

Town of Clifton Park Planning Board
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PLANNING BOARD

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DeniseBagramian
Jeffery Jones
Andrew Neubauer
Eric Ophardt
Greg Szczesny
(alternate) Teresa LaSalle

Planning Board Minutes
April 9th, 2019

Those present at the April 9th, 2019 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, J. Jones, A. Neubauer, E. Ophardt, G. Szczesny (Joined the meeting while in progress)

Those absent were: D. Bagramian, T. LaSalle – Alternate Member

Those also present were: J. Scavo, Director of Planning
J. Bianchi, M J Engineering and Land Surveying, P.C.
A. Morelli, Counsel
B. Cooper, Secretary

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

Minutes Approval:

Mr. Andarawis moved, seconded by Mr. Neubauer, approval of the minutes of the March 12th, 2019 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:

2019-006 Banino 2 Lot Subdivision

Applicant proposes subdividing the 6.43 acre lot into 2 lots. Lot 1 will be 3.63+/- acres and include the existing house, well and septic system. Lot 2 will be for construction of a single

family home with a proposed well and septic system, 116 Vischer Ferry Rd, Zoned: CR, Status: PB Preliminary Review

SBL: 283.-1-42.3

To be reviewed by: MJE Consultant: GVG Applicant: Banino **Last Seen on: 2-26-19**

Mr. Ophardt moved, second by Mr. Jones, to establish the Planning Board as Lead Agency for this application, a 2 Lot Subdivision action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Consultant/Applicant Presentation:

Dwayne Rabideau from VanGuilder and Associates representing Banino subdivision application. Mr. Rabideau stated the proposal is to divide the 6.5 acre lot into 2 parcels for single family homes. He stated the north lot would have the existing house with improvements on it and that the south would be building a single family house in a CR zone with no constrained lands. Mr. Rabideau stated he felt all concerns from the board, staff and professionals have been addressed. Mr. Rabideau stated the south lot will be #114 as per the 911 request. As per the 15 foot easement request, Mr. Rabideau stated the applicant has decided against it and would rather pay parkland fees as required by the Town Code.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 3/25/2019 stating:

- Proposal is to divide a 6.43acre parcel into two parcels of 3.63 acres and 2.8 acres in a CR zone.
- Lot 2 does appear to meet the 200' wide requirement for property on Vischer Ferry Road.

The Environmental Conservation Commission held a meeting on 04/02/2019 and issued a memo recommending:

1. The ECC recommends that this project be carried out in keeping with the goals of tree preservation as stated in the Town Comprehensive Plan, to the greatest extent practicable.
2. As provided under Town Code 208-16E2a the applicant is subdividing a parcel less than 10 acres. It is recommended that a note be placed on both proposed deeds which indicates that the applicant has been granted a one-time subdivision of the land comprising of both lots

Scott Reese, Stormwater Management Technician issued a memo dated 04/05/19 with the following comments:

No stormwater comments at this time.

The Trails Subcommittee has the following recommendations for the Planning Board to consider in its decision making:

A 15 ft. ROW/Trail Easement should be provided on the property boundary line along Vischer Ferry Rd. for a future multi-use path and utility realignment.

Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 04/09/2019 stating:

No comments

John Scavo, Director of Planning issued a letter dated 3/26/2019 with the following comments:

1. A recommendation from the Saratoga Co. County Planning Board stated, “No County-Wide or Inter-Community Impact.”
2. Add the assigned 911 address to Lot #2, once assigned by the Chief of the Fire Bureau.
3. A parkland mitigation fee in the amount of \$1,250.00 will be due at the time of stamping the final plan.
4. The mitigation fee for the Western Clifton Park GEIS preparation will be applicable: a payment of \$348 per each new dwelling unit will be required to be paid at the time of stamping the final plan.

Professional Comments:

Joel Bianchi, P.E. of MJ Engineering in a letter dated 04/04/2019 had the following comments:

State Environmental Quality Review

1. No additional comments.

Subdivision Plan / Site Plan

1. No additional comments

Public Comments:

No public comments

Mr. Ferraro motioned, second by Mr. Jones, to close the public hearing. The motion was unanimously carried.

Planning Board Review:

Mr. Jones stated that the 15 foot easement is always a suggestion but is not a requirement. Mr. Scavo stated there is a plan for a trail but currently nothing in place, but the town can mitigate for funds to be put aside for a trail to be created down the road. Mr. Ferraro asked Mr. Scavo asked about the property lines location in relation to the existing right of way and if an easement of less than 15 feet would be needed to accommodate the width of a future trail along the roadway, and if eminent domain can be applied at that time if necessary. Mr. Scavo stated it can be if needed at that time, but property can also can be purchased from the land owner without applying eminent domain if the owner is willing to sell. Mr. Rabideau stated that the cost of creating the easement is expensive; and the owner is not willing to spend the money on a speculation. And if the time arises then the owner will investigate the conveyance of an easement.

Mr. Ferraro stated that since it is only a two lot subdivision and there are no immediate plans to construct a trail, this is not a critical necessity for approval.

Mr. Morelli stated we cannot force them into creating an easement.

Regarding the easement Mr. Bianchi stated that if the town gets grants either by state or federal funding the town must use funds to buy the property instead of just an easement.

Mr. Ophardt offered Resolution No. 7 on April 9th of 2019, seconded by Mr. Jones to waive the final hearing for this application for the Banino 2 Lot Subdivision approval, and to grant preliminary and final subdivision approval condition upon satisfaction of all comments, provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Roll Call:

D. Bagramian - Absent
 E. Andarawis - Yes
 E. Ophardt - Yes
 J. Jones - Yes
 A. Neubauer - Yes
 G. Szczesny – Not in attendance
 R Ferraro - Yes

Ayes__5 (five)___

Noes: _0 (zero)___

The resolution is carried.

Public Hearings:

2019-011 Abele 23 Lot Cluster Subdivision

Applicant proposes construction of 23 single family homes in a cluster design on a road to be connected to John J McKenna IV Way with an emergency access road onto Christinamarie Drive. This is an amendment to the plans from project 2017-021 Abele 14 Lot Subdivision that was approved on 12-11-18 increasing the number of homes from 14 to 23, Christinamarie Dr, Zoned: R-1, Status: PB Preliminary Review w/ possible determination

SBL: 284.-1-10.21

To be reviewed by: MJE Consultant: ABD Applicant: Abele **Last Seen on: 3-12-19**

Mr. Neubauer moved, second by Mr. Andarawis, to establish the Planning Board as Lead Agency for this application, a 23 Lot Cluster Subdivision Type I Action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Consultant/Applicant Presentation:

Ed Able from Able Builders, Luigi Palleschi from ABD Engineering, and Teresa Bakner with Whiteman, Osterman & Hanna Law Firm presented the application. – Mr. Able spoke to the benefits to a cluster subdivision with single family homes as outlined in the written project application. A Pergola/Gazebo Structure has been added to plan, per Planning Board’s request and can be placed to the

liking of the board. All rear yards have a 25 feet setback, front setbacks are 10 feet. Mr. Able stated in regards to the 911 address that the subdivision could possibly become an extension of John J McKenna IV Way. Mr. Palleschi stated lot #23 has been re-designed since last meeting to provide more useable yard space between the rear of the home and the rear property boundary. A retaining wall has been added to the rear of the property to drop the profile of the lot lower than the adjacent rear yards. Solid Vinyl Fencing is proposed along the rear of the property. A bottom-less arch culvert is proposed to eliminate the need for an Army Corps of Engineers (ACOE) Permit.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 3/25/2019 stating:

- Street names for 911 addressing are still not provided.
- Sump pump drains are not shown as connecting to the storm drainage system as required. Elevations for storm drains and basements shall be adjusted as required to facilitate this. The storm drainage system shall be lowered if required.
- Building setbacks are proposed as smaller than any other cluster subdivision in town. Any building protrusion over these lines will require additional fire proofing per NYS Code.
- It is stated all houses are now 2' above groundwater. Each excavation will be checked for water and mottling prior to each foundation.
- **Narrowing of the road to 20' violates the requirements of the NYS Fire Code.**
- It is stated lot 23 meets the slope setback requirements of the NYS Residential Code. This will be verified in the field.
- Is a copy of the conventional subdivision plan available to verify the density allowances?
- What was agreed to on the emergency path is that 16' would be available to support a 75,000 vehicle but only 12' had to be paved.
- All stormwater management areas should be constructed as required by the NYSSMDM since history shows they eventually are turned over to the town and we cannot accept sub-standard elements.

Jennifer Viggiani, Open Space Coordinator issued a memo dated 04/02/2019 with the following comments:

1. Pedestrian Pathway: I recommend either 5-foot wide sidewalks; OR 8-foot wide multi-use path. A 6 foot wide asphalt multi-use path is not acceptable. If the town is to own the pathway, the town is prepared to manage best for the 8-foot wide multi-use path, not 6foot wide.
2. Emergency Access Drive/Co-Located Multi-Use Path: The proposed 20-foot width of the asphalt emergency access drive seems excessive to the character of the existing neighborhood. I recommend a 12-foot maximum width asphalt for the standard for emergency access with hardened shoulders that can meet with fire truck weight thresholds and then blend that into the proposed asphalt paved trail. As an example, the Vistas Neighborhood (Vista Court) emergency access road/asphalt trail to Sterling Heights Drive was about 12 feet wide with 4 feet of crusher run shoulders on both sides (for a total of 20 feet for the emergency access). See the attached field change amendment for The Vistas, as an example.
3. The planning board should support the neighborhood-to-neighborhood connectivity and fully designate the emergency access driveway as also a co-located, pedestrian/bicyclist facility – through requiring a public access easement be granted to the Town of Clifton Park over the emergency access route, because it is proposed to be owned and maintained by the HOA

4. The future HOA should be required to plow the emergency access drive/and asphalt trail at the time the roads are plowed. See an example below of the plan view of a continuous, 12-foot wide, emergency access road/multi-use trail co-location by viewing The Vistas Neighborhood connection to Sterling Heights below.

The Environmental Conservation Commission held a meeting on 04/02/2019 and issued a memo recommending:

1. ECC recommends lot 23 be removed from the plans. The anticipated drainage issues, the triangle shaped lot being out of character with the rest of the planned development, and close proximity to an adjacent neighbor, substantiate this proposal. A more appropriate use of this lot would be open space / park land.
2. Town Code 179-34A Cluster Subdivisions states that important resources shall be permanently preserved through the use of conservation easements or other means of preserving open space. Because of these important resources will be held by the HOA, the ECC recommends that the open space restrictions be in perpetuity per the deed.
3. The deed restricted area uplands adjacent to the federal wetlands was required by the ACOE due to previous incursions in wetland areas. The ECC is concerned that the transfer of restricted lands may lead to unintended intrusion, and that the restrictions must be stated in individual deeds (including any deed for the HOA lands).

Scott Reese, Stormwater Management Technician issued a memo dated 04/05/19 with the following comments:

1. The elevation of the grate of the drywells should be elevated as shown on the Drywell (DW) by Fort Miller of Approved Equal on sheet 10 of 10, dated February 19, 2019. If the grate of the drywell is flush with the infiltration basin floor then the water quality volume will be directly discharged into the ground water, which is not allowed. Raising the grate elevation will allow water to discharge during frozen ground conditions.
2. With the data of the ground water provided under the drywell detail on sheet 10 of 10, it appears the bottom of the drywells are at or below the ground water elevation which is not allowed.

The Trails Subcommittee has the following recommendations for the Planning Board to consider in its decision making:

- The site layout plan shows a 6 ft. wide asphalt multi-use path along the entrance roadway from John J. McKenna IV Way to the proposed 20 ft. wide Sewer Easement / Emergency Access Drive. We recommend one of the following alternative options:
 - A 5 ft. wide pedestrian concrete sidewalk along the entrance roadway.
 - (Or) An 8 ft. wide asphalt multi-use path – this is the minimum safety standard for multi-use paths that are designed for multiple uses simultaneously – bicycles and pedestrians. If the town is to own the multi-use pathway, the town is also prepared to manage best for the 8 ft. wide multi-use path, not a 6 ft. wide path
- In order to maintain the character of the existing neighborhood – a **12 ft. wide asphalt emergency access drive** with hardened shoulders is recommended. This should meet fire truck weight standards and blend better with the proposed asphalt multi-use path. An example of this is the Vistas Neighborhood (Vista Court) emergency access road/asphalt trail which is 12 ft. wide with 4 ft. of crusher run shoulders on both sides for a total of 20

- ft. of emergency access (See the attached field change amendment and aerial view of the Vistas.)
- Since the emergency access driveway (proposed to be owned by the HOA) is also a pedestrian/bicycle facility connecting neighborhoods, a **public access easement** over the emergency access route should be granted to the Town of Clifton Park.
 - The future HOA should be required to plow the emergency access drive/asphalt trail at the time the roads are plowed.

Note: Ideally, in order to create a better sense of community and a stronger pedestrian connection among the proposed single family homes as well as the adjacent neighborhoods, the Trails Subcommittee recommends a 5 ft. concrete sidewalk in front of the homes around the entire roadway loop . A crosswalk should also be provided across the entrance roadway for a safe crossing from the recommended entranceway sidewalk/multi-use path to the loop sidewalk.

Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 03/12/2019 stating:

1. Provide proposed street names for 911 addressing
2. Provide a continuous 26 feet wide emergency access roadway per IFC

John Scavo, Director of Planning issued a letter dated 4/5/2019 with the following comments:

5. The Saratoga Co. Planning Board (SCPB) issued a decision noting the project will have “No Significant County-Wide or Inter-Community Impact.” However, the Board was concerned with the proposed density combined with the minimal rear yards provided adjacent to the Deed Restricted Areas. These backyards will most likely be further reduced or eliminated with the construction of typical amenities such as decks or pools. The SCPB suggests that the proposed density be reduced to align with the constraints on the site and the intent of the Town of Clifton Park Cluster Subdivision Regulations.
6. The Preliminary Subdivision Plan is regulated by the requirements of Chapter 179 of the Town Code, titled, “Subdivision of Land”.
7. Written communications from concerned property owners adjacent to the project have been received and made part of the project record for the proposed subdivision.
8. Documentation from Crescent Waste Transportation Corporation is required prior to stamping the final plan to ensure the private transportation corporation has both the capacity and willingness to service the project.
9. Lot #23 if approved, should include provisions for the installation of privacy fencing along the rear property boundary with adjacent residential properties.
10. The applicant is required to receive a final sign-off from Steve Myers, Director of Building and Development to confirm the emergency access from Christinamarie Drive is acceptable.
11. A 15’ sewer easement from Christinamarie Drive to the subdivision is shown on the plan to be co-located within the emergency access drive/multi-use path. A note should be place on the plan that states, “The Crescent Waste Treatment Corporation, is responsible to repair any damage to

the emergency access drive/multi-use path that may occur as a result of repairs or maintenance to the sewer line within the utility easement.”

Professional Comments:

Joel Bianchi, P.E. of MJ Engineering in a letter dated 04/04/2019 had the following comments:

State Environmental Quality Review

1. No additional comments.

Subdivision Plan

2. It is suggested that the stone diaphragm shown along the proposed roadway, extending from Sta 15+50 to 20+90(+/-) be made part of the facilities to be owned and operated by the HOA as it is a functions treatment component of the overall stormwater management system.

Stormwater Management Report

3. No additional comments.

Stormwater Pollution Prevention Plan

4. No additional comments.

Public Comments:

Ralph Reale, 13 Hiawatha Drive – Noted water is being diverted toward wetlands. Mr. Palleschi noted you cannot cutoff wetlands by diverting flows. The wetlands would dry up and disappear if water was diverted from the wetlands. Mr. Reale’s concerns are summarized with two main issues Density & Proximity to existing homes. Mr. Reale quoted 208-116(A) of the Town Code which is applicable to the review of site plan applications and is not relevant to the evaluation of a residential subdivision project before the Board.

Kathleen Kenneth, 15 Haiwatha Drive – lot 23 is still a major concern for her. She states she would like to see it have fencing at the higher end of the berm or fencing to provide a visual and sound barrier. Ms. Kenneth stated that she would prefer no home be built on that lot, but if constructed, would like to include mitigation measures to reduce its visual impacts from her property. Related to the proposed gazebo location, Ms. Kenneth also stated that she preferred it be located in the loop rather than near the mailboxes.

Dan Hughes, 13 Christinamarie Drive - Is ok with the layout and feels it is a fair layout and provides a beneficial trail route to avoid safety issues along Southbury Road for pedestrians and cyclist.

Anthony LaFleche, 21 Wheeler Drive – asked if the HOA will remove or take care of dead vegetation. Ms. Bakner clarified that if the tree is dead and is in danger of harming someone it can be safely removed, but if no eminent danger is present the tree or vegetation stays. Mr. LaFleche also asked, what if someone does not want to join the HOA. Ms. Bakner explained you have to be a part of the HOA but do not have to participate in it.

Mr. Ferraro motioned, second by Mr. Neubauer, to close the public hearing. The motion was unanimously carried.

Planning Board Review:

Mr. Jones asked Mr. Bianchi if there were any foreseen issues with the slopes on lot 23. Mr. Bianchi stated that if building codes are met and monitored there will be no issues. Mr. Jones prefers vegetation over fencing for the rear of the property. Mr. Ferraro asked the applicant to consult with adjacent property owners to attempt to achieve a consensus on buffering the rear property boundary. Ms. Kenneth stated she prefers natural buffers. Mr. Palleschi stated that there can be some lower vegetation as well as trees to help with the high and low buffering. Discussion ensued on Natural Buffer or Fence. The Planning Department will work with both the applicant and adjacent neighbors to Lot #23 as arbitrators for a final decision. The applicant stated he is willing to work with the adjacent neighbors to get their thoughts on a solution acceptable to all. Mr. Jones had concerns about the location on lot 23 but trusts the Town Designated Engineering's professional review that confirms the applicant has designed Lot #23 in conformance with Town Standards.

Mr. Jones stated he would like to see the gazebo in the open space within the looped road area. Mr. Palleschi stated they would like it placed near the mailbox area as the loop is also being used for managing stormwater. Mr. Palleschi stated the area requested by Mr. Jones is being used as stormwater management and water would pool for a period of time. Mr. Ferraro states he would like it by the mailboxes, as it is a natural gathering place, and the trail is there as well.

Mr. Andarawis has concerns with lots 6 and 7 on the conventional subdivision layout, he thought they were keyhole and in protected areas. Ms. Bakner stated the deed restricted area is not a part of the town law and they are being followed. She also stated lot 6 has frontage to John J. McKenna IV Way as well as the proposed road to be put in.

Mr. Ophardt expressed concerns about a retaining wall proposed with sandy soils and slope stability. Joel Bianchi, P.E. noted the design proposed by the applicant's engineering addresses this issue through an engineered solution.

Mr. Jones asked about the sidewalk proposed to go out to Crescent Road. Mr. Scavo does not see it feasible to make it to Crescent Road due to grade differences, fire hydrants, county road drainage, and utility lines.

Mr. Ferraro asked who would maintain the sidewalks and the question of having 8 foot asphalt vs. 5 foot concrete. Mr. Scavo stated that 8 foot pathway would be easier to maintain. Mr. Able stated he wants asphalt but would be willing to increase the width of the walkway to 8 feet to please the board/town. All board members agree to an 8 foot asphalt path.

Mr. Ophardt was questioning what type of signage will be for the deed restricted areas. Mr. Palleschi stated there will be strategic signage and some split rail fence in certain areas. Mr. Ophardt and Mr. Ferraro want to see the split rail fencing section and sign on all the properties. Ms. Bakner said it can be done.

Mr. Ophardt offered Resolution No. 5 of April 9th, 2019, seconded by Mr. Szczesny to waive the final hearing for this application for the Abele 23 Lot Cluster Subdivision approval, and to grant preliminary and final subdivision approval condition upon satisfaction of all comments, provided by the Planning

Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Conditions:

Split Rail Fence Section on each lot to delineate and identify land preservation deed restricted areas. Also, the individual plot plans and deeds to identify the restrictions associated with these areas.

Acknowledgement of deed restrictions and enforcement oversight by the HOA

Work with the Planning Department and 2 adjacent neighbors to identify and agree to appropriate mitigation for Lot #23.

Foundation location is critical to ensure all structures eaves and articulations have a 10' separation between buildings.

911 Addresses & Street Name must be confirmed.

Asphalt Path to be 8' wide.

Pergola/Gazebo will be located by the mailboxes.

Roll Call:

- D. Bagramian - Absent
- E. Andarawis - Yes
- E. Ophardt - Yes
- J. Jones - Yes
- A. Neubauer - Yes
- G. Szczesny - Yes
- R Ferraro - Yes

Ayes ___6 (six)___

Noes: ___0 (zero)___

The resolution is carried.

Old Business:

2019-002 1 Emma Lane PDD Amendment (aka Peregrine Senior Living) - Site Plan

Applicant proposes a building expansion of 7,035 SF to the existing 30,969 sf building on 5.25 acres. Up to 12 new parking spaces are proposed to accommodate building if demand is demonstrated, 1 Emma Ln, Zoned: PUD, Status: PB Preliminary Review w/ possible determination SBL: 271.-2-22.12

To be reviewed by: MJE Consultant: EDP Applicant: Peregrine Senior Living

Mr. Ferraro stated that the Town Board has approved PDD.

Consultant/Applicant Presentation:

Joe Dannable with EDP presented the application. Peregrine is focused on memory care management. They are proposing a 7,200 sq./ft. addition to have increase bed count and increase staffing and employment in the town. The plans have changed with setbacks and parking for compliance to allow the addition. They are looking today for a zoning compliant plans with addition on the south side of the building. Parking will increase by 10-12 spaces, they will be adding 10, but eliminating 2. Setbacks will be changed. Trails will be re-routed, and the reconfiguration of the drop off loop.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 3/25/2019 stating:

- Per the PDD legislation (217-314D) there is a 155' building and parking setback from the centerline of Route 146. A 100' setback for the building and parking from the east property line and a 25' building and parking setback from the west property line.
 - 1) Centerline of Route 146 to building = 138.9' – 16.1 variance required.
 - 2) Parking setback west property line = 0' – 25' variance needed.
 - 3) Parking to be installed at building front at 105' from Route 146 centerline. – 50' variance needed.
- It is believed to Town Board approved this expansion and the modification to the legislation.

Jennifer Viggiani, Open Space Coordinator issued a memo dated 04/04/2019 with the following comments:

- the Peregrine Senior Living institution should include pedestrian circulation and accessibility from its existing front door to the public road frontage, for employees and visitors.
- The Town has a future, grant-funded project to construct sidewalks from Northcrest east to close the gaps to Maxwell Dr. The pattern for retrofitting the north side of NYS 146 with sidewalks is ongoing. Ideally Peregrine/Emma Lane PDD would contribute to the construction of sidewalks along the entire frontage, so the request to connect the building

ECC Recommendations on March 19, 2019 reiterated on April 2, 2019:

The Applicant must indicate the proposed amount of greenspace for this project. 2. As required by the comprehensive plan, the planning board should consider the applicable standards (e.g., percentage of greenspace) for adjacent zoned properties and ensure that this proposed PDD amendment is consistent.

Scott Reese, Stormwater Management Technician issued a memo dated 04/05/19 with the following comments:

1. Applicants engineer states that the existing storm water management area will accommodate runoff from new building addition. I am in agreement with MJ Engineering Review letter comment #2 with the applicants engineer to state that there will be no adverse impacts to adjacent or down gradient properties.

The Trails Subcommittee has the following recommendations for the Planning Board to consider in its decision making:

- A sidewalk should be provided from the building's front door to the public road frontage on Rt. 146 for pedestrian access to the building. The additional sidewalk segment shown in the attached concept sketch would accomplish this. The sidewalk should also taper to the roadway shoulder along Rt. 146.
- Ideally, a 5 ft. concrete sidewalk should be provided on the property boundary along NYS Rt. 146. This is important in the ongoing retrofitting of the north side of Rt. 146 with sidewalks.
- Otherwise, a 10 ft. ROW/Trail Easement should be provided on the property along NYS Rt. 146 for a future sidewalk and utility realignment.

Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 03/12/2019 stating:
No comments

John Scavo, Director of Planning issued a letter dated 3/26/2019 with the following comments:

1. Existing exterior lighting on the building should be directed downward and contain cut-off angled shields to minimize visual impacts to adjacent property owners.
2. The applicant should confirm if additional exterior building lighting is required. If additional lighting is proposed, the location should be called out on the site plan and a detail noting it is down direction with angled cut-off shields should also be shown.
3. In March, the Clifton Park Town Board passed resolution to adopt a local law that amended the PDD to allow for the proposed expansion.
4. The Saratoga Co. Planning Board noted in a letter, the project will have, "No Significant County-Wide or Inter-Community Impact."

Professional Comments:

Joel Bianchi, P.E. of MJ Engineering in a letter dated 03/08/2019 had the following comments:

State Environmental Quality Review

1. The project required an amendment to the existing Planned Development District zoning regulations. As part of that process, the Town Board of the Town of Clifton Park as the SEQRA Lead Agency conducted a SEQRA review. The Planning Board does not need to reinitiate the SEQRA process so long as the site plan and reports submitted remain consistent with the Town Board's SEQRA Findings.

Short Environmental Assessment Form

2. Under Part.I.3.b; the acreage to be disturbance is stated as 0.71 acres. While the project will not be subject to the New York State Stormwater Management requirements and GP 0-15-002, a stormwater analysis should be conducted to ensure on-site facilities can accommodate the increased development and there will be no adverse impacts to adjacent or down gradient properties.

Site Plans

3. The project is located within an existing Planned Development District (PDD) which was amended to allow for this project to occur. Based upon our review of the site plan, it would appear to meet the use and bulk lot requirements of the current PDD legislation.

4. Section 503.1.1 of the International Fire Code (IFC) requires an approved fire apparatus access road be provided for every facility, building or portion of a building and 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. Subsequent plans shall show how the above provision of the IFC will be satisfied.

5. 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.

Public Comments:

Anthony LaFleche, 21 Wheeler Drive – Mr. LaFleche stated he likes the look of the building. He asked about the easement on the north side, if the walkway can be pushed back past the plow line and extended, and have the trail meet the other existing trail.

Planning Board Review:

Mr. Neubauer and Mr. Szczesny both like the way the addition looks.

Mr. Ferraro would like to see the sidewalks connected as was noted by the staff comments. Mr. Dannable would like to keep the sidewalk on their property and not enter the DOT's Right of Way to ensure a highway work permit is not needed. Mr. Ferraro stated it can be installed to the property line. Mr. Scavo stated that there is a plan to put in a sidewalk from Shenendehowa to the roundabout and come back all the way down to the CVS. Mr. Dannable agreed to extend the sidewalk to the R.O.W but expressed concerns about safety issues on their site by the users of the trail located along the roadway. If the facility is ok with the connection they can go ahead but if they are not comfortable can this be eliminated from the plans? Mr. Neubauer supports the concerns of Mr. Dannable.

Mr. Andarawis asked about charging stations for cars since more parking is going to be put in. Mr. Dannable can investigate with Mr. Scavo to see what they can do, but Mr. Dannable is not committing to them, as he needs to speak to the building owner.

Mr. Ophardt moved, second by M. Andarawis, to establish the Planning Board as Lead Agency for this application, a Peregrine Senior Living - Site Plan action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Neubauer moved, second by Mr. Szczesny, to waive the final hearing for this application for the site plan review of Peregrine Senior Living Site Plan, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Conditions:

Looking at the sidewalk connection to the property line

EV conduit to be explore by applicant and Town Staff.

New Business:

2019-019 Mallard Drive Accesory Use SUP

Applicant is requesting a Special Use Permit for allowance of a Home Occupation Social Work Counseling Office in an already existing single family home in the R-1 Zone per section 208-10(9)(a) [2]. If approved, full handicapped accessibility to home occupation will be required, 15 Mallard Dr, Zoned: R-1, Status: PB Concept Review

SBL: 276.7-1-25

To be reviewed by: MJE Consultant: none Applicant: Penelope Trielo

Consultant/Applicant Presentation:

Penelope Trielo, 15 Mallard Drive, she wants to change her in-law suite attached to her home into an office for her social work. There currently is a kitchen that was never approved by the Town. She would like to leave the kitchen in place. It has a separate entrance which can hold a handicapped accessible ramp as an entrance for the office.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 3/25/2019 stating:

- Applicant requests conversion of an illegal in-law apartment into a home occupation.
- Kitchen must be removed for this request. If kitchen is allowed to remain as part of approval of the SUP, a firewall from the roof to basement floor will be required by the NYS Code.
- Handicapped parking will need to be installed as required if approved.

The Environmental Conservation Commission held a meeting on 04/02/2019 and issued a memo recommending:

The ECC has no comments at this time.

Scott Reese, Stormwater Management Technician issued a memo dated 04/05/19 with the following comments:

No stormwater comments at this time.

The Trails Subcommittee has the following recommendations for the Planning Board to consider in its decision making:

The Trails Subcommittee has no comments or recommendations regarding this Special Use Permit.

Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 03/12/2019 stating:

No comments

John Scavo, Director of Planning issued a letter dated 3/22/2019 with the following comments:

1. Steve Myers and I have met with the applicant to discuss the project prior to submittal of the application. Home Occupation is an allowed use within the R-1 Zone by way of granting of a special use permit. Home Occupation is defined as, “Any occupation, business or professional activity which results in a product or service and which is conducted in whole or in part in a residential dwelling or on a residentially zoned property and is clearly subordinate in space utilization and intensity to the residential use.
2. The property owner will be bound by the conditions of the SUP which include the following restrictions as noted by §208-7 of the Clifton Park Town Code:
 - a. The use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not occupy more than 10% of the total floor area thereof used for residential purposes; and
 - b. The occupation or profession shall be carried on wholly within the dwelling and not in any structure accessory thereto.
 - c. There shall be no exterior display, no exterior sign, no exterior storage of materials and no other exterior indication of the home occupation and no exterior variation from the residential character of the dwelling.
 - d. No offensive odor, noise, vibration, smoke, dust, heat, light or glare shall be produced.
 - e. Machinery or equipment not customary in a dwelling shall not be permitted.
 - f. No parking of or storage of commercial vehicles related to the occupation or profession shall be permitted unless the vehicle is used by the person(s) residing in the dwelling and unless the vehicle is stored within a completely enclosed building.
 - g. The entrance to the space devoted to such occupation shall be only from within the dwelling.
 - h. No employee(s), whether or not compensated, other than a member(s) of the family residing in the dwelling, shall conduct or participate in the occupation or profession in the dwelling.
 - i. No more than two customer motor vehicles shall be parked on-site or off-site at any one time.
3. The next steps are for the Planning Board to schedule a public hearing for the proposed SUP and have the applicant send the required 500’ notification to adjacent property owners.

Professional Comments:

No comments

Public Comments:

No public comments

Planning Board Review:

Mr. Ophardt asked if the kitchen would be staying. Ms. Trielo stated that they would like it stay, there is a door connecting the main house to the in-law space. Mr. Ophardt clarified with Mr. Scavo that there needs to be a SUP for an in-law apartment and a fire wall needs to be in place to keep the kitchen. Mr.

Jones suggested removing the stove to keep within the current laws and not having to put up fire walls and getting a SUP. Mr. Morelli noted the kitchen be handled by code enforcement for compliance with NYS Building & Fire Codes.

Mr. Jones asked how many appointments per day would be coming in and out of the building. Ms. Trielo stated on average she would have 8.

Mr. Andarawis asked for clarification regarding if there would be 1-2 extra cars in the driveway during her business hours. He also asked what her hours would be. Ms. Trielo stated she can work until 8pm, and the driveway widens at the top.

The applicant asked the board if the side door to the home will be an acceptable entrance, Mr. Jones stated that the door is already there and is an entrance to the home, and Mr. Neubauer agrees and the improvements will be made with the ramp.

Public hearing for the SUP will be scheduled for May 14, 2019.

Discussion Items:

None

Mr. Szcesny moved, seconded by Mr. Jones, adjournment of the meeting at 10:35p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on April 23rd, 2019.

Respectfully submitted,

Paula Cooper, Secretary