

Town of Clifton Park

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PLANNING BOARD

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

Planning Board Meeting Minutes May 9, 2017

Those present at the May 9, 2017 Planning Board Meeting were:

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

Those absent were: D. Bagramian
T. LaSalle – Alternate Member

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 7:03pm. 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 April 26, 2017 as written. Ayes: All. Noes: None.

II. Public Hearings

2017-013 Hatlee 4 Lot Subdivision

Applicant proposes to subdivide 10+/- acres into 4 new lots for building a single family home on each. Each Lot will connect to public water supply at Hatlee Rd. and sanitary sewer at Willowbrook Lane approximately 300 feet south. Existing house and outbuildings to be demolished, 993 Hatlee Rd, Zoned: R-1, Status: PB Preliminary Review with final determination. SBL: 258.-1-23.1

Mr. Ferraro explained the review and approval 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 the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the subdivision application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

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

Mr. Ferraro, Chairman, called the public hearing to order at 7:07 p.m. The Secretary read the public notice as published in the Daily Gazette on April 26, 2017.

Consultant

Dwayne Rabideau with VanGuilder and Associates, represented the applicant GJA&S, LLC and described the proposed 4 lot subdivision which consisted of 4 residential lots for 4 single family dwellings with public sewer and water. Mr. Rabideau explained that the building envelope on Lot 3 would not be in the LC zone so they would eliminate the impact to the wetlands on that lot.

ECC

A memo was issued on 5/2/2017 with the following recommendations:

- Applicants grading plan proposes fill in lot 3 which encroaches into the LC Zone (approximately 6 feet of fill). Per section 208-69.2 of the Clifton Park Town Code, this is not a permitted use within a LC Zone. Furthermore approximately 10,000 square feet of the applicant’s yard within the LC Zone that should not be disturbed.
- The ECC after careful consideration deems Lot 3 of the proposed 4-lot subdivision is not buildable due to the wetlands and LC Zone constraints.
- The ECC is concerned of the sizeable portions of each lot are designated as wetlands and there is a concern for encroachments into these wetlands by the future property owners.

Stormwater

A memo was issued on 5/9/2017 with the following recommendations:

- The Environmental Assessment Form states that this project will disturb 0.96± acres. Is it

the intention of the developer to directional bore the sanitary to Willowbrook Lane to keep the disturbance down and avoid disturbance to the wetlands? Show the boring and receiving pits on future submittals. The proposed limits of disturbance are very restrictive; if this is the intent then orange construction fencing should be installed to make sure that these disturbance areas are kept.

- The wetlands should be identified on the plans as federal or state wetlands.
- Will the developer install driveway culverts under the 4 proposed driveways?

Planning

The Planning Director noted that Planning Board members received via email comments and packets that had been submitted by the public as they were received in the Planning Offices during the last 2 weeks. Hard copies of those notes were distributed to members at the meeting on 5/9/2017. John Scavo issued a letter on 5/9/2017 with the following recommendations:

- While the project supported 5-Lots pursuant to Use, Bulk, and Setback Requirements of §208-11 of the Clifton Park Town Code, the project has been modified to eliminate one lot due to the extent and location of wetland constraints within the project site. Add the following notes to the Preliminary Plan, pursuant to the request within my prior letter:
 - Existing roadway drainage shall not be altered by the proposed subdivision. Property owner should be aware of the existing roadway drainage onto the land within the proposed subdivision, which is at a lower elevation than the adjacent town right-of-way.
 - Underground utility connections to a dwelling unit are not allowed to be constructed underneath a private driveway. Such utilities include, but are not limited to water laterals, sewer laterals, gas, electric and storm/foundation drains. A Certificate of Occupancy will not be issued without all utilities complying with this requirement.
 - Work within the Hatlee Road Right-Of-Way will require permitting from the Town of Clifton Park Highway Department prior to construction.
 - Clifton Park is a Right to Farm Community. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, noise, smoke and vibration associated with farming practices.
- Add the following note to the plan:

Pursuant to §208-78(F) of the Clifton Park Town Code:
Demolition of any building or structure more than 49 years old.

 - Prior to issuing any demolition permit on a building or structure more than 49 years old, the Town Building Department shall notify the Historic Preservation Commission, by providing 30 days' written notice, identifying the building or structure for which such permit is sought by address and name of owner or owners, unless, in the opinion of the Building Department, the structure poses an imminent danger to health and safety.
 - The Commission shall evaluate and document the building or structure for historic or architectural significance appropriately, as may be necessary, during

the thirty-day notice period prior to issuance of any such demolition permit. The Commission may request an additional 14 days to evaluate and document such significant structures in cases where extensive research is required, which may be granted in the sole discretion of the Building Department.

- In the event that the Building Department has received no comment from the Historic Preservation Commission within 30 days after such notification, the Building Department shall issue the requested permit for demolition if the same is deemed otherwise appropriate.
- The project appears to be an Unlisted Action in accordance with the State Environmental Quality Review Act. As a four-lot subdivision, the definition of a Realty Subdivision pursuant to Article 11, Title II of the NYS Public Health Law is not met.

Town Designated Engineer

Jackie Hakes, MJ Engineering, offered comments from a review letter dated: 5/5/2017

State Environmental Quality Review

- The action was previously identified as a Type I action. However, after further review of the application and 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 is not necessarily limited to the following:
 - Clifton Park Water Authority - Water service connection.
 - Saratoga County Sewer District No. 1 – Request for reserve sewer capacity and sewer connection.
 - NYS Dept of Environmental Conservation –potential permit coverage under stormwater SPDES, 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.

Short Environmental Assessment Form

- As noted in Comment 5 of our March 24, 2017 review, under Item 3.b, of the updated form there is indication that the total disturbance for the project is 0.96 acres. Confirm that this disturbance includes work associated with (1) construction of driveways out to the Town right-of-way, (2) installation of water services and (3) extension of public sewers. Should the total disturbance exceed 1 acre, a basic SWPPP will be required.
- As noted in Comment 6 of our March 24, 2017 review, under Item 12.b, with the indication that the site has the potential for archeological resources, if the project requires coverage under GP-0-15-002, a "no effect" letter from the NYS Office of Parks, Recreation and Historic Preservation.

- As noted in Comment 10 of our March 24, 2017 review, indicate on the plans the date the wetlands shown were delineated and by whom.
- As noted in Comment 11 of our March 24, 2017 review, provide notation that all utilities associated with the structure shall be removed and/or abandoned in accordance with applicable codes and regulations.
- As noted in Comment 15 of our March 24, 2017 review, show the routing for the extension of public sewers to the project. If any easements are necessary due to obstructions in the Hatlee Road right-of-way, those easements shall be shown on subsequent submissions.
- As noted in Comment 16 of our March 24, 2017 review, confirm that adequate site distance will be provided for each driveway, since Hatlee Road is heavily trees along this section of the Road. Most importantly confirm that the drive to proposed Lot 5 will have adequate site distance due to the horizontal curvature of Hatlee Road.
- As noted in Comment 17 of our March 24, 2017 review, there may be a need to provide a drainage culvert at the new driveway to support existing drainage along Hatlee Road. If deemed necessary, show location and size on the next submission.
- As noted in Comment 18 of our March 24, 2017 review, provide information 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.
- As noted in Comment 19 of our March 24, 2017 review, provide notation on the plan as follows:
 - No utilities shall be installed beneath driveways.
 - All work within the Town of Clifton Park Highway shall be subject to permitting by the Town of Clifton Park Highway Department.
- As noted in Comment 20 of our March 24, 2017 review, the applicant needs to obtain the 911 emergency response address and show on the final plat.
- The plan indicates 0.96 acres of disturbance. Confirm that this disturbance is inclusive of utility line / main installations.
- Subsequent submissions shall provide a detailed erosion and sediment control plan.

Building & Development

Steve Myers had no further comments

Public Comment:

Richard Miller, 1 Willowbrook Lane, opposed the project and expressed the following concerns:

- Impacts to sensitive wetlands from additional impervious surfaces
- Fill and angle of runoff during construction could cause harm to wetlands
- Change of directional flow might impact surrounding neighbors
- Sump pumps in neighboring homes already run too frequently in his opinion and he fears that additional homes might require an increase in their usage
- Perceives a negative change in character of Hatlee Road

Maryann Conchra, 4 Willowbrook Lane, opposed the project for the following reasons:

- 4 houses in a parcel that previously had one would change the character of a rural road
- Felt new homeowners would infringe on wetlands over time
- Added potential for flooding
- Traffic increasing

Roger Pelham, 3 Catawba Court, opposed the project and expressed the following concerns:

- Asked the distance of rear of each house to the wetland (*Response: 65- 110 ft. range*)
- Felt that new homeowners would eventually cut down trees in the wetlands in rear and side yards
- Felt that the amount of grading and fill proposed was too much
- Questioned the style of homes being proposed

Geoff Brooks responded that homes would have basements but styles had not been determined yet.

Gary DiNola, 1022 Hatlee Road, opposed the project and stated that he was concerned with the following:

- Potential disturbance of wetlands adjacent to his property built in 1809
- Stream bed next to 1020 Hatlee Road
- Water table has risen over past 10-12 years, and fears these added homes will have a negative impact
- The impact to nearby wildlife
- Encouraged Board Members to visit the site

Bill Paquette, 1003 Hatlee Road, opposed the project and added the following new comments:

- Longkill as a tributary to Dwaaskill is listed on the Comprehensive Plan as an area not to be disturbed
- Fertilizer and foreign soil used for fill would impact the stream

Jed Hayden, 994 Hatlee Road, explained that he works for New York State DEC, and he had some concerns in the sensitive environment:

- Longkill is a trout spawning stream
- Native fish and turtles in Longkill
- Concerns about encroachments and run off
- High Water Table

Lauri Cimean, 39 Woodstead, read a statement in opposition to the development with concerns for:

- Wildlife
- “Overdevelopment”
- Traffic on local road
- Saving rural character
- Backfill

Mr. Rabideau explained that test pits were dug and that they had determined how much fill would be needed so foundations would be above the ground water in order to keep basements dry.

There being no additional public comment, Mr. Ferraro moved, seconded by Mr. Jones, to close the public hearing at 7:40p.m. The motion was unanimously carried.

Planning Board Review:

Mr. Ferraro noted that language in the deed would indicate that there would be no disturbance allowed in the wetlands. The chairman also noted that the Building Department would regulate the requirements and restrictions at the Building Permit level. Board members indicated that they had visited this site as well as the others that were reviewed by the Planning Board at each meeting.

Changes in the orientation or size of the residence on Lot 3 were discussed. Mr. Rabideau explained that the houses would be graded to be 4-6 feet higher than the roadway and silt fencing would be used during construction to contain erosion.

Mr. Brooks noted that his company had similar experiences with their development of Brooks Heritage on Grooms Road, adding that there were wetlands and grading issues at that site as well. The applicant stated that the goal was to make a lot usable for a family and have no impact on the wetlands. Mr. Brooks further explained that the field delineations had been done on the ACOE wetlands and if the plans were given approval, the plans would then be sent to the ACOE for jurisdictional determination.

Some suggestions about turnarounds for the driveways were reiterated with a narrowing at the road so there would be no greater amount of impervious surfaces than was already shown for full double lane driveways.

Mr. Andarawis, asked that Lot 3 should still be oriented to face the road even if it was a narrower house. Board members also noted that the proposed distance between houses on Lots 1 and 2 was about 24 feet. (12 on each lot) and asked if perhaps that could be made a little wider.

Mr. Ferraro offered the following comments:

- Improved drainage should be a priority
- Perhaps some rain garden landscaping
- Wetlands should be identified with signs and/or split rail fence sections
- Deed restrictions must be submitted for approval
- Right-of-way or easement to be noted on the plans for a potential future trail along Hatlee Road
- Adjustments to Lot 3 and location of that house relative to the LC zone may need to be shifted, or perhaps consider that one house being on slab.

Mr. Brooks stated that he would prefer to have a foot print limitation rather than building on a slab.

Mr. Rabideau responded that an easement for a future multi-use trail would be agreeable to the applicant.

A resident asked for clarification about an easement and the size of any future trail. The chairman explained that the easement would be larger than the actual trail to allow for utilities and realignment as well as equipment that would be used for construction, in the event that one was ever built.

Roger Pelham asked if the delineation of the wetland was done by the consulting surveyor.

Mr. Scavo stated that was the common practice, and then noted that after the survey, the applicant would apply for validation from the ACOE. If it could not be validated as drawn, then the applicant would be required to appear before the Planning Board again for further review. Mr. Scavo noted that the plans would not be stamped without that letter of determination, and therefore Building Permits would not be issued.

Mr. Neubauer stated that he still had some concerns about Lot 3 and that he did not feel that they should take action at this point. Board members discussed the revisions that they would like the applicant to consider:

- Lot 3 must be adjusted to not disturb LC zone
- Lot 1 and 2 to increase separation between the homes
- Elevation and grading plans should be submitted for review

Mr. Ferraro remarked that R-1 zoning 20,000 sf with two 10 ft. side yards and this proposal is much greater than the minimum requirements. Then the chairman noted that the nearby neighborhood had some lots that were much closer. There was some disagreement from those neighbors as to whether or not that was a fair comparison.

Next, Mr. Jones stated that he felt that there were no issues with the lots as proposed and they were within the setbacks and actually even greater than the required minimum. Mr. Andarawis explained that he would like to see more space if possible.

Mr. Rabideau responded that the applicant needed to keep the disturbance under 1 acre. Mr. Brooks then asked if the Planning Board intended to change the building footprint even though the application conformed to the code. Discussion ensued whether the planning board had the ability to impose greater restrictions than what was dictated by Town Code. Mr. Marinello explained that it would ultimately be up to the Building Department to enforce.

Mr. Scavo reminded the Board that action on the application must be taken within 60 days of closing the public hearing. The applicant stated they would be ready to submit for a Planning Board meeting in June.

III. Old Business

2017-001 Stewart's Shops Vischer Ferry / Route 146 - Site Plan

*Applicant proposes to raze the existing two buildings on the southwest corner of Route 146 and Vischer Ferry Road for the construction of a new 3,675 square foot Stewart's with six fuel dispensers (twelve fueling positions). Project also includes parcel 270.-2-19., 1202 Rt 146, Zoned: B-3, Status: PB Concept Review
SBL: 270.-2-18*

Marcus Andrews, representing Stewart's Shops, described the application which was last seen on March 28, 2017 and revisions that had been made with this submittal. Mr Andrews noted that the existing Stewart's and the hair salon would be demolished and a fueling canopy and new store would be built on the parcels with access from Route 146 and Vischer Ferry Road. Access Route 146 would include one full access point and one right out only point and on Vischer Ferry Road would be include full access ingress and right out only. The applicant would be willing to denote a future access easement on the plan to the property adjacent to the west in the event that it was developed at any point in the future. Green space calculations were also noted.

Staff Comments:

ECC

- ECC recommends that the plans at least maintain the 22% greenspace currently in place (the proposed greenspace is 15%). The minimum B-3 zoning greenspace requirement is 35%. The ECC requests the applicant obtain a variance on the minimum greenspace allotment of 35% for the proposed 20% greenspace this plan is proposing.

Stormwater

- Pitch all the impervious areas along the southern portion of the property back towards the proposed CB6.
- Show spot grades at dumpster location to prevent runoff going into catch basin.

John Scavo issued a review letter dated 5/3/2017 with the following comments:

- Prior to consideration of the preliminary plan, the applicant will need to seek and obtain the necessary area variances for the redevelopment project. If the concept plan as revised is acceptable the Planning Board may choose to notify the ZBA of support for the green space area variance. It appears the applicant could make up the 2% reduction with the elimination of the 5' sidewalk and picnic table concrete area which are amenity features supported by the Planning Department.
- No additional comments at this time based on my review of the proposed revisions.
- Applicant eliminating left turn out onto Vischer Ferry could create problems with drivers not having the ability to use the light at the intersection to make a left turn but would be required to rely on gaps to cross NYS Route 146.

M.J. Engineering, Jackie Hakes reviewed comments from a letter dated 5/5/2017:

General Comments

- As noted in Comment 9 of our February 10, 2017 review, while the application material indicates that the project will have less than 1 acre of disturbance and would not be subject to GP-0-15-002, there is a proposal to increase impervious cover and potentially change or alter drainage patterns. As such, an analysis shall be completed that examines the pre and post drainage conditions to determine whether or not there will be adverse impacts to the receiving drainage system.

Site Plans

- In our review of the revised concept plan submitted, it appears that there are instances where the bulk lot requirements are not satisfying the minimum requirements set forth in Sections 208-38 and 208-98 of the Town's Zoning. The potential lot deficiencies identified are as follows, noting that we assume that there would be a consolidation of the two lots to form one single lot:
 - Section 208-38(G) requires a minimum of 35% greenspace. The plan proposed to reduce the greenspace from 22% to 18%.
 - Section 208-98 indicates that no building or part of a building, other than steps, eaves and similar fixtures, shall extend nearer to the centerline of the street or road than 130 feet. The proposed building and gas canopy are within the stated front setback of Route 146 and the canopy is within the stated setback of Vischer Ferry Road.
- Section 208.39 of the Town's Zoning states that there shall be not more than one entrance and one exit per establishment upon any individual public thoroughfare, and the distance between the entrance and exit center lines, if separated, shall be not less than 100 feet. The plan proposes two entrances along Route 146. Should the Planning Board find this proposal acceptable, a waiver should be granted from Section 208.39 of the Town's Zoning.
- As noted in Comment 14 of our March 24, 2017 review, it was suggested that cross lot access easements be considered to the adjacent parcels to promote future connectivity. If the easement is provided it would only exist on this parcel and would be further extended if and when an application is submitted by the adjacent land owner(s).

Steve Myers issued a memo with the following comments:

- Any signage is not included in this review and must be applied for separately through the Building Department. It appears a variance will be required for the setback.
- Pavement removal will disturb at a minimum some of the subbase therefore a full SWPPP is required. The claim of less than an acre is strictly to avoid this requirement and should not be allowed.
- Site still including greenspace outside property boundaries.
- Truck route does not show access to fuel tanks.
- Has NYSDOT approved right turn only onto Rt. 146? Appears too close to intersection.
- Although building was moved 10' north, a side setback variance may still be required since the setback is measured to the outermost part of the building. Several other variances are still required.
- It is believed access for emergency vehicles will be severely limited due to the parking and canopy configuration.

- Agenda write up says four fuel dispensers and plan shows six dispensers (possibly 12 fueling positions?)
- Sprinkler requirements (if any) will be determined once building plans are submitted.
- The dumpster drainage proposal will not limit the fluid waste from the dumpster from being introduced into the stormwater system and needs revision.

Public Comment: None

Planning Board Review:

Discussion ensued about Section 208.39, and the two access points on Route 146. It was explained that this could be waived by the Planning Board. Board members were in disagreement about the traffic flow on the site and the configuration of the curb cuts.

Mr. Scavo noted that the Highway Safety Committee had discussed this application and acknowledged that there would be conflicts with either proposal but the committee felt that pedestrian circulation was going to be improved due to the narrowing of the existing crossings. Mr. Scavo also noted that a literal interpretation of best access management practices would dictate one curb cut, however based on the context of this location, replacing three full access points with one full access and one right only egress was a significant improvement.

Mr. Andrews stated that based on internal traffic flow, Stewart’s would prefer that the two curb cuts on Route 146 would remain as drawn. The Planning Director added that if that was the only issue that needed to be resolved, the Planning Board would be able to grant conceptual approval, allowing the applicant to seek variances, and then traffic could be studied at the preliminary stage, in consultation with the Highway Safety Committee and traffic engineers at MJ Engineering.

Mr. Jones questioned the landscaping plan and whether the applicant would be able to maintain the perennial beds. Mr. Neubauer noted that a couple of maples were planned near the intersection, and added that he preferred them and also suggested some pear trees as long as they would not impair visibility.

The Chairman polled Board members whether they supported conceptual approval allowing the applicant to go to the Zoning Board of Appeals for variances.

Mr. Ophardt moved, seconded by Mr. Andarawis to grant conceptual approval to the site plan, with the condition that the applicant seek and obtain necessary variances from the Zoning Board of Appeals and then be prepared to address concerns with stormwater management and internal traffic flow and access management issues.

2017-016 Bonanno Amended Site Plan 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

Mr. Neubauer recused himself from the meeting at this point, and left the board room.

Mr. Tom Andress with ABD Engineers presented the preliminary plan as it was changed since it was last seen on April 11, 2017. Modifications were made to technical documents although the site plan is relatively unchanged. Clearing of the site was addressed and resurveyed and it was noted that other than the brush clearing that was required by the utility easement there were no changes. More evergreens were added to the landscaping plan along the western property line. A SWPPP had been prepared. Mr. Andress explained that the applicant was not willing to introduce cross access easements.

Staff Comments:

Environmental Conservation Commission

No comments

Stormwater

- Provide an emergency overflow for the stormwater management area.

Building and Development

No Comments

Planning

John Scavo offered the following:

- Finished grade was done
- Grass had been planted and stabilized with straw
- Certificate of Occupancy for Phase 1 had been issued
- The Saratoga Co. Planning Board noted a decision of, “No Significant County Wide or Inter-Community Impact”, based on their review of the proposed site plan amendment.
- The applicant should verify if one handicapped parking space as shown, will meet NYS Building & Fire Code requirements if all 4,800 sq.ft. for the proposed building is used for medical purposes.
- Add a note to the plan which states, “Contractor shall adjust and/or sawcut existing pavement as required to provide a clean, smooth abutment and grade. Contractor shall hot tar seal all pavement cuts to assure a smooth fit and continuous grade.”

Town Designated Engineer

Jackie Hakes, MJ Engineering issued a letter on 5/5/2017 with the following comment(s):

State Environmental Quality Review

- No additional comments.

Short Environmental Assessment Form

- No additional comments.

Site Plans

- As noted in Comment 11 of our March 25, 2017 review, it is recommended that cross lot easements be provided to the adjacent lots, both east and west as part of improved access management. Providing this is sound access management along a

heavily traveled roadway.

- Pursuant to Section 3.5 of the New York State Stormwater Management Design Manual (NYSSMDM), the proposed stormwater practice needs to have a conspicuous and legible sign posted. The plans need to provide the standard sign with the applicable language as well as the location.

Vehicle Trip Analysis

- The projected peak hour vehicle trips for the existing and proposed uses appear adequate. Based upon the low volume of vehicles expected, it is not believed that a formal traffic impact statement (TIS) is warranted.

Stormwater Pollution Prevention Plan

- No comments

Public Comment:

Anthony Lafleche, 21 Wheeler Drive,

- Asked what was planned on the corner (*The consultant responded that he understood it was purchased for a single family residence*).
- Clarified that the sidewalk easement in the original site plan approval would still be required

Planning Board Review:

Discussion ensued about the possibility of cross easements. Mr. Andarawis noted that he felt that connections between commercial properties should be encouraged along Route 146 and Route 9. Mr. Scavo stated that it would be difficult to enforce “commercial access only” on an easement. Mr. Jones felt that it would be prudent to ask for the easement at this time. Board members appeared split on requiring the cross-access easements.

Mr. Ophardt moved, seconded by Mr. Szczesny, 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. Ophardt, to waive the final hearing for this application for the site plan review of the Bonanno Parking Lot Expansion, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Conditions:

Ayes: All. Noes: None. The motion was unanimously carried.

IV. New Business

2017-024 Integrative Physical Therapy - Site Plan

Applicant proposes converting the single family home to a physical therapy practitioners office. A 289 +/- square foot addition will be added to the rear of existing 2,240 +/-

square foot home. The addition of 17 parking spaces and minor site plan modifications including grading, sidewalks and landscaping will also be completed., 1 Northcrest Dr, Zoned: B-1, Status: PB Concept Review SBL: 271.11-1-23

To be reviewed by: MJE Consultant: ABD Applicant: Kimberly DelVecchio

Mr. Neubauer rejoined the Planning Board at 10:00 pm

Luigi Paleschi, ABD Engineers, representing the applicant, who would like to convert an existing single-family home into her physical therapy office at the intersection of Moe Road and Route 146 and Northcrest Drive. Mr. Paleschi described changes to the site, including landscaping, sidewalk, parking and façade changes that were proposed, as well as stormwater, and ADA compliance.

Staff Comments:

Environmental Conservation Commission

The ECC issued a comment letter on 5/2/2017 with the following recommendations:

- The ECC recommends that the Planning Board require the Applicant to incorporate sediment traps and oil water separators (or equivalent green infrastructure) with appropriate capacity to limit the migration of vehicular contaminants into these sensitive environments.
- The ECC recommends that the applicant (modify the lighting plan to) incorporate lighting that is directional and limited.
- The Applicant shall retain existing vegetation to the maximum extent practical, and use landscaping and grading to provide visual and auditory buffering between the project and the residential site to the north and to Route 146 to the south.

Stormwater

- Appears that the applicant is proposing a stormwater recharge basin. The site appears to be on sandy soil, would like applicant to confirm that infiltration rates are sufficient to prevent standing water for more than 48 hours after rain events.

Building and Development

Steve Myers issued a memo dated 4/26/2017 with the following comment(s):

- Conversion of a single family home to a physical therapy office is allowed in a B-1 zone. All the required building modifications will be reviewed by the Building Department once plans are submitted.
- Lot has two fronts (Northcrest Dr. & Rt. 146). Front building setback required is 70' and it is not met on Northcrest. The parking is proposed in the Rt. 146 front yard and also does not meet the setback requirements. Building setback from the centerline of Rt. 146 is required to be 130', 129' exists. Lot area does not meet the 40,000 sf minimum.
- Required buffer area not shown.

Planning

John Scavo offered the following:

- Please place the following note on the site plan, “Pursuant to §208-33 of the Town Code - Hours of operation. All businesses in the B-1 District shall be limited to hours of operation, for the public, between 7:00 a.m. and 10:00 p.m. In addition, if the proposed use abuts an existing residence, no outside commercial activities, e.g., garbage pickup, etc., shall take place between the hours of 10:00 p.m. and 6:30 a.m.”
- Pursuant to §208-33(D) of the Town Code, “Architecture. The architectural design of a rehabilitated or newly constructed building shall be consistent with the designs compatible for residential dwellings”, The applicant should discuss any proposed façade modifications to the property.
- The applicant should clarify to what extent, if any, the existing vegetative buffer and stockade fence adjacent to the ROW Line of NYS Route 146 will remain.
- Add a note to the plan which states, “Contractor shall adjust and/or sawcut existing driveway pavement as required to provide a clean, smooth abutment and grade. Contractor shall hot tar seal all pavement cuts to assure a smooth fit and continuous grade.”
- The applicant should install a light timing system with the proposed residential style lamp posts to be installed so the lights can be dimmed or turned off during the late night and early morning hours while the business is closed.
- Add a notation on the plan that states, “No dumpster to be located on-site without additional planning board review and approval.

Open Space Coordinator

- Recommend pedestrian access from Northcrest Drive to front door.

Professional Comment:

Jacki Hakes, read comments from a letter issued on 5/5/2017:

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:
 - Clifton Park Water Authority: potential taking of additional potable water.
 - Saratoga County Sewer District: potential additional reserve sewer capacity.
 - 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.

Short Environmental Assessment Form

- No comments.

Site Plans

- The project resides within the Town’s B-1 Zoning District. In our review of Section 208-32(A)(4) of the Town’s Zoning, the proposal for a physical therapist office is a

permitted principal uses within the B-1 Zoning District.\

- In our review of the concept plan submitted, it appears that there are instances where the bulk lot dimension are not satisfying the minimum requirements set forth in Sections 208-35 and 208-98 of the Town's Zoning. The potential lot deficiencies identified are as follows, noting several are pre-existing conditions:
 - Section 208-35(C) requires the minimum lot area per establishment shall be 40,000 square feet. The existing lot is 29,376 square feet.
 - Section 208-35(D)(1) requires no building shall be located closer to the front property line than 70 feet, into which there shall be no encroachment of buildings or parking or anything other than a wall, berm or sign. The existing building and proposed parking area appear to be within the stated setback of Northcrest Drive.
 - Section 208-35(D)(2) indicates no building or parking shall be placed closer to a side or rear property line than 25 feet. Assuming the sideyard applies to the north property line, the existing building appears to be within the stated setback.
 - Section 208-98 indicates the front setback along Rt. 146 shall be 130 ft. The existing building and propose building addition appears to be within the stated setback.
- Section 208-33(C) of the Town's Zoning indicates that landscaping shall be in accordance with that similarly associated with residential dwellings, i.e., lawn area and trees and shrubs and other plantings to maintain a residential character. Several large diameter trees are being removed to construction the parking lot. It is suggested that some level of landscaping be provided, especially along the Rt.146 for review.
- Section 208-33(D) of the Town's Zoning indicates the architectural design of a rehabilitated building shall be consistent with the designs compatible for residential dwellings. It is suggested that the applicant furnish architectural renderings of any proposed exterior rehabilitation and the addition for review to ensure the intent of the Code is being satisfied.
- Section 208-33(E) of the Town's Zoning indicates no outside commercial activities, e.g., garbage pickup, etc., shall take place between the hours of 10:00 p.m. and 6:30 a.m. Provide notation to this effect on the plans.
- Indicate on the plans the locations of the Knox Box or provide a note on the plans indicating final location is to be determined as part of the building permit process and is subject to the Town of Clifton Park's review and approval.
- The Planning Board may want to consider the extension of sidewalks along the Route 146 frontage with logical termini at the western end. If this is constructed, then there may also be an opportunity to make a pedestrian connection from the building to the sidewalk.
- There are existing trees planned to remain near the site drive. Confirm that adequate site distance will exist, especially for vehicles exiting the site and making a left. If selective trimming is necessary, provide notation on the plans.
- While the application material indicates that the project will have less than 1 acre of disturbance and would not be subject to GP-0-15-002, there is a proposal to increase impervious cover and potentially change or alter drainage patterns. As such, an analysis shall be completed that examines the pre and post drainage conditions to determine whether or not there will be adverse impacts to the receiving

drainage system.

Public Comment:

Anthony Lafleche, 21 Wheeler Drive stated that he supported an easement for a future trail

Planning Board Review:

Mr. Jones asked how many therapists would be at the office, and the applicant responded that at most there would be 5 therapists seeing up to 9 patients per hour. Mr. Ferraro expressed concern about the removal of large amounts of vegetation at this site. Mr. Andress explained that new landscaping could be added along Route 146 and would be shown on the preliminary landscaping plan. Mr. Neubauer noted that he would like to see some maple trees added to the plan. The applicant stated that she intended to paint the building but there would not be many other exterior modifications. The configuration of the parking lot was discussed next, relative to the tree-line and the sidewalk easement along NYS Route 146. Board members appeared to be generally favorable to the concept, but recommended that a landscaping plan be submitted in addition to the building elevation plan for the next application.

2017-023 Precision Periodontics Change of Use - Site Plan

Applicant proposes to convert the existing office building to a dental office, 521 Vischer Ferry Rd, Zoned: B-3, Status: PB Preliminary Review with Possible Determination SBL: 271.-1-5

Tom Andress, with ABD Engineers, represented the applicant for this proposal to convert an office building to a dental office in a B-3 zone. Mr. Andress explained that the original office building predated the existence of a Planning Department. Mr. Andress then described site changes that were proposed to add a sidewalk from a rear exit to parking, lighting, and landscaping. The consultant stated that existing parking was adequate for the use.

Staff Comments:

Environmental Conservation Commission

None

Building and Development

Steve Myers issued a memo dated 4/26/2017 with the following comment(s):

- Allowed use in a B-3 zone.
- Wetland stream boundary should be on plan.
- Plan scale shows as 1" = 40' is actually 1" = 30'.
- Further comments to follow.

Planning

John Scavo offered the following:

- The proposed project is making no physical alterations to the existing conditions present onsite. The only exterior modification proposed will add a 5' sidewalk from a rear exit to the parking area, upgrading of existing Handicapped signage, and striping of the parking stalls and access isle.
- The primary structure appears to be well more than 100' from the nearest residential property boundary with a steep ravine and mature vegetation traversing the distance separation.
- Add a notation to the plan which states, "Any future site expansion or modifications will require additional Planning Board review that may necessitate the need to have the LC Zone clearly shown at that time."
- As discussed, the Planning Board review for the change of use has been limited to comparing the 1979 site plan with the updated site plan. The updated site plan shows existing conditions and proposed minor modifications and updates to the site. This includes updating the parking calculations based on the change of use and showing a detail to upgrade the required handicapped parking spaces to the current NYS Building Code Standards.

Public Comment:

Anthony Lafleche, 21 Wheeler Drive, asked if the applicant would consider an easement along Vischer Ferry Road for a future multi-use trail.

Planning Board Review:

Mr. Ophardt asked if the applicant would consider a cross access easement with the property to the north. Other Board members did not appear to recommend it at this location.

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. Jones moved, seconded by Mr. Szczesny, to waive the final hearing for this application for the site plan review of Precision Periodontics, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Conditions: Add a notation on the plan that the owner would provide an easement for a potential future sidewalk.

Ayes: All. Noes: None. The motion is carried.

V. Discussion Items

Mr. Scavo showed Brian Drive subdivision on the County Maphost as background for a future meeting. The Planning Director explained that this was considered an "illegal subdivision" for 3&6 Brian Dr., though it had received planning approval in 1981 it was never finalized by filing the plan with the County Clerk. The Building Department would not issue a building permit

until a corrected plan had been filed. Mr. Scavo explained that the application was in the packets for the next Planning Board Agenda.

Next Meeting: Wednesday, May 24th

Next Submittal: May 22nd for June 13th meeting

Mr. Neubauer moved, seconded by Mr. Andarawis to close the meeting at 11:01pm. Meeting adjourned.

Respectfully submitted,

Meg Springli