

# Town of Clifton Park

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

## PLANNING BOARD

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Sandra Pace

Kim Paulsen

Tom Werner

(alternate) Emad Andarawis

## Planning Board Meeting June 14, 2011

Those present at the June 14, 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. Westfall, Town Planner  
J. Grasso, CHA Companies  
R. Milano, M J Engineering and Land Surveying, P.C.  
M. Montague, Environmental Specialist  
P. Pelagalli, Counsel  
J. Dean, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance. Mr. Ferraro announced that Mr. Andarawis would be sitting as a full voting member at this evening's meeting due to Ms. Paulsen's absence.

Mr. Ferraro reported that between fifty and sixty interested residents attended the Clifton Park Town Center Design Workshops held last Tuesday, Wednesday, and Thursday at the Clifton Park – Halfmoon Library. He explained that five major themes were identified during the hands-on exercises: the need for a connection between the northern and southern sides of Route 146; development of a "grid system" of streets within the area; installation of pedestrian-friendly walkways, crossings, and signals; inclusion of a "public realm component" to the area such as a parks or public buildings designed to serve "teens to seniors"; incorporation of a residential element. Mr. Scavo urged interested residents to follow the design and development

process on the Town's website and encouraged input from all town citizens. Mr. Werner commented that those in attendance at the workshops offered many thoughtful ideas. He pointed out, however, that there were some divergent ideas presented such as seniors who requested parking close to businesses and services while others asked that more green space be added to the town center. Mr. Hale observed that there was some interest in providing roundabouts to move vehicles and pedestrians more easily. Mr. Donald MacElroy, DCG representative, stated his appreciation for the consultant's willingness to listen to the concerns of developers. Mr. Ferraro described the meetings as constructive and again encouraged residents to participate in the development of a clear "vision" for a viable town center.

### **Public Hearings:**

[2011-006] **Triller Development, LLC – Subdivision of the Lands of William F. Connors** – Proposed (3) lot subdivision, 491 Moe Road – Preliminary public hearing and possible determination. SBL: 271.-2-42.

This item was withdrawn from this evening's agenda at the request of the applicant.

[2011-008] **Cole, William and Theresa M.** – Proposed (3) lot subdivision, 310 Vischer Ferry Road – Conceptual review. SBL: 276.-2-9.

This item was withdrawn from this evening's agenda at the request of the applicant.

### **Old Business:**

[2011-005] **Olive Garden** – Proposed 7,539 SF restaurant, 6 Clifton Park Center Road – Preliminary site plan review and possible determination. SBL: To be determined by Saratoga County Real Property.

Mr. Dan Clarey, consultant for the applicant, explained that this application was last reviewed by the Board on April 26, 2011 at which time a number of comments were issued by Mr. Myers, Director of Building and Development, Mr. Scavo, Director of the Department of Planning, CHA Companies, and the ECC. Mr. Neil Terwilliger, Olive Garden representative, and Mr. Donald MacElroy, DCG representative were also in attendance. Mr. Clarey stated that, in response to the concerns expressed, his firm had submitted a lengthy response letter and revised plans that illustrated recommended modifications to the plan. Addressing the concerns raised in the most recent correspondence from CHA Companies, he explained that the proposed pylon sign will be relocated to avoid disturbance of the drainage area. He provided a sketch illustrating the location of the fire hydrants, noting that there are two (2) existing hydrants in close proximity to the site: an additional hydrant will be added. Connection will be made to existing storm water facilities to avoid any roadway disturbance. Roof drains to a Y connection will collect run-off: the consultant agreed that inspection of that connection will be scheduled prior to its enclosure with finish building materials. The proposed catch basins will be converted to dry wells. The sanitary sewer will be installed in accordance with all Saratoga County Sewer District regulations and requirements. A note will be added to the plan stating that a traffic control plan will be required if work within a public right-of-way is necessary to achieve any

utility, storm water, or other connections. A lighting plan illustrating all proposed site and decorative building-mounted fixtures will be submitted for review and approval and will be included for stamping with the final design set.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application. Since there has been significant discussion about relocating the building, Mr. Myers recommended that its final location be established before the Board grants final site plan approval. A maintenance agreement with the town will be required for the storm water management system. Drainage structures on the plan must be identified by the numbers used in the Storm Water Pollution Prevention Plan. Hydrodynamic separators may be viable on this site but the units are best suited for coarse particle removal. A discussion of the quantity of fine material that will be introduced to the mall's existing drainage system and its effect on the town owned pond downstream should be included with the final submission. Necessary variances have been granted by approval of variance #80809. The approved variances included necessary variances for proposed identifying signage.

Mr. Scavo provided Planning Department comments. He recommended that the stop bar that is located after the crosswalk by Buffalo Wild Wings be relocated to the westerly side of the crosswalk to signal drivers to stop before reaching the pedestrian crossing. Mr. Scavo asked that the applicant clarify whether or not the applicant will place any parking field restrictions on Lot #4 (lying adjacent to the site) that may hinder the ability of the property owner to secure additional tenants. Mr. Cleary stated that he was not aware of any restrictive agreement related to Lot #4, though he explained that DCG Development, owner of the parcel, would control its development.

Mr. Grasso reported that CHA Companies issued the following comments after review of the preliminary plan. The plan depicts a pylon sign extending into the proposed 20' wide water easement. The proposed sign should be relocated outside of the easement. It should be verified with the Clifton Park Water Authority and the Bureau of Fire Prevention that an additional hydrant is not required. The applicant was asked to provide written documentation indicating an additional hydrant is not required by these agencies.

Mr. Grasso offered the following additional comments. CHA Companies is concerned with the replacement and proposed upsizing of the existing 12" storm sewer at the intersection of Clifton Country Road and the southern access drive to Clifton Park Center. The proposed drainage calculations indicate a reduction in post-developed discharges and as such, upsizing of the pipe does not appear warranted. In addition, the existing catch basin in the southeast corner of the intersection may not be able to accommodate an increase in pipe size and the design does not rely on any accurate field data to support the design. Replacement of the storm sewer pipe across the access drive will also require temporary closing of this road and impacts to the signal control system, which have not been adequately addressed. It is recommended that a storm water structure be provided at the intersection of the 12", 8" and 8" pipes at the southeast corner of the building. In order to take advantage of the excessively drained soil characteristics, promote recharge of storm water runoff into the natural groundwater and potentially reduce storm water flows from the site, it is recommended that all proposed catch basins be converted to drywells. This is consistent with infiltration practices that have been provided on adjacent redevelopment

projects. Because of the proposed reduction in storm water flows, pre-treatment will not be required in advance of the infiltration practice. Sanitary sewer for the proposed building is proposed via connection to proposed sewer improvements noted as “by others”. The design of such improvements should be provided for review in order for CHA Companies to verify that an adequate sewer system will be provided and available at the time of occupancy of the proposed building. Prior to construction, a maintenance and protection of traffic plan should be submitted for review that provides closure of the access drive to the east of the site, which adequately secures the site and controls access during construction. The proposed lighting plans and details for the building area have been provided. The “Building and Landscape Lighting Exhibit” should be appropriately referenced on the approved plans to ensure that its contents are binding on the site plan approval. The exhibit indicates use of 14 floodlights around the perimeter of the building which are noted for security purposes. Use of floodlights should not be permitted and these should be removed from the site plan approval documents. If additional security lighting is required, they should be replaced with downlight style fixtures where necessary. Limited detail is provided regarding the existing site lighting to be relocated. A photometric plan should be provided documenting that the adequate lighting levels will be provided. As other areas of the mall have redeveloped new fixtures have been installed on the existing poles: it is recommended that the same be provided for this project.

Mr. Montague, Environmental Specialist, reported that the ECC offered the following comments. 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 that the drain located between the dumpsters be directed to the grease trap and not connected to the storm water system. The applicant should enclose the area (i.e. roof) on an impervious surface with a berm surrounding the dumpster that accepts food and liquid wastes.

Board members discussed various possible locations for the installation of a pedestrian crosswalk from the Olive Garden site across the internal roadway to Lot #4. Mr. Ferraro expressed his preference for its location at the southeasterly corner of the site: this would permit a link with a possible future walkway along the westerly side of Lot #4. Mr. Grasso described the site plan as providing a “good lay-out” and stated that CHA Companies found the project plan acceptable. He asked, however, that the applicant provide plans for the proposed off-site sewer connection for review and noted that the approved site plan must reference this utility connection plan. In response to Mr. Ferraro’s inquiry regarding the drain located within the dumpster area, Mr. Grasso approved the plan as presented. Mr. Hale stated his support for the plan and the possible future walkway connection along the westerly side of Lot #4. Mr. Ophardt offered the applicant his thanks for working cooperatively to provide adequate traffic flow through the site. In response to his question regarding the installation of bike racks, Mr. Cleary explained that such racks are provided at every Olive Garden restaurant. Referencing a comment provided by Ms. Viggiani, Open Space Coordinator, Mr. Ferraro asked that the proposed bike rack be reoriented to allow cyclists to attach their bicycles to each side of the rack. The consultant agreed to this change.

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

**New Business:**

[2011-014] **Christ Community Church** – Proposed 380 SF addition to an existing church, 1010 Route 146 – Preliminary site plan review and possible determination. SBL: 271.-1-4.1.

Mr. Steve Rowland, architect, presented this application for the Board's consideration, explaining that the proposed 380 SF addition to the existing church facility will expand the existing chancel space, improve accessibility for the handicapped, and provide an additional means of egress. A new sidewalk connection will link the proposed addition with the existing walkways. There are no changes to the parking facilities, sewer utilities, or seating capacity of the building. The project will involve the extension of some electrical services, though no additional plumbing will be required. The project site is located on the southerly side of Route 146 just west of its intersection with Damask Drive. The 8.23 acre site contains an existing 7,142 SF church and 111 parking spaces.

Mr. Scavo read the following comment that was prepared by Mr. Myers, Director of Building and Development. Due to its close proximity to the DwaasKill and the proposed grading work, it is expected that a full Storm Water Pollution Prevention Plan will be required.

Mr. Scavo explained that no engineering review was required for this application. He stated that, as a condition of approval, the applicant shall be required to install silt fencing to ensure that when the proposed grading occurs - and until the area is stabilized with grass - no soil erosion will negatively impact the DwaasKill stream. Prior to the commencement of construction the applicant will be required to contact the Building Department to schedule inspection of the silt fencing. Mr. Scavo reported that Mr. Myers agreed that these requirements would offer sufficient protection for the slope and stream corridor: no full Storm Water Pollution Prevention Plan would be required.

Mr. Montague, Environmental Specialist, reported that the ECC offered no comment on this application.

Mr. Ferraro noted that the Trails Subcommittee of the Open Space, Riverfront, and Trails Committee, recommended that the church "construct a sidewalk from their internal sidewalks out to the existing sidewalks along the front of their property on Route 146." It was Mr. Ferraro's position that he would leave it to the discretion of the congregation to determine the need for the sidewalk connection based on existing/potential usage by members of the congregation. The two church representatives present at the meeting, however, agreed to provide striping to delineate a bicycle lane along the entrance drive as recommended by Mr. Hale. Mr. Hale also recommended that the applicant use light duty erosion control fabric on the slope to establish a vegetative cover.

Mr. Koval moved, seconded by Mr. Ophardt, 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. Hale moved, seconded by Mr. Andarawis, to grant preliminary and final site plan approval conditioned upon satisfaction of Planning Department comments which require the stabilization of the slope and installation and inspection of the silt fencing prior to the beginning of construction. The motion was unanimously carried.

[2011-016] **T-Mobil Co-Location** – Proposed co-location of antennae and cable to an existing telecommunications tower, 753 Grooms Road – Conceptual site plan review.

Mr. Matthew Kervin, legal representative for the applicant, presented this application for the Board's consideration, explaining that T-Mobile is considered a public utility in New York for zoning purposes and is licensed and regulated by the Federal Communications Commission. T-Mobile is responsible for providing wireless telephone service to emergency services, businesses, and individuals in the geographic area that includes Saratoga County and the Town of Clifton Park. The company is currently upgrading its network in Saratoga County to provide its public utility service to residents and visitors in the area and improve its service due to customer demand. Specifically, the project entails the installation of six (6) panel antennas on the existing 120' monopole at a centerline height of 107 feet. Coaxial cabling will run down the interior of the tower and connect the antennas to up to three (3) equipment cabinets placed a 10' x 16' concrete pad at the base of the tower. Mr. Kervin presented propagation maps that illustrated the company's coverage area, explaining that "connectivity" is crucial to providing customers with seamless coverage and uninterrupted service.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered no comment on this application. He stated that Mr. William Johnson, engineer from RIT [Rochester Institute of Technology] has been retained to review the application and provide technical comment. Though Mr. Scavo explained that two telecommunications companies had made application to utilize the existing monopole, Mr. Kervin stated that there is no equipment located on the pole at this time. Mr. Scavo recommended that additional fencing and screening be proposed if T-Mobile's equipment will not fit within the existing compound. Mr. Scavo read a portion of Section 208-95 of the Town Code that authorizes the Planning Board to approve site locations for the co-location of equipment as requested in T-Mobile's application.

Mr. Montague, Environmental Specialist, reported that the ECC made the following recommendation. The applicant should ensure that any additional structures be outside of the wetland and buffer zone areas. Mr. Kervin stated that no new site disturbance is proposed.

Mr. Ophardt requested information regarding the type of fuel to be used for the generator used to maintain service should utility service fail. The applicant will provide this information and Mr. Scavo will consult with Ms. Reed, Chief of the Bureau of Fire Prevention, regarding its use. Mr. Pelagalli advised Board members that the federal Telecommunications Act of 1996 limits the conditions that the Board may impose on this applicant. He stated that Mr. Johnson

will provide a technical evaluation of frequencies and analysis of the propagation study provided: the Board will have little else to consider.

Board members found the project plan generally acceptable.

[2011-015] **VanVranken, Virginia** – Proposed (2) lot subdivision, 26 VanVranken Road – Conceptual review. SBL: 288.-1-33.

Mr. Lance Manus, consultant for the applicant, presented this application for the Board's consideration, explaining that the applicant requests approval to subdivide a 15.4 acre parcel of land located on the northwesterly quadrant of the intersection of VanVranken and Riverview Roads in the CR (Conservation Residential) zone. Lots will be approximately 5.4 acres and 10 acres, respectively. The larger parcel contains an existing residence served by a private well and individual septic system. The proposed residence will also be served by an individual well and septic system designed by a licensed professional engineer. The consultant reported that an investigation of soil conditions indicates that a conventional septic system may be utilized. Mr. Manus reported that the new lot is traversed by a stream and contains both NYSDEC regulated wetlands and adjacent buffer areas and ACOE delineated wetlands. 1.23 acres of the lot is described as "unconstrained". The speaker explained that the applicant is seeking approval of this subdivision pursuant to Section 208-16E(c) of the Town Code that read as follows:

A one-time, single-lot exception is allowed, meaning a subdivision of one parcel, as it existed as of January 1, 2005, into a maximum of two lots to be used for single-family residential purposes only shall not be required to follow the conservation approach, although it is highly encouraged to be protective of the natural and cultural resources of the community. This shall only be permitted for parcels greater than 10 acres and shall only be allowed if both of the newly created lots will be initially owned by family members, at the discretion of the Planning Board. The newly created lot shall be a minimum of two acres, and all principal buildings shall have a minimum setback of 50 feet from all property lines.

The applicant intends to convey the newly-created lot to her grandson.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comment regarding this application. The applicant must verify that this parcel was not previously subdivided under Section 208-16E(c) of the Town Code.

Mr. Westfall, Town Planner, offered comment from the Planning Department, stating that there was concern with the land-locked parcel that was approved by the Planning Board in 1986. Mr. Manus attempted to explain the odd configuration of parcels approved in 1986 by noting that the boundaries of Lots #3 and 4 generally coincided with delineated wetland boundaries.

Mr. Koval recommended that the proposed lot include the area of Lot #4 to eliminate the non-conforming land-locked parcel. In response to his question regarding the location of the 100-year floodplain, Mr. Manus explained that the floodplain was located on the opposite side of Riverview Road. Mr. Hale recommended that the boundaries of the wetland be flagged in order

to determine if necessary separation distances are met. Mr. Ferraro asked if hunting was permitted in the area. He expressed his concern with the land-locked parcel.

Mr. Milano reported that MJ Engineering reviewed this application and offered the following comments. The proposed project appears to be an “Unlisted” action pursuant to SEQRA, 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. The conceptual subdivision plan appears to meet the one-time single-lot family zoning exemption pursuant to Town Code Section 208-16E (2) (C). Existing and proposed topography for the site should be provided as required by Town Code Section 179-8. 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. The applicant should provide information as to who delineated the wetlands, when they were delineated, and correspondence from ACOE and NYSDEC should be provided to verify the wetland delineation identified on the concept subdivision plan. An ingress/egress easement for the existing driveway to existing Lot #1 across proposed Lot #5 should be delineated on the plan. Percolation tests and deep test holes for the proposed on-site septic system shall be conducted as required by Individual Residential Wastewater Treatment Systems Design Handbook, 1996, published by the New York State Department of Health.

Mr. Montague, Environmental Specialist, stated the ECC issued the following comments. The NYSDEC wetland, 100 foot buffer zone, and ACOE wetlands should be listed on the deeds: uses in these areas are restricted. A split-rail fence is recommended to designate where the boundaries of the buffer zones and ACOE wetlands. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the 100 foot buffer zone.

Mr. Koval emphasized his concerns regarding the land-locked parcels, stating that this application provided the Board with the opportunity to correct past approvals. Members also asked for clarification regarding an apparent easement that allows the owner of Lot #1 to cross the lands of Lot #5 to access his residence. Board members agreed that the installation of split-rail fencing to define the wetland areas on the proposed new lot would be required. Mr. Pelagalli advised members to consider all issues of concern at this time since all the lands involved in this application, with the exception of Lot #1, are under common ownership. Board members discussed the possible options for Lot #4: Mr. Ferraro suggested that the owner investigate conveying the property to the Nature Conservancy or other agencies that may be interested in preservation of sensitive natural environments; Mr. Koval suggested that it be linked to the proposed new lot. Board members finally agreed that the proposed new lot should be reduced in size and that Lot #4 should be reconfigured to allow frontage on VanVranken Road. This appeared to be an acceptable solution to the land-locked parcel dilemma. Board members found the application generally acceptable.

**Minutes Approval:**

Mr. Hale moved, seconded by Mr. Werner, approval of the minutes of the May 25, 2011 meeting as written. Ayes: Ophardt, Pace, Hale, Werner, Koval, Ferraro. Noes: None. Abstained: Andarawis.

**Discussion Item:****[2006-48] Latham Construction Site Plan**

Mr. Scavo explained that Latham Construction had received Planning Board approval on June 24, 2008 for the construction of two (2) buildings on Biette Road that would provide for the storage of maintenance equipment for hotels the company owned on Wolf Road. The applicant did receive a one-year extension of site plan approval as provided for in the Town Code. Since economic conditions have not been favorable for the construction of the buildings, the applicant now requests that the Planning Department keep all project files on record. The issue of concern involves the application of new storm water regulations adopted by NYSDEC to projects that were previously approved under 2008 standards. At this point it is unclear if projects that received preliminary approval prior to the issuance of the new standards will be “grandfathered”. Mr. Ferraro commented that, in his opinion, NYSDEC must take a more active role in the decision-making process for the application of storm water regulations since it is currently unclear if approved – but unconstructed – projects may be built to prior standards. Board members seemed to agree that the applicant’s request was reasonable.

Mr. Koval moved, seconded by Ms. Pace, adjournment of the meeting at 9:02p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on June 28, 2011.

Respectfully submitted,

Janis L. Dean,  
Secretary

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