

Town of Clifton Park

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Eric Ophardt

Kim Paulsen

Tom Werner

(alternate) Eric Prescott

Planning Board Meeting June 27, 2012

Those present at the June 27, 2012 Planning Board meeting were:

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

Those absent were: E. Andarawis, E. Prescott

Those also present were: J. Scavo, Director of Planning
R. Milano, M J Engineering and Land Surveying, P.C.
P. Pelagalli, Counsel
J. Dean, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Public Hearings:

[2011-036] Rusty Nail - Proposed addition to an existing restaurant and parking lot expansion, 1781 Route 9 – Preliminary public hearing and possible determination.
SBL: 266.3-2-8

Mr. Ferraro, Chairman, called the public hearing to order at 7:05p.m. The Secretary read the public notice as published in the Daily Gazette on June 19, 2012.

Mr. Dom Arico, consultant for the applicant, presented a brief description of the project plan, explaining that this application remains generally as presented at the May 8, 2012 meeting. The site plan now shows the re-alignment of Biette Road just south of the restaurant, the new parcel boundary lines resulting from the consolidation of adjoining lots, the limits of the leased

area, and revision of the parking layout to provide for more efficient traffic flow. The speaker explained that porous asphalt will be used in both the original parking area and the overflow area. The plan includes “upgraded landscaping” and lighting within the parking areas. The patio area will be enclosed with decorative fencing. The shared entranceway to the north will be 10’-12’ wider than required by NYSDOT, though it will be narrower than the existing driveway. Mr. Arico stated that revised plans for stormwater management are being completed and that the applicant is awaiting comments regarding the proposed roadway improvements from NYSDOT.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comment regarding the application in a memo dated June 19, 2012. The application cited the rational method as being used for the stormwater management plan: this is not acceptable per the NYS Stormwater Design Manual. The stormwater plan is incomplete.

Mr. Scavo reported that Ms. Sheryl Reed, Fire Marshall, offered the following comments regarding this application in a memo dated June 21, 2012. She notes that just off Biette Road is an existing gated emergency access road into Turf Trailer Park which is located in the Town of Halfmoon. It is essential for life safety purposes to provide adequate access along Biette Road for emergency service vehicles. She requests that both sides of Biette Road for its entire length be posted with “No Parking – Fire Lanes” signs as required by code. The location of the existing hydrant must be shown on the site plan.

Mr. Scavo reported that the ECC offered the following comments regarding this application. The site plan and the plantings plan should be consistent. Per Town Code, the applicant should maintain a minimum 35% greenspace calculated for the entire parcel. The applicant should install curbed islands and plant cisterns to increase the greenspace percentage. The applicant should provide a maintenance plan for the areas of proposed porous pavement. The consultant is asked to identify the dumpster location on the site plan. In order to prevent food and liquid wastes leaking from the on-site dumpster(s) into a stormwater catch basin and/or surface water body, the ECC recommends the applicant enclose the area (i.e. roof) on an impervious surface with a berm surrounding the dumpster(s) that will accept food and liquid wastes. If necessary, the applicant will need to periodically pump out the accumulated wastes within the bermed area to avoid any overflow.

Mr. Scavo offered comments prepared by the Planning Department. As requested several times previously and per Section 208-115, a north arrow must be shown on all plan sheets. Approval from NYSDOT will be required prior to the Planning Board’s preliminary determination. Pursuant to Section 208-123 of the Town Code, an engineer’s estimate for the cost and installation of landscaping materials must be submitted to the Planning Department for review to ensure the establishment of a security account to ensure proper planting and maintenance of planting materials for one year after the issuance of the Certificate of Occupancy. A cut sheet of proposed lighting fixtures must be included with the project plans. The site plan should note that the applicant is required to install “No Parking Anytime” signs on both sides of Biette Road for its entire length. The signs shall be of diamond grade reflectivity. Outdoor entertainment should be limited to acoustic instruments only with no amplified music permitted. The conditions of outdoor entertainment as determined by the Planning Board should be noted on the site plan and within the final Notice of Decision.

Mr. Scavo noted that the comments from the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee have been forwarded to all Board members. For this application the subcommittee “unanimously decided that it is not acceptable to have a bike rack in a sea of grass” as proposed by the applicant. The subcommittee recommends that the rack be located on a concrete or stone paver area connected to the main sidewalk: project plans should include specifications for the rack and detailed instructions for its installation.

Mr. Milano reported that M J Engineering and Surveying, P.C. offered nearly sixty comments based on review of the preliminary site plan and stormwater management plan. Comments remaining to be addressed from the November 4, 2011 letter include the following: an Erosion and Sediment Control Plan will be required for review; a north arrow and scale should be added to the plans. All required handicap accessible parking spaces and accessible routes are to be indicated on the plan and graded to meet all applicable ADA and NYS Building Code requirements.

Mr. Milano reported that the following comments from the May 22, 2012 letter remain to be addressed. Test pits and infiltration testing will be required and are to conform to the requirements of the NYSDEC Stormwater Management Design Manual. It appears that porous pavement is proposed for the main parking area, a portion of the access drive, and truck delivery area for the facility. The design engineer should verify that the porous pavement is acceptable for all areas as permeable pavements are typically not appropriate for high traffic or heavy vehicle loads due to the reduced strength of these types of surfaces. Any prior or recent variances granted for the project site should be indicated on the plan. All proposed utilities should indicate the size and types of materials to be used. All gravity sewer lines should indicate the inverts and slopes of the lines. The plan indicates two 4 inch sewer laterals tying into a single 4 inch sewer line and flowing to an existing grinder pump: the sewer line should be resized appropriately and clarification and additional detail should be provided on the sewer system and anticipated increase in flows. The location of the dumpster enclosure should be indicated on the plans. Any existing and proposed hydrant locations should be indicated on the plans.

Based upon review of the revised plans and Stormwater Pollution Prevention Plan, M J Engineering and Land Surveying, P. C. offers the following additional comments. Written responses to all outstanding and additional comments should be provided with future submissions. Existing topography for the area to be leased must be shown on the plan and the plans revised as necessary. The applicant must provide clarification regarding the lease agreement and information regarding proposed maintenance of the leased parcel. Miscellaneous callouts are repeated on the plan sheets and many of them identify site elements that are not shown on the particular sheet: this should be revised for future submissions. It is recommended that all drainage information be shown on the grading plan and removed from the site plan. A radius should be provided at all inside corners of the parking area. A stop sign should be installed at the intersection of Biette Road and Route 9. Portions of sheet C3 and the Planting Details sheet are illegible and should be corrected for future submissions. Dimensions for walkways, parking stalls, drive aisles, the delivery area, and other site features should be added to the plans. The proposed sawcut line limits and locations for the proposed access drive should be shown on the plan. The curved portion of the drive aisle near the motorcycle parking area tapers from 24 feet wide down to about 20 feet: it is recommended that the drive aisle be revised

for a continuous width of 24 feet. The applicant is asked to provide clarification regarding the curbing proposed near the main building entrance area or elsewhere on the site. Details for the proposed retaining wall, including elevations, must be included on the plan. The underground detention system shown on the plan does not correspond to the detail and the discrepancies should be revised accordingly. The Commercial Driveway Detail does not correspond to the main access drive or for the realignment of Biette Road on the plans: the discrepancies should be corrected. Clarification on where the NYSDOT Right-of-Way Sidewalk Section Detail applies is requested. The decision must provide for turning movements for the delivery area for the largest anticipated design vehicle. It appears that a fence is proposed along the southern edge of the parking area: clarification regarding the type and height of the fence and all other details for the fence must be included on the plan. The size of the motorcycle parking stalls should be specified. Clarification of the type of material proposed to be installed at the perimeter of the patio area must be provided. Based on the amount of proposed parking spaces, 5 handicap accessible parking spaces are required. It appears that there is insufficient room for curb ramps at the accessible parking area due to the location of the planting area: provide clarification on the accessible route(s) to the building from the parking area. The access aisles for the handicap accessible parking spaces are required to be a minimum of 8 feet wide. The required "No Parking Anytime" signs for access aisles, handicap accessible parking signs, and pavement markings should be indicated on the plans. Provide details for the proposed ramp at the front of the building. Provide detailed grading and drainage information for the realignment of Biette Road and the residential driveway. As currently shown on the plans, the grading along the northern side of the site will impact the adjacent property. If additional retaining walls or revisions to the grading are being considered, the consultant should so note. It appears that one roof drain is shown on the plan: details regarding the proposed collection of all roof drainage and where it is being conveyed must be included on the project plans. The type of material, slope, inverts, and a detail should be provided for the underdrains. The top of frame elevations for the 3 proposed drainage structures in the parking area should be revised and coordinated with the proposed grading. Based on the current grading and inverts for storm lines, there are areas where there is less than 1 foot of cover over the storm lines: this should be re-evaluated and revised accordingly. The invert out of the catch basin near the patio area is higher than the invert in and should be revised accordingly. There are 3 inverts listed for the catch basin to the northeast of the main building entrance, but there are only 2 pipes shown on the plan: the discrepancy should be revised accordingly. The existing catch basin that falls within the area of the proposed patio should be removed. The applicant is asked to provide verification that the existing grinder pump has adequate capacity to accept the additional flows. Notes should be added to the plans to clearly identify the requirements for proper removal and disposal of the existing septic system. It appears that there are no existing or proposed hydrants in the immediate vicinity of the project site. The addition and location of a proposed hydrant(s) should be coordinated with local fire officials. The Planting Plan shows the previous parking area layout and should be revised to reflect the new design. There are duplicate planting details included in the plan set and any duplicate details should be removed from the plan set. The town typically requires downward style full cut off light fixtures; therefore, the use of existing and proposed acorn style lights should be discussed with the Planning Board. The Notice of Intent of Appendix E should be signed by the Owner/Operator. The Contractor Certification Statement in Appendix A incorrectly references Stoneledge Terrace of Troy, NY, and should be revised. The Stormwater Pollution Prevention Plan should include a map from NYS OPRHP depicting the project's

location and relation to any potentially sensitive archeological or historical areas. The List of Figures and Appendices incorrectly references a P-1 Micropool Extended Detention Pond, which is not proposed for this project: this reference should be corrected. An Erosion and Sediment Control Plan should be prepared depicting the types and locations for all temporary and permanent erosion and sediment controls proposed for the project. The pre- and post-development areas do not match in description or size between the plans and Stormwater Pollution Prevention Plan.

Mr. Milano explained that the following comments relate to the post-development routing calculations for the underground detention facility. The underground storage facility appears to be utilizing 2.00'x2.00' piping according to the hydraflow calculations provided. The engineer should confirm the program input is a 24" diameter pipe (as is shown on the plans), and not a 24"x24" box. An exfiltration rate of 1.00 in/hr has been specified. Infiltration testing should be provided to confirm this exfiltration rate is appropriate. The analysis should incorporate the entire area draining to the practice, including off-site runoff. The Stormwater Pollution Prevention Plan must address soil restoration as required by Section 5.1.6 Soil Restoration of the NYSDEC SWM Design Manual. Portions of the proposed porous surfaces are to be installed above previously paved surfaces. Subsoils previously supporting roadways and structures are not suitable for infiltration without appropriate soil remediation to achieve an adequate infiltrative capacity. The underground detention facility appears to be proposed in a non-level orientation. This is undesirable as the entire storage volume of the pipes will not be utilized without surcharging the outlet structure. Hydraulic calculations should be provided accurately depicting the proposed underground stormwater facility. Access points should be added to the underground detention facility for maintenance. The underground detention facility appears to have less than one foot of cover and should be revised to increase the cover to an acceptable amount. Consideration should be given to eliminating off-site runoff from being discharged on top of proposed porous surfaces. Off-site runoff carries with it a high potential for transporting sediments and other debris capable of clogging the infiltration capacity of porous surfaces. Surface runoff from the proposed parking lots should be controlled. In the event of porous pavement failure or an extreme runoff event, the eastern half of the parking lot discharges runoff onto the adjacent property to the south. Calculations for stormwater conveyance capacities (e.g. storm sewers) should be included. The Stormwater Pollution Prevention Plan should provide soil information (e.g. soil type, infiltration capacity, soil limitations, depth to seasonal high water table, groundwater table, or bedrock, etc.). USDA Soil Survey mapping should be included in the plan. The stormwater plan does not discuss NYSDEC's Five Step process for stormwater site planning and practice selection (Section 3.6 of the NYSDEC SWM Design Manual). The plan should include a Natural Resources Map identifying sensitive environmental features as required by Section 3.6 of the NYSDEC SWM Design Manual. Off-site drainage associated with the realignment of Biette Road should be addressed.

Mr. Milano explained that although the list of comments was extremely long, there were several issues of significant concern. Briefly stated, these concerned infiltration testing, corrections to drafting and technical issues, inconsistencies within the Stormwater Pollution Prevention Plan and the site plan, details regarding the proposed retaining wall, topographical information for the leased parcel, location of the dumpster, maneuvering areas for delivery vehicles, ADA compliant handicapped parking spaces, and containment for run-off from major

storm events. He recommended that the consultant apply NYSDEC's Five Step process when preparing the stormwater management design.

Mr. Arico requested the opportunity to clarify some of the issues identified. He explained that the new terminus for Biette Road is to be used only as an access to Route 9 and will not be owned by the town. He described Biette Road as a "user road" to which the Town has maintenance rights. Addressing Mr. Ferraro's comment regarding use of the roadway, Mr. Arico explained that the "functionality of the roadway" will not change: it will continue to serve all of the property owners along Biette Road. Mr. Arico did note that, per Ms. Reed's recommendation, the installation of "NO PARKING" signage along the roadway may not be an appropriate responsibility for the owner of the Rusty Nail. Mr. Pelagalli recommended that the applicant consult with the Highway Superintendent and the Town Attorney regarding the status of the roadway, maintenance responsibilities, and the installation of appropriate signage. In response to Mr. Ophardt's question regarding road construction standards, Mr. Arico stated that the 18'-wide roadway will be constructed to the town's roadway standards. He also explained that topographical information would be added to the plan when the boundaries of the leased parcel and parking lot lay-out were deemed acceptable by the Board.

There being no public comment, Mr. Ferraro moved, seconded by Mr. Werner, to close the public hearing at 7:35p.m. The motion was unanimously carried.

Mr. Werner observed that the striping shown on the access drive may not be appropriate: Mr. Arico explained that the landscape architect overlaid the wrong plan on the site drawing. Appropriate striping will be used, however, to delineate the private drive to the north from the entranceway to the Rusty Nail. In response to the question concerning the use of porous pavement, Mr. Arico explained that the applicant will utilize porous pavement in both parking areas. Mr. Werner expressed his concern regarding the maneuvering area for delivery vehicles: Mr. Arico explained that a "beer truck" would be the largest vehicle to service the restaurant. There will be no loading dock. The consultant will provide information regarding the turning radii provided at the delivery site. Mr. Hale stated his support for the use of porous pavement, though he was concerned that the plan did not adequately address the management of the potential volume of stormwater. Mr. Arico explained that a site analysis must be conducted to determine the best location for infiltration and provide a basis for designing the most effective overall stormwater management plan. In response to Mr. Hale's query regarding greenspace on the site, Mr. Arico stated that 28% of the site will be so designated, noting that much of the green area has been moved to the site's frontage along Route 9. Mr. Ferraro questioned the use of the "rational calculation method" as opposed to the "storage reduction method" for managing stormwater. Mr. Arico described the "rational calculation method" as the more conservative of the two, but stated that he would apply the standards that Mr. Myers found acceptable. Mr. Ferraro expressed his appreciation to the applicant for employing porous pavement within the parking areas and for the realignment of travel lanes through the parking area to improve traffic flow. In response to his question regarding the type of fencing to be used on the site, Mr. Arico explained that the applicant intended to install a "decorative fencing" product. Mr. Ferraro stated that although he was anxious to see this project "come to fruition," there were a number of significant issues such as the status of Biette Road, the preparation of adequate stormwater management plans, the management of drainage along the Route 9 right-of-way, and many minor

technical concerns such as the proper installation of the bike rack and dumpster location to be addressed. Mr. Koval stated his appreciation for the applicant's willingness to revise the parking lot lay-outs, though he asked that the consultant provide such details as the proposed vehicle turning radii and the dumpster location so that Board members could visualize "how the site really works." Board members found the plan generally acceptable; however, it was noted that any approvals would be dependent upon a more complete set of plans.

[2011-034] **Teele – Mitchell** – proposed (3) lot subdivision, 995-997 Route 146 – Preliminary public hearing and possible determination. SBL: 271.6-1-77

Mr. Koval announced that he would recuse himself from any discussion and/or vote on this application.

The Chairman called the public hearing to order at 7:50p.m. The Secretary read the public notice as published in the Daily Gazette on June 19, 2012.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that has been revised since last presented to the Planning Board at its November 9, 2011 meeting. The original plan proposed a two (2) lot subdivision of the 3.2 acre site that is located in a B1 (Business Non-Retail) zoning district on the northerly side of Route 146 just east of Arnold Drive. The current proposal would provide for a three (3) lot subdivision with lots of 1.67 acres, .92 acres, and .61 acres, respectively. The largest lot contains an existing residence and two garages. The other two lots each contain a duplex unit and metal shed. The single-family residence is accessed by an ingress/egress from Route 146. The duplex units are served by a single combined driveway from Route 146. All lots are serviced by the Clifton Park Water Authority and the Saratoga County Sewer District. Mr. Vuillaume explained that the Zoning Board of Appeals approved a number of variances at its June 5, 2012 meeting. Those variances included a front yard building setback, front yard parking setback, side yard building line setback, minimum lot area, minimum lot width at the front building line, minimum side yard parking setback, and minimum landscaped buffer area. The speaker reported that the information regarding green space, existing utility information, and existing vegetation limits for each lot has been added to the plan. Mr. Vuillaume explained that the existing residence has been established as a life estate. He emphasized the fact that no new construction or changes to the properties were proposed at this time.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, confirmed that the applicant had received all necessary variances from the Zoning Board of Appeals on June 5, 2012.

Mr. Scavo offered the following comments prepared by the Planning Department. Final sign-offs from both the Saratoga County Sewer District and the Clifton Park Water Authority will be required. He noted that the project has been modified to place each dwelling unit on its own lot: the problem created by permitting multiple dwelling units on a single lot has been resolved. He reported that the ECC found the subdivision plan acceptable.

Mr. Milano reported that M J Engineering and Land Surveying, P. C. offered the following comments regarding this application. An ingress/egress easement and maintenance agreement will be required for the shared access driveway for Lots #2 and #3. The green space area listed on the plan for Lot #1 is larger than the total area of the Lot and should be revised accordingly. Bearings and distances for all proposed individual lot lines and easements must be shown on the plans.

Mr. Anthony Lafleche, 21 Wheeler Drive, asked if the applicant proposed a change of zoning at this time. Mr. Vuillaume stated that there were no proposed changes of zoning or existing site conditions at this time.

Mr. Lafleche, speaking as a representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the applicant and the Board recognize that any future development of the parcels will likely be conditioned upon the installation of sidewalks from Arnold Drive to the driveway of 995 Route 146.

There being no further public comment, Mr. Ferraro moved, seconded by Mr. Hale, to close the public hearing at 8:05p.m. The motion was unanimously carried.

Board members found the subdivision plan acceptable. Mr. Ferraro noted that adjoining property owners and others should be aware that the property could be developed in accordance with B1 zoning regulations. Current zoning regulations would allow the construction of medical and/or professional offices of 4,800 SF.

Mr. Werner moved, seconded by Mr. Ophardt, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Ophardt offered Resolution #10, seconded by Mr. Hale, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of the comments rendered by the Planning Department, M J Engineering and Surveying, P. C., the Planning Board, and all items listed in the final comment letter issued by the Planning Department. Ayes: Ophardt, Paulsen, Andarawis, Hale, Werner, Ferraro. Noes: None. Abstained: Koval.

Old Business:

[2012-019] **Northside Drive Restaurant (Delmonico's)** – Proposed 1,270 SF addition to an existing commercial building and expanded parking area, 3 Northside Drive – Preliminary site plan review and possible determination. SBL: 272.9-1-38

Mr. Gavin Vuillaume, consultant for the applicant, explained that this application remains generally as presented at the May 23, 2012 meeting. The site plan amendment calls for a 1,270 SF addition to an existing building to be used as Delmonico's Restaurant and an additional 63 parking spaces. The total number of parking spaces dedicated to the restaurant will be 99. Drainage from the parking area will be directed to the rear of the site. The existing grease trap

will be relocated in accordance with Saratoga County Sewer District regulations. Utility easements have been established as necessary. A typical erosion control plan will be prepared. Mr. Sanders, architect, presented façade renderings of the restaurant, explaining that the cooler and freezer section will be enclosed with an EIFS material that will be compatible with materials used to construct the existing building.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application. The building addition should have a minor effect on the site's stormwater management structure. Setback requirements appear to be acceptable with the additions shown.

Mr. Scavo reported that the applicant has satisfied nearly all of the comments issued by the Planning Department. He did, however, request that the applicant include a façade rendering as part of the final plan set that will become a part of the final stamped site plan. A site inspection escrow account must be established and a landscaping security deposit submitted prior to the issuance of a building permit. He reported that the ECC recommended that the applicant consider the use of porous pavement for the new parking area.

Mr. Milano stated that M J Engineering and Land Surveying, P. C. reviewed the proposed preliminary site plan and found that all previous comments from the comment letter dated May 22, 2012 have been addressed with the exception of comment #9. The response to comment #9 indicates that the accessible route to the building complies with ADA requirements, but the existing spot grades on the plans indicate a cross slope for the walk well over the allowable 2.0% maximum. If existing conditions do not comply with ADA requirements, it is recommended that the area be reconstructed accordingly.

M J Engineering and Land Surveying, P. C. offered the following additional comments. The proposed sewer service indicates invert elevations for a new sanitary manhole that results in no slope on the sewer line from the proposed manhole to the existing downstream manhole. Also, the slope indicated on the proposed 6 inch lateral places the invert elevation of the proposed manhole lower than the existing downstream manhole: there is no drop in elevation through the proposed manhole. It appears that the sewer may have been originally constructed with a slope below what is required to maintain a minimum cleansing velocity for the sewer line. It is recommended that the sewer system be re-evaluated and re-designed to meet minimum requirements. If feasible, it would be beneficial to raise the sewer inverts at the building. A callout should be added to the plan to extend the existing 18 inch storm line inlet to the stormwater management area as the current location appears to fall within the limits of the proposed asphalt pavement. The invert for the 18 inch storm line should be verified as the plans indicate that it is higher in elevation than the upstream catch basin. The site statistics' table indicates that there are 37 existing parking spaces, though the plans show 35 spaces. Based on existing conditions there are 35 spaces available; however, one space will be striped for an accessible aisle. It appears that there will be a total of 97 parking spaces available once the project is completed. The applicant is asked to verify the number of parking spaces and update the parking information accordingly. An Erosion and Sediment Control Plan should be added to the plan set and should include inlet protection for existing catch basins, silt fence along the

stormwater management area, a stabilized construction entrance, and any other necessary erosion and sediment controls.

Mr. Ophardt recommended that the consultant consider grouping the designated handicapped parking spaces in a location convenient to the restaurant's entranceway: Mr. Vuillaume agreed that this was a reasonable suggestion and will revise the plan accordingly. Referencing the comment issued by the Trails Subcommittee, Mr. Ophardt asked that the applicant add an appropriate bike rack to the site plan. Mr. Vuillaume agreed. In response to Mr. Ophardt's question regarding maintenance of the detention basin, Mr. Vuillaume explained that responsibility for maintenance of the area would be assumed by the property owner. Mr. Ferraro stated his support for the project and asked how future pedestrian amenities could be incorporated into the area. Mr. Vuillaume explained that it was the applicant's intention to install a small sidewalk segment from Northside Drive to the driveway access serving the PrintGraphics business located in the building just north of Northside Drive. An easement will be provided along the northerly side of Northside Drive for installation of a future sidewalk. Though Mr. Ophardt called for the installation of the sidewalk – as recommended in the Exit 9 Corridor Study and Town Center Plans - as a condition of this approval, Mr. Scavo explained that the sidewalk link as proposed was appropriate for the scale of the Delmonico application. Mr. Ferraro summarized the Board's discussion, stating that he found that designating the area along the northerly side of Northside Drive for future sidewalk construction appropriate at this time since development to the north would dictate the sidewalk's location and access points. Mr. Ferraro stated that he found the landscaping plan "deficient." Mr. Vuillaume agreed to add additional trees to the islands located within the parking lot. In response to the recommendation that porous pavement be used in the parking areas, Mr. Vuillaume explained that although the applicant may consider the use of such materials in the future, typical asphalt paving materials will be used at this time.

Ms. Paulsen moved, seconded by Mr. Koval, 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. Ophardt moved, seconded by Mr. Hale, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by the Planning Department, M J Engineering and Land Surveying, P. C., the Planning Board, and all items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

New Business:

[2012-023] **Keefe, Kenneth G. and Grace L.** – Proposed (4) lot subdivision, 267 Lapp Road – Conceptual subdivision review. SBL: 278.-1-21

Mr. Duane Rabideau, consultant for the applicant, presented this application for consideration. The application requests approval of a four (4) lot subdivision of the Lands of Kenneth and Grace Keefe. The 1.99 acre parcel, lying within the R1 zoning district, is located on the easterly side of Lapp Road at its intersection with Frankie Lane: three lots will be of

20,000 SF, respectively, and the lot containing an existing burned out residence will have a square footage of 26,791 SF. The home that was destroyed by fire and all existing improvements will be removed. All lots will be served by public water and connection to the Saratoga County Sewer District #1. All lots will be accessed via individual driveways from Frankie Lane. Mr. Rabideau noted that all area requirements and setbacks have been met. There are no wetlands located on the site.

Mr. Scavo read the comments prepared by Mr. Myers, Director of Building and Development in a memo dated June 19, 2012. Mr. Myers points out that the burned out residence remains in place and is “causing a public hazard.” The lawn has not been maintained. Both these problems are violations of the New York State Building Code. All proposed parcels appear to meet bulk and setback requirements. Public water and sewer connections are available to serve the residences.

Mr. Scavo offered the following Planning Department comments. A note should be added to the plans that states what structures are to be removed from Lot #10. Sign-off from both the Clifton Park Water Authority and Saratoga County Sewer District will be required prior to the granting of final approval. Parkland fees will be assessed for the three proposed residential lots. Demolition of structures and on-going maintenance of lawn area of Lot #10 will be required prior to the issuance of any building or clearing and grading permits for the newly created lots.

Mr. Scavo explained that the ECC reviewed the application and offered the following comment. Since the subdivision is located in an area which may be impacted by noise and vibration of traffic activity from Interstate 87. This should be noted on each deed.

In response to Mr. Ferraro’s question regarding the applicability of the standard note concerning aviation activity, Mr. Scavo stated that the standard note would indeed be applicable and must be added to the plan.

Mr. Anthony Lafleche, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, stated that the committee is seeking a 20-25 foot wide right-of-way along Lapp Road. Since Lapp Road has significant drainage areas along the road and because the trail will require more land area than previous trails because of the significant tree canopy along the road, the trails subcommittee seeks more right-of-way than usual. Mr. Ferraro recommended that potential property owners be made aware of the possibility that the trails committee is seeking a wider-than-usual right-of-way along Lapp Road.

Mr. Randy Millano reported that M J Engineering and Land Surveying, P.C. reviewed this application and issued the following comments. 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: Town of Clifton Park Planning Board – Subdivision Approval; Saratoga County Sewer District #1 – Sewer Connection Permit; Clifton Park Water District #1 – Water Connection Permit. The conceptual subdivision plan appears to meet R1 zoning space and bulk standard requirements. Existing topography for the site should be

provided. 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. 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. Details for all inverts, type of pipe, and top of frame elevations for the two existing sanitary sewer manholes in Frankie Lane must be included on the plans. Proposed utility location and information including water and sanitary services should be indicated on the plan. The location of curb boxes for water services to should be indicated on the plan at the edge of the public right of way and the size and type of material for these water services should also be indicated. All proposed driveway locations should be indicated on the plan.

Mr. Hale stated his support of the subdivision plan as presented calling it a “positive approach” to in-filling by breaking up existing larger parcels in areas of denser development. Though Mr. Ferraro found the plan acceptable, he asked that approval conditions require demolition of the burned-out structure and maintenance of the lawn area on Lot #10. In response to Mr. Werner’s question concerning driveway locations, Mr. Rabideau explained that all residences will be accessed from Frankie Lane.

Mr. Joe Burr, member of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, reported that the committee is currently updating the Trails Master Plan. One of the updates proposed is an off-the-road trail along Lapp Road that would require a 20’ wide right-of-way.

Board members found the plan generally acceptable.

[2012-024] **County Waste Recycling** – Proposed upgrade to the existing fueling facility, 1927 Route 9 – Conceptual site plan review. SBL: 259,-2-97.1; 23; 106

Mr. Bill Black, consultant for County Waste, described this project that calls for the removal of the existing fuel tank with state-of-the-art equipment that will be compliant with all of the equipment and installation standards required by NYSDEC. The County Waste Recycling Facility is located within the L1 zoning district on the easterly side of Route 9 south of its intersection with Ushers Road. Project plans call for the replacement of an existing tank with one 15,000 gallon double-walled tank with overfill protection and an electronic leak detection that will shut down its operation in the event of a malfunction of the system. A fuel management system for constant inventory reconciliation will be part of the installation. Four new diesel fuel dispensers with all necessary safety valves beneath two canopies with six flat lens 320 watt lights will be provided. The existing fueling system will be removed and the grade restored and paved.

Mr. Scavo reported that Ms. Sheryl Reed, Fire Marshall, offered the following comments in a memo dated June 19, 2012. The applicant must submit a complete set of specifications of the proposed above ground fuel tank and dispensers to the Building Department for review and approval prior to the issuance of a permit prior to installation.

Mr. Scavo reported that the project has been reviewed by both the Saratoga County Planning Board and the Halfmoon Planning Board. Both Boards have found the project

acceptable and have no objections to the Town of Clifton Park Planning Board assuming Lead Agency status. Mr. Scavo reported that the ECC offered the following comments. When the 10,000 gallon tank is removed, the soil should be tested and any contamination be remediated. The applicant shall comply with the Town's Hazardous Materials Policy, which can be obtained from the Town Environmental Specialist. The ECC notes that the project includes the installation of a storage tank that is regulated under the state petroleum or chemical storage regulations. The ECC recommends that the Planning Board require the applicant to provide evidence of registration of this tank prior to its use. The applicant should verify that the new tanks are at least 100 feet from the high water mark of the Dwaas Kill as required by Town Code.

Mr. Milano explained that, after review of the conceptual site plan, M J Engineering and Land Surveying, P.C. offered the following comments. 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: Town of Clifton Park Planning Board – Site Plan Approval; Saratoga County Planning Board – Section 239 Referral; NYSDEC – Petroleum Bulk Storage Approval and Registration. The Conceptual Subdivision Plan appears to meet L2 District zoning, space, and bulk standard requirements. The aboveground storage tank (AST) must be provided with secondary containment per NYSDEC 6 NYCRR Part 613, and this should be clearly identified on the plan. The AST and all piping systems must be installed and monitored in accordance with NYSDEC's Petroleum Bulk Storage Regulations, 6 NYCRR Parts 612 to 614. Since the facility will store in excess of 1,320 gallons of a petroleum product, the owner is subject to the requirements of EPA's 40 CFR Part 112, the Spill Prevention, Control and Countermeasure Rule. The consultant is asked to provide installation details for the AST, piping systems, and other site components necessary for construction. Pipe bollards or other proposed means of protecting the AST and pump islands from vehicle impact should be indicated on the plan. Information regarding the fire suppression system for the fuel canopies is requested. The full size plan submitted is not to scale and this should be corrected for future submissions. The location of the proposed STOP sign should be clearly identified on the plan with a symbol. The directional arrows for traffic circulation are reversed and should be revised accordingly. Based on the plan submitted, it appears that there may be insufficient area for turning movements at the northwestern corner of the site. Aerial images, however, indicate that the pavement extends well beyond what is indicated on the plan in this area. Verification that sufficient area is available for turning movements for the design vehicle will be required. It appears that the plan submitted was originally designed and prepared by Monarch Design. The plan should clarify whether or not Monarch Design is the engineer of record for the currently proposed fuel canopy project. An Erosion and Sediment Control Plan will be required for review.

In response to questions raised, Mr. Black stated that there would be no gasoline stored at this location: County Waste vehicles use only diesel fuels.

Mr. Ferraro reported that he had difficulty reviewing the site plan due to the size of the site and the complexity of the existing improvements. He asked that the applicant provide either an inset or additional plan sheet that provides an amplified view of the specific area involved in the project. Noting that the project lies in close proximity to the Town of Halfmoon, Mr. Ferraro

questioned whether sign-off from that town would be required. Mr. Scavo explained that both the Town of Halfmoon and the Saratoga County Planning Board have reviewed the project plan and have no issue with the Town of Clifton Park Planning Board assuming Lead Agency status for its review and approval. He will request coordination approval letters from both of these involved agencies.

Board members found the project plan acceptable.

Minutes Approval:

Mr. Werner moved, seconded by Mr. Andarawis, approval of the minutes of June 12, 2012 as written. Ayes: Ophardt, Paulsen, Hale, Werner, Koval, Ferraro. Noes: None.

Discussion Item:

[2011-016] **T-Mobil Co-Location** – Proposed co-location of antennae and cable to an existing telecommunications tower, 753 Grooms Road – Request for extension of site plan approval. SBL: 276.-3-30.1

Mr. Matthew Kerwin, legal representative for T-Mobil has requested a one year extension to comply with the site plan approval granted on August 9, 2011 to permit the installation of an antenna array on an existing monopole located at 753 Grooms Road in correspondence dated June 19, 2012. The letter states that although the applicant intended to commence the installation shortly after receipt of approvals from the town, “unforeseen events and budgetary constraints forced the company to reprioritize its construction schedule.”

Mr. Werner moved, seconded by Mr. Ophardt, to grant an extension of site plan approval pursuant to Section 208-120(B) of the Town Code. The final expiry date of site plan approval will be August 9, 2013. The motion was unanimously carried.

Mr. Koval moved, seconded by Mr. Hale, adjournment of the meeting at 9:15p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on July 10, 2012.

Respectfully submitted,

Janis L. Dean,
Secretary

cc: Planning Board Members, Planning Department, Supervisor, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Lou Renzi, Town Attorney, Tom McCarthy, Town Attorney, Paul Pelagalli, Town Attorney, ECC, Clifton Park Water Authority

NOTICE OF DECISION

Resolution #10 of 2012

Preliminary and Final Subdivision Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on June 27, 2012, there were:

Present: R. Ferraro, Chairman, M. Hale, J. Koval, E. Ophardt, K. Paulsen, T. Werner
[It is noted that Mr. Koval recused himself from any discussion and/or vote on the application.]

Absent: E. Andarawis, E. Prescott – Alternate Member

Mr. Ophardt offered Resolution #10 of 2012, and Mr. Hale seconded, and

Whereas, an application has been made to this Board by Brooks Teele and Timothy Mitchell for approval of a subdivision entitled Subdivision of the Lands of D. Brooks Teele and Timothy K. Mitchell consisting of (3) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 27, 2012;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on June 27, 2012;

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and that the subdivision plat entitled Subdivision of the Lands of D. Brooks Teele and Timothy K. Mitchell consisting of (3) lots is granted preliminary and final approval conditioned upon satisfaction of the comments rendered by the Planning Department, M J Engineering and Surveying, P. C., the Planning Board, and of all issues outlined in the final comment letter prepared by the Planning Department.

Resolution #10 of 2012 passed 6/12/2012

Ayes: Ophardt, Paulsen, Hale, Werner, Ferraro

Noes: None

Abstained: Koval

Rocco Ferraro,

Chairman

