

**Town of Clifton Park Planning Board**  
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PLANNING BOARD

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Jeffery Jones  
Andrew Neubauer  
Eric Ophardt  
Greg Szczesny

(alternate) Teresa LaSalle

**Planning Board Meeting**  
**October 11, 2017**

Those present at the October 11, 2017 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, J. Jones, A. Neubauer, E. Ophardt,  
G. Szczesny

Those absent were: D. Bagramian, T. LaSalle – Alternate Member

Those also present were: J. Scavo, Director of Planning  
J. Hakes, 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. Ophardt moved, seconded by Mr. Szczesny, approval of the minutes of the September 26, 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:**

[2017-043] **Siena Fence** – Proposed 2,000 SF building at an existing facility, 202-204 Ushers Road – Preliminary site plan review and possible determination. SBL: 259.-2-30.21

Mr. Dave Bogardus, consultant for the applicant, presented this application that was last reviewed by the Board at its September 12, 2017 meeting. Plans remain generally as presented at that time. Offering a brief overview of the project plan, Mr. Bogardus explained that Siena Fence requests approval to construct a 2,000 SF building with one bathroom at its existing fencing supply store. An individual septic system will be designed to serve this one building. A significant section of gravel along the southerly property boundary will be removed, the area then seeded and grassed to increase greenspace on the site.

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 reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated September 25, 2017. The proposed seepage pit has been changed to a more conventional septic tank and leech field. Grading plans are still required to determine effects of construction on the adjoining railroad embankment. No new Short Environmental Assessment Form has been submitted to address previously issued comments. The applicant is asked to ensure that runoff to the drywell is roof runoff only. A grading plan is necessary to determine if the distance to the well is sufficient. More than one bathroom may be required: the number will be determined by the occupancy load and review of the building plans. The parcel has two frontages – one on Route 9 and one on Ushers Road. Since the front building setback in the B3 zone is 80' and the proposed setback appears to be 30', a variance will be required. Mr. Scavo explained that, after consultation with Mr. Myers, it was determined that the setback requirement set forth in Section 208-98 of the Town Zoning Code takes precedence over the front setback requirement for a property located adjacent to NYS Route 9. The applicant has updated the Design Parameters Table to reflect this requirement; therefore, no variance is needed. Mr. Bogardus noted that the building will be set back approximately 144' from the roadway. Mr. Bogardus also explained that no grading is proposed along the adjoining railroad embankment.

Mr. Scavo noted that Ms. Reed, Chief of the Bureau of Fire Prevention, asked that the applicant provide a minimum of 15 feet from the drilled well to the building. Mr. Scavo explained that this issue would be addressed by the applicant at the time of the issuance of a Building Permit. Mr. Bogardus assured Board members that the required separation would be provided.

Mr. Scavo explained that the ECC offered no comments or recommendations on this application.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, found the proposed project plan acceptable.

Mr. Scavo read the comments prepared by the Planning Department. The Saratoga County Planning Board determined that the project will have “No significant county wide or inter community impact.” The applicant should address the extent of anticipated grading activities so the Planning Board can determine what, if any effect grading activities may have on the adjacent railroad embankment. All prior comments have been adequately addressed by the applicant.

Ms. Hakes reported that, after review of the materials submitted for preliminary site plan review, M J Engineering and Land Surveying, P.C., provided the following comments regarding this application. Sheet 1 of 3 appears to show the proposed septic system beneath the gravel to remain, though the plans prepared by Insite show it correctly and outside of the gravel. The consultant is asked to correct Sheet 1 of 3 to be consistent with the sheets prepared by Insite. Mr. Bogardus reported that the appropriate revisions had been made to the project plans.

Mr. Bogardus explained that the site plan now includes visual indication of and a note on the plan regarding the conveyance of a 10’ wide easement to the Town of Clifton Park along the property’s Ushers Road frontage that provides for the possible future installation of a multi-use pathway, utility relocation, and/or roadway realignment.

Mr. Szczesny moved, seconded by Mr. Jones, 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. Jones moved, seconded by Mr. Andarawis, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of all comments listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

### **New Business:**

[2017-048] **CRBRA Office Building** – Proposed installation of two (2) parking spaces, 10 Old Plank Road – Preliminary site plan review and possible determination. SBL: 272.9-1-26; 272.9-1-2

Mr. Gavin Vuillaume, consultant for the applicant, introduced Ms. Pam Krison, Executive Officer for the Capital Region Builders and Remodelers Association, who was in attendance at the meeting. He explained that the applicant, Capital Region Builders and Remodelers Association (CRBRA), seeks to change an existing religious use in an historic building to office space and to add two (2) handicapped parking spaces to an existing lot. The proposal includes the restriping of the handicapped parking spaces and the installation of appropriate signage. The spaces are placed for easy access to the building’s side entryway. The property is comprised of two (2) parcels: a .30 acre parcel that contains the existing building and a .43 acre parcel located directly across Old Plank Road that serves as a parking area. The parcels are situated at the intersection of Old Plank Road and Old Route 9 and lie within the B-4A (Highway Business/Restricted Retail zoning district. The two (2) handicapped parking spaces are to be installed on the .43 parcel, with access

provided across Old Plank Road to the 4,250 SF building on the other side. Although fourteen (14) parking spaces are required, twenty-nine (29) total spaces are existing on site to serve the proposed office building. No exterior changes to the building are proposed.

Mr. Scavo read comments issued by Mr. Myers, Director of Building and Development, in a memo dated September 25, 2017. The proposed office building is located with a B-4A zoning district. The existing building is pre-existing and non-conforming. The estimated occupancy load for the proposed new use must be provided in order to determine the required number of parking spaces – including handicapped spaces. The occupancy load cannot be determined without building plans. The location of the handicapped spaces is determined by the location of the building's entrance: building plans will be required. It appears that fourteen (14) parking spaces, rather than the twenty-nine (29) proposed would be required. More detailed plans will be required before any additional comments can be issued.

Mr. Scavo read the comment offered by Ms. Reed, Chief of the Bureau of Fire Prevention, in a memo dated October 6, 2017. The applicant must apply for a Building Permit for the "Change of Use" occupancy per the International Existing Building Code 2015 prior to occupying the building.

Mr. Scavo explained that the ECC offered no comments or recommendations on this application.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, found the proposed project plan acceptable.

Mr. Scavo read the comments prepared by the Planning Department. Section 208-113(B)(2)(a) of the Town Zoning Code reads as follows:

If the new use is not of the same type and intensity (i.e., office to retail, sit-down restaurant to fast-food restaurant, etc.), the new owner shall, if required by the Building Inspector, appear before the Planning Department to arrange to appear before the Planning Board to determine if a revised site plan approval will be required prior to the issuance of a building permit and/or certificate of occupancy or tenancy.

It appears that the applicant plans to convert an existing historic church building to a professional office and meeting space for the Capital Regional Builders and Remodelers Association. The only exterior modifications proposed are to upgrade two existing parking spaces and handicapped access aisle to meet the current standards of the NYS Building Code and the possible removal of existing playground equipment. Based on this information from the materials submitted by the applicant, it is Mr. Scavo's recommendation to the Planning Board that a new site plan shall not be required. The applicant should provide a detail for the striping and signage of the handicapped parking spaces and access aisle that will be made part of the building permit. The applicant should provide a calculation showing the existing lot coverage and greenspace for the site. If no additional site plan review is required by the Planning Board, a County Planning Board referral will not be necessary and Mr. Scavo will notify the County Planning Staff of the Planning Board's decision. Any future exterior site plan modifications may be subject to additional review by the Planning Board.

Ms. Hakes explained that M J Engineering and Land Surveying, P.C. issued the following comments regarding this site plan application. Based upon review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Type II” action pursuant to Section 617.5(c)(19). For Type II actions, no further SEQRA review would be warranted. In reviewing the application, the modifications appear minimal, limited to a change in use that would appear to be similar in intensity of the most recent use, ADAAG upgrades, and removal of the exterior playground with no other exterior modifications proposed. Based upon the above, Ms. Hakes concurs with staff’s recommendation that a new site plan approval from the Planning Board may not be necessary. Regardless of whether or not a new site plan approval is deemed necessary, the plan should, at a minimum, confirm that the accessible parking spaces are provided with appropriate signage, parking space markings, and that appropriate grades exist between the accessible spaces and accessible entrance to the building.

Mr. Andarawis expressed his appreciation to the applicant for “reusing an existing structure” and asked that, if modifications to the interior of the church be proposed, that the applicant “reach out to the Historic Preservation Commission” to determine if documentation of architectural features is warranted. He recommended that the Commission also be consulted if and/or when the applicant anticipates the removal of such features since the Commission would likely urge the preservation of materials and architectural features which may have historic value, possibly by sale to another entity for reuse. Mr. Ferraro commented that he found the reuse of the building acceptable and, referencing Mr. Scavo’s comment regarding lot coverage and greenspace, encouraged the applicant to include both the .30 acre parcel and the .43 acre parcel in those calculations. Mr. Neubauer observed that the property lies within the “catchment area” for the expanded Form-Based Code study and commented that the occupancy of the building by the Capital Region Builders and Remodelers Association could have a very positive impact on the area.

Since this is considered a Type II action, no SEQRA determination is required.

Mr. Andarawis moved, seconded by Mr. Ophardt, to grant preliminary and final site plan approval to this application conditioned upon an understanding that the existing playground may be removed without further Planning Board review and that no further site plan review will be required. The motion was unanimously carried.

### **Discussion Items:**

#### **Draft Planning Board Calendar – 2018**

The Draft Planning Board Calendar includes a second meeting in August. Since 2017 was the first year that second meeting in August had been scheduled and since only one item appeared on that agenda, Board members agreed that the second August meeting should be eliminated. Should the number of applications warrant an additional meeting, it would be scheduled as needed.

### **Steering Committee for the Form-Based Code Expansion Area**

The call was made for Planning Board members who wished to serve on the Steering Committee for the Form-Based Code Expansion Area within the Town Center Study boundaries. Committee members will work with M J Engineering and Land Surveying P.C. consultants, ECC representatives, Planning Department staff members, and other stakeholders involved in scoping, assessing existing conditions, and creating regulations for the defined area. Mr. Jones volunteered to serve on the committee. Mr. Neubauer, citing increased job responsibilities, offered his expertise when available. Mr. Ferraro commented that Mr. Neubauer's knowledge was particularly appreciated when he was included as a member of the Technical Advisory Committee which oversees specific development applications within the Town Center. Although he would welcome Mr. Neubauer's input on some aspects of the code development on a "conceptual level," he would prefer that Mr. Neubauer focus on his role with the TAC. Mr. Ferraro will be a member of the Committee. Mr. Scavo explained that, although individual Board members may not wish to serve on the Committee, information regarding the Committee's documents, analyzes, vision, and zoning proposals will continuously be forwarded to them for their consideration.

Mr. Ophardt moved, seconded by Mr. Szczesny, adjournment of the meeting at 7:40p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on October 24, 2017.

Respectfully submitted,

Janis Dean, Secretary