although the flag portion of the lot may be considered frontage. Mr. Ferraro added that Lot 1B has concerns mostly due to access to it and wetlands constraints and stated that, the Planning Board, as a condition of final approval, could allow access only through the Latham Water District owned land for Parcel 1B and if agreement cannot be reached by the owners to get access through the Water District access road, then no access could be permitted and Lot 1B would remain unbuildable. Mr. Ferraro also recommended that a note be added to the stamped plan so Future Planning Boards would know the intent of the condition(s) of approval and not feel obligated to consider access to the parcel via other means. Mr. Dannible said the applicant would be willing to agree to whatever restrictions the Planning Board deemed necessary for future development of the parcel or not.

The Planning Board otherwise seemed to be generally agreeable to the Concept Plan.

IV. Minutes Approval 2/15/2012 Koval, Hale unanimous

V. Discussion Items – NONE

Next Planning Board Meeting: 3/13/2012 items submitted on 2/22/2012

Next submittal deadline: 3/7/2012

Mr. Ferraro asked for a motion to close the meeting at 8:19 pm

So moved by: Pace

Seconded by: Ophardt

Ayes: All

Opposed: None

The motion is: unanimously carried