

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

PLANNING BOARD

ROCCO FERRARO
Chairman

PAUL PELAGALLI
Attorney

JANIS DEAN
Secretary



MEMBERS

Emad Andarawis

Michael Hale

Joel Koval

Eric Ophardt

Kim Paulsen

Tom Werner

(alternate) Eric Prescott

Planning Board Meeting
November 13, 2013

Those present at the November 13, 2013 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, M. Hale, J. Koval, E. Ophardt,
K. Paulsen
T. Werner arrived at the meeting at 8:00p.m.

Those absent were: E. Prescott – Alternate Member

Those also present were: J. Scavo, Director of Planning
J. Bianchi, M J Engineering and Land Surveying, P. C.
P. Pelagalli, 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 there are three upcoming events that would be of interest to those concerned with municipal planning. CDRPC and the NYS Department of State Division of Local Government Services will be hosting a free *Environmental Quality Review Act Workshop* on Wednesday, December 4, 2013 from 5:00 p.m. to 9:00 p.m. at Hudson Valley Community College in Troy. Sessions include State Environmental Quality Review Act (SEQRA) Basics and SEQRA new Environmental Assessment Forms (EAFs). The Saratoga County Zoning and Planning Conference that is held annually in January provides information on a wide variety of planning issues. The Environmental Clearing House of Schenectady, Schenectady County Environmental Advisory Council, and Union College will sponsor a conference entitled *Climate Change: Adaptation and Building Resiliency in Our Communities* on

Friday, January 24, 2014 at Union College in Schenectady. Among other topics, featured workshops will include information on regional climatic trends, smart growth, and ecosystem and public health impacts.

Minutes Approval:

Mr. Ophardt moved, seconded by Mr. Hale, approval of the minutes of the meeting of October 22, 2013 as written. The motion was unanimously carried.

Public Hearings:

[2013-030] **Briscoe – Grooms Road (Subdivision of the Lands of Briscoe Property Ventures, LLC** – Proposed (2) lot subdivision, 557 Grooms Road – Preliminary public hearing and possible determination. SBL: 277.-3-35

Mr. Ferraro explained the review and approval process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. He explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the subdivision application.

Mr. Ophardt moved, seconded by Mr. Koval, 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 4, 2013.

Ms. Gina Briscoe, applicant, presented this application that remains generally as presented at the September 24, 2013 Planning Board meeting. Many of the items of concern identified by Mr. Scavo and the Town Engineer have been addressed. Mr. Schauffert, consultant for the applicant, forwarded written responses to all of the comments in correspondence received by the Planning Department on October 22, 2013.

Mr. Scavo reported that comments received from Mr. Myers, Director of Building and Development and from the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee have been forwarded to all Board members.

In Mr. Montague’s absence, Mr. Scavo reported that the ECC offered one comment on the application. The applicant should permanently mark the boundary of the 100’ NYSDEC wetland buffer zone on the newly created lot.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments in a memo dated November 9, 2013. He notes that the existing house

located at 557 Grooms Road [Lot #1 on the proposed plan] is “pre-existing and non-conforming” because it does not meet the required front yard setback. Any expansion will require approval of a variance from the Zoning Board of Appeals. The existing house is currently served by an individual septic system which may remain as long as the system functions properly even though municipal sewer service is available. Any failure of the system, however, will require sewer connection to the public system per town law. The new residence must connect to the municipal sewer system.

Mr. Scavo offered comments provided by the Planning Department. The applicant must add the following note to the final subdivision:

This parcel (subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation, and other associated activities. A study describing this impact in detail is available for inspection in the offices of the Albany International Airport.

Prior to the stamping of the final subdivision plan, the appropriately assigned 911 addresses for each must be added to the map.

Mr. Bianchi reported that, after review of the preliminary subdivision plan, M J Engineering and Land Surveying, P.C. reported that all technical comments had been satisfactorily addressed.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the applicant verify the exact amount of right-of-way available from the edge of pavement and provide any additional land needed to provide a full 15’ right-of-way from the edge of pavement to provide for future roadway improvements or trail development.

Ms. Briscoe explained that she has opted to pay the \$850.00 parkland fee rather than provide additional land to extend the right-of-way because there was a drainage ditch along the property’s frontage that would require the strip to be moved quite close to the existing residence on Lot #1.

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

Although Mr. Ophardt requested that the boundary of the delineated L-C zone which traverses the property be identified by the installation of split-rail fencing, Mr. Koval recommended the use of signage to identify the boundary since there were existing mature trees to the rear of the properties. Mr. Ferraro supported the recommendation of some type of permanent identification marker to ensure non-disturbance of the L-C zone. In response to Mr. Ferraro’s question regarding the status of the existing pole barn on Lot #2, Ms. Briscoe explained that it would be preserved. A discussion of the recommended easement along the property’s frontage for future trail development ensued. Mr. Scavo explained that although several applicants have agreed to provide easements along roadways for trail development in lieu of payment of parkland fees, the Town Code does not require such conveyances. Although Mr.

Ferraro pointed out that the comprehensive trails plan for the town calls for trail development along Grooms Road and that the granting of additional right-of-way by the applicant may be beneficial in the future, Mr. Scavo explained that, in this instance, such a condition of approval would be considered “a taking.” Citing a similar situation along Crescent Road where a trail is currently being constructed, he noted that future trail development along Grooms Road would likely entail eminent domain proceedings, proof that land is needed to provide for the public good, and fair and just compensation to the property owners. Mr. Pelagalli pointed out that the Briscoe property presents a particularly difficult problem because it fronts a County – rather than Town – roadway. Mr. Scavo commented that trail construction along the northerly side of Grooms Road in the area of this subdivision would be difficult since there is a significant drainage ditch along the roadway. Mr. Ferraro asked that, in order to minimize opposition to trail creation in the future, a note be added to the subdivision plat which states that future trail development may occur within the Grooms Road right-of-way.

Mr. Koval offered Resolution #16 of 2013, seconded by Mr. Ophardt, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned specifically upon the installation of appropriate signage to identify the boundary of the L-C zone, a note on the plan that states that it is likely that trail development will occur within the Grooms Road right-of-way, satisfaction of all comments provided by the Planning Department, and all items listed in the final comment letter issued by the Planning Department. Ayes: Ophardt, Paulsen, Andarawis, Hale, Koval, Ferraro. Noes: None.

[2012-020] **Frame Addition SUP** – Amendment to Special Use Permit #80871 to allow customer access to the accessory use, 84 VanVranken Road – Review and possible determination. SBL: 288.-1-25

Mr. Donald Frame, applicant, explained that he was prepared to comply with several conditions imposed by the Planning Board when it approved Special Use Permit #80871 on July 10, 2012 which permitted him to construct a 600 SF addition to his existing residence to allow for installation of a commercial kitchen as an accessory use to his home. After applying for a building permit, however, the applicant found that it would be necessary for him – among other requirements - to construct a handicapped accessible ramp leading directly from the driveway to the kitchen. Since he was required to construct the ramp in order to receive a Certificate of Occupancy and be “code compliant,” Mr. Frame asks that the Planning Board approve an amendment to the Special Use Permit that would allow customers to visit the property to pick up trays of cookies. Mr. Frame also stated that New York State Building Code requirements mandated that he construct a handicapped accessible restroom within his home. Braille signage was also required.

Mr. Scavo reported that the ECC found the project acceptable and offered no comment or recommendation on the amendment.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comment in a memo dated November 9, 2013. Referencing Section 208-7(4)(h) of the

Town Code, Mr. Myers states that customer vehicles would be allowed on property operating a home occupation.

Mr. Scavo reported that the Planning Department found the proposed amendment acceptable.

Mr. Koval moved, seconded by Mr. Andarawis, to reaffirm the SEQRA determination that was issued at the July 10, 2012 Planning Board meeting that established the Planning Board as Lead Agency for the application, an unlisted action, and issued a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Ms. Paulsen offered Resolution #17 of 2013, seconded by Mr. Ophardt, to grant preliminary and final approval to this amendment that would allow customers to pick up baked goods at 84 VanVranken Road. In accordance with the definition of *home occupation* found in Section 208-7 of the Town Code, no more than two customer vehicles may be parked “on site or off site” at one time. Ayes: Ophardt, Paulsen, Andarawis, Hale, Koval, Ferraro.

Old Business:

[2012-030] **Crescent Woods** – Proposed (61) lot cluster subdivision, 1567 Crescent Road – Revised conceptual review. SBL: 283.-2-8

Mr. Kevin Dailey, legal representative for the applicant, explained that the subdivision plans submitted for the Board’s consideration at this evening’s meeting have been revised in accordance with comments issued by the Director of Building and Development, the Director of Planning, Planning Board, and the Town Engineer at previous meetings. He presented a brief history of zoning regulations and distributed copies of current cluster legislation to each of the Board members. He explained that the conventional plan has been prepared based upon R1 residential zoning requirements which call for a minimum lot size of 20,000 SF, minimum lot frontage of 100 feet, minimum front yard setbacks of 50 feet, side yard setbacks of 10 feet, and rear yard setbacks of 25 feet. Utilizing these specifications, the total number of conventional lots illustrated on the plan is forty-six (46). Calculating the number of buildable lots permitted by cluster subdivision legislation, Mr. Dailey contended that sixty-one (61) lots would be allowed: the cluster subdivision plan included with this application illustrates this number. The setbacks proposed for the cluster plan are shown as follows: minimum 30 foot front yard setback; minimum 10 foot side yard setback; minimum 25 foot rear yard setback. The speaker noted that the clustered lots are similar in size to the adjoining lots along Pico Road and much larger than the townhouse lots they border. He explained that the designs for the homes within the subdivision have been chosen with those who are “downsizing” in mind: the targeted marketing group would generally be those over 55 who currently reside in the town who are looking for smaller homes. He discussed the subdivision lay-out, noting that there are two entrances along Crescent Road to preserve the existing “streetscape,” a “looped roadway” that provides access to all lots, a 5-acre “homestead” lot retained by the current owner, a 40’ separation between foundations and wetlands, trails that connect to adjoining subdivisions at Pico Road, Thoroughbred Way, and Crescent Road, and connection to public sewer and water services.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application in a memo dated November 9, 2013. Mr. Myers referred Planning Board members to the numerous comments issued for the September 13, 2013 meeting and provided several additional ones. Lot sizes cannot be determined, though it appears that setbacks have been standardized. The wetland buffers intrude into many of the proposed building envelopes: a full scale submittal may result in several lots being declared unbuildable. A lift station is proposed on a proposed building lot: this should be situated on its own parcel. The separation distance between the proposed entrance roads must be indicated on the plan. Mr. Myers commented that the “lack of information with the submittal makes a full review impossible.”

Mr. Scavo read comments issued by Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, in a memo dated November 12, 2013. The subdivision plan must provide a minimum distance separation between the entry roads of 300 feet. When the number of lots has been decided and the lay-out design approved, the Postal Verification Form must be submitted and appropriate postal addresses included on the final plat.

Mr. Scavo offered comments prepared by the Planning Department. He noted that on October 12, 2013, the project was presented as a seventy-six (76) lot cluster subdivision. The current configuration has reduced the proposed cluster subdivision to sixty-one (61) new residential lots with one existing residence for a total lot count of sixty-two (62). Future plans should clearly identify the ACOE wetlands and documentation of jurisdictional authority should be provided. The existing residence and surrounding lands should be identified and a note added to the subdivision plan that states that the five (5) acre parcel will be deed restricted: no future subdivision or development of the lot will be permitted. The width of the no-cut buffer should be shown on the plan. As plans progress, additional site statistic information must be added to the plan. At this time, the Planning Board should consider whether to accept the conventional lay-out sketch plan and determine if the proposed cluster subdivision is “a preferred option for development for the applicant to pursue.” Per section 179-35(B)(2) of the Town Code, the Planning Board may consider “factors or features of the property which shall be used as guidelines in its determination as to whether cluster preference shall be granted. Among the factors to be considered as guidelines are the following: “freshwater wetlands, NYSDEC classified watercourses or those mapped on the Town’s Official Stream Protection Map, flood hazard areas as mapped on the Federal Emergency Management Agency’s Flood Insurance Rate Map, critical environmental areas as designated by the Town Board, aquifer recharge areas as mapped on the Town’s Official Aquifer Protection Map, slopes in excess of 18%, and other areas of scenic significance as may be identified by the Planning Board.”

Mr. Scavo read comments provided by Mr. Montague, Environmental Specialist. The ECC issued a number of comments and recommendations regarding this application. The applicant should clearly identify the area being used for wetland mitigation on the subdivision plan. The ECC notes that sensitive environments exist on the proposed project site: 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, during construction and occupation of the project. The applicant should differentiate common space from undisturbed space on the subdivision plan. For example, the plan indicates that the existing house will be occupied; however, it does not indicate if there will be common space or undisturbed space adjacent to the house. The ECC notes that the project as proposed will result in intrusion into Federal Jurisdictional Wetlands. The applicant must apply for a Federal Wetlands Permit for disturbances of more than 1/3 acre in total for the project. The Town of Clifton Park should be provided with copies of all related correspondence.

Revised plans submitted for review at this evening's meeting were not reviewed by the Town Engineer because the Planning Board must determine whether or not the overall lot calculation is acceptable.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Riverfront, and Trails Committee, commented that the subdivision plans show the trail connection to Crescent Estates Aspenwood as "dead-ending" in the backyard of privately held lands. This trail connection must be fully designed and constructed through existing town-owned land to Pico Road. Due to the sensitive nature of the area, this trail connection should be constructed of stone dust and boardwalk. All other trails should be constructed of asphalt. The internal trail that directly borders Lot #50 should be relocated to 30' beyond the parcel boundary in accordance with the design standards contained within the 1999 Clifton Park Trails Master Plan. Mr. Hartnett encouraged the installation of "some form of buffering to avoid future conflicts between the trail and the homeowner." The proposed trail to Village Green should be extended through the existing parkland to provide a connection to Weston Drive. The applicant should provide a connection to Bradford Pointe/Carrington Court via a crosswalk and trail connection that would allow residents of several existing subdivisions to the north of Crescent Road to "safely access the Crescent Road Trail." The applicant fails to show a trail connection to the Countrymen Estates neighborhood. Mr. Hartnett recommended that the applicant provide a "playground or other form of recreation" in front of the neighborhood. The subcommittee asks that the applicant work with the Highway Department to utilize the standard bike stencil the town has adopted to "show trail users how to connect to Okte Elementary School via Crescent Estates Aspenwood."

Ms. Gail Long, 71 Pico Road, explained that residents of adjoining subdivisions have reviewed the proposed subdivision plans on several occasions. She noted that previous plans submitted for review indicated an area of wetlands in the northwesterly portion of the property and asked why more recent plans do not show this wetland area. The speaker also asked for information regarding the sizes of lots that border existing properties on Pico Road and the width of the proposed buffer between existing properties and new lots. She explained that she was opposed to the construction of a "lift station" near existing properties since such facilities were often noisy and odorous.

Mr. Dailey commented that original plans included "probable wetlands" while revised plans showed delineated wetland areas. He explained that a 40' wide non-disturbance buffer would be provided between existing residences and proposed new homes.

Mr. Patrick Long, 71 Pico Road, reiterated his wife's concerns regarding apparent discrepancies in wetland delineations between previously submitted plans and current ones. Referencing Mr. Dailey's comments regarding seniors as the possible target market for potential homeowners, he asked if the Board knew how many units within The Bentley [a condominium complex located behind Village Plaza specifically designed for seniors) had been sold. Mr. Ferraro commented that sales of units within other types of complexes were irrelevant to the discussion since seniors, as others, seek a variety of lifestyles.

Mr. Philip Moore, 25 Weston Drive, reported that his sump pump runs nearly continuously to rid his basement of water and he expressed concerns that water displaced from the proposed development would add to his problem. He was also concerned that the increased traffic would further impact existing poor levels of service on Crescent Road. His third concern was that the school district would be unable to accommodate additional students.

Mr. Eric Hamilton, 67 Pico Road, asked the Board to consider concerns outlined in letters to the Planning Board prepared on September 6 and November 11, 2013. He commented that the lot to be retained by Mr. Scott should be shown as "a lot" rather than as a green, open space area.

Mr. Eric Herman, 18 Patriot Circle, observed that the proposed cluster subdivision plan proposed a 40' non-disturbance buffer between existing residences and proposed homes, stating that he found this plan more acceptable than the conventional plan which provided no buffering. He questioned, however, how such a buffer would be protected.

Mr. Dailey addressed Mr. Herman's concerns, explaining that enforcement would rest with the Homeowner's Association and be reinforced by deed restrictions. He explained that the Town of Clifton Park may be included as a "non-dues paying" member of the HOA, thereby receiving enforcement powers. Mr. Pelagalli pointed out that the Town must be amenable to such an arrangement and explained that adjoining neighbors have no enforcement authority since it is only those "who have taken from a common grantor" that would have that right.

Ms. Judy Puig, 11 Mystic Lane, reported that she has constant drainage from the adjoining property in her back yard and she asked where run-off from the proposed development would flow.

Mr. Ferraro explained that new stormwater management regulations issued by NYSDEC require that stormwater be contained on site. Mr. Scavo supported Mr. Ferraro's comment, stating that new regulations require that there be no additional discharge or outflow from the development site to adjoining properties after site development: retention and detention ponds, green practices, and other methods of stormwater management must be employed to prevent negative impacts to adjoining properties.

Ms. Puig stated her concerns with the possible negative impacts the development would have on existing traffic patterns.

A member of the audience asked if a traffic study had been prepared. Mr. Dailey stated that, to date, the applicant has not authorized the preparation of a traffic study.

Mr. Koval stated that “the conventional plan is making more sense” and that the project plan has “come a long way.” Mr. Hale concurred, stating that the conventional plan presented “provides a realistic basis” for determining a reasonable number of cluster lots. Addressing drainage concerns, he stated that Chapter 5 of the new Stormwater Regulations requires the use of green practices for stormwater management. Speaking to the issue of traffic impacts, he stated that “the only way to reduce traffic impacts” was to connect new developments to existing secondary streets. Recognizing that such connections were not possible in this instance, he described the proposed plan as a “better form of sprawl.” Mr. Ophardt stated his support for the proposed cluster subdivision, though he commented that a cluster plan should set aside open space or “provide a benefit to the community.” Mr. Dailey explained that the plan preserves a significant open space area along Crescent Road and has “greenbelts” throughout the subdivision that work to create “clusters” of housing. In response to Mr. Ophardt’s question regarding trail connections, Mr. Dailey stated that trail connections will be made to adjoining neighborhoods: greater detail regarding trail locations and construction will be provided as preliminary plans are prepared. Referencing Trail Subcommittee recommendations for the use of “stone dust and boardwalks” for trail construction in some areas, Mr. Ophardt asked if the applicant had considered the types of materials to be used for trail construction. Mr. Dailey explained that boardwalks would be required for the “six short hops” over water features and that the developer would attempt to “tap into the aesthetic features of the site” when planning trail locations and appropriate construction materials. In response to Mr. Ophardt’s question regarding connection to the existing Crescent Waster Treatment sewer system, Mr. Daily reported that the applicant would prefer to install a “gravity feed” system to the existing facility on Pico Road and that there would be no problem connecting the “new system” with existing lines. Mr. Koval stated that he found the proposed entranceway, which is similar in design to the Settler’s Hill subdivision, visually appealing. Mr. Andarawis agreed that the design of the entranceway was attractive. He supported the Trails Subcommittee’s recommendation that a playground or recreational area be provided – or easily accessible – for residents of Crescent Woods. Mr. Dailey noted that the subdivision has easy access to an existing park area within the Village Green subdivision. In response to Mr. Ophardt’s question regarding the applicant’s “target market” of those over 55 years of age, Mr. Dailey stated that sales would not be restricted to a particular age group. Explaining that a workable conventional plan was necessary to form a basis for determining the number of lots within a cluster subdivision, Mr. Ferraro labeled the design plan “much improved” and found that the proposed sixty-one (61) new lots and one (1) homestead lot appeared reasonable. He observed that details regarding trail location and development would be required as plans progressed. In response to his question regarding the construction of internal sidewalks, Mr. Dailey stated that applicant would prefer to install trail connections to form connections with adjoining neighborhoods. Stating that he believes that the applicant did “a credible job of addressing concerns raised by Board members,” Mr. Ferraro stated that he believes that the cluster subdivision consisting of sixty-one (61) new lots and one (1) homestead lot appears acceptable and preferable to the conventional design. It appeared that Board members agreed with this conclusion.

New Business:

[2013-036] **Fairchild Square Lot C Amendment** – Site plan amendment, 1 Fairchild Square – Review and possible determination. SBL: 259.-2-83.11

Mr. Pelagalli explained that since he currently serves on the Board of Directors for the Helping Hands School he would be unable to provide legal advice regarding this application.

Mr. Tom Andress, consultant for the applicant, explained that this application represents an amendment to the approved Fairchild Square site plan. He stated that a previous amendment to the original site plan for Lot C approved the construction of a 14,000 SF building along the southern border of the lot. Helping Hands School, which currently serves special needs children in a facility located in the Town of Halfmoon, found the location suitable for its school and received a use variance from the Zoning Board of Appeals to operate its facility within the Light Industrial complex. Architects designing the building worked independently of Mr. Rekucki [applicant] and to design an 18,100 SF building which would be compliant with square footage requirements mandated by the New York State Office of Family and Child Services and the New York State Education Department. The applicant proposes to compensate for the extra building size by removing the 4,100 SF of office space from the proposed addition to the main Fairchild building. Mr. Andress stated that the “minor site changes” result in the same amount of parking. 40% green space will be maintained. He reported that twelve (12) of the “landbanked” parking spaces were relocated and two (2) additional “landbanked” spaces have been added to compensate for the fourteen (14) spaces displaced by the building’s increased footprint. Mr. Andress explained that the Building Department has prepared a Building Permit and he asked that the Planning Board act on this amendment at this evening’s meeting to ensure that the prospective tenant will be able to move into the building by the summer of 2014. It is imperative that the building be completed by late spring or early summer to allow time for tenant fit-ups before the start of the school year.

Mr. Scavo explained that Mr. Montague, Environmental Specialist, reported that the ECC offered the following comments regarding this application. The applicant should indicate the greenspace by a shaded or colored delineation on the site plan.

Mr. Scavo read the comments provided by Mr. Myers, Director of Building and Development, in a memo dated November 9, 2013. Commenting on proposed stormwater management, Mr. Myers notes that “a stormwater pond is located where the road to the adjoining parcel was to go:” clarification regarding changes to the stormwater management design is required. The end of pipe solutions are used with no consideration of other methods. The old stormwater area appears to be located adjacent to the new one. The applicant must clarify the reason for expansion of the proposed building area by an additional 4,100 SF. Mr. Myers points out that the applicant’s expressed need for quick action on the proposed amendment is not the Town’s fault: he observes that proper planning on the applicant’s part would have avoided scheduling issues. He recommends that a site plan that addresses the full proposed build out and related facilities on both parcels is required prior to approval on any further changes. The turning radius for full-sized school buses with the raised islands should be reviewed. The

number of handicapped spaces does not appear to be sufficient for the entire lot. The latest approved site plan illustrates a 7,000 SF building. The “incremental growth of this project as has happened on others is becoming a concern.”

Mr. Scavo announced that Ms. Reed, Chief of the Bureau of Fire Prevention, offered the following comments on this application in a memo dated November 12, 2013. The applicant is asked to provide a layout of the site to determine if it is accessible for emergency services. The proposed 18,100 SF building does not appear to have proper access for emergency services per the Fire Code of New York State. A new site layout must indicate the placement of all proposed fire hydrants. The applicant must identify the proposed use of the 4,100 SF addition to 1 Fairchild Square. Mr. Andress explained that he had discussed these concerns with Ms. Reed and that after revising turning radii within the parking lot to accommodate emergency vehicles and adding an additional hydrant to the site, Ms. Reed found the plans acceptable.

Mr. Scavo stated that many of the concerns identified by the Planning Department have been addressed by the applicant.

Mr. Bianchi explained that, after review of the proposed site plan amendment, M J Engineering and Land Surveying, P.C. offered the following comments. Initial comments related to SEQRA. It is understood that this application is an amendment to a previously approved plan. The Planning Board as the SEQRA Lead Agency can either make a determination that this amendment is consistent with the Board’s prior SEQRA findings and no further action is required or, alternatively, may re-initiate a new SEQRA review process specific to the amendments and make independent findings. Regardless of how SEQRA is dealt with, an updated environmental assessment form should be furnished as part of subsequent submissions to assist the Lead Agency in its decision-making process. The project resides within the Town’s L1, Light Industrial District. In reviewing Section 208-64 of the Town’s Zoning, the addition to the manufacturing spaces appears to be a permitted use within the L1 District. The proposal for a day care in the L1 District is not a permitted use, however, it is understood that the applicant has receive approval of a valid use variance from the Zoning Board of Appeals. The proposed amendments provide the minimum green space of 40%. The applicant must confirm whether or not the proposed stormwater facilities are included as part of the greenspace calculation. If this is the case, additional information would be required to demonstrate that the stormwater areas will be improved to form an integral part of the landscaping scheme which would enhance the overall aesthetics and serve the purpose of the greenspace requirements as outlined in Section 208-65(B) of the Town Zoning. Section 208-66(C) of the Town Zoning requires a specific architectural design in the L1 District. Since the amendments include changes to the building footprints, then it is believed it would be appropriate to furnish updated building elevations to demonstrate conformance to Section 208-66(C) of the Town’s Zoning, unless the applicant provides reason why such information would not necessary. The parking lot summary notes 11 banked parking spaces, but the plan notes 14: the notes and plan must be consistent. The parking summary notes that 238 spaces are provided. In reviewing the plan, there appears to be 3 spaces at the northwestern lot corner that are not physically on Lot C: the applicant must confirm that shared parking with an adjacent parcel is part of previously approved plans. The plan shows six accessible parking spaces included as part of the 237 parking spaces required by the Town’s

zoning law. Based upon ADA Standards for Accessible Design Section 4.1.2(5), when there are between 201 and 300 spaces, no less than seven accessible spaces are to be provided, with one of those spaces dedicated for van access. An additional space is required, with one being designated van accessible. There must be indication where on the site snow storage will be provided. There must be specific notation indicating that the minimum vertical cover will be provided over the sanitary and water lines that are passing through the stormwater management facility for the warehouse addition. The fifth note under "Notes" appears to be applicable to the previous change to Lot 2 and should be updated to reflect to current amendment. The applicant must indicate the proposed building height for the 28,928 SF addition to the existing warehouse. The amendments need to include additional information as follows: sediment and erosion control measures for all changes; a landscaping plan for the warehouse addition (if any proposed); updated cross sections and general details for any changes to the proposed stormwater facilities. The proposed site modifications are significant enough that M J Engineering and Land Surveying, P.C. would request an updated stormwater management plan.

Mr. Bianchi reported that that he has discussed items of concern with Mr. Address during the past several days and now believes that many of the comments issued by the engineering firm have been adequately addressed by the applicant.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Riverfront, and Trails Committee, commented that although the applicant shows a bike rack on the plans for the main office building, the location, installation details, or rack specifications for the daycare building are not shown on the plan. Mr. Address agreed to include a bike rack on the site plan.

In response to Mr. Werner's question regarding an updated comprehensive traffic plan for the site, Mr. Address reported that the plan has not been recently updated to include the school building. Mr. Werner asked that the transportation plan, including the location of stop signs, pavement markings, and other traffic signage as well as a description of the types of vehicles that would utilize the site be prepared and submitted for review. Mr. Scavo reported that the Planning Department does have a detail sheet that is illustrative of traffic circulation and signage throughout the site. In response to Mr. Werner's question regarding traffic associated with the Helping Hands School, Ms. Dianne Burke, Executive Director, reported that most of the 170 students served arrive on mini-vans which would utilize the VanPatten Drive entranceway and that the children "come and go" during the day.

Mr. Ferraro noted that the increase in building size resulted in a reduction in the rear setback from 32' to 25', and asked if any additional clearing would be necessary to accommodate the change. Mr. Address stated that the required setback will be met and that no additional clearing on the site will be required. In response to Mr. Ferraro's questions regarding snow storage and landscaping, Mr. Address explained that an area for snow storage was designated on the revised plan and that landscaping would be installed and enhanced as necessary. An enclosed outdoor play area will be installed to the west of the building. In response to Mr. Ophardt's question regarding fencing for the retention basin located to the east of the building, Mr. Address explained that, if necessary, split-rail fencing will be provided.

Mr. Werner moved, seconded by Ms. Paulsen, 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. Koval moved, seconded by Mr. Ophardt, to grant preliminary and final site plan approval to this site plan amendment conditioned upon satisfaction of all outstanding comments provided by the Planning Department, Town Engineer, and professional staff including the resolution of all stormwater management issues, and all items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

Mr. Werner moved, seconded by Mr. Koval, adjournment of the meeting at 9:45p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on November 26, 2013.

Respectfully submitted,

Janis L. Dean,
Secretary

cc: Planning Board Members, Planning Department, Supervisor, Assessor, Zoning Board, Department of Building and Development, Town Clerk, Town Board Members, Highway Superintendent, Lou Renzi, Town Attorney, Tom McCarthy, Town Attorney, Paul Pelagalli, Town Attorney, ECC, Clifton Park Water

NOTICE OF DECISION

Resolution #16 of 2013

Preliminary and Final Subdivision Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on November 13, 2013, there were:

Present: R. Ferraro, Chairman, E. Andarawis, M. Hale, J. Koval, E. Ophardt, K Paulsen,

Absent: T. Werner, E. Prescott – Alternate Member

Mr. Koval offered Resolution #16 of 2013, and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by Gina Briscoe for approval of a subdivision entitled Subdivision of the Lands of Briscoe Property Ventures, LLC consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on November 13, 2013;

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 November 13, 2013;

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 that the subdivision plat entitled Subdivision of the Lands of Briscoe Property Ventures, LLC consisting of (2) lots is granted preliminary and final approval conditioned specifically upon the installation of appropriate signage to identify the boundary of the L-C zone, a note on the plan that states that it is likely that trail development will occur within the Grooms Road right-of-way, satisfaction of all comments provided by the Planning Department, and all items listed in the final comment letter issued by the Planning Department.

Resolution #16 of 2013 passed 10/8/2013

Ayes: Ophardt, Paulsen, Andarawis, Hale, Koval, Ferraro

Noes: None

Rocco Ferraro,

Chairman

NOTICE OF DECISION

Resolution #17 of 2012

APPROVAL
Special Use Permit Amendment

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on November 13, 2013 there were:

Present: R. Ferraro, Chairman, E. Andarawis, M. Hale, J. Koval, E. Ophardt,
K. Paulsen

Absent: T. Werner; E. Prescott – Alternate Member

Ms. Paulsen offered Resolution #17 of 2013 and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by Don Frame, Jr. for approval of an amendment to Special Use Permit #80871 to permit customers to pick up baked goods at 84 VanVranken Road in accordance with Section 208-7 of the Town Code;

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 July 10, 2012 , and

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

Now therefore, be it resolved that the Planning Board grants preliminary and final approval to this amendment that would allow customers to pick up baked goods at 84 VanVranken Road. In accordance with the definition of *home occupation* found in Section 208-7 of the Town Code, no more than two customer vehicles may be parked “on site or off site” at one time.

Resolution #17 of 2013 passed 11/13/2013

Ayes: Ophardt, Paulsen, Andarawis, Hale, Koval, Ferraro

Noes: None

R. Ferraro,

Chairman