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PLANNING BOARD

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

(alternate) Jeffery Jones

Planning Board Meeting
September 27, 2016

Those present at the September 27, 2016 Planning Board meeting were:

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

Those absent were: D. Bagramian, J. Koval, 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 Planning Board at this evening's meeting in the absence of Ms. Bagramian, Mr. Koval, and Mr. Prescott. He also explained that two agenda items had been removed from the agenda at the requests of the applicants: the Boni Grooms Road 2-family Special Use Permit application and the Tech Valley Flex Park.

Mr. Ferraro explained that the first five agenda items listed on this evening's agenda have been carried over from the September 14, 2016 meeting which, in accordance with Board policy, was adjourned at 12:30a.m. He noted that due to the length of this evening's agenda, all items may not be considered before the midnight deadline.

Minutes Approval:

Mr. Ophardt moved, seconded by Mr. Neubauer, approval of the meeting minutes of September 14, 2016 as written. Ayes: Ophardt, Jones, Neubauer, Ferraro. Noes: None. Abstained: Andarawis.

Old Business:

[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. Ferraro explained that this discussion is a continuation of the Planning Board review that was adjourned on September 14, 2016.

Mr. Scott Lansing, consultant for the applicant, introduced Mr. Devin Cremeans, son of Pastor “Buddy” Cremeans, and Ms. Wendy Holsberger, Creighton-Manning traffic engineer, who were in attendance at the meeting. Since there were a number of audience members from the Ushers Road area interested in this agenda item, Mr. Ferraro asked that Mr. Lansing provide a brief overview of the project plan. Mr. Lansing explained that the site plan application calls for construction of a Northway Church facility on a 6.83 acre parcel just west of the Exit 10 entrance ramp to the Northway between Pierce Road and VanPatten Drive within the LI1 zoning district. It has been determined that the use is a permitted use. The speaker pointed out that, in response to Planning Board, staff, and engineering comments, the church’s “relocation and expansion” plan has been refined over the past several months. The building has been reduced in size from 45,000 SF to 40,000 SF, parking spaces now total 415, and a trailhead parking area for the public has been provided near the Ushers Road – VanPatten Drive intersection. The Zoning Board of Appeals granted the applicant’s request for a variance from the 40% greenspace requirement: greenspace on site totals 37.6%. Mr. Lansing explained that there were two items of particular concern identified at the last meeting: the need for additional traffic counts and limitation of the proposed clearing along Ushers Road. Additional traffic counts taken at the existing church facility on September 18, 2016 resulted in findings that were very similar to the ones presented previously. After a meeting at the site with Mr. Jones, town staff, and the applicant’s consultant, plans were revised to allow for the preservation of an upper canopy, 30’ wide and 300’ long, along Ushers Road. The preserved trees, the speaker noted, would provide shading along the proposed multi-use pathway. Through the use of additional infiltration practices the stormwater management plan was revised to minimize grading and provide for the protection of existing vegetation. When asked by Mr. Ferraro for details regarding the traffic study, Ms. Holsberger explained that analysis utilized traffic counts from the existing church facility, applying standard operating evaluative calculations to the proposed development to determine that traffic from the site at its peak operating times would “result in 35% less vehicle traffic” than that currently flowing along the corridor at weekday peak hour travel times. She reported that the analysis indicated that levels of service were deemed acceptable: no off-site mitigation measures would be necessary.

Mr. Ferraro acknowledged that the Board had “received a great deal of feedback” regarding this application by way of remarks from the public made at the last Planning Board meeting, written

correspondence from interested residents, e-mails, and the running commentary on social media sites. Noting that the construction of a church was a permitted use on the parcel, he cited traffic and site aesthetics as areas of significant concern. Mr. Pelagalli explained that, although a church was not an “enumerated permitted use” in the Town Zoning Code, the Religious Land Use and Institutionalized Persons Act (RLUIPA) enacted by Congress in 2000 supersedes Town Law: the church is a permitted use in this location. Mr. Ferraro expanded on Mr. Pelagalli’s comments, stating that he viewed the church use as “much more accommodating” than an LI1 use that would likely bring a warehouse-type building and accompanying truck traffic to the site. He further explained that property owners are entitled to develop their property and receive a reasonable rate of return on their investment. Mr. Ferraro, though sympathetic to those who wished to preserve the parcel’s green area, noted that such preservation by the Town Board should have been encouraged soon after the previous application for development of this site was withdrawn. He spoke of the REALITY of the situation, describing the site as a “prime location for development” situated near a major interstate interchange. From a planning perspective, with consideration given to the impact on existing residents, he finds the proposed use appears much more desirable than one which would be more representative of light industrial uses. He explained, however, that the Board is mindful of site aesthetics and seeks to mitigate impacts created by the proposed development to the greatest degree possible. Mr. Jones reported that Board members have read all the social media comments and listened intently to concerns raised by those living in the Ushers Road corridor. He explained that the meeting with applicant, developer, and town staff on the site a few hours after the September 14, 2016 Planning Board meeting resulted in what he views as a “meaningful compromise” that will preserve a 30’ wide treed buffer to minimize the building’s visibility from adjoining roadways and maintain a strip of greenspace along Ushers Road. Mr. Ferraro reiterated concerns he has previously expressed regarding the cumulative effects of development over a period of 30-40 years on traffic, pointing out that, he recognizes that it would be unfair for a single developer to be assessed for necessary traffic improvements when traffic reaches unacceptable level of service thresholds and encourages state and local governments to work proactively to establish - possibly through a SEQRA action - a fair basis for assessing a fee for all development within communities. Mr. Ferraro stated his concerns regarding the validity of the traffic report presented, explaining that the report considered activity at the existing site only for Sunday mornings rather than for the other activities, such as the Wednesday morning “power breakfasts,” that may take place during the week. He called for a disinterested third party to “offer an opinion on the veracity and validity of the study.” Mr. Ferraro noted that pursuant to RLUIPA, the Planning Board may not impose conditions upon the church that it would not impose on other types of uses.

Ms. Martha Hulshoff, Wood Dale Drive resident, explained that as former manager of the Hess Station at Exit 10 and other businesses in the town, she was very familiar with traffic patterns and the flow of traffic along Ushers Road. She questioned the validity of the traffic report presented by the applicant. The speaker was also concerned with the removal of the green area from the site. Ms. Holsberger explained the methodology used in the traffic analysis, stating that the study involved two major components: physical counts of traffic at intersections in close proximity to the proposed development site and estimates for cumulative growth within the corridor. Calculations were designed to determine the peak hours for vehicle traffic to and from the site and to evaluate the impact of those trips on existing traffic volumes and patterns. She explained that the site assessment indicated that there would be little or no impact on existing traffic conditions. Mr. Neubauer explained that the Planning Board is very “cognizant of site aesthetics” for each project

it considers. He noted that although previous plans called for the removal of a significant number of trees along the property borders, the revised plan now shows a substantial green buffer along Ushers Road that provides significant screening of the proposed parking area. He also commented that, as a Licensed Architect, he reviewed the proposed building design and materials and finds them acceptable. He concluded that, overall, the plan has been significantly enhanced. Mr. Ophardt extended his thanks to Mr. Lansing for utilizing an infiltration basin instead of a bioretention area to handle stormwater thus allowing modification of the grading plan and an increase in greenspace. In response to Mr. Ophardt's question regarding the specific identification of vegetation to be removed from the site, Mr. Lansing explained that there has not been a detailed technical evaluation of the site: selective thinning and removal of dead or diseased trees will occur after the site has been graded. Mr. Neubauer emphasized the need for preservation of the existing buffer during construction. Mr. Lansing stated that additional trees will be planted as needed after site work has been completed. Mr. Andarawis thanked the applicant and Mr. Lansing for working with the Board to preserve the site's natural features: this has increased his "comfort level" with the project plan. Mr. Jones reported that a review of the church's website indicates a number of services and programs in excess of what has been reported to the Board, explaining that the number of services/events includes one service on Saturday, four services on Sunday, and breakfasts every Wednesday morning. He pointed out that all Board members reside in the town and seek to promote growth in the most reasonable way possible. Mr. Devin Cremeans, son of the Pastor, "Buddy" Cremeans, explained that the Wednesday "power breakfast" advertised is capped at 50 people and held only on two Wednesdays a month that one Saturday service is held at 6:00p.m. and – currently – Sunday services are conducted at 9:15a.m., 10:15a.m., and 11:35a.m., respectively. A study class after the last Sunday service is usually attended by six to ten individuals. The speaker speculated that that one of the Sunday services would be eliminated when the new church is operational since it will be able to accommodate a larger number of worshippers than the existing facility. Mr. Ferraro stated his concerns with the expected "strategic plan for future growth" of the church, noting that there is "opportunity" for an increased number of events to be scheduled at the facility which could impact the neighborhood. Although he was uncertain what types of conditions could be imposed to minimize impacts, he sought to be "proactive" with mitigations for potential impacts that he found difficult to identify and assess. Mr. Jones, stating that he was unconcerned with Sunday traffic to and from the site, focused on the advertised breakfast meetings that could impact traffic during peak hour week day travel times. He called for the applicant to "clarify future development plans." Mr. Cremeans stated that it was unlikely that the morning breakfast sessions would involve more than 50 people. In response to Mr. Andarawis' question regarding the number of people in attendance at each service, Mr. Cremeans explained that between 200 and 400 individuals attend each scheduled service. In response to Mr. Ferraro's question regarding the traffic counts provided in the traffic study, Ms. Holsberger explained that the study had involved the counting of cars arriving and leaving at two services on Sunday mornings at the existing church facility. She noted that even with the inclusion of a "sensitivity study" in the analysis, the numbers still stayed well below weekday volumes. Mr. Ophardt was concerned that the third service drew more vehicles to the site "at the same time" and that the third service was apparently not accounted for in the traffic review. Mr. Jones also commented that there was an "ambiguity" of what the true traffic counts for the new site would actually be. Referencing the Wednesday morning breakfasts, Mr. Andarawis found that a projected 50 additional trips during the AM peak hour would be significant. Ms. Holsberger explained that the relatively small number would not create an impact

since there would be a “dispersion” of trips – drivers could choose to use one of multiple ingress/egress points.

Ms. Yubo Hou, 58 Blue Spruce Lane, stated her opposition to the project plan. She referenced a Wikipedia entry that reports that over 2,000 people live in the County Knolls neighborhood which will be impacted by the addition of parishioners who attend services and events at Northway Church. She believes that the parishioners’ need for additional services such as banking, gas stations, convenience stores, and restaurants will cause an increase in traffic on Ushers Road and inconvenient delays in service at those businesses which will impact existing residents.

Ms. Leemarie Amorosi, 9 Doral Court, stating her “love of Country Knolls West,” explained that she has searched for as much information as possible on social media regarding Northway Church and the services and events it provides for its worshipers. She believes that the applicant has “minimized the scope of the church” and that its apparent goal is to expand the congregation to approximately 3,000 to 3,500 members. Noting that – by the church’s own reports - a recent event drew over 1,000 people, thousands attended multiple Easter Services, and twelve services during the Christmas season were well attended, she speculated that traffic projections were seriously underestimated. Ms. Amorosi questioned whether or not the church planned to utilize audio equipment on the proposed 7,500 SF outdoor space, explaining that noise produced by such entertainment may result in disruption of “the quiet enjoyment of her property” that is referenced in her property deed. Citing a “flawed traffic study” and evidence of the endangered Karner Blue butterfly on the site, she stated her opposition to the project. Ms. Amorosi concluded her remarks by reading a letter alleged to have been written by a member of Northway Church. The author explained that Joel Olsteen, prominent preacher and televangelist, has been a frequent guest of the church, drawing large crowds, and that this relatively small local church will become a “mega church” that will soon “outgrow or abandon” the Ushers Road site.

Mr. George Riebel, professional architect, expressed his concerns, stating that traffic generated to and from this site combined with traffic from Corpus Christi church will result in traffic congestion along the Ushers Road corridor.

Ms. Diane Goldsmith, 1 Arbor View Drive, stated her concerns with the proposed development on traffic safety, noting that it was not only the increased traffic on weekends that troubled her but also the traffic generated during week days. She believes that the traffic study provided by the applicant did not adequately address this issue.

Mr. Ed Litvaitis, 14 Shadow Wood Way, stated that, as a member of Corpus Christi church, he has observed the growth and development of parcels along, and in close proximity to, the Ushers Road corridor. He called for a “stop to growth on Ushers Road.” Mr. Ferraro was sympathetic to the notion that change within the corridor did not meet Mr. Litvaitis’ “quality of life standards,” but he explained that the Town of Clifton Park does have a Comprehensive Plan of Development and that property owners have a right to develop their properties in accordance with code requirements. He explained that the Planning Board was charged with reviewing each application presented, identify issues of concern if necessary, and require mitigation for significant impacts if necessary.

Ms. Peggy -----, 15 Summit Park, explained that her concern not only involved traffic along Ushers Road, Pierce Road, and VanPatten Drive, but also cars entering and exiting the Northway's entrance and exit ramps in close proximity to the project site. In her opinion, traffic generated by the church would increase traffic congestion along Ushers Road.

Ms. Christine Jimenez, 23 Patroon Place, questioned the number of members of the church who were also members of the Country Knolls neighborhood.

Ms. Kathryn Gerbino, 5 Maple Ridge, expressed concerns regarding the possible installation of an illuminated sign and believes that the project will impact the environment. Mr. Ferraro explained that certain signs are permitted to identify a facility. Although the Planning Board may concern itself with the sign location, the size of the sign is determined by the Building Department and, if necessary, the Zoning Board of Appeals. In response to Mr. Ferraro's question regarding signage currently proposed for the site, Mr. Lansing explained that the only signage planned to date is an identification sign on the building. He stated that he expects that all other proposed signs will conform to town regulations. Ms. Gerbino implored the Board to "not stifle any expressed opinion" and to "use [those] opinions wisely." Mr. Ferraro explained that the Town of Clifton Park Planning Board is one of very few that allow for public comment outside the limits of a public hearing.

Mr. Howard Lavine, 180 Wood Dale Drive, citing the number of accidents which have occurred along this stretch of highway, explained that he travels Ushers Road frequently to his business location and fears that the increased traffic will result in "horrible" delays and safety issues. He would also like to see the trees preserved along Pierce Road. Mr. Ferraro pointed out that many people find Clifton Park's rural character and low taxes attractive. The resulting growth, however, requires supporting infrastructure and services. He does not believe that the community has "appropriately planned" for the traffic improvements that the growth demands. In response to Mr. Jones' request for accident counts, Ms. Holsberger reported that, within a three year period, there have been few accidents at the Ushers Road – VanPatten Drive and Ushers Road – Pierce Road intersections and that "no prevalent type of accident" was identified.

Mr. George Capsimalis, 179 Wood Dale Drive, applauded Mr. Ferraro's call for an independent traffic study for the area, commenting that the "relevant issue" is the rate at which cars cross the intersection. In response to his question concerning the availability of the traffic study prepared for this application, Mr. Scavo stated that the report is available for review from the Planning Department file.

Mr. Don Quick, 30 Mohawk Trail, stated that, as a member of Northway Church, he understands that the church was not proposed in its current location to "intrude on the community," but rather to make the community better. He believes that church representatives are making a "conscious effort" to work out all issues.

Ms. Joanne Colosi, 20 Crown Point, submitted a hard copy of an on-line petition "in hopes of keeping the greenspace along Ushers Road."

Mr. Glenn Valle, 3 Hillside Drive, President of the Country Knolls Civic Association, thanked the Board members for giving the public an opportunity to speak and for Mr. Jones' time

taken to meet with the applicant, project consultants, and town staff members to help design a more aesthetically pleasing site. He called upon members to “take time to scrutinize” the plan, noting that the “buffer should not be a compromise.” Mr. Valle asked that any freestanding sign not be placed along Ushers Road. He supported Mr. Ferraro’s request for a third party traffic study since exiting from a church is sometimes similar to “exiting a fireworks display.” he implored the Board to consider impacts to existing traffic. Stating that the site may not be appropriate for construction of a “mega church,” he asked that the Planning Board schedule a public hearing on the application.

Mr. Ferraro questioned whether or not constraints could be imposed on the church since it is likely that several “special events” will be scheduled throughout the year. Mr. Pelagalli advised that the Religious Land Use and Institutionalized Persons Act (RLUIPA) enacted by Congress in 2000 prohibits “burdening a religious institution with conditions that would not be placed on other businesses in the area.”

Ms. Ann -----, 40 Hills Road, found the traffic study submitted by the applicant deficient since it did not account for traffic that may be re-routed through Jonesville. She called for a study that would not only analyze proximate intersections and roadways but also “impacts on the entire region.”

Ms. Cyndi Martin, 12 Eastwood Drive, a member of Northway Church, described its members as “a great bunch of people,” and was enthusiastic about the church’s proposed move to the Country Knolls neighborhood.

Mr. Robert Cohen, 181 Wood Dale Drive, commented on the difficulties of crossing Ushers Road in recent years due to the increased growth and development within the area. He called for a traffic study in which the cumulative effects of growth are taken into account. Mr. Ferraro described traffic congestion as a “systemic problem” and one which communities throughout the state have been reluctant to address by providing on-going dedicated funding for capital improvements. Communities, he believes, must be responsible for identifying necessary improvements for older transportation systems and planning for the future. If based on reliable methodologies, impact statements could provide a rational basis for fair-share mitigations and/or fee payments from developers for long-term traffic management strategies.

Ms. Anita Scott, 8 Hilltop Hollow, echoed Mr. Valle’s comments regarding traffic and called for careful review of the project. She has observed that signage in Malta indicates that the church is proposed to be built on a parcel there. She asked if the applicant has disclosed a 3-5 year business plan for Planning Board review since such a plan would likely include information regarding anticipated growth and expansion. She questioned whether or not the proposed building would be considered a church or an arena, asked if the publicized concert series would be totally contained within the building, inquired about possible noise pollution, and requested that additional information regarding traffic counts and impacts be included in the “third party” traffic report. Ms. Scott asked if control measures such as signalized intersections had been considered to manage traffic and observed that there are several apparently vacant buildings within the Exit 10 area that may be suitable for use as a church. The speaker encouraged Board members to preserve the existing greenspace along Ushers Road. Mr. Ferraro commented that he would like to view the church’s business plan.

Mr. Jack Rajczewski, 173 Wood Dale Drive, observed that over the years berms which have been required to screen various locations along Ushers Road have varied in height and manner of landscaping. He asked that there be uniformity of the design, height, and landscape materials used for berms.

Mr. John Trendell, 173 Redfield Park, explained that through Northway Church he has “found a way to serve his community” and asked if approval of the application was likely at this evening’s meeting. Mr. Ferraro explained that, although the applicant has been very responsive to the issues raised by reducing the building size and the parking area, providing substantial greenspace along Ushers Road, and adding to the trail system, impacts to existing traffic patterns are still of concern as is the strategic plan church representatives may have for future growth. Mr. Andarawis commented that the Planning Board needs a “crisp” outline of anticipated events and hours of operation to provide the necessary framework for proper evaluation of the traffic report. Mr. Ophardt agreed. Mr. Neubauer pointed out that the request applied a level of scrutiny that was similarly imposed on other projects throughout the town. Mr. Jones agreed that it would be important for the Board to have a clearer picture of the types of activities currently sponsored by the church and of those anticipated in the future. He offered to meet with the applicant and his consultants to discuss the issue. Mr. Ferraro asked that the Traffic Safety Committee be consulted. Ms. Holsberger defended that the traffic study prepared by Creighton-Manning, explaining that analysis included “background growth and traffic fluctuations.” She also pointed out that the Town’s Designated Engineer, M J Engineering and Land Surveying, P.C. reviewed the study and found it acceptable. Mr. Andarawis expressed his concerns with the changing number of worshippers attending each service, the discrepancy in the number of services scheduled, and the number of extra events and programs that took place during the week. Mr. Neubauer remarked that, although he believed that the traffic study submitted accurately depicted traffic flows on Sundays, he supported further review of the traffic generated by potential special events, services, classes, and breakfasts. Mr. Cremeans explained that the number of Sunday services and schedules have not changed and respectfully asked that the Board approve the site plan. Mr. Ferraro explained that the Board was unable to take action on this application at this evening’s meeting because the site plan must receive approval from the Saratoga County Planning Board. In response to Mr. Lansing’s request for clarity regarding specific issues to be addressed, Mr. Ferraro explained that traffic concerns, the lack of an expressed “strategic plan” for future events, and the Board’s authority to impose restrictions on events held at the facility were of concern. Mr. Lansing, citing the applicant’s desire to “stay on track with the construction schedule,” called on the Board to provide “a clear direction” for response to Board concerns. Mr. Ferraro, explaining that, although the Board was sensitive to the applicant’s concerns and appreciative of the plan revisions made to date, stated that without a clear understanding of potential traffic impacts, existing and potential event schedules, and the legality of the imposition of conditions of approval, he would not support a decision at this time. Mr. Cremeans again pointed out how responsive the applicant was to all Board demands and urged the Board to move forward. Mr. Jones agreed that the applicant had been very cooperative, but he was reluctant to support a decision at this time due to the lack of information regarding existing and proposed events, services, and programs. Mr. Andarawis asked that the applicant provide a detailed narrative outlining the number of services and events held in the past year with an indication of the number of attendees and a description of “what is envisioned for the future.” Mr. Pelagalli advised the Board to delay action since approval by the Saratoga

County Planning Board is required before the Board renders its decision. Mr. Ferraro called on the applicant to provide a 3-5 year business plan that would show the route the church plans to take to grow its community during that time: the plan should include information regarding the projected number of both inside and outdoor events. He asked that the location of any proposed signage be illustrated on the plan to ensure that the signage does not “frustrate or compromise” any features of the landscaping plan. Based on expressed community concerns, he requested that a third party review the traffic study to determine its “veracity and validity.” Stating that although he appreciated the “timing issue” with respect to approvals, permitting, and construction experienced by the applicant, Mr. Ferraro identified the outstanding issues to be addressed to the Board’s satisfaction as those concerning traffic impacts, the long-term strategic business plan, and possible imposition of reasonable constraints on church-sponsored activities and events

[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

Mr. Scott Lansing, consultant for the applicant, explained that this project plan remains generally as presented at the May 10, 2016 meeting though minor revisions have been made to the plan in response to comments issued at that time. Mr. Lansing reported that written responses have been provided to all comments issued by the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, Planning Board, Mr. Myers, Director of Building and Development, Mr. Scavo, Director of Planning, and M J Engineering and Land Surveying, P.C., the town’s Designated Engineer. Addressing recommendations provided by the Trails Subcommittee, he explained that the parcel currently includes an easement for the future installation of the multi-use pathway along Pierce Road and that the existing easement provides the ability for a potential future trail and crosswalk to be installed. He noted that a sidewalk is not feasible or desirable along the proposed drive to the rear of the site since the limited pedestrian movements can be accommodated by the access road. A bicycle rack is now shown at the main entrances to the existing building and the proposed building. In response to Planning Board comments, Mr. Lansing explained that plans have been revised to include test hole data and infiltration rates which are depicted on the plans at the required depths indicating seasonal high groundwater elevations. He commented that the proposed uses do not create a “hotspot” as defined in Section 4.11 of the NYS Stormwater Management Design Manual. Thirteen (13) parking spaces will be “landbanked” until there is a need for increased parking on the site. A full Stormwater Pollution Prevention Plan has been submitted. In response to Mr. Scavo’s concerns Mr. Lansing reported that a lighting plan and lighting details were submitted with the preliminary plan, the project plan is now under review by the Clifton Park Water Authority and the Clifton Park Sewer Department, vegetation will only be cleared where necessary to construct the project, no exterior storage of cargo containers is anticipated, and that the proposed site plan has “addressed and taken into consideration” the Development Standard Criteria prescribed in Section 208-66 of the Town of Clifton Park Zoning Code. Addressing the comments and recommendations issued by M J Engineering and Land Surveying, P.C., the speaker reported that the proposed building is not anticipated to be greater than 30’ in height, eliminating the need for an aerial fire apparatus access road, the proposed building will be equipped with automatic sprinklers, updated lighting, landscaping, grading, erosion and sediment control plans have been submitted, and architectural elevations and materials of

construction will be provided. The consultant reported that the greenspace on the site totals 41.2% of the site and that existing vegetation will be preserved along the southerly and easterly property borders as requested by the Board. Porous asphalt will be used for construction of the paved areas except in locations used for the maneuvering of larger trucks.

Mr. Lansing reported that a traffic analysis was completed by Creighton-Manning which resulted in the following conclusions. The proposed project is expected to generate 15 vehicle trips during the AM and PM peak hours. This magnitude of traffic does not meet the NYSDOT and ITE volume threshold guidelines for detailed evaluation of off-site intersections indicating that the site traffic will be accommodated by the existing roadway network. Based on the anticipated distribution of traffic on Pierce Road, the site expansion will result in an increase of 8 trips on Pierce Road north of the site and 7 trips on Pierce Road south of the site equating to one additional vehicle trip every 7 to 9 minutes during the peak hours. No traffic mitigation is recommended as a result of the proposed site expansion.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, issued the following comments regarding this application in a memo dated August 26, 2016. The parcel is zoned LI1 and project plans call for expansion of the existing building and construction of a second mixed-use building. It appears that the uses are permitted within the zone and that the plan complies with all required setbacks and buffers. The required greenspace is 40%: it appears that the greenspace provide is quite close to this threshold. The amount of paving proposed may be excessive for the proposed use. No stormwater management documents have been submitted. Mr. Myers stated that additional comments will be forthcoming when a more detailed application is submitted for review.

Mr. Scavo reported that the ECC offered no further comment on this application.

Mr. Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, offered no comment on this application.

Mr. Scavo reported that he reviewed the current submittal and it appears that all prior comments have been adequately addressed.

Mr. Bianchi reported that, after review of the information provided, M J Engineering and Land Surveying, P.C. issued the following comments regarding this application. Initial comments related to the site plan. A summary table of the project's site statistics must be included on the project plan. The light pole fixture that is shown above the subsurface infiltration facility must be relocated. The following note must be added to the landscaping plan:

Should a substitution be offered for landscape species proposed, it shall be the design professional's responsibility to confirm that the substituted species are not regulated or prohibited species as identified by the NYSDE C Part 575 Invasive Species Regulations.

A review of the soil testing information in comparison to the proposed infiltration facilities suggests that the required vertical separation between seasonal high groundwater and bottom of the practice is not being met. The area being claimed for "Conservation of Natural Areas" must be delineated and labeled on the plan. The applicant is asked to show or note how roof drainage from the proposed

building will be conveyed to the proposed stormwater management systems. The concrete washout area shown on the Erosion and Sediment Control Plan must be placed to be within the areas of permitted disturbance. Based upon a review of the configuration of the CDS units and associated top of frame and invert elevations, the selected unit may not work since an internal height of 4 feet is required for the fiberglass separation cylinder. The applicant is asked to review this condition and make adjustments if necessary. The applicant is asked to confirm that the subsurface infiltration system does not require an isolator row or scour protection near the inlet side of the system. The subsurface infiltration facility has a perimeter underdrain. Clarification regarding the purpose of this underdrain is requested. If it is intended to protect against groundwater fluctuations there may be a need to evaluate groundwater mounding and how it may impact infiltration capabilities.

Additional comments related to the Stormwater Pollution Prevention Plan. 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 for the Conservation of Natural Areas. Page 17 of the SWPPP identifies vegetative swales as an RRv technique yet Page 18 does not claim credit: modify page 17 and page 18 to match. The information included in Appendix H must be modified to include the operation and maintenance requirements for only those practices being proposed within the project. Within Appendix H, provide operation and maintenance requirements for the subsurface infiltration facility and CDS pre-treatment unit. 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. A completed Notice of Intent (NOI) must be provided for review.

Mr. Ferraro, citing information supplied in the Traffic Study prepared by Creighton-Manning, commented that there appeared to be a “disconnect” between the number of estimated vehicle trips to the site and the proposed number of parking spaces. Mr. Bianchi explained that the parking spaces required by the Town Code does not necessarily reflect the number of parking spaces that will actually be needed on the site. In response to Mr. Ophardt’s question regarding the number of workers to be employed at the proposed new building, it was explained that since there is no tenant yet identified, the traffic projections were based on a typical – rather than specific - use for the site. Mr. Ferraro pointed out that, because of the traffic issues associated with the Northway Church’s access onto Pierce Road, the Board was “extremely sensitive” to the area’s traffic issues. Mr. Ferraro thanked the applicant for an “improved site plan” that included increased landscaping and the landbanking of excess parking spaces.

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

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

[2015-042] **Village Plaza Mixed Use Development** – Proposed mixed use redevelopment with a 15,040 SF mixed-use building with retail on the first level and thirty-six (36) residential units above and a 6,600 SF restaurant, 19 Clifton Country Road – Preliminary review and possible determination. SBL: 272.-1-44

Mr. Bob Miller, Jr., applicant, listed the major changes that have been made to the project plan. The originally-proposed drive-thru associated with the restaurant use has been eliminated. 6,000 SF of proposed office space on the second floor of the 15,040 SF mixed-use building has been changed to residential use: the proposed building will now contain thirty-six (36) residential units. A restricted parking area will be provided for the building's tenants to the south of the proposed building. Revised architectural plans were presented for the Board's consideration. Construction materials will be similar to those originally proposed. Mr. Miller highlighted the areas where EFIS (Exterior Insulation and Finish System) will be utilized and those where NICHIHA fiber cement will be installed to create visual interest. The speaker reported that eight (8) modifications from the form-based code will be required. He described the modifications to the smaller, restaurant building. The building does not meet the requirements for the "Required Shopfront Façade" architectural standard with 30% shopfront façade transparency at the ground floor area; the building does not meet the requirement for applicable "Entry/Exit Door" architectural standard; the applicable flat roof structures do not meet requirements for architectural standard verbatim: parapets are a minimum of 18" high with no overhang depth; all awnings will provide a minimum clearance of 12' A.F.F. and depth of 2'6". Referencing plans for the larger building, Mr. Miller noted that the building meets the requirements for the "Blank Wall Area" architectural standard except at the stair towers and elevator shaft on east and west elevations; the building does not meet requirements for the applicable "Required Shopfront Façade" architectural standard with 48% shopfront façade transparency at the ground floor area; building does not meet requirements for applicable "Entry/Exit Door" architectural standard; the "Major Articulations" include 6'6" depth changes, 69' width, 3'6" height change (does not meet 4' height change); "Minor Articulations" on the east and west elevations show a 5'6" depth change, ±11'2" width at balconies – the 25'8" distance between balconies does not meet articulation separation of every 25'; plan uses Fiber Cement Faux stone at lower level.

Mr. Tom Andress, consultant, described the overall site design. The restricted parking area for the larger building's residential tenants has been shifted away from Clifton Country Road to allow for redesign of the landscaping plan. That plan now utilizes "clumps of pines and deciduous trees" and fencing to help screen and add visual appeal around the infiltration basin which will be rebuilt and will include decorative retaining walls. Site redesign also includes a parking area adjacent to the southerly side of the Hannaford store which will be designed to "integrate into the overall transportation system." The speaker explained that many of the Town Engineer's comments have been satisfactorily addressed. He focused attention on the comment regarding stormwater management, explaining that the project calls for using porous pavement where reasonable and regular paving in more highly-trafficked areas and at dumpster locations.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that the Postal Verification Form be submitted so that 911 addresses may be appropriately assigned.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, issued the following comments regarding this application in a memo dated August 26, 2016. Though no code review was included with the submission, it appears that review by the Technical Advisory Committee will be required. Since no architectural plans were included with the submission, many requirements cannot be evaluated. Soil borings note ground water at 4'-5': design for the buildings' foundations must take this into account. It is noted that the original application proposes the construction of twenty-nine (29) residential units: the most recent application proposes thirty-six (36) such units. The parcel is located within the TC-6 zoning district: the 80% preferred minimum frontage at the "build to" line has not been met. Though no elevations have been provided, it is assumed that the proposed building will be constructed of commercial block as previously designed. The new entry/exit road off the existing town roadway is very close to proposed street parking. The property line has been shifted to allow both buildings to be situated on the same parcel. It is noted that the drive-thru restaurant has been eliminated. Porous pavement is proposed and not recommended for this area. Mr. Myers noted that sweeping is not recommended for this area. Sweeping is not sufficient for maintenance of porous pavement.

Mr. Scavo reported that the ECC issued the following comments regarding this application. This project has the potential to change the skyline and visual character of the project area. As such, the ECC recommends that the applicant be required to conduct and submit a visual impact assessment for Planning Board and ECC review. The ECC notes that having parallel parking on Clifton Country Road has the potential of causing traffic congestion and potential safety hazards. The parallel parking area could be better used as greenspace to enhance the aesthetics of the project.

Mr. Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that the proposed 5' concrete centerwalk in the Village Plaza Shopping Center parking lot be placed in a location where there is greater visibility of pedestrians crossing Village Plaza Road. The current proposal shows a crosswalk to the parking lot centerwalk on a curve in the Village Plaza Road where there is limited sight distance. It is more appropriate to place the crosswalk that leads to the centerwalk on a straight section of this roadway. Based on the overall size of the Village Plaza Shopping Center parking lot, additional centerwalks should be provided for convenience and safety of pedestrians. Mr. Andress stated that additional walkways cannot be provided due to lease agreements with the shopping center's current leasees.

Mr. Scavo reported that comments issued by the Planning Department have been adequately addressed.

Mr. Bianchi explained that M J Engineering and Land Surveying, P.C. has reviewed the submission for the above reference project proposed and issued the following comments and recommendations. With the inclusion of improvements at the Hannaford lot (stormwater and parking), an updated SEQRA form should be prepared to include this additional work. Additionally, Comment 7 of the September 4, 2015 review letter recommended that the applicant complete and submit a Full Environmental Assessment Form (FEAF) to better assist the Planning Board in its review of the application under SEQRA. M J Engineering and Land Surveying, P.C. continues to recommend the submission of the FEAF. Several comments related to the site plan. The proposed buildings are subject to the Architectural Standards outlined in Chapter 6 of the Form Based Code (FBC). Updated plans of each building shall be submitted for

review to ensure the requirements of the FBC are being met. The current proposal includes 36 residential units with the prior submission proposing 29 residential units. The ancillary improvements being proposed on the Hannaford lot appear to warrant a separate site plan application. The sidewalk shown on the north side of the new parking lot at the Hannaford lot is 3 feet wide. Considering that there is a potential for vehicles to pull in to a point to reduce the available width at the sidewalks, the walk should be increased to a minimum of 4 feet. Alternatively, wheel stops may be added to maintain the 3 foot sidewalk width. It is unclear from the plans if the parking lot at Hannaford is proposed as standard or porous asphalt. The modification to the entrance to Hannaford from Wall Street is shown as a three way intersection with stop sign controls on the southwest and north legs of the intersection. Because of the geometric changes, it would appear that a stop sign control may only be required on the north leg. The location of the required aerial apparatus access location for the proposed 4-story building pursuant to Appendix D105 of the Fire Code of New York State should be illustrated on the plan. A notation should be provided on the plans indicating whether or not each building will be provided with automatic sprinkler systems. The proposed locations of the required fire department connections and Knox Box should be shown on the plans or notation provided indicating the final location of these features shall be provided on the building permit plans and are subject to the review and approval by the Town of Clifton Park. The applicant is asked to show or note how snow storage will be accommodated within the project site. Pursuant to Section 7.3, Parking Lot Landscaping of the FBC, the following modifications appear necessary:

- a. The row of parking immediately southwest of the retail building and northwest of the restaurant have more than 12 continuous spaces. No more than 12 may be installed before an intermediate landscaped island per Section 7.3.E. of the FBC.
- b. Provide further detail on how each parking lot bulb out will be landscaped to ensure conformance with Section 7.3.B, D and E of the FBC
- c. Consider an enhanced median between the set of adjoining parking spaces northwest of the restaurant per Section 7.3.F.1 of the FBC.
- d. The parking lot modifications at Hannaford appear to show no landscape improvements. It is believed these improvements still need to follow the requirements of Section 7.3 of the FBC.

A detail for or material description of the proposed dumpster enclosure must be provided to ensure conformance with Section 7.4.A.1 of the FBC. The curbed median divide off of Clifton Country Road should have a mountable curb to allow larger vehicles to enter at this location. There are landscape trees shown within the connecting sidewalk leading to the restaurant at the parallel parking along Clifton Country Road: modify the landscaping accordingly. Not all proposed landscape species shown on the Overall Lighting and Landscaping Plan are identified. The following comments apply to the ones which are identified:

- a. All street trees are required to a minimum of 3" caliper pursuant to Section 7.5.D.3 of the FBC. The Malus Royalty are specified as 2-2.5" and need to be modified to 3".
- b. Street trees shall be shade trees and not ornamental pursuant to Section 7.5.D.3 of the FBC. The Clump Birch are listed in the planting schedule but not shown on the plan. These are considered ornamental and should not be used as street trees.
- c. All street trees shall have a minimum height of 8 feet pursuant to Section 7.5.D.1 of the FBC. Provide notation in the planting schedule indicating the minimum installed tree heights.

The Overall Lighting and Landscaping Plan notes that the landscaping around the buildings to be a general quantity of shrubs without designated species type. An additional notation must be provided which states:

It shall be the design professional's responsibility to confirm that all landscape species are not regulated or prohibited species as identified by the NYSDEC Part 575 Invasive Species Regulations.

A list and description of proposed pedestrian amenities must be provided pursuant to Section 7.7. The cross section for OCS #2 indicates the 100-year elevation of the stormwater pond will reach 312.87. In reviewing the grading for the southern parking lot associated with the 4 story building it would appear that when this storm event occurs, the noted parking lot would become flooded. There needs to be indication on the plans as to how building roof drainage is being conveyed to the site stormwater management systems. The new parking lot at Hannaford shows a catch basin that connects to the modified stormwater basin. There is no apparent pretreatment being provided prior to entry to the stormwater facility and is warranted. On Sheet 8 of 9, a detail for and illustration of the location of required concrete washout areas must be provided. The proposal of porous asphalt pavement in areas prone to accommodate large vehicles including emergency response and deliveries needs to be further evaluated to confirm the imposed loading can be supported by the pavement section proposed. The project is proposing porous asphalt. It is suggested the detailing and associated specifications be expanded to include the following:

- a. Reduction of the chocker course to less than 2 inches.
- b. Ensuring fabric is highly permeable.
- c. Extending fabric vertically up the sides of excavations to prevent system failure.
- d. Defining plant inspection requirements for washing of the aggregate stone.

Several comments related to the Stormwater Management Report submitted. Page 2 of the Stormwater Report states that "the Post-construction conditions will have no offsite discharge up to the 100-year storm event for the new development portion." In reviewing the project plans this does not appear to be the case. All areas between the proposed building faces and Clifton Country Road drain towards the existing right-of-way and into the existing road drainage system. Similarly, most accesses into the new site areas have transition areas that drain into the existing adjacent pavement. Exhibit 2 does not appear to include all areas that drain into the stormwater management systems. This includes the existing stormwater pond to the south and the areas planned for development. Both of these areas contribute runoff to the modeled stormwater basin. It appears necessary to include these drainage areas to accurately reflect hydrologic and hydraulic site conditions. Similarly, Exhibit 3 excludes portions of the modified southern stormwater areas. Again this area contributes runoff and should be included in the analysis. Exhibit 3 indicates that the areas between the proposed building faces and Clifton Country Road are being collected and conveyed to the proposed stormwater management systems. In reviewing the project plans, this area appears to be flowing towards the east and into the existing drainage system within Clifton Country Road. If this is the case, the modeling needs to include an analysis of the impacts on the receiving storm sewer system. The plans show the removal of a 42 inch storm pipe and reconnecting the upgradient storm system to the new storm system and then rerouting runoff from the Hannaford lot via a series of 12 inch diameter storm pipes. The stormwater analysis furnished does not appear to provide calculations indicating that the reduction of the down gradient storm pipe from 42 inch diameter to 12 inch diameter is feasible without adversely impacting the existing and proposed drainage systems. This condition could restrict flows causing flooding within the site. Calculation should be provided for the RRV provided based upon the stormwater practices

selected. The stormwater management report submitted represents a portion of a required stormwater pollution prevention plan (SWPPP). The next submission shall include the remaining information to be fully compliant with the Town and State regulations in regards to a full SWPPP to allow continued review of this application. Items to be covered in the SWPPP shall include:

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

Mr. Bianchi explained that Ms. Jackie Hakes, M J Engineering and Land Surveying, P.C., provided the following comments for consideration related specifically to the application's compliance with the Form Based Code (FBC). This review includes completion of the FBC TC-6 checklist Form and is provided in addition to the comments previously submitted in the review letter dated September 12, 2016. Ms. Hakes first addressed the FBC Technical Advisory Committee (TAC) Input, reporting that the applicant appears to have addressed many of the comments and items discussed at the September 28, 2015 TAC meeting and subsequently identified in the Application Recommendations Post Concept Development Review Meeting letter dated October 16, 2015.

- a. The area between Lot A and Lot B now appears to be treated as a neighborhood street/side street.
- b. The previously proposed drive-thru for Lot B appears to have been removed, which does address a critical concern of the TAC.
- c. No significant concerns were raised by the TAC regarding building façade/architectural treatments. Pursuant to Section 208-22(9)(A) of the Town Code, the Planning Board does have the authorization to waive or limit the dimensional requirements if that is in keeping with the overall goals and intent of the code.

Key items that have been modified since the concept discussion include the following;

- a. The free standing restaurant (Lot B) went from 2,400 SF to 6,600 SF
- b. The mixed use building (Lot A) increased from 13,056 SF to 15,040 SF
- c. The number of residential units increased from 29 apartments to 36 apartments

The Form-Based Development Code Compliance Review was forwarded to all Planning Board members.

Mr. Ophardt was critical of the STOP signs provided at pedestrian crosswalks and recommended that the Highway Safety Committee review the internal circulation patterns. He also recommended that MUTCD designs be consistent and suggested that YIELD TO PEDESTRIAN signs might be more appropriate at the crosswalk locations. Mr. Andress believes that such signage would create safety issues. Mr. Ferraro found the design plan as presented acceptable as did Mr. Neubauer.

Mr. Anthony LaFleche, 21 Wheeler Drive, commented that although he “likes the improvements generally,” he finds the plan to park on a town road unacceptable. Mr. Neubauer explained that parking along the street is part of the form-based code and is an example of what the town is attempting to “achieve long term” as it works to create a “Main Street” ambiance for the area. Mr. Neubauer applauded the project’s design team, explaining that it was time consuming to create an architecturally pleasing building that conformed to all the form-based code prescriptions and approved of the elimination of the drive-thru accommodation for the restaurant building. He commented on the paved parking lot on the southerly side of the mixed-use building, stating that a “robust landscaping proposal” would be necessary to achieve the tree-lined, pedestrian-friendly “downtown” area envisioned by the code. Mr. Neubauer reported that he had reviewed the proposed building materials and found them acceptable. Mr. Ferraro found the project plan acceptable.

Mr. Ophardt 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. Neubauer moved, seconded by Mr. Andarawis, to grant preliminary and final site plan approval to this application, waiving all non-compliant requirements of the form-based code conditioned upon the approval of the TAC for approval of specific architectural elements and site design and satisfaction of all items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

New Business:

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

Mr. Scott Lansing, consultant for the applicant, presented this application that calls for the subdivision of an 8.51 acre parcel of land containing an existing single-family residence into lots of 6.34 acres, 1.62 acres, and .55 acres, respectively. The largest lot will contain the single-family residence. The parcel to be subdivided lies on the northerly side of MacElroy Road one parcel west of its intersection with Rolling Meadows Lane within the CR (Conservation Residential) zoning district. The northern portion of the parcel is primarily wooded with NYSDEC wetlands and the Cooley Kill along the northwesterly portion of the site. The speaker explained that there are approximately 41,927 SF of NYSDEC wetlands located at the northern portion of the site and a pond approximately 1,742 SF in size located in the central portion of the site. The total area of constrained lands for the parcel is approximately 43,843 SF. Applying the density calculations outlined in the Conservation Residential zoning regulations, the parcel may be divided into three lots. Water will be supplied by the Clifton Park Water Authority and solid waste will be managed through the Saratoga County Sewer District No. 1. Both utility lines will be extended from Rolling Meadows Lane. Access to the two new lots will be via separate driveways from Rolling Meadows Lane. A Stormwater Pollution Prevention Plan will be designed and implemented in accordance with NYSDEC technical standards and the Town of Clifton Park’s guidelines.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that the Postal Verification Form be submitted so that 911 addresses may be appropriately assigned.

Mr. Scavo read the comments issued by Mr. Myers, Director of Building and Development, in a memo dated August 26, 2016. Strict verification of the unconstrained land needs to be provided since it appears that the ability to obtain three lots is only made by .004 or .02 acres – 871.2 SF. The applicant is asked to confirm the usable area of Lot #2. Verification of the ability to connect to public water and sewer systems is needed. The proposed access to Rolling Meadows Drive also requires verification.

Mr. Scavo explained that the ECC provided the following comment regarding this application. The ECC recommends that this plan be rejected because it does not follow the guidelines of the CR zone.

Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the applicant provide a 15' wide easement along MacElroy Road and Elks Trail for future trail, road, or utility improvements. He explained that such provisions would be important for future connections to the nearby trail network and access points such as Rolling Meadows. A crosswalk with appropriate MUTCD signage should be provided from the existing multi-use trail on the east side of MacElroy Road over to the Elks Trail at the intersection of MacElroy Road and Elks Trail.

Mr. Scavo provided comments issued by the Planning Department. Based on the location of the Saratoga County Consolidated Agricultural District, it does not appear that the project will require a recommendation from the Saratoga County Planning Board. The proposed Lots #2 and 3 front Rolling Meadows Lane. The street and infrastructure are currently privately owned by Shaker Builders. The street and infrastructure will not be dedicated to the town until the project is at minimum 80% build-out. The applicant will be required to provide a written ingress/egress easement and utility easement for the subdivision to schedule a public hearing for preliminary subdivision consideration. A draft declaration of restrictive covenants should be provided for the Planning Board Attorney's review and approval for proposed Lot #2 to ensure the protection of the NYS DEC designated wetland and 100' buffer area. The clearing limits for Lot #2 should be clearly marked in the field prior to the commencement of any clearing or grading activities.

Mr. Bianchi reported that, after review of the materials submitted for review, M J Engineering and Land Surveying, P.C. issued the following comments. Based upon our 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 Sewer District: additional reserve sewer capacity; Clifton Park Water Authority: taking of additional potable water; NYS Department of Environmental Conservation: NYSDEC Phase II Stormwater Regulations and coverage under stormwater SPDES and identification of threatened and endangered species; NYS Office of Parks, Recreation and Historic Preservation: identification of cultural or historic resources. Additional involved/interested agencies may be defined as the project proceeds through the town's regulatory review. The following comments related to the

Short Environmental Assessment Form. Item 12.b indicates that the site may contain cultural or archeologically sensitive areas. Since the project will require coverage under General Permit GP-0-15-002, a “no effect” letter from the NYS Office of Parks, Recreation and Historic Preservation will be required. Additional comments related to the subdivision plan. The project is located within the Town’s CR (Conservation Residential) zoning district. The proposal for single family homes is a permitted principal use within the CR district as noted in Section 208-16 D (1) (b) [1] of the Town Zoning Code. The applicant is proposing to create two new lots from an existing parcel that is 8.51 acres in size, for a total of three lots. Following the calculations outlined in Section 208-16(E)(2)(a) of the Town Code to determine the maximum lot yield when considering unconstrained lands, it would appear that the two new lots are permissible. Should additional constrained lands be identified as the application progresses, the number of proposed lots may be reduced. Based upon a review of Section 208-16(E)(5) through (10) of Zoning Code, it appears that the proposed lot configurations meet the bulk lot requirements. The boundaries of the LC zone, which corresponds to the watercourse that traverses the parcel must be identified on the plan. The SEAF form indicates an estimated site disturbance of 1.06 acres, which requires the preparation of a “Basic” Stormwater Pollution Prevention Plan. Subsequent submissions need to include the noted SWPPP and 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 Rolling Meadows Lane right-of-way shall require a permit from the Town of Clifton Park Highway Department

The applicant is asked to identify the date and by whom the wetlands shown on the plat were delineated. Information must be provided on the plans 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. Rolling Meadows Lane was recently completed and may not have been 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. The final subdivision plat shall be prepared by a surveyor licensed to practice in the State of New York. Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response numbers must be obtained and placed on the filed plat.

In response to Mr. Andarawis’ question regarding the formal delineation of the wetlands on the parcel, Mr. Lansing explained that the wetlands have been delineated on site and that a sign-off from the NYSDEC has been received. Mr. Ferraro, citing the need for verification of unconstrained land, called upon the applicant to provide an accurate survey that would demonstrate that the parcel contained enough of such land to support the three lot subdivision. Mr. Lansing assured the Board that the subdivision will be certified by a licensed surveyor. Mr. Ferraro observed that the wetland boundary was in close proximity to the proposed residence and he called for the distance to be indicated on the plan and identification of the boundary with staggered fencing and/or appropriate signage. Mr. Lansing stated that the house location could be adjusted to create an increased separation from the wetlands and that identification markers will be provided. Since Rolling Meadows Lane has not yet been conveyed to the town, Mr. Lansing is aware that there would need to be a resolution regarding the proposed access onto that roadway for the two newly-proposed residences.

[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

Mr. Allen Packard, consultant for the applicant, presented this application that calls for a 23' x 41' in-law apartment addition to an existing single-family residence pursuant to Section 208-10B(9)(a)[7] of the Town Zoning Code. The property to be renovated is located within an R1 zoning district and specifically located on the southerly side of Carlton Road nearly opposite its intersection with VanPatten Drive. The exterior of the proposed addition will have vinyl siding that will match the existing home.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, commented that construction details for the second residence will be “worked out” if the Special Use Permit is approved.

Mr. Scavo explained that the ECC issued the following comment after review of this application. The ECC recommends that the applicant submit an engineering report/plan on the adequacy of the existing and/or the proposed septic system.

Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the applicant provide a 15' wide easement along Carlton Road for future trail, roadway, or utility improvements.

Mr. Scavo read the following comments provided by the Planning Department. Special Use Permit review procedures apply to certain land uses and activities which, due to their particular characteristics or the nature of the area in which they are to be located, require special consideration so that they may be properly located and planned with respect to the objectives of the Town Zoning Code and their effect on the surrounding properties and community character. Section 208-7(9)E of the Town Code outlines the following Standards for Special Use Permits:

(1) Before granting approval to any special use, the Planning Board shall determine whether the proposed special use will, among other things, satisfy the following considerations:

- (a) That the use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts.
- (b) That the use will not prevent the orderly and reasonable use of permitted or legally established uses in the district wherein the proposed use is to be located.
- (c) That the public health, safety, general welfare or order of the Town will not be adversely affected by the proposed use in its location.
- (d) That the use will be in harmony with and promote the general purposes and intent of the Comprehensive Plan and this chapter.
- (e) That the character of the existing uses and approved future development in the district will not be adversely affected by the location of the proposed special use in the proposed location.

- (f) The conservation of property values in the vicinity of the proposed specially permitted use and the encouragement of the most appropriate use of land.
- (g) The effect that the location of the proposed use may have on the increase of vehicular traffic congestion on public streets and highways.
- (h) That the proposed site provides adequate parking facilities to protect against hazardous traffic and/or parking conditions.
- (i) The availability of adequate and proper public or private facilities for water and for the treatment, removal or discharge of sewage, refuse or effluent (whether liquid, solid, gaseous or otherwise) that may be caused by or as a result of the proposed use.
- (j) Whether the use or materials incidental thereto or produced may give off obnoxious odors, smoke or soot or will cause disturbing emissions of electrical charges, dust, light, vibration or noise detrimental to the public health, safety and general welfare.
- (k) Whether operations of the special use will cause undue interference with the orderly enjoyment by the public of parking or of recreational facilities, if existing or if proposed by the Town or by other governmental agencies.

The applicant should confirm that the project will be serviced by public sewer. If the project is not, the applicant should provide the number of bedrooms for the existing dwelling and add the proposed bedrooms for the additional dwelling to determine the septic tank size requirement that must be met. Pursuant to New York State Building Code - Section 75-A.6 Septic Tanks and Enhanced Treatment Units. The following information is included under the section labeled (a.) General Information:

Septic tank capacities shall be based upon the number of household bedrooms. An expansion attic shall be considered as an additional bedroom. Table 3 specifies minimum septic tank capacities and minimum liquid surface areas.

TABLE			3
MINIMUM SEPTIC TANK CAPACITIES			
NUMBER OF BEDROOMS	MINIMUM TANK CAPACITY (GALLONS)	MINIMUM LIQUID SURFACE AREA (SQ. FT.)	
1, 2, 3	1,000	27	
4	1,250	34	
5	1,500	40	
6	1,750	47	

NOTE: Tank size requirements for more than six bedrooms shall be calculated by adding 250 gallons and seven square feet of surface area for each additional bedroom.

To ensure the character of the existing neighborhood is maintained in a fashion consistent with single family dwellings found in the vicinity of the applicant’s parcel a second curb cut for an additional driveway should not be allowed now or in the future.

Mr. Scavo reported that it appears that all his comments have been adequately addressed.

Mr. Tony Iagrossi, 746 Carlton Road, cited traffic issues as being of concern, explaining that there are usually five or six cars parked in the driveway at 744 Carlton Road which often block the sight distance from his driveway. He was also concerned that the proposed addition would be within 40' – 50' of his home. The speaker stated that it was his opinion that the addition of an in-law apartment as proposed would “ruin the character of the neighborhood.”

Mr. Dennis Eldredge, 745 Carlton Road, questioned whether or not the “in-law” addition could become an income apartment in the future. Mr. Pelagalli explained that the town code makes no provision for an “in-law” apartment though the Board may condition its approval on such a restriction. In response to Mr. Eldredge’s question regarding the enforcement of such a condition, Mr. Ferraro explained that the Building Department, as the enforcement agency, would have to be made aware of a possible violation.

In response to Mr. Ferraro’s questions regarding the access to the apartment, Mr. Packard explained that there would be a separate entranceway provided. He also explained that the basement would be unfinished. Mr. Ophardt expressed concerns about the disturbance of an existing swale and Mr. Neubauer agreed that it was undesirable to excavate the existing slope to the property line to accommodate the building expansion. Mr. Ferraro, commenting that he did not believe the proposed addition complemented the style of the existing home and that the topographical features of the site did not appear to accommodate the addition, recommended moving the proposed addition to the rear of the home. Mr. Neubauer expressed “reservations” about the viability of this addition and Mr. Ferraro was concerned about its impact on adjoining property owners. Mr. Andarawis found the impact on neighbors “significant.”

[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

This agenda item was withdrawn from this evening’s meeting at the request of the applicant.

Mr. Ferraro announced that since it was 12:30a.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 October 25, 2016 meeting.

Public Hearings:

[2016-041] **Northway 9 Plaza** – (2) lot subdivision and proposed 11,040 SF retail/office building, 805 Route 146 – Preliminary public hearing and possible determination. SBL: 272.-1-28

New Business:

[2003-004] **Tech Valley Flex Park (DCG Warehouse Flex Space)** – Proposed modification of approximately 71,000 SF of building space, associated parking, and tractor trailer loading docks, Wood Road and Route 9 – Conceptual site plan review. SBL: 259.-2-74.1

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

[2016-049] **Galluzzo Medical Building** – Proposed 9,600 SF office building, 954-956 Route 146 – Conceptual site plan review. SBL: 271.-4-5

Mr. Neubauer moved, seconded by Mr. Ophardt, adjournment of the meeting at 12:30a.m. The motion was unanimously carried. The next meeting of the Planning Board will be held on October 25, 2016.

Respectfully submitted,

Janis Dean, Secretary