

**Town of Clifton Park Planning Board**  
**One Town Hall Plaza**  
**Clifton Park, New York 12065**  
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PLANNING BOARD

ROCCO FERRARO  
Chairman

ROBERT WILCOX  
Attorney

PAULA COOPER  
Secretary



MEMBERS

Emad Andarawis  
Eric Ophardt  
Ram Lalukota  
Andrew Neubauer  
Denise Bagramian  
Greg Szczesny

*(alternate)* Keith Martin

**Planning Board Minutes**  
**November 10<sup>th</sup>, 2020**

Those present at the November 10<sup>th</sup>, 2020 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, R. Lalukota, A. Neubauer, E. Ophardt, G. Szczesny

Those absent were: Keith Martin – Alternate Member

Those also present were: J. Scavo, Director of Planning  
W. Lippmann, M J Engineering and Land Surveying, P.C.  
R. Wilcox, Counsel  
P. Cooper, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:00 p.m. Mr. Ferraro stated that the Planning Board meeting for tonight is being held remotely due to the current health crisis and inability to hold large gatherings in one place.

**Minutes Approval:**

Mr. Lalukota moved, seconded by Mr. Szczesny, approval of the minutes of the October 27<sup>th</sup>, 2020 Planning Board meeting as written. The motion was unanimously carried.

**Public Hearings:**

None

**Old Business:****2020-037 Druthers of Clifton Park Site Plan**

*Applicant proposes developing 5.3 acres with a restaurant/brewery. A 10,000 sf building will house the dining areas, kitchen, bathrooms and brewery. The plans will include outdoor dining areas that will provide opportunities for play area, casual seating, music and private events. Paved parking will be provided for 120 cars with overflow land-banked parking for up to 130 cars. The building will be connected to public sewer and water utilities and storm water will be managed on site, South Side Dr, Zoned: PUD (comm), Status: PB Preliminary Review*

SBL: 271.16-1-6.1

To be reviewed by: MJE      Consultant: EDP      Applicant: Druther's      **Last**  
**Seen on: 9-9-20**

**Consultant/Applicant Presentation:**

Joe Dannible – EDP – Mr. Dannible stated that this application is located on the corner of Southside Drive and Maxwell Drive. Mr. Dannible showed on the Zoom screen the map of the area indicating the project location and stated it was across from the Town Center Park. Mr. Dannible stated that the property is in proximity to the Town Center area and is a primary pedestrian pathway to connect to the Park. He stated the proposal will cater to families and shoppers in the area. Mr. Dannible stated that when the Maxwell Drive South PDD was established it was approved for an allowance of a 94,000 s/f, 3 story building with 600+ parking spots as well as the senior housing and the Panera Bread building with attached restaurant and Staples. The project is just outside of the Town Center but Mr. Dannible stated that the applicant has tried to advance goals and objectives of the Town Center by incorporating elements from the Town Center Plan into his site design. Mr. Dannible stated that the project has been modified since the last meeting and that the building has been moved towards Southside Drive. Parking in the front is now about 12-15 cars, with a total of about 200 parking spots now being proposed.

He stated that there is more parking on the west side of the property and most of the parking is now pushed to the west or rear of the property. Mr. Dannible stated that a crosswalk at the intersection of Maxwell Drive and Southside Drive will be put in for a pedestrian access to the Town Center Park, as well as a pocket park on the corner that will also connect to the main entrance of the building. Mr. Dannible stated that the main building is 9,200 s/f and there are 2 patio areas, one that is 2,400 s/f and is attached to the main building and another detached 1,800 s/f covered patio with large outdoor dining areas with paths and handicapped accessibility to the outdoor areas with about 350 seats total for the indoor and outdoor dining areas. Mr. Dannible stated that with 350 seats for customers there are 116 parking spaces required and the proposal is for 148 paved parking spaces and 114 spaces on a grass overflow parking area for a total of 262 spaces. Mr. Dannible stated that when reviewing the comment letters from the town, it was suggested in different town staff and advisory committee review letters that it was either too much or too little. Mr. Dannible stated that when speaking to Shenendehowa Superintendent, Dr. Robinson he has stated that he does not want any affiliation with the application and does not want any parking for patrons to take place on school property. Mr. Dannible said that he is projecting a connection to the Clifton Park Water Authority but there has not been any confirmation from them yet, however they do appear to have adequate capacity. He stated that there will be connections to the Saratoga County Sewer District, using gravity drains with grinder pumps for out buildings to connect to the main building. Stormwater will be managed on the west side of the property and pervious pavement on the rear parking lot. Mr. Dannible stated that there will be to be additional seating in the outdoor area of about 100 seats but when the outdoor area is open, the enclosed patio seating on the west side of the building will not be and vice versa. This will be utilized when there are poor weather conditions and patrons cannot sit outside. Both dining areas will not be used at the same time. Mr. Dannible showed on the Zoom screen a map that indicated the covered areas of the proposal as well as some vegetation. Mr. Dannible stated that as a part of the project the applicant is going to leave the 7,400 s/f, or approximately 0.5 acres (10% of the site) of treed and vegetative land to the rear of the property as a buffer between the project and the Bentley Senior Living Community which was generally accepted by the Bentley Boards when it was proposed to them. Mr. Dannible stated that there will be a Knox Box for emergency vehicles on the access roadway between this project and the Bentley. Mr. Dannible also stated that there will be about 10 large trees remaining with canopies around the patio area. He showed a map indicating the mechanics and electrical details on the property as well as a map indicating the 5 fire hydrant placings in relation to the proposed building stating there will be an additional hydrant added to the front of this property. Mr. Dannible reviewed the noise study that was previously done before the last meeting. Mr. Dannible showed the architectural renderings of the front, rear, and bird's eye view of the building.

**Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 11/2/20 stating:**

- It is still believed the proposed parking is severely below what is needed
- SWPPP received, Scott Reese will comment
- The access road from the Bentley shows dirt on many drawings. Per NYSFC 503.2.3 “fire apparatus access roads shall be designed and maintained to support the imposed loads (75,000 lbs) of fire apparatus and shall be surfaced so as to provide all weather driving capabilities.” Confirm this road will be paved.
- There is still concerns over conflicts with Southside Drive
- As a result of a discussion with EDP it was determined that a hydrant was required within 100’ of the main building fire department connection. It was also determined a second hydrant was needed due to the existing hydrant spacing. The engineers narrative states the outdoor bar building will also be sprinklered. Per EDP the second building is not sprinklered so the 400’ hydrant spacing is applicable. EDP is preparing an alternative for hydrants.

**Wade Schoenborn, Chief of the Bureau of Fire Prevention:**

1. Specify existing hydrant locations
2. Specify 1 hydrant within 100’ of FDC and 1 hydrant near the outdoor bar area
3. Specify the legal 911 address of Southside Dr on the site plan
4. Specify width of access gate and signage per the FCNYS
5. Will gate have a Knox Box or lock

**Scott Reese, Stormwater Management Technician issued a memo dated 11/6/20 with the following comments:**

1. Forward letter from NYSDEC New York Heritage Program when you have received it.
2. Forward letter from OPRHP Historic Preservation Field Services Bureau when you have received it.
3. The Stormwater Management Narrative indicates that there will be no runoff from this site post-construction. The southern outlet of the main stormwater management area is also the outlet of the stormwater management area of the Bentley. Verify that there will be no conflicts with the runoff from the Bentley into the Druthers Stormwater Management Area.
4. Will there be mash byproduct produced by the brewery? If so, how will it be collected / removed from the site

**The Environmental Conservation Commission held a meeting on 11/4/20 and issued a memo recommending:**

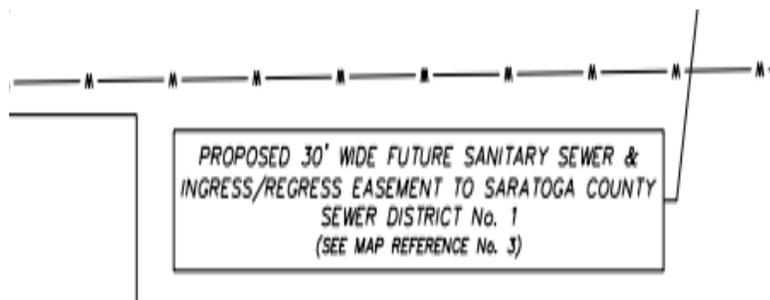
1. The ECC has serious concerns about the viability of the proposed outdoor venue. Specifically, there is a high potential for noise disturbance which can endanger and or injure the health of humans residing in the senior residence adjacent to the property. For example, Bentley residents (and patrons of the YMCA) are expected to use the recently

acquired parkland on the southside of Maxwell. Large events with significant vehicle traffic pose a hazard to pedestrians who wish to access this parkland.

2. The ECC recommends the applicant to provide a fence along Maxwell Drive to discourage foot traffic from pedestrians entering/exiting the site from Maxwell Drive.
3. The ECC recommends the applicant have an agreement for overflow parking at a neighboring parking lot and not utilize Maxwell Drive.

**John Scavo, Director of Planning issued a letter dated 11/4/2020 with recommendations he made:**

1. The following note appears on several of the Site Plan pages. During my review of the plan set I was unable to locate Map Reference No.3. The applicant should verify the ability to grant an easement to Saratoga Co. Sewer District No. 1 for an area that I believe is already encumbered by a sewer easement to The Bentley Condominiums.



2. The applicant should verify if the approximate location for a Sanitary Sewer Force Main was ever constructed at the location shown. According to Michael O'Brien, Collection Systems Manager of the Clifton Park Sewer District, The Bentley Condominiums connect to a sewer pump station at the end of Wall Street.
3. On Sheet 10 of 10 the applicant should verify and clearly delineate on the site plan that the Chain Link Fence Detail shown, is to be used for screening the dumpster location identified on Sheet 2 of 10.
4. A STOP Sign (MUTCD R1-1) with installation and mounting height details, should be added to the site plan at the egress from the private driveway onto southside Drive. High Intensity Prismatic Reflectivity shall be the minimum standard for the sheeting material used.
5. A lighting plan sheet shall be submitted for review and consideration by the Planning Board. The lighting plan shall detail the height, style, location, and wattage of the proposed fixtures, as well as the proposed illumination pattern.
6. Sheet 2 of 10 Notes relocation of a Utility Guy Wire to be coordinated between the applicant and service provided. Based on a field observation of how the existing guy wire provides a counterbalance for the overhead lines connecting to the pole, I have concerns on the feasibility to relocate the wire. The applicant should be aware that this issue must be addressed prior to commencement of site construction.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 11/6/20 had the following comments:**

**STATE ENVIRONMENTAL QUALITY REVIEW**

1. No further comments at this time.

**SITE PLANS**

2. It appears in several locations there is a discrepancy in the size of the proposed building. Confirm the size and revised accordingly:
  - a. Sheet 1 of 10 in the site statics table indicates 12,000 SF
  - b. Sheet 2 of 10 indicates 9,300 SF (include SF of indoor patio seating on drawings)
  - c. The general narrative indicates 10,000 SF
3. Accessible parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions pursuant to Section 4.6.6 of the ADA 2010 Standards. Provide spot elevations at these locations to confirm conformance.
4. Provide detail of dumpster enclosure.
5. Provide ornamental gate detail on plans.
6. The water and sewer plans shall be submitted to each regulatory agency for review. It is noted that the pump station detail on Sheet 9 differs from the E-One referenced on the plans.
7. Verify the vertical clearance of the proposed storm sewer where it crosses the existing Saratoga County Sewer District forcemain in the northern most parking lot.
8. Applicant should identify the outdoor recreational area(s) on the plan
9. On Sheet 6 of 10, Planting Plan, include plantings in proposed rain garden area.
10. In looking at the architectural renderings, the westside of the building with the overhead doors will most likely require a barrier of some sort (knee wall, fence, etc.). I do not think you can have the restaurant open to the outside if alcohol is being served. If a fence is needed, indicate so on the plans.
11. The applicant indicates that the customer service areas for inside dining in the proposed restaurant is 7,500 SF out of the 12,000 SF proposed (excluding outdoor dining). This area includes 350 seats. Utilizing the parking requirements of Section 208-99, the minimum parking required would be approximately 116 spaces (1 space/3 seats). The applicant is proposing 148 paved spaces and 114 grassed spaces, a total of 262 spaces. In scaling the outdoor patio area, the proposed area is approximately 1,000 SF compared to the previous submission of 20,000 SF. Based on the parking requirements of 1 space/75 SF, this would

result in an additional 14 parking spaces above the 116 required for inside dining, totaling 130 spaces. The proposed 148 paved spaces would be able to accommodate this outdoor area. With that said, the applicant should provide the following:

- a. The applicant should describe the need for the additional parking beyond the code minimum. Consider reducing to avoid any tree clearing on the south boundary line adjacent to Bentley.
  - b. Provide a breakdown of use for the remaining 4,500 SF.
  - c. The general narrative for the sanitary sewer loading indicates 450 seats, however the applicant based its parking spaces on 350 seats. Please confirm as this will alter the required parking spaces.
  - d. With 148 parking spaces, five (5) ADA compliant parking spaces are required, however with the proposed overflow parking total of 262, seven (7) ADA spaces would be required. Six (6) are shown on the plans, revise accordingly.
12. The following comments are relative to the site plan and its conformance to the International Fire Code (IFC). The Town Fire Official shall have final authority on the applicability of these comments to the proposed site layout:
- a. If the proposed building is to be provided with an automatic sprinkler, show the location of the fire department connection to ensure they are reasonably accessible.
  - b. Section 912.2 of the IFC requires a fire hydrant to be located within 100-feet of the building's fire department connection. It is not clear from the plans where the closest hydrant to the site is or where the fire department connection may be. Additional hydrants may be necessary.
  - c. Show or note the location of any required Knox Box associated with the building.
  - d. Show or note the location of any required fire department connection associated with the building or accessory structure.
  - e. The fire apparatus road shall be a minimum of 20-feet in width. The south access road scales 12-feet.
  - f. 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. Confirm that there is adequate fire access being provided.
  - g. Provide a turning template analysis for the largest emergency vehicle that may respond to an event at the site.
  - h. Identify the actual height of the building. If greater than 30-feet in height above the average grade plan, aerial apparatus access shall be provided that is between 15 and 30 feet of one entire side of the building in accordance with Appendix D105 of the

IFC. If aerial apparatus access is required, its location shall be identified on the plans.

13. Identify the type of gate proposed for the emergency access to the south adjacent to the Bentley. This should be reviewed and approved by the Fire Chief.
14. In reviewing the footcandle analysis, we offer the following comments:
  - a. There appears to be several areas that are less than 0.2 footcandles, consider additional lighting in these locations.
  - b. If any building mounted lights are to be installed they should be included on the photometric plan.
  - c. Indicate if any additional lighting will be provided in the outdoor bar or recreational areas
15. Consider a pedestrian sidewalk from the southern most paved parking lot up to the proposed sidewalk along the westside of the building to avoid walking through parking areas.
16. There needs to be traffic regulatory signage that clearly directs traffic that the fire access to the south is not an exit, emergency access only.
17. Pursuant to Section 6.3.6 of the NYSSMDM, infiltration practices shall never serve as a sediment control device during site construction phase. In addition, the Erosion and Sediment Control plan for the site shall clearly indicate how sediment will be prevented from entering an infiltration facility. Sheet 7 shall show how runoff during construction will be diverted away/around the proposed infiltration practice. This will include both sheet flow and piped flow that would need to be diverted / managed until the basin has been fully constructed and adequate cover established within the confinement area.
18. The infiltration basin needs to include means to operate during wintertime conditions. This may include the installation of a series of drywells that penetrate the upper frost layers of the soil, which would permit infiltration even in cold/freezing weather.
19. The applicant shall provide a cross section detail for the forebay and infiltration basin shown. The cross section should provide design elevations including stone invert, pipe invert and depth of runoff by storm event as reported by the SWPPP.
20. Pursuant to Section 3.5 of the NYSSMDM, the proposed stormwater practice needs to have a conspicuous and legible sign posted. The plans need to provide the standard sign with the applicable language as well as the location.
21. The project is proposing porous asphalt. It is suggested the detailing and associated specifications be expanded to include the following:

- a. Use of both a top and binder course conforming to the current NYSDOT specifications for Fiber F3 and F9, respectively (420.50030110 - Top Course Porous Asphalt Pavement with Fiber F3 and 420.70090110 - Binder Course Porous Asphalt Pavement F9).
  - b. Since the proposed porous pavement will be installed with a slope, will impermeable barriers be utilized to ensure the system functions as anticipated.
  - c. Show porous pavement underdrain, discharge and cleanout locations on plans.
  - d. Use of a stabilization course Type 2 stone below the reservoir stone.
  - e. Specify exact thickness of reservoir layer.
  - f. Bottom of practice should be in native soils and not in fill sections.
  - g. Defining plant inspection requirements for washing of the aggregate stone.
  - h. Provide additional soil borings and infiltration testing per Appendix D of the NYSSWDM (1/200 SF).
  - i. Qualifications of the installing contractor and/or inspection by qualified individuals.
22. Per Section 5.3 of the NYSSWDM, as a back-up measure in case of clogging, permeable paving practices can be designed with a perimeter trench to provide some overflow treatment should the surface clog. In curbless designs, this could consist of a 2-foot wide stone edge drain.
23. The proposed Stormwater Management Area #1 (Infiltration Basin) appears to be an existing swale / basin that may be part of the adjacent property (Bentley Condominiums) stormwater system. Under existing conditions, this swale is located along the western edge of the property and continues onto the Bentley property. Confirm if the existing swale is part of an existing stormwater system. If the swale is part of an existing system, a drainage easement may be required, and stormwater analysis should consider existing flows / capacity analysis from the Bentley Condominiums site.
24. Based upon the existing and proposed grades within Stormwater Management Area #1 (Infiltration Basin), stormwater that is not infiltrated immediately would flow to the south and onto the adjacent parcel prior to overflowing to the existing catch basin (design point) located on Maxwell Drive. Provide an additional design point located near the existing riprap and/or provide additional spot elevations (proposed or existing) to ensure predevelopment conditions are maintained.

25. On sheet 4, the area of the porous pavement subgrade appears to require fill to provide the finished grades as noted. Pursuant to section 6.3.1 of the NYSSMDM infiltration practices cannot be located in fill soils. Additional reservoir stone may be required in order to provide an in-situ subgrade to the porous pavement section as shown.
26. Detail 3 on sheet 10, provide the size of washed stone to be used. Also, consider wrapping the stone with non-woven geotextile fabric.

## **STORMWATER POLLUTION PREVENTION PLAN (SWPPP) AND STORMWATER MANAGEMENT NARRATIVE**

27. The SWPPP text shall explicitly state that no soil disturbance of 5 acres or more are not permitted at any one time and if required, written authorization from the MS4 is required. It is noted that 4.5 acres will be disturbed per the NOI, however this should be noted as the disturbance may exceed 5 acres.
28. Since it appears the on-site stormwater management facilities will be privately owned, this shall be acknowledged in the SWPPP and a maintenance agreement and easement for access executed with the Town of Clifton Park will be required.
29. It should be noted that the project is located within the Schenectady-Niskayuna Sole Source Aquifer, and section 6.3.1 of the NYSSMDM requires the bottom of an infiltration facility to be separated by at least four feet vertically from the seasonally high groundwater table in sole source aquifers, as documented by on-site soil testing. Confirm 4-ft vertical separation is provided to the high groundwater table for both SMA#1 and SMA#2.
30. The SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.4 of GP 0-20-001 with respect to threatened and endangered species. This includes both listed state and federal species. The SWPPP indicates correspondence with NYS Natural Heritage, however, does not include federal documentation from US Fish and Wildlife (IPaC). Provide all documentation / correspondences within the SWPPP once received.
31. Time of concentration (Tc) sheet flow utilizes Bermuda grass throughout. Bermuda grass is unlikely and short grass should be utilized.
32. Time of concentration (Tc) shallow concentrated flow utilizes several different cover types throughout. However, pursuant to Technical Release 55 (TR55), shallow concentrated flow is to be either paved or unpaved.
33. There is a significant difference in the pre and post development watershed areas in the HydroCAD model. The pre and post watershed areas should be similar in size or an explanation provided within the text of the SWPPP as to why there is a substantial difference between pre and post development watershed areas.

34. Confirm Time of concentration (Tc) for proposed subcatchment S5 of 0 min. Pursuant to Technical Release 55 (TR55), the minimum Tc to be utilized is 6 minutes.
35. The HydroCAD model applies a manually inputted Tc value for proposed Subcatchment S6 of 347 minutes. Considering this area appears to be predominately impervious surfaces, the Tc value seems extremely high which translates to a smaller runoff rate. Further explanation as to why the manually inputted Tc value is acceptable for the subcatchment size and predominate cover is needed.

### **Public Comments:**

Mr. Ferraro stated that there were resident letters of concerns that were made available to the Planning Board for review.

Dave Ditmer – Mr. Ditmer stated that he likes the changes, leaving the trees as a rear buffer was a good addition and that he likes the new building.

Joe Nial – Mr. Nial stated that he is an 83 year old resident of the Bentley and has lived there for 10 years. He stated that he feels that Druthers and the Bentley are not a good fit to be next to each other. He stated that the use of the property will negatively impact the elderly population that lives at the Bentley. Mr. Nial stated that if Druthers were to be approved he feels the full rear of the property should be used as a buffer between the two properties and the last parking line in the rear should be eliminated to keep 100% of the tree line. Mr. Nial stated that he feels that the parking is too much for the application and that the current parking proposed with 250 spaces and would accommodate 750 people, well above the anticipated dining occupancy for both indoors and outdoors. Mr. Nial stated that he likes that the grass parking area will reduce dust and impervious surfaces as the heating mechanics at the Bentley are under ground level.

Bonnie Kowalski – Ms. Kowalski stated that she would like to see the last lane of parking to be eliminated as well, to increase the buffering by the tree line. Mr. Scavo stated that the line of trees to the rear of the property will be noted in the deed so that if the property changes hands the trees would remain. Ms. Kowalski stated that she has concerns that the lighting from the Druthers would spill over to the residents of the Bentley. Mr. Dannible stated that the lighting for the pavement and grassy areas for parking are directed so that no spillage of light will go beyond the property line. Mr. Ferraro asked if the overflow parking area lights would be on all the time. Mr. Dannible stated that he is not sure but they can try to put separate circuits to the outdoor lighting to be able to control the lights from the building. Ms. Kowalski asked if the emergency access road could exit out to the school road instead of through the Bentley. Mr. Scavo stated that per the PDD the emergency access road is for the Bentley, not required for Druthers so it cannot be taken away from the Bentley. Ms. Kowalski asked if Druthers would need to apply for any special permits and if so what would they be. Mr. Scavo stated that there are no special

permits needed for this application, only site plan approval is required, as determination by the Town's Chief Zoning Officer.

### **Planning Board Review:**

Ms. Bagramian stated she has concerns about the maintenance of the grassy area planned to be utilized for parking when it gets saturated. Mr. Dannible stated that the lawn will be maintained and that there are permeable soils in the area so there is good drainage. The entire property will be maintained by a professional service and there is a possibility of sprinklers to be installed as well. Ms. Bagramian asked if there will be any catch basins for stormwater management. Mr. Dannible stated that there will be no catch basins. Ms. Bagramian asked if the vegetation on the east side of the property line by the old Toys-R-Us will be maintained or added to. Mr. Dannible stated that the buffer on the east will be maintained and a majority of the trees will be staying. She asked Mr. Dannible how far the building was moved up to Southside Drive from the previous plan. Mr. Dannible stated that it has been moved between 62 and 72 feet and that the pavilion in the rear has been moved about 100ft up to be further away from the Bentley.

Mr. Ferraro asked Mr. Dannible how the parking spaces will be marked on the grassy areas. Mr. Dannible stated that there will be a rope put up at the center line for parking and in busy instances there will be staff out to help direct cars and maintain parking.

Mr. Szczesny asked Mr. Dannible if the parking to the south could be held in reserve and kept as trees until the true volume of cars are determined and could be added in the future if it was deemed necessary. Mr. Dannible stated that this is not cost effective for the applicant. It would increase the cost to modify grading and land clearing twice rather than all at once as proposed. Mr. Dannible stated that there was conversation with the Bentley Board of Directors and Mr. Martel to discuss concerns about this application. Mr. Szczesny asked if the details could be shared. Mr. Martel stated that there were no agreements but rather a discussion of the Bentley resident concerns and how they could move or change things to help. Mr. Martel stated that leaving a portion of the trees is satisfactory and that noise would not be too concerning. Mr. Martel stated that the site plan being presented now is a result of the changes and the Bentley Board seemed pleased with the changes.

Mr. Lalukota stated he is happy with saving 70% of the trees and would like to see it deeded so that they cannot be removed.

Mr. Ferraro stated he is happy with the modifications to the site plan. He still noted concerns regarding the conflicting comments for the number of parking spots required vs. not enough provided. Therefore, he requested additional information that clarifies the actual building square footage and if the outdoor uses have a methodology for additional parking yields anticipated for

the site. Mr. Ferraro stated that if one area is used at that time, was that taken into account and clarified with Town Staff for accurate calculations.

Mr. Dannible stated that when the outdoor area is open, the indoor patio would not be and when the indoor patio is in use the outdoor area will be closed. He also stated that a typical restaurant is about 5,000 square feet in building size, with 100-120 parking spaces, pre-COVID-19 design. This project is double the building square footage of those typical restaurants, which lends itself to 200-240 parking spaces without accounting for the outdoor dining. Based on this analysis Mr. Dannible noted the parking is at the numbers needed to accommodate the patron demand. Mr.

Ferraro asked why there cannot be a shared parking agreement for the times of the year it is needed as it probably won't be needed regularly.

Mr. Andarawis stated that shared parking is part of the Town Center theme and will be needed more and more. Mr. Andarawis stated to bank the parking until it is actually needed is a good idea. He stated that banking parking in his opinion would be better as there are more residential buildings being developed in the area leading to more pedestrian traffic.

Mr. Neubauer stated that he agrees with Mr. Andarawis and Mr. Ferraro's comments and stated that if the applicant is trying to conform to the Town Center Code then banked parking would be the way to go. Mr. Neubauer stated that he also has concerns along with Ms. Bagramian and that the grass parking will turn into a muddy mess and the only other option other than banking would be gravel which he does not want to see that with this project. Mr. Neubauer stated that even though this application is not in the Town Center he feels that the applicant should either fully comply with the form based code or not, they should not follow only some of the regulations. Mr. Neubauer asked if there was a sewer easement and if there was an existing line within the easement that interferes with building closer to the road. Mr. Dannible stated the easement is still in question and he will provide clarification. However he did note that is only one of the reasons the building cannot move closer to the intersection of Maxwell Drive and Southside Drive with circulation being another factor. Mr. Dannible stated that the project is not in the Town Center code and has no requirements for building placement but is trying to make the application fit into the area while following the PDD and existing easement restrictions that were shown on the original PDD. Mr. Neubauer asked if he could see more of what the garden and patio areas would look like instead of examples of what the themes would look like. Mr. Dannible stated that the design is similar to the images they did show as well as the pathways that would connect the garden to the building, some of the waterfall features would be included on site but other features would be switched out depending on the seasonal use of the property. Mr. Martel stated that the overall size of the garden was decreased but the intent is still to have a garden area with hardscape and covered pathways leading to dining areas but did not want a large dining area right outside of the back door. Mr. Neubauer asked what the fence would be made out of. Mr. Martel stated he has not decided yet. Mr. Dannible stated that the site plan

shows a black vinyl coated chain linked fence, which he believes is required by the Liquor Authority. Mr. Dannible stated that they can change the chain link fence to something more ornamental and show the change on the site plan. He also noted along the stormwater and property edge with Maxwell Drive owned by the School District the tress previously shown is spaced about every 75 feet.

Mr. Ferraro stated that the difference in landscaping from the original concept plan to this plan set showing less landscaping is substantial and is a concern to him that needs to be amended to show more landscaping. He stated there should be more landscaping in front of the building and along Maxwell Drive, before final approval is given, with more landscaping details including sidewalks and tree placements.

Mr. Scavo stated that within the Town Center street map, Maxell Road Extension would be a perimeter road and Southside Drive would be a park street. He stated that there are codes regarding street trees and other plantings and if the applicant agreed to the guidelines for this it would be a good guideline to follow. Mr. Dannible stated that these guidelines could be followed for Southside Drive but on Maxell Drive there is not enough access to comply since that portion is not a public road with ROW and is owned by the School District. They could possibly work with the school or try to get as close as possible to the Code. Mr. Dannible stated he would land bank the last row of 20 parking spaces.

Mr. Ophardt asked Mr. Scavo asked about the parking in relation to people seated in the restaurant versus people who come and stand or walk around and do not sit at a seat. Mr. Dannible stated this is a valid point. Mr. Dannible stated there is 7,500 feet of customer service area inside the main building. Mr. Ophardt stated that this parking did not account for people standing, playing corn hole or walking the property. He stated he has concerns about cutting the parking due to this and he stated that Peddler's Restaurant had the same problem and does not want to see the issue occur here.

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

Mr. Ophardt moved, second by Mr. Szczesny, to grant preliminary site plan approval for the site plan application of application 2020-037 upon conditioned upon satisfaction of all comments provided by the Planning Department, Designated Town Engineer, all items commented on tonight by the Planning Board and the comment letter issued by the Planning Department.

The motion was carried. Ayes: 6 Noes: 1

**Conditions:**

1. Address all outstanding technical comments offered by Professional Staff
2. Land-bank 20 parking spaces shown to be grassed overflow parking closest to the rear property boundary shared with the Bentley Condominiums.
3. Provide a detail and show the locations for the sections of ornamental fencing.
4. Provide street trees with spacing consistent to that required under the Park Street and Perimeter Road Sections of the Town Center Form Based Code for Maxwell Drive Extension and Southside Drive.
5. Confirm lighting fixture details and photometrics.
6. Confirm if existing sewer infrastructure is present in the easement, who are the parties that control or have rights to the existing easement, and what is to be shown as also going into the easement has the right to be there based on the easement agreements.
7. Solidify Planting/Landscaping Plan to provide predictability from an approved site plan to what the proposed landscaping that will be installed is to look like.

**New Business:**

**2020-052 Manilenko Clifton Park Center Rd 3 Lot Subdivision**

*Applicant proposes to subdivide parcel into 3 new lots. Lot 1 will be 4.67 +/- acres, Lot 2 will be 1.35 +/- acres and include the existing house and outbuildings, Lot 3 will be 1.27 +/- acres. Lots 1 and 3 will be for construction of single family homes with connections to existing water and sewer along the north side of Clifton Park Center Road, 518 Clifton Park Center Rd, Zoned: R-1, Status: PB Concept Review*

SBL: 271.19-1-31 To be reviewed by: MJE Consultant: GVG

Applicant: G. Manilenko

**Consultant/Applicant Presentation:**

Duane Rabideau – Van Guilder - Mr. Rabideau stated he is here tonight for the subdivision proposal for the 3 lot subdivision on 518 Clifton Park Center Road. He stated the proposal is to subdivide the 7.53 acre parcel in to 3 single family lots, lot 1 will be 4.7 acres, lot 2 would be 1.35 acres and will have the existing home on it with improvements, and lot 3 will be 1.8 acres. He stated the lots will be connected to public water and sewer and there will be no impacts on DEC wetlands.

**Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 11/2/20 stating:**

- If the wetland delineation is correct the approximate useable area of Lot #1 = 15,400 sf, Lot #2 = 20,000 sf, Lot #3 = 16,000 sf. A full SWPPP should be required to ensure grading and protection of the wetland
- The driveway for Lot #3 is very close to the intersection of Moe Road

**Wade Schoenborn, Chief of the Bureau of Fire Prevention:**

8. Specify Legal 911 Addresses on Site Map. (Lot 1 – 522 Moe Road), (Lot 2 – 518 Moe Road), and (Lot 3 – 514 Moe Road)

**Scott Reese, Stormwater Management Technician issued a memo dated 11/6/20 with the following comments:**

9. Show silt fencing at down slope areas to protect NYSDEC Wetland Adjacent Area and existing residential properties.
10. Show residential construction entrances to limit tracking onto Clifton Park Center Road.

**The Environmental Conservation Commission held a meeting on 11/4/20 and issued a memo recommending:**

1. The ECC recommends that the applicant extend the split rail fence along the LC Zone the western side of lot 1 to Clifton Park Center Road.
2. The ECC is concerned with the addition of two driveways close to the intersection of Clifton Park Center Road and Moe Road.
3. The Applicant should reserve and display on the site plan or subdivision proposal sufficient Rights of Way to accommodate multi-use trails to interconnect the proposed property with existing and contemplated trail networks, as defined in the Town Trails Master Plan.
4. The Land Conservation ( LC) Zone has been delineated in accordance with Section 208-69 of the Clifton Park Town Code. Uses in this area are restricted. The Town of Clifton Park Building Department shall be notified before undertaking any land disturbance activities in the LC Zone.

**John Scavo, Director of Planning issued a letter dated 11/4/20 with recommendations he made:**

1. Since the project is located within 500' of land owned by Saratoga County a referral to the Saratoga Co. Planning Board has been made in accordance with GML §239(m) & (n).
2. Provide a site statistics table that demonstrates the minimum width of each lot at the front building line meets the 100' requirement.
3. There appears to be an existing chain link fence encroachment on Lot #3 from an adjacent property owner.
4. Provide the distance of the proposed Driveway at Lot #3 to the intersection of Clifton Park Center Road and Moe Road. The distance should be at minimum 100' in separation.
5. Due to the proximity of environmentally sensitive features and their buffers it is imperative that the limits of clearing and grading be clearing marked by a land surveyor prior to any clearing or construction activities commencing on Lots 1 & 3.

6. Add assigned 911 addresses to each lot, once such addresses are made available through the Town Fire Marshall's Office.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 11/6/20 had the following comments:**

**STATE ENVIRONMENTAL QUALITY REVIEW**

1. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. If 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:

- a) Town of Clifton Park Planning Board: subdivision approval
- b) Saratoga County Sewer District #1: sewer connection
- c) Clifton Park Water Authority: water connection
- d) NYS Dept of Environmental Conservation –identification of threatened and endangered species
- e) NYS Office of Parks, Recreation and Historic Preservation –identification of cultural or historic resources

Additional agencies may be identified by the Town during its review of the project.

**SHORT ENVIRONMENTAL ASSESSMENT FORM**

The applicant has submitted Part 1 of the Short Environmental Assessment Form (SEAF). Based upon our review of the submitted Part 1 SEAF, the following comments are offered:

2. Part I.12b – The response indicates that the proposed project site is located in or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. For future submissions, the applicant should provide documentation confirming the presence or absence of cultural or historic resources.
3. Part I.15 – The response indicates that the site of the proposed action contains species of animal or associated habitat, listed by the State or Federal Government as threatened or endangered. Species identified include the Frosted Elfin and Karner Blue Butterfly. For future submissions, the applicant will need to confirm the response is inclusive of the USFW Ipac database search and provide documentation confirming the presence or absence of threatened or endangered species.
4. No further comments at this time. Additional comments may be forthcoming as the project advances.

**SUBDIVISION**

5. The project is located within the Town's Residential District (R-1). The proposal for single family homes is a permitted principal use within the R-1 District as noted in Section 208-10(B)(2) of the Town's Zoning.
6. Include a site statistics table indicating the space and bulk standards per Section 208.11.
7. The plat shall include contour lines at five-foot intervals to United States Geological Survey (USGS) datum pursuant to Section 179-8 of the Town Subdivision Law.
8. The project is proposing to be serviced with public water from the Clifton Park Water Authority. The applicant shall provide the Town documentation of the CPWA's ability and willingness to service the project with potable water. Any action on the application should be conditioned upon receipt of plan approval from the CPWA.
9. The project is proposing to be serviced with public sewer from the Saratoga County Sewer District. The applicant shall provide the Town documentation of the SCSD's ability and willingness to service the project with public sewer. Any action on the application should be conditioned upon receipt of plan approval from the SCSD.
10. Pursuant to Section 86-10 of the Town Zoning, the applicant shall be required to plant two trees per living unit on the street side of new construction sites. Provide planned species to be planted for review.
11. Provide information on the plans to indicate how potential sump pump laterals may be positioned which shall be in conformance with Section 86-7(A)(6) of the Town Code.
12. Confirm that there is adequate distance (100' min.) from the intersection of Clifton Park Center Road and Moe Road to the eastern most driveway.
13. In reviewing the conceptual layout plan, keep the following in mind when developing future layouts:
  - a. Without showing proposed grading limits, it would appear that wetlands could be disturbed.
14. There may be a need to provide a drainage culvert at the new driveways to support existing drainage along Clifton Park Center Road. The applicant will need to coordinate with Clifton Park Highway Department for any such improvements. If required, show the location, size and materials of construction.

15. Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response numbers must be obtained for and assigned to each lot created and placed on the filed plat.
16. The final subdivision plat shall be signed and sealed by a surveyor licensed to practice in New York State.
17. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

### **Public Comments:**

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked for an easement to be taken into consideration for a possible future connection of Clifton Knolls to Moe Road. Mr. LaFleche asked how far back the proposed homes are. Mr. Rabideau stated that lot 1 would be about 170' and lot 3 would be about 85'. Mr. LaFleche asked if the driveway could be moved on lot 3 from the east to the west as it is close to the intersection. Mr. Rabideau stated that it is about 170' from the intersection so it is over 100' and would like to keep it as is because it would be close to the existing house. Mr. LaFleche asked if there would be any clearing in the stream corridor. Mr. Rabideau stated that there would be no clearing in that area or the 100' buffer area and that a split rail fence is in the proposal as well. Mr. Ferraro stated that this area will be deed restricted if the proposal is approved.

### **Planning Board Review:**

Mr. Ferraro stated that he would like to see an easement for a possible connection to the trail as well. Mr. Ferraro asked for clarification on the trail, the wetlands and the impact of lot 3 on the wetlands. Mr. Scavo and Mr. Rabideau clarified location of the water flows, culvert, and the DEC wetland areas. Mr. Ferraro stated that lot 3 does not appear to meet the dimensional code for lot width and the proximity to lot 2 is a concern. Mr. Rabideau stated it is 100' at the front building line which is in accordance with the R1- Zoning Requirements. Mr. Ferraro stated the existing driveway location on lot 2 is partially encroaching on Lot 3. Mr. Rabideau stated that the driveway can be moved to the west to accommodate additional spacing. Mr. Ferraro stated he feels the Lot 3 is tight.

Mr. Andarawis stated that he feels that the rear yards are small and that to not impact the wetlands a positive delineation with restricted areas should be clearly marked so homeowners don't clear beyond allowable limits without additional NYS DEC and Town approvals. Mr.

Scavo stated that over time the wood from a split rail fence will rot but for initial purposes to demarcate limits of clearing and sensitive areas the wooden fence with signage will be used.

### **New Business:**

#### **2020-051 Panera Bread Drive-thru**

*Applicant proposes an addition of Drive-thru service to the existing Panera Bread restaurant. The proposal includes a new drive-thru lane, a 420 +/- sf addition to the building to accommodate a drive-thru window and reconfiguration of the outside patio dining area. Sidewalks will be reconfigured to allow continued pedestrian connection to the adjacent plaza to the southeast of the site, 20/22 Maxwell Dr, Zoned: TC3, Status: PB Concept Review*

SBL: 271.16-1-3

To be reviewed by: MJE      Consultant: EDP      Applicant: DCG Development

### **Consultant/Applicant Presentation:**

Joe Dannible – EDP – Mr. Dannible stated the application is for a proposed drive thru at the existing Panera Bread restaurant. Mr. Dannible stated that with the new COVID-19 concerns, demand for pickup, drive thru, and delivery has increased. This proposal is for a single lane drive thru. The landowner would like to keep the tenant at this location and this modification would provide them the ability to do so. He stated that there are also other improvements that would be made to the site. Mr. Dannible stated existing conditions are a Sabor Restaurant and the Panera Bread Restaurant. He showed on a map where the proposed drive thru would be. One of the concerns was a rear exit for emergencies and that the accommodations for that door will be made as the project progresses. Mr. Dannible stated that this would be a single lane drive thru with order boards along the south or rear side of the building. Around the side of the building there will be an addition built for the drive thru window. The cars would exit around the patio area into the parking lot near Route 146 and then exit back out on Maxwell Drive. Mr. Dannible stated a new patio area would be added as well as a green area separating the patio from the drive thru. He stated that the pedestrian access will be reevaluated and changed to access the building from Maxwell Drive. Less than one acre of pavement would be added, no stormwater changes are proposed and water and sewer will remain the same.

Mr. Donald McElroy – DCG – He stated that this is a use that came up about 2 years ago and a concept plan was put together however Town Planning Staff raised concerns about the viability

of the request. Therefore the project was not advanced and was not seen by the Planning Board. He feels that now is the right time to create a drive thru option for the restaurant

**Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 11/2/20 stating:**

- The radius of the proposed pick up road is extremely tight and further limited by the adjacent retaining wall. Many vehicles will not be able to negotiate this turn and emergency apparatus has no choice to make the turn.
- A drive lane directly adjacent to a seating area is both unhealthy and dangerous. And the pedestrian crossing creates another hazard
- The rear of this building is used for storage and dumpsters as well as emergency exits. it does not seem practical to put a live traffic lane in this area. Where will the current uses go?
- A live traffic land directly at the rear of the building with no separation, such as a sidewalk, eliminates a required exit from the building. This is not allowed
- Further comment will follow with more detail.

**Wade Schoenborn, Chief of the Bureau of Fire Prevention:**

1. Specify Fire Dept. Access to within 150' of all portions of the building per the FCNYS

**Scott Reese, Stormwater Management Technician issued a memo dated 11/6/20 with the following comments:**

1. Provide a narrative that this impervious increase will be handled in accordance with the existing stormwater management areas.
2. Grading plan should be included in next submittal to show positive pitch away from the structure and that there will be no sitting water on the drive-thru lane.

**The Environmental Conservation Commission held a meeting on 11/4 20 and issued a memo recommending:**

1. The ECC endorses the Steve Myers comments to John Scavo, dated November 2, 2020, for the Panera Bread Drive Thru.
2. The ECC would like an updated greenspace tabulation to determine if it meets required zoning regulations.

**John Scavo, Director of Planning issued a letter dated 11/4/20 with recommendations he made:**

1. Due to the project's location within 500 ft of NYS Route 146, a referral to the Saratoga Co. Planning Board has been made in accordance with GML §239(m)&(n).
2. The applicant should provide clarification noting existing refuse enclosures are on site and if such items will be displaced and require relocating because of the proposed drive thru.

3. Impact protection bollards may be required for electrical service equipment located at the rear of the building for both restaurants adjacent to the drive isle lane.
4. Any additional exterior wall mounted or free-standing lighting necessary for the proposed drive thru shall be shown on the site plan.
5. The architecture of the minor drive thru addition to the east side of the building should be consistent in material type and style to the existing Panera Bread store front façade.
6. The applicant should provide documentation as to what if any of the mature front street trees currently present of the site are required to be removed to accommodate the drive thru lane. Supplemental landscaping should be considered in the area between the proposed drive thru lane and Route 146.
7. There appears to be a fire hydrant near where the proposed drive thru lane ties back into the parking lot in the northeast corner of the site. The applicant should note the location of the hydrant in relation to the proposed improvement.
8. There appears to be a significant grade elevation change where the front parking lot meets the property's eastern side property boundary. The applicant should show what the anticipated grading cut line will be and note if a retaining wall is anticipated. Also, the applicant should note if any off-site temporary construction easements will be necessary for grading purposes.
9. DO NOT ENTER signs should be installed and face the parking lot, at the proposed outlet of the drive thru lane to the parking area.

### **Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 11/6/20 had the following comments:**

#### **STATE ENVIRONMENTAL QUALITY REVIEW**

11. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. If 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:

- f) Town of Clifton Park Planning Board: site plan approval
- g) NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources
- h) Saratoga County Planning: GML 239-m referral due to proximity to NYS Route 146

#### **SHORT ENVIRONMENTAL ASSESSMENT FORM**

The applicant has submitted Part 1 of the Short Environmental Assessment Form (SEAF). Based upon our review of the submitted Part 1 SEAF, the following comments are offered:

2. Part I.12b – The response indicates that the proposed project site is located in or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The application should provide documentation confirming the presence or absence of archeologically sensitive resources.
3. No further comments at this time. Additional comments may be forthcoming as the project advances.

#### **SITE PLANS**

4. The project is located within the Town's TC3 General Zone. The proposal for an exterior drive-thru is considered a permitted use pursuant to Section 208-22 (4)(A) of the Town Code.
5. The drive thru expansion appears to remove considerable landscaping and trees. There should be consideration of replacement of equivalent quantities and species type elsewhere on the parcel.
6. Confirm that the proposed on-site stormwater facilities can accommodate any potential increased runoff from decreases in greenspace, if any is expected to occur.
7. Provide a turning template to indicate the proposed radius can accommodate all vehicles.
8. Conceptual building elevations along with colored rendering with samples of the materials of construction should be provided for review by the Planning Board.
9. There needs to be inclusion of traffic regulatory signage that clearly directs traffic to and through the drive-thru so not to impede other traffic flow through the parking lot or result in vehicles going the wrong way down the drive-thru lane.
10. Identify if any existing utilities will need to be relocated to accommodate the proposed drive thru.
11. Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans and reports are submitted. Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to site grading, erosion control and lighting to fully assess the design and its compliance to the applicable standards.

#### **Public Comments:**

No public comments.

**Planning Board Review:**

Mr. Neubauer stated that he has concerns about the Town Center Code and this project not being in conformance, but he does also acknowledge why there is a need for this application. He stated that he feels it hurts the existing outdoor space where pedestrians can walk between buildings where the drive thru is proposed to be put in. Mr. Neubauer would like to see the Form Based Code principles upheld,

Mr. Ferraro stated he also has concerns similar to Mr. Neubauer as well as tight turn for vehicles and safety for pedestrians or patrons on the patio. Mr. Ferraro stated he would like to see a more form based proposal. He feels the eastern boundary would have to be adjusted and is concerned how it would impact adjacent properties and stormwater management.

Mr. Ophardt stated that he agrees with Mr. Schoenborn and Mr. Myers comments. He also has concerns about the rear doors from the kitchen opening out to the drive thru.

Mr. Dannible stated that there are no doors along the side of the building where the drive thru is located. There is one door and storage room but it can be relocated. Mr. Dannible stated that there is not a problem for emergency apparatus access; they are only adding a drive thru not changing existing access. Mr. Dannible stated that there are going to be improvements in this project as well if it is approved. Mr. McElroy stated that he would like to work with the town to address these concerns and hopefully move along with the project.

Mr. Andarawis stated that he feels it is not going along the Town Center Code but we can try to look at how to conform more, specifically the patio area. He stated that the loss of landscaping, and pedestrian connections needs to be addressed before we can head in the right direction.

Ms. Bagramian stated that she has similar concerns as the other Board members, especially with safety, but would like to try to find a resolution to this proposal to keep an established business in the town and to help with tenant vacancy.

Mr. Dannible suggested a TAC Meeting with representatives from the Planning Board participating to continue the dialogue for consideration of the requested changes. Mr. Scavo stated he will send an email to Board members to schedule a TAC meeting with up to 3 members. Mr. Scavo stated that it may come back to the Board before TAC has made a decision so all members can look at the proposal before it is finalized. Ms. Bagramian and Mr. Ferraro stated they would like to participate in the TAC.

**Discussion Items:**

1. Tentative 2021 Planning Board Meeting Schedule was reviewed with no concerns. Mr. Scavo stated that the Governor's executive order is still being extended month by month and the meetings will continue to be held via Zoom while the order is in place.
2. Mr. Scavo stated that in May of 2020, the Appleton Rd solar array SUP and Site Plan was approved by the Board. Mr. Scavo stated that he has spoken to Borrego Solar and there is a discrepancy in the Negative Declaration that was listed as Unlisted pursuant to SEQR. He stated that usually there is a 60 day window to appeal the decisions but due to the health crisis it has been extended by the court system. Mr. Scavo stated that the DEC has reviewed the project documentation and noted the proposed disturbance agricultural district requires the project to be classified as a Type I Action. Since construction has not started, the DEC is asking for the Planning Board to repeal and replace Resolution 008-2020 with a new resolution containing the new conclusions and conditions, changing the SEQR action to a Type I.

Mr. Lalukota moved, second by Mr. Ophardt, to issue a negative declaration pursuant to the Special Use Permit and Site Plan related to the 94 Appleton Rd. Solar Array, and to repeal and replace Resolution 008-2020 with the only modification being to change the action to a Type I action, and keeping all prior conclusions and conditions previously outlined in the resolution.

3. Pasquariello Mixed Use Planned Development District – PDD Referral from Town Board for a Recommendation Only on the Applicant's PDD Request for Consideration:

Mr. Neubauer stated he would like to recuse himself from this hearing as he has in the past.

*Applicant proposes to develop a Commercial/Business area limited to lands fronting NYS 146, create a single family residential community, establish vast areas of open space and buffers adjacent to existing residential properties and develop a multi-use trail system connecting Waite Rd to Tanner Rd.*

Applicant Comments:

Joe Dannible - EDP – Mr. Dannible stated this is a plan for a mixed residential district. Mr. Dannible showed Route 146 and Waite Road with the parcels within the project highlighted in red. Mr. Dannible stated that there are about 214 total acres of land and it is made up of abandoned farmland, wetlands, and forest. He stated it is made up of two districts, C-R Conservation Residential Zoning; which is a part of Waite Meadows, and B-5 Corporate Commerce Zoning which comprises the parcel owned by Mr. Pasquariello. Mr. Dannible stated that the B5 district is 50 acres of developable land, with 400-450,000 s/f of industrial commercial building area or up to 60 commercial parking spaces on the property. Mr. Dannible showed the zoning districts as well as the map for the approved Waite Meadows plan showing roadways and

homes. Mr. Dannible stated that they would like an overall 70 lot single family home subdivision with the previously proposed cul-de-sac removed, a Boulevard entry and a preservation of 140 acres of land. Due to buffering, the homes would not be visible from the road except for 3 estate lots that are 3-5 acre lots in sizes. Mr. Dannible stated that would be 140 acres of land dedicated to Clifton Park which has trail linkage potential and decreases the potential to create more development in this area of Waite Road. Mr. Dannible stated that land preservation and impervious surfaces are decreased with this new plan even though the density is increased. Mr. Dannible said that the road network will be eliminating 4 cul-de-sacs for a better snow removal plan, sprinkling the residential dwellings, with public water and sewer hook ups. Mr. Dannible stated that this has critical linkages to trail areas and showed the trails and open space that are in the area in Clifton Park along with the new dedicated land. Mr. Dannible stated that there would be a proposed new trail to connect Waite Road to Tanner Road with a parking area on Waite Road. This would create critical linkage to the Vistas West development and other parts of the western portion of Clifton Park. Mr. Dannible showed maps of other parks and of the Pasquariello land and stated that they are bringing a commercial area, that will be coming before the town soon, closer to the residential area being presented now, while keeping the required 100 ft buffer and the buffer is going to remain dense. He also stated that the increase of homes would help offset the cost of the trail way and parking areas that are being proposed.

Board Comments:

Mr. Scavo showed on the Zoom screen some GEIS draft findings for all to see with trail connections, open space, and decreased impervious surface. He stated that table 1.2 of the GEIS draft and showed the number of single family units over the last 15 years, he described what was actually built and what were impacted by moratoriums. Mr. Scavo stated that of the 466 homes built, there were 4 subdivisions, and of the 466, 297 lots were made up of the 4 subdivision projects.

Mr. Ferraro stated that the ECC had comments on this project but it was limited due to little information on the PDD and the ECC stated that they were concerned with the effects of the impact on the CR Zone. Mr. Ferraro stated that he has not received comments from the Open Space Committee.

Mr. Jim Ruhl stated that he is on the ECC and Open Space Committee and that he feels the issue is lack of information and on the access to the study when the items have come forward. Mr. Ruhl stated that he has learned new information tonight that the ECC and the Open Space Committee need to review before giving any opinions or recommendations on the revised PDD. Mr. Ruhl stated that the incentive zoning is being overridden with this proposal and feels this is a big change from the GEIS of 2005. Mr. Rule stated that both the committees will be interested in looking closer at the density changes between the B5 and CR Zones. The committees would like

to look at the trail plan, density, land uses and there is a lot of information to look at before making a decision.

Mr. Ferraro stated that there are a lot of changes proposed to the PDD and h a short time to evaluate them. Mr. Ferraro would like to have the committees have time to evaluate the changes and bring their findings back to the Board before a recommendation is made to the Town Board. Mr. Ferraro asked Mr. Scavo if this could be done. Mr. Scavo stated that the Town Board is the decision makers and they asked for the Planning Board to make recommendations. Mr. Scavo stated he would ask the Town Attorney if the Planning Board can recommend an ECC or Open Space Committee review or if it needs to come from the Town Board. He will also request a 30 day extension for a decision on a recommendation.

Mr. Dannible stated he would be willing to meet with the advisory boards and give a presentation like he did tonight. He stated that he agrees with an extension if he can present to them.

Mr. Andarawis agrees with asking for an extension and committee reviews as he has some same concerns that the committees can weigh in on and offer insight with the decision making.

#### Public Comments:

Michelle Bissonette – 609 Wait Road – Ms. Bissionette stated that she resides across from this proposal so it would impact her. She stated that she has concerns and questions but likes the proposal of the trails. She stated that current residents use the roadway to walk and ride bikes and walk dogs. She stated her concern with the presentation is the number of homes being proposed. She stated that it would increase the number of cars coming and going onto Waite Road. Ms. Bissionette stated that there is already a long line of cars waiting to turn off Waite Road to get onto 146 for work or other tasks and adding more homes would cause more traffic. Ms. Bissionette stated that she has concerns about the response time for emergency vehicles especially since the local fire department is volunteer and may take longer to respond. She stated that snow removal is another concern. Ms. Bissonette asked how the water would be coming to the PDD as the prior presentation was to have it come down Waite Road and she interpreted the new PDD modification would come off of Route 146. She stated that if this proposal is approved, she would consider moving.

Mr. Ferraro asked if there has been an updated traffic analysis for the changes. Mr. Dannible stated that there were no updated studies but that can be a recommendation. Mr. Scavo stated that as part of the GEIS there is a traffic component but it has not been updated or looked at yet, however it can be a recommendation from the Planning Board to the Town Board.

Mr. Szczesny moved, seconded by Mr. Andarawis, adjournment of the meeting at 11:55 p.m.  
The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on November 24<sup>th</sup>, 2020.

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary