

Clifton Park Planning Board Meeting Minutes

February 26, 2002

Those present at the February 26, 2002 Planning Board meeting were:

Planning Board: K. O'Brien, Chairman, S. Bulger, B. Czub, R. d'Amico, J. Larkin, J. Marzola, J. Russell

Those absent were: None

Those also present were: J. Kemper, Director of Planning, M. Bianchino, Clough, Harbour, and Associates, M. O'Brien, Environmental Specialist, P. Pelagalli, Counsel

Mr. O'Brien, Chairman, called the meeting to order at 7:10p.m.

Public Hearing – 7:10p.m.

[2001-052] New York Development Group, LLC – Proposed (20) lot cluster subdivision, Tanner Road – Preliminary public hearing and possible determination.

Mr. O'Brien, Chairman, called the public hearing to order at 7:10p.m. The Secretary read the notice as published in the Daily Gazette on February 18, 2002.

Mr. Gil VanGuilder, representative for the applicant, presented this proposal that calls for the subdivision of 46 acres of land in an R-1 zone into (20) residential lots ranging in size from 21,000 square feet to 13 acres. A future road connection to vacant lands to the north will be provided. The lots will be served by the Clifton Park Water Authority and connection will be made via a force main to the Saratoga County Sewer District. Water lines will be installed from Route 146A west of Emerson Lane to Tanner Road at Carpenter Lane. The proposed cul-de-sac will be 1200 feet in length. The Emergency Services Appeals Board has granted a variance to allow (20) homes on a single cul-de-sac. Mr. VanGuilder explained that the project remains generally as presented at the January 23, 2002 meeting. At that time, the Board endorsed a "cluster" layout that would protect the sensitive wetland areas located on the parcel and help retain the area's rural character. The multi-use pathway from the Carpenter Lane access to the entrance of Dawson Lane on Route 146A has now been shown on the plan. The path will be 8 feet wide and will be paved to Town specifications. A bridge approximately 50 feet in length will be constructed over the wetland areas to prevent excessive disturbance.

Pursuant to local law #25 of 1989, Mr. Kemper submitted a letter to Mr. O'Brien and Board members that recommended that the cluster design be approved for this subdivision. Twenty (20) lots may be established for this subdivision with the following setbacks: front yard – 30 feet; side yard – 10 feet; rear yard – 25 feet. Conventional zoning provides for the following setbacks: front yard – 50 feet; side yard – 10 feet; rear

yard – 25 feet. Mr. Kemper emphasized that the reduced front yard setback requirement would allow for an increased Land Preservation Area along the rear property lines, providing buffering from possible development on adjoining properties.

Mr. Kemper offered several other additional comments. The dates and number of variances granted by the ESAB should be illustrated on the plot plan. Copies of the deed restrictions for the land preservation area and boundary descriptions should be submitted for review. Descriptions for the town road, ingress/egress easement, and all publicly owned parkland should be submitted for review. The proposed stub street should be shown on all individual plot plans and a note should be added to the subdivision plat stating that this is required. Mr. Kemper requested that the plan show a bridge at the proposed stream crossing for the multi-use pathway rather than a 36” culvert. Limits on hours of construction for the project should be established and placed on individual plot plans. A note should be added to the plans stating that the proposed subdivision will be included in the Sherwood Forest Park District. A note should be added to the plans stating that all erosion and sediment control devices will be removed prior to dedication of roadway or publicly owned land. A stormwater catch basin should be installed in the center of the cul-de-sac. Note #5 under “Town of Clifton Park Standard Notes” should be revised to reflect the correct lot numbers. Mr. Kemper said that he had received an e-mail from a resident along Tanner Road that mainly concerned stormwater discharge from the project and the development’s impact on shallow wells in the area. He called the Board’s attention to a copy of the letter received from Mr. Hockaday dated February 26, 2002 that also expressed concerns with impacts to existing water supplies, buffering from the proposed development, and traffic concerns. Per Resolution #333 of 2001, all entrance signs and maintenance will be the responsibility of the developer or a homeowners association.

Mr. Bianchino, Clough, Harbour, and Associates, stated that all engineering concerns had been addressed in the most recent plan submitted.

Mr. O’Brien stated that the applicant has satisfactorily addressed ECC comments.

Mr. Joe Loubier, Tanner Road resident, expressed his concerns regarding the proposed project, citing site drainage, increased traffic, impacts to his water supply, and sight distance at the intersection of Tanner Road and Carpenter Lane as serious issues. He suggested that the entrance to the development be moved to the south, thus eliminating the problem of headlights shining in his front windows. Mr. VanGuilder explained that the drainage on the site flows generally from west to east and that the stormwater management area to the east of the cul-de-sac was designed to handle most of the flow from the site. Mr. Loubier pointed out that the topography in the area causes a natural drainage flow from the proposed development across Tanner Road. Mr. O’Brien suggested that town engineers review the plans for drainage and stormwater management. He explained that the developers had agreed to install an 8” water line throughout the project in anticipation of service extension to some of the parcels along Tanner Road. He stated, however, that the Planning Board does not have the authority to mandate extension of the water line beyond the proposed subdivision. Mr. VanGuilder reported

that sight distances had been evaluated and appeared to be adequate.

Mr. and Mrs. DelGrosso, residents of Tanner Road, stated that they were concerned with the increased traffic on Tanner Road since drivers tend to speed in spite of the 30 mph limit. They believe that the project will increase the hazards that now exist and asked that signage be placed to encourage compliance with the existing speed limit. They also asked that a STOP sign be placed at the intersection of Carpenter Lane and Tanner Road. Impacts to their water supply were also of concern.

Mr. Orazio Torre, Tanner Road resident, asked that the availability of water coincide with the initial construction of the project in order to ensure that Tanner Road residents do not suffer from a lack of water because of the construction process. Mr. O'Brien assured the residents that the Town Engineer would review the issues concerning surface drainage and impacts to the area's shallow wells. Mr. VanGuilder pointed out that the project must receive approval not only from the Clifton Park Water Authority but also from the NYS Department of Health.

Mr. Warren Hockaday, 688 Tanner Road, expressed concerns regarding his water supply, impact to the existing rural character of Tanner Road, and increased traffic. Explaining that his 12-foot deep well provided only minimal water for his needs, Mr. Hockaday appealed to the Board to encourage the developers to provide water connections to his neighbors and him. Noting that he had moved to Tanner Road for the "serenity" it offered, he recommended the following for mitigating the impact of the new development on existing property owners: move the access point for the proposed Carpenter Lane to the south; preserve a wooded area along Tanner Road both north and south of the proposed entrance; provide a three-way stop at the intersection. Mr. O'Brien noted that the Planning Board encouraged a cluster development in order to preserve large expanses of open space.

In response to Mr. Hockaday's suggestion of a three-way stop, Mr. Loubier pointed out that he would not appreciate a stop sign on his front lawn.

Although Mr. VanGuilder explained that relocating the proposed road to the south would significantly encroach on wetland areas, Mr. O'Brien recommended that the Board consider the road relocation proposed by Mr. Larkin and recommendations of the Town Engineer.

There being no additional public comment, Mr. Bulger moved, seconded by Mr. Larkin, to close the public hearing at 7:45p.m. The motion was unanimously carried.

Old Business

[2002-006] Waite, Stephen (Czar Properties, LLC) – Proposed 11,000 SF restaurant and recreation facility, Vischer Ferry Road – Special Use Permit - Determination from preliminary public hearing held on January 23, 2002 and reconvened on February 12, 2002.

Mr. Dale Conklin, Smith and Mahoney, presented an abbreviated description of this project which calls for the construction of an 11,000 square foot restaurant, miniature golf course and skating waterway in a B-3 zone. In response to questions posed by the Board at the last meeting, Mr. Conklin presented a lighting plan and several samples of proposed fixtures.

After explaining that the public hearing was closed at the February 12, 2002 Planning Board meeting, Mr. Kemper reported that the ZBA granted the necessary setback variances to allow a restaurant use within 300 feet of a residential property line at its February 5, 2002 meeting. A 226-foot variance to allow the building to be built 74 feet from the westerly property line was granted with the condition that daytime (7 a.m. to 10 p.m.) decibel levels shall not exceed 50 decibels and nighttime (10 p.m. to 7 a.m.) decibel levels shall not exceed 40 decibels. This level shall be measured at any point 300 feet from the restaurant building. The County Planning Board approved this application on January 17, 2002. Since the restaurant is allowed in the B-3 zone, the only application before the board at this point is a Special Use Permit to allow the recreational use. Issues relating to the restaurant will be addressed during the site plan approval process. The project is an unlisted action under SEQRA. Mr. Kemper recommended that board approval incorporate the decibel restrictions and significant buffering.

Mr. Bianchino explained that the comments from Clough, Harbour, and Associates would be applicable during site plan review.

Mr. Pelagalli advised that wording of the resolution granting the Special Use Permit should mention that the members have considered all the standards for special permits outlined in the Town Code and should include the conditions that the Board deems important for site development and operation.

Mr. O'Brien moved, seconded by Mr. Larkin, to establish the Planning Board as lead agency for this unlisted action and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. O'Brien offered Resolution #9, seconded by Mr. Larkin, to grant approval of the Special Use Permit to allow the operation of a recreational facility in a B-3 zone. The standards for the issuance of a Special Use Permit as set forth in the Town Code have been considered and the Board has determined that the uses proposed are consistent with these standards with the following conditions: daytime (7 a.m. to 10 p.m.) decibel levels shall not exceed 50 decibels and nighttime (10 p.m. to 7 a.m.) decibel levels shall not exceed 40 decibels; the installation of "significant," natural-looking buffering to include evergreens as well as other plant materials to the west of the site. Ayes: Bulger, Marzola, Russell, Larkin, Czub, d'Amico, O'Brien. Noes: None

New Business

[2002-015] Caputo, John - Exit 9 Convenient Mart – Proposed renovation of existing

2,026 SF automobile service station, Route 146 and Plank Road – Conceptual site plan review.

Mr. Flanders, representative of the applicant, explained that this application received Planning Board approval in May, 1998. An amended site plan for an additional 560 square foot addition was approved on January 11, 2000 and granted an extension until January 11, 2002. Since the time allowed for the completion of the site plan has expired, this represents an entirely new application.

The project involves the conversion of an existing service station in a B-4 zone to a convenient mart with fuel pump islands in front of the building. Front entrances are to be narrowed by extending the existing island and cutting back existing pavement to reduce entrance width to 40 feet. The existing automotive service area is to be eliminated and a new storefront will be added. An access ramp in front of the building will be provided at the entrance. A concrete pad and wood stockade-type fence will be provided for the dumpster and numerous trees and shrubs will be planted around the site. A new 2000 gallon two-product blend tank will be installed on the south side of the building.

Mr. Kemper asked that the variances granted in 1998 be depicted on the plat plan. He informed the Board that a condition of ZBA approval was that if natural gas was available, the applicant must connect to it and remove the propane tank.

The Board encouraged the renovation of the site and agreed that the applicant could present preliminary plans at the next meeting.

[2002-007] Green Meadows PUD – Amendment to existing PUD to remove two parcels fronting on Route 146 – Referral from Town Board.

Ms. Patricia Wheeler, applicant, requested to removal of two parcels fronting on Route 146 from the existing Green Meadows PUD. She offered a history of the Green Meadows development, stating that her father, George Wheeler, and Tom Deveno originally purchased the 45-acre site along Route 146 in the early 1980's. As plans for development progressed, the two existing homes at 955 and 951 Route 146 were included within the PUD boundaries, apparently to allow connection to the water supply. She has attempted to sell the property, but believes that the residential designation as part of the development district is a detriment since all other properties along Route 146 have been zoned B-1.

Mr. Kemper confirmed that the parcels along Route 146 were designated as B-1 in 1997 and recommended approval of this amendment. Mr. Bianchino, Clough, Harbour, and Associates, had no comment on the proposal. Mr. O'Brien reported that the ECC had no concerns with the proposal.

Mr. Larkin asked for clarification of the water supply issue and the zoning boundaries. Ms. Wheeler explained that though the two properties on Route 146 did benefit from the water connection, they were inadvertently included in the final legislation establishing the

PUD. Mr. Kemper detailed the boundaries of the B-1 zone, noting that properties all along Route 146 from Route 9 to the Route 146A intersection were so designated in 1997.

Ms. Czub moved, seconded by Mr. Larkin, to authorize the Chairman to recommend that the Town Board approve the request to remove parcels 951 and 955 Route 146 from the Green Meadows PUD. The motion was unanimously carried.

Minutes Approval

Mr. Bulger moved, seconded by Mr. O'Brien, approval of the minutes of January 23, 2002 as written. Ayes: Bulger, Larkin, Marzola, Russell, O'Brien. Noes: None. Abstained: Czub, d'Amico.

Mr. Larkin moved, seconded by Mr. d'Amico, approval of the minutes of February 12, 2002 as written. Ayes: Bulger, Czub, d'Amico, Larkin, Russell. Noes: None. Abstained: Marzola, O'Brien.

Discussion Items

Comfort Inns and Suites (Abele Hotel) – Fire Road

Mr. Gordon Nicholson, Environmental Design Partnership, presented plans for a modification of the façade at the hotel that is currently under construction on lands adjoining Fire Road Plaza. On February 1, 2002, Frank Carneval and Tom Rotella, developers of the project, were informed by Building Department personnel that the Planning Board required amended site plan approval in order for building construction to continue. At that time, they were advised that action contrary to the approved site plan would be undertaken “at their own risk.”

Mr. O'Brien adamantly rejected the amended plan, noting that the developers had violated the approvals granted by the Planning Board. In addition, he stated that he preferred the original plan and viewed it as a “positive statement” on a prominent site for those entering Clifton Park. He believes that it is the duty of the Town to hold individuals responsible for the project design and site improvements as approved by the Board and he called upon the builders to construct the hotel in accordance with approved plans.

Following a brief discussion of the approved site plan and the process of issuing a “red tag” to the developer, Board members unanimously agreed that the amended plan as presented 3/13/02 was unacceptable and that construction in accordance with approvals was imperative.

Mr. Bulger moved, seconded by Ms. Czub, to adjourn the meeting at 8:35p.m. The motion was unanimously carried.

Respectfully submitted,

Janis Dean,
Secretary

cc: Planning Board Members, Planning Department, Clough, Harbour, and Associates, Supervisor, Town Administrator, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Joel Peller, Town Attorney, Oscar Schreiber, Town Attorney, Jim Trainor, Town Attorney, Paul Pelagalli, Town Attorney, Department of Parks and Recreation, ECC, Saratoga County Planning Board, Shenendehowa Central School, Clifton Park Water Authority, Fire Districts.

Resolution #9

PRELIMINARY AND FINAL APPROVAL
Special Use Permit

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 February 26, 2002, at 7:10 P.M. there were:

Present: K. O'Brien, S. Bulger, B. Czub, R. d'Amico, J. Larkin, J. Marzola, J. Russell

Mr. O'Brien offered Resolution #9 and Mr. Larkin seconded, and

Whereas, an application has been made to this Board by Stephen Waite (Czar Properites, Inc.) for approval of a special use permit pursuant to Section 208-37C(1)(a) and 208-79, to operate a commercial recreation facility in a B-3 zone; and

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on January 23, 2002 and reconvened on February 12, 2002 in the Town Office Building, and

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

Whereas the standards for the issuance of a Special Use Permit as set forth in the Town Code have been considered and the Board has determined that the uses proposed are consistent with these standards, and

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

Now therefore, be it resolved that the Special Use Permit pursuant to Section 208-37C(1)(a) and 208-79, to operate a commercial recreation facility in a B-3 zone is hereby approved conditioned upon with the following conditions: daytime (7 a.m. to 10 p.m.)

decibel levels shall not exceed 50 decibels and nighttime (10 p.m. to 7 a.m.) decibel levels shall not exceed 40 decibels; the installation of “significant,” natural-looking buffering to include evergreens as well as other plant materials to the west of the site.

RESOLUTION #9 passed 02/26/02

Ayes: Bulger, d’Amico, Czub Marzola, Russell, Larkin, O’Brien.

Noes: None

Kevin O’Brien

Chairman