

Town of Clifton Park Planning Board
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PLANNING BOARD

ROCCO FERRARO
Chairman

ANTHONY MORELLI
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JANIS DEAN
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MEMBERS

Emad Andarawis
Denise Bagramian
Jeffery Jones
Andrew Neubauer
Eric Ophardt
Greg Szczesny

(alternate) Teresa LaSalle

Planning Board Meeting
August 22, 2017

Those present at the August 22, 2017 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, J. Jones, G. Szczesny
T. LaSalle – Alternate Member

Those absent were: A. Neubauer, E. Ophardt

Those also present were: J. Scavo, Director of Planning
A. Morelli, 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.

Mr. Ferraro announced that Ms. LaSalle would be sitting as a full voting member of the Board in the absence of Mr. Neubauer and Mr. Ophardt.

Minutes Approval:

Mr. Andarawis moved, seconded by Ms. LaSalle, approval of the minutes of the August 8, 2017 Planning Board meeting as written. Ayes: Andarawis, Bagramian, LaSalle, Jones, Ferraro. Noes: None. Abstained: Szczesny.

Public Hearings:

There were no public hearings scheduled for this evening's meeting.

Old Business:

[2017-001] **Stewart's Shops** – Construction of a 3,675 SF convenience store with (6) multiple product dispensers, 1201 Route 146 – Preliminary site plan review and possible determination. SBL: 270.-2-18; 19

Mr. Marcus Andrews, representative for Stewart's Shops Corp., presented this application that has been revised in response to engineering issues, professional comments, and Board concerns raised at the May 9, 2017 Planning Board meeting. Providing a brief overview of the project design, Mr. Andrews explained that plans call for the combining of the .591 acre parcel that contains an existing Stewart's Shop and the adjoining .378 acre parcel that contains the former Zen Hair Salon to create one developable site on the southwesterly quadrant of the Route 146 – Route 146A – Vischer Ferry Road intersection, specifically located within the B3 (Neighborhood Business) zoning district. The two existing buildings will be razed to allow for the construction of a 3,675 SF Stewart's Shop with six (6) multiple product dispensers for twelve (12) fueling positions. Ingress and egress to and from the site would be provided by a full-service entrance/exit curb cut on the northwesterly side of the parcel, a right out to the east along Route 146 approximately 100' from the signalized intersection, and a full-service in – right out only - onto Vischer Ferry Road. Water will be provided by an existing connection on site to the Clifton Park Water Authority. Sewer discharges will be made to the Clifton Park Sanitary Sewer System and the Saratoga County Sewer District. An 8' wide concrete sidewalk will be installed along the property's Route 146 frontage and a 5' wide walkway will be installed from that sidewalk into the site. It appears that, since the overall proposed site disturbance totals .95 acres, a NYSDEC General Permit GP-0-15-002 will not be required. Plans provide for a 40' wide easement to the west in anticipation of a shared access onto Route 146. Additional landscaping has been added along the property's southern property boundary. The façade renderings presented indicated that the building would be constructed of "Hardie board" fiber cement clapboard in a cobblestone color: a stone veneer would be used to wrap three sides of the building to a height of 2'6" above the finished floor elevation.

Mr. Andrews explained that the project plan received approval of ten (10) variances from the Zoning Board of Appeals at its August 15, 2017 meeting. Five (5) variances involved a reduction in required setback distances. One (1) variance was received to allow more than one ingress/egress point on Route 146. One (1) variance for a reduction of the greenspace requirement from 35% to 20% was approved. One (1) variance from the required 10' wide landscaped buffer was approved. Two (2) variances regarding signage issues were approved. The speaker noted that the approvals granted by the Zoning Board of Appeals were conditioned upon the elimination of the western curb cut along Route 146 should North Country Commons create a curb cut to the west.

Mr. Scavo reported that all comments prepared by Mr. Myers, Director of Building and Development, Ms. Reed, Chief of the Bureau of Fire Prevention, the ECC, Mr. Reese, Stormwater

Management Technician, Mr. Dahn Bull, Highway Superintendent, M J Engineering and Land Surveying, P.C., and the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee for items on this evening's agenda have been forwarded to Board members for their consideration.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, reported that all required variances were granted by the Zoning Board of Appeals at its August 15, 2017 meeting. All of his previous comments have been adequately addressed.

Ms. Reed, Chief of the Bureau of Fire Prevention, asked that the applicant include the site's assigned postal address on the plan: 1206 Route 146.

Mr. Scavo explained that after review of the project plan at its August 1, 2017 meeting, the ECC found the application acceptable.

Mr. Scavo noted that the Zoning Board of Appeals had approved all applicable variances and provided the following comments on the application. Based on information provided by the applicant, the applicant has met with a representative from the Saratoga County Department of Public Works (SCDPW). The applicant should note what comments and concerns the SCDPW may have and if the concerns have been addressed. Based on feedback from both the applicant and Saratoga County Planning Department, it is Mr. Scavo's understanding that the applicant met with County Planning Staff on July 27, 2017 to address the request for additional information by the Saratoga County Planning Board. Correspondence from that Board outlined its concerns with regard to the layout of the proposed site plan and requested area variances which were granted last Tuesday evening. He encouraged the Planning Board to determine whether or not the concerns expressed by the County Planning Board can be adequately mitigated.

Mr. Scavo explained that a copy of the Determination of Non-Significance pursuant to SEQRA had been distributed to each Board members. The document is incorporated here since it serves as a basis for the Board's determination that the project will not significantly impact environmental resources.

STATE ENVIRONMENTAL QUALITY REVIEW ACT
NEGATIVE DECLARATION
DETERMINATION OF NON-SIGNIFICANCE

The Town of Clifton Park Planning Board, has conducted an uncoordinated review of the proposed unlisted action described below. The Planning Board has determined that the proposed action will not have any significant adverse environmental impacts, a Negative Declaration of Environmental Significance should be issued, and a Draft Environmental Impact Statement need not be prepared. Reasons supporting this determination are fully explained below.

Project Name: Stewart's Convenience Store & Fueling Facility

SEQR Classification: Unlisted Action – Uncoordinated Review

Location: 1202 NYS Route 146, SBL: 270.-2-18

The Planning Board proceeded with the Short Environmental Assessment Form on the proposed Stewart's Convenience Store and Fueling Facility. This matter was put forward for review and discussion of the project impacts and magnitudes as outlined on the Short Environmental Assessment Form entitled Part 2 – Impact Assessment, which was provided to each member.

Negative Declaration for the Proposed Stewart's Convenience Store & Fueling Facility for the following reasons supporting the determination:

The PLANNING BOARD, has found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not affect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate impact on surface or ground water quality or quantity.

It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required during construction.

It is noted that petroleum will be stored on site. It is further noted that this storage will be done in conformance with the standards of the New York State Department Environmental Conservation and the United States Environmental Protection Agency requirements.

Any evidence of leakage will be detected by daily computer monitoring.

6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will not affect any threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.

13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Clifton Park has not established a critical environmental area (CEA) pursuant to subdivision 6 NYCRR 617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will have a small to moderate impact on existing transportation systems.
Present patterns of movement will be altered.

A Project Design will reduce the number of existing curb cuts onto NYS Route 146 and will provide a cross access easement to adjacent private lands to the west.

16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration because of this proposed action.
18. The proposed action may have a small to moderate impact upon public health and safety.

There may be the potential for a small to moderate risk of explosion or release of hazardous substances in the event of accident or upset conditions, or there may be a chronic low-level discharge or emission. This risk is commonly associated with fueling stations and as such are highly regulated by the NYS Building & Fire Code, NYS DEC and Federal Standards.

19. The proposed action will not impact on the character of the existing community in a negative way.
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

Mr. Scavo reported that Mr. Scott Reese, Stormwater Management Technician, offered the following comments regarding this application. If possible, the dumpster area should slope to a sanitary sewer drain to handle runoff. Minimal grading of the concrete pad to divert any stormwater run-on is recommended. Catch Basin 1 is in close proximity of the trash storage area and runoff from the dumpsters is a concern. If connection to a sanitary line is not available, the concrete pad should be designed to drain to the nearest available landscaping. Plans should include a description of construction materials to be used for the proposed enclosure of the dumpster area since no details are currently provided. The Temporary Concrete Wash Out Pit should have a liner to prevent leaching of liquids into the ground.

Mr. Scavo reported that, after review of the materials submitted for preliminary site plan review, M J Engineering and Land Surveying, P.C. offered the following comments. Section 208.39 of the Town's Zoning Code states that there shall be not more than one entrance and one

exit per establishment upon any individual public thoroughfare, and the distance between the entrance and exit center lines, if separated, shall be not less than 100 feet. The plan proposes two entrances along Route 146. Should the Planning Board find this proposal acceptable, a waiver should be granted from Section 208.39 of the Town Code. As the Planning Board reviews this condition, it is suggested input from the NYSDOT be received to ensure that the proposal is consistent with sound access management objectives. The applicant is asked to provide a notation on the plans regarding the relief granted by the Zoning Board of Appeals, including the section of the Zoning Code, extent of relief granted, and date granted.

Mr. Jones commented that he found the 40' wide easement provided to the lands to the west currently known as North Country Commons reasonable since it would provide for a possible shared access in the future and that he found the landscaped island proposed for the property's frontage acceptable, though he asked that the fencing be located closer to the sidewalk. Mr. Ferraro agreed and called for the applicant to provide "high intensity landscaping" along the site's frontage. Mr. Andrews explained that the applicant will move the fencing closer to the sidewalk without encroaching on the Route 146 right-of-way. Referencing visual concerns identified by the Saratoga County Planning Board, Mr. Ferraro asked that, if necessary, the existing line of evergreens along the westerly side of the parcel be maintained and/or supplemented to limit visibility from Route 146 to the greatest extent practicable. Board members agreed, stating that if the tree line along the westerly boundary line was diminished by the installation of the mandated shared access in the future, the applicant should install new plantings to mitigate visual impacts. In response to Ms. Bagramian's questions regarding the location of mechanicals on the site, Mr. Andrews stated that their locations were established based upon the need for delivery truck circulation through the site. It was not possible to place them on the building's roof due to problems with service and maintenance. Ms. LaSalle focused attention on traffic, asking if NYSDOT had provided comments on the proposed site design. Mr. Andrews explained that the plan had been forwarded to the agency's regional representatives and that "no major changes" were recommended. Mr. Scavo reported that during the initial meeting with NYSDOT officials the main concern centered on the requirement that the closest curb cut to the Route 146 – Route 146A – Vischer Ferry Road intersection be moved no closer to it. Mr. Ferraro described the establishment of an easement to the west with future development of a combined access to the adjoining sites from Route 146 as "the best strategy to reduce vehicular conflicts." In response to Mr. Andarawis' question regarding a possible timeframe for the construction of the shared access, Mr. Scavo noted that such a development would be dependent upon the submission of plans for renovation or redevelopment of the adjoining strip mall. Mr. Ferraro called attention to the issues raised by Mr. Reese, Stormwater Management Technician, regarding possible site contamination from the dumpster. Mr. Andrews explained that the design incorporates all necessary preventive equipment and that "two layers of filtration" have been incorporated into the design: no wastewater or debris will flow off site.

Citing the Board agreement with the Determination of Non-Significance acknowledged earlier in the meeting, Mr. Szczesny moved, seconded by Ms. Bagramian, 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. Jones moved, seconded by Ms. Bagramian, to grant a waiver from Section 208-39 of the Town Zoning Code to permit the applicant to install more than one entrance and one exit per establishment upon any individual public thoroughfare (Route 146) and to grant preliminary and final site plan approval to this application conditioned upon the addition of a note to the site plan which states that new or supplemental landscaping will be installed along the property's westerly boundary should the existing line of arborvitaes be removed by the adjoining property owner and satisfaction of all items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

New Business:

There were no items of old business scheduled for this evening's meeting.

Mr. Jones moved, seconded by Mr. Szczesny, adjournment of the meeting at 7:34p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on September 12, 2017.

Respectfully submitted,

Janis Dean, Secretary