

Town of Clifton Park Planning Board
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PLANNING BOARD

ROCCO FERRARO
Chairman

ROBERT WILCOX
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PAULA COOPER
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MEMBERS

Emad Andarawis
Eric Ophardt
Ram Lalukota
Andrew Neubauer
Denise Bagramian
Greg Szczesny

(alternate) Keith Martin

Planning Board Minutes
April 27th, 2021

Those present at the April 27th, 2021 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, R. Lalukota,
A. Neubauer, E. Ophardt, G. Szczesny
Keith Martin – Alternate Member

Those absent were:

Those also present were: J. Scavo, Director of Planning
W. Lippmann, M J Engineering and Land Surveying, P.C.
R. Wilcox, Counsel
P. Cooper, Secretary

COVID-19 Note: Executive Order No. 202.1 suspends Article 7 of the Public Officers Law (also known as the Open Meetings Law), to the extent necessary to permit any public body to meet and take such actions authorized by law without allowing the public to be physically present at the meeting. The order also authorizes public bodies to meet remotely by conference call or similar service. For the Public Hearing Agenda Items during these unprecedented conditions, the Planning Board will provide the public reasonable and meaningful opportunities to submit comments via online videoconferencing technology during the meeting and in writing via email or mailed written comments.

Mr. Ferraro, Chairman, called the meeting to order at 7:00 p.m.

Minutes Approval:

Mr. Szczesny moved, seconded by Ms. Bagramian, approval of the minutes of the April 13th, 2021 Planning Board meeting as written. The motion was unanimously carried. Mr. Neubauer abstained from this vote as he was absent at the April 13th, 2021 meeting.

Public Hearings:

2021-006 Pasquariello Waite Rd 2 Lot Subdivision

Applicant proposes to subdivide a 94.27 acre parcel into two separate parcels. Parcel 1 shall be 7.47 acres and parcel 2 shall be 86.80 acres to be retained by the owner, 587 Waite Rd, Zoned: B-5, Status: PB Preliminary review w/ possible determination

SBL: 270.-1-72 To be reviewed by: MJE Consultant: EDP Applicant: A. Pasquariello

Last Seen on: 4-13-21

Mr. Ferraro explained the review and approval process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. He explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the subdivision application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Ophardt moved, seconded by Ms. Bagramian, to establish the Planning Board as Lead Agency for this application, an Unlisted action, and to issue a negative declaration pursuant to SEQRA.

Mr. Ferraro, Chairman, called the public hearing to order at 7:09 p.m. The Secretary read the public notice as published in the Daily Gazette on April 17th, 2021.

Mr. Ferraro stated that the public notice stated that this was a residential subdivision. He stated that this is not a residential subdivision. Mr. Scavo stated that this notice should be appropriate even though it was listed as residential because it has now been stated that it is not and that it is a subdivision so the public have been notified in an acceptable manor. Mr. Wilcox and Mr. Scavo agreed that the public hearing for this application can continue tonight.

Consultant/Applicant Presentation:

Joe Dannible – EDP – Mr. Dannible stated that this application is located at Waite Road and Route 146. Mr. Dannible showed on the Zoom screen a map of the parcel shaded in blue and stated that it is about 94 acres and is for a 2 lot subdivision with no other improvements. Mr. Dannible stated that at this time there are no pending projects for the parcels but understands any future site plans would be subject to SEQR and would need Planning Board review. This will be noted on the final plans. He stated that the minimum lot size for the zone is one acre and that this project meets the requirement with the parcels being 7.5 and 86.8 acres. Mr. Dannible stated that there will be a cross access easement for ingress, egress, and utilities between both parcels. Mr. Dannible stated the lots are able to connect to sewer and that the owner has been paying a debt service to the Town of Clifton Park Sewer for this property. He stated that connection to Clifton Park Water Authority runs adjacent to the project on Route 146. Mr. Dannible stated that any curb cuts will be subject the Planning Board and the New York State DOT permitting. He stated that they will be providing access or easements that may be needed for other adjacent parcels to Tanner Road. Mr. Dannible stated that there are wetland delineations and 2 foot contours that were provided for the Board and the land is gently sloping and relatively flat. He stated that the town asked for a conceptual build-out plan and showed this on the Zoom screen which showed a curb cut to Route 146 and Waite Road in compliance with the Corporate Commerce Zoning of the property.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 4/5/21 stating:

- Wetland delineation still unclear
- No further comments until further detail provided

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. No comments

Scott Reese, Stormwater Management Technician issued a memo dated 4/13/21 with the following comments:

1. Provide wetland information on the subdivision plan.

The Environmental Conservation Commission held a meeting on 4/6/21 and issued a memo recommending:

1. The ECC has no comments at this time.

John Scavo, Director of Planning issued a letter dated 4/8/21 with recommendations he made:

1. Add assigned 911 addresses to the final plat for each Lot and modify the Lot Numbers to eliminate confusion. The lots are currently identified as Lot #2 and Lot #3 for a two lot subdivision.
2. Provisions shown on the subdivision map for Ingress/Egress and Utility Easements granted to Lot #2 from Lot#3 are important to ensure incremental development decreases conflict points along Route 146, allows for interconnection between developments without re-entering the roadway, and should minimize curb cuts.
3. The applicant needs to note on the subdivision plan the anticipated sewer allocations for each lot. Attached please find a 2009 document that showed Corporate Commerce Sanitary Sewer Revised Capacity Applications based on properties and development at that time. The reserve sewer capacity allocation shown for Parcel ID #270.-1-20.111 should be apportioned to accommodate the anticipated development for each lot. Doug Cole, P.E. with Prime AE Group should be contacted by the applicant to determine the split in sewer allocation for the parcel amongst the two proposed parcels. Documentation from Mr. Cole noting he agrees with the allocations will need to be provided by the applicant to the Planning Department prior to stamping the final plans.

Mr. Scavo stated written comments from residents regarding traffic have been forwarded to the Planning Board for consideration.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 4/9/21 had the following comments; presented by Mr. Jared Fagan of MJ Engineering:

STATE ENVIRONMENTAL QUALITY REVIEW

2. No further comments at this time.

SUBDIVISION

3. The plat shall include contour lines at two-foot intervals to United States Geological Survey datum, watercourses, and other important land features, wetlands, streams and other drainage corridors shall be shown pursuant to Section 179-11 of the Town Subdivision Law.
4. Provide a note on the plan indicates the individual/firm performing the wetland delineations shown and the date in which the delineations were performed.
5. Subsequent submissions shall include the metes and bounds of the proposed ingress/egress easement.
6. By subdividing this lot from Lot 2, it only provides access to NYS Route 146. Keep in mind, access from Route 146 is not preferred by the Town/State and will need the approval from NYSDOT.
7. Drawing title indicates Lot 1 Detail Area, this should be revised to reflect Lot 3.

Public Comments:

Mr. Scavo stated that there was a written letter from the residents at 608 Waite Road that was distributed to the Board and has been filed with the project.

Wendy Wagner – 608 Waite Road - Ms. Wagner stated that she had sent the letter and that she did leave a message for the Region 1 Traffic Engineer to see if the speed can be reduced in the area because she has a lot of safety concerns. She stated that she feels it is impossible to exit Waite Road and proposals for development over the years has not been addressed traffic for the residents and their safety. Ms. Wagner asked if the Board has a copy of the email she sent. Mr. Ferraro stated that they did receive and asked her to highlight the letter. Ms. Wagner stated that her main concern is sales pending on land that is around her property. She asked what happened to protecting this part of Clifton Park and keeping it green. She stated that her way of life has been changed and that others in the community feel the same and is frustrated and disappointed. Ms. Wagner stated that she has walked on the land before and the land is wet and that beavers have been removed from the area which changes topography. Ms. Wagner stated that the MLS mapping are readable and clearly show the area and state that some projects are pending. Ms. Wagner stated that it is becoming difficult to live in this area and would like more information on the future development and vision of this part of Clifton Park. Mr. Scavo stated that a 15 year study was done and they are below the projection at this point. Mr. Scavo explained the water and sewer projections and the allotments for the area. Mr. Ferraro stated that there has been plans reviewed and approved that includes land donated to Clifton Park for open space in accordance with CR Zoning. Ms. Wagner stated she has concerns with habitat fragmentation which would affect the wildlife in the area.

Bob Wagner – 608 Waite Road – Mr. Wagner stated that he feels that the maps presented tonight are poor quality and asked if they can be provided to the public. Mr. Dannible stated that all of the maps have been provided to the Town of Clifton Park and are available for review. Mr. Wagner asked why all the property owners are not listed on the project. Mr. Dannible stated that there are multiple owners and this is the way the property is listed. Mr. Ferraro stated that this parcel is in the Commerce Park B-5 zone and is not zoned CR and a GEIS was done in 2001. He stated that an internal meeting is planned to evaluate traffic access issues and development as a whole in the B-5 zone, not site by site. Mr. Wagner stated that gridlock will be reached and the system would not welcome additional people in.

Dave Filbert – 639 Waite Road - Mr. Filbert agreed with Mr. Wagner stating that the maps are not transparent or well representative of the projects. Mr. Ferraro stated that there is no build out for these lots and no projects are being approved. He stated that this is for a subdivision only. Mr. Scavo stated that the project maps and all other information submitted by the applicant are available to the public. He stated that information can be sent via email from the Planning Department, or a member of the public can come to Town Hall and request copies. Mr. Filbert

asked what the parcel is zoned and where the access would be, either commercial access or residential access to the property. Mr. Ferraro stated B5 is the zoning of this parcel, which is commercial, and there is no access being proposed as there is no site plan, and the map showing a site plan is conceptual. Mr. Filbert stated that he agrees with the traffic comments on whether it is addressed now or waits until it is a real issue.

Tanya Voss – Ms. Voss stated that she has concerns as well with taking a left onto 146 from Waite Road; she needs to do this daily for work. She stated that as a parent of children going to Shenendehowa, she is concerned for children going to school turning left on Route 146 from Waite Road and Tanner Road. Ms. Voss stated that many times she, as well as residents on Tanner, have been detoured to get home because of an accident at the corners of Route 146 with Waite and Tanner Road. She stated that there is a high speed limit and no turning lanes or lights. She asked if one of the subdivisions include 18 home with access off of Waite Road. Mr. Scavo stated he does not have any information, requests, or projects regarding this and a B5 zoning would not allow 18 homes. Ms. Wagner stated that she submitted MLS numbers in her letter and it is stated on the current MLS description. Mr. Scavo stated that the Town was never approached about this. Mr. Dannible stated that there is no application for development for this currently and is strictly applying for a 2 lot subdivision. Mr. Ferraro stated that the applicant can develop their property after site plan approval as long as it is compliant with the zoning. Mr. Scavo stated that there has not been an application submitted to the Town for a rezoning for an 18 lot subdivision.

Michelle Bissonette - 609 Waite Road – Ms. Bissonette stated that she feels the corner is commercially zoned and if the subdivision goes through and if commercial buildings go in, then the parking area would have about 60 spots and the traffic from this future development would be during peak hours. This would cause a major traffic problem as the corridor is very small. She stated that office buildings closer to the major part of Clifton Park are empty so why is this area being developed. Ms. Bissonette asked if there could be alternatives other than commercial buildings and that if the development increases her and her neighbors may leave as they bought their homes in this area for a reason. Mr. Scavo showed on the Zoom screen the DOT traffic map and stated that it represented peak a.m. and p.m. hours for the day. Ms. Bissonette stated that this does not account for cut through or off peak hours. Mr. Scavo stated that she is correct.

Ben Botelho – Attorney representing the property owner – Mr. Botelho stated that this is an application for a subdivision, not a site plan or special use permit. He stated that this complies with all codes. He stated that the site plan submitted by Mr. Dannible is just to show an example and not what will actually be done with the property.

There being no additional public comment, Mr. Szczesny moved, seconded by Mr. Ophardt, to close the public hearing at 8:24 p.m. The motion was unanimously carried.

Planning Board Review:

Mr. Szczesny stated that homeowners have a choice of where they live and that surrounding properties are owned by others and both as a property owner and a neighbor, people have the right to develop their property. Mr. Szczesny stated that the question is if a traffic study is to halt the development or if the development is to generate the traffic study and that this is a difficult question. Mr. Ferraro stated a GEIS was done in 2008 (He was corrected by John; it was done in 2001) to evaluate, and the result was to improve the intersection of Route 146 and Tanner Road. Mr. Ferraro stated that this area where the subdivision is proposed west of the power lines should have been looked at more thoroughly for environmental and developmental impacts. Mr. Scavo stated that the GEIS is 20 years old and focused on the area east of the power lines and does not know why this parcel was shown undeveloped as he was not with the Town at the time either. Mr. Scavo went over some of the findings of the GEIS and stated that a signal warrant analysis was done, and at that at any time this can be requested to be done by the DOT. Mr. Szczesny stated that he believes a property owner has a right to develop within the code guidelines for their property. Mr. Scavo stated that the impact is looked at as the projects come in and how it would impact with the prior approved projects being accounted for. Mr. Szczesny asked if a recommendation should be made to DOT based on the proposed growth opportunities afforded by the zoning and since it would eventually be more than 1.5% of the background growth on Rt. 146 with a no-build scenario. Mr. Ferraro stated that he agrees that something needs to be proactively done to minimize the dangerous situations that exist without more development.

Mr. Ophardt asked if there is an accident history for the intersection of Route 146 and Waite Road or Tanner Road. Mr. Scavo stated that when it was last evaluated, Tanner Road had three times the accident rates a state highway would have and that is why it is being evaluated for immediate improvement. He stated that this is why Tanner Rd. is being addressed now and that Waite Road was in line with the state system for the stated highway evaluation.

Mr. Ferraro stated that his concern is the incremental evaluations of the area and it is not being looked at as a whole. He stated that the traffic situation was looked at and that decisions were made. He stated that most of the traffic is generated outside the boundaries of Clifton Park and runs from Halfmoon to Schenectady County. He stated that he feels that the Commerce Park area should be looked at as a cumulative project based on full buildout in order to be proactive and not just as applications come forward.

Mr. Szczesny stated he feels that this was a good conversation and that this is just a subdivision being looked at today.

Mr. Andarawis asked what happens if the DOT does not approve access onto Route 146 and then the lots are landlocked as a result. Mr. Scavo stated that DOT would look at access for frontage on a highway and base access on sight distances as well as wait time to turn onto an access road or a public road but they don't count at a private driveway for wait time access. Mr. Scavo stated that the Planning Department does have the right to adjust the proper locations of driveways. Mr. Scavo stated that DOT could deny access to the highway, but it would most likely be a restriction of a right in, right out only. Mr. Ophardt stated that access can be restricted but the DOT cannot deny access to the property. Mr. Andarawis stated that if this approval is to go through, then the Planning Department would be creating this problem because it is not an issue as the property stands now. Mr. Dannible stated that cross access easements are being provided with this application. Mr. Botelho stated that this is an application for a 2 lot subdivision and access or site plans are not a part of this application tonight. Mr. Ferraro stated that this is true and such impacts will be evaluated with a site plan application for development. Mr. Scavo stated that this is all crystal balling on what may happen in the future and many scenarios can come about but he does not see any complications that would bound the applicant's hands together in the future.

Mr. Ophardt offered Resolution No.08 of 2021, seconded by Mr. Lalukota to waive the final hearing for this application for the Pasquariello Waite Road 2 Lot Subdivision approval, and to grant preliminary and final subdivision approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Roll Call:

D. Bagramian - Yes

E. Andarawis - Yes

E. Ophardt - Yes

R. Lalukota - Yes

A. Neubauer - Yes

G. Szczesny - Yes

R Ferraro - Yes

K. Martin – Alternate Member – abstaining due to all members present.

Ayes 7

Noes: 0

The resolution is carried.

Old Business:

None

New Business:

None

Discussion Items:**Project #2019-052 Plank Road Apartments Site Plan**

Applicant is seeking a one year extension on the approvals for this project. Project was approved on June 24, 2020.

Planning Board

Mr. Scavo stated that the applicant is asking for a 1 year extension for the project because the applicant is working on another project and would like to finish one before starting another.

Mr. Szczesny moved, seconded by Ms. Bagramian to grant a 1 year extension for the Plank Road Apartments Site Plan. The motion was carried unanimously.

Mr. Szczesny moved, seconded by Ms. Bagramian, adjournment of the meeting at 8:51 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on May 11th, 2021.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary