



Planning Board Meeting
November 24, 2009

Those present at the November 24, 2009 Planning Board meeting were:

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

Those absent were: K. Paulsen

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 this evening for the absent Ms. Paulsen.

Public Hearings:

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

Old Business:

[2009-027] **One Fairchild Square** – Proposed 20,000 SF and 7,000 SF office/warehouse buildings, One Fairchild Square – Preliminary site plan review and possible determination. SBL: 259.-2-83

Mr. Tom Andress, consultant for the applicant, explained that this application calls for the construction of two buildings of 7,000 SF and 20,000 SF, respectively, within the Fairchild Square industrial complex. The site data information included on the plan outlines the site statistics and parking ratios for the proposed new development as well as the existing land and improvements. Mr. Andress explained that variances for parking within the side and rear setbacks and elimination of the side and rear 15' planting requirements along interior lot lines for the two new lots approved by the Planning Board at its August 11, 2009 meeting were granted by the Zoning Board of Appeals on October 20, 2009. The consultant presented façade renderings, cut sheets and photometric information for lighting design elements, and a profile showing the existing and proposed grades and feature and lines of sight from Ushers Road toward the Fairchild site. He noted that the visual impacts of the 20,000 SF building would be minimized since its back wall will be 7' below ground level and will "act as a retaining wall". The speaker addressed the comments issued by the ECC, explaining that, since the installation of a retaining wall would not be practical, the applicant proposes the planting of an additional nine (9) evergreens along Ushers Road.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated November 17, 2009. All required variances have been granted by the Zoning Board of Appeals. A full Stormwater Pollution Prevention Plan may still be required.

Mr. Scavo offered the following Planning Department comments. The "No Parking Anytime" signs to be placed within the sidewalk curb ramp appear to be placed in the access isles. If exterior wall pack lighting is to be installed, it should be illustrated on the project plans and appropriate cut sheets should be provided. The Planning Board Attorney should have the ability to review the final common access, utility, and stormwater easement language prior to the final stamping of the plans. Mr. Andress explained that all lighting details had been included on site plan design sheets. Mr. Pelagalli reported that the easement language appears to be correct.

Mr. Romano reported that CHA Companies reviewed the site plans dated November 2009 and the Stormwater Management Report last revised November 11, 2009 for the above referenced project as prepared ABD Engineers and Surveyors. He 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 site plan review. A step appears to be proposed within the sidewalk in front of the 7,000 SF building. Additional grading detail of this area should be provided. The location of the handicap parking spaces and striped aisles do not appear to allow for the "No Parking" signs to be properly located. The proposed depth of the sanitary sewer services should be indicated on the plan. The proposed services cross the existing water and sanitary sewer services for the existing building. It should be verified that adequate separation can be provided at all utility crossings. The elevation of the proposed sanitary sewer connections at the existing manhole should be depicted on the plans. In addition, the proposed method of connection should be depicted on the plan. The limit of the existing public sanitary sewer should be depicted on the plans. Since it is proposed for the existing manhole to receive flow from multiple parcels, the manhole and the downstream sanitary sewer is required to be public. The temporary sediment basins should be located outside the limits of proposed drywells. Portions of silt fence appear to be located in area that can expect significant construction traffic. The appropriateness of the silt fence in these locations should be investigated. The location of the test pits should be depicted on the plan. The tests pits should be located within the areas of the

proposed infiltration practices. The dry well detail should be modified to correspond to the size and depth depicting in the stormwater management report. The proposed 1" water service for the 7,000 SF building appears to be in conflict with a proposed red maple. There is concern that the proposed site lighting layout will not provide adequate coverage of the proposed parking areas. It is recommended that a photometric plan be provided. The site plan should provide the additional layout information: drive aisle widths; sidewalk width for the 20,000 SF building; curve radii; truck turnaround dimensions.

Mr. Romano offered the following comments on the Stormwater Management Report last revised November 11, 2009. The applicant's engineer has provided correspondence from NYSDEC identifying situations in which a Notice of Intent is not required to be filed provided certain conditions are met and adequate calculations are provided. CHA Companies does not object to the applicant proceeding without coverage under the permit assuming the NYSDEC requirements for such is met. The owner should be aware that any discharge of run-off, sediment tracking off-site during construction or any other discharge typically covered under the general permit is a finable offense if the project does not apply for coverage. The methodology provided to calculate the storage volume of the dry wells is of concern. The calculation relies on the even distribution of the storm event over a 24 hour period to provide the storage volume. The methodology cannot evaluate the impacts of a short duration storm of intensity greater than the infiltration rates of the underlying soil. There are no overflow provision provided in the plan should the soils not be able to infiltrate the generated run-off: this of particular concern in frozen ground conditions.

Mr. Montague, Environmental Specialist, reported that, following review of the application, the ECC provided the following recommendations. The applicant should consider construction of a retaining wall on the north side of the 20,000 SF building in order to retain more of the existing sand dune and tree foliage between the building and the existing multi-use public trail. Appropriate trail markings identifying the multi-use trail which crosses the common access driveway should be provided and illustrated on the site plan. Mr. Andress agreed that the applicant would provide the appropriate signage. Mr. Montague stated that information provided in the consultant's presentation adequately addressed the retaining wall recommendation.

Provisions for the handling of stormwater flows from the site were discussed at length. Mr. Andress explained that the current stormwater management design is working adequately and that the proposed plan meets or exceeds standards for 100-year storm events. Since there will be no discharge to a stream or other off-site areas, it is not necessary to file a Notice of Intent. Mr. Scavo noted that a final sign-off for the management design would be required from Mr. Myers, Director of Building and Development.

Mr. Bartoletti, adjoining property owner, was concerned that the applicant was uncertain of the proposed use of the 7,000 SF building. He was also concerned that the proposal required significant disturbance of an existing slope between the Stewart's Shop and the Fairchild Square development. Although he observed that the project plan provides some buffering between the light industrial development and adjoining residences, he asked that the Board require substantial buffering to minimize visual impacts to residential properties. Mr. Andress explained that there will be no loading dock provided in the 7,000 SF building and that, as illustrated by the renderings provided, both buildings will be generally residential in character. The applicant will provide additional screening as necessary.

Mr. Werner and Mr. Deleonardis expressed concerns with the flow of truck traffic through the site. Mr. Andress explained that the site is “not viewed as a large distribution area” and few trucks – an estimated two (2) - enter and exit the site per day. The use of VanPatten Drive as the primary access to the site will be encouraged by “positive guidance” signage and, if necessary, deed restrictions. Mr. Werner recommended that the consultant work with the Traffic Safety Committee and town officials to design appropriate directional signs. In response to Mr. Ophardt’s comments regarding the installation of a sidewalk from the site to the existing multi-use pathway, Mr. Andress agreed that a trail segment would be built in the northwestern portion of the property. Mr. Bulger explained that the traffic situation will be monitored to determine if approved traffic controls are working. If they are not adequate, the applicant may be required to make improvements. Mr. Hale recommended that the addition of plantings to the rear of the 20,000 SF building and he stated that he found the proposed stormwater management design acceptable. Mr. Bulger encouraged additional landscaping on site to provide screening from existing residences and along Ushers Road. He stated that, in his opinion, the applicant has adequately addressed the two major issues of concern: verification of the ownership of the sewer lines and the appropriateness and acceptability of the proposed stormwater management system. Both issues appear to have been satisfactorily addressed. Mr. Bulger thanked the applicant and consultant for their willingness to incorporate a sidewalk connection in the plan and to address the concerns of adjoining property owners regarding effective screening of the site.

Mr. Hale moved, seconded by Mr. Deleonardis, 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. Warner moved, seconded by Mr. Ophardt, to grant preliminary and final site plan approval conditioned upon satisfaction of the comments of all comments issued by the Planning Department, CHA Companies, and the Planning Board. The motion was unanimously carried.

New Business:

[2009-026] **North Country Commons Beverage Recycling Center** – Proposed 3,487 SF retail facility, 1208 Route 146 – Conceptual site plan review. SBL: 270.-2-55

Mr. Scott Lansing, consultant for the applicant, presented this application for the Board’s review, explaining that the project site is located generally west of the intersection of Route 146 and Vischer Ferry Road. The existing zoning is outlined in the Clifton Park Town Code as the North Country Commons Planned Unit Development. The entire 15.83 acre parcel is currently owned by Whitney Lane Holdings, LLC. The speaker explained that the site is currently occupied by one large commercial strip mall facility at the south and a detached bank located to the north. The larger commercial strip mall is the focus of the proposed work. The building accommodates the Northway Church, the Northern Lights live music venue, JX3 Exerfit, and an existing vacant space. The majority of the property is occupied with a large parking area located to the north and west that includes several islands of various-sized green space. Mr. Lansing explained that the proposed project calls for the renovation of a portion of the vacant building equaling approximately 3,487 SF that was formerly used as a garage for repair of automobiles and recreational vehicles to allow for use as a beverage container recycling center. The space will be used as a depository for glass and plastic bottles and aluminum cans. These items will be

sorted and bagged for pickup and deposit/redemption transactions will be made. It is expected that the center will operate seven days a week: Monday through Saturday from 10:00a.m. to 8:00p.m.; Saturday and Sunday from 12:00p.m. to 5:00p.m. There will be a total of one full-time employee and one part-time employee. In general, the project will involve exterior renovations to the eastern end of the building as well as an interior “fit up” for the recycling center. The exterior improvements will include the removal of the existing garage doors and the creation of a new finished look to the storefront using an exterior insulated finish system. The interior will have a new “fit up” for the business which will include an entrance vestibule that leads to an open space housing a beverage container redemption service area. In addition, a small office space is proposed for the southern end of the space with an adjacent one-person bathroom facility. There are no new water or sewer additions necessary for this facility: these services will be accommodated by those existing within the building and will not require additional flows. There are no proposed changes to the surrounding site. It is estimated that the recycling center will require a total of three (3) parking spaces. Mr. Lansing described the existing parking surrounding the current building as “mass quantity” that is sufficient to serve all of the existing uses. Mr. Lansing concluded by stating that the proposed recycling center seems to be in character with the mix of uses existing within the mall and will not likely impose impacts to surrounding property owners. A long Environmental Assessment Form (EAF) has been submitted for review.

Mr. Lansing addressed the concerns identified by CHA Companies, stating that existing utility services will be retrofitted to meet the needs of the proposed tenant, that the site will be ADA compliant, and that no outside storage of any materials is proposed. The proposed new tenant who was in attendance at the meeting reported that there are no plans to use shopping carts to move large numbers of “returnables”: pull carts may be provided for customer use. These carts will be stored within the building. No additional dumpster will be provided. He reported that since five (5) vendors will be serviced by the site, truck traffic will be limited.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated November 17, 2009. The existing fencing was originally proposed to be removed: there is no mention of this in the narrative. Clarification of this exterior feature should be confirmed since the proposed entrance for this business is within the fenced area.

Mr. Scavo requested that the applicant include the following statement on the project plan: “No outdoor storage of redeemed recyclable materials shall be permitted.”

Mr. Romano reported that CHA Companies reviewed the concept plan dated November 4, 2009 for the above referenced project as prepared by Lansing Engineering, PC 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 with site plan approval being required. A copy of the existing PUD legislation should be provided to verify the proposal’s conformance with the previously approved application. It should be verified that adequate handicap parking and a handicap accessible route is provided for the proposed facility. If the facility will provide shopping carts for the customers, it is recommended that the applicant install a cart corral within the parking area. Any proposed building mounted light fixtures should be depicted on a site plan. The application should discuss in detail the proposed operation of the facility including the

storage of materials outdoors and the method of pickup of the recyclables. If an outdoor dumpster is proposed, its location and an enclosure should be depicted on the site plan. In light of the information provided at this evening's meeting, Mr. Romano believes that all engineering issues have been adequately addressed.

Mr. Montague, Environmental Specialist, reported that the ECC recommends that there be no outside storage of recyclable materials.

In response to Mr. Deleonardis' comments regarding any proposed changes to the existing fence, Mr. Howard Carr, Property Manager, explained that the fence will be removed and the parking lot will be restriped. Mr. Hale noted that the parking lot that will serve the facility is in need of substantial repair. Mr. Ophardt posed questions regarding the potential customers and the proposed route of travel for truck access. Mr. Carr explained that the facility will be used by local civic organizations for fund-raising as well as by the general public. It is expected that trucks will approach the facility from the rear of the building and access Vischer Ferry Road at the curb cut opposite the Price Chopper driveway. In response to Mr. Hale's question regarding future expansion, the tenant stated that expansion of the facility was unlikely. Though Mr. Koval was concerned that washing of containers may occur on site and that "unrecyclables" may cause waste problems, the tenant explained that no washing of containers was proposed and that "unrecyclables" will not be accepted. All containers will be hand sorted.

Ms. Pace 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. Koval moved, seconded by Mr. Hale, to grant preliminary and final site plan approval conditioned upon the following note being added to the plan: "No outside storage of recyclable materials will be permitted." The motion was unanimously carried.

[2009-028] **Law, Thomas and Cynthia** – Proposed (2) lot subdivision, 31 Longkill Road – Conceptual review. SBL: 259.9-1-2

Mr. Duane Rabideau, consultant for the applicant, presented this application for the Board's consideration. The applicant proposes the subdivision of a 6.87 acre parcel located on the west side of Longkill Road approximately 1,400 feet north of the intersection of Ushers and Longkill Roads. The parcel lies within an R-1 zoning district. The plan currently calls for the creation of one new building lot of 15,172 SF with 60 feet of frontage on Longkill Road to be located between the Lands of McCauliffe and the Lands of Decker. The remaining lands will total 6.52 acres with over 200 feet of frontage on Longkill Road. The proposed new home will be served by connection to the Clifton Park Water Authority and an individual septic system. Access will be provided by a driveway from Longkill Road. Mr. Rabideau explained that if the concept plan receives favorable comment from the Planning Board, the applicant will need two variances from the Zoning Board of Appeals. One would be for less than the required 200 feet of frontage at the building line: the second would be for less than the 40,000 SF required bulk requirement within the R-1 zone. The speaker explained that "the purpose of this submission is to get the Planning Board's initial reaction before submitting a request for variances to the Zoning Board of Appeals."

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application. Variances will be required for the proposed undersized lot: 40,000 SF are required as well as 200 feet of lot width at the building line. The plan should clarify whether or not the driveway for Lot #1 passes through what appears to be tree clearing. If neighboring properties are served by wells, their proximity to the proposed septic system should be indicated on the plan.

Mr. Scavo reported that Ms. Jen Viggiani, Open Space Coordinator, provided several comments regarding this application. She questioned whether the presence of wetlands influenced the proposed plan. If so, she recommends that jurisdictional wetland delineation be completed. It was noted that the property immediately adjacent to the subject property contains a major tributary of the Dwass Kill: a 100-foot non-disturbance buffer area is associated with this stream. Ms. Viggiani observes that the proposed 15,000 SF building lot is significantly smaller than surrounding parcels and “forces the house to be extremely close to the two existing adjoining residences.” The Open Space Coordinator recommends that the Board consider any planned future development of the larger parcel and the conveyance of a 15’ easement along Longkill Road to provide for future sidewalk or trail development.

Mr. Scavo explained that, in his opinion, the hardship for area variances would clearly be self-created and would create an undesirable change to the area: he did not support approval of the variance by the Zoning Board of Appeals. He explained that other design options are available that would permit the creation of a new lot that would comply with R-1 zoning regulations. Mr. Scavo expressed his concerns regarding the separation between the septic area and the well.

Mr. Montague, Environmental Specialist, explained that, following review of the project plan, the ECC provided the following comments and recommendations. The applicant should identify the topographical features of the proposed lot and abutting properties and any wells that serve those properties. The ECC recommends the disapproval of the proposed subdivision for the following reasons:

- a. The size of the lot, plus septic and traffic complications, do not readily allow for construction of a dwelling that does not impact the character of the neighborhood and in particular the adjacent dwellings.
- b. A precedent may be set for the future subdivision of similarly sized nonconforming lots.

Board members offered several comments on the application. Mr. Koval stated that, in light of the amount of land available for subdivision and the need for an individual septic system on the smaller lot, the proposal “made no sense” and was clearly not acceptable. Mr. Hale agreed that the proposed design was unreasonable. Mr. Bulger described he proposed 15,000 SF lot as “too substandard” and was doubtful that the Zoning Board of Appeals would grant he required lot size variance. Board members agreed that the subdivision plan as proposed was unacceptable.

Minutes Approval

Mr. Bulger moved, seconded by Mr. Deleonardis, approval of the minutes of November 10, 2009 as written. Ayes: Ophardt, Pace, Hale, Deleonardis, Werner, Koval, Bulger. Noes: None. Abstained: Paulsen.

Mr. Bulger moved, seconded by Ms. Pace, adjournment of the meeting at 8:40p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on December 8, 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