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Denise Bagramian
Jeffery Jones
Joel Koval
Andrew Neubauer
Eric Ophardt

(alternate) Teresa LaSalle

Planning Board Meeting
December 13, 2016

Those present at the December 13, 2016 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, J. Jones, J. Koval,
A. Neubauer, E. Ophardt
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.
P. Pelagalli, Counsel
J. Dean, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:05p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Mr. Ferraro announced that Mr. Prescott, who had served on the Planning Board for several years, tendered his resignation last month due to increased professional responsibilities at his place of employment and thanked him for his years of dedicated service to the town. He then announced that the Town Board appointed Mr. Jones as a full voting member of the Board. He welcomed Ms. Teresa LaSalle who has been appointed as the Board's Alternate Member.

Mr. Ferraro congratulated Mr. Pelagalli on his election as Family Court Judge for Saratoga County and, citing his exceptional knowledge of planning and zoning law as well as his ability to clearly impart that knowledge to Board members, thanked him for his many years of service to the community.

Mr. Ferraro announced that Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, will be leaving that position at the end of the year due to work commitments. Mr. Ferraro stated his appreciation for Mr. Casper's leadership, noting that the Planning Board takes the comments and recommendations offered by its advisory committees very seriously.

Minutes Approval:

Mr. Jones moved, seconded by Ms. Bagramian, approval of the meeting minutes of October 25, 2016 as written. The motion was unanimously carried.

Public Hearings:

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

New Business:

[2016-035] [2016-035] **Hoffman Office Building** – Proposed 45,000 SF office building, 1766 and 1768 US Route 9 – Preliminary site plan review and possible determination. SBL: 266.3-3-19

Mr. Gavin Vuillaume, consultant for the applicant, introduced this preliminary application that remains generally as presented at the July 12, 2016 Planning Board meeting. He explained that, in response to comments issued at that meeting, the site statistics table now indicates that the proposed building will contain 27,000 SF of general office space and 18,000 SF of medical office space which will require the 203 parking spaces now shown on the plan. The total number of spaces has been reduced by 7. Greenspace will total 48% of the site. The speaker noted that the parking area along the northern property line has been revised to meet the minimum 20 foot side yard parking setback requirement. Deciduous and evergreen trees are proposed along the side property margins for a minimum width of 15 feet. A pedestrian walkway is shown throughout the site with a linkage to the sidewalk along US Route 9. Mr. Vuillaume pointed out that, due to the existing swale and drainage ditch located at the north easterly corner of the property, the applicant is proposing that the sidewalk be terminated before the significant grade change: an easement will be provided for future sidewalk construction when plans are presented for development of the adjoining parcel. A sidewalk will be provided to the rear of the property to provide for pedestrian access to parcels and businesses to the south of the site and accessibility for maintenance of the stormwater management area. The speaker noted that the two existing curb cuts will be replaced by a single full-access curb cut located approximately 75' from the southerly property boundary. Cross lot easements will be provided to adjacent properties as recommended by the Planning Board. The building will be equipped with automatic fire sprinklers and all fire safety requirements will be met. The consultant reported that on-going soil testing on the property suggests that the pocket ponds may be eliminated and replaced by a more conventional retention basin. Mr. Vuillaume presented architectural renderings for the Board's consideration, explaining that the illustrations of a "brick and glass building are in the early stages of design."

Ms. Wendy Holsberger, Creighton-Manning Traffic Engineer, summarized the traffic study, explaining that the analysis included “relatively recent traffic volume data from the US Route 9/Kinns Road/Farm-to-Market intersection to the north as well as the US Route 9/Old Route 146 intersection to the south.” She noted that the project plan calls for the consolidation of two parcels, the removal of two separate entranceways and the installation of a single curb cut onto Route 9 along the southern boundary of the combined parcel. She listed the following conclusions: the magnitude of traffic is approximately half of the NYSDOT and ITE thresholds of 100 vehicle trips on any intersection approach to warrant off-site analysis and the potential need for mitigation. The level of service analysis indicates that the signalized intersections will operate at an overall LOS C or better during the AM and PM peak hours, maintaining overall intersection operations consistent with the conditions prior to the site development. The new single site driveway will operate adequately after development of the site as an unsignalized intersection with single lanes entering and exiting. A field review of sight distance at the proposed site driveway indicates that adequate sight lines are provided along US Route 9. Ms. Holsberger reported that the traffic analysis has been forwarded to NYSDOT for review and comment.

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, M J Engineering and Land Surveying, P.C., and the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee for all 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 in a memo dated November 30, 2016. The proposal appears to meet zoning requirements. The applicant has indicated that a Stormwater Pollution Prevention Plan will be provided in the future. Since it appears that the proposed stormwater management area is currently used by another site, the issues of easements and capacity should be addressed.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requests that the applicant submit the Postal Verification Form, obtain the appropriate 911 postal address, and include that address on the final site plan.

Mr. Scavo read comments that were issued by the ECC following review of the proposal at its December 6, 2016 meeting. The ECC would like the applicant to report if there were any well heads on the property and, if so, the well heads should be taken care of as required. The drainage from the existing car wash should be described and plans for how the drainage line will be terminated should be provided. In keeping with the recommendations and goals of the Town Comprehensive Plan, the applicant *should* retain existing vegetation and/or use landscaping and grading to provide visual and auditory buffering between the project and the Northway. The ECC recommends that the applicant add coniferous trees to provide year round visual screening. The ECC recommends that the applicant provide a lighting plan that incorporates lighting that is directional and limited.

Mr. Scavo reported that, after review of the preliminary application, Mr. Reese, Stormwater Management Technician, issued the following comments. For the design storm (24hr) data, the applicant is asked to use the New York State Stormwater Management Design Manual

(NYSSMDM), (January 2015), figures 4.1 – 4.5 for the rainfall amounts (specifically the 100 year storm event). In the hydrocad calculations the use of the existing drainage pipes as reaches impacts the true amount of runoff through the pipes to the design point of the project: to achieve a more accurate result, the pipes should be modeled as ponds. For all the hydrocad summary results, the inflow depths should show an equivalent - not a greater than symbol: the time span may have to be increased to provide accurate flows. The applicant is asked to provide test hole and perc test data for the stormwater management practices per the New York State Stormwater Design Manual. Temporary sediment traps/basins shall be sized accordingly with the NYSDEC “Blue Book” Standards and Specifications for Sediment Trap – Trap Size (3,600 cu. ft. per acre of disturbance). The applicant is asked to explain why there is no forebay for the pocket pond. The rip-rap from the outlets of the stormwater management area and the relocated perimeter storm pipe outlet must be extended to minimize any scouring the runoff may have during large storm events.

Mr. Scavo read the comments issued by the Planning Department. The applicant should clarify whether or not the asphalt pavement area for the former carwash exit near the stormwater pond is to be removed. If it is to be removed, the applicant should provide information on how access to the stormwater pond and infrastructure will be maintained for maintenance purposes. Correspondence from the NYSDOT should be provided to the Planning Board in regards to their review of the traffic analysis and findings. The project has been forwarded to the Saratoga Co. Planning Board for a recommendation. All prior comments appear to have been adequately addressed with the current submittal.

Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the four (4) trees labeled as Armstrong Maples be placed closer to the sidewalk along Route 9 to provide shade for pedestrians. He recommended that a crosswalk be provided at the proposed office building entranceway from Route 9 and that a bicycle rack be installed near the main entrance to the office building.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. reviewed the most recent site plan and supporting documents for the above-referenced application and issued the following comments. As noted in Comment 16 of the July 8, 2016 review letter, it was suggested that cross lot access easements be considered to the two parcels that are adjacent to the north, similar to what exists along the southern property boundary. The applicant has indicated a willingness to provide the noted easement. The Planning Board shall continue to discuss the need and/or location of the easement. The final plans shall show or describe the easement, if deemed necessary. The applicant is asked to provide notation on the plans that all utility services to the existing buildings planned for removal are to be terminated in accordance with the authorities having jurisdiction. Sheet 1 of 9 provides the proposed lighting plan. That plan should include the associated footcandle analysis to show the resulting light spread at the pavement surfaces. The applicant is asked to provide a painted crosswalk for the pedestrian access that crosses the drive aisle and out to sidewalks along US Route 9. The sidewalk proposed along US Route 9 terminates just short of the northern property line: the sidewalk should be extended to the northern property line. The plans shall note the delineation of the easement conveyed to the Town of Clifton Park for access and maintenance requirements associated with the sidewalk proposed along US Route 9. There is an existing utility pole and guy wire near the site entrance. In order for the sidewalk to be installed, a pedestrian guy may need to be installed to ensure proper vertical

clearance. If required, the applicant is asked to provide notation on the plans for its installation by the applicant. If the project requires an identification sign, it is recommended that it be illustrated on the plans so the Planning Board can review it in the context of the overall site layout. The Landscaping Plan shows species within the easement conveyed to the Clifton Park Water Authority (CPWA). Should the CPWA require these to be removed from the easement, alternate plantings that would satisfy the requirements of Section 208-50.5 of the Town Zoning Code should be shown. Sheet 6 of 9 appears to show what is a cross lot easement through the lot. If this is the case, the applicant must clarify how the proposed site development effects this easement as several obstructions will exist limiting its use. The applicant is asked to define the limits of the pavement removals associated with the asphalt drive that exists within the noted cross lot easement referenced above. The applicant has indicated architectural plans for the proposed building will be provided. When this information is presented, the applicant is asked to discuss whether roof top units are proposed, whether they will be visible from the public right-of-way and, if so, how they may be screened. The plans appear to show a stone filter along the parking perimeter. If this is the case, a detail for this element needs to be provided. The Town of Clifton Park generally prohibits the use of a P-5 Pocket Pond unless appropriate justification is furnished for its use. Justification that no other stormwater practice can be employed must be submitted for review. It is noted that a site specific soil investigation has not yet been completed and is required. This will substantiate the need for use of the P-5 practice due to suspected high groundwater. The P-5 practice as shown does not fully conform to certain requirements of Section 6.1 of the NYSSMDM. For clarity and to avoid the potential need for deviations, the applicant is asked to provide a clear description on how the P-5 practice functions, why specific design elements are not being included (such as the, permanent pool, extended detention area, forebay), and how the overall design meets the intent of Section 6.1 of the NYSSMDM. The proposed stormwater management area to the south will discharge to an off-site location (existing stream) that is within the NYSDOT right-of-way. There may be a need to coordinate with and seek approval from the NYSDOT for this proposed discharge point. Should this be required, the applicant is asked to provide any technical reviews prepared by the NYSDOT for the town's records. A detail of the outfall structure associated with the stormwater management area to confirm design parameters shown in the HydroCAD model needs to be provided. Pursuant to Section 3.5 of the NYSSMDM, each proposed stormwater practice needs to have a conspicuous and legible sign posted. The plans need to provide the standard sign with the applicable language as well as the location of each practice requiring a sign. Construction detail(s) associated with the proposed stormwater management facility is required to ensure compliance with Chapter 6 of the NYSSMDM and Town of Clifton Park Standards which includes, but is not necessarily limited to access roads, perimeter fencing, and access gate. The cross section needs to also show horizontal distances of the benches, buffers, etc. Note the location of the sediment marker for the stormwater pond as required in Section 6.1.3 of the NYSSMDM. A planting plan for the proposed stormwater management practice pursuant to Section 6.1.5 of the NYSSMDM must be provided. The depth of medium riprap to be installed for the Emergency Overflow Spillway detail must be indicated. The technical design and detailing for the proposed potable water and sanitary sewer systems have not been completed as they are subject to the review and approval of other authorities having jurisdiction. Any comments received from other agencies shall be incorporated into subsequent plan submissions. Additional comments related to the Stormwater Pollution Prevention Plan. The operation and maintenance requirement provided in Section VI shall also include those associated with soil restoration pursuant to Section 5.1.6 of the

NYSSMDM. If and when the project receives approvals, the final SWPPP shall include an executed NOI with both the professional's and operator's signatures. Several comments referenced the Stormwater Management Report. Exfiltration is being applied for the dryswales (Pond 2P through Pond 5P). In-situ soil testing is required to substantiate the design assumptions made. The applicant needs to provide calculations that illustrate that each dryswale is designed to have non-erosive velocities for the two year storm event pursuant to Section 6.5.2 of the NYSSMDM. The P-5 practice (Pond 1P) utilizes the full excavated depth for storage. Should field testing indicate high groundwater into the excavated volume, the assumed storage will not exist. This condition needs to be validated to ensure the design assumptions are appropriate. For Pond 1P, the HydroCAD model shows a 30-inch horizontal orifice/grate. The design plans for CB#4 do not show the noted orifice. For the 100-year storm event, the elevation of runoff within Pond 1P reaches elevation 324.70, providing less than one foot of freeboard. The applicant must adjust the top of berm elevation of the P -5 practice to provide a minimum of 1foot of freeboard for the 100 year event.

Final comments related to the Traffic Analysis Report. The proposed access to the site is approximately 75 feet north of the exit for the Post Office (west side of US 9) and 40 feet north of Biette Road (east side of US 9). The traffic consultant should clarify whether or not the proximity to the Post Office was considered with regard to queuing in the two-way left turn lane by left turns entering the proposed site and the potential blocking of left turns exiting the Post Office during the peak hours. It is understood that the existing access for the vacant car wash is approximately 95 feet north of the Post Office exit, but that land use would generate less trips during the peak hours than the proposed land use. Biette Road is located approximately 40 feet south of the proposed site access. The traffic consultant should clarify whether the proximity of this road was considered in the analysis. There is a potential for queuing in the two way left turn lane by left turns entering the proposed site to block access for left turns from this roadway. It is understood that the overall volume entering the site is 50 vehicles from the south but it is likely these vehicles will arrive in concentrated volumes causing queuing.

Mr. Anthony LaFleche, 21 Wheeler Drive, questioned the distance of the proposed sidewalk from US Route 9 because he was concerned with the area provided for snow storage during the winter months. Mr. Vuillaume reported that the sidewalk would be placed between 30' and 40' from the major roadway.

Mr. Koval expressed his concerns with the driveway location since it is proposed in close proximity to the Post Office curb cut. Mr. Vuillaume explained that the driveway location was chosen because of its elevation, line-of-sight distances, site drainage patterns, and the location of an existing drainage facility at the north easterly corner of the site. Although Mr. Koval recommended that the applicant consider installation of a left-turn lane from the site, Ms. Holsberger argued that a narrower driveway would provide greater safety for pedestrians. She also commented that the project plan will be reviewed by NYSDOT representatives. Mr. Ferraro commented that there are times when larger vehicles in a left-turn lane may obstruct views of the travel lanes for those attempting a right turn from a site. In response to Ms. Bagramian's question regarding access to the rear portion of the parcel, Mr. Vuillaume explained that although there is a sub-standard connection to the adjoining business to the south, the applicant does not anticipate construction of an "active roadway." Mr. Jones observed that a connection to adjoining businesses

through the rear of the site “may make sense.” In response to his question regarding the proposed uses for the building, Mr. Vuillaume stated that although the applicant now anticipates that the building will be divided equally between medical office and professional office space, it is possible that, if a larger portion of the building was dedicated to professional offices, unnecessary parking spaces could be “landbanked” until warranted by changing demands. In response to Mr. Ferraro’s question regarding identifying sign placement, Mr. Vuillaume reported that the location of the sign as well as more detailed landscaping plans will be provided with the next submission. Mr. Neubauer stated his support for development of a service road to the rear of the parcels. Mr. Ophardt recommended provision of an easement for future connection to parcels to the north of the site: Mr. Vuillaume agreed to provide such an easement. Mr. Ophardt commented that he would like to see the proposed sidewalk installed closer to the US Route 9 right-of-way “rather than at a lower elevation.” Mr. Ferraro, however, pointed out that future connections should be considered when considering the sidewalk location. Although Mr. Ophardt pressed for sidewalk completion to the northerly property line, Mr. Vuillaume pointed out that the applicant was not able to grade on another’s property. Mr. Ferraro recommended the addition of a note to the plan that would require this applicant to construct the remaining sidewalk segment when the property to the north is developed. Mr. Neubauer focused on the architectural renderings, noting that the design professional should consider that the building’s elevation will be lower than the US Route 9 carriageway when considering screening of the “rooftop mechanical equipment.” He approved of the parapet illustrated on the design plan. He remarked that the proposed cladding for the second story would complement the newly constructed medical facility north of the site. In response to Mr. Jones’ recommendation that the site design incorporate electrical conduit for future accommodation of new vehicle designs, Mr. Vuillaume agreed to do so.

[2015-039] [2015-039] **Vistas West (Subdivision of the Lands Formerly of Jack Levy – Now of Kohler Homes)** – Proposed (23) lot subdivision (22 units on Vista Court and 1 single family residence on Tanner Road), Route 146 and Tanner Road – Preliminary review. SBL: 270.-2-3.2

Mr. Joe Dannible, consultant for the applicant, explained that this application remains generally as presented at the September 14, 2016 Planning Board meeting and provided a brief overview of the project plan that calls for the “seamless connection” between the existing homes on Vista Court and those proposed for development along Vista Court Extension. He reported that the applicant proposes the planting of forty-six (46) street trees spaced 60’ apart along Vista Court Extension to comply with the town’s “two street trees per lot” code requirement. A mail kiosk will be provided near the intersection of Vista Court Extension and Tanner Road in satisfaction of Post Office mandates. Mr. Dannible reported that an easement will be provided to the town at the intersection of Vista Court Extension and Tanner Road to allow for the trimming of vegetation to maintain adequate site distances at the Vista West entranceway. Mr. Dannible reported that sign-offs from the NYS Office of Parks, Recreation, and Historic Preservation and the NYSDOH are anticipated.

Mr. Scavo read comments issued by Mr. Myers, Director of Building and Development in a memo dated November 30, 2016. Mr. Myers noted that although the Planning Board agenda states that the project requests approval for twenty-two (22) duplexes and two (2) single-family residences, only one (1) single-family residence is shown on the subdivision plan. All proposed

signage will require approval from the Building Department. It appears that stormwater management areas (rain gardens) are proposed on the southerly properties. Due to a lack of maintenance by homeowners, a more positive type of management should be used. Due to the distance from the high point of the proposed roadway to the first catch basin, a need for additional catch basins should be reviewed. Foundation drains should be directed to a closed drainage system rather than daylight where possible. House elevations may need adjustment to ensure this. He also notes that high ground water “seems to support this.” Pocket ponds are not allowed by Town Code.

Mr. Scavo explained that the ECC issued the following comments after review of this application at its December 6, 2016 meeting. The ECC would recommend that all water quality treatment areas labeled on the plans as “rain gardens” be placed on HOA property so they can be properly maintained by that entity. The ECC would like the applicant to demonstrate that the wetland crossing for Vista Court Extension conforms to ACOE specifications for wildlife passage.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, provided the following comments regarding this application. Per the NYSSMDM Section 5.3.5 - Disconnection of Rooftop Runoff – Required Elements – the contributing area of rooftop to each disconnected discharge shall be 500 square feet or less: larger roof areas up to 2,000 square feet may be acceptable with a suitable flow dispersion technique such as a level spreader. Each rain garden has been designed with a contributing impervious area of 945 SF. The Stormwater Pollution Prevention Plan shall expand the Long Term Operation and Maintenance Procedures document to include how the Homeowners’ Association will be maintaining the stormwater facilities including the rain gardens. The document shall be prepared in layman terms as the HOA will most likely not have thorough training in the matter. A cost estimate for on-going maintenance should be included in O & M document to ensure that proper funds are included in the HOA fees. It is understood that the applicant is awaiting a letter from the NYS Historic Preservation Office to determine if there may be any adverse effects on cultural resources. The town would like to be copied on the Joint Application Permit/correspondence for the proposed wetland crossing. If the 24 acres of the Conservation of Natural Areas is being used for the provided water quality volume that area should be included in the required water quality volume calculations.

Mr. Scavo offered a number of comments prepared by the Planning Department. The Permanent Open Space Notes are to read as follows:

- Allowable uses within the permanent Open Space shall be pursuant to those prescribed within §208-16(2) of the Clifton Park Town Code.
- In accordance with §208-16(G)(5)(c) of the Town Code: Unless otherwise agreed to by the Town of Clifton Park Planning Board, the cost and responsibility of maintaining open space and facilities shall be borne by the private owner, the homeowners' association, the conservation organization or land trust or, in the case of lands and facilities deeded to the Town of Clifton Park, the municipality. Likewise, if any lands restricted as open space land are deeded to the county or the state, these respective municipal governments would be responsible.

The applicant shall demonstrate adequate compliance with §208-16(G) of the Town Code prior to granting any final approvals by the Clifton Park Planning Board. The applicant shall provide the

Planning Board Attorney a draft Stormwater Easement Agreement for access, conveyance, and maintenance of the stormwater facilities and improvements within the designated HOA land to the Town of Clifton Park. The Planning Board Attorney will review the agreement for acceptability prior to final subdivision approval by the Planning Board. The Devoes, adjacent property owners, have requested the installation of a fence to minimize visual impacts of the subdivision to their existing residential dwelling. The following note should be added to the plan:

The parcels shall be included within the Sherwood Forest Park District.

The proposed project is subject to Section 239 of General Municipal Law and has been referred to the Saratoga County Planning Board for a recommendation. The final location for the cluster mailbox shall be determined by the applicant in consultation with the Clifton Park Postmaster.

Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, offered the following comments on this application. A sidewalk should be provided on the south side of Vista Court from the interesection of Vista Drive and Vista Court to the proposed sidewalk on the south side of Vista Court Extension in Vistas West to fill in the "sidewalk gap." A crosswalk should be provided at the intersection of Vista Drive and Vista Court with stop signs. Concrete sidewalks should continue across driveways to provide a level walking surface for pedestrians. The Vista Court Extension sidewalk should taper to the shoulder on Tanner Road. 15' right-of-way/trail easements should be provided along Tanner Road and Route 146 for future multi-use trail installation and utility realignments.

Mr. Ferraro commented that he found the "sidewalk gap" to be problematic since it prevented unified sidewalk construction. Mr. Dannible explained that an uninterrupted sidewalk would likely be impossible due to the location of utility boxes, though he stated that he would consider the best way to provide a linkage between the two developments.

Mr. Bianchi reported that, after review of the preliminary submission for this application, M J Engineering and Land Surveying, P.C. provided the following comments and recommendations. In response to Comment 9 of the September 12, 2016 review letter, it has been indicated that the existing mail kiosk in Phase 1 will be utilized for Phase 2. Should modifications to the existing kiosk be warranted, it may be subject to the review by the Town. As noted in Comment 15 of the September 12, 2016 review letter, Section 86-10 of the Town Code requires the applicant to plant two street streets per living unit. The current plan provides the required number of trees, but not on the individual lots. While there is not an apparent issue with this, it is recommended that the Planning Board review this proposal to ensure the intent of the Code is being satisfied. The applicant is asked to correct some of the tree placements shown as they appear to be within the paved surface of individual driveways. As noted in Comment 16 of the September 12, 2016 review letter, in the event basement sump pumps are necessary, they shall be shown to demonstrate conformance to Section 86-7(A)(6) of the Town Code. The current plans (Utility and Grading) show drains, but only for lots on the north side of the proposed road. If the homes on the south side will also require them, they shall be shown with end discharge locations noted. As noted in Comment 17 of the September 12, 2016 review letter, the plans need to show the extent of tree clearing required to obtain the sight distances at Tanner Road. The submitted plans show the requested clearing limits, however, there is little margin accounting for the existing vegetation returns. It is suggested that the clearing limits be extended some distance into the property and potentially the town be granted an easement should future trimming be required to maintain the

required sight distance. As noted in Comment 22 of the September 12, 2016 review letter, it was requested that each proposed stormwater management area be placed on a lot dedicated to the town. The applicant is proposing access easements in lieu of dedicated lots. This proposal needs to be reviewed by the town's Stormwater Management Officer and Highway Superintendent. For clarity, on Sheet 9 of 10, the applicant is asked to correct the "Suggested Bioretention Plant List" to "Suggested Rain Garden Plant List." M J Engineering and Land Surveying, P.C. offered no additional technical comments on the Stormwater Pollution Prevention Plan. Once any remaining comments from the town are adequately addressed, the applicant shall provide the town with a final SWPPP and signed NOI to permit the issuance of an MS4 Acceptance Form. If and when the 5 acre waiver request is submitted, it will be reviewed by the town. As previously stated, approval is a discretionary decision of the town and may not be granted if it is found unnecessary or would result in a potential adverse impact.

Mr. Gerry Havasy, President of The Vistas Homeowners' Association, stated his concerns with the recommendation that the new development to the west be incorporated into the existing homeowners' group pointing out that existing residences may not wish to assume additional responsibilities for such items as maintenance of the proposed trees and mail kiosk. He also questioned the reason for the mandated inclusion of the new subdivision into the Sherwood Forest Park District since his association is "looking to secede from that district."

Ms. Susan Gray, 20 Vista Court, asked whether or not the existing trees to the west of Vista Court would be preserved. Mr. Dannible explained that although many of the existing trees would be removed to allow for construction of the duplex units, forty-six (46) trees would be planted along Vista Court Extension. In response to her stated concerns regarding the mail kiosk, Mr. Ferraro explained that the kiosks were mandated for new construction "at the federal level."

Mr. Anthony LaFleche, 21 Wheeler Drive, asked about the placement of the proposed trees. Mr. Dannible stated that the trees would be planted approximately 17' from the edge of the roadway pavement. When Mr. LaFleche asked if the applicant would be amenable to providing an easement or fee dedication of land to allow for the possible future realignment of Tanner Road at its intersection with Route 146, Mr. Dannible responded affirmatively.

Mr. George Blanche, 3 Vista Court, asked if the Planning Board could require construction vehicles to utilize Tanner Road. Mr. Scavo explained that although the town "can encourage" the use of Tanner Road for construction traffic, a mandate is very difficult to enforce. Mr. Dannible stated that the applicant was willing to place directional signage for construction vehicles along Route 146.

Mr. Neubauer commented on the graphical depiction of the proposed properties on the project plan, observing that the design did not "present a very good street presence" and recommending that the number of "driveways in the center of lots" be limited. Mr. Dannible explained that the applicant intends to build townhomes that reflect the character and design of the existing neighborhood and would prefer not be limited to a specific design plan. Mr. Ferraro expressed his displeasure with "front load garages" and Mr. Ophardt stated that he was "not fond of them either." Although Mr. Koval pointed out that the Planning Board was not "an architectural review board," Mr. Neubauer argued that the Board was approving the "creation of a

neighborhood” and that the location of driveways “creates the streetscape.” Mr. Ferraro stated that he did have a “concern with design and facades along roadways.”

Mr. Gerry Havasy reported that there are two homes on Vista Court that share driveways. He reported that this is not an acceptable arrangement and recommended that some green area be placed between the driveways.

Ms. Dolores Blanche encouraged the Board to require the construction of duplexes similar in design to those on Vista Court since a “different outer appearance” may devalue the existing properties.

Ms. Bagramian questioned whether or not it would be prudent to request the construction of a sidewalk on the northerly side of Vista Court Extension to provide an easier route for those living on that side of the road to get to the mail kiosk. Although Mr. Dannible stated that he did not find walking on the road to be an issue within a small community with little traffic, Mr. Ferraro found fault with the kiosk requirement, noting that the community would attract “an older population” that may have mobility issues. Mr. Koval stated that he did not see the need for a “\$100,000.00 sidewalk.” In response to Mr. Andarawis question regarding the approval process for this application, Mr. Scavo explained that the Zoning Board of Appeals granted the applicant an area variance on condition that the applicant contribute funds pursuant to incentive zoning legislation for the project’s increased density. Mr. Scavo and Mr. Pelagalli both pointed out that the project would still be subject to approval of a Special Use Permit. In response to Mr. Jones’ expressed concerns regarding the “look” of the proposed residences, Mr. Dannible stated that they “would be compatible.” Mr. Koval tersely ended the discussion by stating that “the market will dictate the design.” In response to Mr. Ferraro’s question regarding the height of the fencing around the stormwater management area, Mr. Dannible stated that it would be 4’ high. Mr. Ferraro noted that since the homeowners’ association established for Vistas West would likely be separate from the one existing for property owners on Vista Court, he called for the applicant to be certain that those involved in marketing the properties “explain and very specifically identify maintenance and other shared responsibilities to the potential homeowners.”

New Business:

[2016-052] – **99 Restaurant Parking Lot Expansion** – Parking lot expansion, 306 Clifton Park Boulevard – Conceptual site plan review. SBL: 272.-1-41.2 and 272.-1-42.2

Mr. Joe Dannible, consultant for the applicant, provided a brief history of site development, stating that the Planning Board granted approval for a parking expansion of thirty-seven (37) spaces in 2007. Due to the NYSDOT requirement for a “use and occupancy” payment for a portion of the expansion that would be situated on NYSDOT lands, however, the approved site improvements were never undertaken. Mr. Dannible explained that the applicant now proposes the construction of a new access aisle around the north/northeastern portion of the existing 99 Restaurant that will accommodate thirty-five (35) new parking spaces: the total number of spaces would increase from sixty-five (65) to ninety-six (96). The current plan proposes no construction within the NYSDOT right-of-way. No new building improvements are proposed. The restaurant is currently accessed via two cross-easements with the adjoining Pier 1 store and a separate access

to the east from Clifton Park Center Road. The project site is situated within the TC3 and TC5 zoning districts on the northerly side of Clifton Park Center Road east of the existing Pier One. The plan includes a detailed Clifton Park Town Center Bulk Standards vs. Existing Conditions table.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application in a memo dated November 30, 2016. Mr. Myers notes that the site lies within a “combination of TC3 and TC5 zoning districts. Variances may be required for parking and building setbacks. Mr. Myers points out that, although there are “other zoning issues,” the building is existing.

Mr. Scavo reported that the ECC provided no comment on this application at this time.

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, offered the following comments on this application. Parking located in the south east corner appears to have a utility pole that may need be relocated. Plans should indicate how drainage from the proposed parking in the northern section will drain to the existing catch basins. The original plans for 99 Restaurant show underground stormwater chambers: the applicant shall provide information regarding how the increase in stormwater runoff from the increased impervious surface will be treated and handled.

Mr. Scavo reported that the following comments were issued by the Planning Department. The proposed subdivision is subject to §239(m) and (n) of General Municipal Law and has been referred to the Saratoga County Planning Board for a recommendation. The applicant is asked to add the following notes to the site plan:

Any work within the Clifton Park Center Road right-of-way will require permitting from the Town of Clifton Park Highway Department prior to construction.

A sign-off from the Saratoga County Planning Board shall be required prior to approval of the final plan due to the presence of an existing sewer easement through the parking area.

It appears a NYSEG utility pole is within the proposed parking expansion area. The application should furnish correspondence from NYSEG on the willingness and plan for relocation of that pole prior to approval being granted by the Planning Board. The applicant should evaluate the existing handicapped parking area, access aisle, and signage to ensure the current NYS Building & Fire Code requirements are met. Copies of the original site plan for the 99 Restaurant approved in 2005 by the Clifton Park Planning Board have been provided to the applicant. The prior variances granted by the ZBA should be noted on the site plan since they carry with the land.

Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, offered several recommendations regarding this application. A sidewalk connection should be provided from the crosswalk on Clifton Park Center Road to the restaurant’s front entrance. Bicycle lanes should be provided on the north and south side of Clifton Park Center Road since the existing sidewalk on the south side of Clifton Park Center Road is designed primarily for pedestrians and not cyclists. A bicycle rack should be installed near the main entrance to the restaurant.

Mr. Bianchi reported that, after review of the site plan and supporting documents presented for this conceptual plan, M J Engineering and Land Surveying, P.C. issued the following comments and recommendations. Based upon review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. Assuming 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 is not necessarily limited to the following: Saratoga County Planning: 239m referral due to the parcel being within 500 feet of Interstate 87. Additional involved/interested agencies may be defined as the project proceeds through the town’s regulatory review process. The following comment relates to the Short Environmental Assessment Form:

Part I.17: appropriate documentation and analysis will be required to demonstrate that the existing site drainage system is capable of accommodating the additional impervious surfaces that will result from the proposed project.

Several comments related to the proposed site plan. The project is bisected by the Town’s TC3 General Zone and TC5 Neighborhood Zone. The proposal for exterior parking lot improvements may be considered ancillary to the existing principal use. Since there are no planned building renovations and/or changes in use, a review of the building placement, building form, building type, and allowed frontage types as outlined in the TC3 and TC5 Zones have not been completed. In reviewing the bulk lot requirements for parking within the TC3 and TC5 zones and street treatment associated with the existing road frontage, the following deficiencies are noted (as part of this review, it has been assumed the lot has frontage along Clifton Park Center Road one side line to the west, side street setbacks to Route 146 and I-87 on ramp and no rear yard):

- a. Front parking setback of 30-foot minimum within the TC5. The plan shows approximately 1 to 2 feet along Clifton Park Center Road.
- b. Front parking setback of 60 feet minimum within the TC3. The plan shows approximately 1 to 2 feet along NYS Route 146.
- c. Side street setback of 30 feet minimum within the TC5 zone. The plan shows 12 feet along the I-87 on-ramp.
- d. Clifton Park Center Road is considered a perimeter road on the Future Streets Map of the FBC. The plan submitted proposes no improvements along Clifton Park Center Road and this may be an opportunity to provide or plan for a future 5-foot sidewalk (8-foot multiuse path does not appear to fit) as identified on the Perimeter Road diagram in the FBC. In doing so, any existing street trees would be impacted. The Planning Board does have the authority to grant waivers from any of the above should they find them acceptable as permitted in Section 2.3 of the FBC. Should the Planning Board grant waivers, they shall be based upon the criteria outlined in Section 2.3, Items A through E of the FBC.

The existing restaurant measures approximately 6,500 SF in size. Utilizing the parking requirements of Table 7.1 of the FBC, the minimum parking required would be approximately 51 spaces. The applicant is proposing a total of 96 spaces. The applicant should describe the need for the additional parking beyond the code minimum. Pursuant to Section 7.3, Parking Lot Landscaping of the FBC, the following may be warranted to conform to the greatest extent to the FBC site requirements:

- a. Provide a front yard buffer consisting of shrubbery, hedges, trees, decorative walls or fences which creates a visual screen at least 3-feet high pursuant to Section 7.3.A of the FBC.

- b. Provide front yard perimeter bulb-out such that there are no more than 15 continuous parking spaces in a row along the frontage pursuant to section 7.3.B of the FBC.

The Planning Board does have the authority to grant waivers from any of the above should they find them acceptable as permitted in Section 2.3 of the FBC. Should the Planning Board grant waivers, they shall be based upon the criteria outlined in Section 2.3, Items A through E of the FBC. The applicant is asked to provide a plan showing proposed landscaping to demonstrate conformance to Section 7.5 of the FBC. Subsequent submissions shall include information as outlined in Section 208-115 of the Town Zoning Code specific to lighting, site grading, landscaping, erosion control, and stormwater management to fully assess the design and its compliance with the applicable standards. Considering the plan submitted is conceptual in nature, MJ Engineering and Land Surveying, P.C. will reserve further comments until more detailed plans and reports are submitted.

Mr. Anthony LaFleche, 21 Wheeler Drive, asked that any screening materials proposed for installation along the easterly entranceway not limit sight distances in either direction for cars exiting the site onto Clifton Park Center Road.

In response to Mr. Koval's question regarding the amount of greenspace preserved on site, Mr. Dannible stated that the greenspace amounts to 20% of the site. Mr. Ferraro called for the plan to be designed "more in keeping with the FBC," and recommended that the project be designed with "less sprawl" and more greenspace within "planting bulbs." He noted that the reduction of a "couple of parking spaces" would permit "the opportunity for more plantings." Mr. Jones questioned whether or not the proposed expansion would allow for truck maneuverability through the site. Mr. Dannible explained that the expansion would provide better circulation for trucks since it would create a "loop" through the site. When questioned about the rationale for the proposed expansion, Mr. Donald MacElroy, DCG Development Group representative, explained that a restaurant the size of 99 Restaurant usually requires 125 parking spaces. He noted that the development of the new strip mall on the southerly side of Clifton Park Center Road resulted in the loss of parking areas that were usually utilized by the restaurant's employees. Limited parking on the site has resulted in a significant reduction in the restaurant's business. The proposed parking expansion would help to ease the limited parking situation. Mr. Ophardt commented positively on the proposed plan, though he identified potential conflicts between those attempting to move from the four easterly-most parking spaces with traffic exiting the site in the drive aisle. Both Mr. Neubauer and Mr. Andarawis criticized the plan's lack of conformance with the FBC with Mr. Andarawis stating that the plan is of concern because it does not appear to "be ultimately getting to FBC goals." Mr. Ferraro concluded the discussion by stating that planning objectives are different than those of ten years ago: the plan should more clearly reflect "an attempt to meet the FBC."

[2016-053] **Rucinski, Bernard and Marion** – Proposed (3) lot subdivision, 534 Grooms Road – Conceptual review. SBL: 277.-3-42.111

Ms. Cynthia Koney, applicant, presented this application for the Board's review. The speaker explained that the 6.2acre parcel to be subdivided into lots of 1.74 acres, 1.86 acres, and 2.61 acres, respectively, is located on the southeasterly quadrant of the Moe Road – Grooms Road intersection within the R1 zoning district. The proposed new lots are to be served by existing

municipal water and sewer services. Access to proposed Lot #532 will be via a new curb cut onto Grooms Road.

Mr. Scavo read the comments provided by Mr. Myers, Director of Building and Development. Mr. Myers explained that it was his understanding that the existing farm stand situated at the Moe – Grooms Road intersection was to be constructed on its own parcel and that the remaining lands of Lot 536 was to become part of the Koney parcel. He believes that the lot line adjustments may not yet have been filed at the county. Per Section 208-98 of the Town Code, the existing house will require a variance from the Zoning Board of Appeals. He noted that the line of pine trees between Lots 534 and 536 has been removed. Plans should clarify whether or not the farm stand will be connected to water and sewer services. The locations of the sewer and water connections to the existing house should be indicated on the plan. The property to be subdivided is situated within the R1 zoning district.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requests that the applicant submit the Postal Verification Form, obtain the appropriate 911 postal addresses, and include assigned addresses on the final site plan.

Mr. Scavo reported that the ECC provided no comment on this application at this time.

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, offered no comment on this application at this time.

Mr. Scavo read comments prepared by the Planning Department. The proposed subdivision is subject to §239(m) and (n) of General Municipal Law and has been referred to the Saratoga County Planning Board for a recommendation. The following notes must be added to the preliminary plan:

- a. Clifton Park is a Right to Farm Community. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, noise, smoke and vibration associated with farming practices.
- b. This parcel (subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation, and other associated activities. A study describing this impact in detail is available for inspection in the offices of the Albany International Airport.
- c. Prior to work commencing within the public right-of-way, the property owner shall obtain a curb-cut permit from either Town of Clifton Park Highway Department along Moe Road or Saratoga County Department of Public Works along Grooms Road.
- d. Underground utility connections to a dwelling unit are not allowed to be constructed underneath a private driveway. Such utilities include, but are not limited to water laterals, sewer laterals, gas, electric and storm/foundation drains. A Certificate of Occupancy will not be issued without all utilities complying with this requirement.

In accordance with §86-10 of the Town Code, “The applicant shall be required to plant two new trees per living unit on the street side of new construction sites.” The applicant is asked to add the

required trees to the Subdivision Plan for Lot 532 showing a proposed house. A parkland fee in the amount of \$1,250.00 per each of the two (2) new lots created will be due at the time of stamping of the final subdivision plan. Mr. Scavo explained that, should the applicant be willing to provide an easement for future roadway improvements or multi-use pathway installation along Grooms Road, the required parkland fees would be waived.

Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requests that the applicant provide a 15' right-of-way easement along Grooms Road for future roadway improvements or multi-use pathway installation.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. provided the following comments regarding this application. Initial comments related to State Environmental Quality Review requirements. 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 - water service connection; Saratoga County Planning Board – 239m referral due to the parcel being within 500 feet of Grooms Road (County Route 91); Saratoga County Sewer District No. 1 – request for reserve sewer capacity and sewer connection; NYS Department of Environmental Conservation – potentially NYSDEC Phase II Stormwater Regulations and identification of threatened and endangered species; NYS Office of Parks, Recreation and Historic Preservation – if the project is subject to the NYSDEC Phase II Stormwater Regulations – the identification of cultural or historic resources. Additional agencies may be identified by the Town during its review of the project. The following comments related to the Short Environmental Assessment Form:

- Part I.2 needs to be corrected to list all other agency approvals required for the subdivision.
- Part I.3.b. indicates a land disturbance of 6.21 acres: subsequent plan submissions shall substantiate the stated value.
- Part I.9, the answer needs to be corrected to "yes" since any new home constructed must at a minimum meet the State Energy Code.

Additional comments related to the subdivision plan. The project is located within the town's R1 residential zoning district. The proposal for single family homes is considered a permitted principal use within the district pursuant to Section 208-10(B)(2)(b) of the Town Zoning Code. Note that the subdivision proposes three lots, one will contain the existing home, a second a new home and a third with no defined use other than an existing farm stand. In reviewing the proposed lot configuration, each lot appears to meet the minimum bulk lot requirements outlined in Section 208-11 of the Town Code with the following exceptions:

- Lot 543 has an existing home that is within the 100-feet of the center line of Grooms Road as required in Section 208.98 of the Town's Zoning. While this is a pre-existing condition, the applicant may need to seek relief.
- Lot 536 has an existing farm stand that was recently relocated. The map notes that the dimensions provided are not survey accurate and are based upon the owner's measurements. The applicant is asked to provide survey accurate data to confirm

the relocated stand is not within the 100-foot setback of Grooms Road required in Section 208.98 of the Town Zoning Code.

The applicant is asked to provide the following notes on the plan:

- No Utilities shall be installed beneath the proposed driveways.
- Any work required within the Grooms Road (County Route 91) right-of-way shall be subject to any permitting from the Saratoga County Department of Public Works.

Any new access proposed onto Grooms Road (County Route 91) is subject to the review and approval of Saratoga County Department of Public Works. The submitted information indicates the project is proposing to connect to an existing water main(s) within proximity to the parcel. These mains are owned and operated by the Clifton Park Water Authority (CPWA). It is recommended that the town be furnished with documentation that the CPWA is willing and capable of providing potable water to the project. The submitted information indicates the project is proposing to connect to an existing sewer main(s) within proximity to the parcel. These mains are owned and operated by the Saratoga County Sewer District No. 1 (SCSD). It is recommended that the town be furnished with documentation that the SCSD is willing and capable of providing sanitary sewer service to the project. There may be a need to provide a drainage culvert at the new driveway to support existing drainage along Grooms Road. The applicant will need to coordinate with the Saratoga County Department of Public Works for any such improvements. If required, the plans must show the location, size and materials of construction. The applicant is asked to provide information on the plans indicating how potential sump pump laterals may be positioned which shall be in conformance with Section 86-7(A)(6) of the Town Code. The submitted plans provide no existing or proposed contours or expected area of disturbance. Subsequent submissions shall include sufficient data to support the area of disturbances noted. The plans at a minimum shall show 5' contour intervals. The Short Environmental Assessment Form notes a total disturbance of 6.21 acres. Any disturbance in between 1 and 5 acres will require the preparation of a Basic Stormwater Pollution Prevention Plan (SWPPP). Disturbances in excess of 5 acres require a Full SWPPP that addresses water quality and quantity controls. Subsequent submissions shall include the appropriate SWPPP based upon the expected area of disturbance. The applicant needs to obtain the 911 emergency response address and show it on the final plat.

In response to Mr. Andarwawis' question regarding the farm stand, Mr. Pelagalli explained that the improvements made recently to the farm stand have not changed "the intent and use" of the pre-existing, non-conforming use; therefore, the farm stand "would be grandfathered."

Board members appeared to find this application acceptable.

[2016-50] **Zappone Overflow Parking Lot** – Asphalt parking lot for the existing adjacent auto dealership, US Route 9 – Conceptual site plan review. SBL: 266.3-3-10.1

Mr. John Harding, consultant for the applicant, introduced this application for the Board's consideration explaining that the project plan calls for construction of an asphalt parking lot adjacent to an existing auto dealership. The 2.2 acre property is specifically situated on the westerly side of US Route 9 approximately one half mile north of the Post Office and located in the B4A zoning district. The required setbacks for parking areas within the zone have been met or exceeded. Greenspace totals 35.2% of the site, in excess of the 35% requirement. The speaker

explained that there will be no increase in run-off to adjoining properties since increases in run-off from the asphalt will be infiltrated using drywells. There will be a minor increase to “Design Point C” located along the westerly property boundary that adjoins the Northway that will be retained in the existing depression and infiltrated.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments for this application in a memo dated November 30, 2016. The proposed use is permitted within the B4A zoning district. It appears that there are several stormwater management issues to be addressed.

Mr. Scavo reported that the ECC offered the following comments and recommendations on this application after review of the site plan at its December 6, 2016 meeting. The ECC recommends that due to the amount of impervious surfaces being proposed the applicant develop and demonstrate appropriate stormwater management plans and practices for the entire site. Due to the historical drainage issues on adjacent lots, the stormwater management plan must address mitigations for stormwater. The ECC recommends that the stormwater plans for this project be considered in relation to any other stormwater projects in the area. In keeping with the recommendations and goals of the Town Comprehensive Plan, the applicant *should* retain existing vegetation and/or use landscaping and grading to provide visual and auditory buffering between the project and the Northway. The ECC recommends that the applicant add coniferous trees to provide year round visual screening. The applicant shall include these plans in the site plan package.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, provided a number of comments regarding this application. For the design storm (24hr) data, the applicant is asked to employ the New York State Stormwater Management Design Manual (NYSSMDM), (January 2015), figures 4.1 – 4.5 for the rainfall amounts (specifically the 100 year storm event). Per the NYSSMDM section 6.3.1, the applicant is asked to confirm that the drywell located at the northwest corner of the proposed parking area is not in fill and is on areas with natural slopes less than 15%. Further detail needs to be provided on the existing depression located along the owner’s western property line and the Northway. There appears to be an 18” CPP without an invert/outlet elevation. Clarification of the catch basin outlets located along the western and southern portion of the property should be shown on the plans. On sheet 7 of 11 under the Change in Runoff Table there is an indication that the “runoff flows to existing depression at the westerly property line and infiltrated.” The existing contours for the existing depression do not reflect the actual conditions. The basin should be surveyed showing outfall elevations, inverts, and side-slopes. The original plans from the NYSDOT should be obtained to confirm that the additional runoff does not impact the runoff from the NYSDOT. The percolation test results 1 min/in or 60 inches in an hour. The applicant should indicate what rate of infiltration is being used for the calculations. Most calculations use a maximum conservative factor of 6 inches per hour. The following statements and questions relate to the infiltration area along the eastern property line:

- a. An emergency overflow outfall should be provided.
- b. The storage volume above the rim of the drywells should take in account the proposed stone/rip-rap lined jeep demo trail.
- c. Will the jeep demo trail compact or track mud and fines into the infiltration area?
- d. The area cannot accept any runoff from vehicles that will require repair or work from the service facility.

e. Due to the past history of the dry wells clogging in front of Zappone's property to the north, the NYSSMDM Section 6.3.1. Design Guidance recommends that the dry wells should include rooftop runoff only.

The applicant is asked to address the following when the full SWPPP is submitted:

- a. How the Water Quality Volume is being treated
- b. How the Runoff Reduction Volume is being met.
- c. How the Channel Protection Volume is being met.
- d. How 100% of the WQv will be pretreated prior to entry into the infiltration facility (NYSSMDM - 6.3.3).

The installation of the drywells and gravel should be scheduled after the pavement has been installed and the grass has been established. The drywell area should be designed as a temporary sediment trap per New York State Standards and Specifications for Erosion. The applicant is asked to describe the intent of the "future utility stubs." Plans state that no lighting is proposed: the applicant should clarify whether or not there he intends to light this lot in the future. The plan should indicate where the 4" perforated drain of the retaining wall will drain to. If it will drain to an existing catch basin, an easement and an agreement will be needed from the property owner. There is a fence line along the western border with the NYSDOT Rest Station that should be shown on the site plans. The gravel surface along the western property line of the adjacent lot is not shown on any approved site plan filed with the town. Multiple vehicles are parked on the parcel now: this has not been approved by the Planning Board at this time. The applicant must confirm whether or not a 25' wide sanitary sewer easement exists by the western portion of the property. Per plans titled "Subdivision of Lands of Samuel R. Dell, Jr." by Gilbert VanGuilder and Associates, dated November 17, 1993, there appears to be an easement that abuts the project parcel. The swale at the top of the retaining wall should have an impermeable layer to prevent the sheet flow from the parking area to infiltrate into the stone backing of the retaining wall and drain off site through the 4" perforated pipe. The existing basin in front of Zappone's property to the north does not have an emergency overflow. Past history of flooding has been an issue at this location. This item may be brought up as part of this application and should be discussed in further detail with the town.

Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, offered the following recommendations on the project plan. A sidewalk with appropriate landscaping and trees should be provided along Route 9 from the southern end of the property to Meyer Road, approximately 760 linear feet. This sidewalk section is important as a connection to the existing sidewalks on Route 9 and for pedestrian access for residents living on Meyer Road and in Parkwood Village. A sidewalk should also be provided from Route 9 to the front entrance of the dealership. A bicycle rack should be installed near the main entrance to the building.

Board members discussed the sidewalk location briefly, recommending that the applicant consult with Ms. Jen Viggiani, Open Space Coordinator and representatives of NYSDOT to determine the most practical location for installation of a sidewalk.

Mr. Scavo offered comments prepared by the Planning Department. Pursuant to §208-48 Landscaping of the Clifton Park Town Code, "the property margins at the sides from the front building line to the rear property line shall be planted with trees and shrubs for a width of not less

than 15 feet.” It is recommended that a landscaping plan be developed that places trees and/or shrubs within the area near the proposed gabion retaining wall along the southern side yard property boundary. Although the project lies on a parcel that is separate from the adjacent Zappone Car Dealership Facility, the site will function as one business; therefore, side yard plantings to the north may not be warranted. The US Route 9 Corridor continues to see positive economic development and reinvestment. The applicant may want to consider revising the proposed retaining wall to utilize a more aesthetically pleasing material such as redi-rock or similar product to complement the side yard landscaping. The applicant should clarify whether or not exterior lighting is proposed within the proposed overflow parking area. The project has been referred to the Saratoga County Planning Board for a recommendation since it is adjacent to US Route 9. The applicant should be aware that if any construction activities are to occur within the NYSDOT right-of-way, a Highway Work Permit from that agency will be required and obtained by the applicant prior to commencement of such activities. Although this parcel and the parcel to the north are held in common ownership, it is advised that the applicant establish a reciprocal cross access ingress/egress easement since ownership of either party could be transferred to a separate entity in the future.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. provided the following comments regarding this application. 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: Saratoga County Planning Board – 239m referral due to the parcel being within 500 feet of US Route 9; NYS Department of Environmental Conservation – potentially NYSDEC Phase II Stormwater Regulations and identification of threatened and endangered species; NYS Office of Parks, Recreation and Historic Preservation – if the project is subject to the NYSDEC Phase II Stormwater Regulations - identification of cultural or historic resources. Additional agencies may be identified by the town during its review of the project. Two items in the Short Environmental Assessment Form require attention:

- Part I.2 needs to be corrected to list all other agency approvals required for the application.
- In Part I.12.b, the responses needs to be verified with information from the CRIS Database. Research indicates that the parcel is within an archeologically sensitive area. Additional information may be warranted on this topic since it appears the project will require a SWPPP and must demonstrate permit eligibility for coverage under GP-0-15-002.

Several comments related to the proposed site plan. The project is located within the Town’s Highway Business/Restricted Retail B4-A zoning district. In reviewing Section 208-50 of the Town Zoning Code, the proposal for a parking lot may be considered a permitted use, absent a principal use (building or structure) on the parcel 5. Section 208-50.5 of the Town Code requires the property margins at the sides from the front building line to the rear property line shall be planted with trees and shrubs for a width of not less than 15 feet. This standard applies whether or not a building or structure is being proposed. Subsequent plans will need to illustrate how this requirement is to be satisfied. The project would result in disturbances in excess of 1 acre and, therefore, is subject to the NYSDEC Phase 2 Stormwater Regulations and General Permit GP-0-15-002. As the project proceeds through the regulatory review process, a fully conforming

Stormwater Pollution Prevention Plan (SWPPP) will be required that addresses stormwater quality, quantity, and green infrastructure elements and must be submitted as part of a preliminary plan submission. The project proposes a temporary construction access onto US Route 9. This proposed work is subject to the review and approval by the NYSDOT. The applicant shall coordinate with the regional office of the NYSDOT and obtain permitting in advance of construction. It is suggested that a cross lot access easement be required to the parcel that is adjacent to the north since there is no permanent access to US Route 9 proposed. Discussion with the Planning Board is necessary to justify why no exterior lighting is being proposed. It is recommended that, at a minimum, lighting be provided for security purposes. The applicant is asked to provide additional information regarding the “jeep demo trail” for review and consideration by the Planning Board. The initial soil testing to support the stormwater management design indicates suitable conditions exist to utilize infiltration. As part of subsequent submissions, additional testing shall be provided in accordance with Chapter 6 of the New York State Stormwater Management Design Manual (NYSSMDM), with the frequency and location of testing in strict conformance with the stated standards. Considering the plan submitted is conceptual in nature, M J Engineering and Land Surveying, P.C. will reserve further comments until more detailed plans and reports are submitted.

Mr. Anthony LaFleche, 21 Wheeler Drive, asked that the sidewalk be located as far as possible from US Route 9 to allow adequate room for snow storage. He also requested that the sidewalk be designed with the “most direct route” from one location to another in mind.

Mr. Wayne Beale, owner of The Rusty Nail restaurant, called on the Planning Board to be certain that the applicant “takes precautions” to prevent drainage from the proposed development from damaging his business.

Mr. Neubauer supported recommendations for improvements to the proposed gabion retaining wall. In response to Mr. Ferraro’s call for the use of more green infrastructure practices, Mr. Harding pointed out that stormwater management design was limited by site characteristics and that the proposed design significantly reduced run-off to adjoining properties. Board members found the project plan generally acceptable.

[2016-051] **Peak Environmental Industrial Park** – Multiple light industrial buildings, 44 Wood Road – Conceptual site plan review. SBL: 259.-2-73.12

Mr. Terry Hubbard, applicant, introduced this application for the Board’s consideration. The parcel under review is a 16.64 acre parcel adjoining the Northway to the east, lying on the southerly side of Wood Road. It is specifically situated within the LI2 zoning district. A wetland delineation performed by North Country Ecological on April 28, 2014 indicates wetland areas of .65 acres, 1.15 acres, and .58 acres, respectively. Although the applicant is considering a number of future site expansions, the current application will focus on additional clearing of the site to provide storage space for trucks, equipment, and other materials used in his landscaping business and a small building for stockpiling supplies. The applicant explained that the site is served by a private well and connection to the Saratoga County Sewer District. Information provided with the 2015 application indicated that there were no threatened or endangered species identified on the

site. The plan shows provision for a 15' easement to the town for future multi-use pathway construction along the property's Wood Road frontage.

Mr. Scavo read comments prepared by Mr. Myers, Director of Building and Development. A full Stormwater Pollution Prevention Plan will be required. Mr. Myers notes that steep slopes, considerable wetlands, and water courses which traverse this property may prevent the applicant from developing as much of the property as proposed. Roads and parking areas may not be constructed within the wetland buffer. The project is located within the LI2 zoning district. The plan should clarify the proposed use for the storage facility. Stormwater ponds in the buffer are not permitted. Mr. Myers concluded his comments by stating that much more detailed information is required before the plan may be properly evaluated.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requests that the applicant submit the Postal Verification Form, obtain the appropriate 911 postal address, and include the assigned address on the final site plan.

Mr. Scavo reported that the ECC issued the following comments regarding this application. The ECC recommends significant design detail as follows:

- The development should not be located in the NYSDEC wetland buffer.
- Additional excavation of the steep, sandy, unstable slopes present at the site should be immediately stabilized upon excavation.
- The site will disturb more than one acre and will need to obtain and adhere to the NYSDEC construction disturbance permit.

The ECC recommends that any grading plan be submitted and commented on by the NYSDOT.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, offered two comments regarding this application. It appears that "a good portion" of the proposed project lies within the 100' NYSDEC buffer area. A stormwater management area is proposed in the 100 foot NYSDEC buffer: this is not encouraged and a permit will be necessary from that agency.

Mr. Scavo offered comments prepared by the Planning Department. Building and accessory building setback distances should be shown as plans progress. Remaining greenspace percentage post construction should be shown on the site plan. The project is within the adopted Wood Road GEIS Study Area. Pursuant to the Findings Statement for the FGEIS for the Wood Road Corridor, the following issues should be addressed as plans progress:

- a. Per Finding No. 34, traffic mitigation fees are required to address cumulative impacts of the proposed development. The applicant's consultant should submit an analysis of the projected trip generation using ITE Trip Generation Manual, 9th edition, so that the respective mitigation fee can be assessed.
- b. Upon site plan approval, a mitigation fee is due for the original review of the DGEIS in the amount of \$74.28 per acre.
- c. Per Finding No. 73, a Phase I Environmental Audit shall be conducted and submitted at the initiation of site plan review.
- d. Per Finding No. 78, the applicant shall contact NYSOPRHP regarding historic sites and archeologically sensitive resources near the project area. Copies of the correspondence should be sent to the Town for our files.

- e. Per Finding No 79, the Light Industrial zoning district was amended to allow only uses such as warehousing, fabrication and similar low intensity land uses. The proposed use appears to be consistent with the permitted zoning and with prior approvals for landscaping businesses within the Light Industrial zoning district.

A referral and recommendation on the preliminary site plan from the Saratoga County Planning Board will be required in accordance with GML §239(m) and (n).

Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the applicant verify whether or not the trail easement along Wood Road which is noted on the plan has been conveyed to the town. It is recommended that a bicycle rack be installed near the main entrance to the building.

Mr. Bianchi reported that, after review of the conceptual site plan and accompanying documents submitted for review, M J Engineering and Land Surveying, P.C. offered a number of comments. Based upon discussions with town staff, the project resides within a GEIS study area and, therefore, is subject to the findings and conclusions of the FGEIS Findings Statement. As the Planning Board reviews this proposal, it may find that (1) the project is in conformance with the prior SEQRA record and no further review is necessary, (2) the project does not conform with the prior SEQRA record, but the changes are not substantive enough to warrant a supplemental EIS or (3) the proposal does not conform with the prior SEQRA record and a supplemental EIS is warranted. In order to assist the Planning Board in its review, the applicant should review the GEIS and provide a narrative comparing the project impacts against the GEIS SEQRA findings. The following comments related to the Short Environmental Assessment Form:

- Part I.2 needs to be corrected to list all other agency approvals required for the project.
- Part I.3.b. indicates a land disturbance of 6.0 acres. Subsequent plan submissions shall substantiate the stated value.
- Part I.8.a. indicates that the project will not result in a substantial increase in traffic above present levels. At a minimum, an estimate of expected peak hour vehicle trips should be provided for review. Depending upon the results, a formal traffic impact study may be necessary.
- Part I.12.b: the response needs to be verified against the CRIS Database. A search indicates that the parcel is within an archeologically sensitive area. Additional information may be warranted on this topic since it appears the project will require a SWPPP and must demonstrate permit eligible for coverage under GP-0-15-002.
- Part I.15: the responses need to be verified against the NYSDEC Database. A search indicates that the parcel may potentially include threatened or endangered species. Additional information may be warranted on this topic since it appears the project will require a SWPPP and must demonstrate permit eligible for coverage under GP-0-15-002.
- Part I.20, the response needs to be verified against the NYSDEC Database. In our search, the parcel or adjacent parcels has been subject to remediation.

Additional comments related to the site plan. The project resides within the town's LI2, Light Industrial zoning district. Review of Section 208 -64(B) of the Town Zoning Code indicates

that it appears that the proposed storage units are permitted principal uses within this district. The concept plan shows bins at the east corner of the parcel and auxiliary bins on the northern portion of the parcel. Additional information is required regarding what these bins represent and will be utilized for in order to determine conformance with zoning regulations. In reviewing the proposed use in relation to the lot configuration, the proposal appears to meet the minimum bulk lot requirements outlined in Sections 208-65 and 208-66 of the Zoning Code with the following potential exceptions:

- Confirm the required greenspace is being provided to ensure Section 208-65(B) of the Code is satisfied.
- The parcel parallels the Northway and effectively has double frontage. As such, the setback along the Northway would be 50 feet from the right-of-way. M J Engineering and Land Surveying, P.C. will defer to the town's Chief Zoning Officer on this matter.
- The ancillary bins are within the 25-foot setback of the Northway, which may actually be 50-feet (pursuant to comment 9.b).

For clarity, the applicant is asked to provide a bulk lot table showing existing, required, and proposed lot setbacks/coverages as it relates to the zoning district standards. Section 208-66(A) of the town's Zoning Code indicates there shall not be more than one curb cut per lot unless the Planning Board finds that traffic safety will be improved with the addition of another curb cut. The Planning Board may consider granting a waiver from Section 208-66(A) of the Code. 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. The plan shows impacts within the NYSDEC wetland adjacent area. This work will require permitting through the NYSDEC and US Army Corps of Engineers. The town shall be provided correspondence relating to regulatory approvals for the wetland adjacent area impacts proposed. Given the extent of impacts proposed, it is recommended that regulatory feedback be obtained as early as possible during the town's review. The Short Environmental Assessment Form indicates that the project will not connect to public water. Subsequent submissions shall outline how potable water will be provided to the project. Should a well be required, it is suggested that the applicant furnish well pump tests prior to final approval to ensure that the existing groundwater source is adequate to support the proposed development. With on-site wells being proposed for potable water, depending upon the number of users, the water system may be classified as a non-transient type system, requiring NYS Department of Health approval. Pursuant to Section 208-66(D) of the Zoning Code, the owner shall be required to hook into a community water system as soon as one becomes available as defined by the New York State Uniform Fire Prevention and Building Code. This should be a condition of any approval that may be offered for the application. The project proposes to provide sanitary sewer service to the project from the Saratoga County Sewer District No. 1. The applicant will be required to request additional reserve capacity from the SCSD. The applicant shall provide the town with 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 applicant is asked to indicate how refuse will be stored on site. The existing building is noted to remain. Plans should indicate how it will function as part of the site development proposal. Plans should also include an indication of the expected height of the proposed building so that a review of the fire access to the building may be completed. If the building is greater than 30 feet in height, an aerial fire

apparatus access road will be required meeting the requirements of Appendix D, Section D105 of the Fire Code of New York State (FCNYS). There needs to be a determination as to whether or not the proposed building construction and use will warrant automatic sprinklers as prescribed in the Building Code of New York State. This information is needed to determine whether or not an on-site hydrant is required to satisfy the requirements of Section 508.8 of the FCNYS. Without a public water system available to the property there needs to be indication of how fire protection will be provided to the site and buildings. It may be required to examine alternate means of providing appropriate fire protection such as dry hydrants connected to the proposed on-site stormwater ponds. The proposed method of fire protection needs to be reviewed by the responding fire department. Subsequent submissions should include architectural renderings of the building along with identification of materials of construction to demonstrate conformance with Section 208-66(C) of the Code. There should also be indication as to whether or not roof top units are expected and how they may be screened from the public right-of-way. Subsequent submissions shall include information as outlined in Section 208-115 of the Zoning Code specific to lighting, site grading, landscaping, erosion control, and stormwater management to fully assess the design and its compliance to the applicable standards. Considering the plan submitted is conceptual in nature, M J Engineering and Land Surveying, P.C. will reserve further comments until more detailed plans and reports are submitted.

Board members discussed the proposal briefly, recommending that the applicant consider locating the storage bins shown to the north to a location closer to the core of the business or off the “haul road.” While they expressed appreciation for the applicant’s willingness to provide a possible “master plan of development” for the site, they asked that a more detailed plan be provided that highlighted the plan features to be developed at this time. It appeared that Board members found the plan generally acceptable.

Mr. Koval moved, seconded by Ms. Bagramian, adjournment of the meeting at 10:32p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on January 12, 2017.

Respectfully submitted,

Janis Dean,
Secretary