



Planning Board Minutes

April 26, 2011

Those present at the April 26, 2011 Planning Board meeting were:

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

Those absent were: None

Those also present were: J. Scavo, Director of Planning;
J. Grasso, Clough, Harbour and Associates;
R. Milano, M. J. Engineering and Land Surveyors;
M. Montague, Environmental Specialist;
P. Pelagalli, Counsel;
M. Springli, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:02 p.m.

All in attendance stood for recitation of the Pledge of Allegiance.

The Chairman, Rocco Ferraro noted that One Fairchild Square Site Plan Review has been pulled from the agenda by the applicant and under New Business Premier Dance Studio will be moved up to the first item in that category.

Mr. Ferraro also reminded the staff that there would be a workshop on June 15th at HVCC run by Capital District Regional Planning Commission regarding stormwater management regulations that have been put into place as of 3/1/2011 and green infrastructure initiatives. The chairman remarked that planning board members could earn some of their required credits at these sessions. Information regarding the workshop will be made available via email.

I. Public Hearings

None

II. Old Business

- A. **[2008-010] Prestige Motor Co.** – Proposed amendment to stamped plan for parking lot modification, 1928 Rt. 9. Preliminary site plan review and possible determination.
[SBL: 259.-2-30.111](#)

Tom Andress, ABD Engineers and Surveyors and Joe Verillo, owner of Prestige Motor Co. presented the application as an amendment to a plan that had been

previously approved and stamped in 2008. Variances were obtained July 2010 to allow parking in front of the building. Mr. Andress located the property and the neighboring landmarks in the L-2 zoned site. Mr Andress also gave a brief overview of the history of the project. The consultant stated that the applicant would like to add 7,000 sf of parking display in the front of the property along Route 9 with crusher run and lighting. The speaker added that originally a building had been constructed to store vehicles, but the applicant states that due to the economy, it was necessary to lease that building out and move the display area outdoors.

S. Myers Comments as read by J. Scavo

- Use variance #80692 approved 4/15/08 to allow automotive sales in a Light Industrial zone.
- Area variance #80785 approved 7/20/10 to allow parking in front yard in a Light Industrial zone (208-65E.(1)).
- Only appears to be 15' plus/minus between the edge of the federal wetland and the NYSDOT right-of-way. The proposed road and silt fence appear to encroach upon the wetland. An ACOE permit will be required as a result. I believe the close proximity to NYSDOT right-of-way will result in encroachment into the right-of-way and a work permit should be obtained from NYSDOT as well.
- Protection of the wetland will be the major priority. If the NOT for the project has not been filed, modification to the existing SWPPP to reflect the new work will be sufficient.
- The noted approved variances should cover this modification.
- This proposal does not cover any future building expansions.

Mr. Ferraro asked for clarification of the distance from the wetlands and right-of-way. Mr. Andress showed on the plan the details that would address the concerns and eliminate encroachment on the wetlands and the right-of-way. The consultant stated that the entry to the parking area would be narrowed down to a ten feet width but since this was not intended for customer parking it would work for the applicant.

CHA Comments read by Joe Romano as originally submitted 4/7 and revised per updates submitted per Tom Andress.

We have reviewed the revised site plan dated March 2011 for the above referenced project as prepared by ABD Engineers and Surveyors. We offer the following comments:

1. The previous site plan amendment in January 2010 indicated the previous pond/fountain/storm water management area in the southeast corner of the site was to be filled because the pond was no longer needed for fire protection purposes, and "to improve aesthetics". There were no proposed changes to the three concrete vehicle display pads next to the building, and no mention of the display of additional vehicles in this area. A review of the existing site conditions indicates approximately fifteen vehicles in this area which is not in conformance with the previous site plan approval. If the area is intended to be used for the display of vehicles, it should be included in the current site plan application.

2. The currently proposed vehicle display area in the northeast corner of the site is in an area previously noted as “Area to remain undeveloped and in its present natural condition”. This previous site plan requirement was due to the area providing an appreciable greenspace buffer along the site’s frontage as well as a buffer to the existing wetland complex immediately to the west. In general, we are not supportive of the proliferation of vehicle display areas on greenspace along the Route 9 corridor. This had also been a significant site plan review consideration for the former Dodge dealership to the south, which ultimately was restricted from having vehicle displays in the front yard setback.
3. We are concerned with the potential impacts to the adjacent wetlands during construction and the potential for incremental impacts during the site operation. The wetlands are important headwaters to the DwaasKill, which is a NYSDEC designated impaired water way worthy of special protection.
4. If the proposal remains under consideration, additional grading detail within the proposed display area should be provided. It appears a portion of a swale that may act as an overflow for the wetland areas will be filled as part of the project. The impacts associated with the installation of the display area should be verified.
5. Additional detail of the proposed stone trench and perforated pipe along the edge of pavement should be provided. Conformance with the original SWPPP and Stormwater Management Report will be required. Calculations documenting the proposed stormwater conveyance and treatment should be provided.
6. The plan depicts two “Optional Pole Lights” within the proposed display area. Additional detail of the proposed lighting should be provided. We are concerned with the potential impact associated with the proposed lighting on vehicles traveling on Route 9.
7. A note on the plan indicates that a variance was granted for car display in the front yard setback. Additional detail of the variance should be provided such as dated approved and any conditions associated with the approval such as number of cars allowed, parking setbacks, etc.
8. A Short Environmental Assessment Form should be provided with the application.
9. The plan depicts a property line through the existing northern building. It should be verified that the lots were combined during the original review and approval of the site plan.
10. The plan provides site statistics both including and excluding the 3000 square foot building addition that was previously approved. Clarification should be provided regarding when the proposed addition will be constructed.
11. The proposed project appears to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. Involved agencies are expected to include the following:
 - Clifton Park Planning Board – Site Plan Amendment
 - Clifton Park Zoning Board of Appeals – Area Variance

Mr. Andress explained that some notes regarding preserving an area of the land on the stamped plan are not restrictions that had been discussed in any prior planning board meeting nor mentioned in any notice of decision as a condition of that

approval. Mr. Scavo stated that his research and Mr. Myers' do not show the note to preserve as a condition in his records either or the records of the ZBA. Mr. Ferraro commented that a note appearing on the plan is assumed to be a part of the plan whether the planning board asked for it or not. Mr. Pellagalli stated that if it is on the stamped plan, that is what the board approved.

Mr. Address next showed on the site plan how the stormwater runs across the property in response to a question from Mr. Romano, pitching to the front away from the wetland. Then Mr. Address noted that the soil is very sandy. The consultant also stated that the SWPPP could be modified with the original Notice of Intent as the Notice to Terminate had not been completed yet. Mr. Address stated that the property owner will be combining the two parcels into one so the property line will no longer go through a building. Mr. Address stated that was the original intention of the Verillos. Mr. Scavo responded that it should be done soon and need not wait for the approval.

Next, Mr. Address described the lighting that will be added to the front.

M. Montague read the following comment:

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

The ECC notes that federal wetlands exist adjacent to 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. The ECC recommends careful review of these plans by the Town Engineer.

No Public Comment

Planning Board

Mr. Ferraro and Mr. Pelagalli remarked that they felt the plan speaks for itself and if a stamped plan shows a note of "land not to be disturbed" that should stand. Mr. Koval stated that he has been part of the process done to review this project both on the Zoning Board and the Planning Board. Mr. Koval reiterated that the boards would have assumed the notes on the plan were intentional. The speaker remarked that this presentation was significantly different from the original. Mr. Werner asked if some planting could be added to the plan to transition from the parking to the wetlands and to make the site more appealing. Mr. Address noted that it is a Light Industrial area and other businesses in the area have their products on display right along the road as well and that it is important to his business to see the cars from the road. Mr. Address also stated that it is necessary due to constraints of the site, but that the applicant would be willing to add some low landscaping. Mr. Verillo added that he has been

forced to change the scope of his business as the economy has changed. The applicant stated that constraints on the site have cost much more money than originally intended and that they have had to adjust their business plan and lease out one of the buildings that Prestige originally planned to use to display autos inside.

Mr. Ferraro then noted his concern about the welfare of the environment and the aesthetic impact to the site. The chairman noted that it is an industrial and that there can still be an appealing way to display the vehicles and perhaps a reduction in number of vehicles might be desirable as well as increasing distance to the wetland to lessen impacts.

Next, Mr. Pellagalli clarified the variance granted by the Zoning Board of Appeals that allowed for parking in the front without added stipulations to either side of the site and stated the Planning Board must factor that into the decision, because the variance changed the restrictions that had been placed on the original site plan. Mr. Pelagalli said the Planning Board must find a way to work with Mr. Verillo to allow him to do business while addressing the concerns of the environment and safety and welfare of the public. The chairman stated that it is still vital to be consistent with decisions despite changes in zoning and amendments to plans. Mrs. Paulsen commented that maintaining consistency with surrounding area can mean different things in different parts of town due to immediate character of those surrounding areas. Mr. Hale noted that aesthetically some plantings and perhaps fencing to delineate the change from the parking to the wetlands might be agreeable to the Planning Board and allow a transition in the area. Mr. Andress stated that he will bring the plan back with these changes for final approval at its next submittal.

- B. **[2011-005] Olive Garden**- Proposed construction of a restaurant at the site of the former Dunkin Donuts, 6 Clifton Park Center Road. Preliminary site plan review and possible determination. [SBL: TBD per county.](#)
To be reviewed by CHA

Neil Terwilliger with Olive Garden, and Dan Cleary with Bohler Engineering were present to present the site plan. Mr. Terwilliger gave a brief overview of the proposed Olive Garden restaurant and its vicinity on an overhead map. The speaker noted that this plan is essentially unchanged from the prior concept and stated that it is a prototypical Olive Garden "Tuscan Farmhouse" design. Next, Mr. Cleary showed the landscaping plan and spoke of plans to add a few more trees as per comments from CHA. Mr. Cleary stated that the stormwater management plan is to tie into existing drainage. It was noted that the Olive Garden is actually leasing the land from the mall who will still own the recently subdivided parcel. The consultant also stated that additional ADA-compliant pedestrian walkways are added on the current plan along the southeast corner of the parking lot. Next, the lighting plan was also discussed. Mr. Ferraro also asked for clarification of the two plans which had been submitted, and the consultants stated the sign plan is strictly showing where signs might be placed and that the site plan submittal before the Planning Board is the most recent design not the sign plan. Mr. Ferraro also noted for the

record that the Planning Board and not the ZBA is charged site plan approval and the ZBA grants variances

John read comments S. Myers

- Sign details included with submission. Signs are reviewed and permitted through the Building Department.
- Parking configuration has changed since last submittal. Green space is expected to have been affected especially along Clifton Country Road where another row of parking stalls has been installed.
- Stormwater practices will remain privately owned and a maintenance agreement with the Town will be required.
- Boring Log states restaurant is in Williamsville, NY. Confirm the logs are for this site.
- Detail and location of the water quality treatment device is not shown and acceptance by NYSDEC is not identified.

Planning Director's Comments

- A note should be added to the plan stating, "the landscaped area with benches shall not be used for outdoor dining without future Planning Board approval."
- Applicant property should show the 911 address of 303 Clifton Park Center Road.
- "The Site Plan is subject to and together with the rights and obligations under Declaration of Reciprocal Easement Agreement dated November 1, 1983 and recorded on December 2, 1983 in Book 1048 of Deeds at Page 552. "
- Only exterior lighting shown on the building elevations appear to be in the vicinity of the front door and one light shown above the rear door. Will any additional wall mounted lighting be proposed for the exterior of the building?
- Upon final approval a landscaping deposit shall be made for the proposed landscaping improvements. 80% will be released once the planting have been inspected and installed in accordance with the approved plans. The remaining 20% will be released after twelve months to ensure the plantings have survived for one full year.
- Will construction require the closure of a lane on Clifton Park Center Road or Clifton County Road? If so a traffic control plan should be submitted to the Town for consideration and approval.
- Two handicapped access isles on the east side of the main entrance need to show "No Parking Anytime Signs"
- What is the anticipated Construction Schedule.
 - modify Stop Sign Detail which reads Stop Sign "R1-1C" "N.T.S." to read Stop Sign "R1-1" compliant with the 2009 MUTCD and 2010 NYS MUTCD Supplemental made of "diamond grade reflectivity sheeting.
- A note should be added to the plan that states, "MUTCD compliance is required for all the striping of crosswalks & parking stalls proposed for the site."

CHA comments read by J. Romano

1. The plan depicts proposed work (curbing, asphalt and landscaping) extending over the new property lines. It should be verified if an easement or agreement is required.

2. Pedestrian access is not provided along the south side of the proposed building. It should be verified if pedestrian access is adequate.
3. The plan depicts a pylon sign extending into the proposed 20' wide water easement.
4. The plan depicts existing concrete curbing to remain along the south property line. This concrete curbing is in poor condition and should be replaced.
5. The grading plan is lacking existing topographical information along the south and east property boundaries. Additional elevations of the existing conditions should be provided to verify the proposed tie in and the limit of proposed work.
6. The grading plan depicts a paved swale directing surface water to the southwest corner of the parking area. It appears catch basin should be added at the low point to capture the surface runoff.
7. It should be verified with the Clifton Park Water Authority and the Bureau of Fire Prevention that an additional hydrant is not required.
8. Closed storm sewer sizing calculations should be provided documenting the adequacy of the proposed system.
9. It should be verified that adequate cover is provided for the storm sewer at catch basin #1.
10. It should be verified that all utility crossings have the proper vertical separation distance.
11. Calculations or a geotechnical report should be provided stating that the concrete and asphalt pavement subbase material depth of 6" is adequate.
12. A detail of the proposed bike rack should be provided that indicates the length and number of bikes it can hold.
13. Bollard and bench details should be provided.
14. The sod species type or variety should be provided.
15. It appears additional street trees at the parking edges and islands should be provided. Landscaping consistent with what has been provided along Clifton Country Road for the rest of the mall area redevelopment should be provided.
16. Salt tolerant plant material along Clifton Country Road should be provided.
17. It appears several plant species appear to be marginally hardy in this climate zone. Consideration should be given to providing plant species that will withstand severe/harsh site conditions.
18. The lighting plan does not include a fixture schedule for the proposed fixtures. The fixture and pole type graphic is difficult to read and as such it cannot be determined the pole height of fixture to be utilized.
19. A traffic control plan for construction should be provided.

20. The proposed project appears to be an unlisted action pursuant to SEQRA and as such coordinated review is optional. Involved agencies are anticipated to include the following:
 - Clifton Park Planning Board – Site Plan Review
 - Saratoga County Planning Board – Section 239 referral

21. We offer the following comments on the Stormwater Pollution Prevention Plan dated April 4, 2011:
 - Supportive calculations for the sediment trap should be provided. The sediment trap data should include design calculations such as basin and spillway sizing, volume and clean out stake need to be provided with the SWPPP and on the detail sheet.
 - The supportive calculations for size selection of the hydrodynamic unit should be provided.
 - The NOI indicates reduction in impervious area. Indicate the total impervious and disturbed area in the project description section of the stormwater narrative.
 - A signed NOI should be submitted.
 - Show the location of the hydrodynamic device on the WS-2 – Proposed Watershed Plan.
 - In Appendix E, boring data from an unrelated project was submitted. Provide the correct geotechnical boring data.

ECC comments by M. Montague

1. Due to the lack of greenspace, the ECC recommends having porous pavement, or green parking spaces in the northern section of the lot.
2. Due to the probability of food and liquid wastes leaking from the on-site dumpster into a storm water catch basin and/or surface water body, the ECC recommends the applicant enclose the area on an impervious surface with a berm surrounding the dumpster that accepts food and liquid wastes. If necessary, the Applicant will need to periodically pump out the accumulated wastes within the bermed area to avoid any overflow.

Ms. Paulsen commented that proposal will improve the safety and appearance of the mall and the parking lot. Mr. Ophardt commented that he is concerned with the southernmost curbcut on the side road being so close to the intersection and resulting queuing at the intersection and suggested perhaps moving the curbcut slightly to the north. The consultants stated they will bring the proposal to the various parties for consideration. Mr. Ophardt also asked if consideration might be given to a fence along the southern property.

Mr. Hartnett commented on the concept of promoting the lifestyle center and pedestrian connectivity. The consultants stated they will bring it back to discuss with Mr. MacElroy and corporate stakeholders to determine best positions for crosswalks. Ms Paulsen added that it might be good to add a note on the plan for future sidewalks to be done as site is further developed. The Planning Board found the plan generally acceptable and the applicant was thanked for their work and will bring it for revised preliminary at its next submittal.

III. New Business

C. [2011-007] Premier Dance Studio and Performing Arts - Proposed change of use from a furniture store to a dance studio and performing arts classes, 54 Crossing Boulevard. Preliminary site plan review and possible determination. [SBL: 272.-1-10.131](#)
No engineering review per JS

Jaye Cummings, owner, introduced the proposal in the former European Comfort site, a 3200 SF Storefront. A few interior walls will be added for waiting room, office space, parent lounge, restroom.

Comments from S. Myers

- Zoned B4 – Code is silent on dance studios in a B4 Zone. Dance studios are a commercially oriented school but several dance studios do or have existed in B3 Zones. B4 Zones allow uses permitted in B3 Zones therefore it is believed this is an acceptable use.

CHA no comments, ECC no comments

Public no comments

Mrs. Paulsen asked about dressing/changing room. Ms. Cummings noted that the Student room or the restrooms could be used but most come dressed from home.

SEQR – neg dec. motion Mr. Koval, seconded by Mr. Hale, all in favor

Motion to approve SPR: Mr. Hale

Seconded: Mr. Werner

Those in favor: unanimous

D. [2011-006] Triller Subdivision (Lands of Connors) - Proposed subdivision of a 3.13 acre parcel into (3) lots, 491 Moe Road. Conceptual subdivision review. [SBL: 271.-3-42](#)

To be reviewed by MJE

Dwayne Rabideau from VanGuilder and Associates, represented Mr. Triller. Mr. Rabideau indicated the location of the proposed lots on an aerial view and subdivision plan and showed the wetland delineation and buffer. Mr. Rabideau also discussed the planned driveway access

John Scavo, Director of Planning, stated that keyhole lots are allowed at the discretion of the Planning Board in rare instances.

S. Myers comments read by Mr. Scavo

- The isolated wetland boundaries do not appear verified.
- Crossing of the front wetland will require an ACOE permit.

- Permanent deeded access for both new houses will be required for the driveway.
- Driveway will be required to meet the NYS Fire Code.

Planning Director's Comments

- The Turnaround for the driveway should be pulled farther away from the front of the home on lot #3.
- The driveway length should be noted under the site statistics. It appears to be just shy of 500 linear feet.
- A detail of the proposed culvert should be submitted for engineering review by our project TDE.
- 911 Addresses once obtained from the Town's Fire Bureau Chief should be added to the plan prior to final stamping.
- Will the disturbance for the project be less than an acres? The applicant should calculate the area of disturbance.
- Silt fence fabric should be erected as a barrier between lot 3 and the NYS DEC wetlands prior to construction. In addition, fabric should be installed between the proposed driveway and isolate wetlands. A plan for this will be required as part of the building permit.

M.J. Engineering Comments, R. Milano

1. The proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such a coordinated review is optional. The Planning Board may wish to accept lead agency status. Involved agencies are expected to include, but are not limited to the following:
 - Town of Clifton Park Planning Board – Subdivision Approval
 - Saratoga County Sewer District #1 – Sewer Connection Permit
 - Clifton Park Water District #1 – Water Connection Permit
2. The Conceptual Subdivision Plan appears to meet R-1 District zoning, space, and bulk standard requirements.
3. Existing and proposed topography for the site should be provided as required by Town Code Section 179-8.
4. Correspondence from NYSDEC New York Natural Heritage Program should be provided by the applicant to identify if areas of rare, threatened or endangered species exist on or in the immediate vicinity of the project site.
5. Correspondence from USACE should be provided to confirm the jurisdictional determination of the illustrated NYSDEC Wetland N-5 boundary identified on the Subdivision Plan.
6. Verification should be provided by the applicant that the isolated wetland boundary depicted on the plans is not regulated by NYSDEC and/or USACE.

7. Clarification by the applicant should be provided as to how the isolated wetland boundary depicted on the plans was determined.
8. The applicant should provide verification that the proposed driveway alignment provides adequate access for emergency vehicles.
9. Without existing and proposed topography shown on the plan, we are concerned with the proximity of the proposed house to the isolated wetland for Lot #2.
10. A general note should be added to the Subdivision Plan stating that the proposed driveway shall never be intended to be dedicated to the Town of Clifton Park.
11. The ingress/egress and utility easement should be clearly delineated on the plan.

Mr. Rabideau stated that Mr. Triller plans to upgrade landscaping and curb appeal of existing house and the driveway will be built to standards for 500' driveways for safety. It may be crusher-run depending on expense. Mr. Rabideau stated that disturbance of the wetlands would be .85 acres. Mr. Ferraro stated that although the builder is constrained, nothing would prohibit a future homeowner from clearing the yard in the future unless it is stipulated in the stamped plan or a deed restriction.

M. Montague ECC comments

- The NYSDEC wetland, and 100 foot buffer zone, should be listed on the deed to Lot 3; uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the 100 foot buffer zone.

Public comment – none

Planning Board Discussion

Mr. Koval asked if a permit would be required in the non regulated wetland. It was stated that it would not be. Mr. Koval then asked if an emergency vehicle could turn around on the depicted driveway. Mr. Rabideau said it would be more precisely measured and shown on the next plan. Mr. Scavo added that he would give the consultant the town specs for the safety vehicle and it would be expected to conform. Mr. Ophardt asked if fencing might be put up for delineating the woodlands such as Mr. Triller did on Plank Road. Mr. Rabideau said perhaps 10' sections of fencing and wetlands signage could be posted as well as noted on subdivision plan and the deed as well as any restrictions regarding the wetlands.

Mr. Ferraro noted his concern about the standing water in the front parcel. Mr. Rabideau stated the driveway is curved to point of least impact of the wetlands on the parcel with a culvert at the crossing.

Mr. Ophardt asked if we needed an easement but Mr. Rabideau stated that one already exists near the roadway. Mr. Scavo commented that he would like to see notes on the plan regarding

non-mitigation of the pre-existing wetness on this parcel as natural drainage for the property and that it would be strictly responsibility of property owners to maintain.

Mr. Ophardt asked about the square footage meeting minimums for flag lot. Mr. Scavo will verify minimum size requirement on a property with public water and sewer.

The Planning Board was agreeable to a (3) flag lot subdivision as allowed by Town Code. The applicant should submit a preliminary subdivision plan and public hearing request at the next stage.

IV. Minutes Approval

April 12, 2011 Mr. Ophardt Moved, seconded by Mr. Koval to accept the minutes of Werner abstained.

V. Discussion Items

None

Motion to close: at 9:20 Mrs. Paulsen

Seconded by: Mrs. Pace

Those in favor: Unanimous