



Planning Board Meeting
October 14, 2009

Those present at the October 14, 2009 Planning Board meeting were:

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

Those absent were: T. Deleonardis – Alternate

Those also present were: J. Scavo, Director of Planning;
J. Grasso, CHA Companies;
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:

[2009-002] **Bonneau Road (Belmonte)** - Proposed (4) lot subdivision, Bonneau Road – Preliminary public hearing and possible determination. SBL: 283.-1-29.1

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 October 5, 2009.

Mr. Gavin Vuillaume, consultant for the applicant, presented this application for the Board's consideration, explaining that the revised subdivision plan calls for the subdivision of 72.89 acres of land generally located on the west side of Bonneau Road at its northern terminus. The parcel lies within the R-1 (Residential) and LC (Land Conservation) zones. The current

proposal requests approval for three (3) keyhole lots – each with 40’ minimum frontage on the town roadway – and the remaining lands that will be reserved for future development. The plan reflects a reduction in the proposed number of lots from the seven (7) originally proposed to four (4). Lot #5 includes 1.36 acres of uplands, no NYSDEC wetlands, and 4.3 acres of ACOE designated wetlands: .68 acres lies within the LC zone. Lot #6 includes 1.26 acres of uplands, 1.05 acres of NYSDEC wetlands, and .59 acres of ACOE wetlands: 2.47 acres are located within the LC zone. Lot #7 includes .9 acres of uplands, 2.18 acres of NYSDEC wetlands, and no ACOE wetlands: 2.2 acres are located within the LC zone. When considered in its entirety, thirty-six (36) of the seventy-two (72) acres are restricted by designated NYSDEC wetlands and adjacent buffer areas. Proposed new single-family residences will be served by the Clifton Park Water Authority and an existing sewer service and will be accessed via a combined driveway.

Mr. Vuillaume addressed the issues of concern provided by the town’s professional consultants, stating that approvals for water and sewer connections from the appropriate agencies will be provided, that grading and erosion control plans will be provided for each lot, and that all individual plot plans will include wetland and buffer boundaries. The speaker stated that Mr. Kukuk has confirmed that Bonneau Road is a town road and that the “hammerhead” turnaround as designed is acceptable.

Mr. Scavo offered comments prepared by the Planning Department, stating that the site appears to be serviced by Crescent Waste, a private sanitary sewer transportation provider. Evidence of approval to connect to this system must be prepared prior to final approval. The speaker verified that Bonneau Road is a town-owned roadway.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided a memo dated October 14, 2009 that contained the following comments regarding this application. Though the original proposal called for 3” water services to homes that would be fully “sprinklered,” Mr. Myers stated that the proposed three residences will not have such installations. It is likely that sprinklers will be required for additional homes built on the remaining lots due to the distance those homes will be from a fire protection supply. Both Mr. Myers and Ms. Reed, Chief of the Bureau of Fire Prevention, note that the subdivision plan must meet all provisions for fire apparatus access roads for emergency services per the Fire Code of New York State including turnarounds for dead-ends and a load bearing capacity of 75,000 lbs for all roads in access of 150 feet. Detailed driveway construction plans will be required.

Mr. Bill Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that the Board request conveyance of a 15 foot right-of-way on one side of Bonneau Road. The purpose of this would be to provide for installation of a future trail link on the county sewer line that runs on both county and town land from Englemore Road south to Compton Road. The link would connect to the Crescent Road Trail and the trail on VanVranken Road that ends at the Vischer Ferry Nature and Historic Preserve. This would be an alternate to the Moe Road Trail.

Mr. Grasso reported that CHA Companies reviewed the subdivision plan and offered the following comments. The firm remains concerned with the impacts on the wetlands and LC Zone during lot development and potential future incremental impacts by homeowners. The true development impacts cannot be determined until a grading plan is prepared and submitted for

review. The plan indicates a possibility of four additional lots depending on the developer's ability to use Latham Water District's existing access road. Mr. Grasso emphasized that, given the extent of wetlands and important buffers, CHA Companies does not support the development of those lots. If the currently proposed three new houses are considered for development, the preservation of the remaining lands should be considered mitigation for the impacts associated with their development. Previous review letters expressed concerns regarding the status of Bonneau Road since it does not appear to be constructed to Town Road standards. Confirmation that Bonneau Road is owned and maintained by the Town has satisfied this issue: the fact that the road is substandard is not considered significant because of the minimal number of homes to be constructed.

Mr. Montague, Environmental Specialist, reported that, after review of the data presented, the ECC made the following recommendations. The limits of (the LC Zone and 100 foot buffer zone, DEC Wetlands, Federal Jurisdictional Wetlands) should be identified on the individual plot plans. The ECC notes that the project may result in intrusion into federal jurisdictional wetlands: the applicant must avoid intrusion into these wetlands or apply for a Federal Wetlands Permit for disturbances of more than 1/3 acre in total for the project. The Town of Clifton Park should be provided with copies of all related correspondence. Clarification should be provided regarding the designation of state versus federal wetlands as indicated on Lot #5. If contiguous, a new buffer zone should be designated. The ECC notes that sensitive environments exist on properties within and adjacent to the project site; thus, there is a potential for environmental impacts to these areas. As such, the applicant's Drainage, Stormwater and Erosion Control Plans should identify and present engineered controls designed to ensure protection of these environments during construction and occupation of the project. The developer should identify and employ green infrastructure solutions to address issues associated with land disturbances that will occur as a result of this development. The recommended actions do not imply the ECC's support for the future development of Lots #1, 2, 3, and 4. A final determination by ACOE should be secured prior to any Planning Board approval.

Mr. Dan Hartnett, 32 Southbury Road, requested that the Board consider requiring the construction of a trail connection from Bonneau Road to Compton Court. Mr. Belmonte, applicant, however, stated that construction of a trail segment was not economically feasible.

There being no additional public comment, Mr. Bulger moved, seconded by Ms. Pace, to close the public hearing at 7:18p.m. The motion was unanimously carried.

Mr. Hale expressed his approval of the reduced number of lots and recommended that the proposed lots be re-numbered as Lots #1, 2, 3, and 4. Mr. Koval noted that since the recommended trail connection would serve only a limited number of residents, he did not support requiring its construction as a condition of approval. Mr. Grasso explained that it is the Board's responsibility to approve "buildable lots" and recommended that the Board ensure that the applicant limit development of the remaining parcel to a single residence or provide a note on the plan that ensures that any future subdivision will require the Board's review and approval. Mr. Bulger agreed that minimal development of the remaining lands was important in order to protect wetlands and sensitive environmental areas. Mr. Hale suggested that the applicant either provide a grading plan for construction of a single residence on the largest parcel or provide a deed restriction that limits future development. Mr. Grasso reiterated his recommendation that the site development be limited to four (4) single-family residences.

Mr. Werner moved, seconded by Mr. Bulger, 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. Bulger offered Resolution #13, seconded by Mr. Koval to waive the final hearing for this application and to grant preliminary subdivision approval conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, CHA Companies, and the assurance that the subdivision plat will contain four (4) parcels with the caveat that the largest parcel containing the remaining lands of Belmonte will be designed either as a lot for one (1) single family residence that involves no disturbance of wetlands and/or other environmentally sensitive areas or as a single parcel that includes a note stating that any future subdivision of its 56 acres shall require Planning Board subdivision review and approval. Ayes: Ophardt, Paulsen, Pace, Hale, Werner, Koval, Bulger. Noes: None.

Old Business:

[2009-021] Neet Autobody Storage Shed – Proposed 1,126 SF storage barn, 2045 Route 9 – Conceptual site plan review. SBL: 259.-2-14.2

Mr. Tim Neet, applicant/owner, presented his application for the Board's review. The project remains as presented by Mr. Scavo at the September 9, 2009 meeting. Mr. Neet explained that the extra storage was needed to store his tow truck, lawn mower, boat, and other equipment. There will be no hazardous materials stored within the new building.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated October 14, 2009. The applicant and/or his consultant must provide verification that the shed will not be located within the boundaries of the adjacent wetland or LC zone prior to the issuance of a Building Permit.

Mr. Scavo reported that Mr. Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that the Board request conveyance of a 15-foot right-of-way along Route 9. Mr. Scavo, however, recommended that the applicant consult with representatives of NYSDOT to determine if such a conveyance would be accepted by that agency.

Mr. Montague, Environmental Specialist, offered comments prepared by the ECC. The ECC notes that the proposed project is within close proximity to a stream. A determination should be made of the specific location of the proposed building in relationship to the stream to determine the proper delineation of the LC zone and/or Flood Plain Zone. The proposed shed appears to be close to the well serving the property and potential for contamination exists. 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. If the purpose of this proposed project is to store chemical residue or hazardous materials, an impervious surface and proper control and containment of any spillage should be required. The applicant should comply with the Town's Hazardous Materials Policy, which can be obtained from the Town Environmental Specialist.

Mr. Grasso reported that all issues identified by CHA Companies have been satisfactorily addressed, though he recommended that the applicant ensure that there is no encroachment of equipment or accessory buildings on adjoining properties.

Board members found the proposed project plan generally acceptable, though they did discuss the recommended conveyance of a 15' strip along Route 9 for future multi-use pathway or roadway improvements. Since the aerial view of the parcel indicated that there was substantial right-of-way along most of the property's frontage, a note on the plan stating that the south westerly portion of the site would be "reserved for possible future trail development" appeared reasonable.

[2009-019] **Clifton Park Motel** – Proposed three story motel, 45 Old Route 146 – Conceptual site plan review. SBL: 272.9-1-27

In the absence of the applicant's consultant, Mr. Arico, Mr. Scavo explained to Board members that a revised plan for this project has been submitted for the Board's review and comment. The plan's redesign calls for the 101 room hotel to be moved forward on the site allowing for the installation of twenty-seven (27) parking spaces behind the building. A number of variances will be required. Mr. Scavo reported that he has sent a letter to the Zoning Board of Appeals explaining that the applicant has prepared a site plan that requires variances in response to comments issued by the Planning Board and CHA Companies.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided that following comments in a memo dated October 14, 2009. Setback variances will be required: the Zoning Board of Appeals will consider the required applications on October 20, 2009. Describing the site as "very restricted," Mr. Myers stated that the applicant will be required to submit a full Storm Water Pollution and Prevention Plan.

Mr. Grasso stated that CHA Companies generally supports the revised conceptual plan and provides the following comments for further refinement of the project plan. In general, the revised layout addresses previous concerns with respect to the internal circulation of the parking lot and the potential vehicular conflicts. The revised layout depicts parking within the 30' front yard parking setback and as such will require an area variance from the Clifton Park Zoning Board of Appeals. The following comments from the August 6, 2009 review letter remain to be adequately addressed. The Code Enforcement Officer should verify that the property line bordering Interstate 87 is considered a rear yard. Previous projects bordering Interstate 87 have raised concerns over visibility from the highway. The potential visual impacts of the proposed project should be evaluated. The adequacy of the sight distance at the proposed curb cut should be verified. The adequacy of the rear service drive to support emergency services vehicles should be verified with the Bureau of Fire Prevention. The location of the proposed water and sanitary sewer services should be depicted on the plans. The adequacy of the existing utilities to support the proposed project should be verified.

Since the project plan as presented is dependent upon approvals from the Zoning Board of Appeals, the Board did not request comment from Mr. Scavo and the ECC.

Mr. Hale expressed his support for the revised plan. Mr. Ophardt commented that he believes that there is a need for sidewalks in the Fire Road area, noting that there are a number of hotels and restaurants within walking distance of one another. In response to his question

regarding the recommendations for pedestrian connections outlined within the Exit 9 study, Mr. Scavo explained that the study did not include a specific pedestrian plan. Mr. Scavo suggested that the Planning Board consider requesting that the Town Board authorize preparation of a comprehensive sidewalk plan for the Fire Road – Route 9 – Route 146 area. Board members appeared to agree that this recommendation was warranted.

New Business:

[2009-022] **Everett J. Prescott, Inc.** – Proposed 1,300 SF fabric-covered storage facility, 198 Ushers Road – Conceptual site plan review. SBL: 259.-2-30.22

Mr. John Miller, representative for the applicant, presented this application for the Board's consideration. The applicant proposes to construct a "relocatable" storage shelter at 194 Ushers Road. Though Everett J. Prescott, Inc. currently leases both 198 and 194 Ushers Road from the Fortune Construction Company, the applicant cites economic downturns as reason for cancelling the existing lease at 194 Ushers Road. Materials from that site will be moved to the new facility that has been designed by Rubb Building Systems. The applicant provided detailed information regarding the shelter's construction: the shelter consists of a series of galvanized steel sections which pin together to form a structural framework which is then covered by a high strength PVC coated polyester fabric. A photograph of the proposed building was included with the submission and the speaker presented color samples of the building materials for the Board's consideration. There will be no electric, water, or sewer services connected to the building. Construction materials will be stored within the building: no chemicals or hazardous materials will be stored there.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated October 14, 2009 that reflect Planning Department concerns. Mr. Myers states that the applicant seeks approval to construct a facility that the building code classifies as a "membrane covered frame structure." As such, the structure will be required to meet all structural requirements for buildings in New York State including frost protected foundations, seismic loads, wind, and snow loads. These requirements cannot be met by a freestanding surface mounted structure: as a result it is not an allowed use on this property.

Mr. Scavo reported that Mr. Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that the Board request conveyance of a 15-foot right-of-way along Ushers Road. Mr. Koval commented that since the lessee [applicant] did not own the property, he would be unable to agree to this condition of approval.

Mr. Grasso offered the following comments that were prepared by CHA Companies. 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. It should be verified that the site plan provided accurately represents the current site conditions. Based upon aerial photography it does not appear as though the plan reflects the current parking layout. Additionally, it should be verified that the fencing is the type and is in the location depicted on the site plan. It is unclear as to whether there is a property line between 198 and 194 Ushers Road. The required building setbacks should be depicted on the plan to verify compliance with the zoning code.

Mr. Montague, Environmental Specialist, reported that the ECC recommended that the applicant state what materials will be stored in the shed. After listening to Mr. Miller's presentation, Mr. Montague found the project acceptable

Ms. Pace and Mr. Werner both stated that they would prefer to see a more muted color used on the storage facility rather than the proposed white and blue. In response to Mr. Werner's concern regarding visual impacts from Corpus Christi Church and Ushers Road, it was decided that Board members would visit the site to determine if mitigation measures would be warranted. Board members agreed that the plan was generally acceptable, though they advised the applicant that the building must meet all building code requirements.

[2009-023] **Currier, Gerald** – Proposed (4) lot subdivision, Route 146A – Conceptual review. SBL: 257.-2-9

Mr. Duane Rabideau, consultant for the applicant, explained that this subdivision proposal calls for the subdivision of 4.48 acres of land located approximately 2,300 feet northwest of the intersection of NYS Route 146A and Ashdown Road. The parcel is located within the HM (Hamlet Mixed Use) zone. The lots will range in size from 42,500 SF to 1.27 acres. Though the original proposal called for the installation of individual driveways from Route 146A, the revised plan presented at this evening's meeting showed combined drives for Lots #1 and 2 and Lots #3 and 4. The lots will be served by private wells and individual septic systems designed by a NYS Professional Engineer at the time the lots are to be developed.

Mr. Scavo provided comments prepared by the Planning Department. He voiced his approval for the combined driveways. He recommended that the proposed wells for Lots #1 and 2 be located beyond the LC Zone boundaries. He advised the applicant to explore a method to allow for a clear delineation of the LC Zone for future home buyers, particularly on Lots #1 and 2. A row of tree plantings, residential fencing, or wooden bollards with an LC marker plaque attached may be required as a condition of approval.

Mr. Scavo reported that Mr. Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that the Board request conveyance of a 15-foot right-of-way along Route 146A. Mr. Rabideau explained that the applicant had conveyed a strip of land as a condition of a previous subdivision approval granted to the applicant on November 12, 2008.

Mr. Myers, Director of Building and Development, reported that this application appears to meet all applicable code and zoning requirements.

Mr. Grasso stated that CHA Companies reviewed the conceptual plan submitted by the applicant and provided 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 with subdivision approval being required. The parcel is located within the limits of the Western Clifton Park GEIS Study Area with portions within the CR (Conservation Residential) zoning district and HM (Hamlet Mixed Use) zoning district. The proposed building lots are located entirely within the HM (Hamlet Mixed Use) zoning district. The project will be required to comply with the GEIS statement of findings and mitigation fees will be applicable. Test pit and percolation test pit

results should be provided to verify the parcels are acceptable for individual septic systems. The adequacy of the sight distance at the proposed driveway locations should be verified. Consideration should be given to combing proposed driveways to reduce the number of curb cuts on Route 146A. The proposed house locations on Lots #1 and 2 are within 20' of the 100' wetland adjacent area. CHA Companies is concerned with the potential incremental impacts by homeowners within the wetland adjacent area. Additional separation from the house and the adjacent area should be provided or a physical barrier should be installed to delineate the adjacent area. The location and size of the driveway culverts should be depicted on the plans. Future plan submittals should include contours within the project area. Mr. Grasso stressed that the applicant must provide proof that individual septic systems can be installed on the lots. Mr. Grasso encouraged the applicant to protect the wetlands since the area is identified as the "headwaters of Ballston Lake."

Mr. Montague, Environmental Specialist, explained that the ECC issued the following comments after review of the conceptual subdivision plan. The limits of LC 100 foot buffer zone should be identified on the individual plot plans. The applicant should seek clarification of the location of the proposed wells on Lots #1 and 2 within the buffer zone: it appears a variance might be necessary. Individual plot plans should note the close proximity to emergency response stations and emergency vehicle noise (Ballston Lake Fire Department and Ballston Lake EMS).

Board members agreed that the plan appeared generally acceptable, though Mr. Hale expressed concern that the subdivision did not "meet the spirit and intent" of the HM (Hamlet Mixed Use) zone.

Discussion Items:

Residence Inn

Mr. Scavo explained that the applicant for the Residence Inn by Marriott that received site plan approval by this Board on October 15, 2008 has requested that, pursuant to Section 208-120 of the Town Code, the approval be extended by one year.

Mr. Bulger moved, seconded by Ms. Pace, to approve the extension of the site plan approval for the Residence Inn by Marriott at 1740 Route 9 for one year pursuant to Section 208-120 of the Town Code. The final expiry date of the site plan approval will be October 15, 2010. The motion was unanimously approved.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Hale, approval of the minutes of September 9, 2009 as written. Ayes: Ophardt, Paulsen, Pace, Hale, Koval, Bulger. Noes: None. Abstained: Werner.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 8:50p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on October 27, 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

Resolution #13**Preliminary 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 October 14, 2009 there were:

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

Absent: T. Deleonardis (alternate)

Mr. Bulger offered Resolution #13, and Mr. Koval seconded, and

Whereas, an application has been made to this Board by Belmonte Properties, LLC for approval of a subdivision plat entitled Subdivision of the Lands of Belmonte Properties, LLC consisting of (4) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on October 14, 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 October 14, 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 Lands of Belmonte Properties, LLC consisting of (4) lots is hereby granted preliminary subdivision approval conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, CHA Companies, and the assurance that the subdivision plat will contain four (4) parcels with the caveat that the largest parcel containing the remaining lands of Belmonte will be designed either as a lot for one (1) single family residence that involves no disturbance of wetlands and/or other environmentally sensitive areas or as a single parcel that includes a note stating that any future subdivision of its 56 acres shall require Planning Board subdivision review and approval.

Resolution #13 passed 10/14//2009

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

Noes: None

Steven J. Bulger,
Chairman