

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 MINUTES
April 23, 2013

Those present at the **4/23/2013** Planning Board meeting were:
Planning Board:

R. Ferraro, Chairman, E. Andarawis, M. Hale, J. Koval, E. Ophardt,

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 7:02p.m. All in attendance stood for recitation of the Pledge of Allegiance. The chairman asked those in attendance to turn off all cell phones because of interference with digital audio equipment.

I. Minutes Approval

Mr. Hale moved, seconded by Mr. Andarawis to approve the minutes as written for the Planning Board meeting on March 26, 2013. The motion was passed with 4 ayes, 0 no votes and abstention from Paulsen, Ophardt and Werner.

II. Public Hearings – None

III. Old Business

- A. [2013-004] **Milton CAT** – Proposed addition to stamped plan to include metal canopy for outdoor storage, 500 Commerce Drive, Zoned: L 2 - Preliminary site plan review with possible determination. SBL: 259.-2-95.11

Jeff Read of Colby Co. summarized the plan which is basically unchanged from the last meeting on March 12, 2013. Mr. Read used a Powerpoint presentation to show the existing conditions and photographs flagging the intended area of expansion as well as a site plan of the proposal. The consultant stated that no new landscaping or vegetation is planned, but that the grass as it currently exists would be restored. Mr. Read also explained that the height of the new roof will

be lower than the existing structure and that a chainlink fence will be mounted to the top of the frost wall under the eaves of the canopy.

Staff comments

Mr. Scavo noted that an approval letter was received from the Saratoga County Planning Board dated March 26, 2013

Steve Myers, Director of Building and Zoning, issued a review letter dated April 9, 2013 and stated that he had no further comments for this project.

Open Space, Trails and Riverfront Committee comments were forwarded to Planning Board members

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

John Scavo, Planning Director, asked that the applicant indicate any variance #'s and approval dates on the plan.

Joel Bianchi, the town designated engineer with M. J. Engineering and Land Surveying, issued a letter to applicant on April 19, 2013 which stated that all technical comments had been addressed. Mr. Bianchi did follow up by asking for a reaffirmation of the height of the new structure and was told that it was approximately 24' high, and shorter than the 33' height of the existing building.

SEQR

Mr. Ferraro stated that SEQR approval did not guarantee final approval however, it allows the Planning Board to continue with its site plan review and any outstanding issues can be addressed in the course of normal site plan review.

Mr. Ophardt moved, seconded by Mr. Werner, to reaffirm the original SEQR approval as an unlisted action pursuant to SEQR. The motion was unanimously carried.

Planning Board Discussion -None

Public Comment – None

Mr. Koval moved, seconded by Mr. Hale, to waive the final hearing and grant preliminary and final approval conditioned upon satisfaction of comments in a final review letter to be issued by Planning department staff. The motion was unanimously carried.

IV. New Business

- B. **[2013-006] Smart Early LLC** -proposed amendment to **[2006-010] Provident Development**, 37-39 Old Route 146 Zoned: B -4A -Preliminary site plan review with possible determination. SBL: 279.-1-25

Nicholas LaFountain, presented the site plan application which was needed because it was a change of use from the current professional office to a day care facility. Mr. LaFountain explained that the exterior modifications would include an ingress/egress and a playground

facility. The representative also stated that code required an emergency exit with sidewalk extension, but the number of needed parking spaces would not change. Mr. LaFountain also stated that any other changes are internal and not subject to planning review but would be inspected by the building department prior to issuance of a certificate.

Staff comments

Steve Myers, Director of Building and Zoning, issued a review letter dated April 9, 2013 and stated that :

- Day care is an allowed use by reference to all uses in a B-3 are allowed in a B-4A except dwellings.
- Designated play area has significant elevation changes that could be hazardous to children. More detail on this area will be required.
- All building modifications will require plans and a permit.
- The effect the proposed modifications will have on the site drainage needs to be identified.
- More comments may follow once more detail is provided.

Trails Subcommittee comments were forwarded to Planning Board members

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

John Scavo, Planning Director, offered the following comments:

- Per Section 208-13B(2)(b) of the Town Code, “(b) If the new use is not of the same type and intensity (i.e., office to retail, sit-down restaurant to fast-food restaurant, etc.), the new owner shall, if required by the Building Inspector, appear before the Planning Department to arrange to appear before the Planning Board to determine if a revised site plan approval will be required prior to the issuance of a building permit and/or certificate of occupancy or tenancy.”
- Per the proposal the use is changing from a commercial office building to a daycare facility.
- The daycare facility and play area will have to meet requirements prescribed by the NYS Office of Children and Family Services and NYS Building Code. As such I have no issues with the proposed change of use and recommend approval of the proposed application provided that outstanding monies owed to the Town from a settlement between the Town of Clifton Park and Provident Development are satisfied.
- Joel Bianchi had no comments.

SEQR

Mr. Ferraro stated that SEQR approval did not guarantee final approval however, it allows the Planning Board to continue with its site plan review and any outstanding issues can be address in the course of normal site plan review.

Mr. Andarawis moved, seconded by Mr. Werner, to name the Town of Clifton Park Planning Board as lead agency for this unlisted action pursuant to SEQR. The motion was unanimously carried.

Planning Board Discussion

Mr. Ferraro referred to the comments as written in the Trails subcommittee recommendations and asked if somehow a right of way could be granted to allow for some walkability improvements in the area and that potentially some of the funds collected from the existing owner could be utilized for that purpose. Mr. Scavo replied that he would look into the viability of that and felt the right of way might be good as existed.

Mr. Ophardt asked if there was a conflict with the neighboring nursery school for drop off and pick up times and the owners thought timing was not concurrent.

Mr. Ferraro asked if Board was comfortable with proceeding.

Mr. Ferraro stated that SEQR approval did not guarantee final approval however, it allows the Planning Board to continue with its site plan review and any outstanding issues can be address in the course of normal site plan review.

Mr. Andarawis moved, seconded by Mr. Werner, to name the Town of Clifton Park Planning Board as lead agency for this unlisted action pursuant to SEQR. The motion was unanimously carried.

Public Comment – None

Mr. Hale moved, seconded by Mr. Koval, to waive the final hearing and grant preliminary and final site plan approval conditioned upon satisfaction of comments in a final review letter to be issued by Planning department staff. The motion was unanimously carried.

- A. **[2013-007] Jonesville Fire District** – proposed (2) lot subdivision , 629 Route 146A, Zoned R-1 -Conceptual subdivision review. SBL:271.-1-1

Mr. Ferraro noted that he is a member of the Sherwood Forest Park District Board in the area that is serviced by this fire department.

Presentation: Neil Weiner and Jay Russell were representing the Fire department which is planning to sell part of its land to Scott Earl, the adjoining landowner. According to Mr. Weiner, Mr. Earl has expressed that he is 2-5 years away from actually bringing a project forward and added that at this time, the development of a project is not being proposed, it is more or less a boundary line adjustment.

Professional Review:

Steve Myers, Director of Building and Zoning offered comments that were read by Mr. Scavo.

- Entire parcel is zoned R-1.
- Adjoining parcel is zoned B-3.
- There are no proposed changes to the zoning noted.

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

John Scavo, Planning Director offered the following comments:

- the surveyor verified that the proposed rear property boundary for the firehouse parcel was laid out along a wetland boundary. The proposed subdivision appears to be in accordance with Chapter 179 of the Town Code.
ECC offered comments read by Mike Montague:
- ECC recommends having the property line for the subdivision at the rear of the fire station, be drawn further away from the fire station to provide visual and auditory buffering for the subdivided lot.
- The Applicant should indicate the change, if any, in percentage of greenspace as a result of the proposed subdivision

Neil Weiner stated that he felt the fire district might be exempt from green space requirements.

Public Comments:

Pam Marshall asked about gravel driveway that was on land during fire dept. construction and wondered if it would be removed and would it change calculation of green space. Mr. Scavo stated gravel should be temporary in nature. Mr. Ferraro also stated that some landscaping needs to be addressed. Mr. Weiner recollected that with elimination of parking, the landscaping was not deemed necessary but Mr. Scavo said grass and erosion control needed to be reestablished.

Board Comments:

Mr. Ophardt asked for a response to the ECC comments regarding auditory buffering and Mr. Russell stated that the station has removed the alarm already. Mr. Hale noted that he would recommend combining lots. Mr. Scavo reiterated that the zoning would still be carried according to the preexisting lines even if the lots are combined after the subdivision

Mr. Koval asked why it could not be a lot line adjustment but Mr. Scavo explained that a lot line adjustment would not be allowable per the Town Code because it was a large enough land area that it would potentially create an additional buildable lot or lots.

Mr. Ferraro asked to see wetlands and 5' contours on the next submittal.

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

Planning Board members indicated that they found this plan generally acceptable. Mr. Ferraro indicated that the next step would require 500' ft abutters notice to be mailed out and a preliminary public hearing to be advertised and held.

D. [2013-008] **Mackey, Lands of** – proposed (2) lot subdivision , 1644 Crescent Road, Zoned: CR -Conceptual subdivision review. SBL: 288.-2-43

Mr. Duane Rabideau, with Gil VanGuilder and Associates, presented the Board with revised drawings based on comments received from Planning Staff and professional review. Mr. Rabideau explained that the lots have been configured to allow access for Lots 1 and 2 so that if

Kendra Drive is extended, each of the two lots will have the required 80' of frontage per CR zoning.

Professional Review:

Steve Myers, Director of Building and Zoning offered comments that were read by Mr. Scavo.

- Building setbacks seem to reflect those of the Southwick PUD. This new parcel is not a part of that PUD, therefore at a minimum the setback should be 50' in the front. This lot could be considered a keyhole lot which would require 50' setback from all property lines. This determination may be affected by the proposed extension of Kendra Dr. The most conservative approach will be taken until resolved. The 40' of access on a public road would also seem to indicate a keyhole lot.
- Extension of the sewer and water districts to include this lot should be verified. □ Depending on the new house location a fire access road may be required.
- Neighbors that have extended onto parcel #2 should be notified, especially if property is to be further subdivided.
- LC zones associated with wetlands and streams should be shown.

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

John Scavo, Planning Director offered the following comments:

- The resubmitted plan shown tonight adequately addressed the concerns of Mr. Bianchi and Mr. Scavo per a meeting held with the consultant regarding the right of way from Kendra Drive.

ECC offered comments read by Mike Montague:

- The limits of the LC Zone and 100 foot buffer zone, DEC Wetlands, Federal Jurisdictional Wetlands shall be identified on the plot plan.

Joel Bianchi, town designated engineer with M. J. Engineering and Land Surveying, issued a letter to applicant on April 19, 2013 which stated that:

- Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. Assuming the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
 - a) Clifton Park Water Authority – public water supply connection
 - b) Saratoga County Sewer District No. 1 – public sanitary sewer connection
 - c) NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources
 - d) NYS Dept of Environmental Conservation – identification of threatened and endangered species
- Saratoga County Planning Board – 239m referral due to the project's proximity to Crescent Road (County Road 92)

Subdivision Plan

- The project resides within the Town's C-R, Conservation Residential Zone. In accordance with Section 208-16(D)(1)(b) of Town Zoning, the proposal for a

single family is permitted use. Further, Section 208-16(E)(2)(c) provides for a one-time single lot exception for the creation of two lots without having to following the conservation approach of zoning.

- It is proposed to have 40-feet and 10-feet of frontage on a public right of way for Lot 1 and 2, respectively. Lot 1 will also have a 40-foot reservation area of land along the southern side of the lot, suspected to provide for frontage on the larger lot, but also to allow a potential development of the larger lot. In do this, Lot 1 appears to be a flag lot and Lot 2 may not have sufficient frontage. We however would defer to Town staff in a final determination the lot configurations create non-conformities with Town Zoning with respect to bulk lot requirements. If there is a determination that Lot 1 is a flag lot, it is noted that they are not permitted within the CR District pursuant to Section 208-86(A) of Town Zoning and therefore, an alternate lot configurations would be warranted.
- Relative to the configuration of Lot 1, it may be better suited to extend a Town right-ofway into the property, thereby providing full frontage to Lot 1 and accommodating a potential future development of the remaining 26+/-acres of land on Lot 2. Should this be pursued, the right-of-way could remain as unimproved until such time that the remaining lands is developed. At that time, the driveway to Lot 1 would have to be reconfigured as necessary.
- The proposed driveway to Lot 1 would extend from the end of the existing Town road. There needs to be consideration of how Town snow removal operations may impact safe and unimpeded access to Lot 1. There may be consideration of modifying the end of the Town road, at the applicant's expense such that both a driveway entrance and snow storage area can be provided.
- There should be notation on the plat indicating when the wetlands on the site were delineated and by whom.
- The plat should provide a conceptual plan for the driveway and general area of development. This will allow an determination if the proposed driveway needs to meet the requirements of the 2010 Fire Code of NYS (FCNYS) as well as the NTSDEC Phase Two Stormwater Regulations.
- In the event the net disturbance exceeds 1-acre, the project will be subject to the NYSDEC Phase 2 Stormwater Regulations, General Permit GP-0-10-001 and a site specific SWPPP that addresses construction phase site disturbances. If the project is subject to the General Permit, GP-0-10-001, the following coordination will be required with other state agencies:
 - (a) Parts I.D.6 and III.A.8 of the General Permit requires that the SWPPP include documentation supporting the determination of permit eligibility with regards to historic places and archeological resources.
 - (b) Part I.D. 4 of the of the General Permit requires that the SWPPP include documentation supporting the determination of permit eligibility with regards to listed or proposed to be listed endangered or threatened species or critical habitat.
- The project proposed to be serviced with public water from the Clifton Park Water Authority (CPWA). There needs to be confirmation from the CPWA of their ability and willingness to service the project. Any approvals offered by the Planning Board should be conditioned on receipt of CPWA review and approval.

- The plan should identify the minimum size and materials of construction for the individual water service. □ The project proposed to be serviced with public sewer from the Saratoga County Sewer District No 1 (SCSD).
- There needs to be confirmation from the SCSD of their ability and willingness to service the project. Any approvals offered by the Planning Board should be conditioned on receipt of SCSD review and approval.
- The plan should identify the minimum size and materials of construction for the individual sewer service

Public Comment:

Dan Hartnett asked if the point actually went down to Crescent Road and asked if right of way was feasible there, but since there is no frontage, it was determined not to be pertinent.

Mr. Koval asked about emergency access and driveway standards. Mr. Bianchi suggested Mr. Myers make that determination. Mr. Hale asked if water is on abutting property, could the water rights be extended. Mr. Bianchi felt that the water district had distinct lines. Mr. Ferraro asked about the building setback lines and wondered why they were no longer at the initial 50' setback. Mr. Scavo stated that it was no longer a keyhole lot and Mr. Ferraro looked at zoning for the one time exemption in code 208-16 e 2 c and felt setbacks should be 50' all around.

- Planning Board members indicated that they found this plan generally acceptable. Mr. Ferraro
- indicated that the next step would require 500' ft abutters notice to be mailed out and a preliminary public hearing to be advertised and held.

V. Discussion Items – None

Next Planning Board Meeting: 5/14/2013

Mrs. Paulsen moved, seconded by Mr. Koval to close the meeting at: 8:22pm. The motion was unanimously carried.

Respectfully submitted,

Meg Springli