

**One Town Hall Plaza
Clifton Park, New York 12065
(518) 371-6054 FAX (518)371-1136**

PLANNING BOARD

ROCCO FERRARO
Chairman

PAUL PELAGALLI
Attorney

MEG SPRINGLI
Secretary



MEMBERS
Emad Andarawis
Michael Hale
Joel Koval
Eric Ophardt
Kim Paulsen
Tom Werner
(alternate) Eric Prescott

Planning Board Meeting

January 8, 2013

Those present at the January 8, 2013 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, M. Hale, J. Koval, E. Ophardt,
T. Werner
E. Prescott – Alternate Member

Those absent were: K. Paulsen

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

Mr. Ferraro, Chairman, called the meeting to order at 7:04p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Mr. Ferraro welcomed everyone and wished them a Happy New Year. The chairman noted that Mr. Prescott will vote tonight in the absence of Mrs. Paulsen. It was also noted that Meg Springli will be acting secretary until Jan Dean returns in the Spring. Mr. Ferraro next requested all in attendance to turn off cell phones as they interfere with the audio recording equipment.

The Planning Director, John Scavo remarked that he has forms for the Saratoga County Planning and Zoning Conference for those who still need to register. The director next announced that Behan Planning has been chosen as the consultant for the next stage of the Town Center Plan. He added that public meetings are scheduled to be held in March of 2013 and stated that the entire project can take up to 8 months and it is important to receive input from everyone to implement a thorough vision for that corridor.

Mr. Ferraro added that the Town Board reappointed Eric Prescott as an alternate member, Emad Andarawis was reappointed as the Historic Preservation Commission Liaison. Mr. Ferraro has been reappointed as the Chairman of the planning board and has been appointed to a full 7 year term. Next, Mr. Ferraro commended the planning board on the thoughtful decision making process they have been utilizing. The chairman stated that he likes the variety of viewpoints that help make best decisions for the good of the community and he expressed his appreciation for the committees and staff who provide insight and commentary for all project review.

I. Minutes Approval – 12/11/2012

- a. Motion to approve minutes of the December 11, 2012 Planning Board meeting
 - Moved by: Koval
 - Seconded by: Ophardt
 - Motion is approved – Unanimous

II. Public Hearings - None

III. Old Business

- A. **[2007-032] Pickett Subdivision** Proposed reconfiguration of public road, amendment to an approved subdivision, 136 Vischer Ferry Rd, Zoned: CR, APPROVED WITH CONDITIONS 8/12/2011 SBL: 282.-2-30.1

Jason Dell of Lansing Engineering presented the application on behalf of the applicant, Witt Construction. Mr. Dell noted that it is a reconfiguration of the road intended to be conveyed to the town of Clifton Park in a 6 lot subdivision. Mr. Dell stated that a maintenance agreement was included in the letter submitted to the board for review and that the project has current stormwater permit coverage from the DEC. Mr. Dell next added that the applicant has received comments from the Town staff and town designated engineer and intends to address all comments in the final plan.

Mr. Scavo reported that Mr. Myers, Director of Building and Development had asked for clarification on the stormwater approvals and noted that Mr. Dell has addressed that issue.

The Planning Director asked that the Board give consideration to determining what final language should be used for the maintenance agreement regarding the landscaped area of the town-owned road.

Mr. Pelagalli replied that he felt the easement should be granted to each homeowner equally to be responsible for: 1/6 of the landscaping over the right of way and 1/6 of ordinary maintenance and that the Town while granting an easement for such maintenance will not be responsible for the maintenance. Mr. Pelagalli also stated that this agreement should be included in the deed each homeowner receives.

The Planning Director added that this change does not require Saratoga County Planning Board approval but that the project will require a curb permit for work in the right of way. The director added that Mr. Kukuk, Highway Superintendent is comfortable with the proposed change.

Mr. Montague noted that after review of the data presented, the ECC made the following recommendations:

1. The applicant should reconfigure the lots to modify the location of the stormwater management pond further to the east, away from the federal wetlands.
2. The applicant should provide input to the Planning Board that the wells on Lots 1/3 do not adversely affect the recharge capability due to their close proximity.
3. The applicant should consider relocating the wells on Lots 5 and 6 away from the stormwater management area.

J. Bianchi, the town designated engineer with M. J. Engineering and Land Surveying, PLC stated that he had sent a review letter to the applicant and there were minor comments to be addressed as to labeling and proposed signage that should be added to the plan. He also added that some calculations for stormwater and inconsistencies needed to be corrected as outlined in his letter.

Public Comment

Mr. Dan Hartnett, town resident and committed member of the Open Space, Riverfront and Trails Committee - asked about the width of the existing right-of-way on Vischer's Ferry Road and Mr. Dell replied that it is currently 13 feet at the smallest point but otherwise up to 15 feet. Mr. Hartnett stated that the Trails Committee asked for 15' if possible and that attention be paid to utility pole installation, to make sure that any poles be shifted out of the right-of-way so that future structures would not need to be moved if a trail were to be put in. Mr. Bianchi suggested verifying boundaries of the town/county ownership of the drainage pipes.

Board comments

Mr. Werner asked if the streets were one way and suggested signs be posted for clarification. He then asked the distance between the two entrances and Mr. Dell replied that it was just over 50'. Mr. Ophardt asked if Town was responsible for maintenance of the stormwater basin. Mr. Scavo stated that the Town asked for a public road to enable access to the stormwater area for repairs and that is why Pickett Lane has been brought up to a town road standard and the town will ultimately be responsible for the maintenance of the road itself. Mr. Ferraro pointed

out the easement restrictions will be noted for the two open space areas without public access as they are held privately with restricted uses of Open Space.

Mr. Ferraro added that the Trails Master Plan calls for an eventual trail along the Vischer Ferry Road corridor and that a note should be added to the plan that the right-of-way may include a future multi-use pathway at the town's discretion.

Mr. Ferraro polled the Planning Board and the members found the application consistent with the existing SEQR Determination therefore no further action pursuant to SEQRA was needed.

Mr. Werner offered Resolution #1 of 2013, seconded by Mr. Ophardt, to amend the existing project [2007-032] Pickett Subdivision to modify the design of the road to be known as Pickett Lane conditioned upon satisfaction of all items listed in the comment letter issued by the Planning Department. Ayes: Hale, Prescott, Werner, Koval, Ophardt, Andarawis, Ferraro. Noes: None.

- B. **[2011-026] Parkwood Village Addition** Proposed amendment to prior site plan to allow a temporary storage structure until permanent structure is built and extension of site plan approval, 1819 US Rt 9, Zoned: B-3, APPROVED WITH CONDITIONS 9/27/2011 SBL: 265.-1-66

Brett Watts, Albany Management, represented the applicant Parkwood Village for this amendment to a previously approved site plan. Mr. Watts noted that at this time (2) storage containers have been temporarily installed on-site instead of the approved 32'x28' addition. Mr. Watts added that at this time, the changes required relocation of an existing salt shed and that the Building Department and the Planning Board are being consulted to make sure all of this is done according to Town Code for a commercial property.

Mr. Scavo remarked that commercial building code requires some specific requirements which are being worked out between the applicant and the building inspectors and due to length of time the "temporary" structures might be on-site, it had been necessary to get planning board input.

Mr. Myers comments were read by Mr. Scavo stating that corrections should be made on the plan to correct discrepancies.

J. Bianchi no comment

ECC no comment

Public no comment

Mr. Koval asked how long these temporary sheds were needed. Mr. Hale suggested that a requirement could be that the temporary structure should be removed before the issuance of the C.O., but Mr. Scavo stated that problems arise when a certificate of occupancy is never issued, the temporary structure could end up becoming permanent by default. Mr. Pellagalli suggested requiring it to come down within two years of approval.

Mr. Ferraro asked for clarification of the salt shed. Mr. Koval asked if there needs to be a decision regarding the location of the salt shed as well to include that as part of the stamped site plan. Mr. Watts stated that it could be finished off as part of the approval. Mr. Ferraro commented that the salt shed was more visible than the temporary structures.

Mr. Scavo said the salt shed does seem to fit with setbacks where it is and could be included on the site plan with a note added that if it gets moved again, it will require additional planning board review. Mr. Hale felt it would be fine as long as it stays in the gravel surface area. Mr. Pelagalli suggested approval also be given to relocation of the salt shed and subsequent movements if any would require further amendments and satisfaction of the Building Department. Mr. Pelagalli also recommended that the temporary structure should be held to the original time frame which will be verified by Planning Staff.

Mr. Ophardt moved, seconded by Mr. Hale, 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.

Board members then addressed the site plan. Mr. Andarawis moved, seconded by Mr. Koval to grant this amendment to the existing site plan conditioned upon satisfaction of all items listed in the comment letter issued by the Planning Department. The motion was unanimously carried.

[2012-001] Fairchild Sq. Amendment Proposed amendment to prior site plan to consolidate (2) 7000 SF buildings to (1) 14000 SF building., 1 Fairchild Square, Zoned: L 1, APPROVED WITH CONDITIONS SBL: 259.-2-83.11

Tom Andress with ABD Engineers presented the application which is essentially a modification to (2) of the buildings on Lot 2 of 7,000 sf each and combining them into one 14,000 sf building which will be shifted slightly farther away from the adjacent residential lots. Mr. Andress also proposed to landbank some of the parking spaces if they should be needed in the future and stated that handicapped parking has been rearranged based on the reconfiguration of the parking spaces. The consultant noted that in total, the # of parking spaces has remained the same. It was added that a specific use for the building is not being decided at this time, and that the square footage of the site in its entirety also remains same.

S. Myers comments were read by Mr. Scavo asking that stormwater and parking requirements be reevaluated prior to approval.

Trails subcommittee comments –Dan Hartnett noted that a crosswalk across internal roadway should be shown an internal circulation could be improved. Mr. Hartnett also asked that bike racks be shown on the plan.

Mr. Scavo stated that a note should be added to the Plan Amendment which states, “The notes, terms, conditions, and restrictions on the original subdivision plan are applicable and fully enforceable as a condition of approval for this amendment.”

M. Montague - After review of the data presented, the ECC made the following recommendations:

1. In keeping with the recommendations and goals of the Town Comprehensive Plan, the Applicant should retain existing vegetation to the maximum extent practical and/or the use landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties.

J. Bianchi stated that he had sent a review letter to the applicant and emphasized that comments regarding conflicts with stormwater drainage need to be resolved and that a Knox Box should be located on the plan. Mr. Bianchi also noted that SWPPP and permits already issued would appear to cover the scope of the proposed amendment.

Mr. Address stated that there would be some reduction in runoff with the added landscaping section.

Pam Marshall, resident, asked if the consultant knew what were the utility poles going up along Van Patten Drive near the trail and the two near the entrance. Mr. Address stated that they were probably National Grid poles to bring the power to the internal underground utilities on site and that there are no additional lights being added to the building other than what was installed about 6 months ago.

Mr. Werner asked about use of building and if the Planning Board is not reviewing the purpose, at what point would Planning Board need to evaluate based on traffic generation being potentially different than the original proposed use.

Next, the Planning Board discussed the possible impact to traffic. Mr. Scavo remarked that if a use variance is granted, and if the new use is by code the same intensity of use, it might not trigger site plan review, but it would be up to chief zoning officer to determine whether site plan review might be required. Planning Board members remarked that they were comfortable that a mechanism is in place to evaluate the impact of a change in use and noted that it may be back before the Planning Board if Mr. Myers determines that it is warranted.

Mr. Ferraro asked Mr. Address to address the buffering as mentioned by the ECC and he replied that the Berm on the West has been extended and will increase the landscaping.

The applicant also agreed to extend the sidewalk to the east of the building along the picnic area to connect with the sidewalk via a crosswalk across the internal roadway.

Mr. Ferraro polled the Planning Board and the members found the application consistent with the existing SEQR Determination therefore no further action pursuant to SEQRA was needed.

Board members then addressed the site plan. Mr. Ophardt moved, seconded by Mr. Hale to grant this amendment to the existing site plan conditioned upon satisfaction of all items listed in the comment letter issued by the Planning Department. The motion was unanimously carried.

IV. New Business – None

V. Discussion Items – 2013 Saratoga County Planning/Zoning Workshop

Next submittal deadline: 1/23/2013

Next Planning Board Meeting: 1/23/2013 from items submitted on 1/2/2013

Motion to close Planning Board meeting at: 8:32

- Moved by: Koval
- Seconded by: Prescott
- Motion is approved – Unanimous

Respectfully submitted,

Meg Springli
Secretary