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Joel Koval
Eric Ophardt
Kim Paulsen
Tom Werner
(alternate) Eric Prescott

Planning Board Meeting
December 10, 2013

Those present at the December 10, 2013 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, M. Hale, J. Koval, E. Ophardt,
K. Paulsen, T. Werner
E. Prescott – Alternate Member

Those absent were: None

Those also present were: J. Scavo, Director of Planning
J. Bianchi, M J Engineering and Land Surveying, P. C.
P. Pelagalli, Counsel
J. Dean, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:05p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Mr. Ferraro explained that he had attended the *Environmental Quality Review Act Workshop* hosted by the CDRPC and the NYS Department of State Division of Local Government Services on Wednesday, December 4, 2013 which was presented at Hudson Valley Community College in Troy. He distributed information concerning the State Environmental Quality Review Act (SEQRA) and revised SEQRA Environmental Assessment Forms (EAFs) to all Board members.

Minutes Approval:

Mr. Ophardt moved, seconded by Mr. Andarawis, approval of the minutes of the meeting of November 26, 2013 as written. Ayes: Ophardt, Andarawis, Prescott, Koval, Ferraro. Noes: None. Abstained: Paulsen, Hale, Werner.

Public Hearings:

[2010-020] **Trojanski Builders** – Proposed (10) lot subdivision, 535 Clifton Park Center Road – Preliminary Consideration with possible final determination. SBL: 271.19-2-4

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

Mr. Hale moved, seconded by Mr. Ophardt, to establish the Planning Board as Lead Agency for this application, a Type I 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 7:10p.m. The Secretary read the public notice as published in the Daily Gazette on December 2, 2013.

Mr. Vuillaume, consultant for the applicant, explained that although the subdivision plan remains generally as presented at the September 24, 2013 Planning Board meeting, detailed preliminary plans have been prepared in accordance with recommendations offered by the Planning Board, Planning Department, and the Town Engineer. The applicant proposes the development of ten (10) home sites on the 7.8 acre parcel that now includes the 1.5 acre parcel that will be transferred to the applicant by the adjoining property owner. Mr. Vuillaume noted that the threatened or endangered habitat area located in the northeasterly corner of the property has been incorporated into Lot #5, a 48,094 SF parcel to ensure its preservation and protection. He explained that although monitoring of the area for a number of years has resulted in identification of the Frosted Elfin butterfly on site, no Karner Blue butterflies were observed during that period. A post and rail fence will be installed around the core habitat area and Lots #3 and 4 will be planted with nectar species that will attract birds and butterflies. The speaker explained that a Letter of No Jurisdiction was issued by NYSDEC on August 13, 2013 which states that “the proposed subdivision is not likely to result in the taking of threatened or endangered species and, therefore, no permit is required at this time pursuant to the New York State Endangered Species Act.” Orange fencing will be placed around the habitat area prior to construction to prevent disturbance during build-out of the subdivision and deed restrictions will be placed on Lot #5 to ensure on-going protection of the area. A grading plan has been submitted that illustrates the proposed clearing and development of each parcel and in areas of off-site utility connections.

Addressing some of the issues of concern outlined in comment letters from the Town Engineer and the Director of Planning, Mr. Vuillaume explained that Mr. Kukuk, Highway Superintendent, has approved the proposed roadway design that will be installed with “no culverts, pipes, or catch basins.” A street light will be installed as at the intersection of the new roadway and Clifton Park Center Road as required by Town Code, the chain link fence that currently encroaches onto Lot #10 will be relocated, land disturbance, including that necessary for utility connections will be less than 5 acres, and the roadway width will be increased to 26 feet to meet state specifications. A map entitled Subdivision of the Lands of Robert L. Phillips accompanies this application since the Planning Board must consider two actions when approving the application: the first calls for approval of the transfer of 1.5 acres of land from the adjoining Lands of Phillips and the second for approval of the ten (10) lot subdivision entitled Diamond Pointe.

In response to Mr. Bianchi’s concern regarding possible sheet flow across the roadway due to the lack of traditional drainage facilities, Mr. Vuillaume stated that additional swales and culverts would be installed and the roadway constructed as approved by the Town Engineer and Mr. Myers, the Town’s Stormwater Management Officer.

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

Mr. Scavo explained that the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee again requested that an easement be provided along Clifton Park Center Roadway to allow for the possible future installation of a multi-use pathway. The Trails Subcommittee also asked the Board to consider conditioning subdivision approval on the “implementation of high quality restoration of the intersection and Moe Road Trail during and after the sewer line connection” and “a crosswalk design and installation across Moe Road on the northerly side of Clifton Park Center Road.”

Mr. Scavo read comments issued by Mr. Myers in a memo dated November 27, 2013. The amount of land involved in the project documents is inconsistent: the Environmental Assessment Form states that the project will include 10.03 acres of land, though the stormwater narrative refers to 7.8 acres. The proposal indicates that since 4.5 acres of disturbance is proposed a full Stormwater Pollution Prevention Plan will not be required. The applicant and consultant are advised to consider discussing the proposed amount of disturbance with the Town’s Designated Engineer to determine if a full SWPPP will be necessary. At a minimum, a stormwater management agreement with the town will be required for the areas constructed. There will also be consideration of the “end of pipe” practices proposed and lack of green considerations as required by law.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, asked that the applicant provide a proposed street name and the Postal Verification Form that will be approved by the Postmaster for confirmation of assigned house numbers.

Mr. Scavo offered a number of comments prepared by the Planning Department. The applicant was previously asked to provide correspondence from NYSDEC regarding the adequacy of the restrictive buffer for the critical habitat area to determine if additional management measures should be taken to ensure protection of the area: he noted that such documentation has now been provided. A notation should be placed on the plan which states: The subdivision is to be included within the Clifton Knolls Park District. A notation should be placed on the plan which states: 10' easement granted for the development of a future multi-use trail and potential utility relocation. On Sheet 6 of 10, titled Erosion and Sediment Control, a note should be added under the Sequence of Construction Activities which states: Critical Habitat Area Buffer to be delineated and clearly defined with orange construction fencing and signage that states: Critical Habitat Area. The split rail fencing around the Critical Habitat Area will be required to be installed with the initial infrastructure improvement prior to the issuance of a residential home building permit. Prior to the stamping of the final plan a draft deed for Lot #5 should be provided to the Planning Board Attorney for his review and approval. The deed should reference the restrictive covenants associated with the identified Critical Habitat Area and Protective Buffer. A street opening permit issued by the Clifton Park Highway Department will be required prior to the scheduling of a pre-construction meeting. A final signoff from both M J Engineering and Land Surveying, P.C. and Mr. Myers, Director of Building and Development, will be required before stamping of the final plan. The new street name and confirmed 911 addresses must be shown on the plan. Sign placement and detail for a 3009 MUTCD and NYS Supplemental compliant diamond R1-1 STOP sign with breakaway mounting pole should be shown and the detail should note that the reflectivity shall be of diamond grade. Sign placement and detail for a street name sign (D3-1) and breakaway mounting pole should be shown. The detail should note the sign's letter size and mounting poles shall be compliant with MUTCD and NYS Supplemental. The required reflectivity shall be of diamond grade. Final signoffs from NYSDEC, CPWA, and NYSDOH are required prior to the stamping of the final plan. When the project is ready for a final determination, the Planning Board must consider two resolutions for approval. The first will approve the lot line adjustment and land transfer from the Lands of Phillips. The second motion will approve the subdivision of the proposed residential lots.

Mr. Scavo explained that the Planning Department was in receipt of an e-mail from Ms. Karen Millard and Mr. David Gardinier, residents of 478A Moe Road, which expressed their concerns regarding the proposed subdivision. Copies of the correspondence have been forwarded to all Board members.

Mr. Vuillaume reported that the 10' easement requested by the Trails Subcommittee will be provided.

Mr. Scavo explained that Mr. Montague, Environmental Specialist, reported that the ECC issued the following comment after review of the application. The applicant should contact DEC endangered species unit to determine the proper management plan for the identified habitat Area.

Mr. Bianchi reported that, after review of the preliminary subdivision plans submitted by the applicant, M J Engineering and Land Surveying, P. C. provided the following comments and recommendations. As noted in Comment 11 of the July 3, 2013 review letter, subsequent plan

submissions shall note the date of the physical review of the site for regulated wetlands and by whom the delineation was completed. As noted in Comment 14 of that letter, Section 86-6(E)(5) of the Town Code requires that street lighting be provided at the intersection of subdivision streets and an existing arterial or collector street: subsequent plans may must show a street light at the intersection with Clifton Park Center Road and the proposed new street. The plat must label all internal metes and bounds of the individual parcels, specifically the front lot line information. The proposed owner of the stormwater lot, south of Lot #10 must be noted on the plat. If the habitat area on Lot #5 is to be included in a protective easement, the boundaries of the easement along with the required metes and bounds must be shown on the plat. The existing chain link fence which encroaches onto Lot #10 must be resolved as part of the plat approval. A note must be added the Sheet 4 of 10 indicating that no private laterals to each home shall be installed under the driveways. The grading plan indicates that some of the lots will have low depression areas which are being utilized as part of the overall project stormwater management system. In instances, where these areas are functioning as part of the overall drainage system or benefiting more than one lot, there must be indication as to how they will be maintained and be protected from unauthorized filling or modifications that may compromise their future functionality by private land owners. It is recommended that there be easements provided and conveyed to the Town or private maintenance agreements with individual land owners which would afford this protection. The proposed graded swale in the front yard of Lot #10 and leading to the stormwater management area must be contained in the easement conveyed to the Town or the swale must be contained within the proposed town right-of-way. If the homes require sump pump laterals or foundation drains, their points of discharge must be shown on the plan to ensure they will be discharging to an approved drainage system and conform to Section 86-7(A) of the Town Code. The grading plan and subsequent typical road cross section proposes the use of a superelevated road cross section rather than the Town standard crowned section with roadside swales or closed drainage systems. In general, this may be an acceptable alternative, but there must be further evaluation as the current design allows for sheet draining of runoff across the lanes of travel from upland areas without an up-gradient swale. This condition may become problematic during winter weather, causing undue freezing of the road surface which may be exacerbated when snow is stored on the uphill side of the right-of-way. Further, it appears that the paved road surface of 24 feet is less than the minimum permitted by the Town. This design alternative must be reviewed and approved by the Superintendent of Highways and must be done before the subdivision is approved. Sheet 5 of 10 needs a drawing scale noted on the sheet. The grading and disturbance limit line shown on Sheet 6 of 10 must be further evaluated. Specific areas of concern are between Lots #4 and 5, Lots #7 and 8, and Lots #8 and 9. It is believed these areas excluded from the disturbed areas must be included. The applicant must provide the dimensional requirements and other material specifications for the proposed split rail fence noted on Sheet 6 of 10 and a listing of suggested plant species that will be planted on Lots #3, 4 and 5. There must be a notation on the plans specific to the proposed stormwater facility east of Lot #10 directing the contractor not to use this area as a temporary sediment basin and/or not to drive heavy equipment within the area so not to over compact the subgrade, thereby potentially compromising the infiltration characteristics of the underlying soils. A Work Zone Traffic Control Plan must be provided for review for all off-site utility improvements. It appears that portions of the off-site water main will be on private property and, therefore, easements will need to be secured. There must be documentation furnished to the Town indicating that these easements are available. The project proposes more than 1 acre of disturbance but less than 5

acres, includes single family residential subdivisions with 25% or less impervious cover at total site build-out, is not located in one of the watersheds listed in Appendix C of GP-0-10-001 and does not directly discharging to one of the 303(d) segments listed in Appendix E of GP_0-10-001. As such, a basic Stormwater Pollution Prevention Plan (SWPPP) is required addressing erosion and sediment controls. This is the design basis utilized for the project and assuming the area of disturbance is accurately calculated and includes the offsite utility improvements, M J Engineering and Land Surveying, P.C. would concur with this approach. There must be confirmation that the total area of disturbance noted includes the offsite utility improvements planned for the project as well as internal to the site. While it is understood that only a basic SWPPP is needed, the Stormwater Management Narrative does not include the following information to support approval: information that demonstrates permit eligibility as outlined in Part I.D.8 and Part III.A.8 of the General Permit; correspondence from the NYSDEC regarding the Frosted Elfin must be included in the SWPPP to support permit eligibility as required in Part I.D.4 of the General Permit; required information as outlined in Part III.A.6 of the General Permit; a completed Notice of Intent (NOI) as well as other pertinent Town of Clifton Park Stormwater Management Forms. The HydroCAD model identifies various stormwater management areas defined as “shallow retention areas” that will benefit the overall project stormwater management plan. As noted, there must be a mechanism by which the designated areas on lots intended for sale are protected from unauthorized modifications by private land owners. This may be accomplished by including them in easements conveyed to the Town or by the execution of individual maintenance agreements: this matter must be discussed further with the Town’s Stormwater Management Officer. Since the project does not need to provide water quality and quantity controls as outlined in the NYSDEC Stormwater Management Design Manual due to the area of disturbance and type of development, the facilities, specifically the one east of Lot #10 does not necessary need to comply with the design requirements of the Design Manual and only needs to be adequate to mitigate increases in stormwater runoff. Notwithstanding, there must be specific information furnished for review as follows: a discussion of how winter time operations are handled with the freezing of the top layers of soil and how that impacts infiltration rates; the potential need for perimeter fencing which is a standard requirement for defined stormwater facilities. If the proposed stormwater management facility located west of Lot #10 is intended to be conveyed to the Town, there must be a generic operations and maintenance schedule furnished to the Town. The stormwater design utilizes assumed infiltration rates and in-situ data is required to confirm assumed values.

Ms. Judy Lemire, 534 Clifton Park Center Road, stated her concerns regarding the negative impacts to traffic along Clifton Park Center Road explaining that the narrowness of the roadway makes walking hazardous, that drivers often travel at unsafe speeds, and that the amount of traffic at peak hours often makes ingress and egress from her driveway difficult. She asked if improvements to the roadway would be required as part of this application. Ms. Lemire was concerned that the project would generate excessive noise and dust during construction and was fearful that the construction of new homes would devalue existing residences.

Mr. Ferraro explained that the construction of ten (10) homes was not likely to significantly impact the level of service along the roadway. He pointed out that Clifton Park Center Road is a major east-west connector road that provides access to a number of destinations including schools and churches. Mr. Scavo explained that although improvements to Clifton Park Center Road are recommended in the Trails Master Plan, a widening of the roadway or

other improvements would require evaluation of an existing significant drainage corridor located to the east of the proposed development, acquisition of privately owned lands to provide additional right-of-way, and preparation of a detailed design plan. It is his opinion that construction of a trail segment along Clifton Park Center Road will not occur in the foreseeable future. Mr. Ferraro agreed with Mr. Scavo's assessment, commenting that it is never "easy to retrofit" existing conditions and that the town works diligently to secure grant monies and acquire land and/or easements as part of subdivision or site plan approvals to provide for future development. He noted that the developer must have sedimentation and erosion control plans in place to minimize the impacts of dust and debris on adjoining properties.

Ms. Lemire asked if adjoining property owners would be required to connect to the public water and sewer lines that will be extended to serve Diamond Pointe. Mr. Vuillaume explained that the developer would make provision for such connections if requested.

Ms. Siaskiewicz, 530 Clifton Park Center Road, asked if existing residents would have to pay for connections to municipal utilities if they became available. It was reported that hookup fees would be assessed at the time connection to services is requested and that service charges would be incurred after the connection was operational.

In response to Ms. Lemire's question regarding the types of homes to be constructed within the subdivision, Mr. Vuillaume stated that it was likely that Trojanski Builders would construct "moderately-priced custom homes." In response to Mr. Lemire's question regarding snow removal, Mr. Vuillaume explained that the residential street would be conveyed to the town and maintained as any public thoroughfare.

There being no additional public comment, Mr. Ferraro moved, seconded by Mr. Werner, to close the public hearing at 7:54p.m. The motion was unanimously carried.

In response to Mr. Koval's question regarding the need to increase the carriageway width to 26' from the 24' currently proposed, Mr. Bianchi explained that the change would not impact lot sizes since the dedicated right-of-way width is 60'. Mr. Ferraro expressed his concerns with the proposed stormwater management design since times of thawing and freezing may create hazardous conditions. Mr. Vuillaume explained that although Mr. Kukuk, Highway Superintendent, has approved the design, the applicant could address concerns related to snow storage by providing a small drainage swale along the easterly side of the roadway or making minor revisions to the plan as recommended by the Town Engineer. Mr. Ferraro also expressed his concern regarding the location of the drainage swale located on Lot #10: Mr. Vuillaume explained that the swale will be relocated to the right-of-way – an area to be dedicated to the Town of Clifton Park. Mr. Bianchi commented that the stormwater management plan must be approved by Mr. Myers, the Stormwater Management Officer. Mr. Hale stated his preference for the current stormwater management design though he recommended that monitoring of the roadway occur during the early phases of development to ensure that drainage flows are not impacting the roadway. Mr. Scavo supported this recommendation, explaining that the town maintains an escrow account for one year after roadway dedication to ensure that construction is code compliant and functioning as expected. In response to Mr. Ophardt's question regarding construction of an "asphalt wing" as part of the roadway design, Mr. Vuillaume explained that it

will only be a part of the roadway section in the cul-de-sac. Mr. Ferraro asked if the cul-de-sac will be landscaped: Mr. Vuillaume stated that the area would be graded, seeded, and appropriately landscaped. In response to Mr. Ophardt's question regarding maintenance of the cul-de-sac, Mr. Vuillaume reported that it would be maintained by the town. Mr. Ferraro expressed his appreciation to the applicant for addressing Board concerns regarding preservation and maintenance of the endangered habitat area and for his willingness to provide fencing, signage, and deed restrictions to protect the area. Board members appeared to support Mr. Hale's suggestion that the applicant provide a small packet of information regarding the protected habitat and recommendations for management of the area. Board members rejected the Trails Subcommittee's recommendation regarding the installation of a crosswalk along the northerly side of Clifton Park Center Road at its intersection with Moe Road because there would be no trail segment to connect to on the westerly side of Moe Road. Mr. Ferraro advised the consultant to provide a note on the plan within the easement area along Clifton Park Center Road that states that the easement is provided to allow for future trail construction. Though Board members agreed that the project plan was "95%" complete," they agreed that resolution of the minor issues of concern must occur before any approvals are granted.

Old Business:

No items of old business were scheduled for this evening's meeting.

New Business:

[2013-039] **1750 Route 9 Retail** – Proposed 12,000 SF retail building with drive-thru, 1750 Route 9 – Conceptual site plan review. SBL: 272.1-1-15.

Mr. Chris Boyea, consultant for the applicant, explained that this application calls for the construction of a new 12,000 SF retail building which will be designed to accommodate multiple tenants and feature drive thru service on a 1.18 acre parcel located on the easterly side of U S Route 9 in front of the existing Tractor Supply store. The office space existing on the property will be demolished and the existing curb cut along Route 9 closed. The proposed building will be approximately 80' x 150' and will have a full basement. Additional site improvements include the installation of sixty-seven (67) parking spaces, landscaping, and the extension of public utilities. A two-way traffic pattern will be utilized from the proposed dual entranceways through the southerly and easterly sides of the building: traffic will be restricted to one-way on the northerly and westerly sides of the building. Municipal water supplied by the Clifton Park Water Authority is currently available for this property. Since flow rates for this small facility will likely be minimal, it is anticipated that sufficient capacity exists to serve the business. Municipal sewer service will be provided to the proposed building. Access will be provided via an existing easement through the Tractor Supply site. Stormwater will be collected by means of an on-site stormwater/drainage system and discharged into the existing Tractor Supply system which was originally designed to accept additional flows. The consultant understands that some pre-treatment measures may be necessary to comply with current stormwater standards. A sidewalk with connection to the proposed building will be constructed along Route 9.

Mr. Scavo read comments issued by Mr. Myers in a memo dated November 27, 2013. Mr. Myers questions whether or not the parcels must be combined to be considered as one parcel and notes that the determination will affect variances required for buffering and greenspace. The decision regarding the combining of lots will also impact whether or not side parking setbacks required for parking and driveways to the north and south sides of the parcel will require variances. Mr. Myers points out that the measurement for the rear setback does not appear to be to the building's edge: a variance may be needed since the required setback is 50'. A variance for the 15' buffer will be required. A full Stormwater Pollution Prevention Plan will be required. Mr. Myers explains that the proposed drive thru may indicate a restaurant occupancy rather than the retail that is shown. Evaluation of the stormwater area that serves the Tractor Supply facility will be required to ensure its ability to handle additional water. Offsite treatment may not be allowed.

Mr. Scavo read comments provided by Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention. The 12' lane for the drive thru should be provided immediately to provide adequate accessibility around the building for emergency services. The applicant must show the locations of proposed hydrants on the site plan.

Mr. Scavo offered comments prepared by the Planning Department. Since the project is located within 500' of a State Highway, referral to the Saratoga County Planning Board for comment and recommendations is required. Because a future drive thru is shown on the concept plan for this project, subsequent site plans should include the following note:

Additional site plan approval will be required for a future drive thru of an allowed use within the B-4 zoning district.

Additional comments will be issued when preliminary plans are submitted for review. Mr. Scavo reinforced comments prepared by Ms. Viggiani, Open Space Coordinator, regarding termination of the proposed sidewalk. She asked that future plans illustrate how sidewalk construction will be undertaken without effecting drainage or utilities that may be present on the site. The applicant must contact NYSDOT for comment regarding the proposed site development. The project must meet the most current General Permit Stormwater Regulations. The applicant must clarify whether or not two-way traffic circulation will be provided through the site if the proposed drive thru is not constructed.

Mr. Scavo stated that Mr. Montague, Environmental Specialist, reported that the ECC issued the following comments after review of the application. The applicant should indicate where the greenspace will be by shading on the site plan and should submit a comprehensive planting plan with future submissions.

Mr. Scavo noted that the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the applicant install a bike rack on the site and that the location, installation details, and bike rack specifications be clearly shown on the plan. While the Subcommittee appreciates the applicant's installation of sidewalks along the Route 9, it recommends that the consultant verify that the walkways are the same width as those constructed by the Residence Inn by Marriott which is being constructed on a parcel to the south in order to provide a consistent design in the corridor.

Mr. Bianchi reported that, after review of the preliminary subdivision plans submitted by the applicant, M J Engineering and Land Surveying, P. C. provided the following comments and recommendations. It is unclear from the submitted plans what the total area of land disturbance is expected to be but it would appear that more than 1 acre will be impacted as a result of the proposed development (SEQRA SEAF indicates 1.25 acres). Should the project result in more than 1 acre of disturbance it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-10-001. If the project is found to be subject to the NYSDEC Phase II Stormwater Regulations, a fully conforming Stormwater Pollution Prevention Plan addressing water quality and quantity controls shall be submitted as part of subsequent plan submissions. The project proposes to provide potable water to the site from the Clifton Park Water Authority (CPWA) via the extension of a new service lateral to the property. The applicant shall provide the Town documentation indicating CPWA's ability and willingness to provide potable water to the project. Any approvals offered by the Planning Board should be conditioned on receipt of CPWA's review and approval. The project proposes to provide sanitary sewer service to the site from the Saratoga County Sewer District No. 1 via extension of a service lateral to the property. The applicant shall provide the Town documentation indicating the SCSD's ability and willingness to provide additional sewer capacity to the project. Any approvals offered by the Planning Board should be conditioned on receipt of SCSD's review and approval. 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; Clifton Park Water Authority: taking of additional potable water; Saratoga County Planning: 239m referral due to the parcel being within 500 feet of U.S. Route 9; NYS Department 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; New York State Department of Transportation – proposed sidewalk construction within the U.S. Route 9 right-of-way. Additional involved/interested agencies may be defined as the project proceeds through the Town's regulatory review.

Mr. Bianchi offered comments related to the short Environmental Assessment Form that was submitted. Under Part 1, Item 2, since it is believed the project is subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-10-001 and that NYSDEC must be added as an additional permitting agency. Under Part 1, Item 8, it is recommended that - at a minimum - the number of peak hour vehicle trips be provided for the proposed use based upon the most current version of the ITE Manual. Under Part 1, Item 12.a, since the project appears subject to General Permit GP-0-10-001 and the response provided indicates that the proposed action is located in an archeologically sensitive area, additional information will be necessary. Under Part 1. Item 17.b, the response indicates that stormwater management will be provided via an existing stormwater management system associated with Tractor Supply. It should be noted that Tractor Supply was constructed under different permit and design requirements and it may not be feasible to employ this system in order to meet the most current permit and design requirements of the NYSDEC.

Mr. Bianchi provided the following comments regarding the proposed site plan. The project resides within the Town's B-4A (Highway Business/Restricted Retail District). In reviewing of Section 208-50.2(B) of the Town Zoning, the proposed retail use is a principal use within that district. It appears that the bulk lot requirements as outlined in Section 208-50.3 of the Town's Zoning Code are satisfied with the following exceptions: Section 208-50.3 (F) of the Town Zoning Code requires a minimum of 25% [as noted later in the meeting this percentage should be **35%**] greenspace. In reviewing the Site Statistics, it appears that the greenspace calculation of 37.2% is being based upon the total of the parcel proposed for development as well as the adjacent lease area. It is believed that the parcel planned for development and the area intended for lease must meet the minimum greenspace on their own. The Town Engineer defers to Town staff on the interpretation of this requirement. Section 208-50.4 limits the number of entrances and exits per establishment to one onto any individual public thoroughfare. The concept plan shows two access points onto the adjacent private roadway, which may be considered a public thoroughfare. The Town Engineer defers to Town staff as to whether or not the number of project ingress/egress points must be reduced to one in order to meet the applicable zoning requirements. Section 208-50.5 requires that the property margins at the sides from the front building line to the rear property line shall be planted with trees and shrubs for a width of not less than 15 feet. The northern property line shows only a 7.4' wide area available for such plantings and because the southern boundary abuts the area intended for lease, none is shown. It is believed that at a minimum, the northern property boundary must include the noted planting area. For concept site plan submission, Section 208-114(B) of the Zoning Code 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. Tax parcel 272.1-1-15 currently has an existing commercial use. There should be a plan provided to the Town to indicate the location of this use in relation to the proposed use. Further, there should be indication of the intent to abandon the existing curb cut onto U.S. Route 9 as part of the development of this parcel. The concept plan provides 7 more parking spaces than required by the Town Zoning: the Planning Board should request justification as to why additional parking spaces are needed. The concept plan shows cross lot easements connecting to the parcel to the north. It is suggested that easement language be developed indicating that general access through the two parcels being developed is permitted such that the access easements are mutually beneficial. The plan provides three accessible parking spaces. As the plan progresses and the accessible entrance is defined, it may be necessary to relocate all spaces in one common area and as close as practical to the building entrance. 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 on-site hydrant is required to satisfy the requirements of Section 508.8 of the FCNYS. There must be indication of who will own and maintain the proposed sidewalk that runs parallel to U.S. Route 9 and is situated on private property as well as within the U.S. Route 9 right-of-way. Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning 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 sample materials to be used for construction for the proposed building should be submitted to the Planning Board for review.

Mr. Hale commented that the establishment of cross-easements was prudent, although the applicant was “stuck” with required setbacks. Mr. Boyea explained that development, including drive thru features will be constructed in “one phase.” Mr. Ophardt commented on the proposed dual double access points proposed from the Tractor Supply access drive to serve the building, explaining that the design creates two “points of conflict.” He recommended that the consultant consider reducing the number of access points: Mr. Boyea agreed to consider the recommendation. Mr. Ophardt observed that the parking provided to the south of the building appeared “not to be tied to the site” and that there appeared to be no landscaping to provide screening from Route 9. Mr. Boyea explained that the southern parcel is subject to an easement established by Tractor Supply that limits its use to a cross access and parking to ensure that the Tractor Supply store “has visual prominence” from Route 9. He was uncertain whether or not the easement language prevented the installation of additional landscaping on the property: he will review the executed easements to determine if plantings are permitted. Mr. Ophardt stated his appreciation for the applicant’s willingness to provide a sidewalk in front of the property, though he was concerned about its “logical terminus,” ownership, and maintenance. Mr. Boyea stated that the applicant will attempt to install the sidewalk entirely within the property boundaries. Mr. Scavo stated that the Town has “typically taken over maintenance” of sidewalks. In response to Mr. Koval’s question regarding the percentage of greenspace (he believes that the code requires that 35% of the parcel be set aside as greenspace) provided on the site, Mr. Boyea agreed to review code requirements and attempt to make the site compliant. Mr. Ferraro offered several comments on the application. He was pleased that the site would be accessed from the entrance drive to Tractor Supply rather than Route 9. He requested that the applicant provide more information regarding possible tenants and the types of businesses that would utilize the proposed drive thru features in order for the Board to “have a better sense of the intensity” of potential uses. He asked that the applicant consider “landbanking” excess parking spaces and provide substantial landscaping on the southern parcel. Both Mr. Ophardt and Mr. Andarawis supported a landscaping plan that would provide screening of the parking areas from the driving lanes of Route 9 and the recommended “landbanking” of unnecessary parking spaces. Mr. Werner recommended that the applicant evaluate the level of service based upon projected traffic generation in order to determine if additional traffic controls along Route 9 are warranted. Mr. Bianchi encouraged the applicant to provide the Planning Department with copies of the existing easements since they would provide information regarding the “flexibility” of cross-easement locations. Mr. Ferraro pointed out that before any further review by the Planning Board, the applicant must meet with Mr. Myers to determine if variances will be required. Though Board members appeared to find the application generally acceptable, the issues of dual vs. single access, parking, landscaping and screening, intensity of possible uses (particularly those related to tenants utilizing the drive thru features), possible variances, sidewalk location and maintenance, easement restrictions, and compliance of stormwater management areas with current standards should be addressed by the applicant.

[2013-040] **Delmonico’s Amendment** – Proposed 194 SF kitchen addition, Northside Drive - Preliminary site plan review and possible determination. SBL: 272.9-1-38.2

Mr. Gavin Vuillaume, consultant for the applicant, explained that that applicant proposes the construction of a 194 SF kitchen addition to the existing Delmonico’s restaurant located

south of Northside Drive, adjacent to the Chili's restaurant in the B-4 zoning district. The addition will be located along the easterly side of the building and will result in no visual impacts. Mr. Vuillaume explained that site plan approval was granted by the Planning Board on July 9, 2013 for expansion of the restaurant and construction of a covered patio area.

Mr. Scavo read comments issued by Mr. Myers in a memo dated November 27, 2013. Mr. Myers notes that it is "very unusual for an expansion at this time." He states that there could be an issue with traffic flow around the building during construction.

Mr. Scavo offered comments prepared by the Planning Department. A notation should be placed on the plan that states the following:

This site plan addition is bound by all covenants, restriction, and conditions of the site plan approved by the Planning Board for project number 2012-019 and shall be incorporated as a site plan addition to the project.

The speaker stated that the flammable fuels and liquids items currently stored behind the fence must be relocated in accordance with recommendations from Building Department officials.

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

In response to Mr. Ferraro's question regarding the proposed construction materials for the addition, Mr. Vuillaume stated that the materials would be the same as those used for the main restaurant.

Mr. Bianchi reported that, after review of the preliminary subdivision plans submitted by the applicant, M J Engineering provided the following comment letter. The speaker noted that the Planning Board completed a SEQRA review for prior site plan applications for the parcel and could, therefore, deem the current proposal as being consistent with the prior SEQRA findings or initiate a new SEQRA review. Should a new SEQRA review be initiated, based upon review of Part 617 of NYS Environmental Conservation Law, the project appears to be "Unlisted". Assuming the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved/interested agencies to be engaged may include, but is not necessarily limited to the following: Saratoga County Planning: 239m referral due to the parcel being within 500 feet of N.Y.S Route 146. Additional involved/interested agencies may be defined as the project proceeds through the Town's regulatory review. Mr. Bianchi asked that the applicant answer Item 17 under Part I of the Short Environmental Assessment Form.

Additional comments provided by Mr. Bianchi related to the proposed site plan. The project resides within the Town's B-4, Highway Business District. In our review of Section 208-4 of the Town Zoning Code, the proposed expansion would be permitted under the prior approved principal use. It appears that the expansion would not be in violation of the minimum side yard setbacks; however, the applicant is asked to confirm that the expansion is not within 30 feet of the side yard as required by Section 208-46(C) of the Zoning Code. The dimensions of the building expansion noted on the physical plan do not match the label for the same (the plan dimensions appears to be two times what is labeled).

Board members agreed that the SEQRA issues were consistent with those considered previously during review of project number 2012-019 and that additional SEQRA review was not required.

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

[2013-041] **Clifton Park Center Mall Free-Standing Hotel**

[2013-042] **Clifton Park Center Mall Subdivision** – Proposed (3) lot subdivision and proposed (4) story, 100 unit hotel, Clifton Country Road – Conceptual subdivision and site plan review. SBL: 272.-1-45

The proposed (3) lot subdivision and site plan will be reviewed concurrently.

Mr. Joe Dannible, consultant for the applicant, introduced Mr. Donald MacElroy, representative of the applicant, and Mr. Paul Goldman, legal representative for the applicant, who were in attendance at the meeting. He then presented this application for the Board's consideration. The property to be subdivided is located at the southwesterly portion of the mall property directly across the mall entranceway near Regal Cinemas. The property lies with the B4 (Highway Business) zoning district. Lot #1 will be a parcel of 2.2 acres; Lot #2 will contain 2.6 acres; Lot #3 will total 43.6 acres, generally encompassing the remaining mall lands. Lot #1 will allow for the construction of a 103,000 SF, 4-story, 90-100 unit hotel with 110 parking spaces. The hotel will be served by connection to the Clifton Park Water Authority and Saratoga County Sewer District #1. A porte-cochere entrance will be provided to the side of the hotel facing Clifton Park Center Road and the service entrance will be located to the westerly side of the building. The speaker explained that the porte-cochere entranceway has been deliberately oriented toward Clifton Park Center Road in order to direct patrons to the parking area to the west. Ingress/egress, utility connections, and parking have all been established in accordance with existing reciprocal easements. The site plan presented for review illustrates two additional buildings, though Mr. Dannible explained that the representations of possible future development are included simply as a depiction of development that may be considered in the future: they are not a part of this application. It appears that a future 2-3 story building is planned for Lot #2 and that a building with a drive-thru will be constructed on a portion of the remaining mall lands situated to the north of the hotel. Mr. Dannible explained that a number of variances will be required from the proposed lot boundary to the proposed building from the Zoning Board of Appeals. Mr. Dannible explained that it is anticipated that the disturbance area will be less than one acre: stormwater management measures will fully comply with current regulations. He concluded his remarks by stating that the on-going redevelopment of the mall, including the construction of a hotel and state-of-the-art cinema, has created a "lifestyle center" that has become an "inviting and welcoming space."

Mr. Scavo read a number of comments and recommendations issued by Mr. Myers in a memo dated November 27, 2013. Mr. Myers asked that "proper site plans reflecting actual conditions be submitted" for review, noting that the current plans do not show the existing skate

park, although a future drive thru building and a 2-3 story building are illustrated on the plan. He stated that he “believes that the hotel construction will have a ‘drastic impact’ on the existing skate park.” Parking should be sufficiently addressed in conjunction with the lack of parking for the current hotel and the knowledge that Town Center Zoning – if approved – will require significant accommodations. He points out that this could be the “correct time” to require construction of a parking structure. He states that site development as proposed will require a number of variances. The south side of the building that faces Clifton Park Center Road appears to be the front of the building: discussion with the Director of Planning and the Chief of the Bureau of Fire Prevention will be required to determine if this is the most reasonable building orientation. Access to all sides of the building will be required due to the height and size of the building. Mr. Myers points out that utility lines currently exist below the hotel footprint. A full Stormwater Pollution Prevention Plan will be required. Expansion of the existing retention pond may be required. Mr. Myers expects that many other additional comments will be issued when more detailed plans are submitted for review.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, offered the following comments on this application in a memo dated December 10, 2013. The proposed drive thru is not accessible for emergency services. Access for emergency services to all sides of the hotel will be required. A utility plan showing the location of current fire hydrants as well as proposed new hydrants will be required. Adequate parking for all of the proposed new projects must be provided. Ms. Reed commented that while conducting annual fire inspections of tenant spaces within the existing mall, many of the tenants have been expressing their concerns with the inadequacy of parking on the site, specifically around the Hilton Hotel area. They believe that inadequate parking is negatively impacting their businesses. She recommends that the parking issue be addressed in conjunction with the new buildings.

Mr. Scavo offered comments prepared by the Planning Department. The land along Clifton Park Center Road which provides the frontage for the proposed subdivided lot was bound by a prior site plan to have specific landscaping and buffer requirements. As the project advances the Planning Board with the applicant should evaluate whether to keep the prior approved buffer and carry it over to this new site plan/subdivision or modify/enhance the previously approved buffer. The existing ingress/egress and shared parking agreement for the mall complex should be reviewed for this project to determine its adequacy relative to the current project. Confirmation will be required from the Town Attorney to ensure that the proposed site plan and subdivision will not compromise a tax settlement agreement between DCG Development and the Town of Clifton Park. Mr. Scavo commented that the applicant has done a commendable job “creating visually appealing streetscapes” on the mall property and asked that subsequent submissions include building elevations and proposed signage for the hotel building to determine the visual impact to adjoining neighborhoods.

Mr. Scavo read comments prepared by Mr. Montague, Environmental Specialist, who reported that the ECC issued the following comments after review of the application. The applicant should indicate where the greenspace will be via shading on the site plan. In keeping with the current nature of the project area and the recommendations of the Town Comprehensive Plan, the applicant should retain existing vegetation to the maximum extent practical and use landscaping and grading to provide visual and auditory buffering between the project and

roadway to the south on both Lots #1 and 2. The applicant should reserve and display on the site plan or subdivision proposal sufficient rights-of-way to accommodate multi-use trails that would connect the proposed property with existing and contemplated trail networks as defined in the Town Trails Master Plan. This project has the potential to change the skyline, visually impacting the character of the project area. The ECC recommends that the applicant be required to conduct and submit a visual impact assessment for Planning Board and ECC review.

Mr. Scavo reported that the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee offered several comments on the project plan. The project does not show a clear pedestrian connection to the mall and, in fact, appears to end the proposed sidewalk at the future drive thru business. There appears to be “a lack of connectivity to surrounding parks and features including the trails around the nearby stormwater retention pond, skate park, and trails along Clifton Country Road.” It is recommended that the applicant consider the installation of bike racks in appropriate locations.

Mr. Bianchi reported that, after review of the preliminary subdivision plans submitted by the applicant, M J Engineering and Land Surveying, P. C. provided the following comments and recommendations. The site plans do not indicate the anticipated area of disturbance for the project, however the SEQRA Short Environmental Assessment Form (SEAF) indicates that it will be just under 1 acre. The applicant must be aware that under the following conditions, the project may become subject to the NYSDEC Phase 2 Stormwater Regulations and General Permit GP-0-10-001: the advancement of the design of Lot #1 (including all ancillary improvements supporting Lot #1) yields more than 1 acre of disturbance; the development of Lot #2 and the area north of Lot #1 is advanced, which would then classify the overall development as a “larger common plan”. Under this scenario, should the initial development of Lot #1 remain below 1 acre, then, upon development of the “larger common plan,” all stormwater facilities would have to comply with the most current design standards associated with GP-0-10-001. If it is found that the noted conditions will not occur, the applicant must provide an analysis 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 process. The project proposes to provide potable water to the site from the Clifton Park Water Authority (CPWA) via the extension of a new service lateral to the property. The applicant shall provide the Town documentation indicating the CPWA’s ability and willingness to provide potable water to the project or the applicant must furnish justification as to why such approvals would not be necessary. Any approvals offered by the Planning Board should be conditioned on receipt of CPWA’s review and approval. The project proposes to provide sanitary sewer service to the site from the Saratoga County Sewer District No. 1 via the extension of a service lateral to the property. The applicant shall provide the Town documentation indicating the SCSD’s ability and willingness to provide additional sewer capacity to the project or the applicant must furnish justification as to why such approvals would not be necessary. Any approvals offered by the Planning Board should be conditioned on receipt of SCSD’s review and approval. Given the size of the proposed development of Lot #1, at a minimum, the applicant should provide the expected peak hour vehicle trips based upon the most current version of the ITE Manual.

Mr. Bianchi offered several comments related to the State Environmental Quality Review Act (SEQRA). The proposal includes both a subdivision and site plan. As a matter of process,

the Town must approve the subdivision prior to the site plan. While each application requires separate actions by the Planning Board, the Board should consider both as part of a singular SEQRA evaluation and findings of significance. The site plan shows development on Lots #1, 2 and an area north of Lot #1. The applicant must clarify what proposals the Planning Board is considering. This must be resolved prior to the Planning Board initiating the SEQRA process as it will dictate the classification of the SEQRA review. Further, if the development of the adjoining lots is shown on subsequent site plans, but is not part of the SEQRA review, there could be an issue of segmentation. Based upon review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action, which is only valid if the development of Lot #2 and the area north of Lot #1 are eliminated from the site plan application. 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; Clifton Park Water Authority: taking of additional potable water; Saratoga County Planning: 239m referral due to the parcel being within 500 feet of Interstate 87 (subdivision only); NYS Department 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. Should the Town deem the project a Type I action, a full environmental assessment form must to be prepared.

Mr. Bianchi offered comments related to the Short Environmental Assessment Form. Under Part 1, Item 2, the following additional agencies must be added: Saratoga County Planning Board under the 239m referral; NYSDEC if the project is subject to the Phase 2 Stormwater Regulations; SCSD No. 1 if it is determined that approval for the discharge of additional sewage is deemed necessary; CPWA if it is determined that approval for the taking of additional water is deemed necessary. Under Part 1, Item 8, it is recommended that, at a minimum, the number of peak hour vehicle trips be provided for the proposed use based upon the most current version of the ITE Manual. Under Part 1, Item 9, the response provided is marked as "No" and must be changed to "Yes" as all new buildings are required by the Building Code of NYS to meet (but not exceed) the State Energy Code. Under Part 1, Item 17.1 the response indicates that the project will not create stormwater discharges. There must be additional detail to support this response since under the site plan, there will be some level of modification to existing drainage patterns even if there is no net change in cover types.

Mr. Bianchi provided a number of comments on the subdivision plan. The proposed parcels are located within the Town's B-4, Highway Business district. The plan appears to meet many of the minimum bulk lot area requirements (excluding the proposed lot development); however, there are no dimensions provided on the lots or a bulk lot summary for each of the three lots to verify whether the lots conform. This information must be furnished to confirm that all minimum bulk lot area requirements are being satisfied or that variances are required. The subdivision plat must include the metes and bounds of all existing and proposed parcel boundaries. Proposed Lot #1 and Lot #2 are provided with the required frontage, however, the

subsequent site plans for each do not utilize the available frontage for ingress and egress. Should there be any required cross lot access agreements and/or easements benefiting Lot #1 and/or Lot #2, the plat should reference them and/or show their locations to existing ingress/egress locations. Further, it is suggested that any language that may be specific to cross lot access easements be furnished to the Planning Board's legal counsel for review. Prior to filing of the plat, the applicant must obtain the 911 emergency response numbers for each new lot and that information must be placed on the approved plat.

Mr. Bianchi explained that the following comments related to the proposed site plan. The project resides within the Town's B-4, Highway Business district. Review of Section 208-45(B) of the Town Zoning, indicates that the proposed hotel use is a permitted principal uses within the district. Review of the concept plan submitted indicates that there is a potential for several area variances. Some of the minimum yard setbacks increase with building heights above 35 feet and the plan does not indicate the proposed height of the building. Therefore, certain setback requirements cannot be fully evaluated. Notwithstanding, the following lot deficiencies have been identified, which may become more substantial if the building height exceeds 35 feet. Section 208-46(C) requires that no building to be placed closer to a side property line than 30 feet and no automobile parking space shall extend nearer to a side property line than 20 feet. The side yard building and parking set backs are not being met on either side yard of Lot #1. These deficiencies may become more substantial with the proposed building height.

- a. Section 208-46(D) requires no encroachment of parking within 30 feet of the rear property line. Parking is shown within and up to the rear property line. This deficiency may become more substantial with the proposed building height.
- b. Section 208-48 requires the property margins from the front building line to the rear property line to be planted with trees and shrubs for a width of not less than 15 feet. Due to the placement of parking along and up to the side yard lines, this minimum landscaping is not being provided.
- c. It is unclear where the minimum parking spaces are being provided for Lot #1 as sufficient numbers to not reside on the parcel. If cross lot parking lot easements are required to meet the minimum number of spaces, this area must be shown on the plan.
- d. There must be summary bulk lot information for Lot #2 and Lot #3

There should be indication as to where the intended primary point of egress to Lot #1 is provided. Since the proposed lot frontage is not being utilized for ingress and egress, there must be verification as to whether a cross lot easement for access exists through Lot #3. It is suggested that the physical location of any cross lot easements be shown. The condition of the existing landscaping and vegetation along Clifton Park Road appears to be in a state of deterioration. The Planning Board should consider requiring the inclusion of some level of landscape enhancements to this portion of the property. There should be consideration of providing improved pedestrian linkage from and through Lot #1 to Clifton Country Road and Clifton Park Center Road as well as provisions for pedestrian facilities along Clifton Park Center Road. The plan does not note the location of the Town's park, which is on the adjacent property northwest of Lot 1. With the advancement of the development on Lot #1, there should be consideration as to how users of the park may access it and if special pedestrian routing must be incorporated into the design of Lot #1. The following items have been identified as potential deficiencies from the minimum requirements of the Fire Code of New York State (FCNYS) and must be reviewed by the Town's emergency response agencies:

Section 503.1.1 of the FCNYS requires a fire apparatus access road to be 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. This length may be increased to 300 feet where the building is equipped throughout with an approved automatic sprinkler system. The current plan does not appear to provide the required fire apparatus access road of 150 feet.

Appendix D105 of the FCNYS requires buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. Should the building be greater than 30 feet in height, the required apparatus road would need to be included as none exists on the current site plan.

Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning 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 should be submitted to the Planning Board for review.

Mr. Ferraro commented that his concerns centered on “how the proposed building would integrate private and public spaces” as encouraged by the form-based code and the Town Center Plan rather than approval of specific and multiple variances.

Mr. Dannible addressed the issue of compliance with the NYS Fire Code, explaining that the proposed hotel will be totally “sprinklered” and that adequate accessibility for emergency services will be provided by access roadways on three sides of the building. He reported that there is “no lack of parking on the site” and commented that the form-based code may “require people to walk some distances” to reach their destinations. Mr. Ferraro commented that “at some point a parking garage may be required.” Mr. Werner commented that there appears to be a need for an updated traffic count for the mall area and he recommended that the consultant prepare a comprehensive traffic circulation plan that, among other details, includes identification of access points, possible connections between different sections of the mall parcel, and pedestrian accommodations. In response to Mr. MacElroy’s description of the proposed hotel as an “extended stay” facility, Mr. Ferraro stated that appropriate pedestrian connections to the main mall area would be even more important. In response to Mr. Hale’s question regarding the need for a subdivision, Mr. Goldman, legal representative for the applicant, stated that the hotel franchise requires that the hotel be situated on its own parcel. Mr. Hale asked how the reciprocal parking arrangements were designed. Mr. Goldman explained that they were established as part of a 1983 agreement and that there were “minimal requirements for dedicated parking areas.” Mr. Koval expressed his concern regarding the proposed hotel’s proximity to residential neighborhoods and the visual impact of a four-story building: he encouraged the applicant to “be sensitive to neighbors” to the south. In response to Mr. Ferraro’s question regarding the disturbance of the existing berm during development of Lot #1, Mr. Dannible explained that no

disturbance was proposed at this time. Mr. Hale commented that “architectural standards” may be employed to minimize visual impacts of the hotel and that pedestrian accommodations to provide connectivity throughout the site were critical. Mr. Ophardt asked the applicant to consider installation of a trail connection along Clifton Park Center Road. Mr. Ferraro encouraged the applicant to consider development of the property in accordance with form-based requirements and to work to achieve a “synergy between public and private spaces:” he found the proposed drive thru building unacceptable. In response to Mr. Ophardt’s question regarding dedicated parking for the existing skate park, Mr. MacElroy explained that there is an existing parking area between the hotel and the park for accommodation of several vehicles: the remainder of the twenty-two (22) dedicated spaces may be relocated. Mr. Scavo recommended that two or three members of the Board be assigned to work with town staff and the applicant to design a workable plan for the area that incorporates form-based design concepts and that works to achieve the goals outlined in the Town Center Plan. Board members did not comment favorably or unfavorably on the application: they asked that the applicant address the identified issues of concern.

Northcrest Park PDD Amendment - Proposed amendment to existing PDD - Possible recommendation to Town Board.

Mr. Ferraro introduced this agenda item, re-emphasizing Mr. Scavo’s comment that the Planning Board is charged with possible “endorsement” of the proposed amendment to the Northcrest Park PDD – not with “endorsement” of the site plan as presented.

Mr. Ferraro explained that at its meeting of December 2, 2013, the Town Board approved Resolution No. 260 of 2013 that referred an application submitted by St. Peter’s Health Partners that requested approval of an amendment to the existing Northcrest Park Planned Development District to allow for the reconfiguration of existing parking areas and the expansion of the medical uses within an existing office building. The Town Board asks that the Planning Board review the proposal and offer comments and recommendations regarding the application’s compliance with the existing long-term planning goals for the town. The Town Board referral is made pursuant to Sections 208-73 and 208-126 of the Town Code.

Mr. Joe Dannible, consultant for the applicant, introduced the representatives of St. Peter’s Health Partners who were in attendance at the meeting. Ms. Susan McDonough presented a brief overview of the series of mergers that has created a regional health care consortium that seeks to provide comprehensive, cost-effective, quality health care in existing communities. Mr. Dannible then provided a detailed overview of the project plan, explaining that the plans submitted for review represent the “preliminary design concept” for the creation of a medical campus within the Northcrest Park Development District that was originally approved in 1994. He explained that the “campus” will be created by combining two adjacent parking lots, constructing architecturally similar entrance canopy features on two existing buildings and expanding the medical office use within an adjacent building. The current 10.43 acre Northcrest Park PDD consists of two separate parcels: one Tallow Wood Drive which currently contains Seton Health Urgent Care) and 855 Route 146 which is a part of the Executive Woods Office Park. Though the current configuration of these two parcels provides no vehicular cross access and minimal pedestrian cross access, the proposed amendment would provide the recommended

cross access and incorporate the Urgent Care Facility into the remainder of the site, enhancing the “campus-like arrangement” required by the current PDD zoning requirements. The site is located at the northeasterly quadrant of the intersection of NYS Route 146 and Tallow Wood Drive.

Mr. Dannible continued his presentation by describing the services currently offered at the Urgent Care facility that has served the Clifton Park community for nearly 20 years. Current services consist of urgent care, primary care physicians, specialists, imaging, and laboratory services. The three-story building occupies 9,000 SF per floor for a total gross square footage of 27,000 SF. Ninety-five (95) parking spaces are provided. The portion of Executive Woods located within the Northcrest Park PDD was constructed shortly after the urgent care facility and is occupied by a 90,000 SF of general office space including a daycare facility. Parking for three hundred ninety-one (391) vehicles, including a seventy (70) bay underground parking garage, is located on site. The overall site provides 3.65 acres, or 35% greenspace distributed throughout both parcels. Stormwater is managed collectively for both parcels within on-site retention basins. Both sites are serviced by municipal water and sewer.

Mr. Dannible explained that the site design concept, developed after a detailed analysis of the assets and constraints of the site and surrounding areas, proposes the incorporation of the existing medical facility into the Executive Woods Office Park. The speaker contends that the proposed site improvement will “promote the intent of the original PDD by creating a “campus-like arrangement” of buildings by providing vehicular and pedestrian connectivity between the two parcels. The site design includes a number of development components. These components include the expansion of the existing medical use within the 855 Route 146 office building: St. Peter’s Health Partners proposes occupation of 25,000 SF of space within the existing office building. The existing medical facility at One Tallow Wood Drive would be enhanced to include major interior renovations and a 1,750 SF “footprint” three-story addition that would provide space for the installation of updated imaging services. A visual depiction of proposed traffic circulation and parking areas were presented for review. Expansion and connection of the existing parking lots would provide additional parking for the enhanced and expanded medical uses and shared parking with the remainder of the office park. Vehicular cross access between adjacent lots will be provided and an existing curb cut onto Tallow Wood Drive will be eliminated. Pedestrian connectivity with “quality green space,” sidewalks, and outdoor patios will be incorporated into the overall design. Two architecturally similar entrance canopies will be designed to create a “visual association” between the two buildings. Designated drop-off areas are planned to provide for safe and convenient access to the various medical providers. On-site stormwater management will utilize Green Infrastructure Techniques. Visual screening of parking areas will be achieved by installation of wrought-iron fencing and construction of continuous sidewalks to create a “revitalized streetscape” adjacent to Route 146. Mr. Dannible concluded his remarks by explaining that the proposed improvements to the PDD will “greatly enhance the availability of ambulatory services” and specialists that will benefit the community by providing easy access to “outpatient specialty care.” The consultant explained that medical signage will be a significant component of the project, providing not only visual interest but also clear identification of health providers and services.

Though Mr. Hale stated his approval of the design that creates an “attractive campus-like” setting, Mr. Koval stated that he was “not certain that the proposed fence” was visually appealing and he noted that the headlights of cars in the parking lot would create glare for those traveling along Route 146. In his opinion, additional screening of the parking lot was necessary. Mr. Werner suggested that the applicant consider the addition of a stone wall or pillars to the fencing or, possibly, some “low level” plantings to help screen the parking area and add visual interest to the site. He also recommended that the applicant contact NYSDOT to determine whether or not supplemental landscaping could be added within the state owned right-of-way. Mr. Ferraro suggested that additional landscaping be placed near the existing curb cut onto Route 146 and that the applicant consider extending the sidewalk “around the Tallow Wood Drive corner,” possibly to the building’s entranceway. Mr. Ophardt recommended that the applicant consider extending the sidewalk along the Route 146 frontage easterly to the intersection of Route 146 and Maxwell Drive. Mr. Ferraro commented that such an extension would provide “a significant public benefit.” Mr. Hale stated his support for the amendment to the PDD and noted that the type of fencing and other issues could be considered during future site plan reviews.

Mr. Hale moved, seconded by Mr. Ophardt, to recommend that the Town Board approve the proposed amendment to the PDD since the proposed modifications to the existing Planned Development District appear consistent with the Town’s Comprehensive Plan, Town Center proposal, and development within the Route 146 corridor. The motion was unanimously carried.

Board members agreed that the many issues of concern could be adequately addressed during site plan review.

Ms. Paulsen moved, seconded by Mr. Ophardt, adjournment of the meeting at 10:30p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on January 14, 2014.

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