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PLANNING BOARD

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

Planning Board Meeting
February 26, 2013

Those present at the February 26, 2013 Planning Board meeting were:

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

Those absent were: K. Paulsen, T. Werner

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
M. Montague, Environmental Conservation Commission

Mr. Ferraro, Chairman, called the meeting to order at 7:03p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Mr. Ferraro welcomed everyone and asked those in attendance to turn off all cell phones because of interference with digital recording equipment. The Chairman reminded the public that the zoning workshops will be held at the Clifton Park Halfmoon Public Library March 6th-8th. The chairman stated that member Tom Werner is designated liaison to the committee. Mr. Ferraro is designated from CDRPC although he is also chairman of the planning board. Planning Board members were also encouraged to participate.

Mr. Ferraro noted for the record that Eric Prescott would be a voting member in place of Tom Werner.

I. Minutes Approval – 2/12/2013

Motion to approve minutes of the January 23, 2013 Planning Board meeting

Moved by: Hale

Seconded by: Koval

Motion is approved – Unanimous

II. Public Hearings

7:00pm [2013-001] **Gibbs In-Law Apartment SUP** – Proposed 500SF addition with kitchen and bath, 4 Acorn Grove, Zoned: R-1, Preliminary public hearing for a special use permit and site plan review with possible determination, SBL: 249.20-1-10

Mr. Ferraro stated that a vote for SEQR approval does not necessarily indicate approval of a project

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

Mr. Ferraro, Chairman, called the public hearing to order at 7:07 p.m. The Secretary read the public notice as published in the Daily Gazette on February 18, 2013.

The applicant, Phil Gibbs addressed the Board members and stated that he and his wife are looking for a place to be able to help take care of his mother-in-law. Mr. Gibbs shared plans and a façade rendering of the proposal which is within the setback lines of the existing property and is shown as a small addition attached to the existing garage by a breezeway. Mr. Gibbs described the addition as having a bedroom, bathroom, living and kitchen space as well as laundry facility.

Public Hearing Comments:

Alex Nieminski, 26 Hearthside Drive, expressed opposition to a separate dwelling on single family residential lot. Mr. Nieminski stated that he felt extending the home could later become a subdivided lot as a separate structure with separate utilities. The resident also expressed concern for the proximity to the adjacent owner and its effect on property value. Mr. Pellagalli stated that the neighbors themselves would have to make a complaint with affidavits and proof of lowered property values directly. Mr. Nieminski also voiced concern with making this a rental unit. Mr. Pellagalli and Mr. Ferraro both allowed that the Planning Director recommended conditions that could be adopted to limit that possibility. Mr. Ferraro stated that the Town Code allows an in-law apartment by application for a Special Use Permit within the Town such as the applicant has done with this project, therefore it is an allowable use.

Carrie Nieminski, 26 Hearthside Dr., stated that she was against it and asked for measurements of the breezeway. Mr. Ferraro read from the plans that the breezeway is 10 feet

long attached to the addition. Mrs. Nieminski also noted that she felt it was too close to the adjacent neighbor. Mr. Ferraro verified that it is well within the setbacks per town code. Mr. Scavo reread his recommendation that the status as in-law apartment should not be automatically transferrable to any new owners but added that anyone may apply for a new Special Use Permit per Town Code or the kitchen of the structure could be removed and the addition incorporated into the main house returning it to the status of a single-family residence. Additionally, Mr. Scavo recommended that a condition be placed on the SUP that the secondary resident must be a relative of the property owner.

Mr. Koval moved, seconded by Mr. Prescott, to close the public hearing at 7:21p.m. The motion was unanimously carried.

Board Comments

Mr. Koval commented that he felt it was good that Mr. Gibbs was offering a place for his mother-in-law to live. Mr. Hale also commended the applicant for his generosity and the aesthetics of the elevation and angles as proposed in the submitted plan. Mr. Hale then noted that the conditions as proposed by the planning director were something he was comfortable with. Mr. Ophardt also expressed comfort with the proposal and that in his opinion this was a good design and respectful of the needs of society taking care of the aging population. Mr. Andarawis mentioned multi-generational living is something we have to deal with and the conditions that require returning to the planning board and making sure it is limited to relatives was good.

Professional Review

John Scavo, Planning Director reread his comments from the last meeting:

1. The proposed application is for a special use permit which by our Town Code and In-Law Apartment is the same as a Two Family Dwelling Unit. As a condition of the special use permit it should be agreed upon that the in-law apartment is not transferable to subsequent owners of the one-family dwelling in which the in-law apartment is located. Upon the sale or transfer of the one-family dwelling in which the in-law apartment is located, the special use permit granted for such in-law apartment shall become null and void. The subsequent owner may submit an application for a special use permit to the Planning Board.
2. An additional condition for the in-law apartment should be that the resident occupant of such apartment is a relative of the property owner.

Mike Montague, stated that the ECC had no comments.

Joel Bianchi, town designated engineer with M.J. Engineering and Land Surveying, had no comments regarding this application.

Mr. Koval offered Resolution # _ of 2013, seconded by Mr. Ophardt to waive the final hearing for this application and to grant preliminary and final approval subdivision approval to this application conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, and Town Designated Engineer, including (2) conditions as outlined by the Planning Director and notes to be added to the Notice of Decision and site plan

Roll call: Ayes: Mr. Andarawis, Mr. Ophardt, Mr. Prescott, Mr. Hale and Mr. Koval, Mr. Ferraro. Noes: none. The resolution is unanimously carried.

Mrs. Barbara Berry, Clifton Park Resident stated that another neighbor had wanted to put an addition to their home without a kitchen but did not appear to the planning board for approval and she wondered why. Mr. Ferraro explained that without a kitchen, it would be an addition that might only require a building permit if it was designed within the allowable setback lines. Mr. Koval stated that it is possible the neighbors did not want to go through the extended process of planning board and/or zoning board approval(s).

III. Old Business

1. **[2012-027] Drake Petroleum - Xtra Mart** Proposed renovation to existing service station, 283 Ushers Rd, Zoned: B-3, PB preliminary site plan review and possible determination, SBL: 259.-2-36

Chris Boyea, Bohler Engineering represented the applicant and recapped the proposal which was to relocate the existing diesel dispenser and construct a new canopy over the structure. The consultant also stated that the project would result in improved truck circulation in the rear of the existing building and the property would be connected to municipal sewer. It was noted that the applicant had received variances for setbacks from the Zoning Board of Appeals on February 5th and a bike rack and landscaping has been added to the plan as well as other suggestions made at conceptual review.

Professional Review

Steve Myers, Director of Building and Zoning comments regarding this review are on file with the project.

- Variances obtained.
- Traffic protection required for propane cylinder area.
- Gas recovery system permitted by NYSDEC.
- Signage information included with submission. All signage needs to be submitted to the Building Department for approval and permitting.
- Septic removal requires building permit.
- Further stormwater management information should be provided.

Sheryl Reed, Bureau of Fire Prevention, had no additional comments regarding this submittal.

John Scavo, Planning Director offered the following comments:

Mike Montague, Environmental Specialist offered the following comment:

1. Due to the probability of food and liquid wastes leaking from the on-site dumpster into a storm water 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 that 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
2. The ECC recommends that this project be carried out in keeping with the goals of tree preservation as stated in the Town Comprehensive Plan, to the greatest extent practicable.
3. If new lights or illuminated signage are to be installed, the ECC recommends they be directional and limited.

Joel Bianchi, town designated engineer with M.J. Engineering and Land Surveying, issued a lengthy review letter addressed to the applicant on February 22, 2013 which will be included in the file for this application. The consultant also summarized its followings asking that notes be added to the plan referencing the ZBA number and date the variance was granted.

Planning Board comment

Mr. Hale stated that it was an improvement and that he hoped an included dumpster detail would help alleviate environmental concerns. Mr. Koval stated that he felt there were no requirements and Mr. Scavo said there was not a standard but that there were some designs that have been implemented in town and could be duplicated. Mr. Montague said that the ECC had requested it because in other locations there have been leaks that could end up in storm water and Mr. Boyea replied that the infiltration system is designed to handle any waste that might spill. Mr. Ophardt commended the applicant as well and asked the applicant to verify if an easement was ever granted for sign and asked the applicant to get some kind of statement from DOT regarding the existing sign.

Public comment

Mr. Jim Ruhl, Wooddale Drive asked for clarification of location of bike rack. Mr. Boyea indicated the back corner of the building.

Ms. Barry, asked if more pumps were being added. Mr. Boyea replied that there would be no added pumps, just a reconfiguration to improve circulation.

Mr. Prescott moved, seconded by Mr. Andarawis, to establish the Planning Board as Lead Agency for this application, a Type I 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 all items included in the final comment letter issued by the Planning Department. The motion was unanimously carried.

IV. New Business – none (2013-003) 5 Fairchild Square has been postponed at the request of the applicant.

V. Discussion Items – None

Mr. Koval moved, seconded by Mr. Ophardt to close the planning board meeting at 7:53 pm. The motion was unanimously carried.

Respectfully submitted,

Meg Springli
Secretary