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PLANNING BOARD

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

**Planning Board Meeting**  
**May 14, 2013**

Those present at the May 14, 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  
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 explained that Mr. Prescott will be sitting as a full voting member at this evening's meeting in Ms. Paulsen's absence.

Mr. Ferraro reminded those in attendance that the Local Government Planning and Zoning Workshop sponsored by the Capital District Regional Planning Commission and other agencies will be held on June 20, 2013 at Hudson Valley Community College. The session will include discussions concerning green infrastructure, stormwater management methods, and form based codes. Board members were encouraged to attend since attendance at the workshop meets continuing education requirements.

**Minutes Approval:**

Mr. Hale moved, seconded by Mr. Andarawis, approval of the minutes of the meeting of April 23, 2013 as written. Ayes: Andarawis, Hale, Koval, Ophardt, Ferraro. Noes: None. Abstained: Werner, Prescott.

**Public Hearings:**

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

**Old Business:**

[2007-057] **Lussier Drive** – Proposed amendment to preliminary subdivision approval, 59 Boyack Road – Preliminary review. SBL: 284.-2-18.11

This agenda item has been withdrawn from the evening's agenda at the request of the applicant. The Planning Board will consider this application at its next meeting which will be held on May 29, 2013.

**New Business:**

[2013-009] **Windsor Development** (Lands of Joseph M. and Helen M. Dworakowski) proposed (2) lot subdivision, 457 Clifton Park Center Road – Conceptual review. SBL: 271.-3-48.

Mr. Duane Rabideau, consultant for the applicant, presented this application that calls for the subdivision of five acres of land located within a B-2 zoning district and situated on the northwesterly quadrant of the intersection of Clifton Park Center Road and Clifton Country Road. Lot A, a one acre parcel, contains an existing single-family residence that is served by the Clifton Park Water Authority and an individual septic system. The remaining four acre parcel, labeled on the conceptual plan as Lot B, remains vacant except for an existing car port that will be removed. The speaker presented Board members with a revised subdivision plan which reflects Mr. Myers' interpretation of the zoning code with respect to frontage: the plan now shows the required 150' of contiguous frontage along the westerly side of the parcel. Mr. Rabideau explained that there are no delineated wetlands on the parcel. He submitted a jurisdictional letter from Mr. Jed Hayden, NYS Department of Environmental Conservation and accompanying map that indicate that wetland boundaries lie beyond the Dworakowski property's boundary lines. Though the applicant will address all of the comments issued by M J Engineering and Land Surveying, P.C., Mr. Rabideau requested clarification of Mr. Bianchi's comment regarding the request for a note to the plan stating that Lot B is not approved as a buildable lot. Mr. Bianchi explained that the comment was designed to "protect the town" since no site plan or house location was presented for the Board's consideration.

Mr. Scavo offered comments prepared by Mr. Myers, Director of Building and Development. Since it is believed that there are wetlands located on or in close proximity to the proposed subdivision, the consultant is asked to delineate and map such lands. Mr. Myers

observes that there is not access onto Clifton Country Road. He notes that 150' of frontage along Clifton Park Center Road is required per the zoning code: although the plat shows that Lot B has 130' and 80' of frontage, the frontage is not contiguous.

Mr. Scavo explained that Mr. Montague, Environmental Specialist, reported that the ECC found the application acceptable.

Mr. Scavo reported that comments prepared by the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee had been forwarded to Planning Board members. The subcommittee recommends that the applicant provide a 15' right-of-way across the entire frontage of the property to be subdivided along Clifton Country Road, noting that such a conveyance will permit connection with the existing trail to the west and will offer the opportunity to connect with right-of-way gained as part of the subdivision of the office buildings on the opposite side of Clifton Country Road.

Mr. Scavo stated that many of the comments he had prepared had been addressed by the applicant and were included on the revised plan. He reported receipt of a copy of the letter from NYSDEC verifying the fact that there are no wetlands on the parcels and, therefore, no LC zoned lands. He noted that there was no access shown to Clifton Country Road because a small strip of land between the Dworakowski's property line and the Clifton Country Road right-of-way is owned by Robert Phillips. He noted that the applicant has adequately addressed Mr. Myers' interpretation of the zoning code regarding frontage requirements: 150' of contiguous frontage is now shown on the plan.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the applicant convey 15' of right-of-way along Clifton Park Center Road to the Town for future multi-use pathway development or roadway improvements.

Mr. Ferraro commented that it is his understanding that the subdivision plan presented for review has been prepared in anticipation of the applicant's acquisition of the entire five acre parcel and its future commercial development. He recommended that discussion regarding trail location and development be deferred until an integrated site plan is prepared and presented for review. Mr. Bob Miller, owner/applicant, affirmed Mr. Ferraro's comment stating that the subdivision as presented will permit Windsor Development to purchase the four-acre parcel from the Dworakowskis, providing them the funds necessary to relocate. Windsor Development will then purchase the one-acre parcel and consolidate it with the four-acre piece, the existing residence will be razed, and the entire site developed in accordance with B-2 zoning. Mr. Scavo pointed out that consolidation of parcels does not require Planning Board review: it is an administrative action approved by the Town Assessor.

Mr. Bianchi reported that, after review of documents and information provided for conceptual review of the application, M. J. Engineering and Land Surveying, P.C. offered the following comments and recommendations. Since the application appears to be an Unlisted action pursuant to SEQRA, coordinated review is optional. The project is located within the

Town's B-2 zone. All bulk requirements are met with the exception of lot width at the front building line. Section 208-35(C) requires that 150' be provided at the front building line: the maximum provided by the proposed subdivision is 135' for Lot B. The Town may consider this a keyhole lot or may make an alternate interpretation of zoning in this matter. The Town's LC zone appears to bisect the property and is positioned along the mapped stream to the rear of the proposed Lot B: the plat should be updated to reflect the LC boundaries as applicable. Given the nature of the proposed subdivision, M J Engineering and Land Surveying, P.C. recommends that a note be added to the plat and/or a condition of the Board's approval indicating that the newly created lot – Lot B – is not approved as a buildable lot. Appropriate 911 emergency response numbers must be verified by the Bureau of Fire Prevention and placed on the map as assigned.

Board discussion focused on the recommendation offered by the Trails Subcommittee, with Mr. Koval emphasizing the importance of ensuring that additional right-of-way along Clifton Park Center Road will be secured even if ownership of the one-acre parcel is not transferred to Windsor Development. He described the property as providing a "very important piece" of land for the trail network, stating that he did not "want the trail to lapse" if the parcels were never consolidated. After a brief discussion, Mr. Rabideau suggested that a note be added to the plan that states that if the parcels are not consolidated, a 15' easement for future trail development is to be provided along the entire Clifton Park Center roadway frontage. Board members agreed that this seemed to be an acceptable resolution of the issue.

### **Discussion Item:**

#### **Delmonico's Restaurant**

Mr. Scavo explained that the owner/applicant of Delmonico's Restaurant which is currently being renovated had asked for approval to amend the approved site plan. Since it was determined that the proposed dumpster location was in close proximity to overhead utility lines, the applicant requested approval to relocate the dumpster to a location nearer Route 146 along the property's western boundary. After the request was made, however, the applicant found that the dumpster location as proposed initially for the proposed Starbucks building would be workable. Mr. Scavo will e-mail copies of the site plan with the dumpster location indicated to all Board members for their consideration. Should members have significant concerns or if a field change be deemed necessary, additional Planning Board review will be required.

Mr. Ophardt moved, seconded by Mr. Hale, adjournment of the meeting at 7:25p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on WEDNESDAY, May 29, 2013.

Respectfully submitted,

Janis L. Dean,  
Secretary

cc: Planning Board Members, Planning Department, Supervisor, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Lou Renzi, Town Attorney, Tom McCarthy, Town Attorney, Paul Pelagalli, Town Attorney, ECC, Clifton Park Water Authority