

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

PLANNING BOARD

ROCCO FERRARO  
Chairman

ANTHONY MORELLI  
Attorney

JANIS DEAN  
Secretary



MEMBERS

Emad Andarawis  
Denise Bagramian  
Jeffery Jones  
Andrew Neubauer  
Eric Ophardt  
Greg Szczesny

(alternate) Teresa LaSalle

**Planning Board Meeting**  
**May 24, 2017**

Those present at the May 24, 2017 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, J. Jones, A. Neubauer,  
E. Ophardt, G. Szczesny  
Teresa 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  
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.

**Minutes Approval:**

Mr. Ophardt moved, seconded by Mr. Neubauer, approval of the minutes of May 9, 2017 Planning Board meeting as written. Ayes: Neubauer, Andarawis, Szczesny, Ophardt, Jones, Ferraro. Noes: None. Abstained: Bagramian.

**Public Hearings:**

[2017-026] **Farrell, Alison**, Proposed (2) lot subdivision, Brian Drive – Preliminary public hearing and possible determination. SBL: 282.-1-43.2

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

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

Mr. Ferraro, Chairman, called the public hearing to order at 7:05p.m. The Secretary read the public notice as published in the Daily Gazette on May 10, 2017.

Mr. Gavin Vuillaume, consultant for the applicant, explained that although a stamped mylar for the (2) lot subdivision which received Planning Board approval in 1981 was never properly filed at the County Clerk's Office, Saratoga County did process a quit claim deed for the newly-created 1.2 acre lot that same year. The property has existed as a developable parcel since that time. Said parcel is located on the southerly side of Brian Drive, specifically situated within the CR (Conservation Residential) zoning district. At the time of approval of the original subdivision, however, the parcel was located within the R-R zone and met all applicable requirements. The speaker noted that the parcel has over 100' of frontage on Brian Drive.

Mr. Scavo issued the following comments regarding this application to the Planning Board in a letter dated May 18, 2017. Based on a review of a 1981 file for a (2) lot subdivision application at this location, it appears the subdivision map was never properly filed with the Saratoga County Clerk's Office. It is clear, however, that Saratoga County processed the deed for the lot in 1981 based upon an unfiled survey prepared by the Environmental Design Partnership and the property has existed as a developable parcel since that time. Since the parcel requested to be subdivided now was separated from the original 8 acre parcel in a deed that was legally accepted by Saratoga County, as Planning Director, Mr. Scavo recommended that the Planning Board approve the subdivision map to accompany the deed that was accepted in 1981 splitting the master parcel. This recommendation is based on collaborative efforts between the current property owner and Town Staff. The parcel to be subdivided has shown since 1981 as a separate parcel and has been taxed as a vacant residential building lot since that time. Mr. Scavo indicated that his comments were based upon information that includes a copy of the deed that transferred ownership and a letter from Mr. Donald Clemens, Director of Building and Development, to the property owner in 2005 acknowledging that a Building Permit would have been issued by at that time.

Mr. Anthony LaFleche, 21 Wheeler Drive, asked for clarification regarding the configuration of the original lot. Mr. Vuillaume pointed to the outline of the original 8 acre parcel

on the subdivision map provided and Mr. Scavo pulled up an aerial depiction of the entire lot on the projection screen.

There being no further public comment regarding this application, Mr. Ferraro moved, seconded by Ms. Bagramian, to close the public hearing at 7:10p.m. The motion was unanimously carried.

Mr. Andarawis questioned the impact of the subdivision on the remaining parcel of land since that piece is now situated within the CR (Conservation Residential) zoning district. Mr. Vuillaume noted that there is an existing large, single-family residence on the remaining parcel. Mr. Scavo explained that the subject parcel existed prior to the adoption of CR zoning and is, therefore, not impacted by its regulations. Any proposal to subdivide the larger lot would be considered in light of current CR zoning standards.

Mr. Jones offered Resolution #6 of 2017, seconded by Mr. Ophardt, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of all items listed in the final comment letter issued by the Planning Department. Ayes: Neubauer, Andarawis, Bagramian, Szczesny, Jones, Ophardt, Ferraro. Noes: None.

### **Old Business:**

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

Mr. Patrick Mitchell, representative for National Grid and Project Manager, presented this application which remains generally as presented at the August 9, 2016 Planning Board meeting, explaining that plan revisions have been made based upon the minor wetland disturbance – 238 SF - that will be necessary for development of the parking lot expansion as proposed. The water quantity issue associated with stormwater management has now been addressed by modification of the outlet control structure servicing the existing stormwater management area to accommodate the estimated additional flows. In response to Mr. Ferraro's questions concerning the use of green infrastructure and the types of products to be stored within the expanded storage lot, Mr. Mitchell explained that the proposed gravel covering is not considered impervious and that the area will provide storage for little-used products and equipment as mandated by the Public Service Commission (PSC). Mr. Mitchell assured Mr. Ferraro that run-off from the area would not result in negative on-site or off-site impacts.

Mr. Scavo read comments prepared by Mr. Myers, Director of Building and Development regarding this application. The comments prepared for the April 11, 2017 Planning Board meeting remain applicable. A Stormwater Management Report was included with documents submitted for preliminary review; however, no Stormwater Pollution Prevention Plan was provided.

Mr. Scavo explained that, after review of this application at its May 15, 2017 meeting, the ECC offered the following comments and recommendations. The previous ECC comments were not addressed by the applicant; therefore, the ECC would like to restate the following comments. Due to the apparent wetland areas on the property, the applicant should consult with both the ACOE and NYDEC to

determine whether or not their agencies would want jurisdiction. The ECC would be interested in obtaining information regarding the types of materials and/or equipment to be stored on top of the surface. This is especially important due to the discovery of the seasonal high water table in this area. The proposed project site is in close proximity to a DEC protected stream. If hazardous materials will be stored on this site, the applicant must submit a plan for approval addressing handling and storage and spill response to the Town of Clifton Park Environmental Specialist before such materials are stored. The ECC is concerned with the proximity of the aquifer and the Dwaas Kill Nature Preserve that is located in this area given the types of materials that may be stored on the site. The ECC is concerned that the porous pavement is not suitable given the presence of a high water table and mottling within two feet of the surface and its intended use of heavy equipment. The ECC requests that the applicant submit all permit documentation regarding the proposed wetland disturbance for ECC review. The ECC requests that the applicant provide any mitigation plans the applicant intends to use in the event of an illicit substance discharge.

Mr. Scavo noted that Mr. Reese, Stormwater Management Technician, submitted the following comments regarding this application. The bottom of the infiltration facility (porous pavement) shall be separated by at least three feet vertically from the seasonally high water table. Per the documents and information submitted it appears that the bottom of the porous pavement is below the elevation of where mottling is at Test Pit #1. The applicant is asked to verify that the porous pavement slopes across the surface and bottom of the stone reservoir do not exceed five percent. Ideally it should be completely flat so that the infiltrated runoff will be able to infiltrate through the entire surface. A terraced system may be used on slopes and perforated pipes may be used to distribute runoff through the reservoir evenly. With some of the existing end of pipes buried, the property owner shall do maintenance on the stormwater facilities to ensure its proper working order.

Mr. Scavo reported that he reviewed the preliminary site plan submitted by the applicant and that he has no additional comments on the application.

Ms. Hakes reported that, after review of the project plan presented, M J Engineering and Land Surveying, P.C. provided the following comments. The plans illustrate a minor wetland disturbance. If this activity requires permitting through the USACOE, the town shall be provided with copies of all permitting for its records. The project proposes porous pavement for stormwater management. The following items shall be addressed prior to the porous pavement being considered acceptable:

- a. Indicate what will be stored on the surface to ensure it is suitable and not creating a hot spot.
- b. The proposed surface grading of the parking lot is greater than 5%, which exceeds the maximum recommended by the NYSSMDM. While this is a relatively small area, if there is long term neglect of the pavement and it becomes clogged, runoff will sheet flow into the building.
- c. TP#1 indicated mottling at 24" below the ground surface (approximately elevation 224). The finished grade at the same location is elevation 227. Looking at the proposed pavement section, it is approximately 36 inches. Based upon the above, the bottom of the porous asphalt will be at or in seasonal high groundwater. The NYSSMDM requires greater separation.

The porous pavement detail on Sheet C-7 should be updated to include the following:

- a. Notation that the subgrade elevation shall be nearly level.
- b. Identify the type of porous pavement to be used correlating to NYSDOT Standard Specifications 420 for top course and/or binder course material.
- c. Consideration of a separation fabric between subgrade and filter blanket to limit migration of materials into the subgrade.
- d. Consider modifying the chocker course to be no more than 2” in depth prior to rolling which is consistent with NYSDOT Specification 623.

One comment related to the Stormwater Management Report. The porous asphalt (Pond 4P) utilizes the observed infiltration rate. It is recommended that a factor of safety be used to account for long-term degradation of the pavement system. Ms. Hakes explained that although the comments related to the use of porous pavement were no longer applicable since gravel will now be used, surface grading should accommodate “sheet flow” from the newly-constructed area.

Ms. Bagramian and Mr. Andarawis questioned whether or not hazardous materials stored in the area would create a potential safety concern and if long-term maintenance would become an issue. Mr. Mitchell explained that there would be no equipment or products stored in the area that would create a hazardous situation either now or in the future. He reported that there is an existing State Pollutant Discharge Elimination System (SPDES) permit for the entire site which requires the monitoring the control of surface wastewater and stormwater discharges: this permit will be updated to include the proposed expansion area. The existing permit requires monitoring of the site on a monthly basis as well as an annual inspection by the state agency. In response to Mr. Ferraro’s question regarding the removal of existing vegetation surrounding the existing stormwater management area along the property’s northerly border, Mr. Mitchell stated that it was likely that some existing trees would be removed: the limits of disturbance will be clearly indicated on the final site plan. Observing that “drainage corridors” are apparent on some portions of the site, Mr. Jones questioned whether or not changes to these areas would be necessary. Mr. Mitchell explained that the existing drainage channels are located along the perimeter of the site: these will remain undisturbed. Mr. Ferraro requested that the easement recommended by the Trails Subcommittee at the August, 2016 meeting and agreed to at that time by the applicant’s consultant be illustrated on the site plan. Mr. Mitchell agreed to provide a 10’ easement along the Pierce Road frontage for a future trail connection or roadway and/or utility improvements. Mr. Szczesny, referencing the number of comments and recommendations issued by the ECC, asked if the issues raised by the Commission had been adequately addressed. Mr. Scavo explained that he believes that the concerns identified have been addressed and stated that the project plan would require sign-offs from both M J Engineering and Land Surveying, P.C., the town’s designated engineer and Mr. Scott Reese, Stormwater Management Technician. Mr. Ferraro asked that if the installation of stormwater management facilities on the site require significant revisions to the site plan, the application be resubmitted to the Planning Board for review.

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. Szczesny moved, seconded by Mr. Neubauer, to grant preliminary and final site plan approval to this application conditioned upon a return for Planning Board review should the final

site plan indicate significant revisions to the site plan due to changes necessitated by implementation of an adequate stormwater management plan, the establishment of a 10' easement along Pierce Road for possible installation of a future trail and/or utility and road improvements, and satisfaction of all items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

### **New Business:**

[2017-025] **Dunkin' Donuts On-the-Go Pick-up Window** – Proposed addition of a pick-up window to an existing convenience store, 2 Clifton Country Road – Preliminary site plan review and possible determination. SBL: 272.-1-24.2

Mr. Tom Andress, consultant for the applicant, presented this application that requests approval of a minor modification to an existing convenience store located on the southeasterly quadrant of the Route 146 – Clifton Country Road intersection. The 1.21 acre site is situated within the TC-6 zoning district. Plans call for the construction of a small “pick-up” window to the rear of the existing convenience store to enhance the existing Dunkin’ Donuts outlet currently operating within the facility. A 5’ x 5’ canopy with offer shelter for those utilizing the drive-up window. The speaker explained that, since the window will only serve those utilizing the pre-paid “app”. No order board will be provided on site and no stacking of vehicles is anticipated. A bollard will be installed near the window to prevent damage to either the window or approaching vehicles.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application in a memo dated May 4, 2017. He noted that the canopy addition does not appear to require a variance from the side setback since it has a projection of less than 50 SF. He noted that the canopy does appear to eliminate access around the rear of the building for any vehicles other than cars due to the height limitation the canopy imposes. Any new signage proposed shall be submitted for review prior to installation.

Mr. Scavo reported that the ECC provided the following comments regarding this application. Due to the probability of food and liquid wastes leaking from the on-site dumpster(s) into a stormwater catch basin and/or draining off site, the ECC requests that the applicant confirm that the dumpster is in an enclosed area (i.e. roof) on an impervious surface with a berm surrounding the dumpster(s) that accepts food and liquid wastes. If necessary, the applicant will need to periodically pump out the accumulated wastes within the bermed area to avoid any overflow. Due to the increased traffic flow through the drive-thru area, the ECC recommends that the applicant incorporate lighting that is directional and limited to improve customer safety.

Mr. Scavo offered comments provided by the Planning Department. The applicant should show what way finding signage will be installed to provide guidance to drivers with the location and traffic circulation for the pick-up window. The applicant should be aware that the proposed canopy will have to demonstrate how it meets snow and wind load requirements of the NYS Building Code at the time of application for a Building Permit.

Ms. Hakes reported that M J Engineering and Land Surveying, P.C. provided the following comments regarding this application. Based upon review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. Assuming the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved/interested agencies to be engaged may include, but are not necessarily limited to the following: Saratoga County Planning: 239m referral due to the parcel being within 500 feet of NYS Route 146. Additional involved/interested agencies may be defined as the project proceeds through the town’s regulatory review. The project is located within the Town's TC6 Neighborhood Zone. The proposal for an exterior drive-thru is considered a special use pursuant to Table 3-1 of the Form Based Code. Since the project is limited to a building canopy and minimal renovations of the building face for the drive-thru, a review of the building placement, building form, building type and allowed frontage types as outlined in the TC6 zoning code have not been completed. The site plan submitted proposed no exterior site improvements. The applicant is asked to confirm that there are no exterior renovations such as way finding signage, order boards, pavement markings, and so on. Due to the limited nature and location of the improvements, a review of the plan with respect to the TC6 street treatment and parking lot landscaping does not appear warranted. The Planning Board does have the authority to grant waivers from TC6 street treatment requirements as permitted in Section 2.3 of the Form Based Code. Should the Planning Board grant waivers, they shall be based upon the criteria outlined in Section 2.3, Items A through E of the Code. For consistency, it is suggested that the applicant complete the Form Based Code data sheet to illustrate how the project does and does not conform to the TC6 district standards.

Mr. Scavo commented that since Dunkin’ Donuts simply rents “kiosk space” within the convenience store, it is his recommendation that the Planning Board waive the need for the applicant to complete the data sheet checklist as required by TC6 zoning regulations and that a note be added to the file which states that should the owner of the Mobile station request more significant changes to the site, adherence to all TC6 standards will be required.

Ms. Pam Marshall, 5 Fairlawn Court, questioned whether or not the proposed canopy would limit the service window to passenger cars. Mr. Andress explained that the canopy will not interfere with the use of the window by those with larger vehicles or with truck deliveries to the site.

Mr. Jones questioned whether or not the amount of queuing anticipated during peak morning hours would impact traffic circulation on the site. Mr. Andress explained that there is room for the stacking of at least three vehicles and that studies have indicated that even at “high-volume” locations “stacking for six vehicles” is the most required. He reiterated the following speculation: it is likely that since the requested “pick-up” window will service only pre-paid orders that the stacking space available will be adequate. In response to Mr. Jones’ concern regarding the request for a full-service drive-thru in the future, Mr. Scavo reported that such a proposal would be “discouraged” due to potential traffic conflicts within the site and the fact that such an improvement would require Planning Board approval of a Special Use Permit. Mr. Andarawis asked if a change in traffic flow was anticipated. Mr. Scavo pointed out that traffic within the site would likely improve since those who are now parking to pick up orders within the store will be able to use the drive-up window. Mr. Neubauer noted that although he agreed that the minor

changes proposed would minimally impact the site and its approval could be handled administratively, he recommended that record indicate that, in accordance with Section 2.3 of the Form-Based Development Code, Planning Board members cite the following reasons for approval of the modification: it is necessary to reasonably accommodate existing site constraints or development limitations; it does not create an undue adverse effect on abutting properties or uses; it does not increase the number of stories of a building; it does not conflict with the intent of the standard being waived or modified; it allows for an improvement that will add to the overall vitality of the town center area. Board members agreed that the modification of dimensional standards was reasonable for the proposed application. In response to Mr. Ophardt's question regarding the location of "way finding" signage, Mr. Andress explained that there would be a simple sign placed on the southerly side of the building to indicate the pick-up window's location.

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. Jones moved, seconded by Ms. Bagramian, to grant preliminary and final site plan approval to this application, recognizing that, pursuant to Section 2.3 of the Form-Based Development Code, the Planning Board found it reasonable to modify dimensional standards for this application since it is necessary to reasonably accommodate existing site constraints or development limitations, it does not create an undue adverse effect on abutting properties or uses, it does not increase the number of stories of a building, it does not conflict with the intent of the standard being waived or modified, and it allows for an improvement that will add to the overall vitality of the town center area. The Director of Planning is authorized, pursuant to Section 2.5 of the Form-Based Code, to undertake Administrative Review and approval of this application since the property improvement requested involves the installation of a canopy and minor renovation of to the rear of an existing building by the installation of a "pick-up" window. Satisfaction of all items listed in the final comment letter issued by the Planning Department will be required. The motion was unanimously carried.

### **Discussion Item:**

Mr. Scavo advised Board members that the applicant for Waite Meadows would like to utilize the Open Space Incentive tool which allows for a monetary contribution to the town in exchange for approval of an increased density development. He explained that the Planning Board – at this point – is charged only with issuing a recommendation to the Town Board regarding the merits or disadvantages of such a proposal. Should the Town Board rule favorably on the proposal, the Planning Board would review the application through the normal process.

Mr. Ophardt moved, seconded by Ms. Bagramian, adjournment of the meeting at 8:17p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on June 13, 2017.

Respectfully submitted,

Janis Dean, Secretary

**NOTICE OF DECISION**

**Resolution #6 of 2017**

**Preliminary and Final Subdivision Approval**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on May 24, 2017, there were:

Present: R. Ferraro - Chairman, E. Andarawis, D. Bagramian, J. Jones  
A. Neubauer, E. Ophardt, Greg Szczesny  
T. LaSalle – alternate member

Absent: None

Mr. Jones offered Resolution #6 of 2017, and Mr. Ophardt seconded, and

Whereas, an application has been made to the Planning Board by Alison Farrell, for approval of a subdivision entitled Survey of Lot No. 2 – Subdivision of Lands Formerly Owned by Arthur W. and Jean A. Gotts, consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 24, 2017;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on May 24, 2017;

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

Now, therefore, be it resolved that the final hearing for this application is waived and the subdivision plat entitled Survey of Lot No. 2 – Subdivision of Lands Formerly Owned by Arthur W. and Jean A. Gotts consisting of (2) lots is granted preliminary and final approval conditioned upon the satisfaction of all items listed in the final review letter issued by the Planning Department.

Resolution #6 of 2017 passed 5/24/2017

Ayes: Neubauer, Andarawis, Bagramian, Szczesny, Jones, Ophardt, Ferraro.

Noes: None

Rocco Ferraro, Chairman