

# Town of Clifton Park

One Town Hall Plaza  
Clifton Park, New York 12065  
(518) 371-6054 FAX (518)371-1136

## PLANNING BOARD

Rocco Ferraro  
Chairman

PAUL PELAGALLI  
Attorney

Margaret Springli  
Secretary



## MEMBERS

Michael Hale

Joel Koval

Eric Ophardt

Sandra Pace

Kim Paulsen

Tom Werner

(alternate) Emad Andarawis

Those present at the January 11, 2011 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, M. Hale, J. Koval, E. Ophardt, S. Pace, T. Werner, E. Andarawis – Alternate Member

Those absent were: K. Paulsen

Those also present were: J. Scavo, Director of Planning  
J. Romano, CHA Companies  
M. Montague, ECC  
P. Pelagalli, Counsel  
M. Springli, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:03p.m. All in attendance stood for recitation of the Pledge of Allegiance, led by Mr. Ferraro. The Chairman introduced himself and his credentials as newly appointed chair to the Planning Board.

### Public Hearings:

7:00 pm. [2010-040] Olive Garden Subdivision– Proposed subdivision for a restaurant parcel, 22 Clifton Country Road - Preliminary public hearing and possible determination. SBL: 272.-1-31.11 and 31.2

Mr. Ferraro opened the Public hearing for the Olive Garden Subdivision at 7:05pm. The Planning Board Secretary read the public hearing notice as it was published in The Daily Gazette on January 3, 2011.

Joe Dannible from Environmental Design Partnership reviewed the history of the Olive Garden Project. He noted that variances have been granted by ZBA on parcels 1 and 3 as

shown on the subdivision plan and that the ZBA would hear variances of lot 4 when the site plan phase begins. He remarked that tonight's submission is related only to the subdivision of the parcels, one 1.88 parcel will be created where the existing Dunkin Donuts stands and the 2.7 acre parcel will be another outlying retail parcel to the mall which would require future site plan approval as that parcel becomes intended for use.

The Planning Director, Mr. Scavo read notes prepared by the Mr. Steve Myers, Director of Building and Zoning:

- Subdivision map does not reflect new building proposed location. Several variances for the building and signs were approved and reflected on the site plan submitted for the variance.
- Variances were approved were for parcel #3 only. Parcel #4 and #1 were not considered during variance hearing.
- A full SWPPP will be required.

Planning Director's comments:

- The final subdivision map prior to stamping should display the assigned 911 addresses which are 303 Clifton Park Center Road for Parcel #3 and 309 Clifton Park Center Road for Parcel #4.
- The existing crosswalk on Clifton Park Center Road, between the 99 Restaurant and Clifton Park Center Mall should be delineated.
- As per prior comments on 11/23/2010 the following comment still needs to be addressed:

1. Applicant needs to properly delineate parcel ID #s

Mr. Scavo added that a notice of decision by the Board for the subdivision can and should be made "subject to and together with the rights and obligations under Declaration of Reciprocal Easement Agreement" which is attached hereto. The Director also noted that this has been set up for cross access easement for utilities and vehicles as has been done for other projects at the mall since DCG took over.

CHA Comments

- Ingress/egress easements or access agreements should be provided for Parcel #3 and Parcel #4 to utilize the access drive on Parcel #1.
- Existing and proposed utilities are not depicted on the plan and as such it cannot be determined if utility easements, agreements or the creation of public utilities is required.
- The plan indicates that area variances have been granted for the proposed greenspace for Parcels #2 and #3. However, the plan does not indicate if a

variance has been granted for Parcel #4.

ECC Comments:

- no additional comments

Mr. Ferraro announced that the alternate Emad Andarawis will sit in for Mrs. Paulsen tonight as a voting member.

Public Comment

No public comments.

Mr. Ferraro moved to close the public hearing at 7:15 pm, seconded by Mr. Koval. The motion was unanimously carried

Mr. Hale mentioned that site plan review seems to be the critical part of the project. Mr. Ferraro stated that pedestrian connectivity is the most important aspect here at this mall and would like to see that show on the site plan when it is brought in for submittal. Mr. Dannible agreed to look at that for the future submittal.

Mr. Ferraro moved, seconded by Mr. Werner, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. Ayes: all, Noes: none. The motion was unanimously carried.

Mr. Hale offered Resolution #1, seconded by Mr. Ophardt to waive the final hearing for this application and to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, and CHA Companies.

Ayes: Mr. Ophardt, Mrs. Pace, Mr. Hale, Mr. Koval, Mr. Werner, Mr. Ferraro, Mr. Andarawis

Noes: none

Abstained: none

Mr. Ferraro told the applicant that they will receive a Final Review Letter from Town Staff to note any remaining outstanding items for this application that must be satisfied prior to final stamping of the approved plan.

## II. **Old Business:**

- A. [2010-004] **Park Dental** – Proposed construction of a dental office, 923 Route 146, Preliminary site plan review and possible determination. [SBL: 271.-2-24.1](#)

Gavin Villaume of Environmental Design Partnership welcomed the new chair and introduced the project and gave a brief history of the numerous revisions at this location. The speaker also noted that a response letter to CHA comments was submitted to the Planning Board. Mr. Villaume remarked that land banked parking is an outstanding issue. It was stated that the applicant will occupy 2/3 of the building and he knows that his business will not need 60 spaces so 50 are shown as being built on the plan with a land bank area of an additional 10 spaces if future parking expansion is required. Mr. Villaume commented that the applicant would prefer not to disturb the area and cut down the trees and fill land if not absolutely necessary, but would agree to do so if it becomes an issue. The speaker also stated that the older home on the property has been reviewed by the Historic Preservation Committee for inventory and identification of possible salvage parts but other than that the building is not going to be reused. It was noted that the stair banister and a sign in basement are probably the most significant features and they would be offered to the Town or residents for potential restoration and reuse. Drainage on site was discussed as was landscaping along the front corner of the building at Bruno Road and Route 146. Mr. Villaume also noted that the applicant would prefer to keep tall plants out of the front corner along the intersection for safety reasons. The consultant stated that a 100X200 SF area in the Northeast corner of the parcel has been filled in previously and the material is not stable and therefore will be removed and refilled properly.

The architect Ms. Randeep Johar gave a preview of the facade renderings with hip roof, symmetrical full-front brick sections on either side of a curved alucobond panel. Ms. Johar stated that a standing seam metal roof in either a grey tone or dark green tone that complements the brick would be used. The building dimensions would include 12' height on face, 27' on peak of hip roof.

Mr. Ferraro asked to clarify that the applicant is currently planning to initially build 50 spaces in parking as opposed to the 60 spots as per code. Mr. Koval asked about the slope if 10 other spots were used. Mr. Villaume noted that it would be the same 3 on 1 slope as the rest of the parking spaces and no retaining wall would be needed.

#### Staff Comments

Comments submitted by Steve Myers, Building and Zoning Director were read by the Planning Director:

- A stormwater maintenance agreement and all the required certifications will be required.

The Planning Director, John Scavo noted that:

- the architectural rendering fit residential character of area.
- he appreciated the applicant working with the Historic Preservation Commission to salvage what is possible from the older building.
- Sign off from Clifton Park Water Authority

- Reflective red delineators to be shown in parking lot on the north side above the slope.
- the terminus of the sidewalk should go out to Bruno Road

CHA Comments:

- A portion of the roof runoff will be directed to the proposed low area in front of the building. A volume calculation of the storage of the low area compared to the anticipated volume of run-off directed to the area should be provided. It appears the proposed grading will direct overflow from this area to the stormwater management area. This should be reinforced on the plan with additional spot elevations along the swale.
- The proposed low area in front of the building should include appropriate landscaping.
- Additional spot elevations should be provided around the proposed dumpster area. The pad should drain toward the pavement and stormwater management area.
- The typical parking and striping detail is not consistent with the parking spaces size depicted on the layout plan.
- We are concerned with the accessibility of the two innermost parking spaces of the dead end aisle. It appears the landbank parking plan could be revised to include two spaces where the striped aisle is proposed which would allow for the two innermost spaces to be eliminated.
- A stop sign should be provided at the exit of the access drive intersection with Bruno Road.

ECC Comments:

- Due to the additional vegetation cutting and grading on the northeast side of the lot, in the stream buffer area, the Applicant should submit necessary paperwork, including stream disturbance application, to NYSDEC for approval.
- Additional tree plantings on the graded area to the northeast side of the lot for bank stabilization and sediment capture.
- Due to the possibility of liquid or biomedical wastes leaking from the on-site dumpster into a surface water body, the ECC recommends the applicant enclose the area on an impervious surface with a berm surrounding the dumpster that accepts liquid or biomedical wastes. If necessary, the Applicant will need to periodically pump out the accumulated wastes within the bermed area to avoid any overflow.
- The Applicant should be encouraged to place the remaining open space adjacent to the streams into the Conservation Easement Program.

Dan Hartnett, 32 Southbury Road, Clifton Park, NY, a member of the Trails committee, asked about extending the right of way in towards Bruno if not necessarily a trail for the

future. Mr. Villaume noted that a 15 foot easement could be granted to the Town along Bruno Road.

Planning Board Discussion with applicant and staff input

Mr. Hale agreed with recommendations to stabilize the 3 on 1 slope that could be a future problem near the wetland area. The applicant noted that possible matting or ground covers would be used. Mr. Werner noted his concerns about traffic queuing near ingress and egress on Bruno Road. Mr. Villaume stated that driveway was placed as far North as possible on lot and elimination of driveway on 146. Mrs. Pace mentioned that she encouraged ground cover on the slope. Mr. Koval noted that past plans had shown a sidewalk on Route 146. Mr. Villaume replied that there is a large state right of way on Route 146 and that it would be up to the State to determine if a sidewalk would ever be placed there, but that right of way could be shown. Mr. Ferraro asked for landscaping to stabilize slopes, pedestrian walkways need to be accommodated on plan if not actually built at this time to be considered for potential future Route 146 pedestrian study. The Chairman also noted that the land-banked parking would be approved for an initial 50 spaces and that the applicant would submit for a revised site plan review if the extra 10 spaces are needed. The Planning Board members agreed that a note on the plan for further review and approval of added spaces would be acceptable. Mr. Hale asked if potentially a rain garden with might be considered on the plan. Mr. Villaume stated that could be considered as a small area feature in a low spot. It was generally agreed that the Board, staff and professionals would all like to see a rain garden in the final stamped plan.

Mr. Koval moved, seconded by Mr. Werner, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. Ayes: all, noes: none. The motion was unanimously carried.

Mr. Hale moved, seconded by Mr. Ophardt, to waive the final hearing for this application and to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, and CHA Companies. (All in favor, none opposed.) The motion was unanimously carried.

Mr. Ferraro noted that for the record, the applicant will receive a Final Review Letter from Town Staff to note any remaining outstanding items for this application that must be satisfied prior to final stamping of the approved site plan.

III. **New Business:**

None

IV. **Minutes Approval:**

Mr. Hale moved to accept the minutes of December 7, 2010, seconded by

Mr. Werner.

Ayes: Ophardt, Pace, Hale, Koval, Werner, Andarawis

Noes: none

Abstained: Ferraro

V. **Discussion Items:**

Mr. Ferraro moved to appoint Mr. Koval as Vice Chairman for 2011, seconded by Mr. Andarawis,

Ayes: Ophardt, Pace, Hale, Koval, Werner, Andarawis, Ferraro

Noes: None

The motion was unanimous

Mr. Werner noted that he will be absent until April but that he will be happy to review and send via email his comments , Mr. Koval will be absent February 8th, Mrs. Pace will be absent February 8th

Mr. Andarawis remarked that he would be available

Mr. Ferraro moved to close the meeting at 7:55 pm, seconded by Mrs. Pace. The motion was unanimously carried.

Respectfully Submitted,

Margaret Springli  
Acting Planning Board Secretary