

Town of Clifton Park

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PLANNING BOARD

STEVEN BULGER
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PAUL PELAGALLI
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Michael Hale
Joel Koval
Eric Ophardt
Sandra Pace
Kim Paulsen
Tom Werner

(alternate) Tom Deleonardis

Planning Board Meeting

Those present at the March 10, 2009 Planning Board meeting were:

Planning Board: S. Bulger – Chairman, J. Koval, M. Hale, E. Ophardt,
S. Pace, K. Paulsen, T. Deleonardis (alternate)

Those absent were: T. Werner

Those also present were: J. Scavo, Director of Planning;
J. Grasso, Clough, Harbour and Associates;
J. Quinn, Chairman, Environmental Conservation
Commission;
P. Pelagalli, Counsel;
M. Springli, Secretary

Mr. Bulger, Chairman, called the meeting to order at 7:05 p.m.

Mr. Bulger welcomed everyone and introduced Board members and Staff members. The Chairman thanked Joel Koval for running the past meeting in his absence last time. Then he noted that Mr. Tom Werner is absent tonight and Mr. Deleonardis, as the Planning Board Alternate will be voting in his place. Mr. Bulger stated that Mr. Deleonardis is familiar with the details of each project being considered this evening. Meg Springli from the Planning Department is filling in for Jan Dean as Planning Board Secretary. Mr. Quinn, of the ECC, introduced new Town employee, Michael Montague who will be sharing ECC recommendations to the future Planning Board Meetings. Mr. Bulger thanked Mr. Quinn for his time spent attending meetings on behalf of the ECC.

Ms. Sandra Pace led us in reciting the Pledge of Allegiance.



I. Public Hearings:

[2009-003] **Pilczuk In-Law Apartment** - Proposed conversion of a residence to a 2-family, 809 Plank Road – Preliminary public hearing and special use permit review and possible determination.

Mr. Bulger, Chairman, called the public hearing to order at 7:10p.m. The Secretary read the public hearing notice as published in the Daily Gazette on March 16, 2009.

Mrs. Sherri Pilczuk, the applicant, presented this application. Mrs. Pilczuk stated that she is proposing to build an in-law addition to their home for her mother and father-in-law who can no longer keep up their own home. She noted that the proposed residents need one-floor living that also provides them with some privacy. Next she showed on the aerial view where the addition would be added to her house. Mrs. Pilczuk stated that it would be 15'x43' in dimension.

Mr. Scavo offered comments prepared by the Planning Department. Mr. Scavo asked how long the current homeowner had owned the property. Mrs. Pilczuk replied since 2007. He then asked how many people would reside in the apartment and the applicant stated that two people would live there. Next, Mr. Scavo asked how many currently reside at 809 Plank Road and the applicant stated that four currently reside there. He asked if consideration to eliminating the kitchen area and sharing a combined entrance to the existing structure had been looked at as an option so it would only be considered as an addition to the existing home? Mrs. Pilczuk said that had been considered as an alternative.

Under Special Use Permit, as a condition of approval, the applicant will have to demonstrate that the septic is adequate to handle the additional flows. The Planning Department would like the Planning Board to consider a connection to public sewer be made as a condition of approval. Based on Section 208-79(E)(1)(i) of the Town code which states, "Before granting approval to any special use , the Planning Board shall determine whether the proposed special use will, among other things, satisfy the following considerations:"

"The availability of adequate and proper public or private facilities for water and for the treatment, removal or discharge of sewage, refuse or effluent (whether liquid, solid, gaseous or otherwise that may be caused by or as a result of the proposed use)."

Mr. Scavo asked for an updated certification of the septic otherwise it must be connected to public sewer. Specifically, the applicant is to have a design professional certify that the existing septic system is adequate and will be able to handle the additional flows if the addition was allowed. This normally would be a requirement under the building permit phase, but since concerns about the existing septic system have been



raised by a neighbor, Mr. Scavo has requested that a certification be required prior to a decision being made on the Special Use Permit.

Mr. Myers provided no written comment regarding this application.

Mr. Scavo noted that Ms. Sheryl Reed had no written comments.

Mr. Romano reported that Clough, Harbour, and Associates provided no comments regarding this application. He did ask to have an independent engineer review of the septic system.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that, after review of the project plan, the Commission issued no recommendation for the Planning Board's consideration.

PUBLIC COMMENTS

Amy Vitrone, 13 Woods Way, stated that she is not opposed to the project. Mrs. Vitrone questioned the handling of the 500 foot notification letters and whether they followed the submission guidelines as posted on www.cliftonpark.org in the Planning Department section. Mr. Pelagalli, Town Counsel, reviewed the notification letter and stated that it was not conforming to the suggestion guidelines and could have stated more details, but the language was not specified in the Town Code as a requirement and was therefore acceptable. He also explained that the notices were expected to go out when a project is submitted to alert the public an application has been filed, and were not designed to inform the public about a hearing date and/or time. He noted that the Daily Gazette is the accepted format for publishing legal notices such as Public Hearings.

Mr. Bulger noted that a letter from neighbors Laurel and Brian Remus of 5 Woods Way was sent to Planning Board members and will be entered into the public record. Mr. Bulger acknowledged that all Planning Board members were given an opportunity to review it and will take her written comments into consideration.

Motion to close Ms. Pace, 2nd Mr. Bulger at 7:20 pm. Motion unanimously carried.

Mr. Koval asked if the intended use of the addition was strictly for in-laws and the applicant replied yes. He then asked what the plan was for the space if the in-laws no longer used it. Mrs. Pilczuk stated that she had no plans.

Ms. Paulsen asked if a shared entrance and kitchen would be considered so that it would clearly show that it was intended to be kept as a single family residence in the future. Mrs. Pilczuk stated that her mother-in-law prefers having her own kitchen and



privacy in a separate area although they will be living together as a family. Mrs. Pilczuk stated this will allow her in-laws to age independently with dignity.

Mr. Ophardt asked for Mr. Scavo to clarify the current zoning of the parcel. Mr. Scavo pointed out that the zoning map shows that the parcel is not actually a part of the PUD legislation known as Country Knolls South as it had been previously thought to be. Mr. Ophardt asked for elaboration of the the Remus letter regarding sewage drainage. Mrs. Pilczuk replied that septic was newly installed in 2005 prior to her purchase and that she believed issues were resolved with the new septic and leech fields. Mr. Bulger asked how often the tank was pumped out. Mrs. Pilczuk answered that she did it once a year. She believed it was 1250 gallon sized tank.

Mr. Bulger asked that septic be verified by an inspection before making final decisions.

Mrs. Pace asked for delineation of driveway space and in-law apartment. Mrs. Pilczuk indicated that the apartment would be alongside the garage and no additional paving would be needed.

Mr. Scavo asked the applicant if she would agree that Special Use Permit could state that the in-law apartment be used for family members only and if no longer the case, that it would revert back to being incorporated to the primary structure as a single-family home. Mrs. Pilczuk stated that she would agree to that.

Old Business:

[2008-010] **Walgreen's Store Old Route 146** – Proposed 14,800 SF pharmacy and site redevelopment, Old Route 146 – Final site plan review and possible determination.

Mr. Bruce Secor, as a representative for the applicant, presented this application. Mr. Secor noted that this is a followup response to the January meeting. The representative indicated some changes that have been made during the planning stages of this project, particularly noting parking and sidewalk alterations in response to Planning Board requests. The speaker also discussed traffic patterns as studied per inquiry from CHA.

Mr. Scavo noted that the Planning Department's prior comments had been adequately addressed.

Mr. Myers provided no additional written comments regarding this application.



Mr. Scavo noted that Ms. Sheryl Reed had no written comments.

Mr. Grasso reported that CHA Companies had no additional comments regarding this project. The following comments from the February 4, 2009 review letter remain to be addressed (*additional comments provided in italics*):

1. The adequacy of the existing grinder pump should be evaluated. Invert elevations of the proposed sanitary sewer service should be provided on the plan.
2. The proposed method of connection to the existing watermain should be depicted on the plan.
3. Additional grading detail for the sidewalk connecting to the existing sidewalk along Park Ave should be provided on the plan. (*The plan indicates the use of a sidewalk ramp and railings for this connection. Details of the sidewalk and railing should be provided and the handicap accessibility of the ramp should be verified.*)
4. The existing trees to be removed should be indicated on the plan.
5. The “Handicap Accessible” and “No Parking” signs should be depicted on the plans.

We offer the following additional comment:

6. The following details should be provided:
 - Pavement sections
 - Concrete sidewalk
 - Utility trench and bedding
 - Curbing
 - Sanitary cleanout
 - Catch basin
 - Water valve
 - Thrust blocks
 - Tree planting
 - Signage mounting
 - Bollard
7. A water valve should be provided for the proposed water service.
8. We offer the following comments on the Stormwater Pollution Prevention Plan dated February 2009:
 - It should be verified that the storage provided in the stormwater model is accurately depicted. It would appear the storage would be limited to the elevation of the overflow weir of catch basin #10.
 - The treatment flow rate for the proposed water quality unit should be verified. The design flow rate should not be provided by the manufacture. The certifications provided by the New Jersey Department of Environmental Conservation should be utilized to determine the design



- treatment rate.
- Percolation tests should be performed with in the proposed infiltration area to verify the percolation rates of the underlying soils.
- The impact of the proposed stabilized construction entrance for the shared drive with McDonald's should be evaluated. It may be more appropriate to utilize the other two entrances for construction vehicles.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that, after review of the project plan, the Commission issued no further recommendations for the Planning Board's consideration.

Mr. Koval asked if the front entryway had been moved over from the previous site plan. The representative indicated that it had been shifted about 20 feet further east along the road without causing a straight cut-through path along the eastern side of the building.

Mr. Ophardt asked for clarification about the changes to the facades from the previous application. Mr. Secor showed the enhancements that had been made including the masonry enclosure to the dumpster area. Mr. Ophardt and Mr. Bulger thanked the applicant and Walgreen's for working with the Planning Board to address the changes.

Mr. Hale moved, seconded by Mr. Ophardt, to grant and final approval based on satisfying all conditions as outlined per the site plan by the recommendations of the Planning Board and Professional Staff. The motion was unanimously carried.

New Business:

- A. [2009-004] **Caulfield – Sunset Street** - Proposed (2) lot subdivision – 6 Sunset Street, Rexford - Conceptual review.

Mr. Duane Rabideau, as a representative for the applicant, presented this application. Mr. Rabideau described the parcel and indicated its location in the town on the aerial map. He also stated that there is on site septic and private well.

Mr. Scavo noted that Jen Viggiani, Open Space Co-ordinator for the Town of Clifton Park, wrote the following:

- GIS mapping software indicates the presence of a NYS DEC wetlands area along the north – northwestern edge of the property boundaries, thus, **a wetlands delineation of the NYS DEC wetland and any potential federal jurisdictional wetlands should be field verified by a professional wetlands specialist, field surveyed and mapped on the subdivision plan.** If the NYSDEC wetland is



present, the town's Land Conservation (LC) Zone should also be depicted on the subdivision plan prior to final subdivision approval.

- As this site is in the low lands near the Mohawk River, the site should be analyzed for its proximity to the river's **floodplain zone**.
- As this neighborhood is a former area of originally, seasonal riverfront camps, and an area that is NOT served by public water nor public sewer, all existing septic fields and wells on the subject site and those identifiable within the nearby vicinity should be field surveyed and sited on the subdivision plan in order to adequately show that the lot will meet NYS DOH codes and minimum separation distances for well and septic locations.
- This parcel is in the Conservation Residential (CR) zoning district, and is part of the Western Clifton Park GEIS Study Area and thus the allowance for the variance is a significant variance from the intent of the Land Conservation Plan and CR zoning as adopted by the Town Board in 2005. As this significant variance was granted, **the applicant should transfer a 15-foot right-of-way permanent easement to the Town of Clifton Park along Sunset Drive for a future trail or pathway to the Mohawk River for pedestrian/bicyclists.**

Mr. Myers provided the following written comments regarding this application. ZBA Variance was granted 12/4/07 was for 1.55 acre parcel. Lots were 0.81 and 0.74 acres respectively. Submitted map is for 1.53 acres or 0.79 acre and 0.74 acre lots. Minor discrepancy not believed to be an issue requiring re-hearing by the ZBA. At time of variance, lot sizes were approximated. Variance for required 10 acres parcel increases from 8.45 acres to 8.47 acres. Lot 1 variance from two acre requirement increases from

Mr. Scavo noted that Ms. Sheryl Reed had no written comments.

Mr. Grasso reported that CHA Companies had the following comments regarding this project. The following comments from the February 7, 2009 review letter remain to be addressed (*additional comments provided in italics*):

1. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agencies are expected to include the Clifton Park Planning Board for subdivision approval and the Clifton Park Zoning Board of Appeals for an area variance.
2. The parcel is located within the limits of the Western Clifton Park GEIS Study Area and within the CR-Conservation Residential zoning district. The project will be required to comply with the GEIS statement of finding.



3. It appears as though an area variance has been granted for the reduced lot area. We are concerned with the granting of the area variance as it undermines the intended zoning and the anticipated density within the CR district. Additionally we are concerned that the minimum lot area for a lot without municipal water and sewer was granted an area variance.
4. Test pit and percolation test results must be provided to confirm that the proposed parcel is acceptable for an individual septic system. The septic system should be designed by a licensed New York State Professional Engineer and included with the final plans unless specifically waived. If a waiver is sought, it must be identified on the final plans.
5. The location of the existing well and septic system for Lot #1 and the adjacent properties should be depicted on the plan to verify there will be adequate separation with the proposed facilities.
6. It does not appear as though the existing wood frame shed located on proposed Lot #2 meets the required rear yard setback. Additionally it should be verified if the existing shed located on Lot #1 is required to meet the setbacks.
7. The ownership and use classification of the Sunset Street should be verified. It appears the asphalt is only 17 feet wide.
8. The site should be screened for wetlands and flood plain elevation.
9. The site topography should be depicted on the plan at 2' minimum contour interval.

Mr. Rabideau responded to the wetlands issue stating that a field visit by NYSDEC was conducted on 3/10/2009 showing where DEC wetlands were on the map and that there are in fact no ACOE wetlands. The speaker also addressed the Planning Board's questions about existing infrastructure and stormwater management.

Mr. Jim Quinn, Chairman of the Environmental Conservation Commission, reported that, after review of data presented at our March 3, 2009 meeting, the ECC recommends the Applicant investigate if any wetlands exist on the original parcel and, if so, the graphically show the wetland boundaries on the plot plan.

Mr. Bulger asked if the 15' easement was agreeable to the applicant and the representative stated that it was. Next, Mr. Scavo stated that he would like a one page written response from Mr. Rabideau for the record.



Mr. Grasso asked if the Town of Clifton Park plowed the street and did school buses service that area. The applicant responded that the town did plow it and it was not known if buses drove there.

Mrs. Paulsen asked about the existing shed shown on the site plan and the applicant indicated that he intends to keep it as it is built in and pre-existing.

Mr. Hale noted that while it is desirable to be conscious of the CR zoning issues, but that this setting as a camp-like area needs to be taken into consideration. Mr. Bulger voiced his agreement.

B. [2009-005] **Wagner Lumbering, Grooms Road** - Proposed Special Use Permit – 698 Grooms Road - Conceptual review.

The applicant was not present and therefore the Planning Board rescheduled this until next Planning Board meeting and scheduled the Public Hearing for the Special Use Permit.

IV. Minutes Approval: February 24, 2009. Ms. Paulsen suggested changes to the draft minutes.

Ms. Paulsen moved, seconded by Tom Deleonardis, approval of the minutes of February 24, 2009 as written. Ayes: Ophardt, Paulsen, Pace, Hale, Werner, Koval. Noes: None. Abstained: Bulger

The March 24, 2009 meeting has been cancelled.

Mr. Bulger moved, seconded by Ms.Pace, adjournment of the meeting at 7:57 p.m. The motion was unanimously carried. The next meeting will be held as scheduled on April 14, 2009.

V. Discussion Items:

None

Respectfully submitted,

Margaret L. Springli,
Secretary

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