



Planning Board Meeting
November 10, 2009

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

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

Those absent were: M. Hale

Those also present were: J. Scavo, Director of Planning;
J. Grasso, CHA Companies;
M. Montague, Environmental Specialist;
P. Pelagalli, Counsel;
M. Springli, 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. Hale.

Public Hearings:

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

Old Business:

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

Mr. Dom Arico, consultant for the applicant, presented this application that has been revised in response to Planning Board comments during the conceptual review at the August 11, 2009 meeting and in accordance with a revised conceptual sketch plan presented as a discussion item at the October 14, 2009 meeting. Mr. Arico reported that all required variances have been approved by the Zoning Board of the Appeals. He explained that the current plan includes the

same 101-unit motel as originally presented as well as the same number of parking spaces, though the building has been relocated on the site to move it closer to Fire Road. This revision will allow some of the parking to be moved to the rear of the building. He noted that re-orientation of the building allowed for greater preservation of the existing tree line along the I-87 corridor. Stormwater management will be handled on site. Water and sewer connections will be made to existing municipal systems. The consultant also presented a simulation of the visual impact of building from various travel lanes: the building will sit approximately 5' lower than the Exit 9 access ramp.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, has reported that all required variances have been granted by the Zoning Board of Appeals. Mr. Scavo also read comments prepared by Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, that were issued in a memo dated November 10, 2009. Ms. Reed recommends that the main entrance be widened, that a secondary entrance be provided, and that the building be "pushed back" to allow for access by emergency service vehicles. Ms. Reed requests the posting of No Parking signs along the front of the parcel adjacent to parking and at the northeastern corner of the building along the access road to the rear.

Mr. Scavo reported that Mr. Bill Mackesey, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that the Board request a 15' strip of land along Fire Road for future trail development and/or roadway improvements. He noted that a sidewalk connection from the existing park and ride at the intersection of Route 146 and Fire Road to the corner of Clifton Park Village be installed. He also recommended that a striped pedestrian crossing be provided for safe access to the restaurant on Route 146. An older style bike rack should be added to the site plan. Mr. Scavo explained that since there is an existing substantial right-of-way along Fire Road, there is no need for the conveyance of additional land.

Mr. Scavo explained that the applicant has addressed previous issues identified by the Planning Department. He stated that Mr. Arico will be evaluating the plan to determine the best means to address the issues regarding site access for emergency service vehicles as identified by Ms. Reed, Chief of the Bureau of Fire Prevention.

Mr. Grasso reported that, after reviewing the revised conceptual site plan, CHA Companies reported that, in general, previous concept comments have been adequately addressed. It was recommended that a note be added to future plan submittals indicating the required and granted variances and the date of approval issued by the Zoning Board of Appeals. The speaker did support the construction of an emergency access to meet the needs of the Fire Prevention Bureau. The Planning Board should also consider the applicant's contribution to a comprehensive sidewalk development plan.

Mr. Mike Montague, Environmental Specialist, reported that the ECC offered no additional comments regarding this project plan.

Ms. Pace commented that she "liked the look" of the proposed plan. Mr. Bulger stated his appreciation of the applicant's willingness to address Board recommendations. The issue of

sidewalk development was discussed. Mr. Bulger identified one option as requiring the applicant to install a sidewalk in front of the proposed motel. The second option would be to request that the applicant provide a voluntary “fair share” contribution for the future construction of a multi-purpose trail. Mr. Koval pointed out that a voluntary contribution might be more reasonable at this time since a comprehensive sidewalk plan for the area has not been prepared. Mr. Scavo recommended that the applicant’s consultant prepare an estimate for the construction of a sidewalk across the property frontage: this estimate would be used to determine the applicant’s “fair share” mitigation fee. In response to Mr. Koval’s question regarding existing easements for utilities and access, Mr. Arico explained that easements are in place for utilities: no easement has been filed for use of the existing access to the Sleep Inn motel. Board members found the conceptual plan generally acceptable.

New Business:

[2009-025] **VanPatten, Ronald Wayne** – Proposed (12) lot subdivision, 621 Englemore Road – Conceptual review. SBL: 277.-1-54; 277.-1-81.2; 277.-1-82

Mr. Gil VanGuilder, consultant for the applicant, provided a detailed project narrative, explaining that the 25.03 acre parcel owned by the applicant has been developed without benefit of Planning Board review or required Building Permits. The goal of the proposed project plan is to bring the property into conformance with existing zoning codes. The property, lying within the R-1 zoning district, has frontage on the northerly side of Englemore Road and runs to the southerly side of Grooms Road. The parcel is generally located on the north side of Englemore Road approximately 2,500 feet east of its intersection with Vischer Ferry Road. A number of buildings have been constructed over a span of many years: there are a total of nine (9) building on the property. The residential structures are occupied by Mr. VanPatten’s family and persons that lease living units from the owner. All of the units are connected to a private water supply located on the premises. Waste water disposal is accomplished with the use of multiple on-site septic systems. The proposal is to subdivide the property into twelve (12) lots. Each residential building will be on a separate lot, with the exception of Lot #1 where a small building is close to Mr. VanPatten’s residence. Public water will be extended to all of the residential buildings and proposed lots. Public sewer will also be extended from Grooms Road to all of the residential buildings and proposed lots. Extension of the Clifton Park Water Authority system will be accomplished by connecting the ends of the mains on Emmons Drive in the Bristolgate Subdivision and the Stoney Heights Subdivision and routing the water main through the Lands of VanPatten to the private road in this subdivision. All proposed lots will be served by the public water system. Public sewer will be provided by installing a low pressure force main from the Saratoga County Sewer District line on Grooms Road to the subdivision lots. Individual grinder pumps will be installed for each building. Access to the lots will be via a private roadway system that will utilize existing driveways. The private road will be improved to a minimum width of 20 feet, have a vertical clearance of at least 15 feet, and be able to support a 75,000 pound vehicle. The roadway will initially be maintained by Mr. VanPatten. When any of the lot or lots is conveyed to a new owner, a Homeowners’ Association will be formed to accept responsibility for maintenance of the road. Mr. VanGuilder explained that an additional two (2) new building lots will be created to help off-set the extension of existing water and sewer lines.

Mr. VanGuilder explained that a number of area variances must be approved by the Zoning Board of Appeals prior to the issuance of subdivision approval. The area variances include, but are not limited to, lot size, front yard setback, lot width at the building line, number of lots on a private road, and width of the right-of-way. The speaker pointed out that the benefits of the subdivision proposal are “many and substantial:” public water for fire protection and potable water will be extended to each lot; public sewer will be connected to each residential building; the property (with the granting of necessary variances) will comply with current zoning codes.

In response to Mr. Bulger’s question regarding the “timing” of this application, Mr. VanGuilder explained that pending litigation between the Town and the applicant requires the preparation of a comprehensive plan that would address code enforcement concerns regarding access to the site for emergency service vehicles as well as code compliance issues.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered a number of comments regarding this application in a memo dated October 30, 2009. The applicant must make provisions to ensure that the roadways are maintained for emergency access if the homeowners’ association dissolves. Penalties for not maintaining the roads should be stipulated. Removal of the existing water system should be required once the public water system is established. A number of variances will be required. The lot to the northwest corner of the property appears to have the building extend beyond the property line: no variance can correct this. The roadway right-of-way should be adjusted, with the utilities present. The 50’ right-of-way would indicate that it is the applicant’s intention to convey the roadway to the town. If this is the case, the roadway must be built to town standards. If the road is not to be conveyed, specific language should be provided that would prohibit such a transfer. Postal addresses must be established. Additional comments will be issued when preliminary plans are submitted.

Mr. Scavo read comments prepared by Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, in a memo dated November 10, 2009. Ms. Reed recommended that the applicant provide provisions to ensure that all ingress/egress driveways are maintained for emergency vehicles even if the homeowners’ association is dissolved. Mira Drive should be a minimum of 20 feet wide for emergency services access. The ingress/egress adjacent to the lands of Belanger should be improved and maintained. A Building Permit would be required for the new proposed garage on Lot #10. The proposed “turn-arounds” at the ends of the Fire Apparatus Access Roads shall meet the requirements of the Fire Code of New York State, Appendix D. Verification of postal addresses will be required.

Mr. Scavo stated that Mr. VanGuilder has met with representatives of the Planning Department on several occasions: the numerous revision dates indicated on the plan reflect the changes to the plan based upon department comments and recommendations. He noted that both the consultant and applicant have been responsive to departmental concerns.

Mr. Grasso reported that CHA Companies reviewed the concept subdivision plan last revised October 21, 2009 for the above referenced project as prepared by Gilbert VanGuilder and Associates 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 preparation of a Full Environmental Assessment Form is recommended. The involved agencies

are expected to include the following: Clifton Park Planning Board - Subdivision Approval; Clifton Park Zoning Board of Appeals - Area Variances; Clifton Park Water Authority – Water Connection Permit; NYSDOH – Water System Approval; NYSDEC – Wastewater Disposal System Approval; Saratoga County Sewer District #1 – Sanitary Sewer Connection Permit. The plan depicts a proposed private drive within a 50’ right-of-way. Section 179-38-B of the Town Code permits the development of lots along a private road within conservation subdivisions. Although the proposed subdivision does not meet the requirements of a conservation subdivision, the design requirements of the private road within that section of code should be followed. The proposed private drive will be maintained by Wayne Van Patten until a lot is sold at which time a homeowners’ association will be created for the purpose of maintaining the road. Until the homeowners’ association is created, it is recommended that a bond be established for the purpose of the road construction and maintenance for the access of emergency vehicles, the Clifton Park Water Authority, and the Saratoga County Sewer District. The plan depicts the conveyance of lands along the eastern portion of the property across the proposed right-of-way: it is recommended that the land east of the proposed road be dedicated to the Town as open space and the Town be granted an access easement over the eastern private drive. A number of area variances will be required. Future plan submittals should include a table of all required/obtained variances. It should be verified that the proposed private right-of-way includes easements for the proposed public water and sanitary sewer. Additionally, easements should be provided for the proposed public utilities located outside of the proposed right-of-way. A portion of the garage on Lot #5 is located within the proposed right-of-way. Additionally, a gazebo and a wood rail fence are located within the proposed right-of-way. Future plan submittals should include existing contours and the location of wetlands. If wetlands are not located within the property, a note should be added to the plan indicating as such. It is recommended that the existing access drive across the lands of Belanger be improved to meet the specifications of the proposed private drive. The length of the proposed private drive and the number of lots it serves warrants a second means of access for emergency vehicles. The subdivision creates parcel #12 with wide strip of land with frontage along to Grooms Road. Due to the proximity of the frontage to the Stoney Heights Court, CHA Companies does not support the future development of an access to the property through the frontage along Grooms Road. A right-of-way should be provided across proposed Lot #12 connecting the right-of-way of Stoney Heights Court and Emmons Drive. The plan does not clearly depict the difference between existing and proposed watermain. Ingress/egress easements should be provided for Mira Drive. The subdivision is proposing the acquisition of lands from the adjacent properties of Lobos and Tryon. A written acknowledgement regarding the proposed subdivision should be provided from the adjacent property owners. Future plan submittals should include detailed design information of the proposed utilities and the proposed road.

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, and federal jurisdictional wetlands should be identified on the plot plan. The ECC notes that the project may include extensive paving adjacent to, or in the vicinity of the LC zone, and state or federal wetlands. The ECC recommends that the Planning Board require the applicant to incorporate sediment traps and oil water separators with appropriate capacity to limit the migration of vehicular contaminants into these sensitive environments, if paving were to occur.

Mr. Pelagalli commented on the role of homeowners’ associations in maintaining private roadways. He recommended that the Planning Board seriously consider approval of a subdivision plan that relies on a homeowners’ association for roadway maintenance, since failure of such an association would require the town to assume maintenance responsibilities. Bonding

would be required to assure that the roadways would be constructed in accordance with town standards.

Mr. Bulger summarized the evening's discussion by stating that the Planning Board has been charged with correcting an on-going, non-compliant situation: all issues of concern must be adequately addressed. Mr. Pelagalli noted that over the years, the applicant has resisted town directives for making improvements and preparing subdivision plans that would conform to town codes. He advised Board members to consider all aspects of the application before granting approval.

Board members did not comment on the application, though they did recommend that the applicant pursue approval of the required variances by the Zoning Board of Appeals.

Discussion Items:

[2005-063] **XAR Development** – Approved (9) lot subdivision, Route 9 and Wood Road – Discussion of conditional subdivision approval pursuant to Article II, Section 179 of the Town Code.

Mr. Bulger moved, seconded by Ms. Pace, to grant a 90 day extension of the conditional subdivision approval that was granted to the applicant on May 27, 2009 pursuant to Article II, Section 179 of the Town Code. The motion was unanimously carried.

[2006-010] **Provident Development Group** – 6,200 SF office building, 39 Old Route 146 – Acknowledgement of violation of site plan approval. SBL: 272.9-1-25

Mr. Bulger explained that the applicants for this project understand that they are in violation of the approved site plan. The action required this evening would be to formally acknowledge that violation to allow for proper enforcement by the Department of Building and Development.

Mr. Koval moved, seconded by Mr. Werner, to acknowledge that the development of the site at the intersection of Fire Road and Clifton Park Village road that was submitted by Provident Development Group and that received Planning Board approval on April 11, 2006 is in violation of the conditional terms of the approved site development plan. The motion was unanimously approved.

Mr. Bulger moved, seconded by Ms. Paulsen, approval of the minutes of October 27, 2009 as written. Ayes: Paulsen, Pace, Deleonardis, Hale, Werner, Koval, Bulger. Noes: None. Abstained: Ophardt

Mr. Bulger moved, seconded by Mr. Werner, adjournment of the meeting at 8:12p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on November 24, 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