

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

PLANNING BOARD

ROCCO FERRARO
Chairman

PAUL PELAGALLI
Attorney

JANIS DEAN
Secretary



MEMBERS
Emad Andarawis
Denise Bagramian
Joel Koval
Andrew Neubauer
Eric Ophardt
Eric Prescott

(alternate) Jeffery Jones

Planning Board Meeting

July 12, 2016

Those present at the July 12, 2016 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, J. Koval, A. Neubauer,
E. Ophardt, E. Prescott
J. Jones – 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 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Minutes Approval:

Since Board members did not have time to review the June 28, 2016 meeting minutes, approval of those minutes was deferred until the August 9, 2016 meeting.

Public Hearings:

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

Old Business:

[2016-018] **Hockford, Le** - Consideration of Special Use Permit #81077 to permit the construction of a two-family dwelling within the CR zoning district, 254 Sugar Hill Road – Preliminary site plan review and possible determination. SBL: 282.-1-12

Mr. Ferraro explained the review process to those present, stating that the Planning Board issued a negative declaration pursuant to SEQRA for this application at its May 10, 2016 meeting. At that time the Board also conducted and closed the required public hearing.

Ms. Hockford, applicant, and Mr. Mark Bergeron, consultant, presented this application that remains generally as presented at the May 10, 2016 and June 14, 2016 Planning Board meetings. A sketch site plan illustrating the existing residence and other improvements to the property as well as building elevations which showed proposed modifications were presented for the Board's consideration. While there will be no changes to the front elevation, on the south side of the building an existing door will be removed and a window added, on the north side a double-hung window will be replaced with a door, and on the west side two single-pane windows will be replaced by a double-hung window. Illustration of a proposed future garage near the southerly side of the property which was a part of the first submission has been removed from the site plan. Four existing pine trees along the property's road frontage are shown on the plan.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered no comment on this application.

Mr. Scavo reported that the ECC provided the following comment regarding this application. The placement of a two-family home in a CR zone violates the spirit of the western zoning code. If the application is for a two-family residence, the ECC recommends that the Planning Board deny this application and require the applicant to provide a plan which adheres to the intent of the CR zone as per section 208-16A.

Mr. Scavo offered comments prepared by the Planning Department. It appears the site plan dated June 18, 2016, displays existing vegetation on the site plan. It is recommended that any Planning Board approval be conditioned upon preservation of the four (4) mature existing pines trees within the front yard area. As a condition of approval it is recommended the Planning Board require that no additional expansion of the existing structure or construction of new accessory structures be built beyond what is represented by the applicant on the site plan and Special Use Permit application without written approval from the Planning Board. Any modification to the conditions associated with the Special Use Permit will require written authorization from the Planning Board. As requested at the April 12, 2016 and May 10, 2016 Planning Board meetings, the following notes should be added to a site plan:

This parcel is located in an area where aviation activity occurs. Such activity may include, but is not limited to, periodic noise, vibration, hours or operation, and other associated activities. A study describing this impact in detail is available for inspection in the offices of the Albany International Airport.

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.

The applicant is responsible for obtaining all applicable building permits prior to commencement of construction activities.

Mr. Doug Simmons, 241 Sugar Hill Road, expressed his concerns regarding the changing nature of the Sugar Hill Road neighborhood, stating that the street is “becoming a neighborhood of two-family homes.” He noted that the applicant plans to renovate the existing attached garage to create livable apartment space with the expectation of constructing a new garage at the southerly side of the residence. He was also concerned that work on the property was undertaken without the issuance of proper permits.

Ms. Hockford explained that the site plan presented at this evening’s meeting no longer shows a proposed new garage building. Mr. Ferraro reinforced Ms. Hockford’s statement, explaining that, in response to Planning Board concerns, the applicant has removed the proposed garage from the project plan. Mr. Pelagalli explained that a Special Use Permit must be approved by the Board when a proposed use within a zoning district “does not fit as neatly [into the zone] as a permitted use” and that, pursuant to Section 208-79 of the Town Code, Board members may apply certain criteria and conditions to an approval in an effort to make the use more compatible with surrounding properties. Mr. Ferraro remarked that he found the concerns expressed by the ECC valid and stated that he would encourage the Town Board to “reconsider the use of duplexes throughout the community.” He did note, however, that the Planning Board, though “sensitive to concerns raised,” has found that changes to this property and residence “have been minimal” and that this applicant has met code requirements for approval of the required Special Use Permit. The speaker emphasized that in the future no changes to the site, including changes to the parcel’s landscaping and/or the addition of buildings or accessory structures will be permitted without written approval from the Planning Board. Mr. Andarawis agreed that Board members should be concerned with the growing number of requests for two-family residences within the CR zoning district though he found the minimal changes to the existing residence acceptable. He did ask that, should the large parcel be subdivided in the future, the approval of the two-family dwelling “be taken into consideration.”

Board members first considered approval of the Special Use Permit.

Mr. Koval offered Resolution #13 of 2016, seconded by Ms. Bagramian, to approve Special Use Permit #81077 pursuant to Section 208-16D(3)[8] of the Town Code to permit the construction of a two-family dwelling within the CR (Conservation Residential) zoning district conditioned upon preservation of the four (4) mature existing pines trees within the front yard area, no additional expansion of the existing structure or construction of new accessory structures beyond what is represented by the applicant on the site plan and Special Use Permit application without written approval from the Planning Board, the addition of the following notes to the site plan:

This parcel is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours or operation, and other associated activities. A study describing this impact in detail is available for inspection in the offices of the Albany International Airport;

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;

that the owner is responsible for obtaining all applicable building permits prior to the commencement of any construction activity, that there be no filling, disposition or removal of soil materials, vegetation removal, diversion or obstruction of water flow, or placement of structures within natural drainage systems and wetlands located on the parcel, and satisfaction of all items listed in the final comment letter prepared by the Planning Department. Ayes: Ophardt, Andarawis, Bagramian, Prescott, Neubauer, Koval, Ferraro. Noes: None.

The Board then acted upon the site plan application.

Mr. Ophardt moved, seconded by Mr. Neubauer, to grant preliminary and final site plan approval to this application conditioned upon preservation of the four (4) mature existing pines trees within the front yard area, no additional expansion of the existing structure or construction of new accessory structures beyond what is represented by the applicant on the site plan and Special Use Permit application without written approval from the Planning Board, and the addition of the following notes to the site plan:

This parcel is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours or operation, and other associated activities. A study describing this impact in detail is available for inspection in the offices of the Albany International Airport;

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;

that the owner is responsible for obtaining all applicable building permits prior to the commencement of any construction activity, that there be no filling, disposition or removal of soil materials, vegetation removal, diversion or obstruction of water flow, or placement of structures within natural drainage systems and wetlands located on the parcel, and satisfaction of all items listed in the final comment letter prepared by the Planning Department. The motion was unanimously carried.

[2016-005] **US Route 9 and Fire Road Office Building** – Proposed construction of a 57,000 SF office building, 32 Old Route 146 – Revised conceptual review. SBL: 272.9-1-10; 272.9-1-21.1; 272.10-2-18; 272.10-2-20

Mr. Gavin Vuillaume, consultant for the applicant, and Mr. Ed Abele, applicant, presented this project update for the Board's consideration. Mr. Abele offered a brief overview of the project plan which has been reviewed by the Board on two previous occasions. Proposed site development includes the construction of a 57,000 SF office building, a combined retail/banking use with a drive-thru totaling 3,600 SF, a 2,600 SF restaurant, which lies within the Town of Halfmoon, and parking for 275 vehicles. Reporting that Abele Builders has a prospective tenant for the bank building, Mr. Abele explained that "sequencing of the build-out" would begin with construction of the large office building and retail-banking building. He reported receipt of a number of comments from the M J Engineering and Land Surveying, P.C. and town staff, stating that many of the issues of concern were minor in nature and expressing confidence that all items could be satisfactorily addressed with the next submission. Mr. Abele introduced Ms. Wendy Holsberger, traffic consultant, who was in attendance at the meeting.

Mr. Gavin Vuillaume, consultant, provided a detailed description of the project proposal, explaining that initial development would involve development on 4.6 of the 5.5 acres comprising the site. The plan remains generally as presented at the April meeting, with proposed construction of an office building, bank-retail business with a drive-thru, and restaurant. A boulevard-type entrance is proposed for access to Route 9 to showcase the large office building to the rear of the site. Two other points of access will be provided: one onto Northside Drive and one onto Fire Road. Mr. Vuillaume explained that the bank-retail facilities would not be “heavy traffic generators” and that curbing and internal traffic controls would provide for smooth traffic flow through the site. He reported that stormwater, utility, and landscaping plans have been submitted to the town and that his firm is in the process of preparing written responses to the issues raised. Stormwater will be directed to the rear of the site: a dry swale will provide “good infiltration” and subsurface storage will be utilized with eventual discharge through the hotel parcel to the basin in the NYSDOT right-of-way in front of Delmonico’s Restaurant. Mr. Vuillaume reported that the site will provide “lots of pedestrian accommodations” internally as well as along adjoining roadways.

Ms. Wendy Holsberger, traffic consultant, reported that the traffic study prepared for this project in March has been updated to reflect evaluations of existing traffic conditions and potential impacts to traffic at the Exit 9 Northway ramp, Fire Road – Northside Drive intersection, and Saturday traffic flows. Ms. Holsberger explained the methodology used to evaluate traffic conditions including calculations of general background growth and estimates of traffic generation resulting from proposed development within both the Town of Clifton Park and Town of Halfmoon in the vicinity of the Route 9 – Route 146 intersection. The updated study resulted in conclusions similar to those first presented. The speaker maintained that a full access curb cut onto Route 9 would be feasible.

Though Mr. Ferraro expressed his concerns regarding the number of conflicting traffic movements in the area and his fear that the safety of those traveling the corridor would be significantly impacted, Ms. Holsberger explained that there were “adequate gaps” in the traffic flow to allow safe ingress and egress to the site onto Route 9. Mr. Koval stated that, though he understands the analysis, he believes that left turns in and out of the site at the Route 9 entrance would be “problematic” and he recommended that a dedicated right turn lane be provided at the intersection. Mr. Ferraro reiterated his safety concerns noting that the several development projects proposed in the area not only in Clifton Park but also in the Town of Halfmoon create a “propensity for serious conflicts.” He called for a “comprehensive rather than incremental” consideration of traffic impacts in the corridor. In response to Mr. Jones’ question regarding utilization of the Fire Road access as the main access to the site, Mr. Abele explained that although Fire Road would become an important ingress-egress point for the site, the large office building should be oriented to the major highway. Mr. Ophardt commented that although he found the “distinct boulevard” design appealing, he found it “compromised” by the provisions for access to other sites within the complex. Mr. Abele agreed to consider reserving property along the boulevard to provide for a right turn lane should such a lane be warranted in the future. Addressing the issue of peak traffic flows, Mr. Abele pointed out that the office building would generate significant traffic during morning and afternoon hours while the bank/retail use would generate a more consistent flow throughout the day. In response to Mr. Jones question regarding the possibility of a medical office use, Mr. Abele stated that it was possible that all or a portion of the

building would be used for medical purposes. Mr. Ferraro asked that the applicant consider elimination of the curb cut onto Route 9 and the creation of a principal access at Fire Road. He asked if there were development plans for parcels labeled 5 and 7. Mr. Vuillaume reported that these outparcels would remain as greenspace and provide for installation of a small stormwater management area. Mr. Andarawis pointed out that, if the applicant were to acquire additional properties in the future, the controlled access points would be beneficial. Mr. Ferraro called the applicant's attention to the landscaping plan that was approved with the land clearing/soil disturbance application in 2015, pointing out that installation of landscaping as proposed and approved at that time may interfere with sight distances from proposed curb cuts planned for access at this time. Mr. Abele agreed to evaluate the landscaping plan in light of sight distance and traffic safety concerns. Mr. Chris Abele, applicant, explained that Abele Builders has consolidated the multiple previously-existing curb cuts into three more desirable locations. He emphasized the need for a building of "the size and scale" of the one proposed to have a presence on a major roadway and asked that the Board "not saddle this applicant" with the responsibility of funding traffic improvements or limiting his project due to incremental development within the Route 9 corridor that has resulted in increased traffic. Mr. Ferraro countered by stating that the Board must "take a different approach" and considered the proposed uses as "greater than the existing, prior uses" with significantly more traffic impacts. He stressed the importance of the appropriate incorporation of landscaping in the road design. Mr. Neubauer commented that although he understands the design concept of the "boulevard vista," he would like to see a photo depiction of the view of the building elevation from the Exit 9 Northway ramp. Mr. Abele reported that it is likely that only a small portion of the third story would be visible from that location and that the office building will be designed to be aesthetically pleasing from all angles. Mr. Neubauer asked that building elevations be provided for all sides of the building and that, as a "marquis building for Clifton Park," it would be important that the "area from which most people will view the building" be considered. He preferred that no trees be added to the boulevard median. Though Mr. Ferraro found the placement of trees in the median acceptable, Mr. Vuillaume suggested that a "narrower tree species" or lower shrubbery may be more appropriate. Mr. Ophardt stated his preference for the placement of trees on either side of the boulevard as opposed to the middle of the median. Mr. Neubauer recommended that the applicant consider extending pedestrian accommodations to the south of the site. Mr. Andarawis speculated that future site development might include a small café or art center along Fire Road that would be designed in keeping with the town center standards that would bring the structure close to the street.

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. Though Mr. Ferraro explained that the discussion here-to-fore included many of the issues raised in comment letters and, therefore, it was not necessary for them to be read aloud, they are included here to provide Board members a complete record of issues and concerns specific to this application.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated June 24, 2016. No Stormwater Pollution Prevention Plan has been provided. Mr. Myers' memo states that he "does not believe redevelopment is the correct

approach for stormwater on this site.” The majority of the site is open field and brush not pavement. The proposed restaurant is wholly in the Town of Halfmoon. Parking associated with that building should be noted on the plan. A Memo of Understanding or similar document should be obtained with Halfmoon to relinquish oversight of this associated parking to that municipality. The property is zoned B-4. Variances required for setbacks, building height, number of entrances, and landscaping borders will likely be required. The plan indicates that homes at #28 and 32 Old Route 146 will be removed: this has not occurred to date.

Mr. Scavo reported that the ECC recommends that the applicant show additional plantings in the green-space located at the corner of Fire Road and US Route 9.

Mr. Scavo read comments prepared by Mr. Reese, Stormwater Management Technician. Since there are multiple commercial buildings, the applicant should provide information on the ownership and maintenance for the individual stormwater management areas. A full Stormwater Pollution Prevention Plan will need to be submitted and reviewed to determine the adequacy of the stormwater management plan. The applicant is asked to provide test hole and infiltration rate information at the location of the proposed stormwater management areas. The test hole data shall include the seasonal high ground water elevations. If infiltration methods are proposed, the infiltration tests shall be taken at the elevation of the bottom of the proposed subsurface stormwater management areas. All stormwater management areas shall be buffered 25 feet minimum from any building foundation from the high peak elevation for a 100-year storm.

Mr. Scavo read the following comments which were prepared by the Planning Department. The applicant should provide written correspondence from NYSDOT Region One regarding DOT’s review of the traffic analysis. The applicant should clearly delineate on the site plan the area and associated improvements for Phase I - construction of the 57,000 SF office building from subsequent phased development. The associated curb-cuts sought for Phase I should also be noted. The Planning Board should limit its SEQR review and site plan decisions to the impacts associated with Phase I at this time. There is an existing 20’ wide utility easement with NYSEG poles, guy wires, and overhead utility lines running through the project site. The applicant should note if the utility easement will remain and address whether or not the utilities are to be relocated. Sheet 7 of 8 shows a detail for a detectable warning strip; however, a detail for a handicapped accessible curb ramp should also be provided for review. The running slope of the curb ramps should be shown to meet ADA requirements in relation to the finished sidewalk and asphalt top coat elevations. Curb ramps should be provided and identified at all locations where the sidewalk terminates to a roadway or parking area. The plan currently shows curb drops at the handicapped assessable access aisles. If approval for Phase I is determined to be limited to the construction of a 57,000 SF office building, the parking requirement for general office (which is less than that required for medical office space) is 1 space for 300 SF of gross floor area. The code requirement for just the office building would be 190 parking spaces. The site statistics table should be updated to show what is proposed to be built under Phase I and what will come back in the future for subsequent consideration before the Planning Board in additional phases.

Mr. Bianchi reported that, after review of documents submitted for this application, M J Engineering and Land Surveying, P.C. provided the following comments. Initial comments related to the site plans presented for review. As noted in Comment 18 of the February 5, 2016 review

letter, there should be an examination of potential linkages or cross lot easements to adjacent properties. This topic should be discussed further with the Planning Board as the plans propose no such easements. The applicant is asked to confirm that the site statistics shown on the site plan are representative of the portions of the project located within the Town of Clifton Park. The Site Statistics Table on the site plan notes a maximum building height of 50 feet but there is no indication of the constructed height of the proposed three-story building; therefore, it cannot be determined what the resulting side yard setback shall be (for each foot of building above 35 feet, the setback shall increase by 2 feet pursuant to Section 208-46(E) of the Town's Zoning) and if area variances are necessary. The three-story building is within the minimum side yard setback of 30 feet and still appears to need an area variance. For all potential variances identified, should they be approved by the Zoning Board of Appeals, notation shall be provided on the site plan indicating the degree of relief granted, the date relief was granted, and Zoning Board resolution number. There are sporadic instances of proposed parking being within the minimum parking setback of 20 feet. One location is southwest of the three-story building and a second location is within the parking associated with the future 2,600 SF restaurant. The site statistics show the total parking required. The applicant is asked to confirm the space count pursuant to the town Zoning Code for those uses proposed within the Town of Clifton Park. It is noted that it appears the plan proposes 35 more parking spaces than required. The applicant is asked to provide rationale for the need for the additional parking. It is suggested that, at a minimum, the excess spaces be prepared for paving but be left as greenspace until deemed necessary. The maximum expected height for the proposed three-story building should be indicated on the plan. In the event the building is in excess of 30 feet, aerial access is required pursuant to Appendix D105 of the Fire Code of New York State, which shall be 26 feet wide along one side of the building, between 15 and 30 feet from the building face. For all proposed traffic regulatory signage within the site, the plan must identify the proposed MUTCD sign designations to confirm sizes being selected are appropriate. Notation of the accessible parking space and aisle signage requirements must be provided. The drive-thru exit and adjacent two-way access to the parking lot has the potential for conflicting turning movements. When a vehicle exits the drive-thru and turns right, it will be in direct conflict with a car exiting the adjacent drive aisle, attempting to make a left turn. An alternate traffic pattern should be examined at this location to eliminate the noted conflict. The future four-way intersection that will be created once the restaurant is constructed will create a confusing traffic pattern with the inclusion of the drive-thru exit immediately adjacent to the two-way access to the parking lot opposite the restaurant entrance. This intersection geometry should be reviewed to avoid confusion or unsafe traveling conditions. The arrow designations shown for the parking lot associated with the bank and retail use suggests it is has a one-way entry from the boulevard entrance and the drive aisle is also one-way. "Do Not Enter" sign(s) must be provided at the appropriate location to notify vehicles of the required traffic patterns. To reinforce the "No Left Turn" at the exit onto Fire Road, there should be consideration of a curbed island that directs traffic to the right only turn. The applicant is asked to confirm that all sidewalks will have appropriate curb ramps when intersecting a drive surface. Designated crosswalks where sidewalks/curb ramps cross a drive surface must be provided. The sidewalk/curb ramp that crosses the drive-thru (via designated crosswalk) appears to require the adjacent separation island to be set back so that there is a clear and straight crosswalk to the sidewalk/curb ramp further west. A notation must be provided on the site plan indicating the location of the required Knox Box for each building. Alternatively, a note must be provided indicating that the final location is to be determined as part of the building permit process

and is subject to the Town of Clifton Park's review and approval. Additional spot elevations along the accessible path between the accessible aisle to the designated accessible entrance must be provided at each building to confirm maximum running and cross slopes of these paths are not being exceeded. The applicant is asked to provide an illumination plan with foot candle values at the pavement surface for review. The graded swale along the west property boundary is graded at a slope less than 1%. As shown, it appears that it may result in ponding and/or inadequate ability to properly convey runoff. The point of connection of the proposed on-site water main to the existing water main must be shown on the plan. It is unclear on the Utility Plan how runoff is being directed to the subsurface stormwater management area west of the 57,000 SF building. It is noted that the "Post Development" plan provided in the stormwater management report is significantly different than the configuration shown on the submitted site plans. The plan must show points of connection and pipe sizes for the roof drainage for each building to the site's stormwater system. Clarification of the proposed configuration for this underground facility is required. The parking lot north of the 57,000 SF building has minimum drainage structures. As graded, runoff will start to become shallow concentrated flow beyond 150 feet of flow path. The applicant should consider modifying the grading such that runoff within paved surfaces discharges to a drainage system within a 150-foot flow length to prevent shallow concentrated flows from occurring. Future plans shall note the abandonment of portions of the sanitary sewer easement and the granting of a new easement to Saratoga County Sewer District No. 1 within the property. The applicant must ensure that the plantings along the western property line will not conflict with the graded drainage swale at the same location. The following notation to the Planting Note on the Planting Plan should be added: "Should a substitution be offered, it shall be the design professional's responsibility to confirm that the substituted species are not regulated or prohibited species as identified by the NYSDEC Part 575 Invasive Species Regulations." Proposed contours must be provided on the Erosion and Sediment Control Plan. The applicant is asked to provide a typical detail for and show the location of a concrete washout on the Erosion Control Plan. The Erosion Control Plan proposes the construction entrance off of Fire Road: it is recommended that the construction access be from Northside Drive. Further, notation should be added to the plans indicating only one construction site access is permitted for the site. The location of any required topsoil stock piles and temporary sediment traps must be indicated on the Erosion and Sediment Control Plan. Sheet 8 of 8 provides a typical cross section of the infiltration basins with an outlet structure and subsequent discharge. None of the noted infiltration basins as shown on the Grading or Utility Plan appear to resemble this condition (i.e. none of the infiltration basins appear to have an outfall). A detail, noting the materials of construction for each of the proposed exterior refuse enclosures must be provided. Details for the proposed underground infiltration facility including chamber type, bedding/backfill material, header/isolator row configuration and maintenance access ports must be provided. The stormwater report references the use of an ADS Water Quality Unit as part of the stormwater treatment approach. The applicant is asked to provide the necessary details for this unit if it is being included in the stormwater management design.

Mr. Bianchi reported that one comment related to traffic assessment. At this time, technical questions offered regarding the traffic assessment have been addressed; however, M J Engineering and Land Surveying, P.C. defers further review, comment and approval to the Region 1 office of the NYSDOT. Final comments related to the Stormwater Management Report. The report notes that actual in-situ soil testing (test pits and infiltration tests) will be completed prior to final design.

This information shall be submitted with the next submission to validate the design assumptions made. The number of tests per facility shall conform to Section 6.3.1. of the New York State Stormwater Management Design Manual (NYSSMDM). Page 5 of the report states that “Pretreatment will be provided by a series of three surface infiltration basins...” The use of upstream infiltration facilities as a form of pretreatment does not appear to be an acceptable approach and other techniques must be considered that are outlined in Section 6.3.3 of the NYSSMDM. The stormwater management design and supporting HydroCAD model note that there are only off-site discharges for the 100-year 24-hour storm event, with runoff from lesser events infiltrated on-site. The report appears to rely upon a statement on Page 4 of the report which indicates a presumptive capacity of existing down gradient storm sewers that would then permit the off-site discharges from the 100-year event studied. While the assumptions stated may be reasonable in regard to capacities of these pipes, further supporting analysis is warranted to determine up-gradient discharges to these pipes and whether there is adequate capacity to accept additional runoff from the development. This would be best accomplished through the development of an existing conditions HydroCAD model that illustrates the tributary area of the down gradient drainage system that the project plans to discharge to. If the calculated Tc value is less than 6 minutes it shall be adjusted to a minimum of 6 minutes. The applicant is asked to provide calculation for the RRV provided based upon the stormwater practices selected. Calculations should show how adequate pretreatment volumes are being provided as noted in Section 6.3.3 of the NYSSMDM. Note that this volume is directly dependent upon the infiltration rates of the existing soils. The stormwater management report submitted represents a portion of a required Stormwater Pollution Prevention Plan (SWPPP). The next submission shall include the remaining information to be fully compliant with the Town and State regulations in regards to a full SWPPP to allow continued review of this application. Items to be covered in the SWPPP shall include:

- a. Documentation that the project will not adversely impact cultural or historic properties pursuant to Part I.F.8 of the General Permit.
- b. General SWPPP requirements outlined in Part III.A, B and C of the General Permit.
- c. Inspection and maintenance requirements outlined in Part IV of the General Permit.
- d. Notice of Intent (NOI)
- e. Draft Town of Clifton Park Stormwater Management Agreement

Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee offered comments on the application. A Northside Drive sidewalk should be provided from the proposed office complex to the Fire Road Park and Ride. This is important as a pedestrian connection for office workers who may wish to use the Northway Express as a transportation option. It is also an important pedestrian connection between the proposed office building, the hotel, and the restaurants along Northside Drive. The proposed sidewalk along Route 9 should provide a proper termination with a curve to the shoulder of Route 9. Crosswalks are needed across complex entranceways on Route 9, Fire Road, and Northside Drive. Crosswalks should also bridge all sidewalks within the proposed complex. The site plan only indicates a bike rack in front of the office building: a bike rack should be provided at the proposed bank and retail location.

New Business:

[2016-036] **Maxwell Drive – Shoppers World Subdivision** – Proposed (2) lot subdivision, 15-25 Park Avenue – Conceptual review. SBL: 271.-3-82

Mr. Bob Miller, Jr., applicant, presented this application for the Board's consideration, explaining that it calls for the subdivision of a .84 parcel of land from an existing 14.53 acre property that is mostly comprised of the Shoppers World Plaza. The property, located on the northeasterly quadrant of the Park Avenue – Maxwell Drive intersection is situated within the TC-4 and TC-5 zoning districts. The parcel to be created contains a recently constructed 2,784 SF banking facility that was approved by the Planning Board on February 24, 2015. The speaker noted that a common utility easement agreement is on record. He submitted a project review checklist related to the form-based town center zoning code.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, reported that he found the application acceptable: there were no zoning issues to be addressed.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, issued the following comment regarding this application. The applicant shall submit an Operation and Maintenance agreement for existing on-site stormwater water quality treatment and off-site stormwater management quantity controls.

Mr. Scavo provided the following comments prepared by the Planning Department. Since the project is within 500' of NYS Route 146, a copy of the proposal has been forwarded to the Saratoga County Planning Board for a recommendation in accordance with §239-m of General Municipal Law. Based on the zoning information it appears the proposed parcel to be subdivided out from the master parcel is zoned TC-4 while the remaining portion of the master parcel is zoned TC-5. The Site Statistics Table should be updated to provide the required TC-4 area requirements and should note what is met or not met on the proposed parcel to be created. The Planning Board will then be in a position to entertain specific waivers to the area requirements that they may grant as a condition of approval. Privately owned sewer services are not permitted and all properties must be serviced by either its own water supply and wastewater disposal facilities or that which is owned by a municipal authority or a transportation corporation. The applicant should provide additional detail demonstrating that the bank facility is serviced by its own sewer lateral that connects into a public main or private transportation corporation. Although not related to the proposed subdivision, it should be noted that the applicant completed construction of a sidewalk segment associated with the original site plan for the bank facility. The applicant and applicant's design professional worked with Town's Planning Staff to make minor modifications to the sidewalk orientation to preserve mature trees along the Park Avenue right-of-way in the vicinity of Market 32. Mr. Scavo noted that Mr. Tom Andress, consultant for site development of the .84 acre parcel confirmed that the bank building is served by its own water and sewer laterals: documentation will be provided prior to the stamping of the final subdivision plat.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. provided the following comments on this application after review of the documents submitted. Initial comments related to the State Environmental Quality Review. 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 are not necessarily limited to, the following: Saratoga County Planning: 239m referral due to the parcel being within 500 feet of NYS Route 146. Additional involved/interested agencies may be defined as the project proceeds through the town’s regulatory review process. Additional comments related to the Short Environmental Assessment Form. Mr. Bianchi reported that there are no technical comments; however, to create the appropriate project record, an updated Short Environmental Assessment Form that is both signed and dated on Page 4 will be required. Many comments related to the subdivision plan. The base parcel is located within the Town’s TC-4 Transition Zone and TC-5 Neighborhood Zone. Upon creation of the two parcels, 25 Park Avenue will reside entirely within the TC-4 district with 15 Park Avenue bisected by the TC-4 and TC-5 districts. The parcels are already developed with no new uses being proposed as part of this application: a review of whether the uses are permitted is not necessary. The applicant is asked to update the site statistics table for each created lot showing the required bulk lot requirements by zoning district in comparison to what will exist upon the creation of each lot. Once this information has been furnished, it may reveal the need for variances being considered by the Zoning Board of Appeals or if relief as permitted in Section 2.3 of the Form Based Code should be requested from the Planning Board. With the creation of a new lot (25 Park Avenue), the applicant must confirm that water and sewer laterals are connecting to publically owned mains (owned by a municipality or transportation corporation). If this condition does not exist, it shall be rectified prior to final plat approval. Prior to filing of the subdivision plat, the applicant must obtain the 911 emergency response numbers from the town and these numbers shall be shown on the filed plat.

Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee recommended that a bicycle rack should be provided near the bank’s entranceway. Mr. Miller agreed to install a rack if one has not already been placed on the site.

Mr. Koval commented that the subdivision application appeared to be “very straightforward,” though Mr. Bianchi questioned whether or not waivers from the town center zoning regulations would be applicable. Mr. Scavo explained that since there was no modification of the building or site proposed, the Planning Board was simply charged with considering the bulk lot requirements. In response to a question regarding the amount of greenspace on the site containing the bank, Mr. Miller reported that the site statistics table indicates that greenspace totals 48.5% of the site. When asked if sidewalks were included as greenspace in site calculations, Mr. Scavo explained that although walkways are not greenspace, in the form-based code they are counted as part of the total since they are considered public space. Board members appeared to find the subdivision plan acceptable.

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

Mr. Gavin Vuillaume, consultant for the applicant, presented this conceptual site plan for Planning Board review explaining that plans call for the removal of an existing Hertz Rent-a-Car outlet and former carwash to permit the construction of a 45,000 SF office building. The property

to be developed totals 4.22 acres within the B-4A (Highway Business) zoning district and is specifically situated on the westerly side of US Route 9 just north of the existing US Post Office. 210 parking spaces are proposed with a majority of the parking located to the sides and rear of the site. A single curb cut from Route 9 will provide ingress and egress to the site and will be located at the site's highest elevation. Project plans propose connection to existing Clifton Park Water Authority service and Saratoga County Sewer District #1 lines. On-site stormwater management will be designed with drainage directed to the rear of the site. Greenspace and setback requirements have been met. Sidewalks will be installed appropriately within the site and along Route 9.

Mr. Scavo read comments prepared by Mr. Myers, Director of Building and Development. County mapping of parcel shape does not match proposal. The current car wash and car rental facility are to be removed for this proposal. The parcel is zoned B-4A and the proposed office building is an allowed use. Additional comments will be prepared when the more detailed preliminary plan is submitted.

Mr. Scavo reported that the ECC offered no comments or recommendations at this time.

Mr. Scavo noted that Mr. Reese, Stormwater Management Technician, offered the following comments on this application. The preliminary submittal shall include a full Stormwater Pollution Prevention Plan that will comply with the SPDES GP 0-15-002. The existing stormwater management system shall be updated to comply with current permit.

Mr. Scavo offered comments provided by the Planning Department. It is recommended the Planning Board declare itself Lead Agency for this project and a letter noting such be circulated to all involved agencies. At the time of preliminary plan submittal, a copy shall be sent to the Saratoga County Planning Board for a recommendation in accordance with Sections 239(m), (n) and (nn) of General Municipal Law. Section 208-114, "Conceptual Plan," of the Town Code states that "an area map showing the parcel under consideration for site plan review and all properties, subdivisions, streets, and easements within 200 feet of the boundaries thereof" must be provided. The applicant should show such detail and show existing driveways for adjacent properties within 200' of the project site on both sides of US Route 9. The parking requirement per Section 208-99 of the Town Code notes, "Office buildings other than medical shall be 1 parking space for each 300 square feet of gross floor area." Using this formula, the required number of spaces would be 150: the applicant should provide justification as to why 210 parking spaces are proposed. A traffic analysis will be required at the time of preliminary plan submittal. Identification of development and projects currently under consideration in the study area shall be made and that traffic is to be included in the calculations. A draft scope of the study area should be provided to the Planning Board for consideration and concurrence that the area identified captures growth impacts for traffic corridors and roadways related to this project. The applicant should explore opportunities to enhance stormwater quality treatment with green infrastructure practices such as Bio-swales/Vegetated Swales around and within the designated parking areas. The applicant should consider, as an aspect of the new construction, accommodations to install the conduit under the pavement to designated parking stalls for preparation of future EV Charging Stations. Such infrastructure accommodations at the time of new construction will further the goals of the 2016 "Capital District Electric Vehicle Charging Station Plan." The costs to run conduit at the time of

new construction greatly decreases costs to install EV Charging Stations in the future since pavement within the parking area will not need to be disturbed to run electrical connections. The applicant, when working with a structural architect for the building design, may want to identify an electrical panel location for convenient PV system inter-connections and keep space available in the electrical panel for a PV circuit breaker. It is easier and more cost effective to plan at the time of new construction for future green infrastructure accommodations such as PV Systems. Mr. Scavo recommended that the applicant and Planning Board consider installation of a “service road” located behind the proposed building to allow traffic to circulate between parcels without using Route 9.

Mr. Bianchi reported that, after review of the materials submitted for conceptual review of this application, M J Engineering and Land Surveying, P.C. issued the following comments. Mr. Bianchi first discussed the application in light of State Environmental Quality Review. Based upon review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved/interested agencies to be engaged may include, but are not necessarily limited to the following: Clifton Park Water Authority – potential taking of additional water; Saratoga County Planning Board – 239m referral due to project’s proximity to US Route 9; Saratoga County Sewer District No. 1 – potential discharge of additional sewage; New York State Department of Environmental Conservation – potential permit coverage under stormwater, SPDES, and identification of threatened and endangered species if project is subject to GP-0-15-002; New York State Office of Parks, Recreation and Historic Preservation – identification of the existence or absence of cultural and historic resources should the project be subject to GP -0-15-002; New York State Department of Transportation – site access modification onto a state highway (US Route 9). Additional agencies may be identified by the Town during its review of the project. Additional comments related to the Short Environmental Assessment Form. Under Part I.2, since the project is expected to disturb more than 1 acre, the NYSDEC should be added as an additional permitting agency. Under Part I.8 a. the response indicates the proposal will not result in a substantial increase in traffic above present levels. The applicant should provide additional justification as to how this determination was made. Under Part I.12.b, the response indicates that the project is located in an archeological sensitive area. Since the project appears subject to General Permit GP-0-15-002, documentation shall be provided demonstrating that the project is eligible for permit coverage.

Mr. Bianchi offered a number of general comments on the proposed site plan. 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 to the town. As a result of being subject to the Stormwater General Permit GP-0-15-002, the applicant will need to seek consultation from the NYS Office of Parks, Recreation and Historic Preservation and the NYSDEC regarding the absence or existence of cultural or historic resources and threatened and endangered species, respectively, within the project boundaries if not already completed as part of the prior approvals on the site. The site plan indicates the project will be provided public sanitary sewer by way of connection to the Saratoga County Sewer District No. 1 sewer system, which may

include the re-use of an existing service. While the proposal may yield lower sewer flows than the prior car wash, it is recommended that the town be furnished with documentation that the SCSD is willing and capable of servicing this project. The applicant has indicated water service will be provided by the Clifton Park Water Authority, which may include the re-use of an existing service. While the proposal may yield lower water demands than the prior car wash, it is recommended that the Town be furnished with documentation that the CPWA is willing and capable of servicing this project. The project proposes access onto US Route 9, which includes elimination of an existing curb cut and construction of a new curb cut. This proposed work is subject to the review and approval of the NYSDOT. The applicant shall coordinate with the regional office of the NYSDOT and obtain permitting in advance of construction. The proposed office building and land use code (LUC) may result in more than 100 peak hour vehicle trips. At a minimum, the applicant needs to provide a summary of expected peak hour trips for review. This information may require the preparation of a project specific traffic impact study. If the study is warranted, it must account for projects currently being proposed or under construction and planned for occupancy in the near future. Mr. Bianchi provided several comments on the site plans submitted for review. The project is located within the Town's Highway Business/Restricted Retail B4-A zoning district. In reviewing Section 208-50.2 (B) of the Town's Zoning Code, the proposal for an office building is a permitted principal use. Based upon the review of the concept plan prepared, the following potential deficiencies in the bulk lot requirements have been identified. Section 208-98 states that "no building or part of a building, other than steps, eaves and similar fixtures, shall extend nearer than 130 feet from the center line of US Route 9." The building appears to be sufficiently set back from the street, but this needs to be confirmed. Section 208-50.3(C) indicates that no automobile parking space shall extend nearer to a side property line than 20 feet. The plans appear to show one parking space along the northern property line that may be within the stated setback. Section 208-50.5 of the 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. Subsequent plans will need to better illustrate how this requirement is to be satisfied. Code Section 208-99 requires 1 parking space for every 300 gross square feet of building for office uses. The plan notes 210 spaces are proposed. The applicant should provide the Planning Board with a narrative explaining why the proposed project is showing 60 more spaces than is required by zoning. The plan provides little in the form of accommodations for pedestrian linkages to adjacent uses or the public right-of-way. The Planning Board may desire to have sidewalks along US Route 9 and connectivity to and from the project site and other adjacent uses. The location for any exterior refuse enclosures should be identified. It is 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. There needs to be indication as to whether or not the building will be provided with an automatic sprinkler as a result of proposed building materials and/or occupancy type. Depending on whether or not the building is sprinklered will dictate if an on-site hydrant is required. The applicant shall coordinate with the responding fire department for the location of the Knox Box and fire department connection. Notation to that effect shall be added to the plans. Subsequent submissions should include architectural renderings with a summary of building materials to be utilized for review by the Planning Board. Considering the plan submitted is conceptual in nature, M J Engineering and Land Surveying will reserve further comments until more detailed plans and reports are provided. Subsequent submissions shall include information as outlined in Section 208-115 of the Town

zoning specific to site grading, erosion control, and stormwater management to fully assess the design and its compliance to the applicable standards.

Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee offered a number of comments and recommendations regarding this application. To provide enhanced curb appeal, the proposed two-story office building should be located closer to the lot line along Route 9, more green space should be provided in front of the building, and the parking spaces shown in the front of the office building on the conceptual site plan should be relocated to the rear of the building. The existing driveway at the back of proposed office building should be preserved as an alternate entrance to the office building parking lot. A sidewalk and appropriate landscaping should be provided on the property along US Route 9. A sidewalk should also be provided from the sidewalk on US Route 9 to the office building entrance/sidewalks shown on the site plan. Depending on federal regulations, there should be a sidewalk/pedestrian connection from the proposed office building to the Post Office. A crosswalk should be provided at the proposed office building entranceway from USRoute 9. A bicycle rack should be installed near the main entrance to the office building.

Mr. Nuebauer expressed his appreciation to Mr. Scavo for encouraging the installation of energy-efficient equipment during the initial construction of this project in order to minimize future site impacts and make installation of such items as electric car charging stations and photovoltaic panels easier and less costly. Mr. Ferraro pointed out that grants from agencies such as NYSERDA may help defray the cost of installing energy-saving equipment. Mr. Ferraro seemed to summarize the Board's opinion of the project by stating that "it would be a significant improvement over existing conditions."

Mr. Neubauer moved, seconded by Mr. Ophardt, adjournment of the meeting at 9:15p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on August 9, 2016. Board members are reminded that there is only one meeting in the months of July and August.

Respectfully submitted,

Janis Dean, Secretary

Notice of Decision

Resolution # 13 of 2016

Special Use Permit Approval

At a meeting of the Planning Board held at the Town Hall of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on July 12, 2016 there were:

Present: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, J. Koval, A. Neubauer,
E. Ophardt, E. Prescott
J. Jones – Alternate Member

Absent: None

Mr. Koval offered Resolution #13 of 2016, and Ms. Bagramian seconded, and Whereas, an application was made to this Board by Le Hockford for approval of Special Use Permit #81077 to permit the construction of a two-family dwelling within the CR zoning district at 254 Sugar Hill Road pursuant to Section 208-16D(3)[8] of the Town Zoning Code; Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on May 10, 2016, and Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 10, 2016;

Whereas, it appears to be in the best interest of the Town that said application be approved, Now, therefore, be it resolved that Resolution #13 of 2016 Special Use Permit #81077 to permit the construction of a two-family dwelling within the CR zoning district at 254 Sugar Hill Road pursuant to Section 208-16D(3)[8] is granted approval conditioned upon preservation of the four (4) mature existing pines trees within the front yard area, no additional expansion of the existing structure or construction of new accessory structures beyond what is represented by the applicant on the site plan and Special Use Permit application without written approval from the Planning Board, the addition of the following notes to the site plan:

This parcel is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours or operation, and other associated activities. A study describing this impact in detail is available for inspection in the offices of the Albany International Airport;

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;

that the owner is responsible for obtaining all applicable building permits prior to the commencement of any construction activity, that there be no filling, disposition or removal of soil materials, vegetation removal, diversion or obstruction of water flow, or placement of structures within natural drainage systems and wetlands located on the parcel, and satisfaction of all items listed in the final comment letter prepared by the Planning Department.

Resolution #13 of 2016 passed 7/12//2016

Ayes: Ophardt, Andarawis, Bagramian, Prescott, Neubauer, Koval, Ferraro

Noes: None

Rocco Ferraro, Chairman

