

# 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 March 8, 2011 Planning Board meeting were:

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

Those absent were: T. Werner

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

Mr. Rocco Ferraro, Chairman of the Planning Board, called the meeting to order at 7:04 pm and asked everyone to stand for the Pledge of Allegiance. The chairman stated that Mr. Emad Andarawis is sitting in as a voting member for Tom Werner tonight.

Next, Mr. Ferraro stated that there was a public meeting held by the Town Board at its meeting the prior night regarding solar panels and that the Planning Board would be given the task to review solar panels as Special Use Permits for residential properties and site plan review in commercial plans if the regulation was passed. Mr. Ferraro also noted that there would also be process put in place regarding Planning Board review of wind related projects.

Mr. Ferraro then informed those in attendance that a new Exit 9 study was being planned and 14 teams have submitted applications and that review would be taking place on Thursday of those applications.

## I. Public Hearings

None

## II. Old Business

**A. [2008-028] Peddler's Restaurant** - Proposed stormwater improvement and parking lot amendment to approved site plan, 16 Clifton Park Village Road, Preliminary site plan amendment and possible determination. SBL: 272.9-1-1.2

Tom Andress with ABD Engineers and Surveyors reviewed the proposed amendment to the existing parking lot and stormwater management plan as shown on the previously stamped site plan. Mr. Andress stated that drainage issues have been creating some issues with traffic hazards at times and the occupant of the space also needs to increase parking, so the applicant has chosen to include both solutions in the one amendment. The consultant noted that Zoning variances have been obtained with ZBA. The speaker also noted that 42 extra spaces are proposed to bring the amount up to 106 spaces and the existing parking agreement with the hotel does not specifically designate spaces for either the hotel or the restaurant. Mr. Andress stated that the stormwater system would be changed from an open system to an underground one.

*Staff Comments*

- a. Building and Zoning Director Comments as read by the Planning Director
- No approval will occur until ACOE permit for work is confirmed.
  - Maintenance agreement with the town will be required.
  - Inspection funds must be submitted prior to start of work.
  - Variance #80777 granted 0' parking setback.
  - Significantly more detail will be required for retaining wall installation to ensure protection of the down slope stream areas. Design of retaining wall shall comply with the BCNYS and be verified by the TDE.
  - Silt fence shall be installed parallel to the contours – correct the erosion control plan.
  - Protection of the steep slope and adjacent drainageway will be a paramount concern.
  - Existing drainage easement must be modified to reflect entire drainage area under pavement.
  - Do not believe work is extensive enough to alleviate all drainage concerns in the area. An example is the overflow discharge is very close to parking expansion and should be moved further from proposed location to avoid erosion issues.
  - Submission of final version of **entire** SWPPP required for approval (previous SWPPP not reviewed by this office)

SWPPP Comments

- Pg 1 – 8.1 acres of disturbance? Is it below 5 acres or not?
- Dwaas Kill must be protected 303(d) listed.
- Pg 19 – Soil restoration shall be a minimum of 25 around structures not 5-25'.
- Pg 21 – Soil testing not completed. Can't be complete plan as a result since an underground detention facility is proposed and cannot be fully

designed until soils data is available.

- Do not believe the outdoor storage area is a good location for the underground stormwater system due to the potential of contamination from equipment and materials stored there and the compaction potential from heavy traffic.
- Practices appear to be privately owned so a maintenance agreement shall be required. Records must be kept so the town can verify the maintenance occurs.
- Phasing plan to limit disturbance to under 5 acres not included.

b. Planning Director's comments

- would like to see "No Parking, Fire Lane Signs adjacent to the split rail fence in the vicinity of the Southwest Corner of the Building across the two way traffic flow lanes.

c. CHA Comments

We have reviewed the site plan dated May 5, 2010 and the Stormwater Management Report dated February 2, 2011 for the above referenced project as prepared by ABD Engineers and Surveyors. We offer the following comments:

1. The parking layout has been revised since the last submission. In general, understanding that there is a significant parking deficiency at the site due to the type of restaurant/bar use, the proposed layout for additional parking appears acceptable.
2. Top and bottom wall elevations should be provided along the length of the proposed retaining wall.
3. A detail of the 24" storm sewer pipes through the proposed retaining wall should be provided.
4. The 5'x5' rip rap outlet at the two 24" storm sewer pipes appears to be undersized. The outlet should be sized in accordance with the New York State Standards and Specifications for Erosion and Sediment Control.
5. The make and model of the proposed CDS Unit should be depicted on the plan.
6. Additional detail of the storm sewer connection from the existing CDS Unit to the proposed underground storm sewer system should be provided.
7. The Erosion and Sediment Control Plan does not address how construction related runoff will be treated. It appears a temporary sediment basin or sediment trap will be required. Additional detail of the construction phasing and sequencing should be provided on the plans.
8. It should be discussed if the proposed improvements will be constructed while the restaurant will be open. The operation of the site during construction should be reviewed.
9. A 12' riser should be provided for each length of pipe of the underground storage system to allow for future maintenance.

10. We offer the following comments on the Stormwater Management Report dated February 2, 2011:
  - In general, the proposed underground storage system appears to provide adequate volume to mitigate for the removal of the existing basin and provide storage for the additional impervious area.
  - A predevelopment drainage area map should be provided.
  - The post development drainage area map depicts the roof drainage being conveyed to the proposed system. It should be verified that roof drainage will in fact be conveyed to the system.
  - The proposed flow to each of the CDS Units should be quantified in the report.

d. ECC Comments

After review of the data presented, the ECC made the following recommendations:

1. The ECC notes that the project includes extensive paving adjacent to, and in the vicinity of the tributary of the Bear Brook (a trout spawning stream). 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.
2. The ECC notes that sensitive environments exist on the project site, thus there is a potential for environmental impacts to these areas in the event that the capacity of the stormwater management system is inadequate. As such the Applicant's Drainage, Stormwater and Erosion Control Plans should be protective of these environments, during construction and occupation of the project. It appears that there is minimal stormwater sediment filtration and no removal mechanisms for oil/grease from the parking lot. The runoff, therefore, discharges almost directly into the stream.
3. Eliminate the diagonal parking spaces on the South side of property and relocate the exit to the north. This will allow the newly piped stream to drain to the existing natural swale prior to merging with the other stream thereby minimizing the environmental impact of channelizing the stream.
4. ECC is concerned about who will be responsible for the maintenance of the channelized stream on Town property

*There was no public comment offered at this time.*

**Planning Board Discussion**

Mr. Hale questioned the location of the construction entrance. Mr. Andress pointed to the Southern entrance on the map. Mr. Andress also explained that the slanted parking lots were placed in answer to requests from the Stormwater officer and explained that there are two CDS units on the plan which will address much of what the ECC suggested. Mr. Andress remarked that this is the acceptable practice for parking lots. Mr. Ferraro stated that the piping of the stream is not the preferred practice normally but based on existing concerns expressed by the highway department in this particular case, it might be the most desired situation here. The chairman asked Mr. Grasso if that was agreeable to

CHA and Mr. Grasso replied that CHA was satisfied. Mr. Ferraro requested a site inspection escrow account being established to allow for a professional inspection prior to closing up that area. The Planning Board found this generally acceptable. Mr. Hale suggested that the phasing plan be included for stamping. Mr. Ferraro asked if there was even room for a trail or was any landscaping proposed.

Mr. Andress stated that parking comes right up to the property line and a row of shrubs was proposed at the front edge of the parking. Mr. Scavo stated there could be room in the right of way for a future sidewalk but there are many obstacles that would need to be addressed. The applicant is not looking to do so at this time but has planned parking to be outside the right of way so the town could do that later.

Mr. Ophardt then asked about the existing drainage easement. Mr. Andress stated that the agreement that is in effect would still cover the new amendment as it is currently granted to the Town and should not need any changes. Mr. Scavo also stated that the maintenance agreement should cover it.

Mr. Pelagalli asked for the stamped site plan to include the phasing plan and a statement that allows the Town to insure compliance with it as part of the stamping to amendment. The Planning Board was in agreement that that should be a condition of the approval.

Mr. Hale moved, seconded by Mr. Andarawis to establish the Planning Board of the Town of Clifton Park as Lead Agency for this application, an unlisted actions, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Ophardt moved, seconded by Mr. Hale to grant approval on a previously approved site plan approval conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, and CHA Companies. All in favor, none opposed. Unanimously carried.

Mr. Ferraro stated, for the record that 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.

## **II. Old Business**

- B. [2010-034] DeLeonardis, Michael** - Proposed construction of a commercial building. Site plan review, 1858 Route 9. Preliminary site plan review and possible determination. SBL:265.-1-15.11

Mr. Brian Osterhout of M.J. Engineering and Land Surveying, PC presented the plan for this project to build a warehouse and office headquarters for the applicant. The consultant stated that the applicant will address CHA comments as project progresses through the next step in the review process. The speaker noted that the applicant is awaiting DEC jurisdictional determination in order to proceed with the plan as proposed.

Mr. Osterhout noted that the applicant can move the dumpster enclosure if the proposed location is not agreeable to the Board.

*Staff Comments*

e. Building and Zoning read by Planning Director

- Quantity and quality tests for the well are required prior to issuance of a building permit.
- Per 208-54 a ruling by the planning board is required to allow a lot over 3 acres.
- Note required on plans per 208-55D that public utilities shall be required as soon as available.
- Not addressed from previous comments is that property is a keyhole lot and requires variance from Section 208-86.

f. Planning Director's comments

- Will wall pack lighting be utilized on the building and if so, they should be noted on the plan prior to stamping.

g. CHA Comments

We have reviewed the site plan dated February 16, 2011 and the Stormwater Pollution Prevention Plan dated February 2011 for the above referenced project as prepared by MJ Engineering and Land Surveying, P.C. We offer the following comments:

1. In general, the plans do not provide sufficient detail and do not conform to design standards to warrant consideration of final site plan approval.
2. The storm water management system design and septic system design are not based on any actual soil investigation results. These investigations were to be completed during initial concept design and are to be the basis for all final system design. Without these results, comment on the proposed types of systems is not possible. NYSDEC regulations specify the type and amount of required soil testing.
3. There is an existing wetland within the project site. Confirmation must be provided by NYSDEC whether this is a state regulated wetland. The Storm Water Pollution Prevention Plan indicated "Coordination with NYSDEC is ongoing and it is anticipated that the wetlands may be considered state-regulated". If the wetlands are state regulated, they will be subject to a 100-foot wetland adjacent area and the project as designed will not be in conformance with state or Town land use regulations.
4. The project involves significant land grading of approximately five acres to accommodate speculative future development, however no temporary or permanent storm water controls from the area to be cleared and re-graded has been provided. This has not been appropriately evaluated in the storm water management report and is not in accordance with the NYSDEC storm water regulations.
5. A grading and clearing limit line should be added to the plans and must indicate a total disturbance consistent with that documented in the SWPPP.

6. A detailed construction phasing plan should be provided that indicates the two acres of disturbance at one time as noted in the SWPPP.
7. The proposed building will be served by an on-site septic system due to the lack of municipal sewer service in close proximity to the project site. No basis of design information in support of the proposed septic design has been provided.
8. The plans indicate a 1,500 gallon septic tank and 1,500 gallon dosing tank, yet the detail references a 1,000 septic tank. Details for the actual structures to be used should be provided, including that of the pumping arrangement. In addition, the inlet and outlet arrangement shown is not consistent with the way these tanks are manufactured. A minimum of five feet of separation between the two tanks should be provided to allow adequate compaction around the tanks and to support the discharge piping. The septic system details appear to be those for a typical gravity fed residential septic system and should be representative for the dosed system proposed. The design should reflect conformance with NYSDEC requirements, not NYSDOH requirements. Relative inverts and pipe slopes for the various system components should be shown.
9. The location of the existing septic system on the adjacent lot should be provided to verify adequate separation distances.
10. The septic details indicate laterals spaced six feet on center yet the plans appear to indicate laterals spaced twelve feet on center.
11. The plans indicate the proposed well location is to be determined by the owner, engineer or well driller. This is not acceptable. The exact location of the proposed well should be shown on the plans to verify acceptable separation distances.
12. The SWPPP indicates a minimum of 6" of topsoil, yet a minimum of 2" is reflected on the plans. We recommend a minimum of 6" as called for in the SWPPP.
13. Wind erosion protections should be provided.
14. Silt fence should be installed parallel to the proposed contours. Some areas of slit fence are proposed perpendicular to the contours which will channel the run-off.
15. Test pits and percolation tests should be performed within the limits of the proposed drywells.
16. In general, the finished floor of the proposed structures appear too low in relation to surrounding grade unless the sidewalls of the facility will be appropriately water proofed and damp proofed. If conventional construction techniques will be used, modifications to the proposed grading plan are required.
17. The plans should specify the proposed size and type of water service material.
18. The proposed bottom elevation of the rain garden is one foot above the finished floor elevation of the warehouse. It should be verified the rain garden will not impact the warehouse foundation.

19. The proposed roof drainage should be depicted on the grading and drainage plan. The grading plan should be revised to redirect runoff away from the proposed tile field area.
20. The plans indicate the existing 24" diameter spruce trees, 18" diameter cedar and 28" diameter maple are to be preserved, which we support, yet the grading plan indicates substantial grading within the drip line of the trees. It is unlikely these trees will survive and provide any long term buffering.
21. The plans include a number of gravity sanitary sewer details. Please indicate which structures are to be constructed in accordance with these details.
22. A cut sheet of the proposed building mounted lights should be provided. A note should be added to the plans indicating that wall packs will not be permitted.
23. The rain garden and bioretention details refer to the landscaping plan for planting details. The landscaping plan does not include planting for these features.
24. Wetland protection barrier fencing should be provided around the wetland area.
25. The asphalt wing wedge curb detail #11 on sheet C-201 does not appear to have the capacity to convey stormwater runoff, particularly around the curve around the west side of the proposed building. Once runoff is concentrated, it should not be directed across the proposed parking area. The grading is not reflective of a 6" high curb as detailed.
26. The proposed grading is incomplete along the adjacent lands of Tourtellot and may adversely impact this property.
27. The plans depict the dumpster approximately three feet from the adjoining residential property. We recommend it be relocated to a location more internal to the site and a minimum of ten feet from any adjoining property line.
28. Any proposed swales and ditches should receive either erosion control matting or rip-rap to provide scour protection.
29. We offer the following comments on the Stormwater Pollution Prevention Plan dated February 2011:
  - The surface stormwater conveyance design for the impervious parking area is not adequate to handle stormwater flow and does not support uniform sheet inflow to the proposed grass strip and bioretention practice on the plans.
  - Question 2 of the NOI indicates the project is a redevelopment. However in Question 3 of the NOI, the pre-development existing land use column is checked as "pasture/open land" and the post-development future land use column is checked as "Commercial" which is developed. This choice reflects new development rather than re-development.
  - In the Stormwater Erosion and Sediment Control – 2.1 Construction Phasing section, Provide phased staged construction sequence notes with the total disturbed acreage for each phase. This sequence should reflect staged construction sequence notes on the ESC plans.
  - In Section 4.4 Proposed Water Quantity, Runoff Reduction and Quality



Controls, the narrative gives a sense that only a portion of the WQv is required to be reduced by utilizing infiltration, groundwater recharge, reuse or recycling. According to the Stormwater Management Design Manual, all of the WQv must be reduced in the RRv utilizing green infrastructure techniques and SMPs with RRv capacity.

h. ECC Comments

After reviewing the below listed projects at our meeting of March 1, 2011, the ECC has no additional comments.

*There were no public comments offered regarding this project.*

**Planning Board Discussion**

Mr. Hale asked about when the grading might be done for the larger site. Mr. DeLeonardis stated that he would like to grade now and use the fill in the lot with the proposed building location. The applicant agreed that they will have to show a phasing plan for the construction and will go for a variance if it is necessary. The consultant stated that the soil is mostly sand and the graded area will be seeded and stabilized. Mr. Hale also remarked that the dumpster might be located more on the southern end of the building.

Mr. Ferraro then asked if there were other concerns regarding the graded area. Mrs. Paulsen asked if MVP as noted on the plan and Michael DeLeonardis were one and the same and the applicant responded yes. Mr. Ophardt then asked how many vehicles would be kept on the property and the hours of operation. Mr. DeLeonardis responded that the site is to be used for storage of equipment (scaffolding and planks) and forklifts, bricks, blocks between jobs. Mr. Ferraro explained that visual appeal and aesthetics would be considered critical to the Planning Board even with storage of materials.

The chairman also asked about the stormwater ppp and Mr. Osterhout explained that there is not much chance of pollution impact with the types of equipment and materials used here but that they will look at that and address it in SWPPP at the next submittal. Mr. Koval stated that Planning Board would defer to Mr. Myers judgment on the SWPPP. Mr. Ferraro asked if that much fill was required here. Mr. George Turner with M.J. Engineering explained that it was needed to create a gentle sloped effect here on the entire property. Next, Mr. Ferraro asked what the topsoil stock area was that was shown on the plan. Mr. Osterhout and Mr. Grasso explained that it was a temporary pile only during the construction process. Mr. Ferraro asked for a definition of temporary. Mr. Grasso stated that is governed by existing regulations but parameters could be limited per the plan approval. Mr. DeLeonardis stated that they would like to start it and finish it as soon as possible and he would agree with a construction season timeframe for the grading plan.

Mr. Ophardt then asked if the neighbor was aware of the plans. Mr. Osterhout explained that Mr. DeLeonardis has approached the occupant about possibly buying that land but believes it is renter occupied. Mr. Ophardt asked if there was an impact to this other parcel being made by the stormwater plan on the proposed property. Mr. Osterhout stated they are not allowed to divert drainage to someone else's property. Mr. Grasso

explained that there were no concerns along those boundaries. Then Mr. Hale asked about the proposed rain garden. Mr. Grasso explained that it was meant to address the flow from Route 9.

Mr. Ferraro then asked whether Halfmoon was involved since one lot straddles the town line. Mr. Kevin Dailey, another consultant for the applicant stated that the Town of Halfmoon has been notified and as per agreement, after approval in Clifton Park, it would be taken to Halfmoon for approval. Mr. Turner also explained that a copy approved here will be submitted to Halfmoon according to established practice. Mr. Scavo explained that Town of Clifton Park has been in contact with Halfmoon as is customary upon submittal of preliminary plans when a property bounds the townline.

Next, Mr. Andarawis asked what material might be used in 6 ft. fence noted on the plan. Mr. Turner stated it could have vertical slats in any color that the Planning Board requests. Mr. Hale remarked that he prefers the black as stated on plan. Mr. Ferraro asked if any existing trees would be kept. Mr. Osterhout stated they would be noted on the plan prior to stamping.

The applicant thanked the Board for their consideration and noted that he will come back with these requests on his next submittal along with a SWPPP for review.

### **III. New Business**

None

### **IV. Minutes Approval**

Mr. Hale moved, seconded by Mr. Ophardt to accept the minutes of February 8, 2011.

Approved by: Ferraro, Ophardt, Hale, Andarawis

Absent: Werner

Abstained: Paulsen, Koval, Pace

### **V. Discussion Items**

None

Mr. Ferraro moved, seconded by Mr. Ophardt to close the meeting at 8:27 pm. The motion was unanimously carried.

Respectfully Submitted,

Meg Springli  
Acting Planning Board Secretary