

Town of Clifton Park Planning Board
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PLANNING BOARD

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MEMBERS

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

(alternate) Jeffery Jones

Planning Board Meeting
August 9, 2016

Those present at the August 9, 2016 Planning Board meeting were:

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

Those absent were: E. Prescott

Those also present were: J. Scavo, Director of Planning
J. Bianchi, M J Engineering and Land Surveying, P.C.
T. McCarthy, Town Attorney
P. Pelagalli, Counsel
J. Dean, Secretary

Mr. McCarthy, Town Attorney, was in attendance at the meeting until Mr. Pelagalli arrived at 9:20p.m. just prior to the introduction of the Windhover Farms agenda item.

Mr. Ferraro, Chairman, called the meeting to order at 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Mr. Ferraro announced that Mr. Jones would be sitting as a full voting member of the Board at this evening's meeting in Mr. Prescott's absence.

Minutes Approval:

Ms. Bagramian moved, seconded by Mr. Ophardt, approval of the meeting minutes of June 28, 2016 as written. The motion was unanimously carried.

Mr. Koval moved, seconded by Ms. Bagramian, approval of the meeting minutes of July 12, 2016 as written. The motion was unanimously carried.

Public Hearings:

[2016-036] **Maxwell Drive – Shoppers World Subdivision** – Proposed (2) lot subdivision, 15-25 Park Avenue – Preliminary public hearing and possible determination. SBL: 271.-3-82

Mr. Ferraro explained the review process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. He explained that although the Planning Board would pronounce the application complete, assume Lead Agency status, and issue a negative declaration, these actions would neither grant nor imply approval of the application. Should it be determined that additional environmental review is required based on input received at the public hearing, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Ophardt moved, seconded by Mr. Andarawis, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Ferraro, Chairman, called the public hearing to order at 7:08p.m. The Secretary read the public notice as published in the Daily Gazette on July 25, 2016.

Mr. Tom Andress, consultant, introduced Mr. Bob Miller, Jr., applicant, who was also present at the meeting. He then described this application that remains generally as presented at the July 12, 2016 meeting. The speaker explained that minor revisions have been made to the plan in response to comments issued at that meeting. The site statistics table has been updated to include accurate zoning information, a note has been added indicating that a common access and utility easement will be provided for both lots, and that water and sewer laterals for both buildings are connected to public mains. The bicycle rack, as requested by Mr. Roy Casper, Chairman of the Open Space, Trails, and Riverfront Committee, has now been installed.

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. The speaker noted that Ms. Reed, Chief of the Bureau of Fire Prevention, offered no comment on any of the evening's agenda items.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the Planning Board with a memo dated July 22, 2016 regarding this subdivision proposal. He notes that the parcel lies within the TC-4 zoning district and that although approved prior to the adoption of the form-based code, the bank building was not constructed prior to the adoption of that code. Zoning variances granted were based upon the parcel's previous B4 zoning.

Mr. Scavo offered comments prepared by Mr. Reese, Stormwater Management Technician. The applicant shall submit Operation and Maintenance agreement for existing on-site stormwater water quality treatment and off-site stormwater management quantity controls.

Mr. Scavo offered the following comments prepared by the Planning Department regarding this application. All prior comments offered have been adequately addressed. It is recommended that the Planning Board note the following form-based code waivers are granted to this proposed subdivision as an incremental change:

- Building Placement & Front Yard Design Standards for both the TC-4 and TC-5 Zones (Site Plan Approval Granted Prior to Adoption of Form Based Code).
- Building Form Requirements for TC-4 &TC-5 (Site Plan Approval Granted Prior to Adoption of Form Based Code).

Mr. Bianchi reported that, after review of the preliminary plans submitted, M J Engineering and Land Surveying, P.C. provided the following comments. Should the Planning Board find that the subdivision, as proposed is acceptable, it is recommended that as part of the Board's approval it be noted that the site plan was approved prior to the adoption of the Form Based Code and by approval of the subdivision, relief is granted from specific bulk lot requirements relating to building placement and parking lot setbacks as permitted in Section 2.3 of the Form Based Code.

There being no public comment on this application, Mr. Ferraro moved, seconded by Ms. Bagramian, to close the public hearing at 7:15p.m.

In response to Mr. Andarawis' question regarding cross-easement agreements for shared parking, Mr. Andress stated that, although there are easement agreements for such things as utilities, site access, and stormwater management, there are no specific agreements for shared parking. He noted that the bank parking meets code requirements and there would likely be no need for additional spaces and commented that there would be little concern should banking customers wish to park on adjacent properties. Mr. Ferraro explained that the application proposed no changes to the existing site and he thanked the applicant for working with town planners to design a sidewalk connection that enhanced existing pedestrian connections and preserved the existing tree line.

Mr. Ophardt offered Resolution #14 of 2016, seconded by Mr. Jones, to waive the final hearing and to grant preliminary and final subdivision approval to this application, noting that the following form-based code waivers are granted as an incremental change: Building Placement & Front Yard Design Standards for both the TC-4 and TC-5 Zones (Site Plan Approval Granted Prior to Adoption of Form Based Code); Building Form Requirements for TC-4 &TC-5 (Site Plan Approval Granted Prior to Adoption of Form Based Code) and conditioning approval upon

satisfaction of all items listed in the final comment letter prepared by the Planning Department. Ayes: Ophardt, Andarawis, Bagramian, Jones, Neubauer, Koval, Ferraro. Noes: None.

[2016-020] **Boni Enterprises, LLC** - Proposed (9) lot subdivision, 309 Miller Road – Preliminary public hearing and possible determination. SBL: 276.-2-34.2

Mr. Ferraro explained the review process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. He explained that although the Planning Board would pronounce the application complete, assume Lead Agency status, and issue a negative declaration, these actions would neither grant nor imply approval of the application. Should it be determined that additional environmental review is required based on input received at the public hearing, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Neubauer moved, seconded by Mr. Jones, to establish the Planning Board as Lead Agency for this application, a Type II action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Ferraro, Chairman, called the public hearing to order at 7:20p.m. The Secretary read the public notice as published in the Daily Gazette on July 25, 2016.

Mr. Scott Lansing, consultant for the applicant, provided a brief overview of the project plan, explaining that it remains generally as presented at the June 14, 2016 Planning Board meeting. He did call the Board's attention to the one revision made in response to comments issued at that time, noting that Lots #4 - 6 have been reconfigured: Lot #6 is now configured as a keyhole lot to address Board concerns regarding building constraints on Lot #4. The speaker explained that he is in receipt of all comments issued by the town's designated engineer and town staff: all comments appear to be minor in nature and will be adequately addressed on the final plan submitted for stamping. Mr. Lansing reported that, as requested, a street light will be installed at the intersection of Miller Road and the proposed new street.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application in a memo dated July 22, 2016. Mr. Myers reported that he had discussed proposed building elevations with the applicant and that Mr. Boni agreed that if groundwater issues were encountered, basement floor elevations would be adjusted as necessary on a "case-by-case" basis. Mr. Boni, however, does not anticipate that there will be any groundwater issues. The septic field on Lot #19 is within the 100' setback required for a "stream, lake, watercourse, or wetland" per NYSDOH requirements. Since Mr. Myers believes the pond qualifies as a wetland, the 100' separation distance is applicable.

Mr. Scavo reported that the ECC issued the following comments regarding this application after review at its August 2, 2016 meeting. The ECC recommends that the Planning Board request a deed restriction prohibiting any development activity in the wetland and/or wetland buffer on Lots #2 – 7. In addition, the wetland buffer should be marked with split rail fencing and/or signage.

The separation distance between the leach fields on Lots #2 - 3 are a concern: the ECC would like the applicant to address what the minimum separation distance should be for proper operation. The ECC notes that the test pit data has not been documented on the plans. The ECC is concerned with the elevation of the high water table (mottling) in relation to the septic field locations and asks that this information to be included on the plan. Some of the septic system locations have been relocated since the last submittal. New test pit information should be at the relocated septic fields.

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, provided technical comments to be addressed by the applicant in the next submission. The applicant is asked to submit the letter when received from NYSDEC regarding Endangered Species. On sheet LMG-1 correctly tie in proposed elevation 107 on Lots #1, 2, and 3. On sheet DT-6, detail 4 – Forebay Dam/Weir Section - should show the dimensions to match as shown in detail 2. The applicant is asked to correct dimension from 6” to 12” and show 4’ depth to match note in detail 2.

Mr. Scavo read comments prepared by the Planning Department. The preliminary plan submitted for review shows a keyhole lot configuration that was not shown at the time of conceptual approval. §208-86(A) of the Town Code, as indicated below, addresses the issue of keyhole lots:

Keyhole lots may be permitted by the Planning Board only in Residential Districts R-1 and R-3 and only in rare instances when required due to unusual conditions of the area. Keyhole lots shall not be created for any use other than a single-family dwelling.

If the Board chooses to approve the keyhole lot, a statement stating such should be included in a resolution for preliminary consideration. If the keyhole lot is not approved as proposed the lot as configured should be eliminated. The final subdivision map should display assigned 911 addresses for each lot and the approved street name for the roadway should be shown. The applicant must obtain a final sign-off from the Clifton Park Water Authority prior to stamping of the final plans. An estimate of construction costs for the purpose of establishing a bond or letter of credit to cover the full cost of all required public improvements is required. In accordance with §179-28(A) of the Town Code, it is the responsibility of the owner to provide appropriate street lighting at the intersection of a proposed street with an existing arterial street. The subdivision plan must show the location of a proposed streetlight on the subdivision plan at the intersection of the new street with Miller Road. The subdivision as currently shown does not provide a provision to accommodate a subdivision identification sign: the applicant is asked to clarify whether or not it is his intention to provide such signage.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. issued the following comments regarding this application. As noted in Comment 14 of the April 8, 2016 review letter, Section 86-6(E)(5) of the Town Code requires that street lighting be provided at the intersection of subdivision streets and an existing arterial or collector street. The Planning Board shall provide direction to the applicant as to whether or not the lighting is required. In the event lighting is not deemed necessary, the Planning Board should note that a waiver was granted. As requested in Comment 8 of the June 11, 2016 review letter, the proposed kiosk is shown adjacent to Lot #9. It is suggested that this location and configuration be reviewed and approved by the U.S. Post Master.

As noted in Comment 12 of the June 11, 2016 review letter, the septic system shown on Lot #9 appears to be within 100 feet of the permanent pool elevation of the stormwater pond. M J Engineering and Land Surveying, P.C. would defer to the NYSDOH to determine whether or not the provisions of Appendix 75A of the State Sanitary Code apply for the condition stated. The subdivision layout has changed since the prior submission with modifications of Lots #5 and 6 and Lot #6 now being shown as a keyhole lot. Pursuant to Section 208-86 of the Town Zoning Code, keyhole lots may be permitted by the Planning Board only in Residential Districts R-1 and R-3 and only in rare instances when required due to unusual conditions of the area. The Planning Board shall review the circumstances surrounding the applicant's desire to create a keyhole lot for proposed Lot #6. Correct Detail 4/DT-6 such that there is 12" between the weir elevation and embankment, matching detail 3/DT-6. Correct the note below the Planting Legend on Sheet DT-6 since it refers to another jurisdiction. Provide the following notation below the Planting Legend:

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.

Additional comments related to the Stormwater Pollution Prevention Plan. As noted in Comment 30 of the June 11, 2016 review letter, prior to final approval and/or requesting an MS4 Acceptance Form, the required conservation easement instrument that ensures perpetual protection of the Conservation of Natural Areas should be provided for filing with the County Clerk prior to the issuance of any Certificates of Occupancy. Page 18 of the Stormwater Pollution Prevention Plan identifies vegetative swales as one of the GI practices selected, yet the summary calculations for GI practices as provided on Page 20 does not take credit for the practice. The applicant is asked to Edit Page 18 or 20 such that the use or non-use of GI practices is clarified.

Mr. Scott Callender, 311 Miller Road, explained that the existing residents along this section of Miller Road are assessed \$800.00 each per year by the Clifton Park Water Authority to pay for the extension of the water district line installed a few years ago to supply municipal water to their homes. He asked if the new homeowners would be required to pay on a fair-share basis for their water service. Mr. McCarthy explained that it was likely that the water district would be extended to encompass the proposed new homes and that rates would be adjusted accordingly. Mr. Scavo agreed with this speculation, commenting that the number of homes sharing the debt service would be increased by eight (since the existing home was already assessed as a single unit) and recalculated. He did point out that the amount calculated would take into account the amount of time the potential homeowners would benefit from the service extension.

Mr. David West, 10 Herold Drive, requested clarification regarding the proposed keyhole lot. Mr. Koval explained that Board members had asked that the applicant consider a revision to Lot #4 during the last review. The consultant, in response, reconfigured the lay-out, allowing for an increased useable area for Lot #4 and creating a "keyhole lot" with the required 50' setbacks on all sides labeled Lot #6. Mr. Lansing explained that the proposed keyhole lot did meet that requirement. Mr. West asked how basement elevations would be impacted by seasonal groundwater levels. Mr. Koval explained that mottling found in the test pits would indicate seasonal high groundwater levels and that homes would be constructed based on the elevations indicated. He also pointed out that the Building Department would review such information prior to the issuance of a building permit. Referencing the request for signage on the cul-de-sac that indicated that the area was reserved for a possible future roadway connector, Mr. Ferraro explained

that it was now Board policy to require such signage as an indication to potential homebuyers that such a connection may be installed. Noting that there is a very high water table in the area, Mr. West asked the Board to “take a hard look” at the shallow trench septic system designs proposed to serve the homes. He asked that the Board consider “tabling” the public hearing to allow those in attendance to “digest” all of the information presented at the meeting. In response to Mr. Jones’ question regarding possible septic system issues, Mr. Ferraro explained that town officials and the town’s designated engineer have been “sensitive to the issues” and that concerns have been sufficiently addressed.

There being no additional public comment, Mr. Ferraro moved, seconded by Mr. Ophardt, to close the public hearing at 7:42p.m. The motion was unanimously carried.

Mr. Jones requested clarity regarding the number of test pits drilled on the site and the information obtained. Mr. Lansing explained that the information regarding the ten pits studied was included within the plan set and that all soil investigations were overseen by representatives of the NYSDOH. Mr. Neubauer commented that he found the proposed flag lot undesirable in this situation which presents “a clean slate” for development since it requires installation of a long driveway and an odd arrangement for rear and front yards on adjoining properties. Mr. Ferraro agreed, stating his general dislike for the “stacking of lots.” He does not approve of the keyhole configuration for this subdivision. Mr. Andarawis concurred, noting that the configuration would require more paving and less greenspace. Mr. Ophardt noted that the conventional lay-out would mean that development on Lot #4 would be constrained by the wetland buffer area and he recommended that the number of lots be reduced to eight. Mr. Lansing argued that nine lots were required to economically “support the project.” Mr. Koval stated that he had no issue with keyhole configuration if the design did not impact adjoining properties: he recommended that a tree line be installed to provide a level of privacy. Mr. Ferraro commented on the following note on the plans which is shown on Lots #2-6:

Continued mowing and maintenance of the existing mowed and maintained areas with the NYSDEC wetland adjacent area shall be allowed without requiring an Article 24 Freshwater Wetland Permit per NYSDEC letter dated June 24, 2016.

He asked that the note be limited to properties where it is applicable, noting that much of the property is wooded. Mr. Lansing agreed to revise the notation. Mr. Ferraro also requested that sectioned split rail fencing with signage or signage posted along the existing tree line be installed to indicate the boundaries of disturbance. In response to Mr. Neubauer’s question regarding an established policy regarding such signage, Mr. Scavo explained that since the characteristics of lots vary, the distances between signs may change. Mr. Ferraro noted that each deed will include reference to the development restrictions imposed on each lot. He did note that split rail fencing and/or sign locations will be indicated on the final plat. Mr. Lansing agreed to work with town officials to determine the most reasonable location for boundary markers. Mr. Ferraro thanked the applicant for providing a 15’ wide easement to the Town of Clifton Park and asked that the consultant add additional language to the note stating that it is “provided for possible future multi-use trail development, utility installation, or roadway alignment purposes.” In response to Mr. Ophardt’s question regarding the close proximity of the proposed septic systems on Lots #2 and 3, Mr. Bianchi explained that regulations require a 10’ distance from the property line. Though Board members discussed a request to delay rendering a decision, Mr. Koval pointed out that the

Board should not delay the action based upon the applicant's presentation of a plan that included a keyhole lot configuration since that was prepared at the direction of the Board.

Mr. Ophardt offered Resolution #15 of 2016, seconded by Mr. Jones, to waive the final hearing and to grant preliminary and final subdivision approval to this application with the lots configured as in the conventional plan (without a keyhole lot) presented on June 14, 2016 conditioned upon the inclusion of restrictions regarding site disturbance in all property deeds, language in the note regarding the 15' easement provided on Lot #1 that states that it is provided for possible future multi-use trail development, utility installation, or roadway alignment purposes, illustration on the final plat of the locations for sectioned split rail fencing and/or signage indicating the wetland and buffer boundaries, that the note regarding mowing be limited to properties where it is applicable, satisfaction of all technical engineering issues, and all items listed in the final comment letter prepared by the Planning Department. Ayes: Ophardt, Andarawis, Bagramian, Jones, Neubauer, Koval, Ferraro. Noes: None.

[2012-030] Crescent Woods - Proposed (61) lot cluster subdivision, 1567 Crescent Road – Preliminary public hearing and possible determination. SBL: 283.-2-8

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

Old Business:

[2016-031] DCG Development – Town Plaza Drive-Thru – Renovation of existing Building 100 and reconfiguration of existing parking areas to accommodate a drive-thru restaurant use, 300 Clifton Corporate Parkway – Preliminary site plan review and possible determination. SBL: 271.-3-33.73

Mr. Joe Dannible, consultant for the applicant, explained that this application remains generally as presented at the June 14, 2016 meeting. He introduced Mr. Donald MacElroy, DCG representative. Mr. Dannible explained that a "refined" and "revised" project plan has been prepared in accordance with comments issued at the June 14, 2016 meeting. Directional signage to provide for smooth traffic circulation through the site has been illustrated on the plan. Parking to the rear of Building 100 along the drive-thru lane has been angled to encourage one-way flow, a three way STOP has been added just beyond the menu board, stamped asphalt in a contrasting color from the surrounding pavement will be used to define the drive aisle at the easterly side of the parking lot behind the buildings, and DO NOT ENTER signs will be positioned where appropriate. A sidewalk connection will be installed along the westerly side of the site's entrance drive from NYS Route 146 to direct pedestrian traffic to the center of the site and its businesses. Though waivers from some form-based code requirements will be necessary since this project entails redevelopment of an existing site, 12' wide sidewalks and updated shop fronts with awnings are elements that reflect the attempt to comply with the new code. A Bulk Standards Verses Existing Conditions table has been provided on the site plan cover sheet. Landscaping throughout the site has been installed to offset and "soften" the parking areas; "pods of landscaping" and "bulbouts" will add touches of green. Mr. Dannible reported that he is in receipt of the review letters provided by the town's designated engineer and staff members. A note regarding the

installation of grease traps has been added to the plan and a narrative description of the equipment will be forwarded to Mr. Reese.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated July 22, 2016. The property is located in a TC-3 zoning district: a drive-thru restaurant is a permitted use. The plan generally meets zoning requirements for setbacks and greenspace. The drive-thru lane crosses a drive lane in the parking lots: other configurations should be considered. A grass swale is shown directly behind the dumpster location with run-off directed to it. This situation must be changed. More comments may be prepared when more detailed plans are submitted.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, offered the following comment regarding this application. The applicant appears to increase the stormwater management areas for the increase of impervious areas for this project. The design engineer is asked to provide a written statement indicating that the proposed and existing stormwater management systems are adequate for the proposed modifications.

Mr. Scavo offered the following comments prepared by the Planning Department. A detail for the dumpster enclosure should be provided. Chain link with vinyl slats installed to minimize visual impacts from Route 146 should be required. A note should be added to the plan which states that all outdoor dumpsters, including renderings dumpsters if applicable, shall be contained within an approved dumpster enclosure area. It appears that no grease trap is proposed with the site improvements. It should be noted on the plan that the future installation of a grease trap will require additional permitting.

Mr. Bianchi explained that M J Engineering and Land Surveying, P.C. offered the following comments regarding this application after review of the preliminary plans submitted. As noted in Comment 1 of the June 10, 2016 review letter, Part B of the submitted environmental assessment form lists various regulatory approvals being required. Given the limited nature of work shown on the current application, further expansion is warranted as to why several of the regulatory approvals are needed. Of particular interest is the identification of a Stormwater Pollution Prevention Plan and permit coverage under GP-0-15-002. If a SWPPP is required due to other site activities, then it should be submitted for this specific action for review. Several comments were related to the site plan. As noted in Comment 5 of the June 10, 2016 review letter, the existing site entrance from Route 146 across from Tallow Wood Drive is shown as part of a future perimeter road or multi-use path on the Future Streets Map found in the Form-Based Code. It is understood this application proposed no improvements in the vicinity of this roadway. Notwithstanding, it may be an opportunity to discuss with the applicant how this connection may be facilitated at some future time. As noted in Comment 6 of the June 10, 2016 review letter, depending on the extent of renovations (if any) planned for the existing building, there may be a need to bring the existing site lighting of the property into conformity with Section 7.6 of the Form-Based Code. The applicant is asked to identify the extent of renovations (if any) planned for the existing building to determine whether or not site lighting modifications are required. In response to Comment 7 of the June 10, 2016 review letter, traffic regulatory signage has been provided. The appropriate MUTCD sign designations to ensure the appropriate sizes are

being selected must be included. A detail or narrative of the materials proposed for construction of the proposed refuse enclosure must be provided.

Mr. Scavo noted that a sidewalk will be installed at the main entranceway that connects the existing sidewalk along Route 146 to the project's internal sidewalk system as recommended by the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee.

In response to Ms. Bagramian's question regarding snow storage, Mr. Dannible reported that it would be plowed to the edges of the parking lot. Though Mr. Neubauer acknowledged that the applicant has added many site features to bring an existing site into closer compliance with the form-based code, citing sections of that code, he recommended that the project incorporate as many recommended lighting and landscaping features as possible in the updated design. He pointed out how the benefits of such "streetscape features" as lighting and landscaping create the "nice walkable areas" that the town is trying to achieve. He asked that the applicant consider the addition of landscape materials along the walkways. Mr. Dannible commented that although there are no plans at this time to update any site lighting, significant conduit has been installed in anticipation of future needs. Mr. Ferraro thanked the applicant for the positive changes made to the site and observed that the applicant has worked to create design features compliant with form-based code requirements. In response to Mr. Ophardt's question regarding the installation of "wayfinding" signs throughout the site, Mr. Dannible stated that appropriate directional signs will be installed as necessary. Though Mr. Jones suggested that traffic safety may be improved by closing off the travel aisle that crosses the drive-thru lane, Mr. Dannible pointed out that the lane was necessary for emergency access to the buildings. Though Mr. Ferraro agreed with the necessity for "way finding" signage, he recommended that such signage be "discreet and tasteful."

Mr. Koval moved, seconded by Mr. Ophardt, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Neubauer moved, seconded by Ms. Bagramian, to grant preliminary and final site plan approval to this application conditioned upon comments issued the town's designated engineer, town staff, Planning Board, and satisfaction of all items listed in the final comment letter prepared by the Planning Department. The motion was unanimously carried.

[2016-032] **Northway Church** - Proposed 45,00SF church facility, southwesterly quadrant of Ushers and Pierce Roads – Revised conceptual site plan review. SBL: 259.-2-85.3

Mr. Scott Lansing, consultant for the applicant, explained that this application was scheduled for review at this evening's meeting for the express purpose of updating Board members on the revisions that have been made to the site plan based upon comments received when the project was last before the Board on June 14, 2016. He reported that there were no designated wetlands found on the parcel. A conceptual rendering of the building's design was presented for consideration. Highlighting some of the revisions made to the site plan, Mr. Lansing explained that a walkway has been shown in the center of the parking lot to provide access to the facility's front door, islands of green have been added to the parking lot, the number of parking spaces has been significantly reduced from the 559 originally proposed to 415, greenspace has been increased

from 34% to 36.6%, preservation of existing vegetation where practicable has been illustrated on the plan, and a gazebo-type structure has been included within the “trailhead” area. The Zoning Board of Appeals will consider all applicable variances at its August 16, 2016 meeting. Mr. Lansing reported that all outstanding comments issued by the town’s designated engineer, town staff, and Planning Board members will be addressed in the next submission.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments on this application. The proposed church is an allowed use within the LI-1 zoning district. Several variances will be required. The application is scheduled to be heard by the Zoning Board of Appeals at its August 16, 2016 meeting. The amount of parking and the number of ingress and egress points will be reviewed during the Planning Board’s site plan review process.

Mr. Scavo explained that the ECC issued a number of comments and recommendations regarding this application. The character of the neighborhood is such that many of the buildings reside in office parks where the greenspace is being met. The applicant is requesting 36% more spaces than the number required. In order to preserve the character of the neighborhood, the ECC recommends that the applicant “bank” the additional parking spaces so the greenspace requirements can be met. The ZBA should deny the greenspace variance request at this time. In keeping with the recommendations and goals of the Town Comprehensive Plan, the applicant *should* retain existing vegetation to the maximum extent practical and/or use landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways and properties. The ECC notes the Colonie Channel Aquifer recharge area is present within the project limits. The applicant must design a stormwater management system that protects the aquifer resource. The ECC would like the applicant to supply further detail of any proposed signage including dimensions, height, and illumination.

Mr. Scavo indicated that Mr. Reese, Stormwater Management Technician, provided a number of comments relevant to this application. The location of the percolation test holes shall be identified on the plans. Additional percolation tests shall be done at the elevation of the base of the infiltration practices since some of the infiltration bases are over 10 feet in depth from original grade. There must be a minimum of two borings per facility. Permeable paving is intended to capture, infiltrate, and/or manage small frequent rainfall events (i.e. channel protection). The catch basins can take in only so much at one time; therefore, an emergency overflow design for the sheet flow across the large expanse of parking area in the lower southern corner must be provided. The application should clarify whether or not the curbing will be high enough to store the water or if it is likely to overflow and drain offsite. Having lawn areas drain onto the porous pavement, and having porous pavement in travel lanes are not recommended for this practice. The Stormwater Pollution Prevention Plan will need to include a detailed Operations and Maintenance Plan that will include treatment of both porous and impervious pavement during winter months, a maintenance schedule, and explanation of how the porous pavement areas will need to be maintained. The plan should include information explaining whether the church be purchasing, renting, or hiring out the proper equipment to maintain the porous pavement and the underground infiltration stormwater management areas. The applicant should explain whether allowing recessed planting islands to accept runoff to be infiltrated back into the ground has been considered. If a kitchen area is planned, it should be included in the site plan information. If so,

the applicant should consider whether the garbage enclosure must be relocated closer to the kitchen area? The plan should indicate whether the church will have roof drains or if runoff will sheet flow off the roof and across the walkways. The applicant is proposing pervious pavement for the walkways in the town's right-of-way and using it to reduce the stormwater quantities. The stormwater management areas will need to remain on the applicant's property in order for them to be maintained. Review will continue after Zoning Board review and preliminary plans are prepared.

Mr. Scavo reported that the Planning Department provided the following comments regarding this application. In accordance with §208-66 Development Standards within the Light Industrial Zoning District, the following section should be taken into account:

Ingress/egress - 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 approved curb cut shall be wide enough to accommodate safely and in accordance with accepted traffic control standards approved by the Town Engineer the type of traffic to be generated by the use and shall meet all of the fire safety requirements of the Town of Clifton Park.

The applicant should provide justification to the Planning Board within the traffic analysis that speaks to the traffic safety benefits of two curb cuts at this location. As plans progress and pursuant to §286-66(C) of the Town Code, building elevations will be required for review. Design shall consider building facade, including color, and other significant design features, such as exterior materials and treatments, roof structure, exposed mechanical equipment, and service/storage areas. Architectural block or similar building materials are required for the façade along the road frontage. Based on the architectural requirements within the Light Industrial Zone, there is some concern for a "loading dock" proposed along the building's northern elevation facing Ushers Road. As the exterior lighting plan progresses through design it is recommended that the applicant pursue energy efficient lighting options that are dark sky friendly (International Dark-Sky Friendly Fixtures can be researched at www.darksky.org). As an aspect of the new construction, the applicant should consider 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. When working with a structural architect for the building design the applicant may want to identify an electrical panel location for convenient PV system inter-connections and dedicate space 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. Bianchi reported that, after review of the plans submitted for this application, M J Engineering and Land Surveying, P.C. provided the following comments and recommendations regarding this application. Mr. Bianchi noted that the applicant has provided a preliminary submission, inclusive of details plans and Stormwater Pollution Prevention Plan. The project requires review by the Zoning Board of Appeals. As such, the Planning Board is unable to take action on the application at this time. Due to this procedural matter, the following comments remain conceptual in nature, but do include an initial look at the preliminary submission provided.

As noted in Comment 6 of the June 10, 2016 review letter, a Full Environmental Assessment Form (FEAF) was requested to assist the Lead Agency in its review of the application. Subsequent submissions shall include the more comprehensive FEAF for review and comment. As noted in Comment 7 of the June 10, 2016 review letter, the consultant is asked to provide the expected number of peak hour vehicle trips that support the response provided in Part I.8.a of the submitted environmental assessment form. Several comments concerned the site plan. As noted in Comment 11 of the June 11, 2016 review letter, the applicant is asked to indicate the expected height of the proposed building so that a review of the fire access to the building may be completed. As noted in Comment 14 of the June 10, 2016 review letter, elevations and materials of construction for the proposed building should be submitted to the Planning Board for review. Somewhere within the plan set a summary table of site statistics including green space, setbacks and parking demand calculations should be provided. The path shown along Ushers Road and Van Patten Drive is proposed with a porous asphalt surface. Since this path is expected to be conveyed to the town, there needs to be a discussion with the town as to whether or not it is prepared to accept these facilities and the associated long-term maintenance requirements. At the entrance at Van Patten Drive, the applicant is asked to ensure that there will be appropriate accessible ramps at the existing multiuse path crossings. The proposed loading dock route utilizes the accessible aisle. The accessible aisle should not be used for this secondary purpose and the loading dock should have its own dedicated access route from the parking lot. The required signage for the aforementioned accessible aisle is not shown on the plans. The locations of the Knox Box and fire department connection must be indicated on the plans. These shall be coordinated with the appropriate emergency response agency. Sheet ESC-1 needs to illustrate how site disturbances will be kept below 5 acres at one time. Sheet ESC-1 shows two proposed construction access points. It is suggested that access for construction be limited to one location. ESC-1 shall show the proposed locations of any temporary sediment traps required during construction. The Lighting Plan needs to be completed for review. The project is proposing porous asphalt. It is suggested the detailing and associated specifications be expanded to include the following: use of both a top and binder course conforming to the current NYSDOT specifications for Fiber F3 and F9, respectively; use of a stabilization course Type 2 stone below the reservoir stone; ensuring fabric is highly permeable; extending fabric vertically up the sides of excavations to prevent system failure; defining plant inspection requirements for washing of the aggregate stone; qualifications of the installing contractor and/or inspection by qualified individuals. The porous asphalt sections provided for the parking lot and pathway shall specify the type of asphalt material to be used. Depending on the material specified, the depth of the layer shown may not be sufficient due to aggregate size. The detail for the stepping of the asphalt pavement should be revised to provide a more permanent berm between tiers. It is suggested that an earthen berm be constructed of an impermeable fill or crushed aggregate as the suggested fence post to contain runoff is likely to fail in a short period of time. The standard notes referenced in the wheelchair ramp detail are not present. The plans must show the structure bedding material below the CSD unit as shown in Detail 4/DT-5. Locations of the inspection ports for the subsurface infiltration system on Detail 1/DT-6 must be shown. The following comments are related to the Stormwater Pollution Prevention Plan. Appendix H must be modified to include the maintenance requirements for only those stormwater practices being proposed as part of the project. The applicant is asked to provide maintenance requirements for the porous asphalt as well as the areas planned for soil restoration being proposed within Appendix H. The Notice of Intent provided has not been completed for the project.

Ms. Pam Marshall, 5 Fairlawn Court, observed that the façade rendering presented for consideration presented the building elevation from the parking lot. She questioned whether the other sides of the building would be aesthetically pleasing for those traveling on the surrounding roadways.

Mr. Ferraro also expressed his concerns regarding the building's architectural design, stating that the design team should consider the visibility from both Ushers and Pierce roadways. He questioned whether the proposed "loading dock" would be a negative design feature. Mr. Lansing explained that the "loading dock" was a misnomer and that the building would include a large garage door to accommodate van-type vehicles, allowing for the loading and unloading of audio-visual equipment. In response to Mr. Ophardt's question regarding the retention of existing vegetation on the site, Mr. Lansing explained that it was the applicant's intention to preserve as much existing vegetation as possible. He did note that, due to the site's topography, significant grading would be required to properly construct the building and install the parking area.

Ms. Christine Jimenez, 23 Patroon Place, spoke in opposition to the project, commenting that she passes the site daily on her commute to work and stating that she did not believe that the proposed "modernistic-looking" church did not "fit the area." Her concerns focused on an increase in noise levels and traffic that would negatively impact the neighborhood. The increased traffic generated by the site, she contended, would seriously impact those who walked or jogged in the area. She concluded her remarks by stating that she was "very upset about the [proposed] structure."

Ms. Barbara Harman, 1 Hillcrest Drive, described traffic congestion in proximity to the Pierce Road – VanPatten Drive intersection as "a nightmare," observing that there are six roadways that conjoin near the proposed development site. Of specific concern was the interplay of the truck traffic from Pierce Road and those vehicles entering or exiting the church site.

Mr. Ferraro questioned whether or not the proposed 415 parking spaces were necessary and if special events would require provision for significantly more spaces than the number mandated by code. Mr. Lansing explained that although code requirements called for one space per every four seats, the applicant calculated that one space for every three seats would be more reasonable for the church's needs. He reported that there are no special events planned for weekdays. Mr. Jeff Buell, site design consultant, stated that a traffic study has been prepared and will be forwarded to the Planning Department within the week. In response to Mr. Jones' comment that, based on existing attendance patterns, it appeared that the significant increase in proposed parking appeared excessive, Mr. Buell agreed that an additional reduction of sixty-five spaces would be possible. Mr. Buell assured the Board that the consultants and architects would "take residents' comments regarding the building's design into consideration and that the "back of the building would not be garish." Though Mr. Ferraro commented that he would prefer the building orientation to be toward Ushers Road, Mr. Buell explained that the design team had focused on "providing a good experience for the pedestrian." Noting that the LI zoning district is "peppered with metal buildings," Mr. Neubauer commented that although the proposed building orientation provided an acceptable sight line from the Northway corridor, he would encourage the applicant to consider the vantage point from the north. Mr. Ferraro urged the applicant to work to minimize the visibility of the parking area and to prepare façade renderings for each side of the structure.

He encouraged the preparation of photo simulations from various perspectives would help Board members visualize the building from differing angles. Mr. Ophardt stated his support for minimal site clearing and grading. Mr. Ferraro expressed his appreciation for the applicant's response to the request for the incorporation of public access to space within the site though he pointed out that there was a need for enhanced landscaping along the proposed central walkway. He also asked that there be more use of porous pavement throughout the site.

Mr. Bill Lorensen, 14 Hearthside Drive, asked why the applicant had not considered locating the church in the "lower right hand corner of the site." Mr. Buell stated that although various alternative locations for the building were considered, the one presented appeared to be the most feasible.

In response to Mr. Ophardt's question regarding the number of attendees at various services, Mr. Buell explained that although holidays, predictably, drew 600-800 worshippers, approximately 450 people attended a normal service. Mr. Andarawis asked if shared parking with surrounding businesses had been explored as a means to reduce the number of necessary parking spaces. Mr. Buell explained that such arrangements had not been considered, though carpooling and other means of limiting vehicle trips have been encouraged. In response to Ms. Bagramian's query regarding the use of porous and non-porous pavement on various portion of the site, Mr. Lansing explained that site grading issues and drainage discharge to various certain soils determined which areas would be suitable for the installation of porous pavement. Mr. Neubauer commended Mr. Scavo for recommending the use of green practices such as the installation of conduits to reduce future site disturbances.

In response to Mr. Lorensen's question regarding the review process, Mr. Ferraro explained that the applicant would revise the site plan based on comments received at this evening's meeting, highlighting the specific concerns of building design, traffic, and site development. When complete preliminary plans and supporting documents are submitted to the Planning Department, the application will again be placed on the agenda for review. Mr. Buell stated that the applicant and consultants were "working aggressively" to prepare a complete preliminary plan and that it was anticipated that the project would be ready for consideration at the September 14, 2016 Planning Board meeting.

[2010-038] **Windhover Farms** – Proposed (25) lot subdivision, Grooms Road – Preliminary review and possible determination. SBL: 276.-1-9

Mr. Ferraro explained that although a SEQRA determination was issued and a public hearing regarding this subdivision conducted at the July 14, 2015 Planning Board meeting, the public hearing was adjourned because a number of issues remained unaddressed. Since the Board issued a negative declaration pursuant to SEQRA at that time, no further action regarding environmental impacts is required. The Chairman explained that the adjourned public hearing was reconvened on August 11, 2015 and closed at that meeting. Although a project update was provided at the March 22, 2016 Planning Board meeting, no action was taken at that time. The applicant is now seeking preliminary and final subdivision approval.

Mr. John Stevens, applicant and consultant, presented this application that has been refined in accordance with comments and recommendations from town staff members, the town's designated engineer, and Planning Board members. The speaker explained that a map showing the areas to be subject to a Conservation Easement as set forth in a Declaration of Restrictions has been submitted to the Planning Department and Town Attorney. Permanent open space areas comprising 75.78 acres (57.8% of the total site) of open space land, to be restricted in perpetuity, have been shown on the map. The Declaration of Restrictions accompanies the map. In addition, written responses to the comments and recommendations issued at the March 22, 2016 meeting have been provided. Mr. Stevens highlighted some of the more significant revisions, noting that the trail has been moved from Selfridge Way to Penfield Drive, the granting of property from the State of New York has allowed the roadway titled Penfield Drive to be widened to "at least three rods" at its intersection with Grooms Road, an Erosion Control Plan has been included, a revised Stormwater Pollution Prevention Plan and Stormwater Management Plan have been submitted, an e-mail letter from NYSDEC regarding allowed maintenance activities within the wetland buffer area has been provided, and other minor technical issues have been addressed. The trail section along the property's Grooms Road frontage will be removed from the plan and replaced with a 15' wide easement to the town for possible future multi-use trail development, utility installation, or roadway alignment purposes. The green infrastructure feature – the dry swale – will be moved further from the homes along Holbrook Drive, the northerly portion of Selfridge Way will be moved beyond the buffer area, and written responses to all of Mr. Myers' comments have been provided.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, has reported that no responses to previously-issued comments have been submitted.

Mr. Scavo read comments prepared by the ECC. The ECC notes that the northern portion of Selfridge Way still encroaches into the NYSDEC wetland buffer areas. The roadway should be diverted to avoid construction within the buffer. It is noted that such a relocation will result in a minimal reduction of Lot #21 (2 Holbrook Drive).

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, provided the following comments regarding the Windhover Farms application. Permits will be required for the fill, maintenance access road, storm pipe outlets, and the northern portion of Selfridge Way in the NYSDEC wetland buffer areas. The following comments relate to the Erosion and Sediment Control Plans. It is recommended that the dry swale behind the even-numbered Lots #2-18 be located further to the back of the lot in case future property owners will want to install swimming pools. The required depth on detail of dryswale on sheet C-7 should be noted on the plans. Mr. Reese had no further comments on the Stormwater Management System Engineering Report – last revised April, 2016 or the Stormwater Pollution Prevention Plan.

Mr. Scavo offered comments provided by the Planning Department. He recommended that the boundary lines for the multi-use path easement and stormwater easement over residential parcels become lot line boundaries and that the land be transferred to the town. From an operations standpoint, past experience has shown it becomes problematic to utilize easements over private property. A draft of the deed language for the 10' utility easement along the rear lots located on Holbrook Drive should be provided to the Town Planning Board Attorney for review and approval.

The utility easement should be specifically referenced in the deeds for each homeowner and on the final subdivision plan as follows: “No fence, wall planting, tree plantings, building, accessory structure, or other obstruction may be placed or maintained in said drainage easement.” There is concern that homeowners who purchase these lots will be unaware of the inability to place a pool or similar accessory structure within the easement area of their backyards. On Sheet C-7 the height elevation for the vegetated swale should be shown. The applicant should clarify whether or not the lift station adjacent to Penfield Drive will be contained within a fence enclosure. If so, vinyl privacy slats should be added. One or two shrub plantings on the areas directly north and south of the lift station will minimize visual impacts. On plan Sheet C-18, station numbers are missing from the pocket pond cross section. The Station Detail Cross Section title should be changed from “Pocket Park” to “Pocket Pond.” It is recommended that the pathway proposed along Grooms Road be eliminated from the final plan set. All other remaining pathways will remain. Mr. Thomas McCarthy, Town Attorney, has reviewed the proposed deed for permanent conservation easement and has noted the draft is acceptable as written. The following notes should be added to the plans:

There shall be no clearing, grading, construction, or disturbance of soil and/or native vegetation until the final plat has been approved and filed, with the Saratoga County Clerk’s Office, all fees have been paid, and an irrevocable letter of credit has been posted.

An estimate of construction costs for the purpose of establishing a bond or letter of credit to cover the full cost of all required public improvements and establishing an engineering inspection escrow are required prior to establishing a pre-construction meeting.

Mr. Bianchi reported that, after review of the materials submitted, M J Engineering and Land Surveying, P.C. provided the following comments. The applicant is asked to modify the plan set, incorporating any additional comments provided by town staff. As part of the final plat submission, consolidation of Sheets C4 and C6 of the plan set is required: the sheet must then be submitted bearing the stamp of a surveyor licensed to practice in the State of New York. The inclusion of the dry swale shown at the midpoint of several lots appears to be an addition from prior plans. The applicant should give consideration of an alternate conveyance/treatment system. Additional comments related to the Stormwater Pollution Prevention Plan (SWPPP)/Stormwater Management Report (SMR). If the dry swale noted on the plans is changed, the appropriate calculations shall be furnished for the alternate practice. Prior to submission of the MS4 Acceptance Form, a copy of the easement covering the conservation area must be provided with filing with the County Clerk’s office occurring prior to the issuance of the first building permit..

Mr. Scavo explained that, as recommended by the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, the proposed trail segment along Grooms Road has been eliminated from the plan and a 15’ right-of-way easement should be dedicated for a future multi-use trail and/or utility alignment has been provided.

Ms. Mary Cuoco, 24 Goldfield Lane, cited traffic and drainage as issues of concern. She pointed out that the intersection of Grooms and Miller Roads is particularly dangerous and believes that increased traffic generated by the proposed subdivision will only increase the problem. She explained that her family’s sump pump runs nearly continuously and fears that drainage from the site will impact residents of Settlers Hill.

Mr. Scott Callender, 311 Miller Road, agreed with Ms. Cuoco's assessment of the traffic situation at the intersection of Grooms and Miller Roads, observing that the intersection is the only one from the Schenectady County border and Waterford that is not controlled by a traffic signal or four-way STOP. Mr. Scavo explained that since Grooms Road is a County Highway and Miller and Sugar Hill Roads are town-owned, petitions to the County Department of Public Works and Town of Clifton Park Highway Superintendent, respectively, would be required to address the situation. Mr. Koval pointed out that, although existing residents would often like to see development near their homes limited, property owners do have the right to develop their land in accordance with local and state zoning regulations. Mr. Ferraro expressed his frustration with the failure municipalities and regional planners to "take a proactive position in traffic issues and design" rather than looking at traffic impacts on a project-by-project basis as is currently the case. Inevitably, no one project usually generates sufficient traffic to require off-site mitigation measures, but, cumulatively, there will be an issue down the road that requires attention. By having a plan such as an "Official Map" to identify future improvements to address anticipated traffic concerns over time, as each project is reviewed, the appropriate mitigation measures can be identified requiring the applicant to pay their fair share of the improvement costs based on their contribution to the problem. He stated that these studies should take place early on in anticipation of development occurring in a community and surrounding communities and not after the fact when there is a problem triggering a review which is currently the case. He encouraged citizens to entreat elected officials to "be proactive active in addressing traffic needs." He explained that the Planning Board is charged with making certain that development occurs in accordance with the zoning codes and to work responsibly to mitigate negative impacts identified during the review process.

Mr. Pat Popolizio, 891 Grooms Road, questioned the number of lots proposed for development met open space and density calculations used for ascertaining the number of lots to be developed. Mr. Scavo explained that the density calculations accurately reflected the formulas outlined in the town code. Mr. Popolizio commented that residents of Settlers Hill may be interested in knowing that plans for the former rugby and soccer fields developed a couple of decades ago have not been finalized and that it is possible that those fields may be reactivated in the future. Mr. Scavo explained that the lot number totals 30 (including lots slated for stormwater management, open space, pump station) and that a note on the subdivision plan will state that no further subdivision of the properties will be permitted. Though Mr. Popolizio argued that the Special Use Permit issued for the property several years ago is no longer applicable, Mr. Ferraro explained that this issue has been addressed by the Town Attorney and Planning Board Counsel to the satisfaction of the Planning Board and that the applicant has satisfied all zoning requirements. Should Mr. Popolizio desire to contest the Special Use Permit issue and/or the Planning Board's decision, Mr. Ferraro recommended that he seek legal counsel. Mr. Andarawis pointed out that this application is not dependent upon the disposition and/or future use of the open space area.

Mr. Ferraro encouraged the applicant to pursue an offer of the permanent open space and deed restricted 50% Open Space Area to the Town of Clifton Park. The Planning Board believes this will preserve the integrity of the future available uses pursuant to Section 208-16(d)(2) of the Town Code. The filing of the approved subdivision does displace a portion of the approved designated parking area and a section of vegetative buffer that was required under the original

Special Use Permit. Transfer of fee simple ownership to the town for this open space will preserve the ability to allow the potential for future active recreational uses if so desired and deemed necessary by the town in the future. Mr. Pelagalli pointed out that the relocation of the parking area may impact the validity of the Special Use Permit; however, if the property is acquired by the town, it may be developed with uses permitted under CR (Conservation Residential) zoning. Mr. Koval recommended that there be some type of definition along the borders of the proposed asphalt pathway located between proposed Lots #6 and 8 Holbrook Drive. Mr. Scavo suggested that a “hedgerow of some type” would be appropriate. Mr. Stevens agreed to add staggered plantings along the pathway. He also noted that the pathway would be installed before the houses are constructed and that the pathway area will be dedicated to the town.

Mr. Ophardt offered Resolution #16 of 2016, seconded by Mr. Neubauer, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon the installation of staggered plantings along the pathway installed between Lots #6 and 8 Holbrook Drive, enhanced plantings around the pump station, replacement of the sidewalk detail along Grooms Road with a 15’ wide easement to the town for possible future multi-use trail development, utility installation, or roadway alignment purposes, relocation of Selfridge Way beyond the boundary of the wetland buffer, and the relocation of the vegetated swale to the rear of the properties situated on the northerly side of Holbrook Drive, and satisfaction of all items listed in the final comment letter issued by the Planning Department. Ayes: Ophardt, Andarawis, Bagramian, Jones, Neubauer, Koval, Ferraro. Noes: None.

New Business:

[2016-040] **National Grid Yard Expansion** – Proposed installation of a gravel parking lot, 723 Pierce Road – Conceptual site plan review. SBL: 265.-1-10

Mr. Andrew Blaszkow, representative for National Grid, was unable to attend this evening’s meeting. Mr. Scavo presented this application that calls for the installation of a gravel parking lot at an existing National Grid facility located within the LI1 zoning district. The 19.1 acre property is located on the easterly side of Pierce Road, approximately 1,000’ south of its intersection with Ushers Road and is bordered on the east by the I-87 – the Northway. The speaker explained that the parcel currently contains an existing building that covers 1.94 acres of land and existing impervious surface areas totaling 6.32 acres. The project proposal will increase the impervious surface area in the north central portion of the site by .43 acres. Mr. Scavo explained that the increase in outside storage is necessary due to mandates placed on National Grid by the PSC. The PSC has recently ordered the energy supplier to increase its available supply of equipment for its prescribed geographic area to be utilized in the event of damage to existing equipment due to severe storms or other disasters. To accommodate the increase, National Grid requires the clearing of a 4,000 SF area and placement of a gravel top coat. There will be no disturbance of the designated wetlands which lie in close proximity to the project and no additional building is proposed.

Mr. Scavo read comments prepared by Mr. Myers, Director of Building and Development. This parcel is zoned LI-1. Mr. Myers does not believe that the proposed infiltration trenches will work due to the proximity to the wetlands and previous experience with building on the site. No

data on the soil borings has been provided. The Environmental Assessment Form states that there is wetland encroachment and run-off to adjacent sites. Further stormwater impacts need to be investigated. More development details must be provided.

Mr. Scavo explained that the ECC provided the following comments regarding this application. There are wetlands on the property. The ACOE and NYDEC should determine if their agency would want jurisdiction. The ECC would be interested in the material and or equipment that would be stored on top of the gravel surface because the proposed infiltration trenches allow direct contact to the adjacent wetlands. The proposed project site is in close proximity to a DEC protected stream. If hazardous materials will be stored on this site, the applicant must submit a plan for approval addressing handling and storage and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, provided the following comments regarding this application. With some of the existing end of pipes buried, the property owner shall do maintenance on the stormwater facilities to ensure proper working order. The applicant is asked to supply test pit data on the plans as shown in the proposed gravel parking area. The applicant is proposing an infiltration trench and; therefore, will need to indicate the depth of the practice. Proper separation from seasonal high ground water and the bottom of the infiltration trench shall be verified.

Mr. Scavo provided the following comments which were prepared by the Planning Department. Since the parcel is adjacent to I-87, referral to the Saratoga County Planning Board (SCPB) is required. A copy of the application will be forwarded to that Board for consideration at its August meeting. Based on the "Proposed Total Impervious Area" the 40% minimum green space requirement for the LI zoning district appears to be met. The applicant should note if any additional outdoor lighting is proposed within the expanded gravel area. If no additional lighting is proposed, a note stating such should be added to the plan.

Mr. Scavo explained that in memo dated August 8, 2016, Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that the applicant provide a 15' right-of-way along the Pierce Road frontage for future multi-use trail and/or utility alignment. This comment has been adequately addressed.

Mr. Bianchi read comments prepared by M J Engineering and Land Surveying, P.C. 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 Interstate 87. Additional involved/interested agencies may be defined as the project proceeds through the town's regulatory review process. Mr. Bianchi offered no comment on the Short Environmental Assessment Form. The following comments related to the site plan. The project resides within the town's L11 (Light Industrial) zoning district. Review of Section 208-64 of the Town's Zoning Code indicates that the expansion/addition of the gravel area may be considered a permitted ancillary activity to the

principal use. In reviewing the concept plan submitted, it appears that the bulk lot requirements as outlined in Section 208 -65 of the Town's Zoning Code are satisfied. Subsequent submissions shall include supporting calculations for the infiltration trenches illustrated on the concept plan, including the test pit results shown. The plans should note whether additional exterior lighting is proposed with the gravel area expansion. Foot candle analysis would be required if additional exterior lighting is proposed. 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 to the applicable standards.

Mr. Ferraro commented that, although he finds the application reasonable and acceptable, the site plan presented to the Board for review was extremely difficult to decipher. He emphasized the importance of the submission of site plans which CLEARLY illustrate existing conditions and proposed changes to a site and called on this applicant to provide a refined and detailed preliminary site plan for the Board's consideration.

[2016-042] **Boni, Enterprises, LLC (Lands of David Lenney)** - Proposed (2) lot subdivision, 859 Main Street – Conceptual review. SBL: 265.5-2-20

Mr. Ryan Boni, applicant, presented this application for the Board's consideration. The 1.25 acre property to be subdivided is located on the southeasterly quadrant of the intersection of Prospect Point Lane and Main Street in Jonesville in a B-3 zoning district. The property will be subdivided into lots of 28,178 SF and 26,569 SF. The larger lot with frontage on Main Street contains an older, existing, single-family residence. The new single-family residence will be accessed via a driveway onto Prospect Point Lane and serviced by the extension of existing municipal sewer and water lines. As a condition of approval for the Dickinson subdivision approved on August 14, 2007, the older, existing home must be preserved.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided a number of comments regarding this subdivision proposal in a memo dated July 22, 2016. The parcel is zoned B-3; therefore, the proposed single family residence is an allowed use. The following setbacks and lot sizes for the R-1 zone are applicable: 50' front yard setback; 10' side yard setback; 25' rear yard setback; 20,000 SF minimum lot size. The addition of this parcel to Prospect Point Lane results in nineteen (19) lots on a cul-de-sac without a second means of access which is not permitted per Section 86-6F of the Town Code. Changing the subdivision to provide frontage and an address on Main Street would alleviate this issue, though it would make the parcel a corner lot. It is recommended that the applicant seek a front setback variance off Prospect Point Lane to move the new residence from behind the existing house. Preservation of the existing house as previously approved must be re-affirmed. Verification of the wetland area should be required.

Mr. Scavo reported that the ECC provided the following comment and recommendation after review of the project plan at its August 2, 2016 meeting. The parcel (subdivision) is located in an area which may be impacted by railroad activity. Impacts may include noise or vibration: this shall be noted on the plot plan and in the deed. On Lot #21B the applicant *should* retain existing vegetation and/or use landscaping and grading to provide visual and auditory buffering between the project and the adjacent parking area.

Mr. Scavo noted that Mr. Reese, Stormwater Management Technician, asked the applicant to answer the following two questions in the next submission. Will the additional lot impact the existing stormwater management area that this lot will drain to? Is the proposed impervious area equivalent to the area of the removed barn structures?

Mr. Scavo read the following comments provided by the Planning Department. The following notes should be added to the preliminary plan:

- This subdivision is located in the vicinity of an active rail transit route. Activities may include, but are not limited to periodic noise, vibration, hours of operation and other associated rail transit activities.
- Prior to work commencing within the public right-of-way, the property owner shall obtain a curb-cut permit from the Town of Clifton Park Highway Department.
- No further subdivision allowed.
- 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 newly subdivided lot for a proposed single family home shall be required to plant two new trees within the front yard area.
- There shall be no clearing, grading, construction, or disturbance of soil and/or native vegetation for Lot #21B until the final plat has been approved and filed, with the Saratoga County Clerk's Office.

In accordance with §86-10 of the Town Code, the newly subdivided lot shall be required to plant two new trees on the front street side of new construction. It should be noted that the town has not accepted dedication of Prospect Point Lane to date. The owner anticipates placing the top coat of asphalt down on the roadway and dedication shall occur shortly thereafter. A recommendation from the Town's Historic Preservation Commission to the Planning Board should be provided that speaks to their concurrence with the proposed scope of work for rehabilitation and structural preservation of the existing wood-frame house.

Mr. Scavo reported that he was in receipt of correspondence dated August 7, 2016 from authored by Ms. Kiyonag, Historic Preservation Commission representative, which stated that Commission members met with the applicant regarding restoration of the existing structure at 859 Main Street. Since it is the builder's stated intent to reconstruct the interior of the home and restore the exterior to its 1910 appearance, the Commission was satisfied with the preservation plans. Mr. Andarawis, the Board's liaison with the Historic Preservation Commission, reported that Commission members reviewed the builder's plans for renovation and restoration of the existing homestead at its July meeting and were enthusiastic about the plans for the 1830's home. Mr. Scavo explained that Mr. McCarthy, Town Attorney, will prepared a restrictive clause to be included with the subdivision plan and deed for the property containing the existing structure regarding the specific guidelines for its restoration and preservation.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. issued 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’s proximity to NYS Route 146; Clifton Park Water Authority - Water service connection; Clifton Park Sewer District/Saratoga County Sewer District – Sewer service connection. Additional agencies may be identified by the town during its review of the project. In Part I.2 of the Short Environmental Assessment Form, the applicant is asked to identify the required agencies involved with reviewing/approving this project. Several comments related to the subdivision plan. The project is located within the town’s B-3 (Neighborhood Business) zoning district. The proposal for a single-family home is considered a permitted principal use within the B-3 district pursuant to Section 208-37 of the Town Zoning Code. In reviewing the proposed lot configuration, it appears to meet the minimum bulk lot requirements outlined in Section 208-11 of the Zoning Code. The following notations should be added to the plan:

- a. No utilities shall be installed beneath the proposed driveways.
- b. Work within the Prospect Point Lane right-of-way shall require a permit from the Town of Clifton Park Highway Department.

Identify the date and by whom the wetlands shown on the plat were delineated. Information indicating how potential sump pump laterals may be positioned in conformance with Section 86-7(A)(6) of the Town Code must be provided. The submitted plans provide no existing or proposed contours as required for concept submissions. The area of excepted disturbance limits associated with the project should be delineated. As noted in staff reviews, Prospect Point Lane has yet to be conveyed to the town as a formal right-of-way. Until such time this occurs, the parcel does not have the required frontage on a public street pursuant to Section 208-101 of the Zoning Code. The applicant needs to obtain the 911 emergency response address and show it on the final plat.

In a memo dated August 13, 2016, Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the applicant clarify whether or not the original subdivision included additional right-of-way dedicated for a future multi-use trail and/or utility alignment. If no none was provided at that time, the Board may consider such a recommendation at this time.

In response to Mr. Ferraro’s question regarding the substantial amount of land that lies between the proposed residence and the first property situated on Prospect Point Lane, Mr. Boni explained that the area is the designated stormwater management area for the recently-developed subdivision. Mr. Ferraro also expressed his appreciation to the applicant for his willingness to work with the Historic Preservation Commission.

Board members found this project plan generally acceptable.

Discussion Item:

[2015-013] **Sunoco – Clifton Park** – Proposed demolition and reconstruction of an existing service station, fuel tanks, and convenience store, 1545 Crescent Road – Preliminary site plan review and possible determination. SBL: 284.-1-26

The applicant has requested a one-year extension of site plan approval for this application pursuant to Section 208-119(B) of the Town Code. The site plan was approved by the Planning Board at its October 14, 2015 meeting. The final expiry date for the approval will be October 14, 2017 since no further extensions are permitted.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, has reported that a number Sunoco station patrons have complained that the restrooms at the facility have been locked and inaccessible for a number of days. Mr. Scavo recommended that any extension be conditioned upon the consistent accessibility of the restrooms. Mr. Neubauer observed that the Crescent Road trail has been constructed and he asked that construction vehicles use Lapp Road for ingress and egress so as not to traverse the newly installed pathway. Mr. Neubauer also recommended that the applicant provide an enhanced landscaping plan for areas along its Crescent Road frontage that borders the new sidewalk.

Mr. Neubauer moved, seconded by Mr. Ophardt, to grant an extension to the Sunoco – Clifton Park site plan as approved on October 14, 2015 conditioned upon the stipulation that restrooms at the facility are available for patron use at all times, that construction vehicles are limited to ingress and egress on Lapp Road, and that an enhanced planting plan for landscaped areas along the site's Crescent Road frontage is provided for Planning Board review. The final expiry date for the approval will be October 14, 2017. The motion was unanimously carried.

Mr. Jones moved, seconded by Mr. Neubauer, adjournment of the meeting at 11:00p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held on WEDNESDAY, September 14, 2016.

Respectfully submitted,

Janis Dean, Secretary

NOTICE OF DECISION

Resolution #14 of 2016

Preliminary and Final Subdivision Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on August 9, 2016, there were:

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

Absent: E. Prescott

Mr. Ophardt offered Resolution #14 of 2016, and Mr. Jones seconded, and

Whereas, an application has been made to this Board by Windsor Development Group for approval of a subdivision entitled Subdivision Plan – Shoppers World Plaza – 15 Park Avenue consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on August 9, 2016;

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 August 9, 2016;

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and the subdivision plat entitled Subdivision Plan – Shoppers World Plaza – 15 Park Avenue is granted preliminary and final approval noting that the following form-based code waivers are granted to this proposed subdivision as an incremental change: Building Placement & Front Yard Design Standards for both the TC-4 and TC-5 Zones (Site Plan Approval Granted Prior to Adoption of Form Based Code); Building Form Requirements for TC-4 &TC-5 (Site Plan Approval Granted Prior to Adoption of Form Based Code) and conditioning approval upon satisfaction of all items listed in the final comment letter prepared by the Planning Department.

Resolution #14 of 2016 passed 8/9/2016

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

Noes: None

Rocco Ferraro, Chairman

NOTICE OF DECISION**Resolution #15 of 2016****Preliminary and Final Subdivision Approval**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on August 9, 2016, there were:

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

Absent: E. Prescott

Mr. Ophardt offered Resolution #15 of 2016, and Mr. Jones seconded, and

Whereas, an application has been made to this Board by Boni Enterprises, LLC for approval of a subdivision entitled Boni-Miller Road Residential Subdivision consisting of (9) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on August 9, 2016;

Whereas, the Planning Board was established as Lead Agency for this application, a Type I action, and a negative declaration was issued pursuant to SEQRA on August 9, 2016;

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and the subdivision plat entitled Boni-Miller Road Residential Subdivision consisting of (9) lots is granted preliminary and final approval with the lots configured as in the conventional plan (without a keyhole lot) presented on June 14, 2016, the inclusion of restrictions regarding site disturbance in all property deeds, language in the note regarding the 15' easement provided on Lot #1 that states that it is provided for possible future multi-use trail development, utility installation, or roadway alignment purposes, illustration on the final plat of the locations for sectioned split rail fencing and/or signage indicating the wetland and buffer boundaries, that the note regarding mowing be limited to properties where it is applicable, satisfaction of all technical engineering issues, and all items listed in the final comment letter prepared by the Planning Department.

Resolution #15 of 2016 passed 8/9/2016

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

Noes: None

Rocco Ferraro, Chairman

NOTICE OF DECISION

Resolution #16 of 2016

Preliminary and Final Subdivision Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on August 9, 2016, there were:

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

Absent: E. Prescott

Mr. Ophardt offered Resolution #16 of 2016, and Mr. Neubauer seconded, and

Whereas, an application has been made to this Board by Kevin M. Dailey, Esq., for approval of a subdivision entitled Windhover Farms consisting of (30) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on July 14, 2015 and reconvened on August 11, 2015;

Whereas, the Planning Board was established as Lead Agency for this application, a Type 1 action, and a negative declaration was issued pursuant to SEQRA on July 14, 2015;

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and the subdivision plat entitled Windhover Farms consisting of (30) lots is granted preliminary and final approval conditioned upon the installation of staggered plantings along the pathway installed between Lots #6 and 8 Holbrook Drive, enhanced plantings around the pump station, replacement of the sidewalk detail along Grooms Road with a 15' wide easement to the town for possible future multi-use trail development, utility installation, or roadway alignment purposes, relocation of Selfridge Way beyond the boundary of the wetland buffer, and the relocation of the vegetated swale to the rear of the properties situated on the northerly side of Holbrook Drive, and satisfaction of all items listed in the final comment letter issued by the Planning Department.

Resolution #16 of 2016 passed 8/9/2016

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

Noes: None

Rocco Ferraro, Chairman