

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
December 12, 2017

Those present at the December 12, 2017 Planning Board meeting were:

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

Those absent were: G. Szczesny

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.

Mr. Ferraro announced that Ms. LaSalle would be sitting as a full voting member of the Board in Mr. Szczesny's absence.

Minutes Approval:

Mr. Neubauer moved, seconded by Ms. Bagramian, approval of the minutes of the November 28, 2017 Planning Board meeting as written. Ayes: Neubauer, Bagramian, LaSalle, Ophardt, Ferraro. Noes: None. Abstained: Jones.

Public Hearings:

[2017-051] **Hunter, Donald** – Proposed (3) lot subdivision, Clifton Park Center Road – Preliminary public hearing and possible determination. SBL: 271.-3-60

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

Mr. Ophardt moved, seconded by Ms. Bagramian, 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 7:04p.m. The Secretary read the public notice as published in the Daily Gazette on November 27, 2017.

Mr. Jeff Williams, consultant for the applicant, explained that this application remains generally as presented at the October 24, 2017 Planning Board meeting. Plans have been updated to show the proposed limits of disturbance, the location of the proposed sewer connections, the required setback lines and/or dimensions from the proposed homes to the parcel boundaries, and proposed wetland signage placed at 50' intervals along the 100' adjacent area boundary to delineate disturbance limits. A note has been added to the plan which states that, pursuant to Section 86-10 of the Town Code, the applicant shall be "required to plant two new trees per living unit on the street side of the new construction sites." Correspondence from the Clifton Park Water Authority states that that agency has the capacity and pressure at the location to serve the project. A cursory review of the project by Saratoga County Sewer District #1 indicates that the district will permit the proposed project to discharge flows into the downstream system. Both agencies will require the submission of detailed plans and specifications that to ensure that all concerns are addressed prior to issuing sign-offs which will be required prior to the stamping of the final plans. Mr. Williams reported that consultation with the Highway Department resulted in a determination that the installation of culverts along the Clifton Park Center Road frontage would not be required.

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 the following comments in a memo dated December 6, 2017. A full Stormwater Pollution Prevention

Plan will be required. The applicant should specify whether the sewer connection will utilize gravity or a force main. Mr. Scavo pointed out that, after discussions with the applicant's consultant and Mr. Reese, Stormwater Management Technician, Mr. Myers agreed that there would be less than one acre of disturbance to the site: no full Stormwater Pollution Prevention Plan would be required.

Mr. Scavo noted that the ECC provided the following comments and recommendations after review of the application at its December 5, 2017 meeting. The ECC notes that the project may result in intrusion into the LC zone. The applicant must file for an Application for Approval of Work to Be Done in the LC Zone with the Town of Clifton Park. The ECC notes that the project may result in intrusion into the NYSDEC Adjacent Area. The applicant must apply to the Town for a disturbance permit in accordance with the Town's LC zoning requirements. The ECC notes that sensitive environments exist on each lot, thus there is a potential for environmental impacts due to the installation of the sanitary laterals. As such the applicant's Drainage, Stormwater and Erosion Control Plans should be protective of these environments both during construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer.

Mr. Scavo explained that, since the applicant will utilize a directional bore technique to connect to the existing sewer service on the opposite side of Clifton Park Center Road, there would be little disturbance within the LC zone.

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, provided no additional comments on this application.

Mr. Bianchi reported that, after review of the preliminary subdivision plan, M J Engineering and Land Surveying, P.C. issued the following comments. The applicant is asked to expand Note 8 to indicate the minimum tree caliper and that the species selected shall not be contained on the most current list of NYSDEC Invasive or Prohibited Plants. As noted in Comment 8 of the October 20, 2017 review, there may be a need to provide a drainage culvert at the new driveways to support existing drainage along Clifton Park Center Road. The applicant needs to confirm that this topic has been discussed with the Town's Highway Department. If required, plans need to show the location, size, and materials of construction for the culverts. Mr. Bianchi reported that responses from the applicant's consultant provided to him prior to this evening's meeting adequately addressed all of his concerns.

Mr. Anthony LaFleche, 21 Wheeler Drive, asked about the distances of the proposed homes from the roadway. Mr. Williams explained that the homes would meet the 50' setback requirement for the zoning district and that there was an additional 15' right-of-way along Clifton Park Center Road. The speaker also noted that the distance from the homes to the boundary of the adjacent wetland area was approximately 300'. Mr. Ferraro stated that the Planning Board has required that identifying signage be "sufficiently and strategically placed" along the wetland border to make potential homeowners aware of the non-disturbance limit line.

There being no additional public comment, Mr. Ferraro moved, seconded by Ms. LaSalle, to close the public hearing at 7:15p.m. The motion was unanimously carried.

Mr. Ferraro explained that the possible issue of segmentation of review pursuant to SEQRA raised due to the applicant's recent subdivision of an adjoining property was not an issue since the parcels were held by two separate and distinct property owners. In response to his question regarding whether or not restrictive language regarding the ban on intrusion and/or disturbance of the wetland areas on the properties was to be included within the individual property deeds, Mr. Scavo answered affirmatively.

Mr. Andarawis arrived at the meeting at 7:15p.m. just prior to the roll call vote on this application and chose to abstain from any comment and vote.

Mr. Jones offered Resolution #11 of 2017, seconded by Mr. Ophardt, to grant preliminary and final subdivision approval to this application conditioned upon satisfaction of all items listed in the final comment letter issued by the Planning Department. Ayes: Neubauer, Bagramian, LaSalle, Jones, Ophardt, Ferraro. Noes: None. Abstained: Andarawis.

Old Business:

[2017-046] **Animal Hospital of Clifton Park Redevelopment** – Demolition of the existing 5,225 SF building and construction of a new 7,840 SF building, 1245 Route 146 – Preliminary site plan review and possible determination. SBL: 270.-8-3-1; 270.-8-3-2

Mr. Ferraro introduced this application, explaining that the application has been considered by the Planning Board at its September 26, 2017 and November 28, 2017 meetings. Although it appeared that most issues of concern had been adequately addressed by the applicant at the November meeting, approval was deferred until the 500' notifications were sent to adjoining property owners as required by Section 208-115F of the Town Zoning Code.

Mr. Rob Osterhoudt, consultant for the applicant, explained that the application remains generally as presented at the November 28, 2017 meeting. The required 500' notifications were sent during the first week of December, 2017. The speaker highlighted plan revisions that were made in response to comments issued at the November 28, 2017 meeting. Stormwater management plans have been discussed with Mr. Reese, Stormwater Management Technician, and appropriate revisions made to the site plan. The building elevations have been modified: the window locations on the lower level of the building have been aligned with the second story dormers and the center window has been enlarged. Mr. Osterhoudt explained that it was not possible to increase the size of the two windows on either side of center one due to conflicts with interior walls and storage requirements. All windows will be wrapped with trim and sills added as "enhancements." Although the consultant found it impossible to maintain all of the existing treed buffer along the Sterling Heights boundary, vegetation will be maintained to the greatest extent practicable and cleared of undesirable undergrowth.

Mr. Scavo noted that the ECC reiterated comments issued for the November 28, 2017 Planning Board meeting regarding the proposed dumpsters. Due to the probability of liquid and/or bio-hazardous wastes leaking from the on-site dumpster(s) into a stormwater catch basin and/or surface water body, the ECC recommends that the applicant enclose the area (i.e. roof) on an impervious surface with a berm surrounding the dumpster(s) that accepts waste by-products. If

necessary, the applicant will need to periodically pump out the accumulated wastes within the bermed area to avoid any overflow. Mr. Scavo noted that this issue had been resolved at the previous meeting: the dumpster may be installed as presented on the site plan.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, has reported that he “is substantially satisfied” with the stormwater plans and that he will continue to work with the applicant’s consultant to resolve minor issues.

Mr. Scavo reiterated a single comment issued for this project at the November 28, 2017 meeting. There appears to be an existing Sanitary Sewer Manhole Cover that is noted to remain within the driveway of the project site. The applicant should ensure that during construction the manhole cover remains clear and accessible.

Mr. Ferraro asked if verification of designated wetland areas had been received from the ACOE. Mr. Osterhoudt explained that a wetland construction consultant has evaluated the site and conferred with ACOE representatives. Mr. Ferraro expressed his appreciation to the applicant for employing methods that will improve the way the wetland functions on this site.

Mr. Bianchi explained that all previously issued comments from M J Engineering and Land Surveying, P.C. have been adequately addressed.

Mr. Anthony LaFleche, 21 Wheeler Drive, asked if an easement for possible future trail development along the property’s frontage on the northerly side of Route 146 had been considered. Mr. Scavo explained that since there is an existing trail along the southerly side of the roadway, no easement was necessary.

Mr. Neubauer expressed his appreciation to the applicant for incorporating architectural standards from the Western Clifton Park GEIS guidelines to create a pleasing project. Mr. Ophardt offered his thanks to the applicant as well for his willingness to work cooperatively with the Board.

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

Mr. Neubauer moved, seconded by Ms. Bagramian, to grant preliminary and final site plan approval to this application conditioned upon a sign-off letter for the Stormwater Management Plan by Mr. Reese, Stormwater Management Technician, and satisfaction of all items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

[2017-060] **EDP Office Addition** – Proposed 1,259 SF addition to an existing 7,741 SF office building, 900-902 Route 146 – Preliminary site plan review and possible determination. SBL: 271.-2-22.2

Mr. Joe Dannible, consultant for the applicant, explained that this application remains generally as presented at the November 28, 2017 Planning Board meeting. He reported that the applicant received the necessary variance from the Zoning Board of Appeals at its December 5,

2017 meeting. Since the existing non-conforming, pre-existing building totals 7,741 SF, the ZBA approved a variance of 1,259 SF to permit the 9,000 SF building within the B-1 zoning district conditioned upon the applicant's assurance that no additional tree removal will be permitted to the front of the site. Mr. Dannible explained that limited tree clearing had been necessary recently to allow for utility connections. The speaker explained that an investigation regarding the feasibility of providing a handicapped accessible entrance to the rear of the building resulted in the conclusion that such an entrance would not be feasible due to the costly driveway paving and parking expansion that would be required. He did note that existing handicapped access to the building was provided at the sides of the building.

Mr. Scavo stated that the ECC provided the following recommendation regarding this application. The ECC recommends that this project be carried out in keeping with the goals of tree preservation as stated in the Town Comprehensive Plan, to the greatest extent practicable.

Mr. Scavo requested that the consultant add a note to the site plan indicating the number, date approved, details, and conditions of the variance granted by the Zoning Board of Appeals.

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

Mr. Ophardt moved, seconded by Mr. Neubauer, to grant preliminary and final site plan approval to this application conditioned upon the addition of a note to the site plan stating that no further tree removal or land disturbance will be permitted to the front of the site and satisfaction of all items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

New Business:

[2017-058] **Rosegate Apartment Building** – Proposed construction of a thirty-six (36) unit apartment building, Maxwell Drive – Preliminary site plan review and possible determination. SBL: 271.-3-74.1; 271.-3-19.311

Mr. Ivan Zdrahal, consultant for the applicant, presented this application, noting that although this is its first introduction to the Planning Board, the applicant has met with representatives of the Technical Advisory Committee on June 6, 2017. The 3.78 acre parcel to be developed lies on the northwesterly side of the Mooney Way – Maxwell Drive intersection within the TC2 Edge zoning district. Project plans call for the construction of a single three-story thirty-six (36) unit apartment building with fifty-five (55) parking spaces. Water service will be provided by the Clifton Park Water District #1 and connection will be made via gravity to the existing sanitary sewer. Site access will be provided by a single curb cut from Mooney Way. Appropriate crosswalk connections will be made to an existing sidewalk and multi-use pathway system along Maxwell Drive. Sidewalks will create walkability throughout the development site. Stormwater will be managed on site. Describing the building design, Mr. Zdrahal explained that there will be two main entranceways to the building accessed by internal sidewalks. Recreation terraces will be constructed near the north and west sides of the building. Stormwater will be managed on site

through a series of small and large catchbasins. Mr. Zdrahal described the soil conditions on the site as “excellent” – very suitable for infiltration practices. A detailed landscaping plan has been provided and the plan generally complies with TC2 Edge zoning.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated December 6, 2017. Although the application states that the parcel to be developed is 3.78 acres in size, Saratoga County records indicate that the project site is 3.63 acres. The parcel is now zoned TC2 which allows construction of multi-family dwellings. Ten (10) units per acre on 3.63 acres equals thirty-six (36) units as proposed. The freestanding sign shown on the site plan is not part of the Planning Board’s review. The sign as shown would be denied. The applicant must submit all sign applications to the Building Department. Mr. Myers questions whether or not this proposal is ready for review since there appears to be “a number of unanswered questions” from TAC meeting. Mr. Myers provided a number of comments on the Stormwater Pollution Prevention Plan. The introductory paragraph of the stormwater management plan references *Rosewood* instead of *Rosegate*. The watershed description does not state that the unnamed tributary (Bear Brook) is also on the 303(d) list since it is a tributary of the Dwaas Kill. The use of Green Infrastructure as required by the NYSDEC Stormwater Management Design Manual is not discussed sufficiently to understand why it was not incorporated into the project. An infiltration basin is a last resort – not a first objective. The steep slopes and adjacent wetlands and stream are of great concern during and after construction especially since a project at another basin across Maxwell Drive from this proposal was just completed to improve its effects on the “unnamed tributary.” The Stormwater Pollution Prevention Plan appears very generic and not specific to the project.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that the applicant specify the locations of all existing and proposed fire hydrants.

Mr. Scavo explained that the ECC offered a number of comments regarding this application after review of the project plans at its December 5, 2017 meeting. The ECC notes that the project includes extensive paving adjacent to, or in the vicinity of, the LC zone as well as State or Federal Wetlands. The ECC recommends that the Planning Board require the applicant to incorporate sediment traps and oil water separators with appropriate capacities to limit the migration of vehicular contaminants into these sensitive environments. The ECC notes that there is a potential for environmental impacts due to the installation of the sanitary lateral: the applicant's Drainage, Stormwater and Erosion Control Plans should be protective of these environments both during construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer. Existing vegetation should be preserved in areas where such growth enhances erosion control. The ECC notes that sensitive environments exist on properties adjacent to the project site, thus there is a potential for environmental impacts to these areas in the event that the capacity of the stormwater management system is inadequate. As such the applicant's Drainage, Stormwater and Erosion Control Plans should be protective of these environments both during construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer. The ECC notes that the project may result in intrusion into a mapped stream. The applicant may need to apply to the town for a stream disturbance permit in accordance with the Town's Stream Protection Law. The applicant should reserve and display on the site plan proposal sufficient trails/sidewalks to encourage walkable interconnected trails consistent with the

Town Center Plan to accommodate multi-use trails to interconnect the proposed property with existing and contemplated trail networks. The applicant should be encouraged to place the remaining open space into the Conservation Easement Program.

Mr. Scavo read the comments offered by Mr. Reese, Stormwater Management Technician, in a memo dated December 4, 2017. The Infiltration Basin bottom area should follow the sizing as outlined in the NYS Stormwater Management Design Manual Section 6.3.4 regarding Treatment. A maintenance access drive to the forebay and infiltration basin will be needed. The applicant is asked to show how the infiltration basin will be protected during construction till *final* stabilization on the Erosion and Sediment Control Plan. Additional silt fencing should be placed on top of the perimeter slope to reduce slope erosion and/or provide slope stabilization measures. Plans should clarify whether or not the temporary sediment trap will have a dewatering device. If so, the applicant is asked to show the outlet on the Erosion and Sediment Control Plan. Mr. Reese offered several project review observations:

- a. Project is within the NYSDEC Rare Plants or Rare Animals.
- b. In Appendix E NYSDEC Stormwater Calculations update Provided Total WQv.
- c. Project will drain into the Bear Brook a tributary to the Dwaas Kill. The Bear Brook is a C(T) Stream and classified as a 303(d)-impaired waterbody.
- d. Applicant to be aware that a qualified inspector will need to conduct at least two (2) site inspections every seven (7) calendar days as the construction site directly discharges to one of the 303(d) segments.

Mr. Scavo explained that Ms. Viggiani, Open Space Coordinator, provided a couple of recommendations regarding this application in an email dated December 12, 2017. The need for a crosswalk from Tallowood/Rosegate on the west side of Maxwell Drive is identified as an existing need to get to the east side of Maxwell. Folks are interested in a direct route near this intersection, and not having to walk southwest down Maxwell Drive and cross way down at Park. It is more direct to get to the shopping plazas and retail on the east side of Maxwell – with a new, additional crossing. Perhaps this crosswalk can be installed with a ped-activated rapid beacon flashing signal. The other item concerns access to the Bear Brook tributary. The Planning Board is asked to clarify whether or not the owners of Rosegate would agree to provide a “public right-of-way” access easement across the site parallel to the Bear Brook tributary. Although it is clear that there are existing wetlands on this northern side of the parcel down below the building footprint the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee would like the ability in the future for a public right-of-way to develop a trail route.

Mr. Scavo explained that two issues regarding this site plan concerned him last week. Once the applicant assured him that ADA landings and curb ramps at all the path connections would comply with all applicable standards and that no dumpster enclosure would be placed on the site since the building will be fitted with an internal compactor/receptacle for residential use, he was confident that all his comments have been satisfactorily addressed.

Mr. Bianchi reported, that, after review of the site development plans and accompanying documents, M J Engineering and Land Surveying, P.C. offered numerous comments and recommendations regarding this project. The submitted SEQRA Short Environmental Assessment Form indicates that

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. Several comments related to State Environmental Quality Review. 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 of existence of cultural, historic or archeological resources within the project site. Additional involved/interested agencies may be identified as the project proceeds through the Town's regulatory review. Mr. Bianchi explained that the engineering firm issued comments related to the Short Environmental Assessment Form provided with the application. Under Part 1.3.b the total disturbance is identified as 3.02 acres. As a result, a Stormwater Pollution Prevention Plan (SWPPP) will be required. Under Part I.9, the applicant is asked to correct the response to indicate "yes" since the proposed action will meet or exceed the state energy code. A "no" response would require a variance from the New York State Department of State, Division of Code Enforcement and Administration. Under Part 1.12.b, the response indicates the proposed action is located in an archeologically sensitive area. A "no effect" letter from the NYS Office of Parks, Recreation and Historic Preservation will be required to demonstrate eligibility for coverage under GP 0-15-002. Under Part I.15, the response indicates "no" for the existence of species of animals or habitat listed by state or federal governments for threatened and endangered species. The applicant is asked to confirm this response as the Northern Long Eared Bat is a federally listed species commonly found throughout New York State.

Mr. Bianchi explained that no review by the Saratoga County Planning Board would be required since the project was not within 500' of either Interstate 87 or NYS Route 146

Mr. Bianchi focused attention of the site plans submitted for consideration. The project is located within the Town's TC2 Edge zone of the Form Based Code (FBC). In general, it would appear that the site layout complies with code requirements, however, the applicant should prepare the Town's Form Based Development Code Project Review sheet to allow those reviewing the proposal to better understand how the project complies with Section 208-22.1 Zone Overviews and Section 208- 24, Form Standards contained within the Town's Zoning Code. The proposed buildings are subject to the Architectural Standards outlined in Section 208-25 of the Zoning Code. The concept provides illustrative photos, but no summary of building materials. The applicant is

asked to provide this information for review by the Town. Maxwell Road is designated as a perimeter street in the FBC. Section IV of the FBC calls for 5 foot wide sidewalks and multi-use trails. There is currently a multi-use trail on the east side of Maxwell Road with no sidewalks on the west side - the same side as the proposed project. There shall be discussions with the Planning Board and Town Trails Committee regarding providing the noted 5 foot wide sidewalk along the project boundary that fronts Maxwell Road. On the Future Streets Map within Section IV of the FBC, a future multi-use trail is proposed along the south side of Mooney Way, connecting to the Town's existing multi-use trail on the east side of Maxwell Road. This project proposes a small section of sidewalk on the south side of Mooney Way. There shall be discussions with the Planning Board and Town Trails Committee regarding changing the proposed section of sidewalk to the multi-use trail and/or providing the cross connection to the existing multi-use trail on the east side of Maxwell Road. If the Maxwell Road connection is included, appropriate preemptive pedestrian signage shall be provided which may include lighted beacons. The applicant is asked to provide information and/or summary of the pedestrian amenities that are to be provided consistent with Section VII(7.7) of the FBC. The applicant is asked to identify when and by whom the regulated waters of the U.S. were delineated within the plan set. The applicant is asked to verify that the placement, size or height of the project sign does not obstruct the turning sight distance for vehicles exiting from Mooney Way. The accessible parking areas show what appears to be an accessible aisle of less than 8 feet. Pursuant to the IBC 2015 and the 2016 New York Uniform Code Supplement, Section 1106.1.1, all accessible spaces shall have an adjacent aisle of no less than 8 feet in width. The aisle widths must be corrected to conform to the referenced codes. The proposed pedestrian crosswalk at Mooney Way shall be located as close to the intersection with Maxwell Drive and at or immediately after the existing stop sign. The painted crosswalk shall be a NYSDOT LS type. A painted stop bar shall be provided in front of the cross walk. The pedestrian sidewalks at Mooney Way shall meet the 2010 ADA Standards for Accessible Design which shall include appropriate running and cross slope and appropriate curb ramps at the crossings of Mooney Way. The applicant is asked to illustrate where snow storage will be provided on Sheet S-1. Sheet G-1 shows temporary and permanent impacts to regulated waters of the U.S. The applicant is asked to provide the Town with copies of all correspondence and permit approvals received from the U.S.A.C.O.E. for the noted disturbances. The Site Lighting Plan shall include footcandle values at pavement surfaces and show the extent outside of the development area where these values dissipate to 0 to ensure appropriate lighting levels are provided and that there are no obtrusive levels to adjacent parcels. In reviewing the test pit data in comparison to the grading proposed at the infiltration basin and forebay, it would appear that an additional test pit may be warranted at the forebay due to its proposed depth to ensure groundwater is not within 3 feet of the bottom of the practice. The applicant is asked to indicate whether 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. Sheet S-1 shows a new water service connecting to an existing water main on the opposite side of Maxwell Road. Since this is a major roadway within the Town, it is anticipated that this connection will need to be made via trenchless technologies. The project is composed of two individual tax parcels. It is assumed that this project would result in a merging of these two parcels. A consolidation deed may be necessary as part of a final project approval. 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, stated his support for the construction of a sidewalk – well separated from the driving lanes - along the property’s frontage on westerly side of Maxwell Drive, the installation of a sidewalk link from the Maxwell Drive – Mooney Way intersection to the proposed apartment building, crosswalks from the westerly side of Maxwell Drive to the easterly side of that roadway, and creation of a snow storage area.

Ms. Janet Smith, 121 Tallowwood Drive, questioned whether or not the Planning Board had requested the preparation of a traffic study for the area and recommended that the Board restrict access to the apartment complex from Mooney Way. Mr. Scavo explained that the proposed number of apartments did not meet trip generation thresholds for the preparation of a traffic study though he did recommend review by the Traffic Safety Committee of posted speeds along Maxwell Drive.

Ms. Lori Joyce, 32 Heartwood Court, focused attention on existing traffic and speed concerns within the Tallowwood development, explaining that it is apparent to residents within that community that non-residents use the development as a “cut-through” to avoid signalized intersections. She was also concerned with disturbance of wetland areas adjacent to the development site and devaluation of properties within Tallowwood because of its proximity to the proposed apartment complex.

Ms. Colleen Butler, 71 Tallowwood, describing the proposed apartment building as an “eyesore,” expressed her concerns regarding the short time between the receipt of notification of the project plan and the Planning Board meeting. She commented that she had spoken to “at least fifteen people residing in Tallowwood who opposed the plan” but were unable to attend the meeting because of prior commitments.

Mr. Greg Laniewski, 115 Tallowwood Drive, spoke in opposition to the proposal stating that “with the roof” the building appeared to be nearly four stories high with patios reminiscent of “a resort.” He believes that the proposed development would “jeopardize the creek area” which contains a recognized trout stream. He described the proposed parking as “too restrictive.” Mr. Ferraro pointed out that the proposed parking meets zoning code requirements.

The resident of 206 Tallowwood Drive objected to “Mooney Way becoming a driveway for the apartment complex” and recommended that parking restrictions be placed along Mooney Way. He expressed concerns for the children who play on or near the roadways within Tallowwood since drivers travel through the development at very high rates of speed.

Mr. Laniewski interrupted the discussion commenting that the “project doesn’t work for anyone.” Mr. Ferraro explained that, although residents of Tallowwood may not agree with Town Center zoning, the plan as presented by the applicant meets current zoning regulations.

Ms. Laurie Morse, 134 Tallowwood, explained that current parking restrictions which limit parking on one side of Tallowwood Drive as a designated fire lane and the other side to “no parking after 11:00p.m.” severely impacts traffic flow through the community: the additional traffic

generated by the proposed project would be “invasive.” She questioned why many Tallowood residents did not receive notification of the application.

A resident of Tallowood, observing that the proposed entranceway to the complex located in closer proximity to Tallowood Drive than Maxwell Road, believes that the location would increase the likelihood of accidents. He was concerned that that building’s proposed location approximately 30’ from the property line at the intersection of Mooney Way and Maxwell Drive would obstruct visibility for those traveling on both roads. The speaker stated his preference for the relocation of parking to the front of the site with the building moved to the rear of the parcel as [an example] it was designed for the office building constructed on the opposite side of Maxwell Drive.

Mr. Greg Laniewski again spoke from the rear of the room to question management of the proposed fire pits that were indicated on the plan as part of the building’s design. Mr. Ferraro responded to the comment, stating that such amenities would be required to be operated “in accordance with all fire code requirements.” In response to Mr. Laniewski’s question regarding whether or not there would be continuous on-site management, Mr. Zdrahal assured Board members and the audience that the facility would have such management for the “building and grounds.”

When Ms. Morse, who had spoken earlier, asked Board members to “put into perspective” a previous 3-lot subdivision application with the proposed apartment building, Mr. Ferraro explained that the comparison involved the application of differing zoning regulations. The subdivision considered by the Board earlier in the evening involved a parcel situated within the R-1 zoning district: the Rosegate apartment application under consideration at this point involved development within the TC2 zoning district which is included within the Town Center development area. He noted, however, that although a project may comply as a permitted use and meet zoning requirements, the Planning Board may place conditions upon the project to mitigate potential impacts.

Mr. Neubauer, responding to a shouted outburst from the audience that “this project is too big,” attempted to amplify Mr. Ferraro’s comments regarding Town Center zoning. He explained that the Town Board had in 2015 adopted amendments to the Town Zoning Code that would encourage the development of a “walkable community” composed of residential, office, and commercial uses as well as public spaces as part of a bolder plan to create a viable “town center.” Noting that a PDD calling for the construction of twelve (12) buildings with approximately the same number of units proposed in this application was approved several years ago, he pointed out that the building now under consideration would result in less sprawl and less traffic. The Board, discussing the project plan at this meeting for the first time, encourages a “dialogue” between Planning Board members, stakeholders, and the public to create an acceptable project. Although Mr. Jones explained that the Planning Board called for input from the public on every project it reviewed, Mr. Neubauer underscored the fact that the Board “technically does not have to deal with Tallowood’s on-going cut-through traffic problems.” Mr. Ferraro, addressing the issue of non-residents traveling through the development, however, recommended that the situation be reviewed by the Highway Safety Committee and that some thought be given to mitigation measures – such as conversations with Schuyler Ridge administrators (since that appears to be the

destination of many who use Tallowwood as a short cut) – to improve the existing traffic issues experienced by Tallowwood residents.

In response to a question from the floor, Mr. Zdrahal explained that the apartment building will include studio, one-bedroom and two-bedroom apartment units, although a majority will be one-bedroom units.

A resident of 191 Tallowwood Drive asked that the Board to consider mitigating issues “on the thoroughfare that exist now.” He expressed concerns for the impacts to adjacent wetland areas and contamination of the stream because of their proximity to the development site. Mr. Scavo explained that the stream which traverses the property is held under private ownership and that it is necessary to work with the owner (as has been done in the past with thermal impact studies) to “clean up the area.”

Mr. Howard Nichols, 168 Tallowwood, out of concern “for all the residents of Tallowwood” called for the Board to require the applicant to change the entranceway to the apartment building from Mooney Way to Maxwell Drive.

Mr. Ferraro explained that the Tallowwood neighborhood is situated adjacent to the area designated by the Town Board to be a part of the Town Center development area. Zoning adopted in 2015 allows for a density increase on properties within the area and provides specific guidelines for building orientations, architecture, and site amenities such as sidewalks to achieve a “walkable downtown.”

In response to an unidentified member of the audience who questioned the amount of clearing necessary to develop the site, Mr. Zdrahal stated that approximately two (2) acres – or half of the site - will be cleared. Mr. Ferraro noted that a portion of the site used for stormwater management, though slated for clearing and grading would be reclaimed as green area.

In response to Mr. Ferraro’s question regarding the incorporation of green infrastructure into the stormwater management plan, Mr. Zdrahal stated that the design utilizes infiltration to the greatest extent practicable. Mr. Ferraro addressed the notification issue, advising residents to keep abreast of town activities by signing up for alerts and agendas on the town website.

Ms. Laniewski, 115 Tallowwood, expressed concerns regarding the lack of crosswalks from the westerly side of Maxwell Drive to the easterly side and the difficulty in crossing the busy roadway, particularly when snow is not removed in a timely manner. She called for a review of the situation. Mr. Ferraro called her attention to the comments provided to the Board by Ms. Viggiani, Open Space Coordinator, which the Board will consider during its review of the application.

When questioned about the limited 500’ boundary requirement for notifications, Mr. Ferraro stated that the applicant had complied with the law and he again pointed out that information regarding meetings and agendas was now readily available on line. Mr. Ferraro acknowledged the residents’ concerns with traffic safety and encouraged them to discuss the issues

with the Traffic Safety Committee. Mr. Ophardt, a member of that committee, stated that there are “some strategies” that may be considered to alleviate some of the traffic problems.

One resident complained that some visitors now park on the grass along Mooney Way to use the basketball courts resulting in a narrowing of the travel lanes.

In response to a question regarding the placement of a dumpster on the site and the potential for noise associated with its emptying, Mr. Olsen, architect, explained that trash will be managed internally through the use of compactors.

Mr. Jones asked whether or not the applicant had considered accessing the apartment building from Maxwell Drive. Mr. Zdrahal explained that an access location on Maxwell Drive did not appear feasible due to the steep slopes along the roadway. Mr. Ferraro observed that there was a possibility for such access through modification of the grading plan or the use of retaining walls. Mr. Neubauer agreed that such access “should be investigated” though it “may be more challenging.” In response to Mr. Jones’ question regarding intrusion into the designated wetland areas, Mr. Zdrahal explained that the minimal impacts were covered under the nationwide permitting process. Though Mr. Ferraro expressed concern about the impact of site grading on the wetlands, Mr. Zdrahal explained that existing soil conditions will allow for considerable infiltration. Mr. Scavo noted that pre-existing drainage patterns must be maintained. Although Mr. Ferraro encouraged the applicant to consider alternate green infrastructure methodologies for stormwater management, Mr. Zdrahal argued that infiltration and the use of permeable paving within the patio areas would work best to drain the site. Mr. Neubauer suggested that the applicant evaluate the installation of rain gardens and/or bio-swales near the landscaping proposed to surround the building. Mr. Zdrahal agreed to consider the additional vegetation, though he cautioned that the location of yard drains and conductors may make such plan modifications impractical. Mr. Ophardt observed that it may be possible to add infrastructure along the easterly side of the proposed drive between the driveway and the building. Mr. Andarawis pointed out that the Form Based Code required the installation of sidewalks along the westerly side of Maxwell Drive, though Mr. Zdrahal explained that there is an existing sidewalk on the easterly side of Maxwell Drive and that construction of a sidewalk along the westerly side of the road would be difficult due to the presence of steep slopes. Mr. Ferraro focused on the Form Based Code’s sidewalk requirement, explaining that one of the principal goals of the Town Center Zoning legislation was to create an integrated, walkable town center. Responding to his comment regarding the discrepancy in the locations of sidewalks on the site plan and the architectural rendering submitted for consideration, Mr. Zdrahal explained that the architectural rendering was prepared before the site plan and was prepared to highlight the building design rather than surrounding site improvements. Mr. Neubauer commented that sidewalk installation would be a major component of the site design and asked that the consultant provide rationale for the most desirable location for the amenity. Mr. Jones stated his support for a sidewalk along Mooney Way since there is an existing walkway on the easterly side of Maxwell Drive. Mr. Scavo noted that a crosswalk at an unsignalized intersection such as the one at Maxwell Drive and Mooney Way may create a safety hazard. He recommended the installation of beacons or some other type of approved warning device to alert drivers of a pedestrian crossing. Mr. Neubauer reiterated the fact that the sidewalk design element was required by code but that its location could be determined by

consultation with Ms. Viggiani, Open Space Coordinator and representatives of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee.

Mr. Neubauer explained that, pursuant to Form Based Code requirements, the applicant appeared before the TAC to discuss project plans at a conceptual level. During that discussion there was consideration of how the proposed plan relates to the surrounding community, the relationships between buildings, parking lots, and streets, pedestrian and vehicle accommodations, and connections between public and private spaces. Mr. Neubauer reported that the applicant “has been very responsive” to the comments issued by the TAC which encourages “more dense buildings along sidewalks where people would like to walk.” He found the plan presented at this evening’s meeting “in pretty good compliance” with code standards. Though the building is situated at a 30’ setback location, the retaining wall creates a visual statement at the 15’ setback line. He found that the plan met the architectural standards as outlined in Chapter 5 of the Form Based Code. Mr. Ferraro commented that he found the building’s entryways appealing, but labeled other site constraints as “challenging.” Mr. Jones asked that the Highway Safety Committee review the traffic safety issues including travel speeds along Maxwell Drive and through the Tallowood neighborhood, restricting Mooney Way to a one-way street, parking lot access, and parking along Mooney Way. Ms. LaSalle explained that visual cues such as buildings, sidewalks, and landscaping all tend to be “traffic calming” and that the development as presented may tend to lower traffic speeds along the Maxwell Drive corridor. Mr. Ophardt stated that he found the proposed site development “generally pleasing.” Though Mr. Ferraro found the transportation issues troubling, he found that the site plan generally conformed to Form Based Code requirements and that the landscaping “appears robust.” He encouraged the applicant to consider the use of green infrastructure strategies to a greater extent, particularly within the proposed parking areas. He labeled the traffic safety issues expressed by Tallowood residents as “legitimate concerns” and recommended that they work with the Highway Safety Committee to resolve them.

Discussion Items:

[2016-035] **Hoffman Office Building** - Proposed 45,000 SF two-story office building, 1766-1768 Route 9 – Extension of site plan approval granted January 24, 2017. SBL: 272.1-1-1

Mr. Scavo explained that the Planning Department has received a request from Mr. Gavin Vuillaume, consultant for the applicant for the above-referenced site plan for an extension of the approval that was granted on January 24, 2017. Mr. Vuillaume explains in his correspondence that the applicant is “still in the process of addressing final comments and obtaining NYSDOT and other outside agency approvals.” The request is made pursuant to Section 208-120B of the Town Zoning Code reads as follows:

The Planning Board may, in its sole discretion, at the applicant's written timely request and, in any event, at least 30 days prior to the expiration of the initial one-year approval, grant the applicant an extension of time within which to comply with the site plan, provided that the applicant has made reasonable, good faith efforts to complete construction and implement the site plan as provided within the aforesaid one-year period, and further provided that such extension shall in no event exceed one year. No further extensions shall be permitted.

Board members agreed that the request was reasonable.

Mr. Andarawis moved, seconded by Mr. Ophardt, to grant a one year extension to this site plan. The final expiry date of the site plan approval will be January 24, 2019. The motion was unanimously carried.

Town Center Form Based Code Expansion Advisory Committee

Mr. Ferraro reported that the Town Center Form Based Code Expansion Advisory Committee held its organizational meeting recently. The Committee is charged with updating code requirements within the west side of the Route 9 corridor between Sitterly Road and Old Route 146. Mr. Ferraro expects that meetings with the public and involved stakeholders will be scheduled in early 2018 to discuss proposals for the expansion of Town Center area and necessary zoning changes for their implementation.

Mr. Ophardt moved, seconded by Mr. Jones, adjournment of the meeting at 10:100p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on January 9, 2018.

Respectfully submitted,

Janis Dean, Secretary

NOTICE OF DECISION

Resolution #11 of 2017

At a meeting of the Planning Board held at the Town Hall of the Town of Clifton Park, Saratoga County, New York, One Town Hall Plaza on December 12, 2017 there were:

Present: R. Ferraro, Chairman, D. Bagramian, J. Jones, A. Neubauer, E. Ophardt
T. LaSalle – Alternate Member

Absent: E. Andarawis, G. Szczesny

Mr. Jones offered Resolution #11 of 2017, and Mr. Ophardt seconded, and

Whereas, an application has been made to the Planning Board by Bruce Tanski Construction for approval of a subdivision entitled Subdivision of the Lands of Donald and Beth Hunter consisting of (3) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on December 12, 2017;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on December 12, 2017;

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

Now, therefore, be it resolved that the final hearing for this application is waived and the subdivision plat entitled Subdivision of the Lands of Donald and Beth Hunter consisting of (3) lots is granted preliminary and final approval conditioned upon satisfaction of all items listed in the final comment letter issued by the Planning Department.

Resolution #11 of 2017 passed 12/12/2017

Ayes: Neubauer, Bagramian, La Salle, Jones, Ophardt, Ferraro.

Noes: None

Rocco Ferraro, Chairman