

Town of Clifton Park Planning Board
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PLANNING BOARD

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Emad Andarawis
Denise Bagramian
Jeffery Jones
Andrew Neubauer
Eric Ophardt
Greg Szczesny

(alternate) Teresa LaSalle

Planning Board Meeting
September 26, 2017

Those present at the September 26, 2017 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, J. Jones, A. Neubauer,
E. Ophardt, G. Szczesny
T. LaSalle – Alternate Member

Those absent were: None

Those also present were: J. Scavo, Director of Planning
J. Bianchi, M J Engineering and Land Surveying, P.C.
A. Morelli, 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.

Minutes Approval:

Mr. Neubauer moved, seconded by Mr. Ophardt, approval of the minutes of the September 12, 2017 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:

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

Old Business:

[2015-041] **Rexford Landing Mixed-Use Building** – Proposed two-story, 20,000 SF mixed-use building, 675 Grooms Road – Preliminary site plan review and possible determination. SBL: 276.-2-10

Mr. John Petrucco, consultant for the applicant, presented this application was reviewed by the Planning Board at its August 11, 2015, January 12, 2016, and April 26, 2016 meetings. Mr. Petrucco explained that the latest site plan calls for the construction of a 21,100 SF mixed-use building that will contain retail and restaurant space on the first floor and office uses on the second floor. On November 17, 2015 the Zoning Board of Appeals granted an area variance from the required setback of 130' from the centerline of Grooms Road to the building, allowing the building setback to be 105' from the centerline. According to the parking analysis provided, thirty-three (33) spaces are required for the office uses; twenty-five (25) spaces are required for the retail space; twenty-eight (28) spaces are required for the restaurants. A total of eighty-seven (including four (4) handicap spaces) are provided on site. As with previous submissions, accompanying narratives indicate that the site will be serviced by extension of the Clifton Park Water Authority and the Saratoga County Sewer District #1. Two full service curb cuts onto Vischer Ferry Road and Grooms Road, respectively, will provide ingress and egress options. Site amenities will include a small park area connected to the building and crosswalks at the Vischer Ferry Road – Grooms Road intersection by concrete walkways. The park area will contain a flower bed and benches. The location of a future trail connection along the property's frontage along Grooms Road from the westerly property boundary to the Vischer Ferry Road – Grooms Road intersection is indicated on the site plan. A 10' wide landscaped buffer planted with trees and shrubs will define the westerly property boundary. Mr. Petrucco explained that the plan now calls for the construction of a drive-thru restaurant on the building's westerly side with queuing for several vehicles along the rear of the building where traffic will be restricted to one-way flow from east to west. Building elevations were presented for the Board's consideration.

Mr. Scavo reported that all comments prepared by Mr. Myers, Director of Building and Development, Ms. Reed, Chief of the Bureau of Fire Prevention, the ECC, Mr. Reese, Stormwater Management Technician, Mr. Dahn Bull, Highway Superintendent, M J Engineering and Land Surveying, P.C., and the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee for items on this evening's agenda have been forwarded to Board members for their consideration.

Mr. Scavo read the comments issued by Mr. Myers, Director of Building and Development, in a memo dated September 13, 2017. The queuing lane directly adjacent to the rear sidewalks' and stairways' discharges is a safety concern. The proposed stormwater basin appears to be located within the wetland buffer. The stormwater basin has been proposed without adequate reasoning for not using more green infrastructure. The area is zoned B-3: mixed uses such as restaurants, retail spaces, and office uses are permitted. Signage is not part of the site plan review and should be submitted separately to the Building Department. Mr. Myers anticipates additional stormwater management comments from Mr. Reese, Stormwater Management Technician.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, asked that the applicant provide new fire hydrants at the Vischer Ferry and Grooms Road entrances.

Mr. Scavo explained that the ECC issued the following comments regarding this application. The Land Conservation (LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone. The ECC notes that the project includes extensive paving adjacent to, or in the vicinity of, the LC Zone, state wetlands. 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. Due to the proximity of the asphalt parking area to the NYSDEC wetlands the ECC is concerned about the potential runoff of vehicular contaminants into the sensitive environment. The stormwater design shall be cognizant of the potential contamination of this area. Due to the probability of food and liquid wastes leaking from the on-site dumpster(s) into a storm water catch basin and/or surface water body, the ECC recommends the applicant enclose the area (i.e. roof) on an impervious surface with a berm surrounding the dumpster(s) 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.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, provided the following comments in a memo dated September 25, 2017. The applicant is proposing a grass swale along Grooms Road and Vischer Ferry Road to pretreat the water quality runoff from the proposed asphalt. The proposed grass swales are capturing approximately 33% of the impervious surface. The applicant is asked to explain how the other 67% of impervious area will be pre-treated. The time of concentration from the post development conditions Sub-catchment 1C is across undisturbed existing conditions. The applicant is asked to explain if this starting point would be the same as the existing conditions time of concentration. To ensure the 30 inches per hour infiltration for the life of the proposed infiltration basin, the Operation and Maintenance Manual for Stormwater Management System at Rexford Landing Proposed Mixed-Use Development shall include annual inspection of possible clogging of the infiltration practices that may arise from sediment, vegetative debris, parking lot grit, or debris. This inspection shall be done by a trained contractor as outlined in the New York State Department of Environmental Conservation SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-15-002. The annual inspection report shall be submitted to the town for its records. The Operation and Maintenance Manual shall replace the Stormwater Control Facility Maintenance Agreement with the latest revision dated August 15, 2016.

Mr. Scavo offered comments prepared by the Planning Department. The Town has received a letter dated August 2, 2016 from the NYS Office of Parks, Recreation, & Historic Preservation noting the project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places. Documentation has been provided that demonstrates a NYS DEC work permit has been issued for the construction of the proposed infiltration basin within the 100' buffer area of a NYS DEC regulated wetland. Since the last submittal, a restaurant drive-thru has been added to the west side of the building. The proposed drive-thru is a permitted use within the B-3 zoning district. The

NYS Building Code will require frost protection for all exterior landing areas from each building exit door. On Sheet 5 of 11, the planting schedule notes a quantity of 12 for the flowering dogwoods. Please verify the quantity since a review of the plan shows 11 of the proposed plantings on the site plan. On Sheet 5 of 11, the planting schedule notes a quantity of 30 for the Sweetspire L. Henry (aka *Itea Virginica*). Please verify the quantity since a review of the plan shows 25 of the proposed plantings. Sheets A-3 and A-4 show the exterior building elevations prepared by Foresight Architects: façade renderings should be attached to the final site plan for stamping purposes. It has been confirmed with the Fire Marshall that the official 911 address for the building will be 675 Grooms Road.

Mr. Scavo noted that Ms. Viggiani, Open Space Coordinator, provided comments regarding the project design plan recommending that the applicant design and construct an 8-foot wide asphalt multi-use pathway along the parcel's Grooms Road frontage from the Grooms – Vischer Ferry Road intersection westward to the property line. Mr. Scavo addressed the recommendation, explaining that the stream corridor which traverses the site is a seasonal trout spawning stream and that a significant NYSDEC designated wetland lies to the west of site along Grooms Road. Both of these factors would complicate the installation of a multi-use pathway as recommended. He supported the applicant's conveyance of a 15' wide easement to the town to be used for the installation of a future trail and/or utility connections as is currently indicated on the site plan. Additionally, extension of a pathway connection to the west would not be a priority since it would likely involve eminent domain proceedings for adjoining residential properties as well as wetland disturbances to the parcels between the subject parcel and the Wishing Well Lane entrance to the Wishing Well subdivision.

Mr. Bianchi read the comments and recommendations prepared by M J Engineering and Land Surveying, P.C. after review of the preliminary submission. The revised plan now includes a drive thru, presumably associated with a proposed food service. The applicant previously provided an estimate of the expected peak hour vehicle trips. With the addition of this new use, the vehicle trip analysis should be updated. With the addition of a drive-thru to the project proposal, the Planning Board may commence with a new SEQRA review or rely upon its prior SEQRA findings. If a new SEQRA review is to commence, the addition of the drive-thru would be considered an "Unlisted" action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved/interested agencies to be engaged may include, but are not necessarily limited to the following: Saratoga County Planning Board – 239m referral due to the project's proximity to Vischers Ferry Road (County Route 91); Clifton Park Water Authority - taking of additional water, water service connection; Saratoga County Sewer District No. 1 - reserve sewer capacity, sewer service connection; New York State Department of Environmental Conservation – permit coverage under stormwater SPDES, adjacent area impacts to State wetlands and identification of threatened and endangered species; New York State Office of Parks, Recreation and Historic Preservation – identification of the existence or absence of cultural and historic resources; United States Army Corps of Engineers - potential Joint Permit application associated with adjacent area impacts within state wetlands. Additional agencies may be identified by the Town during its review of the project.

Mr. Bianchi explained that several comments related to the site plan. The revised plan now includes a drive thru, presumably associated with a proposed food service. Section 208-37(B) of the Town Zoning Code states that a restaurant, drive-thru, fast-food service, or barroom is permitted within the B-3 zoning district provided that no portion of the portion of a building occupied by such uses shall be located within 300 feet of the boundary line of any residential district. The adjacent property to the north is designated as being in the R-1 Residential District and it would appear that it is within 300 feet of the drive-thru. As noted in Comment 11 of the January 6, 2016 review letter, the Town may consider incorporating the extension of the existing multi-use trail located to the east along Grooms Road beyond what is currently shown on the site plans. If not already done, the applicant is asked to coordinate with the Town's trail committee regarding potential alignments of pedestrian facilities. With the inclusion of a drive-thru on the westerly side of the building, there needs to be consideration of a barrier at the sidewalk that will discharge pedestrians into oncoming traffic without sufficient forewarning. The sidewalk shown further west of the driveway and within a curbed island has no clear purpose of connectivity to other sidewalks proposed. Consider selecting a species alternate to the Bradford Pear. While not currently designated as an invasive or regulated species, its use is widely being discouraged as they can "outcompete" many native plants and trees.

Mr. Bianchi explained that due to a mislabeling on the site plan, the comment regarding the distance between the proposed drive-thru and a residential zone is inaccurate. Though the plan shows a residence on Lot #1, the parcel actually lies within the B-3 zoning district: the residence is a pre-existing use. Mr. Ferraro underscored the fact that the proposed drive-thru use will not require any variance from the Zoning Board of Appeals since it, in fact, lies beyond the 300' required separation distance from a residential zone.

In response to Mr. Jones' question regarding a roof for the drive-thru, Mr. Petrucco stated that the area will be covered. When questioned about the number of bathrooms to be installed on the first floor, Mr. Romano, applicant, explained that bathrooms on the first floor would be installed by the individual tenants. Mr. Neubauer commented on site aesthetics, asking that the trees proposed along the entry way from Vischer Ferry Road be relocated to the area surrounding the proposed "community park" space. He applauded the building's proposed architectural features, observing that there are no specific guidelines for design within the B-3 zone. When asked about the type of brick proposed for construction, Mr. Romano stated that it would be "true brick," though he was uncertain whether the stone elements would be of stone or cultured stone. Mr. Neubauer encouraged the use of "some relief between the brick and stone" used on the façade to provide more visual appeal. Mr. Ferraro recommended substantial landscaping and it was agreed that the applicant would work with professional staff to create a pleasing plan. Mr. Neubauer recommended that, should the applicant and staff not reach an agreement regarding plantings, the plan would be referred back to the Planning Board for review. Mr. Ferraro referenced comments issued by M J Engineering and Land Surveying, P.C. regarding the need for an updated estimate of vehicle trips the site would generate. Mr. Bianchi explained that the Vischer Ferry Road GEIS Capital Improvement Plan requires that mitigation fees be assessed on the number of trips generated: new calculations would be based on additional traffic estimated by the drive-thru. Mr. Jones expressed concerns regarding traffic conflicts resulting from "queuing from Stewart's" to the east. Mr. Bianchi explained that, should traffic congestion become a problem, the applicant would be required to return for further Planning Board review. Mr. Scavo explained

that the GEIS demands that a traffic signal be installed at the Grooms Road – Vischer Ferry Road intersection when warranted and that the funding for such a control will be provided by fees collected as projects within the corridor are approved. When asked if this project would cause the intersection to “reach its tipping point” and provide the impetus for the signal installation, Mr. Bianchi and Mr. Scavo agreed that this site development would have minimal impact on the intersection’s existing level of service. Mr. Ferraro identified several issues of concern. The first concerned pedestrian safety at the drive-thru exit point. It was agreed that the sidewalk surrounding the building would be extended southerly to align with the crosswalk accessing the westerly parking area and that railings would be installed to direct and protect pedestrians. Mr. Ferraro called for a more detailed landscaping plan, particularly for those grass seeded areas within the westerly parking area. He asked that the site plan include notes regarding specific standards and specifications for placement and design of the dumpster enclosure. Referencing comments issued by the ECC, Mr. Bianchi, and the Stormwater Management Technician regarding stormwater management and infiltration, Mr. Ferraro asked that project approvals be conditioned upon satisfaction of all technical concerns.

Mr. Ophardt moved, seconded by Mr. Neubauer, 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. Szczesny moved, seconded by Ms. Bagramian, to grant preliminary and final site plan approval to this application conditioned upon the extension of sidewalk surrounding the building to align with the crosswalk provided to westerly parking area and the installation of railings to direct and protect pedestrians, satisfaction of all technical comments regarding stormwater and infiltration identified by the ECC, M J Engineering and Land Surveying, P.C. and the Stormwater Management Technician, preparation of an enhanced landscaping plan that includes additional plantings around the community park area and within the proposed islands within and adjacent to the westerly parking area, submission of updated traffic counts to ensure the proper calculation of mitigation fees pursuant to the Vischer Ferry Road Capital Improvement Plan, and satisfaction of all comments listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

New Business:

[20176-046] **Animal Hospital of Clifton Park Redevelopment** – Demolition of the existing 5,225 SF building and construction of a new 7,840 SF building, 1245 Route 146 – Conceptual site plan review. SBL: 270.-8-3-1; 270.-8-3-2

Mr. Robert Osterhoudt, consultant for the applicant, presented this application that calls for the redevelopment of an existing animal care facility located at 1245 Route 146 and situated within the HM (Hamlet Mixed-Use) zoning district. The parcel is located on the northerly side of Route 146 just west of the westerly entrance to the Sterling Heights subdivision. The redevelopment plan involves the merger of an existing tax map parcel 270.-8-3-2 containing 1.88 acres and existing tax map parcel 270.-8-3-1 containing .69 acres to create a 2.57 acre site. Mr. Osterhoudt explained that the Animal Care Hospital, which has served the Clifton Park community for nearly 30 years, has outgrown its ±5,225 SF (total with basement and second floor) space. The

current site contains not only the existing veterinary building but also associated on-site parking, curbing, landscaping, utilities, lighting, and other appurtenances. 24 parking spaces are currently located in the front yard as permitted by approval of an area variance granted in 1988. It is expected that the parking area will remain in the same location. The site is served by a single curb cut onto Route 146 which will remain. The speaker noted that the facility has six outdoor runs that were approved in 1994. The site contains a wooded upland area that creates a vegetative buffer along the rear and side yard along Sterling Heights Drive. The vegetative buffer will be maintained to the extent practical to screen abutting residential uses. The site contains two isolated, non-jurisdictional wetlands, one of which contains a man-made pond. A wetland along the eastern site boundary is isolated and, therefore, non-jurisdictional and not regulated by the ACOE. There are no NYSDEC designated wetlands on the site. The pond on site is proposed to be removed. The small wetland along the northwesterly boundary of the parcel is part of a jurisdictional wetland that is mainly located off site. While impacts to this wetland would require permitting, none are proposed and it will be protected during construction. As such, the limited wetlands on site do not require any review or approval by the ACOE, NYSDEC, or Town of Clifton Park ECC. The site is currently serviced by the Clifton Park Water Authority through the Corporate Commerce Zone Water District, connection to the sanitary sewer service operated by the Saratoga County Sewer District #1, and electric and gas provided by National Grid. It is the applicant's intent to continue use of the existing facility until the new building is complete.

Focusing on the proposed plan, Mr. Osterhoudt explained that the applicant proposes construction of a new 7,840 SF facility with upgraded exam rooms and state-of-the-art equipment to meet the increased demand for services. The new facility will remove the six outdoor runs and replace the area with a single exercise area. The operators will permit only one pet at a time to be within the fenced outdoor exercise area with direct staff supervision, thereby mitigating any noise concerns. Parking will be increased from 24 to 50 spaces to accommodate additional staff members and an anticipated increase in the number of clients served at one time. New energy efficient onsite lighting and enhanced landscaping are proposed. Existing water and sewer connections will be utilized. Stormwater will be collected and treated onsite. Since site disturbance is anticipated to exceed one (1) acre, a full Stormwater Pollution Prevention Plan will be prepared. Limited site work within the Route 146 right-of-way will be required. Mr. Osterhoudt reported that the plan appears to comply with the stated development goals and strategies outlined within the Town of Clifton Park Comprehensive Plan.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application in a memo dated September 13, 2017. The parcel is zoned HM (Hamlet Mixed-Use). An animal care facility is permitted within the zone so long as the pens are located at least 100' from a residential zone. The site plan must reflect existing conditions. The applicant is asked to verify whether or not mitigation for the filling of wetlands will be required. The designation of a stormwater management area appears to be a bit premature: a full Stormwater Pollution Prevention Plan will be required. It appears that the buffer to the residential area has been significantly reduced: additional buffering may be warranted. Since there are several curb cuts onto Route 146 in the vicinity of this project, including a four-way intersection, changing this access to Sterling Heights Drive may be an improvement.

Mr. Scavo read the comments issued by the ECC after review of this application at its September 25, 2017 meeting. In order to promote traffic safety, the ECC recommends the access/egress onto NYS Route 146 be relocated to Sterling Heights Drive. In keeping with the recommendations and goals of the Town Comprehensive Plan, the applicant should retain existing vegetation to the maximum extent practical and/or the use landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties. The ECC notes that the proposed structure will require filling of an unknown jurisdictional wetland that is shown on the USGS mapping as a water body. The applicant should avoid the incursion in the wetlands. The applicant shall consider land banking excess parking spaces until demand requires the spaces. The ECC recommends that the applicant consider using the southeasterly portion of the site as a landscaped dog-walk area.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, offered the following comments on this application. The pond to be filled is shown on the United States Geological Survey mapping. The applicant needs to verify with the NYSDEC if the mapped waterbody qualifies as Waters of the United States. The applicant shall verify with the utility company if the proposed stormwater management area in the 35' wide utility easement will not create a conflict.

Mr. Scavo explained that the Planning Department issued the following comments regarding this application. While the Zoning Analysis Table reflects the HM zoning requirement of a minimum 10' setback, §208-98 Special Setback Lines shall take precedence over the HM required minimum. Specifically, a nonresidential building shall not extend nearer to the centerline of NYS Route 146 than 130 feet. The applicant is asked to update the table to show the appropriate setback from the centerline from NYS Route 146. Based on visual observations it appears the front setback requirement will be met. Since the project is adjacent to NYS Route 146, a recommendation from the Saratoga County Planning Board to the Clifton Park Planning Board is required prior to issuance of preliminary and final approvals. The Saratoga County Planning Board will be considering the site plan at its meeting scheduled for September 21, 2017. The applicant should clarify whether or not any work is proposed with the NYS DOT right-of-way. Any utility work or construction within the State Highway right-of-way requires the property owner to obtain a highway work permit from the NYS Department of Transportation, whether it is for construction, installation of facilities, or repairs and maintenance. The applicant should note if any of the existing pavement areas are to remain or if the entire site is being redeveloped. As the exterior lighting plan progresses through design it is recommended the applicant pursue energy efficient lighting options that are dark sky friendly. Approved International Dark-Sky Friendly Fixtures can be researched at www.darksky.org. The applicant should consider as an aspect of the new construction, accommodations to install the conduit under the pavement to designated parking stalls for preparation of future EV Charging Stations. Such infrastructure accommodations at the time of new construction will further the goals of the 2016, "Capital District Electric Vehicle Charging Station Plan." The costs to run conduit at the time of new construction greatly decreases costs to install EV Charging Stations in the future since pavement within the parking area will not need to be torn-up to run electrical connections. The applicant, when working with a structural architect for the building design, may want to identify an electrical panel location for convenient PV system inter-connections and keep space available in the electrical panel for a PV circuit breaker. It is easier and more cost effective to plan at the time of new construction for future green

infrastructure accommodations such as PV Systems. Additional comments will be provided upon as plans advance to a detail level beyond conceptual review.

Mr. Bianchi reported that, after review of the conceptual site plan and materials presented, M J Engineering and Land Surveying, P.C. offered the following comments regarding this application. The short environmental assessment form submitted indicates that more than one acre of land will be disturbed. As such, a Stormwater Pollution Prevention Plan (SWPPP) addressing water quality, quantity and green infrastructure is required. As a result of being subject to the Stormwater General Permit GP-0-15-002, the applicant will need to seek consultation from the NYS Office of Parks, Recreation and Historic Preservation and the NYSDEC regarding the absence or existence of cultural or historic resources and threatened and endangered species, respectively, within the project boundaries if not already completed as part of the prior approvals on the site. The project proposes to provide potable water to the new building from the Clifton Park Water Authority (CPWA) via the existing service lateral to the property. The applicant shall provide the Town documentation indicating the CPWA's ability and willingness to provide additional potable water to the project. Any approvals offered by the Planning Board should be conditioned on receipt of CPWA's review and approval. The project proposes to provide sanitary sewer service to the new building from the Saratoga County Sewer District No. 1 via the existing service lateral to the property. The applicant shall provide the Town documentation indicating the SCSD's ability and willingness to provide additional sewer capacity to the project. Any approvals offered by the Planning Board should be conditioned on receipt of SCSD's review and approval. The project appears to propose access modifications at NYS Route 146. This proposed work is subject to the review and approval of the NYSDOT. The applicant shall coordinate with the regional office of the NYSDOT and obtain permitting in advance of construction. The applicant needs to provide a summary of expected peak hour trips for review. This information may require the preparation of a project specific traffic impact study. If the study is warranted, it must account for projects currently proposed or under construction and planned for occupancy in the near future.

Additional comments related to the State Environmental Quality Review Act. Based upon review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved/interested agencies to be engaged may include, but are not necessarily limited to the following: Clifton Park Water Authority - potential taking of additional water; Saratoga County Sewer District - potential additional reserve sewer capacity; Saratoga County Planning - 239m referral due to the project's proximity to NYS Route146; New York State Department of Environmental Conservation - potential permit coverage under GP-0-15-002; New York State Office of Parks, Recreation and Historic Preservation - determination of the absence or existence of cultural, historic or archeological resources within the project site, if the project is found to be subject to GP-0-15-002; New York State Department of Transportation – site access modification onto a State highway (NYS Route146); United States Army Corps of Engineers - potential impacts to regulated waters of the U.S. Additional agencies may be identified by the Town during its review of the project.

Several comments related to the site plan. The project is located within the Town's Hamlet Mixed Use (HM) zoning district. The proposal for an animal care hospital provided that any structure or area used for such purposes, including pens or exercise runs, shall be at least 100 feet

distant from any residential district is a permitted principal use within the HM zone as noted in Section 208-43.2 of the Zoning Code. Based upon a review of the lot configuration upon consolidation of the two existing parcels, it appears that the minimum bulk lot requirements as identified in Section 208-43.3 of the Code are satisfied. The applicant is asked to update the site statistics table to account for the special setback requirements from NYS Route 146 as defined in Section 208.98 of the Zoning Code. It would appear that the building placement meets the noted setback of Section 208.98. Section 208-99(B) of the Zoning Code does not provide a parking space requirement for this specific use. The concept plan proposes 50 spaces. The applicant is asked to provide a narrative as to how this space count was determined. Efforts should be made to reduce the pavement area with the ability to bank spaces for future construction if deemed necessary. The concept plan indicates impacts to isolated regulated wetlands of the U.S. The applicant is asked to provide the Town confirmation that the USACOE has concurred with the identified wetlands as being isolated. The applicant shall coordinate with the responding fire department for the location of the Knox Box and fire department connection. Notation to that effect shall be added to the plans. Plans should indicate whether or not the proposed building will be equipped with automatic sprinklers, based upon occupancy. Inclusion of an automatic sprinkler system will dictate if an additional hydrant is necessary to comply with the Fire Code of New York State. With the proposal to consolidate two lots into a single lot, the applicant is asked to coordinate with the Town since a consolidation deed may be needed as part of the site plan review process. Any points of ingress and egress from the proposed building should be noted on the plans. Subsequent submissions should include architectural renderings with a summary of building materials to be utilized for review by the Planning Board. Considering the plan submitted is conceptual in nature, further comments will be deferred until more detailed plans and reports are submitted. Subsequent submissions shall include information as outlined in Section 208-115 of the Town Zoning Code specific to site grading, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Mr. Szczesny observed that a connection to Sterling Heights Drive as recommended by some would impact the isolated wetland area on the easterly side of the site. Mr. Bianchi pointed out that the Animal Care facility predates the Sterling Heights development, that he would anticipate that there would be no impact to the traffic flow on Route 146 from the proposed improvements, and that NYSDOT would likely provide input on the proposed changes to the entranceway. Mr. Ophardt explained that it is generally NYSDOT's position that curb cuts onto a major thoroughfare be consolidated whenever possible. Mr. Jones stated his support of the consolidated curb cut. Mr. Osterhoudt offered rationale for the applicant's desire to maintain the existing entryway explaining that the sight distances from the driveway are more than adequate, that the residential neighbors "do not always embrace" commercial access to neighborhood streets, that the queuing of vehicles exiting the animal care facility could impact the traffic on Sterling Heights Drive, and that a connection to the residential street would require removal of a significant portion of the existing treed buffer. Mr. Andarawis stated his support for the vegetated buffer and recommended that the applicant consider a reduction in the amount of pavement along Route 146, suggesting that a portion of the parking be moved to the side of parcel or that the building be moved forward on the site. Mr. Osterhoudt explained that site constraints including the need to maintain the parking area and preserve the 100' buffer area to the rear of the site precluded many design changes. Mr. Knott, property and business owner, explained that he would "like to be a good neighbor" and that he was willing to provide substantial landscaping on the site and to

landbank parking spaces that may not be warranted initially. He expressed concerns regarding the handling of animal waste on the property. Mr. Ferraro called for the possible removal of the ten (10) spaces along the property's Route 146 frontage to provide green space defined by some type of fencing or barrier. He encouraged the development of a "more robust landscaping plan." In response to Mr. Jones' question regarding the use of the "exercise yard," Mr. Knott stated that the area would be used to walk animals for relief or rehab, noting that, since fewer dogs would be outside at one time, the noise level would decrease. Mr. Neubauer called for the plans to show the proposed "phasing" of development, explaining that incorporation of the existing building on the site plan would be viewed as a "critical part" of the review process. Noting that the parcel was designated as HM (Hamlet Mixed Use), he pointed out that guidelines for site development within that zone require such details as sidewalks, architectural standards, and a building orientation closer to existing roadways. He did comment that relocation of the building would require a setback variance. Mr. Jones reiterated his comment regarding the possible connection to Sterling Heights Drive, asking that the applicant provide Board members with an alternate site design. Though Mr. Osterhoudt argued that relocation of the building would constrain development due to the "two front yards" issue, Mr. Neubauer encouraged the consideration of a more "form-based" design. Mr. Jones observed that no other properties in the area reflect a form-based design. Ms. Bagramian and Mr. Andarawis expressed concern that that implementation of a form-based design would require approval of variances from the Zoning Board of Appeals. Mr. Osterhoudt explained that the applicant was simply attempting to "grow his business with reasonable cost" and within a reasonable "timeframe," noting that burdensome redesign or the need for variances would increase costs and delay the project. Mr. Ferraro commented that it appeared that HM zoning was not "as well thought out" as the CR zoning district. He stated that he was "sensitive" to the surrounding residential uses and community and that the "isolated nature" of this property made him more supportive of "buffering" and substantial landscaping to make the property aesthetically pleasing. Mr. Scavo explained that when the zoning districts were created those containing business uses, regardless of their locations received HM zoning designations. Mr. Neubauer viewed the discussion surrounding the application as a time to "vet out" issues associated with HM zoning and he suggested that site improvements such as sidewalks and landscaping may make the project more appealing. Ms. Bagramian encouraged the installation of significant landscaping since site design "must take the customers into account." Mr. Osterhoudt assured Board members that he would provide estimated trip generation information for the Board's consideration. Mr. Ferraro directed the consultant to specifically address concerns regarding the size and staffing of the business in relation to traffic and parking, to discuss with the appropriate regulatory agencies any possible impacts to identified wetlands, to consider relocation of the parking area, to enhance the landscaping plan, and to "tighten up" the site plan.

Mr. Scavo distributed the Draft Planning Board Meeting Schedule for 2018 and asked Board members to review it before the next meeting.

Mr. Szczesny moved, seconded by Mr. Jones, adjournment of the meeting at 9:10p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on **Wednesday**, October 11, 2017.

Respectfully submitted,
Janis Dean, Secretary