

Town of Clifton Park Planning Board
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PLANNING BOARD

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

(alternate) Teresa LaSalle

Planning Board Meeting
September 12, 2017

Those present at the September 12, 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. Bianchi, M J Engineering and Land Surveying, P.C.
A. Morelli, Counsel
J. Dean, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Minutes Approval:

Ms. Bagramian moved, seconded by Mr. Jones, approval of the minutes of the August 22, 2017 Planning Board meeting as written. Ayes: Andarawis, Bagramian, LaSalle, Szczesny, Jones, Ferraro. Noes: None. Abstained: Neubauer, Ophardt.

Public Hearings:

There were no public hearings scheduled for this evening's meeting.

Old Business:

[2017-035] **Riggi, Vincent - Miller Road Subdivision** – Proposed (79) lot subdivision, Miller Road – Revised conceptual review. SBL: 270.-2-51.2

Mr. Scott Lansing, consultant for the applicant, presented a brief overview of this project plan that remains generally as presented at the July 11, 2017 Planning Board meeting, explaining that, as requested at the last meeting, a conventional subdivision plan has been drawn to show how all proposed lots meet the minimum building setbacks and widths as prescribed by the R1 zoning regulations while not exceeding the density requirements of the Vischer Ferry Road GEIS. The number of developable lots remains at seventy-nine (79) since the 106.44 acre site contains 33.84 acres of constrained land. Both the conventional and cluster subdivision plans have been revised to include the notation that “no building shall extend nearer to the centerline of NYS Route 146 than 100’ in a residential district.” Mr. Lansing described the cluster plan in greater detail, explaining that the plan still includes a variety of housing styles: thirty-six (36) carriage lots that would be a minimum of 10,000 SF in size, 65’ wide x 155’ deep; ten (10) executive lots that would be a minimum of 16,000 SF in size, 90’ wide x 180’ deep; thirty-three (33) estate lots that would be a minimum of 20,000 SF, 100’ wide x 200’ deep. The cluster plan now includes a Community Park Area accessed by multi-use pathways to encourage non-motorized transportation throughout the corridor to provide the potential for extension to any future projects within the area. In accordance with the Statement of Findings, a vegetative buffer will be kept/established and will be designed in accordance with the Town of Clifton Park Zoning Ordinance. A traffic analysis will be completed which will include evaluations of the level of service at the intersection of Route 146 and Miller Road.

Mr. Lansing specifically highlighted three revisions made to the subdivision plan based upon comments provided at the July 11, 2017 meeting. The plan now includes a neighborhood park area within the northerly portion of the development, trail connections to this park area from Miller Road and along the property's Route 146 frontage, and redesign of the cul-de-sac originally proposed just west of Tisdale Lane: a longer loop roadway will now link to Miller Road. Mr. Lansing reported receipt of engineering comments from Mr. Bianchi and stated that all technical issues will be adequately addressed. A full Stormwater Pollution Prevention Plan will be prepared.

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

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided a number of comments regarding this application in a memo dated August 28, 2017. Mr. Myers

observed that the conventional and cluster plans appear to be very similar: the cluster results in more open space but also fewer lots. He notes that 10,000 SF per lot is extremely small and that most of the lots in existing cluster subdivisions are closer to the proposed executive lot size of 16,000 SF. The estate lots meet the current R1 zoning district minimum standard. He labeled the proposed stormwater management areas depicted on the plans as “premature.” Mr. Scavo commented that the zoning code allows a minimum lot size of 10,000 SF.

Mr. Scavo reported that, after review of this application at its September 5, 2017 meeting, the ECC issued the following comments. The ECC is concerned about the ownership of the open spaces shown on the plans. The ECC notes that encroachment into the LC Zone on Lot C-36 significantly reduces its buildable area. The ECC notes the lots along the easterly border of the property should incorporate a buffer. In keeping with the recommendations and goals of the Town Comprehensive Plan, the applicant should retain existing vegetation to the maximum extent practical and/or use landscaping and grading to provide visual and auditory buffering between the project and other properties.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, provided the following comments regarding this application in a memo dated September 12, 2017. Since it appears that this project will disturb more than five acres, a Full Stormwater Pollution Prevention Plan will be required when this project submits for subdivision approvals. When the application is submitted for preliminary subdivision approvals, seasonal high water elevations in the proposed stormwater management areas shall be verified, the required separation from seasonal high water because the project is over a sole source aquifer shall be respected, and stormwater runoff rates to the existing roads shall be kept to pre-development conditions.

Mr. Scavo offered comments prepared by the Planning Department. The conventional design layout appears to support the density shown for the cluster design plan. The applicant should place the following GEIS Fee Schedule on the preliminary subdivision plan:

Vischer Ferry GEIS Fee Schedule

- a. Transportation xx Trips at Peak Hour x \$268/Trip
- b. Sanitary Sewer # of Equivalent Dwelling Units (EDU's) x \$3,314/EDU
- c. Water Distribution #EDU's x \$1,728/EDU
- d. GEIS Preparation # EDU's x \$310/EDU
- e. CIP Preparation # EDU's x \$ 49/EDU

When the ultimate number of dwelling units and peak hour trip generation numbers are known, the information can be updated onto the final plan.

Since the July 11th meeting, the Planning Board has established itself as Lead Agency. Lead agency coordination letters were sent to both interested and involved agencies and response letters were received by the Planning Board from:

- a. The Army Corps of Engineers;
- b. Clifton Park Water Authority;
- c. NYS Department of Environmental Conservation;
- d. NYS Office Park Recreation and Historic Preservation.

At the time of preliminary plan submittal, a copy of the application will be forwarded to the Saratoga County Planning Board for a recommendation in accordance with GML §239.

Mr. Bianchi reported that, after review of the subdivision plans and supporting documents presented for revised conceptual review, M J Engineering and Land Surveying, P.C. provided the following comments and recommendations. He noted that comments 2 through 7 provided in the July 7, 2017 review letter remain to be addressed. Comments 11 through 15 of the July 7, 2017 letter regarding the Full Environmental Assessment Form are to be addressed as part of a preliminary plan submission. Comments 18, 19, and 21 through 23 included in the July 7, 2017 comment letter regarding the cluster subdivision remain outstanding. As suggested in Comment 20 of the July 7, 2017 review letter, a connection to Lands of Frederick (Tax ID 270.20-3-20) is being proposed. A cul-de-sac is provided with the assumption that a future road could be extended from the eastern end. As the project proceeds through more detailed design, it is recommended that the method of connection be reviewed further with the Town staff. The ultimate condition of a cul-de-sac along a straight run of road may not be optimal for Town maintenance and other viable options may exist. Regardless of the connection method utilized, signage shall be provided noting that a future through road will be constructed if the Planning Board finds that a connection is suitable. The plan illustrates a suggested alignment for a trail system. The final location, dimensions and materials of construction shall be reviewed and approved by the Town.

Mr. Bianchi provided comments on the Conventional Subdivision Plan (Yield Plan). The plan submitted is intended to support the lot count provided for the cluster plan, following the criteria outlined in Section 179-37 of the Town Code. In general, the layout provided appears possible, with the exception of the road alignment extending from Gloucester Street. The use of the cul-de-sac along the roadway as shown likely would not be approved. It is recommended that the applicant attempt to illustrate an alignment that eliminates the cul-de-sac with the presumption the Town was going to review it for potential acceptance.

Mr. Anthony LaFleche, 21 Wheeler Drive, commented that he preferred the cluster design submitted for this evening's meeting to the one originally presented. He recommended that a more direct stub for a future roadway connection be made to the Lands of Frederick which abut the southern property boundary. Mr. Ferraro remarked that he believes that cul-de-sacs serve to calm traffic. In response to Mr. LaFleche's question regarding the distance of the proposed multi-use pathway from Route 146 along the northerly property boundary, Mr. Lansing stated that it would be installed approximately 20' to 30' from Route 146. Mr. LaFleche recommended that it be located "as far away from Route 146 as possible." Mr. Lansing addressed the recommendation regarding the straightening of the cul-de-sac, stating that he would evaluate the possibilities with the applicant and discuss the design with the Highway Superintendent. Mr. Ferraro noted that whatever configuration is found to be acceptable, the stub street provided for a possible future connection to the south would be clearly identified with signage indicating the same and he recommended that paving be laid to visually indicate the possibility. Mr. Neubauer asked whether the Highway Superintendent preferred an "offset" or "head on" cul-de-sac design. Mr. Scavo commented that an "eyebrow" design may be feasible, but deferred to the Highway Superintendent for direction. Discussion also included the possibility of a cul-de-sac constructed of asphalt which could be removed when a roadway is warranted by proposed development on the adjoining property. Mr. Ferraro stated his preference for a landscaped cul-de-sac area since it promotes a "neighborhood feel." Mr. Szczesny commented that he would prefer the construction of a paved area that could be reclaimed when a new connection is installed.

Board members discussed the possible encroachment of lots into wetland areas. Mr. Lansing explained that the lots just west of Tisdale Lane contained isolated wetland areas that appeared to be “small depressions” that could be filled. No topographical information has been provided to date. Ms. LaSalle observed that it appeared that the 100’ wetland adjacent area boundary line encroached on some of the proposed lots. Mr. Ferraro noted that that was especially true for Lot #C-36. Mr. Lansing agreed, but noted that there was still sufficient area for the siting of a home. Mr. Ophardt stated his approval of the proposed park area commenting that it “ties together neighborhoods.” He questioned whether or not the applicant had considered the possibility of providing trail linkages from this subdivision to existing trails in the area such as those extending from Brookhaven and/or Gloucester Street. Mr. Ferraro recommended that the consultant and applicant discuss trail development and possible areas for connections with Ms. Viggiani, Open Space Coordinator. Mr. Andarawis encouraged “buffering” between the proposed community park and adjacent lots since “poorly defined park boundaries adjacent to 10,000 SF lots may make the park feel like a *de facto* extension of these lots which would make it less usable as a community resource.” Though he recommended that the two “exiled” lots – the first when entering the subdivision from Gloucester Street – be exchanged with the stormwater management area located directly across from Lot #E-11, Mr. Lansing did not believe such a swap would be feasible. Ms. Bagramian approved of the revised layout and commented that she did not believe that those residing on a cul-de-sac would be happy to see its complexion change in the event a connecting roadway to adjacent lands was approved. Mr. Neubauer supported the development of “pocket parks” and encouraged the consideration of trail connections to the existing network, noting that it would be a great benefit to provide Gloucester Street residents with access to Route 146. In response to Mr. Ferraro’s question regarding the maintenance of open space areas, Mr. Scavo stated that it was the applicant’s intent to convey open space areas to the town. Mr. Ferraro commented that he “likes the current design much better” than the original and that he would urge the developer to consider the installation of sidewalks, particularly along the smaller-sized lots, explaining that they offer a “nice asset” for homeowners. Board members favored the cluster design over the conventional plan.

New Business:

[2017-043] **Siena Fence** – Proposed 2,000 SF building at an existing facility, 202-204 Ushers Road – Conceptual site plan review. SBL: 259.-2-30.21

Mr. Dave Bogardus, consultant for the applicant, presented this application for the Board’s consideration explaining that the project plan calls for the construction of a 2,000 SF freestanding building at Siena Fence’s existing retail outlet located on a 2.2 acre parcel on the southeasterly quadrant of the Ushers Road – US Route 9 intersection. The property lies within the B-3 (Neighborhood Business) zoning district. Water will be supplied to the building by an existing on-site well. A new septic system designed to service just this building will be installed. Though the plan originally proposed installation of a seepage pit, the plan has been revised: a traditional septic system will be installed. An existing 6’ high chain link fence capped with barbed wire in close proximity to the proposed building will be removed. An existing gravel-surfaced area along the southern property boundary will be reclaimed and reseeded to bolster the site’s green space which is currently deficient. A small stormwater management area will be installed to handle roof runoff. Access to the site will remain with the western most access along Ushers Road to be

designated as a construction entrance. Mr. Bogardus distributed façade renderings to Board members, explaining that the butler-type building will be the same color as the existing building.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, offered the following comments on this application. Mr. Myers does not believe that seepage pits are allowed on commercial properties and that the number of required bathrooms will be determined by the Building Department based upon the occupant load. It is expected that a minimum of two bathrooms will be required. Grading plans are needed to evaluate the effect of the railroad embankment on the proposed site improvements. Commenting on the answer regarding previous site disturbance provided on the Short Environmental Assessment Form, Mr. Myers points out that the applicant does not clearly address the question. The building will be required to meet the requirements of the commercial Building Code of New York State.

Mr. Scavo read the questions and comments prepared by Ms. Reed, Chief of the Bureau of Fire Prevention. Ms. Reed requests that the applicant indicate on the site plan where fire department access for the proposed building will be located. The well location appears to be too close to the proposed building. The separation distances between sewer and water lines do not meet code requirements. Pursuant to code requirements, the sewer is not allowed to empty into a dry well. If a public sewer line is available at the street, the applicant is required to connect to it.

Mr. Scavo reported that the ECC prepared the following comments after review of this application at its September 5, 2017 meeting. The ECC requests that the Planning Board enforce the vegetative buffer that was shown on the previously approved site plan along the US Route 9 right-of-way. In keeping with the recommendations and goals of the Town Comprehensive Plan, the applicant should retain existing vegetation to the maximum extent practical and/or use landscaping and grading to provide visual and auditory buffering between the project and other properties.

Mr. Scavo read the comments provided by Mr. Reese, Stormwater Management Technician. There is a concern with the close placement of the proposed septic system drywell to the storm sewer drywell: the applicant is asked to verify that the 50 foot separation distance is provided. The applicant is asked to verify with The NYS Department of Health that the required separation of the seepage pit from a well is respected. The applicant should note whether it is a 150' or 200' required separation.

Mr. Scavo reported that the following comments were issued by the Planning Department. The proposed project is subject to Section 239 of General Municipal Law and the preliminary plan will be referred to the Saratoga County Planning Board for a recommendation. In accordance with B-3 zoning requirements, §208-98 of the Town Zoning Code shall take precedence over the front setback requirement for a property located adjacent to US Route 9.

Pursuant to §208-98, No building or part of a building, other than steps, eaves and similar fixtures, shall extend nearer to the center line of the street or road than 100 feet in the case of a building in a residential district or 130 feet in the case of a building in any other district.

As such, the applicant is asked to update Sheet C-101, Design Parameters Table, to reflect the 130' front setback requirement and to show the proposed front setback of the proposed structure from

the centerline of NYS Route 9 on the site plan. It appears that no additional clearing is proposed for the mature vegetative buffer provided from the storage yard to US Route 9. The applicant should confirm this is the case and add a note to the plan which states:

No clearing of mature vegetative buffer.

The applicant should confirm that no work is proposed to occur within the US Route 9 right-of-way. The applicant should provide confirmation that the current handicapped parking space, associated signage, and adjacent access aisle meets current NYS Building Code requirements.

Mr. Bianchi reported that, after review of the conceptual plans and documents submitted by the applicant, M J Engineering and Land Surveying, P.C. provided the following comments and recommendations. Based upon review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved/interested agencies to be engaged may include, but is not necessarily limited to the following: Saratoga County Planning Board – 239m referral for projects located along a State highway. Additional agencies may be identified by the Town during its review of the project. One comment focused on the Short Environmental Assessment Form. Under Part I.2, the applicant must list the Saratoga County Planning Department as an additional approval being required. Several comments related to the site plan. The project is located within the B-3 (Neighborhood Business) zoning district. The proposal for a fabrication shop appears to be a permitted accessory use within the B-3 district as noted in Section 208-130(A)(18) of the Town Zoning Code. Based upon a review of the existing lot configuration and proposed building location, it appears that the minimum bulk lot requirements as identified in Section 208-37 of the Zoning Code are satisfied. The applicant is asked to show the location of all soil testing completed on the site plans. Seepage pits are proposed for the disposal of sanitary waste. Section E.16 of the NYS Design Standards for Intermediate Sized Wastewater Treatment Systems indicates that if percolation rates are faster than 5 minutes per inch, seepage pits should not be allowed unless extensive pre-treatment is provided. Since the total flow of this system does not trigger NYSDEC permitting, the ultimate determination to allow the use of seepage pits and the level of pretreatment to be provided would be subject to the Town's review and approval. M J Engineering and Land Surveying, P.C. would recommend that all other alternatives be explored prior to considering the use of seepage pits. Information regarding the sizing for the stormwater management facilities must be provided on the plans. Subsequent plans should include architectural elevations of the building with a listing of the materials of construction for review by the Planning Board. The applicant shall coordinate with the responding fire department for the location of the Knox Box and fire department connection: notation to that effect shall be added to the plans. The applicant is asked to indicate whether or not the proposed buildings will be equipped with automatic sprinklers, based upon occupancy. If no sprinklers are proposed, the plan must indicate how fire protection will be provided. The applicant is advised that the Town has the authority to impose NFPA 1142 requirements when no public water system exists. It is recommended that this issue be discussed further with the Building Department. Any points of ingress and egress from the proposed building should be noted on the plans.

Mr. Ferraro recommended that the applicant speak with Ms. Viggiani, Open Space Coordinator, regarding the possible construction of a multi-use pathway along Ushers Road. Mr.

Scavo reported that an easement along Ushers Road was established as a condition of the Siena Fence site plan approval granted in 2013.

Mr. Anthony LaFleche, 21 Wheeler Drive, recommended that the applicant provide an easement along Route 9, if necessary, for a future trail connection. Mr. Bogardus pointed out that although the right-of-way along the property's Route 9 frontage was quite wide, the applicant would be willing to provide an easement as long as it did not require removal of any of the existing displays. In response to Ms. Bagramian's question regarding visual impacts from adjacent roadways, Mr. Bogardus reported, and several Board members agreed, that the proposed new building would be sufficiently screened from view. Mr. Ferraro declared the site plan ready for preliminary consideration at the next meeting considering the written responses by the consultant to the comments expressed by staff.

[2017-045] **Clifton Park Center Out Parcel Apartments** – Proposed 38,850 SF fifty (50) unit apartment building, 42 Clifton Country Road – Conceptual site plan review. SBL: 272.-1-45.2

Mr. Joe Dannible, consultant for the applicant, introduced this application, explaining that project plans call for the construction of thirty (30) to fifty (50) apartments with garage parking along Clifton Park Center Road on a portion of the ±43 acres that comprises the Clifton Park Center shopping complex. The parcel lies within the TC2 zoning district. Current plans indicate that the building area for the apartments will total 38,850 SF: the site will contain a twenty (20) unit three-story apartment building and a thirty (30) unit apartment building. The area of development is estimated to be 131,115 SF. The area of disturbance amounts to 3.01 acres. Forty (40) parking spaces within the area of development are to be removed; one hundred (100) spaces are to be installed within the area of development. There will be a net increase of sixty (60) parking spaces. Water will be supplied by the Clifton Park Water Authority. Connection will be made to the Saratoga County Sewer District #1. Stormwater will be managed on site. A 13,435 SF decrease in greenspace is expected. The following building setbacks will be provided: 10'-15' front yard; 10'-15' side street; 8' minimum side yard; 5' minimum rear yard. One garage space and parking for one vehicle behind the garage will be provided for each dwelling unit. An existing paved roadway behind the existing Homewood Suites will provide access to the apartments. Site amenities will include a pocket park with benches, chess tables, and planting beds and an 8' wide multi-use trail along Clifton Park Center Road from the site's westernmost property boundary to an asphalt walkway into the mall area. Specifically addressing a couple of comments from professional staff, Mr. Dannible explained that access easements will be provided from the existing roadway behind the hotel to the residences and that representative photos of building designs illustrating the incorporation of a mix of building materials, window styles, and stairways have been submitted for consideration. The speaker expressed his willingness to work with town representatives to develop a viable development plan. A Town Park Center Form-Based Development Code Project Review table has been provided.

Mr. Scavo read the comments prepared by Mr. Myers, Director of Building and Development. The area is zoned TC-2 Edge: residential uses are permitted. The impact of the proposed development on the existing Homewood Suites must be reviewed since all of their parking on that side of the building seems to be eliminated by the proposed new roadway. The

applicant should consider whether or not the Homewood Suites parking lot which is constructed partially of porous pavement will be impacted by the proposed development. Additional comments will be prepared as more detailed plans are submitted for review.

Mr. Scavo explained that Ms. Reed, Chief of the Bureau of Fire Prevention, provided a number of comments regarding this application in a memo dated September 12, 2017. A Postal Verification Form must be submitted. Adequate fire access must be provided and maintained behind the existing Homewood Suites. Emergency services access to the apartments must be provided. Ms. Reed has noted that individual driveways and turning radius into each driveway appear to limit access. Though it appears that parking for each unit is to be provided in each driveway, the parking area for each apartment unit should be indicated on the plan. "No Parking" signs should be posted at the access road behind Homewood Suites for overflow parking.

Mr. Scavo explained that the ECC offered the following comments regarding this application after review of the project at its September 5, 2017 meeting. Due to the interconnection of the proposed project and the adjacent properties, the applicant should provide a stormwater management plan for the individual proposed project. The multi-use path is suggested to be a minimum of 10 feet wide.

Mr. Scavo read the comments prepared by Mr. Reese, Stormwater Management Technician, regarding this application. The applicant is proposing to provide a water quality treatment on site and to use the existing stormwater pond that is located off site. This project will be an addition of impervious area and the existing pond does not have adequate storage for additional runoff. On site stormwater management for quality as well as quantity will need to be provided. The proposed apartments are filling in one of the stormwater management areas of Homewood Suites. The applicant is asked to describe how this will be mitigated. There are limited drainage connections along Clifton Park Center Road. The applicant is asked to address how drainage from proposed development will be collected and routed along Clifton Park Center Road in the Stormwater Pollution Prevention Plan that must be submitted with the preliminary site plan.

Mr. Scavo reported that the Planning Department issued the following comments regarding this application. A meeting with the Form Based Technical Advisory Committee (TAC) and the applicant should be scheduled. It appears the proposed action can be classified as an Unlisted Action pursuant to SEQRA: coordinated review is optional. According to the Saratoga County Tax Map information, the project lies on two separate parcels, Tax Map ID #s 272.-1-45.1 and 272.-1-45.2 totaling approximately 23.09 Acres. The application and site plan should be updated to reflect this information and to show the boundaries for each parcel. The applicant is correct however, in noting on the SEQR Form that the applicant owns approximately +/-43 contiguous acres across multiple parcels. It appears the applicant, in accordance with the Future Street Map, is showing a proposed 8' wide multi-use path. In keeping with the Future Street Map, the pathway should be extended along the frontage of both project parcels adjacent to Clifton Park Center Road from property boundary to property boundary. As the site plan is progressed, the applicant should specifically refer and call out §208-24 of the Town Code - Form Standards for the architectural details that will be forthcoming (e.g. Stoop Detail). The parking requirement appears to be met with 100 total parking spaces available within the proposed area of development. As Plans advance the applicant should review and demonstrate compliance with §208-26 (A-H) - Site Standards, within the Town Code. As the site plan advances, finished floor elevations, proposed

grading around the residential dwellings, and stormwater accommodations will be looked at in greater detail. The applicant should provide information to demonstrate that reciprocal parking agreements and ingress/egress agreements are in place to accommodate the project. Mr. Scavo explained that since Clifton Park Center Road would become a perimeter street, he would recommend the construction of a sidewalk rather than a multi-use pathway.

Mr. Scavo pointed out that Mr. Don Austin, Clifton Park Water Authority Administrator, indicated in correspondence dated September 1, 2017 that the proposed building “is in conflict with an existing water main that serves the Clifton Park Center Mall.” The water main would have to be relocated. Since this is the only water main that feeds the mall and the surrounding businesses on Clifton Park Center Road, an additional connection to the CPWA system would have to be designed and constructed prior to relocation of the existing main. Mr. Scavo noted the importance of this conflict and stated that Mr. Austin will be invited to participate in TAC discussions.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. provided the following comments regarding this application in correspondence dated September 7, 2017. He offered four general comments on the project plan. The submitted SEQRA Short Environmental Assessment Form indicates the total project disturbance will be more than one acre and, therefore, would be subject to the NYSDEC Stormwater Regulations and GP-0-15-002. Subsequent submissions shall include a Stormwater Pollution Prevention Plan (SWPPP) that includes water quality and quantity controls. The project proposes to provide potable water to the buildings via the Clifton Park Water Authority (CPWA). The applicant shall provide the Town documentation indicating the CPWA's ability and willingness to provide potable water to the project. Any approvals offered by the Planning Board should be conditioned on receipt of CPWA's review and approval. The project proposes to provide sanitary sewer service to the buildings via the Saratoga County Sewer District No. 1 (SCSD). The applicant shall provide the Town documentation indicating SCSD's ability and willingness to provide sewer capacity to the project. Any approvals offered by the Planning Board should be conditioned on receipt of SCSD's review and approval. Given the size of the proposed development, at a minimum, the applicant shall provide a summary of expected peak hour vehicle trips. Should this analysis show that more than 100 new peak vehicle trips will result, a formal traffic impact statement may be required. This assessment needs to account for other projects proposed within proximity of the site. The firm identified State Environmental Quality Review Act issues. 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: Clifton Park Water Authority - taking of additional water; Saratoga County Sewer District - additional reserve sewer capacity; Saratoga County Planning - 239m referral due to the project's proximity to Interstate 87 and NYS Route 146; New York State Department of Environmental Conservation - permit coverage under GP-0-15-002; New York State Office of Parks, Recreation and Historic Preservation - determination of the absence or existence of cultural, historic, or archeological resources within the project site. Additional involved/interested agencies may be defined as the project proceeds through the Town's regulatory review. Review of the Short Environmental Assessment Form resulted in the following comments. Under Part 1.3.b the total disturbance is identified as 3.02 acres. As a result, a Stormwater Pollution Prevention Plan will be required. Under Part 1.12.b the response indicates

the proposed action is located in an archeological sensitive area. A "no effect" letter from the NYS Office of Parks, Recreation and Historic Preservation will be required.

Several comments related to the site plans. The project is located within the Town's TC2 Edge Zone of the Form Based Code (FBC). Based upon the initial review of this application with respect to compliance with the FBC, it is suggested that the applicant meet with the TAC independently to review the site plan and discuss potential modifications that may be required. In preparation of this meeting, the applicant should prepare the Town's Form Based Development Code Project Review sheet to better understand how the project complies with Section 208-22.1 Zone Overviews and Section 208-24, Form Standards of the Town Zoning Code. Since the development is within the boundaries of a much larger parcel, discussion with the TAC regarding how the "property lines" are to be applied should be discussed. Applying the various setback requirements to the actual parcel boundaries may not meet the intent of the FBC. Once the "project" property line has been established, a more comprehensive review of the building positioning and other site setbacks will be completed. With the proposal for residential apartments, there needs to be an analysis of the cumulative residential density as described in Section 208.22(B) of the Zoning Code and it shall take into account the site plan submitted for additional residential units under Town Application 2017-044. The proposed buildings are subject to the Architectural Standards outlined in Section 208-25 of the Town Zoning Code. The concept provides a single illustrative photo, but no proposed building elevations have been furnished to complete an architectural review. The site statistics indicate the removal and reconstruction of parking spaces to provide the minimum required. The applicant is asked to indicate on the site plan where the dedicated spaces associated with the project are located and whether it is surface parking, garage parking, or driveway parking. It is understood that a shared parking arrangement will likely be put in place, as allowed in Section 208-26(H) of the Town Zoning Code. If shared parking is being utilized, the site plan should show where this will occur. Any required snow storage areas should be shown on the plans. Each proposed residential unit appears to show an exterior entrance to the rear that leads to Clifton Park Center Road where a multi-use path is shown. The location, width and materials of construction of such a pathway shall be reviewed with the Town. The proposed residential units are located on top of the existing stormwater facilities associated with Homewood Suites. Subsequent plans shall illustrate how stormwater management will be accommodated for both the existing and proposed facilities. With the proposed through road, the applicant is asked to confirm that its location in relation to the existing Homewood Suites does not alter any existing aerial apparatus access as required by the Fire Code of NYS (FCNYS). Plans should indicate whether or not the proposed buildings will be equipped with automatic sprinklers since this will dictate whether on-site fire hydrants are necessary. Should on-site hydrants be warranted, the site access roads shall comply with Appendix D, Section 103 of the FCNYS. Subsequent submissions shall include information as outlined in Section 208-115 of the Town Zoning Code specific to lighting, site grading, landscaping, erosion control, and stormwater management to fully assess the design and its compliance to the applicable standards.

Mr. Anthony LaFleche, 21 Wheeler Drive, asked about the distance of the proposed sidewalk from the edge of roadway pavement. Mr. Dannible estimated that the distance would likely be 30' – 40'. When Mr. LaFleche asked about the preservation of existing vegetation, Mr. Dannible explained that the area would probably be clear cut due to construction needs and the poor quality of the landscaping. He commented that the proposed development would create "a more substantial buffer." In answer to Mr. LaFleche's question regarding parking locations for

the apartments, Mr. Dannible explained that one parking space and one tandem space would be provided for each unit and that additional parking would be available within the lots that served the mall. Mr. Jones was critical of plans to remove mature trees on the existing berm and found the plan to place apartments next to a hotel as distasteful as “ketchup on a hot dog,” questioning the marketability of the units as proposed. Mr. Scavo, however, pointed to a mall redevelopment project in Boca Raton, Florida that has successfully transformed a typical suburban mall into “pedestrian streets with storefronts and residential dwellings.” Mr. Dannible contributed to the discussion, explaining that one of the applicant’s expressed goals was to incorporate a “brownstone-type building” into the center’s makeover design. Mr. Andarawis viewed the transition plan favorably, finding the landscaped property fronts that “speak to Clifton Park Center Road” appealing. He believes that the installation of a sidewalk, rather than a multi-use pathway, may be more desirable in this location. Mr. Neubauer interestingly observed that this is the “4th, 5th, or 6th project that has been considered along the perimeter of the Town Center and that the regeneration of the district appears to be progressing from the ‘outside in’.” He commented that market demands are obviously calling for residential uses within the town center area. Although he acknowledged that the applicant had to work “within the confines of the Town Center Code,” he was nonetheless enthusiastic about the possibilities of creating a viable housing project, cautioning that the project design would require “flexibility” and “detailed discussion” to make the street “what it wants to be.” Ms. Bagramian endorsed the conceptual plan, pointing to the popularity of similar types of residential development in downtown Albany. She asked that the applicant consider the use of underground parking. Mr. Jones found the look of the stylized images of brownstones attractive, though he called upon the applicant to preserve as many of the existing mature trees along Clifton Park Center Road as possible. Mr. Ophardt liked the design, though he asked that the proposed sidewalk extend to the Clifton Park Center Road – Clifton Country Road intersection and that the applicant consider the possibility of adding another roadway connection to Clifton Park Center Road. He identified the following several issues to be considered during the applicant’s discussion with the TAC: parking accessibility; snow removal and storage; garbage collection. Mr. MacElroy, Vice President of DCG Development Company, provided the rationale for the proposed residential component to the town center, explaining that there was an uncertainty about the future sustainability of retail outlets as shoppers turned to internet shopping alternatives and that major tenants within the shopping center may, in a few years, may be lost. Mr. Neubauer encouraged the applicant to apply Form Standards as outlined in Chapter 5 of the Form Based Development Code, particularly considering the use of balconies, porches, and stoops to create architectural interest. Mr. Ferraro expressed some concerns about the marketability of the apartments, finding the fronts attractive but the rear of the buildings uninviting. He suggested that rooftop gardens be considered to provide tenants with additional on-site outdoor space. Those Board members who will be participating TAC discussions will be Mr. Neubauer, Mr. Jones, and Mr. Ferraro.

[2017-044] **Clifton Park Center Regal Out Parcel Mixed Use Building** – Proposed 6,600 SF mixed-use building, 42 Clifton Country Road – Conceptual site plan review. SBL: 272.-1-45.2

Mr. Joe Dannible, consultant for the applicant, introduced this application which calls for improvements to a 5.33 acre site within the existing ±43 acre Clifton Park Center shopping mall site which is situated within the TC5 zoning district. The parcel slated for development is located

directly south of the southernmost boulevard-type mall access on Clifton Country Road: one-way site access will be provided along that drive's entryway which will connect to the existing parking lot. The applicant proposes construction of a 13,200 SF commercial/residential mixed use two-story building with a 6,600 SF footprint. The new building will share parking with the existing center: 21 parking spaces within the area of development will be removed; 11 parking spaces within the development area will be created. The new construction will result, therefore, in a net decrease of 11 parking spaces. Water will be supplied by the Clifton Park Water Authority and connection will be made to the existing Saratoga County Sewer District #1. Stormwater will be managed on site. A 7,371 SF reduction in greenspace is anticipated. Significant width will be provided between the building and the access way to accommodate patios, outdoor displays, and sidewalk connections with raised crosswalks where appropriate. Noting that the site was very visible from the northerly access to Clifton Country Road from Route 146, Mr. Dammable reported that the applicant was considering the inclusion of some type of "interesting architectural structure" such as a clock or bell tower to the corner. A Town Park Center Form-Based Development Code Project Review Sheet has been submitted with the application.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application. He recommended that the impact of the proposed development on the existing skate park which is located in close proximity to the project be considered. The applicant is asked to consider the possibility that the proposed plan does not show existing drainage pipes and structures. The parcel is zoned TC5 Neighborhood which allows for the construction of mixed use commercial and multifamily residential buildings. Mr. Myers pointed out that the parcel adjoins town-owned land.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that the properly assigned postal address be added to the site plan.

Mr. Scavo explained that the ECC issued the following comments after reviewing this application at its September 5, 2017 meeting. Due to the interconnection of the proposed project and the adjacent properties, the applicant should provide a stormwater management plan for the individual proposed project. In keeping with the Town Center Plan the applicant shall incorporate a paved multi-use trail along the western border of the proposed project that gives direct access to the Town Skateboard Park. The ECC requests the applicant to provide a continuous treed buffer along Clifton County Road.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, offered the following comments on this application. The applicant is proposing to provide water quality treatment on site and to use the existing stormwater pond that is located off-site. This project will be an addition of impervious area and the existing pond does not have adequate storage for additional runoff: on site stormwater management for quality as well as quantity will need to be provided. A thorough sub-surface investigation should be performed with the past history of sink holes, addition of flowable fill, and the intricate location of large storm conveyances and structures.

Mr. Scavo read the comments prepared by the Planning Department. A meeting with the Form Based Technical Advisory Committee (TAC) and the applicant should be scheduled. It appears the proposed action can be classified as an Unlisted Action pursuant to SEQRA:

Coordinated Review is optional. The project is proposed within Tax Map ID 272.-1-45.2 which is part of a second site plan application under conceptual consideration for 50 residential dwelling units. Pursuant to Town Code §208-22 – Residential Density, “The allowable base residential density within the Town Center shall not exceed 10 dwelling units per acre, exclusive of undevelopable lands, up to a maximum of 50 dwelling units per project.” The applicant should clarify what the cumulative proposed residential units are between both projects which overlay onto the same parcel of land and demonstrate compliance with §208-22 of the Town Code. Though this application notes, “mixed use commercial/residential,” it does not provide information as to the number of proposed residential units. As the site plan is progressed, the applicant should specifically refer to and demonstrate compliance with §208-24 of the Town Code - Form Standards, for the architectural details that will be forthcoming. As plans advance the applicant should review and demonstrate compliance with Town Code §208-26 (H)(3) - Site Standards. The site plan appears to show development over existing stormwater infrastructure. The applicant should discuss if the intention is to relocate, redevelop, or modify the existing stormwater infrastructure within the project site. Due to prior sink hole activity at this location, the Planning Board will require geotechnical data for the project site. While the occurrence of sink holes and/or subsidence is not always predictable, the applicant should provide information that addresses the safety and stability of the project site to accommodate the proposed project. Per the image shown below, the project location is one of high visibility from Clifton Country Road. Attached is an excerpt from the Town Center Plan which speaks to the need for a memorable vista to be created where a significant building or large piece of public art could be placed, to terminate the view down the Town Center’s “Main Street.” The treatments for the corner can be vetted out in more detail between the applicant and the members of TAC.



The applicant should provide information to demonstrate that reciprocal parking agreements and ingress/egress agreements are in place to accommodate the project.

Mr. Bianchi offered comments prepared by M J Engineering and Land Surveying, P. C. after review of the conceptual site plan submission. The submitted SEQRA Short Environmental Assessment Form indicates that the total project disturbance will be less than one acre and, therefore, would not be subject to the NYSDEC Stormwater Regulations and GP-0-15-002. With prior and currently proposed activities on the site, this specific action may be considered a "larger common plan of development." This topic should be discussed further with the Town's Stormwater Management Officer. If the project is not considered part of a larger common plan, at

a minimum a stormwater analysis will be required to ensure the project will not adversely impact down gradient properties or structures. The project proposes to provide potable water to the building via the Clifton Park Water Authority (CPWA). The applicant shall provide the Town documentation indicating the CPWA's ability and willingness to provide potable water to the project. Any approvals offered by the Planning Board should be conditioned on receipt of CPWA's review and approval. The project proposes to provide sanitary sewer service to the building via the Saratoga County Sewer District No. 1 (SCSD). The applicant shall provide the Town documentation indicating SCSD's ability and willingness to provide sewer capacity to the project. Any approvals offered by the Planning Board should be conditioned on receipt of SCSD's review and approval. Given the size of the proposed development, at a minimum, the applicant shall provide a summary of expected peak hour vehicle trips. Should this analysis show that more than 100 new peak vehicle trips will result, a formal traffic impact statement may be required. This assessment needs to account for other projects proposed within proximity of the site.

The following comments related to the State Environmental Quality Review Act. 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: Clifton Park Water Authority - taking of additional water; Saratoga County Sewer District - additional reserve sewer capacity; Saratoga County Planning - 239m referral due to the project's proximity to Interstate 87 and NYS Route 146; New York State Department of Environmental Conservation - potential permit coverage under GP-0-15-002; New York State Office of Parks, Recreation and Historic Preservation - determination of the absence or existence of cultural, historic or archeological resources within the project site, if the project is found to be subject to GP-0-15-002. Additional involved/interested agencies may be defined as the project proceeds through the Town's regulatory review. Additional comments related to the Short Environmental Assessment Form. Under Part 1.3.b the total disturbance is identified as 0.65 acres. From a stormwater prospective, this project may be considered part of a larger common plan of development and therefore may be subject to the NYSDEC Phase 2 Stormwater regulations. This topic should be discussed further with the Town's Stormwater Management Officer. Under Part 1.12.b the response indicates the proposed action is located in an archeologically sensitive area. If it is determined that the project requires a Stormwater Pollution Prevention Plan, a "no effect" letter from the NYS Office of Parks, Recreation and Historic preservation will be required.

Several comments related to the site plan. The project is located within the Town's TC5 Neighborhood Zone of the Form Based Code (FBC). Based upon the initial review of this application with respect to compliance with the FBC, it is suggested that the applicant meet with the TAC independently to review the site plan and discuss potential modifications that may be required. In preparation of this meeting, the applicant should prepare the Town's Form Based Development Code Project Review sheet to better understand how the project complies with Section 208-22.1 Zone Overviews and Section 208-24, Form Standards of the Town Zoning Code. Since the development is within the boundaries of a much larger parcel, discussion with the TAC regarding how the "property lines" are to be applied should be discussed. Applying the various setback requirements to the actual parcel boundaries may not meet the intent of the FBC. Once the "project" property line has been established, a more comprehensive review of the building positioning and other site setbacks will be completed. With the proposal for a residential

component, there needs to be an analysis of the cumulative residential density as described in Section 208.22(B) of the Zoning Code and it shall take into account the site plan submitted for additional residential units under Town Application 2017-045. The proposed building is subject to the Architectural Standards outlined in Section 208-25 of the Zoning Code. No proposed building elevations have been furnished to complete an architectural review. The site statistics do not provide the breakdown between commercial space and residential units in order to confirm that the proposed parking count is adequate, meeting the requirements of Table 7.1 of Section 208-26 of the Zoning Code. It is understood that a shared parking arrangement will likely be put in place, as allowed in Section 208-26(H). Notwithstanding, the applicant is asked to provide the calculations of the minimum number of spaces required and to show on the plan the suspected location of parking spaces dedicated to the uses via shared parking. As part of the parking space analysis described above, there should be consideration of the demands associated with the adjacent skate park. With the proposed use being in close proximity to the existing skate park, there should be disclosure to future tenants of this existing use, hours of operation, and expectations regarding background noise levels. Any required exterior refuse collection areas should be shown on the plans. Any required snow storage areas should be shown on the plans. The one-way entrance from the primary site drive needs to be modified to ensure that only vehicles entering from Clifton Park Center Road utilize the site entrance. This may require modifications of entrance geometry, shifting the angle of entry, or striping the existing boulevard further into the site to indicate vehicles may not enter the one-way entrance from the adjacent internal intersection. The applicant shall coordinate with the responding fire department for the location of the Knox Box and fire department connection: notation to that effect shall be added to the plans. The applicant is asked to indicate whether or not the proposed buildings will be equipped with automatic sprinklers since this will dictate whether on-site fire hydrants are necessary. Should on-site hydrants be warranted, the site access roads shall comply with Appendix D, Section 103 of the Fire Code of New York State (FCNYS). The proposed maximum building height should be indicated on the plan in the event appropriate aerial fire access is required in accordance with Appendix D, Section 105 of the FCNYS. Subsequent submissions shall include information as outlined in Section 208-115 of the Town Zoning Code specific to lighting, site grading, landscaping, erosion control, and stormwater management to fully assess the design and its compliance to the applicable standards.

Ms. LaSalle asked about the number of units proposed for the building and plans to preserve the existing trees to the west of the proposed building. Mr. Dannible explained that the design plan calls for development of retail space on the ground floor and six (6) apartment units per story for the second and, and possibly, third floors. He explained that there are no plans to disturb the existing tree line since the trees are located on an adjoining parcel. Mr. Ferraro called for assurance that that vegetation around the existing stormwater pond would not be disturbed: Mr. Dannible provided such assurance, explaining that the property is owned by the town. Mr. Neubauer expressed his concerns for “site aesthetics,” noting that the subject parcel was “the most important site in the town center” because it is clearly visible from the Route 146 - Clifton County Road intersection as one turns south toward the retail complex. Pointing to the goals and strategies outlined within the Town Center Form Based Code, he commented that although the building would likely not serve a civic function, it should be designed to present the “stature of a civic building.” To this end he encouraged the applicant to “partner with the town.” He recommended that the applicant consider moving the building to the south. Mr. Jones agreed with this

recommendation and stated his general approval of the “grid design.” Mr. Ferraro pointed out that the applicant must address technical issues such the concerns regarding possible sink holes and to adequate stormwater management. He stated his appreciation for the “visual appeal of the frontage” and encouraged the applicant to integrate the building design with existing landscaping. He was critical of the proposed angled parking, stating that it “did not create an appealing streetscape design.” Mr. Dannible explained that development designs were constrained by existing stormwater management structures. Mr. Neubauer remarked that if a future phase of development to the east was contemplated, relocation of the existing stormwater facilities that now appear as impediments to development may be reasonable.

The applicant, project consultants, and members of the Technical Advisory Committee will meet to discuss design details. Those Board members participating in the TAC discussion will be Mr. Neubauer, Mr. Jones, and Mr. Ferraro.

Discussion Items:

ECC Recommendations

Mr. Ferraro explained that, after meeting at their request with the ECC members at their September 5, 2017 meeting, it was decided that the Commission should make formal recommendations to the Planning Board regarding density bonus options within the CR (Conservation Residential) zoning district since it appears that the 100% bonus option may allow for more development than is desirable. The fee schedule for purchase of additional development rights will also be reviewed since the fee schedule may not reflect current market conditions. The ECC will also discuss the approval of duplexes in all zoning districts since the use of the Special Use Permit process to allow construction of the multi-family dwellings appears to be increasing throughout the town. Upon review of the recommendations provided by the ECC, the Planning Board may refer the proposals to the Town Board for possible revisions to the Town Code.

Town Board Action

Mr. Ferraro reported that the Town Board has authorized M J Engineering and Land Surveying, P.C. to provide engineering, design, and planning services to prepare Form Based zoning code amendments for an area east of Interstate 87 included in the original Town Center Plan Study Area. He explained that some members of the Planning Board may be asked to work on an advisory committee.

Mr. Jones moved, seconded by Mr. Ophardt, adjournment of the meeting at 9:30p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on September 26, 2017.

Respectfully submitted,

Janis Dean, Secretary