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PLANNING BOARD

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Michael Hale
Joel Koval
Eric Ophardt
Kim Paulsen
Tom Werner

(alternate) Eric Prescott

Planning Board Meeting
November 26, 2013

Those present at the November 26, 2013 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, J. Koval, E. Ophardt,
E. Prescott – Alternate Member

Those absent were: M. Hale, K. Paulsen, T. Werner

Those also present were: J. Scavo, Director of Planning
J. Bianchi, M J Engineering and Land Surveying, P. C.
M. Montague, Environmental Specialist
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 Mr. Prescott would be sitting as a full voting member of the Board in the absence of several members.

Mr. Ferraro reminded those present that 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).

Minutes Approval:

Mr. Ophardt moved, seconded by Mr. Andarawis, approval of the minutes of the meeting of November 13, 2013 as written. Ayes: Ophardt, Andarawis, Koval, Ferraro. Noes: None. Abstained: Prescott.

Public Hearings:

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

Old Business:

[2010-038] **Windhover Farms** – Proposed (25) lot subdivision, Grooms Road – Revised conceptual review. SBL: 276.-1-9

Mr. John Stevens, consultant for the applicant, presented this application for the Board's consideration, explaining that the design plan proposes the development of twenty-four (24) single-family residences on four (4) adjacent parcels totaling 131.12 acres of land located approximately one-third of a mile west of Grooms Corners within the CR (Conservation Residential) zoning district. The speaker offered a brief history of the property, explaining that the original development proposal entitled "Curnyn Meadows" was considered by the Town nearly eight years ago. A second plan prepared in 2008 requested approval of a forty-five (45) lot subdivision using incentive zoning was rejected by the Town Board. The proposed subdivision calls for the development of twenty-five (25) lots on a 39.5 acre portion of the site, establishment of an open space lot of 91.62 acres to be retained in private ownership, and conservation of wetland areas on the site by either deed restriction or conservation easement. Twenty-three (23) of the home sites will be "clustered" with lots ranging in size from .40 acres to .90 acres and be served by a proposed town roadway accessed from Grooms Road. A second access drive will be provided to the west of the proposed road. Of the four parcels, a parcel of 8.43 acres with access to Miller Road will be used for a single family residence on the upland: no subdivision of this parcel is proposed. Describing existing conditions, Mr. Stevens reported that of the total acreage, 74.99 acres are unconstrained as defined by CR zoning. Wetlands have been delineated on the site. Water and sewer utilities are located nearby and will be extended to serve the new home sites. All wetland areas will be preserved, either by conservation easement or deed restriction. Guidelines for calculating the number of lots require deducting the constrained land area from the total parcel: this results in 74.99 acres of buildable land. That number, multiplied by .33 units per acre results 25: the number of lots that may be created on the property. In accordance with Section 208-14(E)(2)(b), 50% of the site must be set aside for open space: the applicant proposes a set aside of 91.62 acres or 70% of the total. In addition, Section 208-14(E)(3)(a) states that a minimum of 25% of the unconstrained land must be set aside as open space. The acreage of unconstrained land to be set aside is 45.62 acres, representing 60% of the total uplands. A public roadway consisting of the entrance roadway onto Grooms Road and an emergency access/services secondary entrance will be dedicated to the Town. It is proposed that the secondary access will also offer access to the open space parcels. Stormwater

management will be accommodated on site. Endangered species and archaeological studies have been prepared.

Mr. Scavo explained that comments received from Mr. Myers, Director of Building and Development, Ms. Reed, Chief of the Bureau of Fire Prevention, the ECC, and the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee have been forwarded to all Board members.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments in a memo dated November 22, 2013. Mr. Myers describes this application as being in the “very preliminary” stage of the review process and comments that he does not believe that any action on the proposal can be taken “until the fire district boundaries are worked out.” He explained that the current subdivision plan indicates that current fire district boundaries split building lots and that changes to fire district boundaries require public hearings and votes: a process that takes a considerable amount of time. No Stormwater Pollution Prevention Plan has been provided and it would appear that end of pipe solutions for stormwater are being proposed which is “the last option - not the first:” as submitted, the plan is unacceptable. He commented that he believes that in order for all the “land area to be considered when calculating density, all the parcels would have to be combined” and he notes that the narrative states that at least one lot is already separate and that no change is planned. He questions why that 8.43 acre parcel is being considered as part of the application.

Mr. Scavo read comments prepared by Sheryl Reed, Chief of the Bureau of Fire Prevention regarding this application. Ms. Reed states that since the proposed subdivision is bisected by Rexford and Vischer Ferry Fire District boundary lines, both districts must agree on a boundary line adjustment. She explained that such an agreement and relocation of the boundary line requires each district to conduct a public hearing, approval of the revised service district area by officials, a positive vote by residents of each district, and formal acceptance by resolution by the Town Board. Describing the process as “time consuming,” she recommended that a preliminary lay-out be approved by the Planning Board before changes to the boundary lines are considered. She asked that no final approval be granted until there is Town Board approval of the revised fire district boundary lines. Ms. Reed asked that the applicant clarify whether or not the proposed roadway will be conveyed to the town, whether the proposed access road will be privately owned and maintained or conveyed to the town, whether the access road will be gated and used only by emergency service personnel, and if the subdivision will be served by municipal water.

Mr. Scavo provided comments issued by the Planning Department. He explained that revisions to the fire district boundaries mentioned by Ms. Reed must be conducted in accordance with Section 172a of Town Law. He asked that the applicant provide the acreage for each lot in addition to the constrained vs. unconstrained calculation for each lot in the site statistics table: the current plan shows only the cumulative total for all lots. Mr. Scavo questioned whether tax map parcel 276.-1-9 should be included in the density calculations since it appears on GIS mapping to lie within a NYSDEC designated wetland. The project is a Type I action pursuant to SEQRA. Mr. Scavo recommends that the Planning Board establish itself as Lead Agency for the

project in order for coordinated review to be initiated. The project is adjacent to a County highway: review by the Saratoga County Planning Board is required. The applicant must submit jurisdictional determination letters from the ACOE and NYSDEC. All prior studies from previously submitted but unapproved projects at this location should be updated and submitted for the Board's consideration.

Mr. Montague, Environmental Specialist, reported that the ECC notes that, per the Town Code, the applicant must provide proof of preservation in perpetuity of permanent open space. In order to establish the permanent open space, the applicant must develop an existing resources and site analysis plan of the natural, cultural, and scenic features of the proposed project.

Mr. Bianchi reported that, after review of the site plan and supporting documents, M J Engineering and Land Surveying, P.C. issued the following comments and recommendations in a letter dated November 22, 2013. The proposed project is considered a realty subdivision pursuant to NYSDOH regulations. Section 97.14(b)(2)(ii) of 10 NYCRR Part 97, which is the NYSDOH regulation implementing SEQRA (Article 8 of the ECL) requires that a realty subdivision be classified as a Type I action. For Type I actions, a coordinated review is required. Under a coordinated review, involved/interested agencies to be engaged may include, but are not necessarily limited to the following: Clifton Park Water Authority – public water supply; Saratoga County Sewer District #1 – public sanitary sewers; Saratoga County Planning Board – 239m referral for projects located along a County Route 91; Saratoga County Department of Public Works – Proposed access onto County Route 91; NYS Department of Environmental Conservation – Permit coverage under GP-0-10-001, extension of public sewers, potential impacts within the 100-foot adjacent area of a NYSDEC wetland (Joint Permit) and identification of the existence/absence of threatened and endangered species; NYS Office of Parks, Recreation and Historic Preservation – identifications of the existence/absence of historic and/or cultural resources; NYS Department of Health – Realty Subdivision Approval and extension of public water; United States Army Corps of Engineers - potential impacts within the 100-foot adjacent area of a NYSDEC wetland (Joint Permit). Additional interested and involved agencies may be identified over the course of the town's review of the application. As part of subsequent submissions and because the project is deemed a Type I Action, the applicant must furnish a Full Environmental Assessment Form such that the Lead Agency may commence with its review of the project and its potential impacts.

Mr. Bianchi identified several additional general comments on the proposed subdivision plan. The project proposes to service each new lot with public water from the Clifton Park Water Authority via connection of new public water mains from one of two potential locations with new water mains throughout the proposed development. The applicant shall provide the Town with documentation of the CPWA's ability and willingness to service the project with potable water. Any action on the subdivision application should be conditioned upon receipt of plan approval from the CPWA. The extension of public water mains to and throughout the project is subject to the review and approval by the NYSDOH. Any approvals offered by the Planning Board should be conditioned on receipt of NYSDOH's review and approval of the proposed public water mains associated with the project. The applicant proposes to service each lot with public sanitary sewers from the Saratoga County Sewer District No. 1 via extending new

public sewer mains from one of two potential locations with new sewer mains throughout the project. The applicant shall provide the Town with documentation of the SCSD's ability and willingness to service the project with public sewers. Any approvals offered by the Planning Board should be conditioned on receipt of SCSD's review and approval of the proposed public sanitary sewers associated with the project. The extension of public sanitary sewers to the project is subject to the review and approval by the NYSDEC review and approval of the proposed public water mains associated with the project. The extension of public sanitary sewers to the project is subject to the review and approval by the NYSDEC. Any approvals offered by the Planning Board should be conditioned on receipt of NYSDEC's review and approval of the proposed public sewer mains associated with the project. The project is considered a realty subdivision in accordance with NYSDOH implementing regulations. Any approvals offered by the Planning Board should be conditioned on receipt of NYSDOH's review and approval of the realty subdivision. The project proposes disturbance of more than 1 acre of land and is therefore subject to the NYSDEC Phase II Stormwater regulations and General Permit GP-0-10-001. Subsequent submissions will require a Stormwater Pollution Prevention Plan (SWPPP) that includes water quality controls as well as green infrastructure elements. The project is located within the Town's Conservation Residential (CR) zoning district. In reviewing Section 208-16(D)(1)(b), the proposal for single family homes is a permitted principal use. In reviewing section 208-16(E) of the Town's Zoning Code, the project layout generally appears to meet the minimum requirements for bulk lot dimensions and permanent open space. As the project progresses with more detailed information provided, dimension requirements will be confirmed. Portions of the proposed dedicated open space are on a parcel that is not contiguous to the project (Tax ID 276.-1-9). The Town should confirm that the inclusion of this parcel as part of the open space requirement is keeping within the intent of the zoning regulations. The project proposes permanent open space: the applicant must indicate if it be retained as private (common or uncommon), semi-public under a land conservancy, or public to the Town. The project provides a proposed lot layout, however, there is no indication that the four step resource analysis has been conducted which is a requirement of Section 208-16(E)(13)(a)(2) of the Code. The proposed stormwater management area is shown with permanent impacts extending into NYSDEC mapped wetland N-12 as well as the 100-foot adjacent area. These wetland impacts are subject to NYSDEC/ACOE approval. If the intent is for the Town to take ownership of this stormwater management area, there must be a clear understanding of any conditions and/or limitations that may be imposed by agencies having jurisdiction for this area that the Town may be subject to or responsible for. Subsequent plan submissions must define the locations for off-site connections for both public water and sewer with associated layout and design provided for review. Further, these routes must be reviewed to determine if there are potential impacts to environmental features, including, but not limited to, regulated wetlands, threatened and endangered species and habitat areas, and historic or cultural resources. The project narrative indicates that the parcel has been delineated for regulated wetlands and that the delineation was updated in 2008. The actual date of the delineation and the individual responsible for the delineation must be included on the plan. Further, because there appears to be proposed impacts within the NYSDEC wetland and 100-foot adjacent area, there is likely a need to have the wetland boundary confirmed by the NYSDEC/ACOE. If this is the case, the Town must be provided with documentation of the agencies having jurisdictional agreement on the wetland boundaries shown. The project proposes a secondary emergency access road. This proposal

must be reviewed by the Town's emergency responding agencies. In reviewing the overall plan, there appears to be an encroaching private driveway on Tax ID 276.-1-77 that may provide access to 316 Miller Road. If this is an existing encroachment, it must be resolved as part of this subdivision application. For clarity, the applicant is asked to provide an overall plan showing all parcels under consideration with the proposed lot layout as well as areas set aside for permanent open space. There must be an assessment of the sight distance at each proposed intersection to ensure there are clear lines of sight entering and exiting the project.

Mr. Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that the applicant provide an additional 15' right-of-way along the entire property frontage and add a note to the plan which states that there is a possibility that a trail will be developed along Grooms Road. Noting that the applicant has not provided access to the stormwater management/open space area, he asks that a nature trail or other public access be provided to this area. Mr. Hartnett asked that plans for the rear portion of the property be provided to determine whether or not pedestrian and bicycle accommodations should be required.

Mr. Koval explained that since there is a potential for the development of soccer or other types of playing fields on the permanently designated open space which may be donated to a the Clifton Park Soccer Club or other "nonprofit" organization, a comprehensive plan illustrating how the subdivision and recreational lands will be integrated. In response to Mr. Ferraro's question regarding the possible development of soccer fields, Mr. Stevens explained that the property was previously used for rugby tournaments: three graded playing fields exist to the rear of the proposed subdivision. Mr. Andarawis requested the applicant to provide a comprehensive "resource analysis" of the property and plans for its overall development. Mr. Stevens explained that the site contains "archeological" features which will remain undisturbed. Mr. Ferraro noted that there were a number of complex issues such as relocation of fire district boundaries, open space ownership and use issues, adequate access to proposed open space areas, and integration of open space lands and proposed home sites for the applicant to consider and address in the next submission.

Mr. Koval moved, seconded by Mr. Ophardt, to establish the Planning Board as Lead Agency for this application, a Type I action, pursuant to SEQRA. The motion was unanimously carried.

[2013-032] **Fairchild II**- Proposed 124,000 SF of office/industrial space within (6) buildings, Maple Line Road and VanPatten Drive – Conceptual site plan review. SBL: 259.-2-84.1

Mr. Andress, consultant for the applicant, presented this application that remains generally as presented at the October 8, 2013 meeting. The site plan for the proposed Lot #1 located south of Maple Line Road has been revised. Plans now show a single ingress/egress point on the residential street rather than the double entranceways onto Maple Line Road as formerly proposed. Parking for employee vehicles is provided in the lot along Maple Line Road, eliminating commercial traffic on the residential street. Thirty-three (33) parking spaces will be

provided to serve the building that will contain manufacturing, warehouse, and office spaces. Loading docks will be located to the rear of the building. Commercial vehicle access to the site has been provided via a curb cut onto VanPatten Drive. The building has been reoriented: the front of the building now faces the Maple Line Road – VanPatten Drive intersection. Site improvements for the parcel(s) to the north of Maple Line Road generally reflect those previously presented, though access to VanPatten Drive has been provided to reduce traffic on Maple Line Road and allow commercial traffic direct ingress and egress to the Fairchild site.

Mr. Scavo read the comments offered by Ms. Reed, Chief of the Bureau of Fire Prevention, in a memo dated November 25, 2013. The applicant must provide adequate access for emergency services. The buildings appear to be very close to one another: the applicant must ensure that they meet the distance separation requirements under the Building Code of New York State. The location of all proposed fire hydrants must be shown on the plan. The site plan must be revised to reflect the correct square footage (18,100 SF) of the building and appropriate 911 address of the approved daycare facility at 4 Fairchild Square. The newly proposed ingress/egress onto VanPatten Drive appears to be very close to the Maple Line Road – VanPatten Drive intersection: sight distances should be evaluated.

Mr. Scavo read comments prepared by Mr. Myers, Director of Building and Development. Mr. Myers issued the following statement in a memo dated November 22, 2013:

As I discussed in the last Fairchild submittal, I do not see how a proper review of this proposal or any proposal for Fairchild anywhere can be properly conducted without an understanding of the full build out for the entire facility. This submittal seems to address “the other half.”

Mr. Myers stated that there is not sufficient information provided with the application to conduct a comprehensive evaluation of the project. He observes that the plan shows an existing stormwater management area on an undeveloped parcel. He believes that Maple Line Road will “have to be returned to two-way traffic” and that residents of the adjacent neighborhood should be notified of the proposed development early in the review process. Mr. Myers states that “this [application] appears to have been purposely submitted after the school at 4 Fairchild was approved.” He commented that “buildings directly against one another is not allowed – particularly when one is a school, that the amount of parking appears insufficient, that it appears that the proposed roadway will bisect a stormwater management area, and that fire department access may not be provided as required.”

Board members discussed Mr. Myers’ comment regarding two-way traffic at the Maple Line Road – Ashley Section connection, and agreed with Mr. Scavo that the existing restriction will be maintained.

Mr. Scavo offer comments prepared by the Planning Department. He explained that, for SEQRA purposes, the proposed action appears to meet the thresholds for a Type I action: the Planning Board should move to classify the action as such and declare itself as Lead Agency for the project. Type I actions require coordinated review and Part I of the Long Form Environmental Assessment Form must be completed by the applicant. The speaker recommended that Board members request information to analyze the effects of

commercial/industrial traffic and noise associated with commercial/industrial uses. Mr. Scavo quoted Section 208-64(3) of the Town Code which reads as follows:

All applicants for projects proposed in the LI1 area shall be required to conduct a tree survey which indicates the location of all trees and other plants with a diameter of six inches or more on the property. The applicant shall ensure that at least 50% of the trees and other plants of six (6) inches or more in diameter, outside of the site improvement areas, are preserved. Site improvement areas include, but are not limited to, building footprints and parking lot.

The applicant should clearly show the limits of clearing and soil disturbance within the building envelopes and also clearly mark land outside of the site improvement areas with “no disturbance allowed” labels so Board members can determine if 50% of the trees six (6) inches or greater are preserved. Referencing Section 208-66(A) of the Town Code, Mr. Scavo stated that “there shall not be more than one curb cut per lot unless the Planning Board finds that traffic safety will be improved with the addition of another curb cut....” He recommended that prior to preliminary approval and a SEQRA determination the Planning Board should decide if a second curb cut will be allowed for Lot #1. The results of the traffic study should be reviewed as part of the determination process. The applicant is advised to note the “Performance Standards” as outlined in Section 208-64 of the Town Code which includes standards regarding noise, discharge of toxic or noxious matter, vibration, heat or glare, and odor for uses which may be proposed. Plans must comply with Development Standards, including landscaping and architectural features, as outlined in Section 208-66 of the Town Code. A Traffic Circulation Analysis for the entire Fairchild Square complex should include the following elements - visually shown on a plan sheet - in relation to the existing and proposed buildings: vehicular circulation including ingress/egress; road layout; parking areas; loading areas; traffic controls; pedestrian circulation including walkways and safety. Addressing issues regarding stormwater management, Mr. Scavo asked that the applicant evaluate the incremental impacts of development on the overall Fairchild Square site. The applicant must demonstrate how the site functions currently and how the proposed expansion will accommodate additional runoff and will not negatively affect the existing stormwater management system. Since it appears that significant land disturbance activities will be necessary on Lot #2 to achieve the proposed building layout and configuration, a detailed review of the proposed grading and drainage plans in relation to geologic features, soil characteristics, topography, vegetation, and hydraulic features will be required.

Mr. Montague, Environmental Specialist, reported that the ECC provided the following comments regarding this application. The applicant should maintain a minimum of 40% greenspace on site in accordance with Light Industrial zoning regulations. The applicant should propose a planting plan that includes non-deciduous trees so that there is an adequate buffer along Maple Line Road and VanPatten Drive. The Commission recommends that this project be carried out in keeping with the goals of tree preservation as stated in the Town’s Comprehensive Plan to the greatest extent practicable.

Mr. Bianchi reported that, after review of the project submission, M J Engineering and Land Surveying, P.C. provided the following comments and recommendations in a comment letter dated November 22, 2013. As noted in Comment 3 of the October 7, 2013 review letter,

the applicant must submit a full environmental assessment form such that the SEQRA lead agency can evaluate Part I and determine if the project will have any adverse impacts. The applicant is asked to provide responses to Comments 4 through 10 of the October 7, 2013 review letter. The project lies within the Town's L1, Light Industrial District. The exact uses are not fully defined other than offices, which are permitted principal uses within the L1 District pursuant to Section 208-64(1)(i) of Town Zoning. If and when additional uses are defined, they shall be subject to the requirements of Section 208-64 (1) of the Town's zoning code. The current plan provides no summary of the bulk lot requirements which must be included with the site plan to ensure conformance with the Town's Zoning. Further, because it is being proposed to combine portions of this phase with lots in the adjacent phase, the need to provide an overall bulk lot summary is important. As noted in Comment 13 of the October 7, 2013 letter, there should be a calculation provided on the plans for the number of parking spaces required based upon the known building uses to demonstrate conformance with Section 208-99(B) of Town Zoning. Lot #1 proposes two curb cuts. Section 208-66(A) requires that there be no more than one curb cut per lot unless the Planning Board finds that traffic safety will be improved with the additional of another curb cut. If the Board determines that a second curb cut is necessary, the standard of 120 feet between curb cuts shall be applied as noted in Section 208-66(A) of Town Zoning Code, noting that this horizontal separation is for curb cuts on two independent parcels. It appears that the applicant intends to consolidate proposed lots with the adjacent phase to the north: the applicant should provide an overall plan so that the Town can review the entire project. As noted in Comment 18 of our October 7, 2013 review, the plan does not show any accommodations for pedestrians, similar to the project to the north which has sidewalks along internal roads. The Planning Board may desire to have a continuation of the sidewalks within this project for consistency. As noted in Comment 19 of our October 7, 2013 review, a majority of the proposed buildings appear to propose the architectural rear of the building fronting to existing public roads. Section 208-66(C) of the Town Zoning has specific requirements for the building facade facing the road frontage. Subsequent plans should include architectural renderings with sample of construction materials for review by the Planning Board as required by Section 208-66(C) of the Code. Considering the plan submitted is conceptual in nature, M J Engineering and Land Surveying, P.C. will reserve further comments until more detailed plans and reports are submitted.

Mr. Dan Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, commented that Lot #1 seems to have no bike rack or pedestrian accommodations to the VanPatten Trail or to the remaining lots of Fairchild II. The Subcommittee recommends that the applicant be required to provide a "full pedestrian circulation plan" that would include the location and specifications for bike racks at each parcel as well as plans for how bike and pedestrian accommodations will be integrated into the existing buildings constructed within Fairchild I and the existing trail system along VanPatten Drive.

Mr. Ferraro supported the Trails Subcommittee's recommendations, advising the applicant to prepare a comprehensive internal pedestrian and vehicular circulation plan for the Board's consideration. Mr. Ophardt stated his opposition to the proposed curb cuts onto VanPatten Drive, explaining that the speed of traffic on VanPatten Drive, limited sight distances, restricted maneuvering areas within Fairchild II, and proximity to the existing Maple Line Road

– VanPatten Drive intersection created “additional points of conflict” which presented significant safety concerns. He supported access to both northern and southern parcels from Maple Line Road. Mr. Koval argued that he preferred the revised plan since it limited commercial traffic on a residential street. Mr. Ferraro commented that he did not believe that the residents of Maple Line Road would be significantly impacted by curb cuts onto the residential street since the neighborhood was located a good distance away from the proposed access points. Mr. Ferraro explained that he had asked Mr. Werner to comment on the proposed access points along VanPatten Drive rather than Maple Line Road as well as proposed traffic circulation through the Fairchild site. In an e-mail dated November 24, 2013, read by Mr. Ferraro, Mr. Werner recommended that the applicant prepare an “updated traffic study of the total Fairchild I and II industrial park developments with a separate projection of truck traffic in and out of the site. The traffic analysis should also include projected turning movements at the intersection of Ushers Road and VanPatten Drive for a traffic signal warrant.” Mr. Werner also stated that it would be “beneficial to have a ‘clean’ plan of all internal roadways, parking lots, truck bays, pedestrian walks, traffic control signing, etc.” and he recommended reconfiguration of the proposed building on Lot #1 to eliminate the need for driveway access onto Maple Line Road. Mr. Ferraro listed a number of concerns regarding this application including the significant number of buildings proposed, the sufficiency of proposed parking, building design, and potential uses: he express his concern with the overall intensity of development. Mr. Bianchi suggested that access onto VanPatten Drive could be restricted to use by emergency services. Mr. Andress explained that there is currently very little traffic throughout the site on a daily basis. He stated that the applicant found it necessary to develop the site to its fullest potential in order to “realize a reasonable rate of return.” Mr. Rekucki, applicant, explained that he was attempting to provide flexible warehouse space to support demands for materials used by the large “chip-fab” facilities in Malta. He stated that his goal is to supply space for the warehousing and distribution of parts that requires minimal parking rather than creating spaces for manufacturing activities. In response to Mr. Ferraro’s observation that the site plans for Fairchild I and II have required several revisions and approvals of “adaptive reuses” of approved sites, Mr. Rekucki explained that although it is expensive to modify plans, it is sometimes necessary to revise plans to accommodate potential tenants. Mr. Ferraro reiterated his concerns for the density of development proposed for the complex. Mr. Andress reported that there have been no parking issues in the developed portion of the site and that the applicant is making a concerted effort to preserve as much natural vegetation as practicable and to supplement it where necessary. Mr. Koval explained that although the residents of Maple Line Road were aware of that existing zoning when they purchased their homes, he believes that minimizing commercial intrusion into the residential area is important: he prefers access from Fairchild onto VanPatten Drive. Mr. Ophardt’s opinion differed: he pointed out that the nearest home was nearly 300’ from the proposed curb cut. Mr. Ferraro asked that the applicant to provide two alternative design plans for the Board’s review: one with curb cuts onto VanPatten Drive and one with access onto Maple Line Road. Both plans should include traffic flow information and landscaping information with the goal of “minimizing any indication that this is an entrance to an industrial area.” Aesthetic appeal was of “critical concern.” Mr. Koval referenced the Timberwick II development located within the Town of Halfmoon, noting that access to the development through an industrial complex has impacted the sale of the upscale homes within the subdivision. Mr. Ophardt stated that safety and maneuvering ability should be of paramount concern. In response to Mr.

Bianchi's suggestion that the access to VanPatten Drive be modified and designated for emergency vehicles only, Mr. Scavo stated that he would discuss this option as it relates to fire safety with Ms. Reed. In response to Mr. Ferraro's concern with the proximity of the proposed building to the school, Mr. Andress explained that the property line will be adjusted to provide required setbacks. Mr. Andress also stated that the required 100' buffer between the industrial buildings and existing residences will be preserved and, if necessary, enhanced with additional plantings.

Mr. Andress will supply the required Full Environmental Assessment Form and will prepare a traffic study as directed. In addition to evaluation of Levels of Service and sight distances, Mr. Ferraro requested that the traffic study include items such as a plan of internal roadways, parking lots, truck bays, pedestrian walks, and traffic control signage as outlined in Mr. Werner's e-mail to provide Planning Board members with a comprehensive view of proposed site development and pedestrian and vehicular circulation patterns throughout the site.

New Business:

[2013-035] **Cingular Wireless PCS (AT&T)** – Proposed modifications to an existing communications tower, 753 Grooms Road – Special Use Permit and site plan review. SBL: 276.-6-30.1

. Mr. Donald Ross, representative of New Cingular Wireless, presented this application that calls for a 10' extension of the existing tapered monopole to a new height of 130' and a proposed new antenna installation on property located at 753 Grooms Road. In addition to the height extension, the proposed collocation at the existing facility will consist of nine (9) panel antennas on the existing 120' monopole, nine (9) remote radio units (RRUs), three (3) surge suppressors, six (6) DC power lines and one (1) fiber line at a centerline height of 130'. AT&T will also construct an equipment shelter and concrete pad at the base of the tower. Mr. Ross explained that pursuant to Section 6409 of the Federal Middle Class Tax Relief and Job Creation Act of 2012, "a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." The speaker noted that many municipalities across the nation have approved installations under Section 6409 with the issuance of a building permit or other simple administrative approval and he stated that it would violate the new federal law for a municipality to review or condition approval on information that is unrelated to whether an application constitutes an eligible facilities request.

Mr. Scavo reported that neither Mr. Myers, Director of Building and Development, nor Ms. Reed, Chief of the Bureau of Fire Prevention, offered comment on this application.

Mr. Scavo provided comments issued by the Planning Department. He explained that Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2013, that was signed into law on February 22, 2012, mandates that state and local governments must approve an eligible facility request for the modification of an existing wireless tower or base station that does not

substantially change the physical dimensions of such tower or base station. The FCC defines a “substantial change” as:

The mounting of a proposed antenna on the tower that would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

The mounting of a proposed antenna that would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable.iii

Based on a review of the application, new SEQR short form and additional information provided by e-mail to Town Staff on November 17, 2013 by the applicant, Mr. Scavo stated that he believes that the proposal does meet this two prong test and, as a result, site plan approval can be granted: no additional modification to the existing Special Use Permit is required. He recommended that the Planning Board make a determination that the proposed project is a Type II Action under SEQR and the modifications as proposed do not constitute a “substantial change” as defined in the Federal Middle Class Tax Relief Act of 2012. The Board can then grant preliminary and final site plan approval for the application dated October 23, 2013. The balance of the engineering escrow for this application shall be refunded once the professional engineer’s inspection and acceptance letter is received by the Building Department for the proposed array after construction has been completed.

Mr. Montague, Environmental Specialist, reported that the ECC offered no comment on this application.

In response to Mr. Andarawis’ question regarding the installation of a generator at the site, Mr. Ross explained that the generator is placed above a 190 gallon fuel tank that becomes an integral part of the generator. The generator is equipped with an alarm which would be activated in an emergency situation. Mr. Ferraro asked if, since this application requests approval of an improvement that is less than a 10% modification to the tower which would be viewed as a “substantial change” to the site, further expansion would likely be requested and/or permitted. Mr. Ross stated that, in theory, future expansion could be requested, though such a request is not likely.

Mr. Ophardt moved, seconded by Mr. Prescott, to find that the proposed application is a Type II action under SEQRA and that the modifications as proposed do not constitute a “substantial change” pursuant to Section 6409 of the Federal Middle Class Tax Relief Act of 2012. The motion was unanimously carried.

Mr. Prescott moved, seconded by Mr. Andarawis, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of all of the items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

[2013-037] **Quick Response** – Proposed demolition/construction of 3,550 SF of office space, 2077-2079 Route 9 – Conceptual site plan review. SBL: 250.-2-51

Mr. Scott Lansing, consultant for the applicant, presented this application that calls first for demolition of an existing 1,200 SF of office space followed by construction of a new 3,500 SF office, outdoor patio area, and relocation and expansion of an existing parking lot at the Quick Response site located on the easterly side of Route 9 approximately one mile south of its intersection with Wood Road. The 3.93 acre parcel is located within the L2 (Light Industrial) zoning district. The site will continue to be served by private, on-site wells and the Saratoga County Sewer District No. 1. Forty-seven (47) parking spaces will be provided in accordance with zoning requirements. Per Section 208-65, “no parking or maneuvering area will be allowed in the front yard unless the Planning Board finds that the intent of this article is better met by allowing construction within the front yard setback.” As currently designed, a small portion of the designated “parking lot relocation/expansion area” is located beyond the required 50’ setback. An additional parking lot expansion that includes eleven (11) employee spaces will be constructed to the rear of the proposed office space.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments in a memo dated November 22, 2013. A parking variance will be required. Though the applicant has applied for Building Department approval for installation of a temporary trailer for the site, that approval has “been on hold since October 1, 2013” awaiting additional information on several issues and Planning Board approval. The Planning Board must approve parking in the front yard.

Mr. Scavo provided comments issued by the Planning Department. The site plan should note that the proposed addition will not exceed 35’ in height. If the proposed front parking can be shifted to be outside of the 50’ front parking setback line, no area variance will be required. The applicant should clarify whether or not the proposed parking expansion area is to be paved or if gravel will be used. The applicant will have to demonstrate the 40% greenspace requirement is still met. Mr. Lansing reported that the front parking lot could be shifted slightly to meet the 50’ setback requirement.

Mr. Montague, Environmental Specialist, reported that, after reviewing the project plan, the ECC recommended that the seven (7) parking spaces adjacent to Route 9 utilize green infrastructure such as porous pavement or gravel.

Mr. Bianchi reported that, after review of the site plan and supporting documents, M J Engineering and Land Surveying, P.C. issued the following comments and recommendations in a letter dated November 26, 2013. Based upon the project information, the total site disturbance will be below one acre and, therefore, would not be subject to the NYSDEC Phase 2 Regulations or General Permit GP-010-001. Notwithstanding, there must be an analysis furnished indicating

that the proposed improvements and associated impervious areas can be adequately accommodated and there will be no adverse impacts to adjacent properties. This analysis is necessary as part of the Town's SEQRA review. The project will be provided with public sewers via an existing connection to the Saratoga County Sewer District infrastructure. While the proposed expansion appears minimal in nature, the applicant should furnish the Town with confirmation that the SCSD can accommodate any increases in sewage being generated. Based upon review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. Assuming the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved/interested agencies to be engaged may include, but are not necessarily limited to the following: Saratoga County Sewer District: additional reserve sewer capacity, if deemed necessary; Saratoga County Planning: 239m referral due to the parcel being within 500 feet of U.S. Route 9. Additional involved/interested agencies may be defined as the project proceeds through the Town's regulatory review Under Part 1.1. Based upon the current site plan layout, there may be a need to seek relief in the form of an area variance (see also Comment 8.c). Should this be deemed necessary, the Town Zoning Board of Appeals would need to be added. Under Part 1.8.a, there is notation regarding the proposed use which does not match the application. Further, there should be a calculation provided for the expected peak vehicle trips for the proposed use based upon the most current version of the ITE Manual. Under Part 1.9, the response to meeting the State Energy Code is marked as no and needs to be revised to yes as any new construction or alternations are required to meet, but not exceed this code. The project resides within the Town's L2, Light Industrial District. The proposal for an office expansion is a permitted principal use within the L2 District pursuant to Section 208-64(B)(13) of the Town Zoning Code. Based upon a review of the concept plan, either specific bulk lot requirements are not being met or it cannot be determined if they are being met as follows: Section 208-65(B) requires a minimum of 40% greenspace: there is no calculation provided on the submitted plan indicating what the greenspace would be upon build out of the improvements. The plans do not indicate the expected building height. Section 208-65 has a maximum building height of 50 feet but further notes for any building in excess of 35 feet that the Planning Board shall conduct a visual assessment with the applicant furnishing a Visual EAF Addendum. Section 208-65(E)(1) prohibits any parking within the front yard setback, which is specific to this lot due to its frontage along U.S. Route 9 (per section 208-98 of the Town Code). The concept plan shows proposed parking within this front setback. The site plan must be revised to meet the minimum lot requirements or the applicant would be required to seek relief in the form of an area variance from the Town Zoning Board of Appeals. For concept site plan submission, Section 208-114(B) of the Town Zoning requires topographic information at no more than 10 foot contour intervals. The plan, as submitted does not provide the required topographic information. If the Town is considering this a preliminary submission, additional mapping requirements are needed as outlined in Section 208-115 of the Town Zoning. There should be a calculation provided on the plans for the number of parking spaces required based upon the known building uses to confirm adequacy and conformance with Code Section 208-99(B). The plan provides one accessible space for 47 total spaces. ADA Standards for Accessible Design 4.1.2(5) requires a minimum of two spaces when the total number of spaces falls between 25 and 50. The plan must be updated to include the minimum number of accessible spaces. The project information indicates that the site uses an on-site well. There must be confirmation that the well is adequate for the increased

usages proposed. The expected height of the building must be provided so that a review of the fire access to the building may be completed. If the building is greater than 30 feet in height, an aerial fire apparatus access road that meets the requirements of Appendix D, Section D105 of the Fire Code of New York State (FCNYS) will be required. There must be a determination as to whether or not the proposed building construction and use will warrant automatic sprinklers as prescribed in the Building Code of New York State. This information is needed to determine if site specific measure are needed to provide fire protection since there are no hydrants or public water mains in close proximity to the site. 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. Elevations and materials of construction for the proposed building expansion should be submitted to the Planning Board for review.

Mr. Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, commented that the applicant should install a bike rack and that the location, installation details, or rack specifications should be shown on the plan.

Mr. Ferraro supported the recommendation issued by the ECC that the applicant consider the use of porous pavement for use in the proposed parking lot closest to Route 9. He also asked that the applicant preserve as many trees as possible in an effort to maintain a visible barrier between Route 9 and the parking area to the rear of the parcel. It appeared that Board members found the project plan generally acceptable.

[2013-038] **Bobrick Expansion** – Proposed 24,000 SF addition to an existing manufacturing and warehouse facility, 200 Commerce Drive – Conceptual site plan review. SBL: 259.-2-93

Mr. Tom Andress, consultant for the applicant, presented this application that calls for the construction of a 24,000 SF addition to the existing Bobrick manufacturing and distribution facility located on an 8.63 acre parcel at the termination of Commerce Drive, adjacent to the northbound lanes of I-87 (the Northway) south of the Exit 10 interchange. The speaker explained that the company is “a leader in the United States” for the chrome washroom fixtures that they produce. The existing building totals 72,170 SF: the proposed building will be 96,170 SF. Pavement area will increase from 1.74 acres to 1.92 acres. Greenspace will be reduced from 60.7 % of the site to 52.2% of the site. Since there are currently ninety-two (92) employees working at the facility, forty-six (46) parking spaces are required to comply with code requirements. The site currently has 110 parking spaces on the site. Since 46.4 additional parking spaces are required for the addition, no new parking spaces will be required. The property is served by the Clifton Park Water Authority and municipal sewer service. Mr. Andress explained that 80% of the 24,000 SF addition will be dedicated to manufacturing; the remaining 20% will provide additional warehouse space. It is anticipated that two (2) additional employees will be added to the company. The addition will require the relocation of a portion of the stormwater management areas. The proposed stormwater management area is shown on the plans to be located to the southwesterly corner of the building. Two loading docks and associated pavement will be located along the westerly side of the facility. The original project

created a habitat management area for the Karner Blue butterfly: that habitat area will remain unchanged and no disturbance is proposed within the habitat easement area.

Mr. Scavo explained that Ms. Reed, Chief of the Bureau of Fire Prevention, commented that the applicant must provide adequate access for emergency vehicles to all sides of the building.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments in a memo dated November 22, 2013. Stormwater management plans must meet current standards. Full access for the fire department from all sides of the building will be required. The Planning Board should confirm the approvals granted in 1994, including those for parking. Building code requirements may be applicable with a more detailed submission. The effect on the Karner Blue habitat should be addressed.

Mr. Scavo provided comments issued by the Planning Department. The proposed expansion appears to be in an area that will not negatively impact the Karner Blue butterfly habitat area. Since the project is within 500' of Interstate I-87, a project referral will be sent to the Saratoga County Planning Board. Design standards for structures within the industrial zone will apply. Mr. Scavo stated that he would consult with Ms. Kathy O'Brien, NYSDEC regarding the status of the Karner Blue butterfly habitat area.

Mr. Montague, Environmental Specialist, reported that the ECC recommended the installation of a temporary construction fence and signage along the northern boundary of the Karner Blue butterfly habitat management area.

Mr. Bianchi reported that, after review of the site plan and supporting documents, M J Engineering and Land Surveying, P.C. issued the following comments and recommendations in a letter dated November 22, 2013. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. Assuming the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved/interested agencies to be engaged may include, but are not necessarily limited to the following: Saratoga County Sewer District: Additional reserve sewer capacity if required; Clifton Park Water Authority: Taking of additional potable water, if required; Saratoga County Planning: 239m referral due to the parcel being within 500 feet of Interstate 87; NYS Dept of Environmental Conservation – If the project is subject to the NYSDEC Phase II Stormwater Regulations then permit coverage under stormwater SPDES and identification of threatened and endangered species; NYS Office of Parks, Recreation and Historic Preservation – If the project is subject to the NYSDEC Phase II Stormwater Regulations then identification of cultural or historic resources. Additional involved/interested agencies may be defined as the project proceeds through the Town's regulatory review. Under Part 1.8, the Planning Board may consider asking for further discussion regarding the type of traffic that may be expected with the expansion as well as expected peak vehicle trips. The environmental assessment form notes that the total impacted area will be greater than 1 acre. Therefore, the project is subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-10-001. Subsequent submissions need to include a fully conforming Stormwater Pollution

Prevention Plan addressing water quality and quantity controls as well as green infrastructure. The applicant must confirm whether or not the expansion will generate increased need for potable water and/or generate additional sewage, necessitating approval from the Clifton Park Water Authority and/or Saratoga County Sewer District. If additional capacity is required, the applicant should provide the Planning Board with documentation regarding each agency's willingness and ability to service the project. Given the extent of the expansion proposed, there should be an indication of the number of additional vehicle trips and type of trips that may be expected. The project lies within the Town's L2, Light Industrial District. Review of Section 208-64(D) and (I) of the Town Zoning indicates that the proposed expansion of the office and warehouse are permitted principal uses within the district. Review of the concept plan submitted indicates that the bulk lot requirements as outlined in Section 208-65 of the Town's Zoning are satisfied. For concept site plan submission, Section 208-114(B) of the Town Zoning requires topographic information at no more than 10-foot contour intervals. The plan, as submitted does not provide the required topographic information. If the Town is considering this a preliminary submission, additional mapping requirements are needed as outlined in Section 208-115 of the Town Zoning. The bulk lot table notes that the building height will not exceed 35 feet which is the maximum allowable by zoning. The expected height must be included on the plan so that a review of the fire access to the building may be completed. If the building is greater than 30 feet in height, an aerial fire apparatus access road will be required meeting the requirements of Appendix D, Section D105 of the Fire Code of New York State (FCNYS). Section 503.1.1 of the FCNYS requires a fire apparatus road that shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. With the proposed building expansion, it appears as if there may not be adequate access unless the existing road to the west is modified. There must be a determination as to whether or not the proposed building construction and use will warrant automatic sprinklers as prescribed in the Building Code of New York State. This information is needed to determine whether or not an additional on-site hydrant is required to satisfy the requirements of Section 508.8 of the FCNYS. Subsequent submissions shall include information as outlined in Section 208-115 of the Town Zoning Code specific to lighting, site grading, landscaping, erosion control, and stormwater management to fully assess the design and its compliance to the applicable standards. Elevations and materials of construction for the proposed building expansion should be submitted to the Planning Board for review.

Mr. Hartnett, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee commented that the applicant should install a bike rack and the location, installation details, or rack specifications should be shown on the plan.

In response to Mr. Ferraro's question regarding the impact of the proposed addition on the existing retention basin and tree line, Mr. Andress explained that a small portion of the basin would be relocated and that if some trees must be removed, landscaping will be supplemented as necessary. Mr. Andress reported that there will be no disturbance of the existing slope and that the 25' setback from the Northway would be respected. Mr. Ophardt observed that the parking area located along the southern side of the building appeared to block access to the existing

gravel access driveway: Mr. Andress stated that that portion of the parking lot is usually not occupied. Board member appeared to find the application generally acceptable.

Mr. Koval moved, seconded by Mr. Andarawis, adjournment of the meeting at 9:38p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on December 10, 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