



Planning Board Meeting
October 27, 2009

Those present at the October 27, 2009 Planning Board meeting were:

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

Those absent were: E. Ophardt

Those also present were: J. Scavo, Director of Planning;
 J. Romano, 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. Mr. Bulger explained that Mr. Deleonardis will be sitting in for the absent Mr. Ophardt.

Public Hearings:

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

Old Business:

[2009-021] **Neet Autobody Storage Shed** – Proposed 1,126 SF storage barn, 2045 Route 9 – Preliminary site plan review and possible determination. 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 and October 14, 2009 meeting at which 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, stated that the applicant must provide verification that the shed is not within the boundaries of the adjacent

wetland or LC zone prior to issuance of a Building Permit. Mr. Scavo reported that all Planning Department concerns have been addressed, reporting that a note has been added to the revised plan that states that the southwesterly portion of the site would be “reserved for possible future trail development.”

Mr. Romano reported that all issues identified by CHA Companies have been satisfactorily addressed.

Mr. Montague, Environmental Specialist, reported that the ECC offered the following recommendation. The applicant should consider the close proximity of the shed to the southern boundary of the Ushers Road State Forest.

Ms. Paulsen 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. Hale moved, seconded by Mr. Werner, to grant preliminary and final site plan approval to this application. The motion was unanimously carried.

New Business:

[2009-024] **Hoffman, Margaret E.** – Proposed consolidation of two parcels and (2) lot subdivision, NYS and US Route 9 and Meyer Road – Conceptual review. SBL: 266.3-1-1.1 and 265.-1-22.11

Mr. Andrew Kosiba, consultant for the applicant, presented this application for the Board’s consideration. The applicant proposes the consolidation of existing parcels and the re-subdivision of a 7.5 acre parcel into lots of 4.5 and 3 acres, respectively. The property is located on the west side of US Route 9 just south of its intersection with Meyer Road and lies within the B3 (Neighborhood Business) zoning district. The parcels are to be served by an existing water system that serves the Parkwood Village apartment complex and a municipal sanitary service line that is located within the Route 9 right-of-way. The parcel currently lies outside the Clifton Park Water Authority’s service area. The speaker stated that the existing building on the northern-most parcel is currently occupied by an acupuncture therapist: the site complies with all ADA requirements. The dumpster that was formerly located on the property has been removed.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, noted that the property lies within the B3 (Neighborhood Business) zone. The front setbacks along US Route 9 would be 80’ from the property line rather than 130’ from the centerline of that highway since the 80’ requirement is more restrictive.

Mr. Scavo noted that the applicant will need an area variance for the existing structure on the property since two structures on a single parcel are not permitted. The existing building on Lot 2 must be demolished in order to construct a new building that complies with the town’s setback requirements. The status of Meyer Road should be verified.

Mr. Romano reported that CHA Companies reviewed the subdivision plan dated November

4, 2008 for the above referenced project as prepared by Northeast Land Survey & Land Development Consultants, P.C. The firm 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 with subdivision approval being required. The existing building does not meet the required building setbacks for the B3 (Neighborhood Business) zoning district. The use of the existing building should be depicted on the plan. It should be verified if the existing use requires handicap accessible parking. If so, the required spaces and signage should be depicted on the plan. Recent aerial photography appears to depict a dumpster located east of the existing building: a dumpster enclosure should be provided. Mr. Romano recommended that a common ingress-egress be designed to limit multiple curb cuts.

Mr. Charles Hoffman, representative of the owner/applicant, agreed that a common access point would be reasonable. He stated that there are no plans to develop either parcel at this time: the subdivision is being proposed for estate purposes.

Mr. Montague, Environmental Specialist, reported that, after reviewing the conceptual plan, the ECC found the proposed subdivision plan acceptable.

In response to Mr. Deleonardis’s question regarding the existence of a well on the property, Mr. Hoffman stated that there is an existing well near the existing building. Board members found the plan generally acceptable.

Discussion Items:

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

Mr. John Miller, representative of Everett J. Prescott, Inc. requested clarification of the site plan approval process since it has come to his attention that the Director of Building Department has determined that a Building Permit will not be issued for the “relocatable” building his company has proposed for construction at the Ushers Road industrial site. At the October 14th Planning Board meeting, Mr. Scavo reported that Mr. Myers, Director of Building and Development provided the following comment in an October 2, 2009 memo:

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. Miller is concerned that if he receives site plan approval from the Planning Board, he will not be able to secure a Building Permit.

Mr. Bulger explained that Planning Board review is “part of the [site plan approval] process” when changes to a site are proposed. Based upon the comments from Mr. Myers, it would appear that the applicant will not receive a Building Permit even if the Planning Board grants site plan approval. He recommended that the applicant resolve building code issues with

Mr. Myers before submitting preliminary site plans for consideration. Board members agreed that Mr. Bulger's advice was reasonable.

Minutes Approval:

Mr. Bulger moved, seconded by Mr. Hale, approval of the minutes of October 14, 2009 as written. The motion was unanimously carried.

Mr. Scavo presented Board members with the proposed meeting schedule for 2010. Mr. Bulger moved, seconded by Ms. Pace to adopt the proposed schedule as presented. The motion was unanimously carried.

Mr. Bulger moved, seconded by Mr. Deleonardis, adjournment of the meeting at 7:35p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on November 10, 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