

Town of Clifton Park Planning Board
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PLANNING BOARD

DENISE BAGRAMIAN
Chairwoman

ROBERT WILCOX
Attorney

PAULA COOPER
Secretary



MEMBERS
Emad Andarawis
Eric Ophardt
Heather Fariello
Mario Fantini

Keith Martin
Lisa Westrick

Planning Board Minutes
April 9, 2024

Those present at the April 9, 2024 Planning Board meeting were:

Planning Board: D. Bagramian, Chairwoman, E. Andarawis, H. Fariello, E. Ophardt, K. Martin, M. Fantini, L. Westrick

Those absent were:

Those also present were: J. Scavo, Director of Planning
S. Price, M J Engineering and Land Surveying, P.C.
R. Wilcox, Counsel
P. Cooper, Secretary

Ms. Bagramian, Chairwoman called the meeting to order at 7:00 p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Minutes Approval:

Ms. Fariello moved, seconded by Mr. Ophardt, approval of the minutes of the March 26, 2024 Planning Board meeting as written. Mr. Martin abstains. The motion was unanimously carried.

Public Hearings:

None

Old Business:**#2023-013 Fire Road Gas Station and Mixed-Use Building Redevelopment**

SBL: 272.9-1-19

4 Fire Road Plaza Redevelopment, 4 Fire RD

Zoned: TC3 - General Zone, Status: Revised Preliminary

Citizenserve File Number: 23-001306, Application Number: SPR24-000017

Applicant: Erin Ozbay, Consultant: Lansing Engineering, PC - Andrew Masullo

Last Seen On: 02/13/2024

Consultant/Applicant Presentation:

Mr. Paul LaBerra from Lansing Engineering stated that the application was last seen in February and had obtained preliminary approval at that time. Mr. LaBerra stated that a trip generation letter and a full SWPPP has been submitted since then and feels that MJE comments can be addressed. Mr. LaBerra asked the Board for approval tonight.

Staff Comments:**Scott Reese, Zoning Administrator issued a memo stating:**

- When the building permit is submitted for the proposed building, the floor area for the Gas Station Convenient Store will need to be 5,000 square feet or less.

Scott Reese, Stormwater Management Technician issued a memo stating:

- Trip Generation Letter and Analysis completed by VHB included in the project file and reviewed by the Planning Board

John Scavo, Director of Planning issued a memo stating:

- Based on my review of the additional project information, I have no additional comments or concerns. This evening, the Planning Board's consideration is for final approval of the site plan based on the pending satisfaction of all conditions outlined under the preliminary plan approval.
- At a previous planning board meeting, Mr. Ophardt moved, second by Mr. Andarawis, to recommend a negative declaration, an Unlisted action, pursuant to SEQR based on current information dependent on the final SWPPP report and traffic analysis, and if there are concerns SEQR will be reopened. The motion was unanimously carried. SEQR has been completed for this project.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.

SITE PLANS

2. On Sheet EC&D show the clearing of the vegetation along the frontage per the recommendation of the traffic report.
3. On Sheet LT-1 the light pole in the northwest corner appears to be within a parking space, revise accordingly.
4. A fuel delivery vehicle turning analysis should be included with the site plan to demonstrate that this type of large vehicle can successfully enter and exit the parcel.

STORMWATER POLLUTION PREVENTION PLAN

5. Provide a completed eNOI to the Town for review.
6. Since it appears the on-site stormwater management facilities will be privately owned, this shall be acknowledged in the SWPPP and a maintenance agreement and easement for access executed with the Town of Clifton Park will be required.
7. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.4 of the General Permit with respect to threatened and endangered species. This includes both listed state and federal species.
8. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.8 of the General Permit with respect to historic properties. This includes archeological and cultural resources.

TRAFFIC REPORT

9. VHB's assessments of the existing conditions, site generated traffic volumes, and site distance are accurate. We checked both the trip generation and site distance analyses, finding no discrepancies.
10. The proposed use is very similar to the existing use, adding 42 trips (20 entering and 22 exiting) in the AM peak hour and 22 trips (11 entering and 11 exiting) in the PM peak hour. We agree with VHB's conclusion that the proposed development will be adequately serviced by the existing roadway network and existing driveways.

Public Comments:

No public comment.

Planning Board Review:

Ms. Fariello asked for clarification of the allowed square footage of the building because the applicant has it at 8,000 sf and Mr. Reese stated the max is 5,000 sf. Mr. Scavo stated that the 5,000 sf is for the convenient store maximum only.

Ms. Westrick asked where the trucks would park when the gas tanks are being filled. Mr. LaBerra stated the parking would be temporarily blocked as the tanks are being filled. Ms.

Westrick stated she has concerns about this as well as one of the driveways being blocked. Mr. Erin Ozbay, owner stated that it takes about 15-20 minutes for the truck to unload and they currently pull into the park and ride and back up into the site. He stated that parking is currently blocked so there would be no change.

Ms. Bagramian asked if there would be diesel at every pump or a designated pump. Mr. Ozbay stated that it would be at the far corner pump only and that the public would be able to pump first and then come into pay like they do now to help with the flow of traffic.

Ms. Fariello moved, second by Mr. Ophardt, to waive the final hearing for this application for the site plan review of Fire Road Gas Station and Mixed-Use Building Redevelopment, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Ayes: 7 Noes: 0 The motion is carried.

New Business:

#2024-015 610 Tanner Road Site Plan Amendment

SBL: 270.-2-3.11

610 Tanner Road Site Plan Amendment, 610 Tanner RD

Zoned: B5 - Corporate Commerce, Status: Preliminary

Citizenserve File Number: 24-000334, Application Number: SPR24-000018

Applicant: Richard Mollnow / Sunshine Landscaping , Consultant: N/A

Consultant/Applicant Presentation:

Phillip Underwood from Site One Landscaping stated he is here tonight for a site plan amendment. Mr. Underwood stated that they plan on using the same floor plan that Sunshine used and there would be no renovations to the site. He stated that they do not plan on doing anything too extensive for development but their goal is to have the tractor trailers come in off of 21st Century. He stated that the Sunshine owner has worked with the owners of 21st Century to allow them to have an easement. Mr. Underwood stated a culvert has been started to make it easier for the trucks to enter and keep them off of Tanner Road. He stated that the company also has flatbed trucks that would depart from 21st Century as well.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- Per 208-54 space and bulk standards C. Buffer the Town Code calls for an established minimum ten foot planted buffer along the rear and side property lines of all parcels. The planting plan as proposed is insufficient to meet the standard. There is additional Town Code guidance regarding landscaping which the Planning Board should consider contained in 208-55 development standards B. Landscaping.
- Per 208-54 space and bulk standards B. Lot coverage "Structures, parking areas, including maneuvering areas, stormwater retention areas, and other site amenities that are an integral and necessary part of the use shall not occupy more than 50% of the total lot area." The proposed plan appears to exceed this standard.
- The ECC requests the applicant to show the existing and proposed greenspace to verify that the property will meet the Town Code.
- The ECC requests that the Planning Board require the applicant to place markers indicating the boundaries of the ACOE wetlands

Scott Reese, Zoning Administrator issued a memo stating:

Scott Reese, Stormwater Management Technician issued a memo stating:

John Scavo, Director of Planning issued a memo stating:

- Provide length dimensions, for the outside storage and display areas noted not to exceed 12 feet in height.
- The two private property owners should develop an agreement to maintain the cross-access easement that assigns cost and expense responsibilities, the need for owners to sustain and keep the easement area, and improvements in a usable condition for commercial truck traffic ingress and egress.
- The proposed cross-access easement's benefit is reducing truck traffic on Tanner Road and encouraging direct access to Route 146.
- The applicant should address whether additional exterior lighting is proposed beyond the previously approved site plan which includes a photometric plan.
- Based on the proposed amendment, provide a green space calculation in percentage and square feet.
- I recommend the applicant show additional plantings along the Route 146 frontage that include the proposed number, species, and size of trees and shrubs to lessen the visual impacts of the hardscape display and storage area from Rt. 146

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. The applicant shall provide a Short Environmental Assessment Form to the Town for review.

2. It is understood that this application is an amendment to a previously approved plan. The Planning Board as the SEQRA Lead Agency can either make a determination that this amendment is consistent with the Board's prior SEQRA findings and no further action is required or alternatively may re-initiate a new SEQRA review process specific to the amendments and make independent findings.
3. No further comments at this time.

SITE PLANS

4. The project resides within the Town's B5, Corporate Commerce District. We would defer to the Town's Chief Zoning Officer on determining whether the uses being proposed are permitted "as of right".
5. Provide a site statistics table to verify if any of the revisions affect the minimum bulk lot requirements.
6. A copy of the previously approved site plan should be provided to the Town showing any deviations from that on the property.
7. It is recommended that the components of the previously approved site plan be completed and areas restored prior to commencing any other work.
8. Section 208-54(C) requires a minimum ten-foot planted buffer along the rear and side property lines of all parcels. This buffer extends approximately 90-feet into the project site and runs almost the entire length of the property line. There is however no discernible buffering currently along the western property line, however was part of the site plan approval. It appears this may not have been completed to date.
9. The display area along Route 146 that once was for trees/shrubs is proposed to be hardscape materials. Additional plantings should be provided in this area to screen the views from Route 146.
10. Indicate the groundcover surface being proposed for the hardscape and palletized display areas.
11. The applicant shall provide a narrative of the operations of the nursery. The NYSDEC has guidelines 6 NYCRR Part 361-4 for mulch process facilities this includes incoming materials to store on site as well as material processed on site. Mulch piles need to meet the required sizes and separations. Applicant should review guidelines to ensure compliance.
12. Provide detailed plans on the proposed access road to 21st Century. It appears this road may possibly cross the existing bioretention practice.
13. Provide the ingress/egress easement from 21st Century to the Town for review.
14. For the proposed use, this should be compared to the traffic study that was previously prepared for the project. The addition of the 21st Century driveway should alleviate heavy truck traffic onto Tanner Road.

Public Comments:

No public comment.

Planning Board Review:

Ms. Bagramian stated that there were things the prior business was doing that are not allowed. Mr. Scavo stated that there is no chipping allowed for mulch sales or storage. Mr. Underwood stated that their competitors are Lowes and Home Depot and they would not have manufacturing materials but they may offer to sell mulch down the road. Ms. Bagramian asked what the hours would be. Mr. Underwood stated the hours would be 7:30 am-4:30 pm Monday through Friday and that they may choose to open 8 am-12pm on Saturdays in the summer but they would be remaining closed on Sundays.

Ms. Bagramian stated she would like to see a before and after for the traffic changes they are proposing as well as for the site plan. Mr. Underwood stated only the sales building that is existing is staying; the green houses and staging areas will be removed to allow for the roadway to be installed. Ms. Bagramian asked if the signage would remain. Mr. Underwood stated that the signage would remain in the same place but they would have to figure out signage for trucks to enter and exit into 21st Century.

Mr. Martin asked where the LLC was from and if the company he is representing is anywhere else in New York. Mr. Underwood stated that they are from Georgia and then he went on to list locations in New York including Latham. Mr. Martin asked if there were DEC requirements for mulch piles on the site and asked if the applicant would be expected to comply with them. Mr. Underwood stated that they would have maybe 30 yards of mulch and would comply with regulations. Mr. Martin asked how turnover and replenishing the mulch would be for this. Mr. Underwood stated that he is unsure as the Halfmoon site that they had was tighter than this one so the company is pleased to move here.

Mr. Martin stated that he would like to see robust screening and landscaping for this as he feels this would benefit the neighborhood as well as the applicant. Mr. Martin stated he was happy to see a national company come to the neighborhood and enhance it.

Mr. Andarawis asked if the applicant could address the storage of materials. Mr. Underwood stated that the tallest pile would be pavers and they would be stacked under 4 feet and that the applicant may move things around the site but stay within the boundaries. Mr. Andarawis stated that he would rather see landscaping than berms and stated he felt it would be more pleasing.

Ms. Fariello asked if the applicant would be following the landscaping plan that was established. Mr. Underwood stated they would be. Mr. Underwood stated that mafia blocks and fencing may go between sites to show the property lines but he does not know yet what the owner wants. Mr. Scavo stated that site 2 has raised concerns with neighboring residents.

Ms. Bagramian asked how far along the applicant was on gaining the easement to 21st Century. Mr. Underwood stated he is unsure but the roadway is already in and that they are further from the intersection than shown on the map.

Mr. Ophardt asked how busy the new potential access would be with the trucks. Mr. Underwood stated there would be about 1-2 trailers a day during busy season and less in the off season. He stated that they can set delivery times and it would probably be 8 am. Mr. Ophardt stated he would rather see deliveries off peak hours. He stated that there may be a need to look into a turning lane if the intersection is too busy.

Discussion Items:

- Moving the June 25th meeting date due to a primary election in the Wood Room.
 - Mr. Scavo stated that the meeting is to be rescheduled due to voting but he would have to work out a date with the Board members as well as other Board meetings. Mr. Scavo stated he would notify the Planning Board with changes.

Ms. Fariello moved, seconded by Mr. Andarawis, adjournment of the meeting at 7:53 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on April 23, 2024.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary