

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
September 14, 2016

Those present at the September 14, 2016 Planning Board meeting were:

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

Those absent were: E. Andarawis, E. Prescott

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 7:04p.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 the absence of Mr. Andarawis and Mr. Prescott.

Mr. Ferraro announced that the annual Capital District Regional Planning Commission Planning Conference will be held on October 5, 2016 at Hudson Valley Community College. This year's topics will include Precipitation and Groundwater, Building Permits, new FTZ Security Guidelines, and WQIP and Engineering Grants. Board members are encouraged to attend since the programs presented meet continuing education requirements.

Minutes Approval:

Mr. Ophardt moved, seconded by Ms. Bagramian, approval of the meeting minutes of August 9, 2016 as written. The motion was unanimously carried.

Public Hearings:

[2016-042] **Boni, Enterprises, LLC (Lands of David Lenney)** - Proposed (2) lot subdivision, 859 Main Street – Preliminary public hearing and possible determination.
SBL: 265.5-2-20

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

Mr. Ferraro, Chairman, called the public hearing to order at 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on September 4, 2016.

Mr. Ryan Boni, applicant, presented this application that remains generally as presented at the August 9, 2016 Planning Board meeting. Mr. Boni provided a brief overview of the application, explaining that the proposal calls for the subdivision of a 1.25 acre parcel into lots of 28,178 SF and 26,569 SF, respectively. The larger lot contains an existing historic home which will be restored: a single-family residence with a driveway onto Prospect Point Lane is proposed for the newly-created parcel. The new home will be served by connections to existing municipal water and sewer services. The applicant reported that he has met the guidelines outlined by the Historic Preservation Commission for rehabilitation and restoration of the historic home.

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

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated August 26, 2016. The parcel lies within a B3 zoning district: single-family residences are an allowed use. Setbacks and lot sizes for the R1 zoning districts (50' front setback, 10' side setback, and 25' rear setback) shall apply.

The required minimum lot size is 20,000 SF. The addition of this parcel results in nineteen (19) lots on Prospect Point Lane which is not allowed per Section 86-6F(2) of the Town Code without a second means of access. Though revision of the plan to provide frontage and an address on Main Street would alleviate the issue, it would make the parcel a corner lot. It is recommended that the applicant seek a variance to reduce the front setback off Prospect Point Lane, thus allowing the proposed home to be moved from behind the existing house. Preservation of the existing house as previously approved must be reaffirmed. Verification of wetlands should be required.

Mr. Scavo reported that the ECC issued the following comments after review of the application at its September 6, 2016 meeting. The ECC has concerns regarding the frontage of the proposed home and would like to refer this project to the Fire Code Appeals Board for comment. The ECC is concerned that the total number of homes which already exist on this cul-de-sac are at the maximum number (18) per Town Code for a single access cul-de-sac. The ECC has concerns about the 911 address that this home would be assigned and the difficulty of address identification by first responders. 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 deed. The applicant should retain existing vegetation and/or use landscaping and grading on Lot 21B to provide visual and auditory buffering between the project and the adjacent parking area.

Mr. Scavo read the comments prepared by Mr. Reese, Stormwater Management Technician, regarding this application as included in a memo dated September 9, 2016. The applicant is asked to clarify whether or not the additional lot will impact the stormwater management area that it drains to and to determine whether or not the proposed impervious area is equivalent to the area of the barn which has been removed from the property.

Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, reported that the Subcommittee requested that the applicant provide a 15' wide easement along the property's Main Street frontage for future trail, road improvement, or utility installation. Mr. Boni agreed to provide the requested easement.

Mr. Scavo offered comments prepared by the Planning Department. The subdivision map shall show a permanent 40' ingress/egress easement from the newly created lot through 859 Main Street so the parcel will have the required dedicated access to a public street. A draft of the perpetual ingress/egress easement shall be provided to the Town Planning Board Attorney for review and approval prior to stamping of the final plan. A Memorandum of Understanding (MOU) has been established between the Contract Vendee for the parcel and the Town of Clifton Park Planning Board to provide for the rehabilitation and restoration of the existing historic residence at 859 Main Street. The MOU shall be executed and filed with the final subdivision map at the Saratoga County Clerk's Office. The final subdivision plan should reference the MOU Agreement and date of execution. The MOU will assist to further memorialize the restoration, preservation, and residential occupancy of the former Smith House, built circa 1830.

Mr. Bianchi reported that, after review of preliminary documents submitted by the applicant, M J Engineering and Land Surveying, P.C. offered 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. One comment related to the Short Environmental Assessment Form. In Part I.2, the applicant is asked to identify the required agencies involved with reviewing/approving this project. Several comments related to the proposed 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 208-115. The applicant is asked to provide the following notations on 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.

Identification of the date and by whom the wetlands shown on the plat were delineated must be indicated on the plan. Information to indicate how potential sump pump laterals may be positioned which shall be 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 expected disturbance limits associated with the project must 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 Town Code. The applicant needs to obtain the 911 emergency response address and show it on the final plat.

Mr. Al Karoly, 10 Prospect Point Lane, expressed concerns for the limited sight distance at the intersection of Prospect Point Lane and Main Street, citing the overgrowth of vegetation on the corner parcel. The speaker also stated that he would prefer that the driveway for the proposed home be located on Prospect Point Lane. Mr. Boni stated that it was his intention to clear the corner lot to not only make it more visibly pleasing but to also provide for better sight distance at the intersection. He explained that the driveway for the proposed home will access Prospect Point Drive.

Mr. Scavo provided clarification regarding the proposed easement from the newly created lot through 859 Main Street to the parcel, explaining that the easement has been established to provide the necessary frontage for proposed Lot #21B on a town roadway, eliminating the need for a variance from the Fire Code Appeals Board for nineteen (19) lots on a cul-de-sac rather than the (18) required by code. No driveway will be constructed on the easement. In response to Mr. Ferraro’s question regarding the location of the easement, Mr. Boni reported that it will be provided on the northerly side of the 859 Main Street property.

Mr. Bob Schwarting, 9 Prospect Point Lane, stated that he would like to see the proposed new home designed to complement the existing homes in the neighborhood, reflecting a similar size and style. Mr. Boni assured the speaker that the new residence would “maintain the neighborhood theme.” Mr. Schwarting stated his appreciation for the applicant’s willingness to restore the existing home. Mr. Schwarting echoed Mr. Karoly’s concerns regarding the limited

site distance at the Main Street – Prospect Point Lane intersection due to the overgrowth of vegetation on the corner property. Mr. Ferraro noted that the Historic Preservation Commission has endorsed the proposed restoration plan for the historic home.

Ms. Carley Galarneau, 5 Prospect Point, asked about the timing for implementation of the development plan, encouraging work on the existing house as soon as possible since that structure has become a neighborhood “eyesore.” Mr. Boni stated that the restoration project and new home construction would go forward concurrently.

In response to a question regarding Mr. Myers’ recommendation that the applicant seek a variance to reduce the front setback off Prospect Point Lane, thus allowing the proposed home to be moved from behind the existing house, Mr. Scavo explained, and Mr. Boni confirmed, that the proposed house would have the same setback as the existing homes on Prospect Point Lane. No variance would be required.

There being no additional public comment, Mr. Ferraro moved, seconded by Mr. Ophardt, to close the public hearing at 7:30p.m. The motion was unanimously carried.

In response to Mr. Ophardt’s question regarding impacts to the identified wetlands on Lot #21B, Mr. Boni explained that the proposed home would be located at least 50’ beyond the ACOE wetland boundary. Mr. Ferraro addressed the ECC’s concern regarding the proposed address for the new residence by noting that the address was approved by the Postmaster and Ms. Reed, Chief of the Bureau of Fire Prevention. Mr. Ferraro noted that the proposed home was in close proximity to the railroad tracks: Mr. Boni will add the standard note regarding the proximity to such a facility to the plans. Mr. Ferraro stated his appreciation for the applicant’s willingness to restore the existing homestead, noting that the Memorandum of Understanding executed by the Town and the applicant “addresses the issue of demolition by neglect.” He asked that the 15’ easement provided along the property’s Main Street frontage contain language explaining that it is provided for “future trail, roadway, and/or utility improvements.”

Mr. Jones offered Resolution #17 of 2016, seconded by Mr. Ophardt, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon establishment of a 15’ wide easement along the property’s Main Street frontage to the town for possible future multi-use trail development, utility installation, or roadway alignment purposes, a note added to the plan which states that “this parcel (subdivision) is located in an area where railroad activity occurs. Such activity may include, but is not limited to periodic noise, odors, vibration, extended hours of operation and other associated activities,” establishment of a permanent 40’ wide ingress/egress easement from the newly created lot through 859 Main Street so the parcel will have the required dedicated access to a public street, the execution of the Memorandum of Understanding (MOU) established between the Contract Vendee for the parcel and the Town of Clifton Park Planning Board to provide for the rehabilitation and restoration of the existing historic residence at 859 Main Street and its filing with the subdivision plat at the Office of the County Clerk, and satisfaction of all items listed in the final comment letter prepared by the Planning Department. Ayes: Ophardt, Bagramian, Jones, Neubauer, Koval, Ferraro. Noes: None.

Old Business:

[2016-005] **US Route 9 and Fire Road Office Building** – Proposed construction of a 57,000 SF office building and 3,600 SF bank/retail building, 32 Old Route 146 – Preliminary site plan review and possible determination.

SBL: 272.9-1-10; 272.9-1-21.1; 272.10-2-18; 272.10-2-20

Mr. Abele, applicant introduced Mr. Gavin Vuillaume, design consultant, Ms. Wendy Holsberger, traffic engineer, and Mr. Charlie Meyer, architect, who were in attendance at the meeting. He offered a brief overview of the project that remains generally as presented at the July 12, 2016 Planning Board meeting. Mr. Abele explained that Abele Builders hopes to begin work on this project in the spring of 2017. He noted that the NYSDOT “agreed with the traffic analysis” provided by Creighton-Manning and correspondence from that agency has been forwarded to the Planning Department. Mr. Vuillaume presented the overall site design plan, highlighting revisions made in response to comments issued at the last meeting. He noted that modification was made to the site statistics table so that it now includes references to both Town of Clifton Park and Town of Halfmoon zoning requirements and understands that it will be necessary to obtain site plan approvals from both towns. The potential need for a variance from Northside Drive has been eliminated: the applicant proposes a lot line adjustment between the two properties allowing both to meet required setbacks. Pedestrian connectivity has been improved throughout the site with walkways along the boulevard entranceway, from the center of the site to Fire Road and Northside Drive, and along US Route 9. Stormwater concerns are being addressed, a comprehensive landscaping plan has been prepared which includes plantings within the boulevard, trees along the left side of the boulevard, and trees along the sidewalk along Route 9, appropriate easements with Chili’s and other adjoining properties will be established as warranted and recommended by the Planning Board, curbing has been shown as requested, the construction access has been provided from Northside Drive, test pit information has been added to the plan, and bioretention areas will be evaluated to “make certain that they work properly.” A visual simulation of the streetscape from the Exit 9 vantage point were presented for the Board’s consideration.

Ms. Wendy Holsberger, traffic engineer, reviewed the history of the traffic analyses provided to the applicant by Creighton-Manning, explaining that the initial study conducted in March, 2016 was updated in June, 2016 in response to technical comments issued by M J Engineering and Land Surveying, P.C. She reported that on September 14, 2016, representatives of NYSDOT agreed with conclusions reached by the traffic study, finding that the proposed development would “not have a significant impact on the surrounding highway system” and describing the full access proposed “as being an appropriate operation for the site driveway onto US Route 9.”

Mr. Abele provided the visual simulations of the proposed development from the Northway Exit 9 ramp.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated August 26, 2016. Due to sight distance limitations, the proximity to two controlled intersections and the volume of traffic on this

section of Route 9 during peak hours, it is recommended that no left turn onto Route 9 from the eastbound driveway be allowed. It appears that the stormwater management design is based on the “seasonal” water table elevation of 336 rather than the required “high seasonal” water table of 339 as required. Although the designation of “redevelopment” has been removed, the design is basically the same. Though the phrase was removed, the management report refers to “additional runoff generated by the increase in impervious area.” This means that the site is still being considered as redevelopment when the entire site is currently green and was probably 50% green prior to the building demolition. The runoff requirements for new construction are more restrictive than the redevelopment numbers and should be required.

Mr. Scavo explained that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that the street name as labeled on the plan be changed from Fire Road to Old Route 146 since all addresses along that road are identified as Old Route 146. Ms. Reed notes that Fire Road begins at the 90° bend in the road adjacent to the Northway.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, offered several comments regarding this application in a memo dated September 9, 2016. The Post-Development Conditions Plan (dated, June 20, 2016) in the Stormwater Management Report last revised August 22, 2016 is not the same as the Grading and Utility Plans both dated, August 22, 2016. The Stormwater Pollution Prevention Plan (SWPPP) states that the stormwater management areas will remain under private ownership and all maintenance responsibilities will be the responsibility of the project owner. The SWPPP should include the manufacturer’s recommendations for maintenance of the underground infiltration basins and additional detailed information as listed under the required elements under the Maintenance Section of each proposed practice in Chapter 6 of the New York State Stormwater Management Design Manual (SMDM). The Operation and Maintenance Plan should include what the owner should be looking for as outlined in Appendix G of the SMDM. A letter from NYS Historic Preservation Office to determine any adverse effects on cultural resources will be required. The inflow to Reach 9 (12” pipe for future commercial development) for the 2-year, 10-year, and 100-year storm events exceeds the pipe capacity. The excess volume of runoff does not appear to show as overflow and the inflow amounts to 3P do not account for the secondary overflow amounts from Reach 9. This may impact the runoff amount to Discharge Point #2. The inflow to Reach 3 (24” pipe for equalization surface underground) for the 100-year storm event exceeds the pipe capacity. The excess volume would backup into Pond 2P and this is not reflected in the calculations. The subcatchments do not include the pond areas for Pond 4, Pond 2, and the offsite area northwest of Pond 2. The applicant is asked to clarify how the stormwater runoff for the 100-year storm will follow GP-0-15-002 Part 1.B.2.a.(v). The applicant should provide test hole and infiltration rates at the locations proposed as stormwater management areas. The test hole data shall include the seasonal high ground water elevation. If an infiltration methods area is proposed, 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 a minimum of 25 feet from any building foundation from the high peak elevation from a 100-year storm. Pond 3P is modeled with a 3’ x 3’ horizontal Orifice/Grate when the plans show a 12” pipe: the applicant is asked to provide clarification. Ponds 2P, 3P, and 4P are described as a bioretention area: per the SMDM Section 6.4.2, a flow regulator shall be supplied to divert the WQv to the filtering practice, allowing larger flows to bypass the practice.

Mr. Scavo reported that the ECC issued the following comment regarding this application after review at its September 6, 2016 meeting. The ECC recommends that the applicant show additional plantings within the greenspace located at the corner of Fire Road and US Route 9.

Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, explained that the Subcommittee provided the following recommendations regarding this 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 carpooling as a transportation option. It is also important to have a pedestrian connection between the proposed office building, the hotel, and the restaurants along Northside Drive. A bike rack should be provided at the proposed bank and retail location. The site plan only indicates a bike rack in front of the office building.

Mr. Scavo read comments prepared by the Planning Department. As previously noted in the July, 2016 review letter, the applicant should provide any written correspondence from NYS DOT Region One with regard to DOT's review of the traffic analysis. Such correspondence should be provided prior to approvals being granted by the Clifton Park Planning Board. Mr. Scavo reported that the anticipated correspondence from NYSDOT was received late this afternoon. The applicant should verify the proposed locations, quantities, and symbols shown on Sheet 4 of 9, titled Planting Plan and correct the following discrepancies:

- 38 proposed boxwoods identified on plan – 40 shown in proposed planting schedule quantity.

- 24 proposed ornamental grass locations identified on planting plan with 18 shown within the proposed planting schedule quantity.

- Ornamental grass identified with three separate symbols on the proposed planting plan.

On Sheet 4 of 9, the applicant is asked to modify the Planting Note to include the phrase “written authorization from the Planning Board or Planning Staff on behalf of the Planning Board.” A Planning Board member requested that a view of the building elevation from the Exit 9 Northway ramp be provided for consideration. Mr. Scavo reported requesting a PDF version of the view prior to the meeting so that it could be forwarded electronically to Planning Board members for their consideration. With clearing and grading activities proposed up to property boundaries, it is imperative the property owner clearly mark such property boundaries prior to the commencement of construction activities (i.e. property boundary shared with Clifton Park Pizza and property boundary shared with the existing dwelling adjacent to Fire Road). He asked the applicant to be “sensitive to the effects of the noise and vibrations created by construction on existing properties. A copy of the most current submittal has been forwarded to the Saratoga County Planning Board for its review and comment. Prior to the stamping of any approved site plan the applicant will need to appear before the Town of Halfmoon Planning Board for its review and approval.

Mr. Bianchi explained that, after review of the documents submitted for consideration, M J Engineering and Land Surveying, P.C. offered the following comments on the application. Initial comments related to the proposed site plan. 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. It is understood that the applicant is prepared to work with the Planning Board in defining appropriate locations for potential linkages and cross lot easements. As noted in

Comment 20 of the July 9, 2016 review letter, an illumination plan with foot candle values at the pavement surface was requested for review. Lighting is shown on the site plan, though no footcandle values are provided. As noted in Comment 29 of the July 9, 2016 review letter, proposed contours should be shown on the Erosion and Sediment Control Plan. In order to avoid potential setback variances, the applicant is proposing lot line adjustments with an adjacent lot occupied by Comfort Suites Hotel. The applicant must confirm whether this lot line adjustment results in the need for area variances for the adjacent lot. The proposed lot line adjustment appears to require the development of new or modifications to existing access easements for the existing Comfort Suites Hotel onto Northside Drive. If such modifications are needed, revised easements should be provided to the town as part of a condition of approval. A "Do Not Enter Sign" for the Fire Road access for the exit side, facing Fire Road in an easterly direction must be provided. The sidewalk proposed along Northside Drive appears to be at the same elevation as the adjacent road surface. In order to provide an appropriate barrier protection from vehicles, the sidewalk shall include a curb or be offset from the existing pavement 4 feet with a grass area between the pavement and sidewalk. The pipe size for the culvert beneath the dumpster pad needs to be labeled. Additionally, the applicant is asked to confirm that the pipe will have the minimum vertical clearance above the top of the pipe to finished grade. A note needs to be added to the site plan indicating that construction access to the site shall be limited to one point at Northside Drive. Since the bioretention facility receives piped flow as well as sheet flow via gravel diaphragms, it shall be designed as an off-line practice pursuant to Section 6.4.2 of the NYSSMDM. As shown it appears to be an in-line design. It is unclear from the plans how the piped flows discharging to the bioretention facilities are receiving pretreatment. The required mulch layer on the Bioretention Detail pursuant to Figure 6.19 of the NYSSMDM must be shown on the plan. Bioretention facilities are shown to provide volume control for extreme storm events (100-year 24-hour) and typically intended to provide water quality treatment with volume control for lesser storm events that result in ponding depths of 6 to 12 inches. The HydroCAD model indicates that stored runoff will reach elevations ranging from 1.5 to 2 feet in depth. There needs to be alternate approaches to bioretention to provide volume control for the site for the 100-year event, which includes an off-line configuration. The bioretention facilities in close proximity to the 57,000 SF building should be reviewed to confirm infiltrated water will not be captured by building foundation drainage, thus compromising the structure. The plans shall show the location of the test pits and infiltration tests performed. A notation on the Grading Plan indicating that "Upstream construction shall be completed and stabilized before connection to a downstream infiltration facility/ bioretention facility A dense and vigorous cover shall be established over the contributing pervious drainage area before runoff can be accepted into the facility" shall be provided: such a notation is generally consistent with the requirements of Section 6.3.5 and Section 6.4.5. of the NYSSMDM. The maintenance access to the infiltration basin to the north pursuant to Section 6.3.6 of the NYSSMDM must be defined. The applicant is asked to describe how the infiltration basin can be dewatered in the event of failure pursuant to Section 6.3.6 of the NYSSMDM. At the previous Planning Board meeting, it was requested that the applicant provide additional visual simulations of the 57,000 SF building from alternate vantage points: the applicant is asked to submit the requested information for review. Proposed building elevations and materials for construction of the smaller building proposed closer to Route 9 must be submitted for review and comment by the Planning Board.

Mr. Bianchi reported that several comments related to the Stormwater Management Report. Page 3 of the SMR indicates mottling (which is an indicator of historic high groundwater) was observed at approximately 3 feet below grade, or elevation 336'. Based upon the site grading, it would appear that the bioretention facilities will not be provided with the required vertical separation between the filter bottom and groundwater as required in Section 6.4.2 of the NYSSMDM. All bioretention facilities have a surface elevation of 340' then subtracting out the minimum soil depth of 2.5', the bottom of the soil media would be at elevation 337.5', providing only 1.5' between the design groundwater depth. The NYSDEC does permit the installation of bioretention facilities into groundwater with the use of a liner and underdrain; however, if this approach was used, the infiltration rate applied can no longer be considered as a stormwater outflow. The total drainage area contributory to the stormwater management system does not appear to be captured including the runoff resulting from areas around Pond 2 and Pond 4. In reviewing the HydroCAD model, discrepancies between model data and plan data have been identified as follows which may have an impact on overall model results or site design:

- a. Reach 2R: plan shows as a 12 inch pipe and model shows as a 15-inch pipe.
- b. Reach 3R: plan shows as 12 inch pipe and model shows as a 24-inch pipe.
- c. Reach 10R: plan shows as pipe at 5.65% and model shows as pipe at 0.5%.
- d. Reach 11R: plan shows as 12 inch pipe at 0.0% and model shows a 12-inch pipe at 1.0%.
- e. Subcatchment 3S (57,000 SF building): plan shows being discharged to bioretention area #4 and model shows it discharging to pond 1P (underground infiltration chambers).

Calculations that demonstrate how each infiltration practice can dewater the WQv within 48 hours after a storm event pursuant to Section 6.3.2 of the NYSSMDM must be provided. With the concentrated areas of infiltration facilities for the project and relatively shallow depths to seasonal high groundwater, there should be a groundwater mounding analysis performed to determine whether or not the local groundwater elevation will be raised as a result of the project. This condition would impact each systems long-term performance.

Additional comments related to the Stormwater Pollution Prevention Plan (SWPPP). The final SWPPP shall include the following:

- a. Documentation that the project will not adversely impact cultural or historic properties pursuant to Part I.F.8 of the General Permit.
- b. Signed NOI.

Mr. Anthony LaFleche, 21 Wheeler Drive, requested that any vegetation maintained or installed along US Route 9 be placed so as not to "visually obstruct sight distances" and that the sidewalk be placed as far from the roadway as possible to allow for snow removal and/or storage.

Mr. Ophardt recommended that the bank/retail building be moved slightly to the north to allow one car length of stacking between the drive-up window and the STOP sign at the pedestrian walkway. The applicant appeared willing to make such a revision. In response to Mr. Ophardt's observation that there were "lots of breaks for pedestrians" along the walkway leading to the interior of the site from Route 9, Mr. Vuillaume noted that the eastern most bank/retail entrance has been reduced in width and restricted to a right-in only movement. Mr. Neubauer, remarking that "safety must trump everything, explained that moving the bank building forward on the parcel

would provide a more appealing streetscape and “vista.” Mr. Vuillaume agreed to place a note on the plan requiring that sidewalks be installed along Old Route 146 when warranted in response to Mr. Ophardt’s recommendation. In response to Mr. Ophardt’s question regarding any proposed use(s) for the parcel located at the intersection of Old Route 146 and Route 9, Mr. Abele explained that there were no plans for development at this time. Mr. Neubauer recommended elimination of the tree that appears to be placed directly in front of the proposed office building. Mr. Vuillaume stated that the tree has been removed from updated plans. Mr. Neubauer commented that the rear of the office building appeared “flat and plain,” noting that this “landmark building” for Clifton Park must “look right.” The speaker also asked that the applicant extend pedestrian connections along Northside Drive. Mr. Abele stated that sidewalks will be continued along Northside Drive to the Delmonico Restaurant site. Mr. Ferraro recommended that the plans include a note stating that the sidewalk will be extended to the intersection of Old Route 146 and Northside Drive during Phase II of project development. Mr. Jones expressed his “shock” that NYSDOT would permit a full access intersection at the site entrance on Route 9, and he asked that the applicant ensure that the trees along the Route 9 right-of-way do not block sight distance. Ms. Holsberger explained that the center two-way turn lane in Route 9 would “facilitate” traffic movements in and out of the site. Mr. Abele, addressing the comments issued at the previous meeting, stated that space will be reserved along the southerly side of the entrance drive for the future accommodation of a second egress – right turn - lane onto Route 9 should conditions warrant such construction after build-out of the site. Mr. Ferraro, speaking as a professional planner, expressed his “anger” with the approval letter issued by NYSDOT. He cited the lack of sight distance if a right turn lane was added within the entrance drive since cars turning left onto Route 9 would obstruct the views of those attempting to turn right onto Route 9 from the site. He also explained that there are “no courtesy gaps” in the short distance of the Route 9 corridor between the signaled intersection at Route 9 and Route 146 and the one at Old Route 146 and Route 9. Mr. Ferraro highlighted the usual NYSDOT policy of restricting access onto major highways, stating that he would not support a left turn at the site’s entrance onto Route 9. He also commented that there is another exit from the site to Old Route 146 and persons planning to go north onto Route 9 can use that exit and then turn left onto Route 9 from the signalized intersection. In response to Mr. Jones question regarding the necessity of the left turn onto Route 9 from the site, Ms. Holzberger pointed out that when you impose restrictions on ingress and egress movements from a site, those 24-hour restrictions place limitations on other times during the day when those turns may be made safely. Mr. Abele explained that previously-existing dangerous traffic patterns have been modified since the number of curb cuts has been reduced to a single cut placed near the center of the site. Mr. Ferraro commented that the NYSDOT decision appeared to conflict with those made in other communities where the agency had limited access to major highway systems. He stated that he was “very concerned” with the agency’s decision, arguing that “in spite of the consolidation of curb cuts,” the conflicting traffic movements will create a potentially dangerous driving situation: he stated that he would “challenge NYSDOT’s rationale” for the decision rendered. Ms. Bagramian agreed that the left turn movements out of the site onto Route 9 would create a dangerous driving situation. In response to her question regarding the proposed use of rain gardens on rooftops, Mr. Abele stated that the applicant is considering installation of such a garden on the lower roof of the larger building. Ms. Bagramian supported such an amenity, noting that its installation would provide a “modern touch” for the development. Ms. Holsberger addressed Mr. Ferraro’s concerns, noting that NYSDOT had “taken a solid look” at the traffic study and issued its determination based upon the evidence and site analysis provided. She suggested that the turning movements into and out

of the site be evaluated when the office building is constructed and operational. In response to Mr. Koval's question regarding the parameters to be established for such review, Ms. Holsberger explained that the determination could be made based upon accident reports and/or the calculated and actual delays at the intersection. Mr. Koval recommended that there be "set parameters" for what would be required for such review and a "fix it – don't fix it" threshold be established. Mr. Ferraro asked about the applicant's anticipated timeline for construction. Mr. Abele explained that project development was dependent on many considerations such as the preparation of construction drawings, financing, and leasing terms. Mr. Ferraro commented that customers may not be willing to patronize the businesses at the site due to traffic safety concerns.

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

Mr. Joe Dannible, consultant for the applicant, explained that the plans for the subdivision originally proposed by Jack Levy on Vista Court have been revised. Plans now indicate that the current property owner is Kohler Homes. He explained that the necessary variance was received from the Zoning Board of Appeals on October 6, 2015 for an increase in base lot density that allows for the development of thirteen (13) lots. Providing a brief overview of the design plan that remains generally as presented at the September 9, 2015 Planning Board meeting, Mr. Dannible explained that the site contains both ACOE and NYSDEC wetlands. Formal delineation of these wetlands has resulted in the elimination of one of the mini-farm lots located in the northwesterly portion of the parcel. Plans now call for the development of eleven (11) semi-detached homes (twenty-two (22) units) and one (1) single-family detached residence. The eleven semi-detached homes will be constructed on Vista Court Extension which will connect on the east to Vista Court and intersect with Tanner Road on the west as recommended by the Planning Board. Mitigation for the wetland disturbance necessitated by the extension of Vista Court to Tanner Road via Vista Court Extension has been provided in the northern portion of the site. Two stormwater management areas will be dedicated to the town. The applicant proposes the establishment of an HOA to ensure long-term and proper maintenance of the common areas.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, noted that, although some documents indicate the project plan consists of twenty-two (22) duplex units and two (2) single-family residences, the plans do not reflect the two single-family residences. Mr. Dannible reported that the site statistics table will be updated to reflect the elimination of the second single-family lot.

Mr. Scavo read comments prepared by the ECC following a review of this application at its September 6, 2016 meeting. While the applicant proposes paying \$120,000 for open space credits, if a variance is granted in this instance to allow duplexes in the CR zone, the contribution should be sufficient to acquire enough land to equal 66 acres of open space. The plans should clarify the location and boundaries of the "mini-farm lots." The ECC would recommend that all water quality treatment areas - "rain gardens" - be placed on HOA property, so they can be properly maintained.

Mr. Scavo read comments issued by Mr. Reese, Stormwater Management Technician, in a memo dated September 9, 2016. Per the NYSSMDM Section 5.3.5, Disconnection of Rooftop Runoff – Required Elements the contributing area of rooftop to each disconnected discharge shall be 500 square feet or less; larger roof areas up to 2,000 square feet may be acceptable with a suitable flow dispersion technique such as a level spreader. “Each rain garden has been designed with a contributing impervious area of 945 SF”. The project is proposing sheet flow to Riparian Buffers: the location, area, and length of the buffers must be indicated on the plans, with a note indicating the incoming grade to the buffers. The Stormwater Pollution Prevention Plan (SWPPP) shall expand the Long Term Operation and Maintenance Procedures and the document shall include an explanation of how the Homeowners Association will be maintaining the stormwater facilities including the rain gardens. The document shall be prepared in layman terms as HOA representatives will most likely not have thorough training in the matter. A cost estimate for maintenance should be included in Operation and Maintenance document to ensure proper funds are included in the HOA fees. A letter from the NYS Historic Preservation Office to determine any adverse effects on cultural resources will be required. The town would like to be copied on the Joint Application Permit/correspondence for the wetland crossing. The downstream culvert is a 24” diameter pipe; the applicant is asked to provide documentation on the selection of the proposed 18” diameter pipe for the road crossing. If the 24 acres of the Conservation of Natural Areas is being used for the provided water quality volume, that area should be included in the required water quality volume calculations.

Mr. Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, issued the following recommendations regarding this application. Noting that the existing Vistas, Phase I subdivision has a 5’ wide sidewalk on both sides of Vista Court that is maintained by the HOA, the Subcommittee recommends that the applicant construct 5’ wide sidewalks on both sides of Vista Court Extension based on the proposed subdivision’s layout and compact lot sizes. A 15’ wide easement along the property’s Tanner Road frontage should be provided for future trail, roadway, or utility improvements.

Mr. Scavo explained that no comments were prepared by the Planning Department since all items of concern were identified by other town staff members or the Town’s Designated Engineer.

Mr. Bianchi reported that, after review of the revised plans submitted for consideration, M J Engineering and Land Surveying, P.C. offered numerous comments regarding this application. The first comments related to the Full Environmental Assessment Form. Under Part B, the applicant is asked to include the Saratoga County Planning under the 3239m referral. Under Part D.2.c.ii, additional information must be furnished to substantiate the response that the existing water district is capable of servicing the project. Under Part D.2.d.iii, additional information must be furnished to substantiate the response that the existing wastewater facilities have capacity to service the project. Under Part D.2.m., the response indicates that the action will not produce noise that will exceed existing ambient noise levels during construction, operation or both. It is typical that, at a minimum, during construction, equipment will generate noise that may exceed base line ambient noise levels: the applicant is asked to confirm that the response is correct. No response is provided for Part E.3.e and is required. Part E.3.f indicates a study is being completed to determine if the site contains archeologically sensitive areas. This study must be completed and a “no effect”

letter issued or mitigation measures defined prior to SEQRA findings being issued. Additional comments related to the subdivision plan. A note on the plans indicating the date and individual completing the wetland delineations must be provided on the plan. Should an individual mail kiosk be required by the postal service, its location and general layout shall be provided on the plans for review. The following notations should be included on the plan:

- a. No Utilities shall be installed beneath the proposed driveways.
- b. Work within the Vista Court and Tanner Road right-of-ways shall require a permit from the Town of Clifton Park Highway Department.

For any proposed residential lots that will contain regulated wetlands, it is suggested that notation be added to the plat listing those lots, indicating that the wetlands shall remain and any further disturbances may be subject to additional reviews by authorities having jurisdiction. The locations of proposed traffic signage could not be found on the plans: plans should provide additional information regarding the types and locations for proposed signage. The final location(s) for all proposed street signs will be subject to approval by the Town Highway Superintendent. All traffic regulatory signage shall be in conformance with MUTCD (New York Version) standards and shall reference that appropriate MUTCD number(s). If a subdivision sign is proposed, its location should be noted and it should be outside of the future right-of-way of Vista Court Extension. 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. Subsequent plans may need to show a street light at the intersection with Tanner Road, if deemed appropriate by the Planning Board for the existing setting. Section 86-10 of the Town Code requires the applicant to plant two street trees per living unit. Street trees are shown, but additional trees appear warranted. Further, the trees are shown within the future right-of-way and need to be reviewed with the Town Highway Superintendent. There may be a need for these to be relocated outside of the right-of-way and onto individual lots. Should any basement sump pumps be deemed required under the criteria stated in Section 86-7(A)(6) of the Town Code, their end discharge locations need to be noted on the plans. The plans need to be updated to demonstrate conformance to the noted section of the Zoning Code. The plans need to show the extent of tree clearing required to obtain the sight distances at Tanner Road which were noted in the T.R. Johnson engineering study. The declaration of covenants for the proposed conservation easements pursuant to Section 208-16(F)(3) of the Town Zoning must be provided for review by the Planning Board Counsel. Section 6.1.5 of the New York State Department of Environmental Conservation Stormwater Management Design Manual (NYSSMDM) requires a 25 foot buffer that extends outward from the maximum water surface elevation of the P-5 practices. A review of the locations of each of the P-5 practices suggests that the adjacent roadways will be within the noted buffers. The applicant is asked to review the location of each of the P-5 practices with respect to the maximum water elevation and corresponding 25 foot buffer, making modifications as necessary. Guide rails should be installed along Vista Court Extension, from Sta 1+50 to Sta 4+50 due to the proximity to the adjacent graded slopes. The guide rail shall conform to the NYSDOT Standard Specifications. The applicant must provide an easement for maintenance for the 18 inch cross culvert near Sta 3+00 of Vista Court Extension, centered on the pipe and extended an appropriate distance from the pipe end to allow access by the town to each end section. Each proposed stormwater management area should be placed on a lot dedicated to the town. The graded swale that crosses Lots #5A, 6A and 6B should be modified such that it does not traverse each lot, avoiding the need for an easement conveyed to the town. The length of vertical curve and stationing locations for the point of vertical intersections of vertical tangents must be provided on the road profile. Appropriate erosion control measures

for the lot fronting on Tanner Road must be provided so to delineate and protect the conservation areas in proximity to the disturbance area of that lot. Pursuant to Section 3.5 of the NYSSMDM, each proposed stormwater practice needs to have a conspicuous and legible sign posted. The plans need to provide the standard sign with the applicable language as well as the location of each practice requiring a sign. Construction detail(s) associated with each of the proposed stormwater management facilities are provided, but additional information is required to ensure compliance with Chapter 6 of the NYSSMDM and Town of Clifton Park Standards which includes, but is not necessarily limited to access roads, perimeter fencing, and access gate. Each cross section also needs to show horizontal distances of the benches, buffers, etc. The Town of Clifton Park generally prohibits the use of a P-5 Pocket Pond unless appropriate justification is furnished for its use. The noted justification that no other stormwater practice can be employed needs to be provided for review. A planting plan for each of the proposed stormwater management practices pursuant to Section 6.1.5 of the NYSSMDM must be provided. The rain garden detail needs to include the specified planting species to be installed. The applicant is asked to note the location of the sediment marker for each stormwater pond as required in Section 6.1.3 of the NYSSMDM. The applicant needs to obtain the 911 emergency response addresses and show them on the final plat. The technical design and detailing for the proposed potable water and sanitary sewer systems have not been completed as they are subject to the review and approval of other authorities having jurisdiction. Any comments received from other agencies shall be incorporated into subsequent plan submissions.

Mr. Bianchi offered comments regarding the Stormwater Pollution Prevention Plan (SWPPP). The SWPPP needs to include documentation that the project will not adversely impact cultural or historic properties pursuant to Part I.F.8 of the General Permit. The operation and maintenance requirement provided in Section VI shall also be furnished to future land owners as part of the deed of sale to ensure each land owner is fully aware of responsibilities associated with the on-lot rain gardens. Since the NOI indicates a 5 acre disturbance waiver will be requested, a 5 acre request needs to be submitted to the town for review. This shall include the (1) basis for the request, (2) expected duration of the waiver, and (3) listing of additional measures to be employed that are above and beyond the minimum best management practices to ensure site grading is adequately controlled and monitored. It should be noted that this approval is a discretionary decision of the town and may not be granted if it is found unnecessary or would result in a potential adverse impact. The final NOI shall include signatures from appropriate parties.

Final engineering comments related to the Stormwater Management Report. In Table 6 of the SMR, the applicant is asked to clarify whether the practices are being claimed for RRv or as a GI practice. If they are employed but no credit being claimed, it should be stated as such. The SMR needs to include pipe sizing information pursuant to Section 86-7(A)(2) of the Town Code. For the Conservation of Natural Areas, an acceptable conservation easement instrument that ensures perpetual protection of the proposed areas pursuant to Section 5.3.1 of the NYSSMDM must be provided. A plan that outlines the area of the parcel where Sheet Flow to Riparian Buffers is being claimed to allow a review of its placement with Section 5.3.2 of the NYSSMDM needs to be submitted. It is also needed to ensure it is not being included as part of the Conservation on Natural Areas.

Mr. Dannible explained that a Phase I Environmental Assessment indicated that no archeologically sensitive areas were identified. The applicant is now awaiting a sign-off letter from the NYS Department of Parks, Recreation, and Historic Preservation.

Mr. Anthony LaFleche, 21 Wheeler Drive, commented that the intersection of Miller Road, NYS Route 146, and Tanner Road was awkwardly designed and asked if realignment of the intersection would be possible. At the very least, he recommended that the applicant provide land along the easterly side of Tanner Road for future roadway improvements. Mr. Dannible reported that the applicant would be willing to provide a portion of the property – possibly a 20’ wide strip – to the town for future roadway realignment or intersection improvement.

Mr. Gerard Havasy, 26 Vista Court, President of the Vista Court HOA, pointed out that the sidewalk along the Vista Court right-of-way stops before the property boundary leaving a gap in the connection between the existing Vista Court and the proposed Vista Court Extension. Mr. Dannible explained that he will “evaluate the situation.” Mr. Havasy expressed fears that Vista Court and Vista Court Extension would be used as a “cut through” for vehicles traveling from Route 146 to Tanner Road. He asked that the Board require that an “emergency access only” (such as the one provided between the Vistas and Sterling Heights) connection between the two developments be provided rather than extension of a full-access right-of-way. He noted that if the proposed HOA was to be incorporated into the existing HOA for Vista Court, the cost of maintenance of the proposed rain garden areas may become an issue. Since the Vista name is now associated with the original subdivision, it may be appropriate to retitle the proposed development because the homes will be constructed by a different builder using different plans.

Mr. Ray Burkitt, 15 Vista Court, asked if the applicant identified as Kohler Homes was recognized builder in the area. Mr. Dannible reported that the firm had constructed several homes within the Clifton Park – Halfmoon community.

Mr. Michael Fleischman, 1267 Route 146, asked where construction would begin. Mr. Dannible explained that the roadway would be constructed first. Silt fencing would be installed to identify clearing boundaries. In response to Ms. Fleischman’s question regarding their ability to access Vista Court Extension, Mr. Scavo explained that they may apply to the town for such access when the roadway has been dedicated to the town.

Mr. Kevin Devoe, 1277 Route 146, expressed concerns regarding possible drainage issues. Mr. Dannible explained that the side yard setback from the Devoe’s property line would be 7½’ and that there would be no disturbance to the Devoe’s property.

A member of the audience reported that an ancient artifact in the form of an arrowhead has been unearthed on an adjoining property. Mr. Dannible explained that the Phase I Environmental Review conducted by the applicant indicated that it was unlikely that any culturally significant features would be found on the development site.

Mr. Neubauer asked if the applicant intended to construct a sidewalk throughout the subdivision. Mr. Dannible explained that no sidewalk was currently proposed and connection to the existing sidewalk may be difficult because of existing utility infrastructure. In response to Mr.

Neubauer's question regarding the similarity of design for the homes, Mr. Dannible explained that they will reflect a similar size and style. Mr. Ferraro supported the installation of a sidewalk from the existing development to Tanner Road. Though he commented that the design "looks good," he cautioned the applicant to "be sensitive to [the impacts of development on] the existing property owners along Route 146."

[2016-032] **Northway Church** - Proposed 40,00SF church facility, southwesterly quadrant of the intersection of Ushers and Pierce Roads – Preliminary site plan review and possible determination. SBL: 259.-2-85.3

Mr. Scott Lansing, consultant for the applicant, presented a brief overview of the proposed project, explaining that although the design plans remain generally as presented at the August 9, 2016 Planning Board meeting, some revisions have been made in response to comments issued at that time. He specifically noted that the building size has been reduced from 45,000 SF to 40,000 SF, that parking has been reduced to 415 spaces, and that greenspace has been increased to 37.6% of the site. Mr. Lansing reported that the Zoning Board of Appeals approved the request for a setback variance to allow for construction of a gazebo at the trailhead area. The speaker explained that a center walkway has been provided in the parking area to provide a direct route to the building's entranceway, a traffic study has been completed, and the Ushers Road trail has been extended. The architectural design of the building has been refined: the "massive scale" has been broken up by more interesting façade features.

Ms. Holsberger described the methodology used for the traffic analysis, explaining that because the church held services on the weekend, the study involved the counting of vehicles on a Sunday morning when there was "overlap" of vehicles entering and exiting the church's existing site. Mr. Ophardt was concerned that vehicles were significantly "undercounted." Mr. Ferraro explained that he was aware that the church sponsored other activities during the week and he was concerned about the amount of traffic "other additional extra activities" would generate. In response to his question regarding the Board's ability to impose restrictions on the amount of traffic generated by the facility, Mr. Pelagalli explained that although the Board may impose certain conditions on the applicant, the Board could not "place burdens on religious institutions that it would not impose on any other business." Mr. Jones stated that although he did not wish to restrict any of the church's activities, he would like to be informed of the "correct number of activities." Ms. Holsberger provided information regarding the number of accidents on area roadways and at nearby intersections.

Mr. J. T. Ballard, architect, presented building façade renderings for the Board's consideration, noting the use of overhangs, curtain walls, glass, metal panels, and cast stone to create visual appeal. The speaker pointed out that additional landscaping will provide "additional buffering" along Ushers Road. Though Mr. Neubauer questioned the quality of some of the materials proposed for construction, it appeared that he found the overall design generally appealing. The architect provided an interactive visual simulation of the building elevations. Mr. Neubauer encouraged that applicant to preserve as many trees as possible on the site. Mr. Lansing explained that although the applicant would attempt to save as much vegetation as possible, the grading and clearing required for installation of the parking area, church construction, and the "proper functioning of the site" required substantial clearing. Mr. Ophardt asked that the applicant

retain as much vegetation as possible, particularly within the right-of-way. Mr. Ferraro echoed Mr. Ophardt's request, asking that the landscaping plan illustrate the preservation of treed areas where possible and the addition of plantings where necessary. In response to Mr. Ferraro's question regarding signage, Mr. Lansing reported that no signage has been designed. He assured the Board that all signage will be designed in compliance with Town Code requirements.

Mr. Scavo read the comments issued by Mr. Myers, Director of Building and Development, in a memo dated August 26, 2016. The applicant received approval from the Zoning Board of Appeals at its meeting of August 16, 2016 for the following variances: a variance from the required 50' front yard buffer zone to 7.5'; a variance from the required 40% greenspace to 37.6%; a variance to permit parking in the front yard area. No stormwater plan has been submitted. The project shall be limited to less than five (5) acres of disturbance. Waivers from this requirement are only granted in extreme circumstances with significant justification. Maintenance of the porous pavement shall be included in the Stormwater Pollution Prevention Plan since it is expected to be a part of the stormwater management of the site. Porous pavement is not recommended for this area. Additional details regarding the proposed "café" area is required to determine if the occupancy will need to be classified as a mixed use. Mr. Myers notes that the ECC has no regulatory authority for signage since all signs are permitted through the Building Department. The ECC has no authority over approval of the Stormwater Pollution Prevention Plan.

Mr. Scavo reported that the ECC issued the following comments after review of this application at its September 6, 2016 meeting. At the Planning Board meeting during which the concept plan for this application was presented, there was extensive discussion concerning a trail head park for the 4 trails that converge at the northwesterly corner of the property. There is no evidence of the trail head park on the submitted plans: the ECC recommends the applicant revisit the idea of a trail head park at this location. The ECC would like the applicant to supply further detail of any proposed signage including dimensions, height, and illumination. The ECC notes that an aquifer recharge area is present within the project limits. The applicant must design a stormwater management system that protects the aquifer resource. The ECC recommends that the Planning Board require the applicant to incorporate sediment traps and oil water separators with appropriate capacity to limit the migration of vehicular contaminants into these sensitive environments.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, offered several comments regarding this application in a memo dated September 9, 2016. On the Cover Sheet under the heading Falling Head Permeability Test the table states that the Percolation Test was done at 4 foot depth (approximate elevation @ 260). Per the SMDM – Appendix D the Infiltration Testing Requirements need to be 24" below proposed SMP bottom (approximate elevation 254 or 10 feet down from existing elevation). 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 Highway Department will need to be notified and agree to maintain them or other water quality measures will need to be taken on the applicant's property. A dense and vigorous vegetative cover shall be established over any contributing pervious drainage areas before runoff can be accepted onto the porous pavement. Clarification regarding the exfiltration rate of Pond 2P is required: is it 0.0033 fpm or 0.0083 fpm? Under SWDM Section 3.4 Quality Controls – infiltration practices can also be used as an accepted control for up to the 10-year storm, provided the infiltration rate is greater than 5.0 in/hr. A perforated pipe system can be installed under the porous pavement to

direct drainage to a stormwater management area to handle and control the runoff for the 100-year storm event.

Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee offered two recommendations regarding this application. Trees should be planted alongside the proposed multi-use path on Ushers and Pierce Roads to provide shade and a natural visual barrier. The proposed bicycle rack should be placed near the front entrance to the church.

Mr. Scavo read the comment prepared by the Planning Department. The applicant is asked to add stop bars and a stop bar detail where the proposed driveways intersect with Pierce Road and VanPatten Drive. Typically, a stop bar should be placed 4 feet in advance of and parallel to the nearest crosswalk line.

Mr. Bianchi explained that M J Engineering offered the following comments and recommendations regarding this application, noting that the correspondence forwarded to the applicant's consultant on September 12, 2016 included an analysis of the traffic study submitted. A single comment related to information provided in the Full Environmental Assessment Form. Under E.1.d there is an existing day care facility located in the Fairchild Mixed Use development across the street. Several comments related specifically to the site plans submitted for consideration. 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. It is the Town Engineer's understanding that this information is being prepared for review by the Planning Board. As noted in Comment 6 of the July 29, 2016 review letter, it was indicated that the applicant needs to discuss the use of porous asphalt for the path along Ushers Road and VanPatten Drive. The applicant shall report to the Planning Board the status of discussions with the Highway Department. As noted in Comment 8 of the July 29, 2016 review letter, the accessible aisle should not be used for a loading access and the loading dock should have its own dedicated access route from the parking lot. It is understood that this condition is being reviewed by the architect and will be addressed accordingly. As noted in Comment 10 of the July 29, 2016 review letter, the plan must indicate the locations of the Knox Box and fire department connection. It has been indicated that the locations of these features are being developed as part of the building permit set: a note needs to be added to the plans indicating that 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. A notation must be provided on the site plan indicating that construction site access will be limited to a single point along VanPatten Drive. It is understood that the applicant is requesting a 5-acre disturbance waiver; therefore, a 5-acre request needs to be submitted to the town for review. This shall include the (1) basis for the request, (2) expected duration of the waiver, and (3) listing of additional measures to be employed that are above and beyond the minimum best management practices to ensure site grading is adequately controlled and monitored. Note that this approval is a discretionary decision of the town and may not be granted if it is found unnecessary or would result in a potential adverse impact. The Erosion Control Plan needs to illustrate how each of the infiltration basins will be protected from receiving construction site runoff pursuant to Section 6.3.6 of the NYSSMDM. The applicant is asked to provide a notation on the Grading Plan indicating that "Upstream construction shall be completed and stabilized before connection to a downstream infiltration facility/bioretenion facility is completed. A dense and vigorous cover

shall be established over the contributing pervious drainage area before runoff can be accepted into the facility,” which is generally consistent with the requirements of Section 6.3.5 and Section 6.4.5 of the NYSSMDM. The maintenance access to the infiltration basin to the north pursuant to Section 6.3.6 of the NYSSMDM must be defined. A description of how the infiltration basin can be dewatered in the event of failure pursuant to Section 6.3.6 of the NYSSMDM must be provided. The bioretention system has no apparent pre-treatment system for flow prior to entry pursuant to Section 6.4.3 of the NYSSMDM. The bioretention detail on Sheet DT-4 shows a yard drain, however, the plans do not show this noted yard drain. In reviewing the expanded area of proposed porous asphalt in the parking lot, it appears portions near the northwest corner would result in fill being required to establish subgrade. The porous asphalt must be placed on natural grade and not on a fill area. The applicant is required to review this condition and correct grades or modify the extent of porous asphalt accordingly. On Detail 2 of Sheet DT-5, the applicant is asked to confirm that the bottom of infiltration basin elevation of 330’ is correct. Should the town determine the use of porous asphalt to be acceptable for the proposed path, the pavement section shall be revised as follows:

- a. 3 inches top course porous asphalt pavement Type 3F, PG 64E-22.
- b. 12 inches reservoir stone, composed of No. 4A stone double washed and free of all fines.
- c. 4” stabilization stone composed of No. 2 stone double washed and free of all fines.
- d. Non-woven high tensile, highly permeable separation fabric
- e. Uncompacted subgrade to be scarified to a depth ranging from 3 to 4 inches.

The following general specifications shall be included with the porous asphalt path detail: A 200 SF test panel shall be constructed with final in-place air voids of each pavement layer being 16% to 22%. The porosity test shall be conducted on the test panel and observed by the Owner’s Representative. Only after the test panel has been accepted shall the balance of the path be constructed. The contractor may furnish a list of at least five completed projects utilizing porous asphalt for review by the town in place of completing the test panel. Should the town find the experience and workmanship of the contractor to be acceptable based upon the work examples furnished, the town may waive the test panel requirements. The applicant must provide a density gauge operator that possesses a current Density Gauge Inspector Certification from the Associated General Contractors, New York State, or its equivalent. The density gauge operator will monitor the in-place density of the pavement course. Acceptance of the finished product will be based on: acceptable in-place density gauge readings at each test location will be between 95% and 105% of the PTD determined during the construction of the test panel; acceptable in-place densities of the pavement as determined by the density gauge operator and the Owner’s Representative; a visual evaluation of the pavement surface. The Owner’s Representative shall visually compare the pavement surface of the completed section to the test pane, if a test panel is required. A Porosity Test must be conducted. A minimum of 24 hours after completion of the top course must be allowed before testing. A porosity test at locations chosen by the Owner’s Representative must be performed. At each location, porosity must be tested for a minimum of 3 minutes. The test is accomplished by applying clean water at a measured rate of at least 10 gal/min over the surface, using a hose or other distribution device. Water used for the test shall be clean, free from suspended solids and deleterious materials and will be provided at no additional cost. All applied water shall infiltrate the test panel directly, without puddle formation or surface runoff, and shall be observed by the Owner’s Representative.

Additional comments offered by Mr. Bianchi concerned the Stormwater Pollution Prevention Plan. Additional falling head tests are required to substantiate the infiltration rates applied to the design. At a minimum, each infiltration practice required one falling head test per 5,000 SF of facility area, with a minimum of two per facility pursuant to Section 6.3.1 of the NYSSMDM. For the porous asphalt parking lot, it appears at least 10 falling head tests are required (50,000 SF of pavement estimated). For the porous asphalt path, a minimum of 3 appears required (8,000 SF of pavement estimated). When completing the tests, they shall be at the appropriate elevation that corresponds to the depth of the infiltration facility. Page 17 of the Stormwater Pollution Prevention Plan (SWPPP) indicated vegetative swales are employed as a GI practice, yet the RRv calculations on page 18 do not take credit for this practice: modify the text to correlate only to the GI practices being employed and credit is being claimed for. The applicant must provide calculations that demonstrate that each infiltration practice can dewater the WQv within 48 hours after a storm event pursuant to Section 6.3.2 of the NYSSMDM. The final NOI shall include signatures of appropriate parties. It is understood that the Phase I Cultural Resource Survey indicated that the site contains no cultural or archeological resources; notwithstanding, the final SWPPP shall provide documentation that the project will not adversely impact cultural or historic properties pursuant to Part I.F.8 of the General Permit.

Several engineering comments related to analysis of the Traffic Evaluation provided with the preliminary submission. It is understood that generally traffic will head east from the Pierce Road access and west from the VanPatten Drive access, but in reality there will be traffic turning left from Pierce Road. The analysis should account for this. The analysis states the increase of 12 seconds of delay for the Pierce Road northbound left turn movement is due to increased mainline volume on Ushers Road and no additional left turns will result from construction of the church. The proposed trip distribution shows that the increase in mainline Ushers Road volumes is related to the proposed church at the Pierce Road intersection. The applicant is asked to consider the previous comment regarding future left turn volumes. This has the potential to further reduce Levels of Service (LOS) for this movement: the analysis should consider this. The sensitivity analysis regarding the potential increase in members was performed for 2017. If this expansion occurs later than 2017, the background volumes will increase resulting in further degradation of LOS. The analysis should consider longer term effects of increased traffic at these intersections as background traffic volumes will continue to increase in the study area as development of the surrounding areas will continue in the years to come. The analysis contains trip data from the existing location of the Northway Church that was collected on only one day. Traffic analysis should consider the range of attendance for the Sunday peak hour. The attendance will vary depending on many factors that can't be quantified. Additional trip data should be provided to account for possible increased trips during the Sunday peak shown. The provided parking stalls of 417 will not provide sufficient capacity if membership is increased to 3,000 with the total trips of 453. It is understood that the 453 trips include entering and exiting vehicles. This situation has the potential to cause traffic to queue on the adjacent roadways with increased congestion in the parking lot. The proposed number of trips for the northbound left turn on VanPatten Drive will increase by 33 trips. These 33 trips will be concentrated during a short duration and the existing 50 feet of storage does not have the capacity to handle this concentrated increase. The analysis should consider the concentrated arrivals and departures from the proposed site at the study area intersections.

Ms. Pam Marshall, 5 Fairlawn Court, questioned why the applicant desires to have the “church be so visible” asking why the building was not located to the rear of the parcel. Mr. Koval pointed out that the elevation changes on the site made it necessary to situate the church as proposed. Mr. Ferraro commented that he found the building location and design acceptable, though he was concerned with the visibility of the parking area from both Pierce and Ushers Roads.

Mr. Cosimo DiBari, 23 Hillside Drive, reading from a prepared statement, expressed his concerns regarding traffic safety and environmental impacts of the development. He recommended that a “thorough environmental quality impact statement on air and water quality be performed.”

Mr. George Capsimalis, 179 Wood Dale Drive, stated that it was “intuitively obvious” that the church will present a traffic safety issue and that the installation of traffic signals at impacted intersections may be warranted. He was concerned with the “rate at which traffic from the site will be merging into existing volumes.”

Mr. Glenn Valle, 3 Hillside Drive, President of the Country Knolls Civic Association, noted that if the project is “done right” it will be compatible with surrounding land uses. If “done wrong,” however, the project would have a “profound impact” on the surrounding community. He stated that “the size and scope” of the project demands “serious consideration” of site aesthetics and traffic impacts. Mr. Valle described the Ushers Road corridor as “unique” and stated that he found the “obliteration” of the natural buffer existing on the site “shocking.” He called upon Board members to “not mar the work of former Planning Boards” which, in his opinion, worked to maintain the “character of the area.” The speaker speculated that the proposed site development would likely result in “concentrated [traffic] congestion” and called upon the Board to require a more comprehensive traffic study. Mr. Valle concluded his remarks by recommending that the Planning Board schedule a public hearing for this controversial site plan application.

Mr. Jim Ruhl, 168 Wood Dale Drive, expanded upon the comments issued by Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee. He noted that there is a convergence of several trail segments at the VanPatten Drive – Ushers Road intersection and he recommended that the applicant convey a sizable portion of the parcel in that location to the town for preservation of greenspace and trail improvements. Stating that he would “rather see trees than a church,” Mr. Ruhl encouraged the Board to require the preservation of as many trees as possible along the proposed multi-use trail. The speaker’s final recommendation was for the relocation of the proposed building to the rear of the lot to allow for preservation of greenspace along Ushers Road.

Mr. Jeremy Cowan, representative of Schmaltz Brewing Company, which operates a brewery within the Fairchild Square complex directly across VanPatten Drive from the proposed church, commented that business owners within the complex had no knowledge of this application prior to this evening’s meeting and he asked – noting that the proposal begged additional questions - that additional time be allotted for review of the project before the Board renders a decision. He identified traffic movements at local intersections, the number of vehicles entering and exiting the site, signage proposals, the amount of greenspace preserved on the site, and additional details

regarding the proposed café and classroom space proposed for the site as issues of concern. Mr. Cowan pointed out that, although berms are often recommended to reduce visibility, they are often difficult and costly to maintain.

Ms. Barbara Hartman, 1 Hillcrest Drive, expressing her desire for maintenance of the area's "ambience," called upon the Board to protect the aquifer recharge area, preserve more trees, and maintain the general character of the Ushers Road corridor.

Mr. Tom Harfmann, 6 West Terrace Court, echoed comments regarding traffic concerns previously expressed. He noted that the Board should consider potential traffic impacts should the conclusion of services at the "fairly active Catholic church located within a mile of this parcel" coincide with the end of services at the Northway Church.

Mr. Ophardt agreed with the residents of County Knolls and called for the preservation of trees along Ushers Road. Mr. Neubauer supported the call for the preservation of "decent buffers," encouraging the applicant to "do something" to keep as many existing trees as possible. Mr. Lansing explained that the grading – involving significant cut and fill – on the site to provide for the bioretention area, parking lot installation, building construction, and visibility of the church from existing roadways necessitated the clearing of a significant portion of the parcel. He explained that the applicant was willing to plant a number of trees along the sidewalk. Mr. Jones commented that it appeared that tree removal was proposed in order to make the church itself more visible. Mr. Neubauer encouraged the applicant to provide a "peek" at the building through existing vegetation rather than clear cutting the site. In response to Mr. Jones' question regarding proposed signage for the church, Mr. Scavo explained that signage is overseen by the Building Department. Mr. Ferraro commented, however, that it would be reasonable for the Planning Board to consider the location of proposed signage. Although Mr. Buell attempted to convince Board members that it was the density of vegetation on the entire site, rather than just at the edges, that created its current visual appeal, members held fast to their desire for preservation of existing trees. Mr. Jones remarked that although he was "fine with the building design" and "ok with the traffic," he strongly supported the preservation of as much existing vegetation as possible and offered to meet with church representatives and consultants to discuss ways to maintain green space. Though he complimented the applicant for the incorporation of the internal sidewalk, green infrastructure, and trail head improvements in the design plans, Mr. Ferraro stated his concerns regarding the visibility of the parking lot and concerns with traffic safety and congestion, particularly in light of the types of programs sponsored by the church. He was particularly pleased with the "robust landscaping plan for internal areas of the site." In response to his recommendation for a single ingress/egress to the site from VanPatten Drive with a signal at the VanPatten Drive – Ushers Road intersection, Ms. Holzberger explained that a signal would not be warranted. Mr. Ophardt called for an additional traffic count at the existing church facility "perhaps in September or October" since it appeared that the count presented in the traffic study was extremely low. Mr. Koval called on Board members to provide a clear direction regarding the issues the applicant needed to address.

Pastor Donald "Buddy" Cremeans stepped to the dais to address the issue of church programming and describe the church's mission within the Clifton Park community. He explained that the church seeks to partner with existing community organizations to "raise people out of poverty, help local veterans," and contribute in many other ways to improve the lives of those in

need. He explained that the church sponsors once-a-month programs throughout the year and that no expansion of that programming is anticipated. The speaker noted that the church's representatives and consultants have attempted to address all issues of concern identified by Board members, the Town Engineer, professional staff, and the public: the building has been reduced in size, the parking area has been reduced, sidewalks have been included on the plan, a gazebo at the intersection of trail segments has been provided, and an enhanced landscaping plan has been submitted.

Mr. Ferraro concluded the discussion by directing the applicant to meet with Mr. Jones, Board representative, town staff members, and the design consultant to discuss ways to preserve vegetation on the site since screening of the parking area and removal of trees to provide for installation of the sidewalk along Ushers Road were of significant concern. The applicant was also directed to conduct another count of vehicles accessing the existing church property.

Mr. Ferraro announced that since it was 12:32a.m., the meeting would be adjourned in keeping with the Board's stated policy of concluding the meeting at 12:00a.m. Any discussion started before midnight would be continued to its conclusion. All items following on the agenda would be considered first at the next scheduled Planning Board meeting. The following agenda items will be considered at the September 27, 2016 meeting.

[2016-025] **Angelo Mazzone – Pierce Road Flex Space** – Proposed 3,010 SF addition to an existing building and proposed new building containing 6,960 SF of office space and 10,176 SF of warehouse space, 743 Pierce Road – Preliminary site plan review and possible determination. SBL: 259.-2-49.2

[2015-042] **Village Plaza Mixed Use Development** – Proposed mixed use redevelopment with retail on first level and office/residential above and 2,800 SF restaurant with drive-thru – 19 Clifton Country Road – Preliminary review and possible determination. SBL: 272.-1-44

New Business:

[2016-047] **Monast, Paul** – Proposed (3) lot subdivision, 691 MacElroy Road – Conceptual review. SBL: 258.-2-44

[2016-045] **Packard, Allen** - Special Use Permit #81107 to permit the construction of a two-family dwelling within the R1 zoning district, 744 Carlton Road – Conceptual consideration and site plan review. SBL: 265.-1-5.14

[2016-043] **Boni, Larry** - Special Use Permit #81104 to permit the construction of a two-family dwelling within the R1 zoning district, Grooms Road – Conceptual consideration and site plan review. SBL: 277.14-1-31

Ms. Bagramian moved, seconded by Mr. Koval, adjournment of the meeting at 12:32a.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on September 27, 2016.

Respectfully submitted,

Janis Dean,
Secretary

NOTICE OF DECISION

Resolution #17 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 September 14, 2016, there were:

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

Mr. Jones offered Resolution #17 of 2016, and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by David Lenney for approval of a subdivision entitled Subdivision of the Lands of David Lenney consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 14, 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 September 14, 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 of the Lands of David Lenney consisting of (2) lots is granted preliminary and final approval conditioned upon the establishment of a 15' wide easement along the property's Main Street frontage to the town for possible future multi-use trail development, utility installation, or roadway alignment purposes, a note added to the plan which states that "this parcel (subdivision) is located in an area where railroad activity occurs. Such activity may include, but is not limited to periodic noise, odors, vibration, extended hours of operation and other associated activities," establishment of a permanent 40' wide ingress/egress easement from the newly created lot through 859 Main Street so the parcel will have the required dedicated access to a public street, the execution of the Memorandum of Understanding (MOU) established between the Contract Vendee for the parcel and the Town of Clifton Park Planning Board to provide for the rehabilitation and restoration of the existing historic residence at 859 Main Street and its filing with the subdivision plat at the Office of the County Clerk, and satisfaction of all items listed in the final comment letter prepared by the Planning Department.

Resolution #17 of 2016 passed 9/14/2016

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

Noes: None

Rocco Ferraro, Chairman

