

Town of Clifton Park

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PLANNING BOARD

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Kim Paulsen
Tom Werner

Planning Board Meeting April 25, 2012

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

Those absent were: E. Andarawis

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

The chairman called the meeting to order at 7:02 pm. All in attendance stood for the pledge of allegiance. Mr. Ferraro announced that he had received notification of Sandra Pace's resignation as a member of the Planning Board. She is also resigned from Historic Preservation Commission.

I. Public Hearings

- A. **[2012-010] Northside Drive** Proposed commercial subdivision, 3-5 Northside Dr (Pvt), Zoned: B-4, Preliminary public hearing with possible determination on subdivision, SBL: 272.9-1-38 To be reviewed by: MJE Consultant: EDP Last Seen on: 3/13/2012

Mr. Ferraro opened the public hearing for Northside Drive subdivision at 7:06 pm. The Planning Board Secretary read the public hearing notice as it was published in The Daily Gazette on April 18th, 2012.

Presentation:

Gavin Vuillaume, Environmental Design Partnership represented the applicant. Mr. Vuillaume gave a history of the parcel as it now exists with two separate restaurants, stating that one building has been vacant since it was built and the prospective tenant would like to purchase the land which necessitates a subdivision of the lands for the two restaurants. It was noted that area variances had been granted by the ZBA on April 3, 2012. Mr. Vuillaume handed out subdivision plans to the PB which highlighted some of the changes proposed for the new restaurant adding that the previously planned drive-thru is being eliminated and the proposed patio may be expanded and partially enclosed. Mr. Vuillaume remarked that the additional square footage would require additional parking; 65 parking spaces are required and 100 are proposed.

Staff Comments

Building and Zoning read by the Planning Director

- All required variances approved
- Stormwater easements appear to be proposed as required

Planning Director's Comments

- The project was sent to the Saratoga Co. Planning Board and NYS DOT for their consideration.
- A new private stormwater maintenance agreement between the property owners and the Town is required.
- Final signoffs from Saratoga Co. Sewer District No. 1 and the Clifton Park Water Authority are required prior to final stamping of the subdivision –specifically in reference to the proposed easements.
- It is understood that the project is in for subdivision consideration only and not site plan however certain site issues need to be addressed to ensure the subdivision will keep both lots in compliance with the zoning code requirements. For example is there a reciprocal parking agreement in place with Chili's Restaurant? If one doesn't exist the property owners should be aware that parking restrictions between businesses are a private issue between property owners and not a Town matter.
- Under the site statistics please add the number of parking spaces allocated for Lot #3 and also Lot #5. If certain parking spaces are shared or land banked please also indicate the number of spots for each.

MJE Comments

1. Provide clarification on the Town of Clifton Park Zoning Board of Appeals Notes as they relate to the following and revise the notes accordingly:
 - The notes indicate a variance was granted on April 3, 2012 for Lot 3 to allow for a 5 foot wide landscape buffer along the eastern side of the lot, but there is no indication that the variance previously granted on August 21, 2007 for the western side of the property (now Lot 3) is still valid when the property is subdivided.
 - The notes indicate a variance was granted on April 3, 2012 for Lot 5 to allow for a 5 foot

wide landscape buffer along the western side of the lot, but there is no indication that the variance previously granted on August 21, 2007 for the eastern side of the property (now Lot 5) is still valid when the property is subdivided.

- The notes indicate that a variance was granted on August 21, 2007 to allow for a parking setback of 10 feet along the western side of the property (now Lot 3), but there is no indication that this previously granted variance is still valid when the property is subdivided.
 - The notes reference side yards along the northern side of the property.
 - A portion of the parking area along the western side of Lot 5 encroaches into the required 20 foot side yard setback for parking. There is no indication that a variance was granted for this.
2. A number of the easement descriptions and hatching do not match the legend provided. Please review and revise accordingly.
 3. There is an area approximately 90 feet wide that overlaps Lots 3 and 5 and is labeled as “new common ingress and egress access easement between lot 3 and 5 lot 5 and 7”. Provide clarification on the purpose of this easement and revise the note accordingly. Also, the driveway width appears to be approximately 14 feet wide. Clarify if traffic circulation between Lots 3 and 5 will be limited to one way.
 4. The Subdivision Plan indicates a proposed water easement to the Clifton Park Water Authority, but only a portion of the water main is shown. The remainder of the water main should be shown on the plan and the exact location of the water line should be determined to ensure that the proposed easement encompasses the entire water main, hydrants, and all appurtenances. Also, provide clarification why the proposed easement does not include the entire water main.
 5. Provide clarification why the proposed sanitary sewer easements to SCSD #1 do not extend from Lot 5 into Lot 3.
 6. Provide clarification as to how stormwater is conveyed from Lots 5 and 7 to the stormwater drainage easement.
 7. Note #1 is incomplete and should be revised accordingly.
 8. The response letter dated April 5, 2012 references Dr. James McDonnell as the applicant and should be corrected on future correspondence.

ECC Comments – no additional comments

Public Discussion

None

There being no additional public comment, Mr. Ferraro asked for a motion to close the public hearing at 7:18pm

So Moved: Ophardt

Seconded by: Paulsen

Ayes: All

Opposed: None

The motion is: unanimously carried

Planning Board Discussion

Tom Werner asked whether the former drive thru lane was going to remain one way. Mr. Vuillaume responded affirmatively. He also asked about pedestrian pathways for hotel patrons. Mr. Vuillaume showed them as they exist across the Chili's property and those planned across the new restaurant. Mr. Koval asked about setbacks on Rt 146. Mr. Ophardt asked about anticipated use of the patio area. Mr. Vuillaume stated that the applicant would present that at the next stage, site plan review. Mr. Ferraro remarked about whether the added pavement with excessive parking was necessary. Mr. Vuillaume stated that the new occupants felt that they would need all parking spaces based on their experience as restaurateurs even though they are not required by Town Code. The consultant also noted that it is most cost effective to pave all at once rather than in stages but the applicant might be willing to landbank if necessary. Ms. Paulsen asked for clarification on existing pavement vs. added parking. Mr. Koval asked about green space calculations. The consultant stated that the plan remains at 39% with added parking due to reconfiguration of the drive-thru lane and patio area.

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: Werner
Seconded by: Koval
Ayes: all
Opposed:
The motion is:

Resolution #5 of 2012

The chairman asked for a motion to waive the final hearing for this application and to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department and Town Designated Engineer.

So moved: Ophardt
Seconded by: Hale
Roll Call: Mrs. Paulsen, Mr. Ophardt, Mr. Hale, Mr. Werner, Mr. Koval, Mr. Ferraro
Noes: none
The resolution is: unanimously carried

A Notice of Decision and Resolution are attached at the end of these minutes and the applicant will also receive a Review Letter from the Planning Department prior to stamping of the plans.

II. Old Business

None

III. New Business

- B. [2012-015] **MDG Mill Creek** Proposed (3) lot subdivision with public water and sewer, 485 Moe Rd, Zoned: R-1, Conceptual subdivision review SBL: 271.-3-43 To be reviewed by: MJE Consultant:GVG Last Seen on: 03/27/2012 discussion item

Presentation: by Gil VanGuilder, VanGuilder and Associates

The consultant gave a description of the project which is a proposed (3) lot subdivision on +/- 3.14 acres adjacent to a recently approved subdivision on the North which had some sensitive environmental issues in the driveway access. Mr. Van Guilder explained that an access easement is being proposed with a common driveway to serve both the MDG Mill Creek subdivision and the Triller Subdivision. The speaker also explained that the two projects would share some of the watermain pipes. It was added that wetlands have been delineated and DEC signoffs have been obtained and split rail fences would be installed to show limits of the wetlands in the rear of the property. The Triller Subdivision will also be revised to show the land preservation easement on the front which removes the prior access. Two alternatives for achieving that adjustment were discussed. The Planning Board agreed that filing deed restrictions would be the most effective way of making that change. Mr. VanGuilder also noted that a variance would not be required for the lot frontage. The actual frontage totals: 40.08' (38.47 + 1.61) as noted on the plans.

Staff Comments

Building and Zoning read by the Planning Director

- Frontage variance required for 485A
- Permanently deeded access required due to common driveway

Planning Director's Comments

- Please discuss how the existing roadway drainage functions. Are there open ditches or drainage swales or does the water flow into the wetland areas directly from Moe Road?
- Prior to the issuance of a building permit grading plans for each lot should be submitted to the Town's Stormwater Management Officer and Highway Department to determine if stormwater runoff is not negatively impacted.

- Add a note which states, “Existing roadway drainage shall not be altered by the proposed subdivision. Property owners should be aware of the existing roadway drainage onto the land within the proposed subdivision.

MJE Comments

1. The proposed project appears to be an “Unlisted” action pursuant to SEQR, and as such a coordinated review is optional. The Planning Board may wish to accept lead agency status. Involved agencies are expected to include, but are not limited to the following:
 2. Town of Clifton Park Planning Board – Subdivision Approval
 3. Saratoga County Sewer District #1 – Sewer Connection Permit
 4. Clifton Park Water District #1 – Water Connection Permit
5. The Conceptual Subdivision Plan appears to meet R-1 District zoning, space, and bulk standard requirements with the exception that Lot 485A does not have the required minimum roadway frontage of 40 feet on a public street.
6. Correspondence from NYSDEC New York Natural Heritage Program should be provided by the applicant to identify if areas of rare, threatened or endangered species exist on or in the immediate vicinity of the project site.
7. Existing topography for the site should be provided.
8. Provide a Typical Driveway Cross Section Detail and confirm that the driveway is capable of supporting the required vehicle loading.
9. Provide verification that the proposed driveway alignment provides adequate access for emergency vehicles.
10. MJ recommends that the first horizontal curve for the shared driveway nearest Moe Road be revised to increase the radii to provide a smoother transition.
11. A Culvert Detail should be provided and should indicate the following:
 12. All storm drainage line is to be installed with a minimum of two feet of cover.
 13. The type of material for the storm line is to be indicated on the detail. We suggest the use of HDPE pipe.
 14. A flared end section should be installed at both ends of the culvert. We suggest the use of HDPE flared end sections.
15. Existing and proposed utility location and information including water and sanitary services should be indicated on the plan.
16. Proposed grading should be shown on the plans to indicate positive drainage away from all structures and an Erosion and Sediment Control Plan will be required for review.

17. Limits of disturbance should be indicated on the plan. It is unclear from the plan submitted if a full SWPPP will be required for the project.
18. A maintenance agreement will be required for the shared access driveway.
19. Standard Town Note #3 should be revised to include Lots 485 and 485A.
20. The shared access driveway for this project incorporates revised access to the adjacent recently approved Subdivision of Lands of William F. Connors. Provide clarification if an amendment to the Subdivision of Lands of William F. Connors is required as a result of the proposed changes as the plans currently filed in the Saratoga County Clerk's Office do not reflect the currently proposed shared access driveway.

ECC Comments – No additional comments

Public Discussion - None

Planning Board Discussion

Mr. Ophardt asked about lining up with Tracey Court and Mr. VanGuilder stated that it is not directly across and therefore felt this offset of 100 ft. was an improvement. Mr. Ophardt also asked if it was close to the turning lane for the library and Mr. VanGuilder stated that it is in the transitional area and felt that the pedestrian traffic was more of a concern than the auto. Mr. Ferraro asked if a stop sign on the trail for drivers would make sense. Mr. Ophardt stated that drivers are required to stop for pedestrians but a marked crossing on a private drive is not usual. Mr. Scavo stated that he would have to look into it with the highway safety committee. Mr. Hale suggested that he would like to see the driveway straightened out a bit at the end. Mr. Ferraro asked if any hazardous material had been dumped there by prior owners. Mr. VanGuilder said it appeared to be just junk. County Waste had accepted all of it and no indication of oil, vehicles, or drums was seen upon clean up. Mr. Ferraro also asked that something stressing individual ownership and responsibility of culverts and substructures along the driveway be made clear and noted that it was private and not Town Responsibility. Mr. VanGuilder stated that he included a maintenance agreement on file. Mrs. Paulsen mentioned that keeping a curve at the end of the driveway might be a little bit of a slowing, calming effect on approach to pedestrian walk. Mr. VanGuilder said it will be straightened enough for emergency vehicle access but also gently curved to be a bit of a mitigating factor.

The Planning Board seemed generally in favor of the concept plan.

- B. [2012-013] Stewarts Shops Addition Proposed 470 SF addition, 923 Riverview Rd, Zoned: HM, Conceptual site plan review SBL: 269.-3-21 To be reviewed by: MJE

Presentation by: Chuck Marshall, real estate representative for Stewarts and Chris Plotter.

Mr. Marshall described the proposed changes which consists of lighting, an addition and a freezer to be accessed from inside. Mr. Marshall also stated that a bike rack would be added and asked for guidance in locating it on the property.

The applicant noted that Stewarts is initiating a change to LED lighting in all their sites and this location will be one of the first.

Staff Comments

Building and Zoning read by the Planning Director

- Required variances approved

Planning Director's Comments

- The addition of a bike rack similar in style to the one located on Route 146 near the Vischer Ferry Road intersection would be a great addition to the site.

MJE Comments

1. The proposed project appears to be an “Unlisted” action pursuant to SEQR, and as such a coordinated review is optional. The Planning Board may wish to accept lead agency status. Involved agencies are expected to include, but are not limited to the following:
2. Town of Clifton Park Planning Board – Site Plan Approval
3. It appears that the natural gas line will require relocation as its current location falls within the footprint of the proposed exterior freezer.
4. A note should be added to the plan to indicate that the handicap accessible parking space and access aisle are to be graded at 2.0% (1:48) maximum in all directions.
5. A callout for the handicap accessible parking sign should be added to the plan or a legend should be added to identify the signage indicated on the plan.
6. A callout for a “No Parking” sign for the access aisle for the accessible parking space should be added to the plan and the sign should be relocated behind the sidewalk. The current location of the sign on the plan appears to interfere with the accessible route to the building.
7. Dimensions for the relocated parking stalls, access aisle, and sidewalk should be added to the plan.
8. A detail for the sidewalk should be added to the plan.
9. The existing parallel parking spaces along the western and southern sides of the site should be added to the plan.

ECC Comments – No additional comments

Public Discussion

Dan Hartnett, of the Open Space Committee, asked about the existing right of way on Riverview and 146. Mr. Scavo stated that language could be added to the plan for an easement so setbacks would not be affected on Riverview Rd. noting that the setbacks on Route 146 appeared to be adequate although there are drainage issues.

Planning Board Discussion

Mr. Scavo and Planning Board members expressed appreciation for the energy conscious move. The Planning Board was generally agreeable to the concept.

- C. [2012-014] **Schuyler, LLC Duplex @ Clifton Preserves** Proposed construction of duplex in 2010-007 Clifton Preserves Subdivision, 324 Moe Rd, Zoned: R-1, Conceptual Special Use Permit review SBL: 277.15-4-5 To be reviewed by: N/A Consultant: Vaccarielli

Presentation: by Anthony Vaccarielli, owner of the Clifton Preserves subdivision. Mr. Vaccarielli explained that he has been having difficulty marketing the project as single family homes and that there is demand for upscale apartments or multi-family dwellings and he is proposing that one duplex unit be permitted on the first lot of the previously approved subdivision.

Staff Comments

Building and Zoning read by the Planning Director

- SUP for 2 family submitted to Planning
- It is believed a 2-family at this location would have an adverse impact on the neighborhood.

Planning Director's Comments

- The applicant should clarify what parcel the 2-family home is proposed for. Is it the existing 1 story dwelling unit already located at 326 Moe Road? New addresses were assigned with the original subdivision (326, 324, 322, 320, &318 Moe Road). It appears on the application duplex is proposes for the “frontage lot” which would be 326 Moe Road.

- A public hearing will be required for the proposed special use permit. With the original subdivision residents from the Grooms Pointe Homeowners Association attended the public hearing and were concerned about what the proposal was for and it was relayed to them at that time if was for single family homes.
- The original subdivision map if the special use permit is granted should be amended to reflect the appropriate 911 address. The Town's Fire Coordinator will work with the post office if the special use permit is granted to obtain the new street numbering for the proposed homes.
- The original subdivision map would have to be updated to show the additional proposed force main and grinder pump if the special use permit is granted.
- The original subdivision did have a specific note that, "NO FURTHER SUBDIVISION SHALL BE ALLOWED", if the special use permit is granted then this restriction should also be noted within the notice of decision and the applicant should realize that the ability to split the parcel into two separate dwelling in the future will not be allowed.
- Per Section 208-79€ of the Town Code he Planning Board shall determine whether the proposed special use will, among other things, satisfy the following considerations:
 - (a) That the use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts.
 - (b) That the use will not prevent the orderly and reasonable use of permitted or legally established uses in the district wherein the proposed use is to be located.
 - (c) That the public health, safety, general welfare or order of the Town will not be adversely affected by the proposed use in its location.
 - (d) That the use will be in harmony with and promote the general purposes and intent of the Comprehensive Plan and this chapter.
 - (e) That the character of the existing uses and approved future development in the district will not be adversely affected by the location of the proposed special use in the proposed location.
 - (f) The conservation of property values in the vicinity of the proposed specially permitted use and the encouragement of the most appropriate use of land.
 - (g) The effect that the location of the proposed use may have on the increase of vehicular traffic congestion on public streets and highways.
 - (h) That the proposed site provides adequate parking facilities to protect against hazardous traffic and/or parking conditions.
 - (i) The availability of adequate and proper public or private facilities for water and for the treatment, removal or discharge of sewage, refuse or effluent (whether liquid, solid, gaseous or otherwise) that may be caused by or as a result of the proposed use.
 - (j) Whether the use or materials incidental thereto or produced may give off obnoxious odors, smoke or soot or will cause disturbing emissions of electrical charges, dust, light, vibration or noise detrimental to the public health, safety and general welfare.
 - (k) Whether operations of the special use will cause undue interference with the orderly enjoyment by the public of parking or of recreational facilities, if existing or if proposed by the Town or by other governmental agencies.
- The proposed use is inconsistent with the Town Comprehensive Plan which states on page 32, Population & Housing, B-Strategies, "The Town should continue to encourage the existing housing mix with single family detached units as the predominate type.

The applicant should provide supporting information to the Planning Board to assist with the determination based on the above criteria.

- A rendering and layout of the proposed duplex should be provided if conceptual approval is granted so the Planning Board can determine if the review criteria under a special use permit has been satisfied. The layout should also include the proposed driveway(s) location. If a common driveway is proposed language for the use of the common driveway should be provided for the Planning Board's review.

MJE Comments - No comment

ECC Comments

1. In order to assess the environmental impact of this project, the ECC requests the Applicant submit a plot plan and additional information regarding the intent of the proposal.

Public Discussion

None

Planning Board Discussion

Mr. Hale stated that he thought that there may be potential for some other types of housing such as duplexes and multi-family houses in Clifton Park. Mr. Koval stated that he has seen some of them done very well that are bigger, nicer units and does not feel that it is necessarily a negative impact. There are some nearby and with this being a busier road, it might be appropriate. Mr. Vaccarielli stated he felt this was a bit isolated on a busier road and that surrounding neighbors have not seemed to indicate any problems to him with this proposal. Mr. Koval asked to clarify that the Grooms Pointe homes in the rear of the property are also attached homes and was told that they were. Mr. Ferraro asked if parking might be an issue. Mr. Vaccarielli stated that it is a half acre lot and that he did not see that parking would be an issue. The applicant verified that the units might be rentals, or they might be bought by a single owner and then one unit rented out. Mr. Ophardt asked if the other lots were proposed to be duplexes also. Mr. Vaccarielli said that if the first one sells, he might seek Special Use Permits for developing two-family homes on the other lots as well. Mr. Scavo noted that these units would still only allow one owner per lot by Town Code without further subdivision, although there could be two dwelling units per lot. Mr. Ferraro felt that if the first lot was allowed to be a duplex, that it might make it more difficult to sell single family lots there. Mr. Ferraro also expressed concern about the maintenance responsibilities with the shared driveway should the properties be developed with duplexes and he also asked for some idea of the appearance of the units. Mr. Vaccarielli said he would be willing to show floor plans and elevations and added that the units would be designed on slabs with radiant heat flooring and single level homes. A couple members stated that they felt that duplexes in the back lots might be more difficult for the Planning Board to consider. Mr. Hale stated that with good architecture and landscaping that he felt it could sell.

The Planning Board seemed mixed in its acceptance of this plan and would like to see more details if it is to move forward.

IV. Minutes Approval – 4/10/2012

So Moved: Koval

Seconded by: Ophardt

Ayes: R. Ferraro, J. Koval, E. Ophardt, M. Hale

Opposed: None

Abstain, Paulsen and Werner

The motion is: carried

V. Discussion Items –

Next submittal deadline: 5/2/2012 for the Wednesday 5/23/2012 meeting

Next Planning Board Meeting: 5/8/2012 from items submitted on 4/18/2012

The chairman asked for a motion to close the meeting at: 8:33

So Moved: Paulsen

Seconded by: Hale

Ayes: All

Opposed: None

The motion is: Unanimously Carried

Respectfully submitted,

Meg Springli