



Planning Board Meeting
April 28, 2009

Those present at the April 28, 2009 Planning Board meeting were:

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

Those absent were: None

Those also present were: J. Scavo, Director of Planning;
J. Grasso, Clough, Harbour and Associates;
M. Montague, Environmental Specialist;
P. Pelagalli, Counsel;
J. Dean, Secretary

Mr. Bulger, Chairman, called the meeting to order at 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Public Hearings:

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

Old Business:

There were no items of old business scheduled for this evening's meeting.

New Business:

[2009-008] **Turbo Parts** – Proposed new driveway and parking lot expansion, 767 Pierce Road – Conceptual site plan review.

Mr. Gavin Vuillaume, consultant for the applicant, reported that, in accordance with the lease agreement executed with a new tenant, the applicant proposes to renovate 22,500 SF of office space located within an existing one story industrial building on a 7 acre parcel. The project site is located within the L1 zone on the easterly side of Pierce Road, south of its intersection with Ushers Road and is bounded on the east by the Adirondack Northway. The renovation includes the expansion of on-site parking to include 25 additional spaces and a new driveway connection to Pierce Road.

Mr. Scavo asked that the applicant verify the adequacy of the existing stormwater system to handle the additional runoff.

Mr. Myers, Director of Building and Development, has requested that plans must ensure that runoffs during and post-construction are contained and managed correctly.

Mr. Grasso reported that the proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency is expected to include the Clifton Park Planning Board for site plan review. Justification for the proposed third curb cut should be provided. It would appear that the site can adequately function with the existing two curb cuts. Pursuant to section 208-66-A, there shall not be more than one curb cut per lot unless the Planning Board finds that traffic safety will be improved with the addition of another curb cut. Should the third curb cut be permitted by the Planning Board, the sight distance should be evaluated and a driveway culvert will be required. An analysis of the required parking based upon the proposed uses should be provided. The proposed number of parking spaces requires 4 handicap accessible spaces. It should be verified the existing spaces are adequately signed. The plan appears to indicate the land banking of 5 parking spaces. The intent of these spaces should be clarified. The adequacy of the existing stormwater management system to accommodate the additional runoff should be verified. Detailed grading plans of the proposed building entrance and sidewalk should be provided to verify accessibility.

Mr. Montague, Environmental Specialist, provided the following comments and recommendations that were issued by the ECC. 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. Per section 208-64 A(3), of the Town Code, the proposed project should include a tree inventory to ensure that at least fifty percent (50%) of trees, six inches (6") or more in diameter are preserved. The ECC requests that the applicant determine whether an original tree inventory was created and, if so, that this project would not result in a significant loss of mature trees.

Board concerns focused on the proposed third access to the site because such an installation would require the cutting of several mature trees. Sight distance at the proposed entranceway may also be an issue. Mr. Vuillaume explained that design plans for the building renovations are not yet complete. Should the location of the loading docks be located along the northern building wall as now proposed, it is possible that the third access to Pierce would not be necessary, though the ability of trucks to enter and maneuver through the site is critical. Turning radii and access to the loading docks must be evaluated. Board members agreed that it would be preferable for access to the site to be limited to the existing two curb cuts. If that is not possible, the third curb cut may be

limited to a one-way out lane. With respect to the requirement for a tree inventory, Board members agreed that the applicant must provide documentation regarding the proposed number of trees to be removed from the site to ensure that 50% of the trees larger than 6" diameter are preserved. Mr. Vuillaume was asked to refine the plan based upon final building renovation plans, sight distance evaluations, and the ability of tractor trailers to access and maneuver through the site.

[2009-010] **Reckner, Donald** – Proposed 1,105 SF addition to Elmo's Autobody, 1143 Route 146A – Conceptual site plan review.

Mr. Duane Rabideau, consultant for the applicant, presented this application for the Board's review, explaining that this proposal calls for an 1,105 SF addition to the existing Elmo's Autobody facility. Providing a brief history of the project plan, the speaker explained that in November, 2003, Mr. Reckner received site plan approval from the Planning Board to construct an approximately 5,000 SF addition to his existing business: this expansion project received a Certificate of Occupancy in May, 2005. Since a moratorium issued by the Town Board limited construction of buildings to less than 5,000 SF within the Western Clifton Park GEIS study area, the applicant was unable to construct the 1,105 SF storage addition at that time. Now that the moratorium has been lifted, Mr. Reckner would like to install the storage addition as originally planned: the steel parts of the addition were delivered to the site in 2004 and have been stored on site since then.

Mr. Rabideau explained that the addition will not change any runoff patterns or coefficients because the area was graded and graveled in preparation for the addition. The roofline of the addition is sloped at the same pitch as the main structure and will be lower than the ridge line of the existing structure. The colors of the fascia and siding for the addition will match the existing building. Parts are currently kept in the open sided, covered storage area shown on the site plan. This covered storage area will be used to stage vehicles for repair.

Mr. Scavo reported that the applicant has satisfactorily addressed all Planning Department concerns.

Mr. Myers, Director of Building and Development, offered several comments regarding this application in a memo dated April 27, 2009. The proposed building addition is to be attached to an existing autobody repair facility that is now located within the HM (Hamlet Mixed-Use) zone. It appears that this business is a pre-existing, non-conforming use since it is not a permitted use in the zone. Expansion of a non-conforming use is allowed per Section 208-97B(2)(c) if the addition is minor and does not affect other zoning restrictions. Although Mr. Myers does not consider the addition to be "minor," it is his opinion that since it does not appear to have any effects on other zoning restrictions, it should be allowed. If, however, it is determined that the facts are not as represented in the submittal, Mr. Myers would require a use variance for the addition.

Mr. Mike Montague, Environmental Specialist, explained that, after review of the project plan, the ECC recommended that the following standard statements be added to the site plan:

- The borders of all land that is to remain undisturbed shall be clearly marked on the site before site preparation begins. These on-site boundary markers shall remain until construction is completed and soils are stabilized.
- All erosion and water quality controls shall be put into place at the initial phase of site preparation and shall be maintained until all construction ends and soils are stabilized.
- The applicant will control fugitive dust and debris during the construction/demolition phase of the project.
- If hazardous materials will be stored on site, the applicant must submit a plan addressing handling and storage and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored.

Mr. Rabideau explained that there will be no hazardous waste stored within the proposed addition: it will be used to store parts necessary to repair vehicles. In response to Mr. Hale's question regarding the percentage of change the addition would make to the building, Mr. Rabideau estimated that the change would amount to less than 10% of the building's size. Mr. Koval commented that he viewed the expansion as reasonable since the existing autobody shop is located just south of an existing junkyard. Board member found the plan acceptable.

[2009-009] **Predel, Mary** – Proposed (2) lot subdivision, 59 Garnsey Road – Conceptual review.

Mr. Rabideau, consultant for the applicant, presented this conceptual subdivision plan for the Board's consideration. The applicant proposes the subdivision of a 48.5 acre parcel of land that lies within the CR (Conservation Residential) zone on the easterly side of the Garnsey Road-Dubois Lane intersection. The 1.46 acre parcel to be subdivided from the larger parcel contains a wood frame house and in ground pool. A farm stand, a mobile home, and several other outbuildings occupy Lot #1. The existing house is served by the Rexford Water District and an on-site septic system. The applicant has provided a conservation easement for 1.54 acre parcel, encumbering the remaining 47.13 acres. Mr. Rabideau explained that Ms. Predel, applicant, is separating the house from remaining lands for estate planning purposes. Since the septic system for the existing residence is located on the adjoining property, the applicant has asked that the Board condition its approval on the addition of a note to the subdivision plan that states that a new septic system will be installed on the lot containing the residence upon its conveyance to a new owner.

Mr. Scavo provided comments prepared by the Planning Department. The label reading "Permanent Conservation Easement" should be changed to read "Permanent Open Space established by a Permanent Conservation Easement." A note should be

added to plan the ownership of the Permanent Open Space. It is recommended that a deed restriction name the Town of Clifton Park as an entity with rights of enforcement. A draft Deed of Permanent Conservation Easement across the Permanent Open Space areas shall be prepared and submitted to the Planning Board Attorney for his review and approval prior to stamping of the final Plat. The Deed of Permanent Conservation Easement must be recorded in the Saratoga County Clerk's Office and be attached to every respective lot and shall run with the title of the land and any future conveyances of these parcels of land. The consultant is asked to create a text box on the plan that identifies the acreage of the permanent open space area, the total permanent open space acreage for the total area, and the amount of permanent open space per each individual lot. A permanent restriction statement should read as follows:

“The Permanent Open Space shall be restricted in its use and the restrictions shall run in perpetuity with the land. This covenant on this Permanent Open Space is for conservation purposes and no residential, commercial, nor industrial types of development, and shall run with and burden the premises in perpetuity, and the Town of Clifton Park, its successors and assigns, shall have the right to enforce the same at law or in equity, and the right to enter the premises at a reasonable time and in a reasonable manner in order to monitor compliance herewith.”

Mr. Myers, Director of Building and Development, provided no written comment regarding this application.

Mr. Grasso reported that Clough, Harbour, and Associates reviewed the proposed subdivision plan for the above referenced project and offered the following comments. The proposed project appears to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. The only involved agency is expected to include the Clifton Park Planning Board for subdivision approval. 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 Findings. The location of the existing septic systems and water services should be depicted on the plan. If not already provided, pursuant to New York State Building Codes, the subdivision will require separate systems for each parcel.

Mr. Montague, Environmental Specialist, reported that the ECC requests that the applicant clarify how this subdivision is in compliance with Town Code requirements for Conservation Residential Zoning (Section 208-16, paragraph E).

Board members found the subdivision proposal generally acceptable, though the situation regarding the septic system was discussed at length. Mr. Pelagalli explained that although the note regarding the installation of the septic upon conveyance of property could be legally established, its enforcement would be difficult. Mr. Bulger viewed the applicant's request as “not ideal,” though he understood the applicant's reluctance to install a new system since the lots are to remain under common ownership. He did recommend that any note on the plan include a statement that would require connection to a public system should one be installed within 500' of the property boundary. Mr. Koval pointed out that because most buyers would require an inspection of the property prior to purchase and review of deed documents by an attorney would

result in knowledge of the need for installation of a septic system to serve the home on Lot #2, the applicant's request appeared reasonable. Mr. Scavo suggested that the Board may wish to establish a time frame for the septic installation. Mr. Deleonardis recommended that that Board consider an additional note to the plan that would require the installation of a new system should the existing system fail. Board members seemed to agree that the applicant's request was reasonable: the applicant was asked to include applicable notes with the next submission package.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Werner, approval of the minutes as written. The motion was unanimously carried.

Discussion Items:

Board members briefly discussed the meeting time, noting that public hearing are often scheduled for 7:10p.m. They agreed that 7:00p.m. would be a more appropriate time for the meetings to begin. Mr. Bulger moved, seconded by Ms. Paulsen, to establish the beginning time for Planning Board meetings as 7:00p.m. The motion was unanimously carried.

Mr. Bulger moved, seconded by Mr. Ophardt, adjournment of the meeting at 7:50p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on May 12, 2009. Mr. Scavo reminded the Board members that the meeting originally scheduled for July 14, 2009 has been rescheduled to July 21, 2009.

Respectfully submitted,

Janis L. Dean

cc: Planning Board Members, Planning Department, Clough, Harbour, and Associates, Supervisor, Town Administrator, 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