



Planning Board Meeting
June 23, 2009

Those present at the June 23, 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. Romano, 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:

[2005-063] **XAR Development** – Proposed (9) lot subdivision, Route 9 and Wood Road – Reconvening of a preliminary public hearing held on April 14, 2009 and possible determination. SBL: 269.-2-6

Mr. Bulger, Chairman, called the public hearing to order at 7:00p.m. The Secretary read the public notice as published in the Daily Gazette on June 16, 2009.

Ms. Terresa Bakner, legal counsel for the applicant, explained that this application remains generally as presented at the May 27, 2009 Planning Board meeting when a negative declaration pursuant to SEQRA was issued. All engineering issues and recommendations provided by CHA Companies are now being addressed. The applicant now requests preliminary and final subdivision approval. Mr. Dom Arico, consultant for the applicant and Ms. Wendy Cimino, traffic consultant, were in attendance at the meeting.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated June 8, 2009. The sewer connection for current warehouse on Route 9 recently constructed by M. J. Rekucki will be required prior to any approvals or permits for this project. All practices on all parcels are expected to discharge to NYSDEC wetlands, requiring approval from NYSDEC. The management practices must also adhere to the Town of Clifton Park's Stormwater Plan review and approval procedures. It appears a variance will be required for total lot coverage (60% maximum).

Ms. Scavo reported that he had consulted with Mr. Mark Kennedy, representative of NYS DOT regarding impacts of the proposed development on the travel corridor. Mr. Kennedy acknowledged that any future reviews will be viewed as Major Commercial PIN Projects. He also stated that the southern Wood Road intersection with Route 9 is too close in proximity to the Ushers Road Corridor to have NYSDOT ever authorize the installation of a traffic signal. He would like it noted "for the applicant and the record" that NYSDOT may consider restricting left turning movements in and out of that intersection in the future.

Mr. Bulger noted that realignment of the southern Wood Road – Route 9 intersection that was approved during review of a previous project may impact future decisions. He viewed the lack of details for sewer and water connections as significant and he supported only preliminary approval of the subdivision plan.

Mr. Romano reported that CHA Companies reviewed the subdivision plan prepared for this project by Boswell Engineering. The following comments from the May 22, 2009 review letter remain to be addressed. The proposed subdivision includes sanitary sewer and watermain extensions. Engineer's reports for the extensions should be provided for review prior to final approvals. Details for the proposed utility installations should be provided. The limit of the proposed disturbance for the construction of the utilities should be depicted on the plan. The low pressure sewer is proposed along the centerline of Wood Road. Details of the replacement of the disturbed areas of Wood Road should be provided. A note should be added to the plans depicting the testing requirements of all proposed public utilities. The profile should depict the connection to the existing 6" watermain to be activated by the Clifton Park Water Authority. The plan should clarify whether or not the northern portion of the existing watermain will be utilized. A final subdivision plan, stamped and signed by a NYS Licensed Surveyor should be provided. A note should be added to the subdivision plan indicating that all or some of the proposed development may trigger the need for off-site traffic improvements that are not depicted on the plan. The Town's standard notes regarding use of ingress/egress easements should be added to the plan. A note indicating lot "J" is not a building lot should be added to the subdivision plan.

Mr. Romano offered the following additional comments. The proposed utility easement to be granted to the existing warehouse along Route 9 should be granted to the Lands of Sean Tyler. The current note indicates the easement to be granted to Lot B. Future plan set revisions should be denoted with a revision date.

Mr. Montgue, Environmental Specialist, reported that, after review of data presented at the May 19, 2009 meeting, the ECC made the following recommendations.

The ECC believes the negative declaration of the Planning Board on May 27, 2009, for this proposed subdivision is a compromise of the non-segmentation requirements under SEQRA. Issuance of a negative declaration at this point in the review process is not in compliance with SEQRA procedures. Because of the overriding concern of the cumulative impact of the proposed subdivision, the ECC has no comment at this time on the subdivision into individual parcels.

Mr. James Ruhl, 168 Wooddale Drive, offered several “on ground anecdotal hydrological observations” relating to the XAR parcel, explaining that much of the site is designated wetland where water levels rise and fall in direct proportion to the water draining to the site from neighboring properties. Mr. Ruhl contends that the “storm water engineering rationale” for the proposed subdivision “ignores its flood prone character.” He believes that subdivision approval of the site in anticipation of sale and construction is “disingenuous” and will perhaps result in long-term liability for the Town.

Mr. Dan Hartnett, 32 Southbury Road, asked that the Board consider requesting that the utility easements provided throughout the site be available for future multi-use pathway connections. Mr. Arico explained that the easements would be provided to the Saratoga County Sewer District and the Clifton Park Water Authority; these agencies would be the authorizing agencies for such a request. Mr. Bulger found the request reasonable and offered to discuss it with agency officials.

Ms. Nancy Bellamy, 147 Eastside Drive, mentioned that it is her understanding that officials from the Village of Round Lake would like to be kept informed of the Board’s action regarding the XAR application. Mr. Bulger explained that the legal notice was published as required, that both agendas and minutes for all Planning Board meetings are available on the web, and that notification to Round Lake officials pursuant to state law had been completed as required.

There being no additional public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:20p.m. The motion was unanimously carried.

In response to Mr. Koval’s request for clarification of the segmentation issue raised by the ECC, Mr. Pellagalli explained that the applicant has provided a substantial amount of information regarding the site and has complied with the Statement of Findings adopted for the Wood Road Corridor study. On May 27, 2009, the Board determined that the applicant had adequately mitigated all issues of concern. The Board, in establishing itself as Lead Agency and issuing a negative declaration pursuant to SEQRA, has determined that all issues of concern have been addressed. Though Mr. Ophardt questioned whether or not the Board should consider the impact of restricted traffic at the southern Wood Road – Route 9 intersection during these deliberations, Mr. Bulger noted that there would be no way at this time to know what impacts would result since specific site development details are unknown. Mr. Werner commented that trucks would likely use the new by-pass at Exit 11 rather than Wood Road. Ms. Cimino explained that the traffic study reported that projected volumes indicated that

development of the site would result in minimal impact to the Wood Road corridor at least until 2017. No restrictions were required at this time.

Mr. Bulger explained that the SEQRA determination – a conditioned negative declaration – was issued at the May 27, 2009 meeting.

Mr. Hale offered Resolution # 7, seconded by Ms. Paulsen, to grant preliminary subdivision approval to this subdivision plan conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, and the Planning Board. Ayes: Ophardt, Paulsen, Pace, Hale, Werner, Koval, Bulger. Noes: None.

[2009-015] DiCocco, Rolando and Olga – Proposed (2) lot subdivision, Garnsey Road – Conceptual review. SBL: 269.-2-53

Mr. Bulger, Chairman, called the public hearing to order at 7:30p.m. The Secretary read the public notice as published in the Daily Gazette on June 16, 2009.

Mr. Gil VanGuilder, consultant for the applicant, reported that this subdivision application remains generally as presented at the May 27, 2009 meeting. He reported that the ACOE wetlands have been delineated on site and have been illustrated on the subdivision plan. 4.1 acres of land to the rear of the property will be permanently preserved. He noted that the parcel lies in close proximity to the large open space parcel along Route 146 that was acquired by the town a few years ago. Soil investigation information indicates that raised bed septic systems will be required. The applicant has agreed to plant a row of trees to delineate the area identified as the permanent conservation portion of the parcel. The location of proposed water services and the existing water main along Garnsey Road will be depicted on the plan.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, has determined that the proposed subdivision complies with the zoning code. Mr. Bill Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requests that the applicant provide a 10'-wide easement along Garnsey Road for future trail development or roadway improvements. The applicant, in attendance at the meeting, agreed to provide the requested easement.

Mr. Romano explained that CHA Companies reviewed the subdivision plan last revised May 28, 2009 for the above referenced project and offered the following comment. The location of the proposed water services and the location of the existing watermain along Garnsey Road should be depicted on the plan.

There being no public comment, Mr. Bulger moved, seconded by Mr. Ophardt, to close the public hearing at 7:35p.m. The motion was unanimously carried.

Mr. Koval moved, seconded by Ms. Pace, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Werner offered Resolution #8, seconded by Mr. Hale, to grant preliminary and final subdivision approval to this subdivision plan conditioned upon satisfaction of the comments offered by the Planning Department, Clough, Harbour, and Associates, and the Planning Board. Ayes: Ophardt, Paulsen, Pace, Hale, Werner, Koval, Bulger. Noes: None.

Old Business:

[2005-011] **Abele Builders** – Proposed (21) lot subdivision, 1562 Crescent Road – Preliminary review and possible determination from public hearing held on February 24, 2009. SBL: 284.-2-1

This application was withdrawn from the agenda at the request of the applicant.

New Business:

No items of new business were scheduled for this evening's meeting.

Discussion Items:

[2009-016] **Parkway Music** – Proposed demolition of existing buildings and construction of a two-story 12,000 SF retail building, 14 Biette Road – consideration of variances to be approved by the Zoning Board of Appeals. SBL: 266.3-2-10

Mr. Gil VanGuilder, consultant for the applicant, explained that this application calls for the removal of all existing structures on a 1.08 acre of land located within a B4 zone on the east side of US Route 9 approximately 450 feet south of the intersection of Biette Road and US Route 9. The applicant would then construct a 12,000 SF two-story building to house a music store. The building would be served by the Clifton Park Water Authority and the Saratoga County Sewer District #1. Fifty-four (54) parking spaces have been provided on site: the site plan shows that an additional six (6) spaces will be "landbanked" for future use. Mr. VanGuilder explained that the applicant is aware that a number of area variances will be required should the Planning Board determine that the proposal is generally acceptable as presented.

Mr. Scavo reported that Mr. Myers explained in a memo dated June 8, 2009 that the site is located within a B4 zoning district. As such, the proposed store allowed use. Several setback variances will be required. Additionally, greenspace and landscape variances may be required.

Mr. Scavo viewed the request for expansion of an existing business as "a positive" for the Town.

In response to Mr. Romano's comment regarding the necessity for adequate stormwater management on site, Mr. VanGuilder explained that the sandy soils appeared

conducive for adequate drainage. The applicant is considering the installation of storm water storage beneath the parking lot. Mr. Ophardt recommended that sight distances at the access drive be evaluated. Mr. Koval requested information regarding the proposed hours of operation and recommended that the applicant consider requesting shared parking with adjoining property owners. Ms. Paulsen, Mr. Hale, and Mr. Bulger voiced support for the relocation of the business to the Route 9-Biette Road location. Board members agreed that the application appeared to comply with goals and strategies outlined in the Town's Comprehensive Plan and that the business expansion would be an asset to the community. It was recommended that the applicant pursue approval of the necessary variances from the Zoning Board of Appeals.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Werner, approval of the minutes of the meeting of May 27, 2009 as written. The motion was unanimously carried.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 8:05p.m. The motion was unanimously carried. Mr. Scavo reminded the Board members that the meeting originally scheduled for July 14, 2009 has been rescheduled to July 21, 2009. The meeting will begin at 6:00p.m. with a workshop on transit-oriented development.

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

Resolution #7**Preliminary Subdivision Approval**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on June 23, 2009 there were:

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

Absent: None

Mr. Hale offered Resolution #7, and Ms. Paulsen seconded, and

Whereas, an application has been made to this Board by XAR Development for approval of a subdivision plat entitled XAR Development of (10) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 11, 2007 and reconvened on April 14, 2009, May 27, 2009 and June 23, 2009

Whereas, the Planning Board established itself as Lead Agency for this application and a negative declaration was issued pursuant to SEQRA on May 27, 2009;

Whereas, it appears to be in the best interest of the Town that said application be approved;

Now, therefore, be it resolved that the final hearing is waived and that the subdivision plat entitled XAR Subdivision consisting of (10) lots is hereby granted preliminary and final subdivision approval conditioned upon Planning Department, Clough, Harbour, and Associates, and the Planning Board.

Resolution #7 passed 6/23/2009

Ayes: Ophardt, Paulsen, Koval, Pace, Hale, Werner, Bulger

Noes: None

Steven J. Bulger,
Chairman

Resolution #8**Preliminary and Final Approval**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on June 23, 2009 there were:

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

Absent: None

Mr. Werner offered Resolution #8, and Mr. Hale seconded, and

Whereas, an application has been made to this Board by Rolando and Olga DiCocco for approval of a subdivision plat entitled Subdivision of the Lands of Rolando and Olga DiCocco consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 23, 2009;

Whereas, the Planning Board established itself as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on June 23, 2009;

Whereas, it appears to be in the best interest of the Town that said application be approved;

Now, therefore, be it resolved that the final hearing is waived and that the subdivision plat entitled Subdivision of the Subdivision of the Lands of Rolando and Olga DiCocco consisting of (2) lots is hereby granted preliminary and final subdivision approval conditioned upon Planning Department, Clough, Harbour, and Associates, and the Planning Board.

Resolution #8 passed 6/23/2009

Ayes: Ophardt, Paulsen, Koval, Pace, Hale, Werner, Bulger

Noes: None

Steven J. Bulger,
Chairman

Preliminary and Final Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on June 23, 2009 there were:

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

Absent: None

Mr. Werner offered Resolution #9, and Ms. Paulsen seconded, and

Whereas, an application has been made to this Board by Abele Builders for approval of a subdivision plat entitled Subdivision of the Lands of Rolando and Olga DiCocco consisting of (21) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on April 24, 2007 and reconvened on February 24, 2009;

Whereas, the Planning Board established itself as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on June 23, 2009;

Whereas, it appears to be in the best interest of the Town that said application be approved;

Now, therefore, be it resolved that the final hearing is waived and that the subdivision plat entitled Subdivision of the Subdivision of the Lands of Abele Builders consisting of (21) lots is hereby granted preliminary and final subdivision approval conditioned upon -----

Resolution #9 passed 6/23/2009

Ayes: Ophardt, Paulsen, Koval, Pace, Hale, Werner, Bulger

Noes: None

Steven J. Bulger,
Chairman

