

Town of Clifton Park

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PLANNING BOARD

ROCCO FERRARO
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ANTHONY MORELLI
Attorney

MEG SPRINGLI
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MEMBERS

Emad Andarawis
Denise Bagramian
Jeffery Jones
Andy Neubauer
Eric Ophardt
Greg Szczesny
(alternate) Teresa La Salle

Planning Board Meeting Minutes April 11, 2017

Those present at the April 11, 2017 Planning Board Meeting were:

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

Those absent were: None

Those also present were:

J. Scavo, Director of Planning
J. Hakes, M. J. Engineering and Land Surveying, P.C.
A. Morelli, Counsel
M. Springli, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:02pm. All in attendance stood for the Pledge of Allegiance.

I. Minutes Approval

Mr. Szczesny moved, seconded by Mr. Ophardt, to approve the minutes of the meeting on March 28, 2017 as written. Ayes: Neubauer, Szczesny, Jones, Ophardt, Ferraro. Noes: None. Abstain: Andarawis and Bagramian

II. Public Hearings - none

III. Old Business

2016-031 DCG Town Plaza Drive Thru – Site Plan - no appearance, item removed

IV. New Business

2017-015 Daggett Development 4 Lot Subdivision

Applicant proposes to subdivide the existing commercial property that currently has 2 buildings into 4 parcels. Two parcels will be for the two existing buildings and the other 2 will be for potential future development in accordance with the current Hamlet Mixed Use Zone., 1585/1587 Rt 146, Zoned: HM, Status: PB Concept Review
SBL: 269.-3-2.2

Christopher Longo, Consultant with Empire Engineering, representing Bill and Bonnie Daggett, presented the project, a 4-lot subdivision in Hamlet Mixed Use zoning district near Blue Barns Road. Mr. Longo explained that each of the existing buildings would be located on two separate parcels and the remaining acreage would be into two more parcels, creating four parcels altogether. Mr. Longo explained that the lots appear as flag lots but they meet all frontage requirements at the road as well as the front building line so they would not be subject to the keyhole lot definition. The consultant stated that stormwater regulations will be met on each lot, and that the applicant intended to meet the Western Clifton Park Design Guidelines as required.

Staff Comments:

Environmental Conservation Commission

The ECC held a meeting to discuss the project and issued a comment letter on 4/4/2017 stating that:

- The limits of (the LC Zone and 100 foot buffer zone, DEC Wetlands, Federal Jurisdictional Wetlands) *shall* be identified on the plot plan and clearly shaded.
- The ECC requests that the applicant address the comments that are stated in the ACOE letter, dated March 21, 2017 to the applicant in advance of subdivision approval.

Fire Prevention

Sheryl Reed issued a memo dated 4/5/2017 with the following comment(s):

- Postal verification to be assigned

Building and Development

Steve Myers issued a memo dated 3/29/2017 with the following comment(s):

- Proposal is in Hamlet Mixed use zone.
- Proposal creates two keyhole lots. Per §208-86 keyhole lots are only allowed in R-1 and R-3 zones and are only for single family homes.
- Keyhole lots require 50' setbacks from all property lines for the main buildings. Lot 3 does not meet this requirement. [*Author's note: The Planning Director met with the Chief Zoning Officer to verify that the lots do conform to the bulk requirements of the HM zone, and it is up to the Planning Board's discretion whether or not to approve the lot configuration.*]

- Sewer may be available within 500' of the property lines at the school or at Rt. 146 and Glenridge Rd.
- Many other details will follow with a more detailed submission.

Stormwater

Scott Reese sent a memo dated 4/4//2017 with the following comments:

- It appears that this project will disturb more than one acre and a Full Stormwater Pollution Prevention Plan will be required when this project submits for individual site plan approvals.
- Per the letter from the Department of Army dated March 21, 2017 it appears more information is required for them to make a jurisdictional determination.
- Per the EAF it appears that this site is within an archeological sensitive area. Prior to obtaining a NYSDEC General Permit for stormwater discharges from construction activity, the applicant will need to get a sign off from the NYS Parks, Recreation & Historic Preservation.

Planning

John Scavo offered the following:

- The project appears to meet the lot bulk and density requirements pursuant to the assigned Hamlet Mixed-Use Zoning (HM).
- As noted on the plan, the potential build-out scenario for Lots 2 & 4 are for conceptual master planning purposes only and will require additional site plan review at a future point in time when development of those parcels is considered.
- The project is located within the Clifton Park Western GEIS Study Area. Conformance with the Western Clifton Park Guidelines will be applicable at the time of site plan review for Lots 2 & 4.
- The proposed project is subject to Section 239 of General Municipal Law and has been referred to the Saratoga Co. Planning Board for a recommendation.

Professional Comment:

Jackie Hakes, reviewed the letter issued by M.J. Engineering on 4/7/2017 with the following comment(s):

State Environmental Quality Review

- Based upon our review of Part 617 of NYS Environmental Conservation Law, the application for subdivision 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, and excluding the potential site plan application that may be forthcoming, involved / interested

agencies to be engaged may include, but is not necessarily limited to the following:

- Saratoga County Planning: 239m referral due to the project's proximity to NYS Route 146.
- Additional agencies may be identified by the Town during its review of the project.
- The application, while only for a subdivision, includes a conceptual development, likely to illustrate or support the subdivision lot line configuration. There should be discussions with Town staff on how to proceed with the regulatory review of this application under SEQRA to prevent segmentation.

Short Environmental Assessment Form

- No comments.

Subdivision Plan

- The project is located within the Town's HM Hamlet Mixed Use District. While there is a conceptual development plan provided with the subdivision application, no formal application for site plan has been submitted. In our review of the proposed lot configuration, it would appear that proposed lots 2 and 3 may be considered keyhole lots. We would defer to the Town's chief zoning officer on the matter of whether or not these two lots or considered keyhole lots or conforming with the bulk lot density of section 208-43.3 of the Town's Zoning.
- Provide notation on the plan as follows:
 - No Utilities shall be installed beneath the proposed driveways.
- Access easements are required for all lots to maintain access to NYS Rt. 146. Provide a draft maintenance agreement to the Planning Board's legal counsel for review.
- It is suggested that cross lot easements be provided between each lot for access management purposes.
- The applicant needs to obtain the 911 emergency response address and show on the final plat.

Public Comment:

None

Planning Board Review:

Mr. Neubauer asked for clarification on the definition of a keyhole lot. The board member explained that he felt that according to 208-7a that two of the lots did appear to fit the definition of a keyhole lot, which reads:

A lot located to the rear of another lot that meets all the requirements of this chapter and has access to a public right-of-way by a strip of land in fee simple ownership, at least 40 feet wide.

Discussion ensued regarding limiting the further subdivision of the larger parcel in the future. Mr. Ferraro stated that he was comfortable with the layout for commercial property in the Hamlet Mixed Use zoning. Board members also expressed that they felt the layout did not have the appearance of a typical flag lot, but that they wanted to clarify any uncertainty. Board members also noted that they felt that the commercial component to this development would necessitate connectivity and pedestrian access between buildings that would be subject to site plan review.

Board members appeared to be generally agreeable as long as the standards required are met with each parcel, although it was noted that the fact that proposed orientation of the buildings did not appear to meet the intention of the hamlet zone with street frontage and the hamlet feel. Mr. Longo then explained that the applicant proposed a single existing curb cut to create a shared access point and creating a small hamlet feel within that subdivision. Mr. Neubauer, Mr. Andarawis, each expressed the opinion that they felt there should be a cluster of shared parking. Ms. Hakes further explained that with the driveway designed as a private side street and the buildings oriented perpendicular to the entry drive, it would appear closer to the intention of the Hamlet Mixed Use.

Mr. Ferraro questioned the ACOE jurisdictional determination of the wetlands on the property and Mr. Longo explained that he was awaiting a letter of determination since the project was recently walked. The chairman then asked that the applicant examine the feasibility and or requirement of tying into the nearby sewer line prior to the next submittal.

At this point, Mr. Neubauer announced that he would recuse himself from the meeting, explaining that his employer had an interest in the next item on the agenda, and he left the building.

2017-016 Bonanno Amended Parking Expansion Site Plan

*Applicant proposes adding additional parking spaces in order to accommodate the previously approved 4800 square foot office building for medical use. 14 new parking spaces are being added, 999 Rt 146, Zoned: B-1, Status: PB Concept Review
SBL: 271.6-1-77.1*

Tom Andress, Consultant with ABD Engineers and Surveyors, presented the project, an amended parking lot expansion in a B-1 zoning district. Mr. Andress explained that the approved site plan had been for a general office space and that one building had been constructed, but no

tenants had been secured as of yet. Mr. Andress added that the applicant would like to amend the site plan to allow additional parking that would then meet the higher space requirements for a medical use. The consultant explained that this would maximize his marketability to potential tenants. Mr. Andress then stated that additional landscaping would be planted. The consultant explained that he had recently been told that the adjacent parcel was intended to be developed with a single family residence although it is currently vacant. Mr. Andress noted that 500' postal notifications had been mailed.

Staff Comments:

Environmental Conservation Commission

The ECC held a meeting to discuss the project and issued a comment letter on 4/4/2017 stating that:

- The ECC requests the applicant validate the total amount of disturbance around the boundaries of the property and, for those areas that have been disturbed during construction, a plan should be provided to implement a vegetative buffer around the property borders in addition to the proposed spruce trees.

Building and Development

Steve Myers issued a memo dated 3/29/2017 with the following comment(s):

- No revised stormwater details discussing the increase in impervious area provided.

Stormwater

Scott Reese sent a memo dated 4/4//2017 with the following comments:

- It appears that this project will disturb more than one acre for both phases and the installation of the utility connections. A full SWPPP shall be submitted with the amended site plan

Planning

John Scavo offered the following:

- The expanded parking appears to push the supplemental landscaping and stormwater management area up to the 25' rear yard setback.
- The site does need to be stabilized with vegetative coverage from the prior clearing and grading activities associated with the original site plan.
- The applicant should note if any additional lighting is proposed with the parking expansion. If no such lighting is requested, a note should be added to the plan that states, "No additional exterior lighting to be constructed or installed without first obtaining Planning Board approval."

- The proposed project is subject to Section 239 of General Municipal Law and will be referred to the Saratoga Co. Planning Board for a recommendation.
- It is recommended a floating cross access easement for ingress/egress be established along the western side property boundary of the parcel for a future connection if needed.

Professional Comment:

Jackie Hakes, of M.J. Engineering discussed the letter of 4/7/2017 with the following comment(s):

State Environmental Quality Review

- Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. Assuming the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
 - Saratoga County Planning: 239m referral due to the parcel being within 500 feet of N.Y.S. Route 146.
 - NYS Department of Environmental Conservation – If the project is subject to the NYSDEC Phase II Stormwater Regulations then permit coverage under stormwater SPDES and identification of threatened and endangered species.
 - NYS Office of Parks, Recreation and Historic Preservation – If the project is subject to the NYSDEC Phase 2 Stormwater Regulations identification of cultural or archeological significant areas.
 - Additional involved/interested agencies may be defined as the project proceeds through the Town’s regulatory review.

Short Environmental Assessment Form

- Under 3.b, the response indicates the total disturbance associated with the project will be 0.2 acre however the site plan notes the disturbance to be 0.79 acres. The response to the questions needs to be consistent with the expected area of disturbance (see also comment 5).
- Under 12.b, with the potential need to provide a SWPPP, a "no effect" letter from the NYS Office of Parks, Recreation and Historic Preservation may be necessary.

General Comments

- The project previously obtained approval from the Clifton Park Water Authority (CPWA) for the taking of water and for water service connections. With the

proposal for a medical office, appropriate cross connection controls shall be required and shall be approved by both the CPWA and New York State Department of Health. The applicant shall apply for and obtain approval for the required cross connection control device prior to a building permit being issued.

- The plans indicate there will be 0.79 acres of disturbance with the current site plan amendment. The previously approved plan included 0.98 acres of disturbance. The current proposal and associated disturbances overlap with some of the prior disturbance area. However, it would appear that the total disturbance of both the previous work and that which is currently proposed would exceed 1 acre. Under a "larger common plan of development" the project appears to now need to meet the requirements of General Permit GP 0-15-002 and a SWPPP addressing water quality and quantity controls should be prepared.
- It is recommended that the applicant provide a summary of the expected peak vehicle trips utilizing the most recent ITE data for the proposed medical office use.

Site Plans

- The project resides within the Town's Business, B-1 Zoning District. The proposal for medical office and associated parking lot expansion is permitted as a principal use within the B-1 district pursuant to Section 208-32(A)(2) of the Town's Zoning.
- Based upon a review of Section 208-35 of the Town's Zoning, the lot and proposed uses appear to meet the minimum bulk lot requirements.
- Delineate on the plans the total area of disturbance including the area disturbed as part of the original 2015 approval and of the current amendment being requested.
- Subsequent plans need to define how stormwater management will be accommodated on the site with specific attention to green infrastructure requirements.
- It is recommended that cross lot easements be provided to the adjacent lots, both east and west as part of improved access management.
- Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans and reports are submitted.

Public Comment:

None

Planning Board Review:

Discussion ensued regarding the area of disturbance totals and will be clarified with the Stormwater Management Technician to ensure that all requirements would be satisfied. Mr. Scavo explained that the excess disturbance occurred because Saratoga County Sewer District required that the applicant install a new lateral rather than tying into the existing line. Mr.

Andress explained that the applicant intends to add more trees than originally proposed in order to compensate for the unplanned loss of vegetation. Mr. Andress then noted that the green space would still be greater than the required minimum and will be noted on the plan.

Anthony LaFleche, 21 Wheeler Drive asked how tall the spruce trees in the back would be. It was explained that they would be 6-7' tall initially. Mr. Andress explained that the trees that were removed were in the vicinity of the building footprint and that an evergreen buffer would be added along the western boarded to provide screening.

Mr. Jones asked whether the added parking would be built if a non-medical tenant were found. Mr. Andress stated that the applicant does not intend to build the second building until there was a tenant. The consultant then noted that if a non-medical tenant were secured, the building would revert back to the original plan without the added parking but that at this time, he wished to maximize his flexibility. The Board then asked that the consultant confer with the applicant regarding a cross-access easement in the event that the adjoining parcel(s) were approved for commercial site plan rather than residential use. Mr. Andress stated that he felt it might be an undue burden on the property owner. The chairman explained that the Board would like the option to access either adjacent parcel in the event of development in the future.

V. Discussion Items – None

Mr. Jones moved, seconded by Mr. Ophardt, to adjourn the meeting at 8:35pm. The motion was unanimously carried.

Next Meeting: Wednesday, April 26, 2017

Next Submittal Date: April 17th for May 9th

Respectfully Submitted,

Meg Springli