

## Town of Clifton Park

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### PLANNING BOARD

Rocco Ferraro  
Chairman

Paul Pelagalli  
Attorney

Meg Springli  
Acting Secretary



### MEMBERS

Michael Hale

Joel Koval

Eric Ophardt

Sandra Pace

Kim Paulsen

Tom Werner

(alternate) Emad Andarawis

### Planning Board Minutes

January 24, 2012

Those present at the January 24, 2012 Planning Board meeting were:

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

Those absent were: T. Werner

Those also present were: J. Scavo, Director of Planning  
R. Milano, M.J. Engineering  
M. Montague, ECC  
P. Pelagalli, Counsel  
M. Springli, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:03p.m. All in attendance stood for recitation of the Pledge of Allegiance. Mr. Ferraro noted that Mr. Emad Andarawis will be substituted for Mr. Tom Werner tonight. Then Mr. Ferraro reminded Board members that the Saratoga County Planning and Zoning Conference would be taking place the next day January 25, 2012 in Saratoga Springs.

#### I. Public Hearings - None

#### II. Old Business - None

#### III. New Business

- A. [2012-001] Fairchild Sq. Amendment, Proposed amendment to 2010-020 to construct 39,995 SF commercial space on Lot C, 1 Fairchild Square, Zoned: L 1,

Conceptual site plan review, SBL: 259.-2-83.11 Consultant: ABD, Last Seen as 2010-020 on: 6/28/2011

Tom Andress from ABD is representing the project. Mr. Andress showed the modification on the previously approved site plan from June 2011. The speaker remarked that instead of following the plans for another large, freestanding building, the owner is requesting to add an addition to the main building. The consultant also stated that a second 7000 SF building on lot C is also proposed but this would still total under 40000SF, the same amount of building space. Next he stated that this configuration would allow for a slightly larger green area. Mr. Andress also included a facade rendering showing the new entrance at the apex of the building.

**Staff Comments**

a. Building and Zoning read by Planning Director

- Site has recently been considered as a whole, not just one lot or portion as proposed. A full site plan showing the effect of this reconfiguration should be submitted. Especially since it would now appear that much of the property for the previously approved building has already been cleared and apparently did not have to be. Restoration may need to be considered. This will also be needed since it appears the property will be re-subdivided again.
- It would also appear variances would be required for setbacks, greenspace, lot coverage etc.
- It is unknown if a drastic effect on the overall stormwater plan will result from this proposal, a new SWPPP may be required.

b. Planning Director's comments

- The Stormwater Management Plan should be updated to reflect the proposed changes.
- It appears additional grading behind the existing 7,000 sq.ft. office building is proposed with the amendment.
- Has the "existing asphalt to be removed" noted on the plan already been removed?
- A dumpster enclosure detail shall be shown on the amendment or a note stating that the enclosure will be consistent with the detail from the approved plans of project# 2010-020. No alterations are to occur without Planning Board approval.
- A 2" high by 3" wide site plan amendment approval block should be added to the plan to allow for stamping.

- Stormwater management updates for additional grading behind the existing 7,000 sq. ft. building should be considered.
- Has the “existing asphalt to be removed” already been removed?
- A signoff from the water authority and Saratoga Co. Sewer District will be required.
- The invert to the sewer is changing on the approved 7,000 sq. ft. building.
- A note should be added to the plan stating, “The site plan amendment is bound by all conditions, covenants, and restrictions of the site plan approval for project 2010-020 and shall be incorporated as an amendment to that project.
- Handicapped ramp/sidewalk and curb should be shown as a note with the arrow for the proposed building like it is shown for the 7,000 sq.ft. building already approved.
- How did we avoid the need for a sewer transportation corporation from being established? Do sewer laterals connect more than one building on two or more parcels?

c. MJE Comments

- An amendment to the SWPPP will be required for review and should include where and how runoff from rooftops is being managed.
- Erosion and sediment control measures should be added to the plans.
- A revised landscaping, lighting, and signage plan should be submitted for review.
- Provide spot grades at all handicap accessible parking spaces, access aisles, and accessible routes to the buildings as well as all required signage.
- Provide inverts for the new sanitary laterals at their connection points to the existing 8 inch sewer line.
- Provide verification on the depth of the existing water line in the proposed parking area to ensure a minimum of 5 feet of cover remains over the pipe. Proposed grades, in some areas, appear about 18 to 24 inches lower than originally proposed elevations.
- It appears that minor modifications may be required for access to the existing dumpster enclosure located on the western side of the building.

- Any existing and all proposed fire hydrant locations should be shown on the plans.

d. ECC Comments

- The Applicant provide a site plan that indicates, through shading, the proposed greenspace
- In light of the proposed change to the project, the applicant should provide additional auditory and visual screening between the project and adjacent roadways and other properties.
- The ECC recommends that the applicant submit a lighting plan to incorporate lighting that is directional and limited.

Public Discussion

Pam Marshall, a resident of 5 Fairlawn Court, asked if any more trees would need to be cleared. Tom Andress stated that no additional trees would be removed because the changes would be taking place in a parking lot that already exists.

Planning Board Discussion

Mr. Andress also added that no changes to setbacks of property lines were needed and he does not believe the application will trigger a need to seek any variances. The consultant stated that the 40% greenspace allocation remains the same amount but due to redesign it would be in different locations/configurations. Mr. Andress noted that he will meet with the Zoning Officer to confirm the property lines and setbacks. The speaker also stated that the applicant is adding a nice visual green space at the entry from Van Patten Dr. Mr. Ferraro commented that he would like to see proposed landscape and sign plans at the next submittal. Mr. Andress remarked that the lighting should remain the same as the prior approval.

Mr. Ferraro asked about grading on southern boundary. Mr. Ophardt asked about a 14' basin and if it would be fenced. Mr. Andress replied that this was just a concept plan and the details would be shown on the next plan.

Mr. Hale and Mr. Ophardt indicated that they think this is an improvement. The other Planning Board members found the concept generally acceptable and indicated the plan should come in for preliminary review at its next submittal.

- B. [2012-003] Residence Inn by Marriott, Proposed construction of 4-story Hotel and 5,200 SF Restaurant with 163 parking spaces (previously approved but

expired as 2007-056), 1740 Rt 9, Zoned: B-4A, PB Preliminary site plan review with possible determination, SBL: 272.1-1-14 Consultant: OSPA

Melanie Osterhout and the owner Anthony Audi, Jr. presented the project. The consultant noted that the previous project site plan approval had expired and this is very similar to original with the addition of some rooms therefore extra parking is needed. Ms. Osterhout stated that the only thing not addressed on the currently submitted plan is the sidewalk and she added that she spoke to DOT and her contact stated that they would prefer a design with terminal points in the right-of-way.

Ms. Osterhout next explained that under stormwater regulations GPT10-001, because the applicant had prior site plan approval, this project should be able to follow the old manual. The consultant stated that on the Notice of Intent application they will indicate that they don't meet requirements and fill in the explanation as required.

#### Staff Comments

a. Building and Zoning read by Planning Director

- Project site plan review has expired therefore project is being reviewed as a new project including stormwater.
- Required lot width at building line = 400', 365' +/- available.  
(Required by Group of Establishments in B-4A, 208-50.6)
- Building height = 43', 35' allowed.
- Wetlands permit required.
- Wetlands delineation is 5 years old, new delineation should be considered.
- The SWPPP has been prepared using the incorrect design manual – 2003 used, 2010 required. Page 1 of SWPPP appendix B, Table 2 is also from GP-0-08-001 the wrong permit.
- The wrong version of the NYSDES stormwater permit was used to develop this SWPPP. GP-0-10-001 is required including all the required green infrastructure considerations, none of which are included. Although certain considerations for green infrastructure are present such as the Vortech separators, the required discussion on how to include green practices in the SWPPP, if possible, does not appear to have been completed. In fact the permit included in the SWPPP appears to be GP-0-08-001 not the current GP-0-010-001 if for no reason other than GP-0-010-001 is 116 pages long, the permit in the SWPPP is 45 pages long.

- Once corrected the privately owned and maintained stormwater system will require a maintenance agreement with the town.

b. Planning Director's comments

- A copy of the prior approval has been circulated to the Planning Board electronically for their consideration.
- The SWPPP refers to the 2003 Stormwater Design Manual and I believe it should be changed to reflect the 2008 Stormwater Design Manual.
- A copy of the ACOE permit extension should be provided for the Town's project file.
- A clearing and grading limit line shall be marked in the field prior to the commencement of any construction.
- A pre-construction meeting shall be required prior to a building permit being released.
- An inspection escrow shall be established for construction inspection specific to the stormwater infrastructure and any public infrastructure improvements prior to a pre-construction meeting being established.
- A security deposit for landscaping shall be established with an engineer's estimate prior to a pre-construction meeting.
- On the detail sheet with "signage and pavement parking notes", a note should be added to state that all signage is to be of diamond grade reflectivity sheeting.
- A copy of the proposal shall be sent to NYS DOT and the Saratoga County Planning Board in accordance with Section 239-m of General Municipal Law.

c. MJE Comments

- The proposed project appears to be an "Unlisted" action pursuant to SEQR, and as such a coordinated review is optional. The Planning Board may wish to accept lead agency status. Involved agencies are

expected to include, but are not limited to the following:

- Town of Clifton Park Planning Board – Site Plan Approval
  - Saratoga County Sewer District #1 – Sewer Connection Permit
  - Clifton Park Water District #1 – Water Connection Permit
  - NYSDOT – Highway Work Permit for Non Utility Work (Curb Cut)
- 
- The Preliminary Site Plans appear to meet all B-4A District zoning, space, and bulk standard requirements except that the site does not meet the required 400 feet of frontage. However, it appears a variance was granted for this exception on February 5, 2008.
  - Provide clarification for the status of any recent correspondence with Saratoga County Sewer District #1 and Clifton Park Water District #1.
  - The stop bar location at the main access drive should be placed a minimum of 2 feet behind the crosswalk.
  - An Engineering Water Report, Sewer Report, and Traffic Impact Study Report are to be submitted for review.
  - All hydrant tees are to be shown perpendicular to the water main.
  - Additional gate valves are to be added to the proposed water main. Spacing of gate valves should not exceed 500 feet.
  - Verify that there is sufficient maneuvering area available for access to the dumpster enclosure at the southern side of the restaurant.
  - Provide clarification for the design vehicles used for anticipated deliveries to the facilities.
  - Provide clarification for the purpose of the 5 signs located to the north of the sport court.
  - Provide spot grades at all handicap accessible parking spaces, access aisles, and accessible routes to the buildings as well as all required signage.
  - The pedestrian ramp located to the western side of the hotel should be relocated, removed, or the aisle striped as access to the current location would be blocked by a parked vehicle.
  - Provide clarification for the 35 foot wide access aisle along the eastern side of the hotel.

- The parking count for the restaurant indicates 59 spaces, but the plans show 61 spaces. The parking count for the hotel indicates 113 spaces, but the plans show 111 spaces. The plans should be revised accordingly.
- Details for the retaining wall at the western side of the site should be advanced beyond the block wall detail provided. It appears the wall is approximately 8 feet high and the geosynthetic reinforcement may be in conflict with components of the subsurface stormwater management system.
- Decorative fencing referenced on the plans cannot be installed through a modular block wall system. The plans should be revised to indicate a protective railing that meets the applicable requirements of NYS Building Code.
- Provide the information in regard to why the 2008 Stormwater Management Design Manual (SWMDM) was used instead of the 2010 version in the introduction of the SWPPP.
- The introduction of the SWPPP cites the 2003 SWMDM. It should be revised to 2008.
- Provide the full HydroCAD printouts.
- Provide the USACOE and OPRHP permits and or sign off.
- Provide the Water Quantity calculations.
- The RRv listed in Table 6 does not match the calculations.
- Include the MS4 SWPPP Acceptance Form in the Appendices.
- Sign and date the SWPPP and NOI.
- The Inspection Report should be modified to list the practices to be used onsite.
- Provide the calculations for the Vortechs units and CMP outlets.
- The HydroCAD model site area and the site area listed in the SWPPP are not the same. The discrepancy should be revised accordingly.
- The temporary detention basins and swales should be added into the ESC text of the SWPPP.

- Provide the Tc paths on the site plan.
- Provide the WQv, Cpv, QP10 and Qf water elevations in the SWM Areas.
- The construction end date should be included on the NOI.
- Number 23 of the NOI should be checked no, with an explanation provided in number 28.
- Verify if a Water Quality Certificate was issued.

d. ECC Comments

- The ECC notes there are three (3) existing wells on the property. The applicant should include plans for prevention of ground water contamination.
- The ECC notes that the project may result in intrusion into a mapped stream. The applicant must apply to the Town for a stream disturbance permit in accordance with the Town's Stream Protection Law if there is any land disturbance within 50 feet of the stream's bank.

Public Discussion

Mr. Dan Hartnett, Open Space, Trails and Riverfront committee member, requested a sidewalk down to the Peddler's Restaurant property line. Mr. Hartnett added that he researched planning board meeting minutes from the prior approval which stated that the applicant would provide a sidewalk all the way down to Clifton Park Village Road.

Planning Board Discussion

Mr. Ophardt, Planning Board member who works for the Department of Transportation remarked that it is a standard policy to have two logical termini on a pedestrian walkway. Mr. Ferraro stated that until a complete system is implemented, some of the termini must be on private property. The chairman added that it is not likely that a sidewalk or trail system will ever be created in its entirety, all at once, and the only way the Planning Board can make progress is to require sidewalks be constructed property line to property line as parcels come up for site plan review.

Ms. Osterhout remarked that the applicant would ask for a town maintenance plan for the sidewalk if this is done. Next, Mr. Audi stated that DOT had not been consulted at the prior round in regard to the sidewalk and that it would be much more expensive to add sidewalks both ways. Mr. Scavo replied that Board member Tom Werner and Mr. Dave

Gabriel of the DOT had previously met in the field to discuss sidewalks. Mr. Ophardt added that in his opinion, the sidewalk needs to be built in order to consider the safety of the patrons. Mr. Ophardt stated that the driveway could be a logical termini and would fit in design guidelines.

Mr. Ferraro asked if the island would be landscaped and would there be a sidewalk in the island. The consultant replied that there would be a sidewalk that cuts across it. Then, Mr. Ferraro stated that on page C010 removal notes #10 needs to be corrected. Ms. Osterhout responded that it would be changed with next submittal.

Mrs. Pace spoke as a representative of the Historic Preservation Commission. She stated that a letter from Mark Kazmierczak noted that the 1941 house on the property (over 50 years old) was reviewed and stated that exteriorly it looks good but there is nothing to prevent it being demolished. Additionally, the Historic Preservation Commission recommended that the developer might consider selling the house to be moved to another location.

Mr. Ferraro said that the landscaping and lighting plan should show the proposed landscaping not the existing. The chairman also noted that he would like to see fencing be more decorative than chain link.

Mr. Hale asked for clarification on the added parking. Ms. Osterhout explained it is about 5-6 spaces due to a few more rooms.

Mrs. Pace commented that the former plan showed the sidewalk from property boundary to property boundary and questioned why the application did not feel it necessary to allow pedestrian access to the Harbor House site as well.

Mr. Hartnett added that it had been previously requested because of Harbor House and Dunkin Donuts to the north.

Mr. Audi added that he remembers that there were a lot of issues of connectivity here. He remarked that the sidewalk to the South was carefully planned with those obstacles.

Planning Board remarked that other options might need to be explored but that they found plan generally acceptable and look forward to the next submittal.

- C. [2012-005] **Pierce Road Mixed Use Development**, Proposed (2) lot subdivision and construction of 19,200 SF of mixed use commercial bldg, 743 Pierce Rd, Zoned: L 1, PB Conceptual subdivision and site plan review, SBL: 259.-2-49.2  
Consultant: Lansing

Jason Dell from Lansing Engineering represented this application. The consultant described the parcel and its location on Pierce Rd. He noted that the site is currently occupied by Prestige Food Services and National Grid is adjacent on the South, US Food Service on the North and East. The speaker noted that the existing building is 11,600 SF and the proposed subdivision will allow lot one to house the existing facility and the 2<sup>nd</sup> lot will house a 19,200 SF multi-use building with appropriate setbacks. Mr. Dell noted that a variety of leasable areas will be configured with dedicated loading docks shown for each of 5 possible tenants on the back of the building. Mr. Dell stated that the building would consist of 10% office space, 90% warehouse with 45 parking lots and access would be from the existing curb cut on Pierce Road. Next, Mr. Dell said that the fence line will be relocated northward on the parcel and rebuilt and that the greenspace requirement is 40%, the newly proposed lot would be 42% while there is 48% on the existing one. The consultant noted that Municipal water and sewer has been contacted and indicated the plan is acceptable. He added that the Soil is very sandy and the SWPP would include infiltration practices. The applicant is currently awaiting traffic study results but has received comments from M.J. Engineering and look to address them at next submittal.

### **Staff Comments**

- Building and Zoning read by Planning Director
  - L1 Zone – appears to be an allowed use.
  - Field delineation and jurisdiction of wetlands required.
  - Banked parking on different parcel.
  - Full SWPPP required.
  - 208-65B- 40% green space requirement, appears only about 30% will be available (0.87 acres).
  - Required 25' buffer along side and rear lines not shown (208-65C and 208-65E (2)).
  - No parking or maneuvering area allowed in front yard unless approved by Planning (208-65E).
- Planning Director's comments

- Comments from the Open Space and Trails Committee comments were sent to PB members for consideration.
- The property address should be added to the site plan.
- Is an exterior dumpster required? If so the location should be shown on the plans.
- How is stormwater currently handled on the site with the existing structure? Any future plans should evaluate how this will be impacted or alternate accommodations are proposed.
- Boundaries of the ACOE wetlands should be confirmed by ACOE. These boundaries should be clearly marked and staked out prior to any future clearing or grading.
- Of the 19,200 sq.ft. of mixed space what is the maximum total square foot of commercial to warehouse space? Is the mixed use breakdown known at this time?
- Additional staff comments will follow at the preliminary design phase.
- MJE Comments
  - The proposed project appears to be an “Unlisted” action pursuant to SEQR, and as such a coordinated review is optional. The Planning Board may wish to accept lead agency status. Involved agencies are expected to include, but are not limited to the following:
    - Town of Clifton Park Planning Board – Site Plan and Subdivision Approval
    - Clifton Park Sewer District #1 – Sewer Connection Permit
    - Clifton Park Water District #1 – Water Connection Permit
  - The Concept Plan appears to meet all L-1 District zoning, space, and bulk standard requirements with the exception that Lot 2 does not have the required 150 feet of frontage.
  - We suggest that a separate Subdivision Plan be submitted during the preliminary submission. The preliminary plan is to include the boundaries for the shared access easement and all applicable requirements of Town Code Section 179-11.

- Language should be incorporated into the deeds to address maintenance of the shared access drive for both parcels.
- Correspondence from NYSDEC New York Natural Heritage Program should be provided to identify if areas of rare, threatened or endangered species exist on or in the immediate vicinity of the project site.
- Clarification should be provided as to who delineated the wetlands, when they were delineated and correspondence from USACOE and/or NYSDEC should be provided to confirm agreement of the wetland delineation identified on the Concept Plan.
- Existing and proposed topography is to be provided to evaluate existing and proposed drainage patterns and stormwater management.
- An Erosion and Sediment Control Plan will be required.
- A full Stormwater Pollution Prevention Plan will be required.
- A Landscaping Plan will be required.
- The applicant will need to consider implementation of green infrastructure practices as noted in the NYS Stormwater Management Manual. If any of the green infrastructure practices are not feasible, we will require a thorough explanation of why these practices cannot be incorporated into the design.
- Clarification for the proposed parking layout, internal traffic patterns, and access to the loading dock and overhead door areas should be provided. It appears that the current configuration at the northern side of the proposed building poses conflicts for truck traffic as there is insufficient maneuvering area available for tractor trailers. We are also concerned with combining pedestrian, passenger vehicle, and truck traffic in the area.
- Provide additional mapping in the area to the south of the site to ensure adequate site distances are present along Pierce Road and to fully evaluate if modifications to the existing access drive are necessary to accommodate turning movements for the WB-65 design vehicle arriving and departing from the site.
- A Traffic Impact Study Report should be submitted for review.

- Approximate locations of all existing utilities including water and sanitary sewer should be shown on the plans.
- A stop sign should be added at Pierce Road for the main access drive.
- Any existing and all proposed fire hydrant locations are to be shown on the plans.
- Provide information on the existing stormwater management for the current site.
- Indicate the existing 9 parking spaces on the east side of the building mentioned in the narrative.
  
- ECC Comments
  - The ECC notes that the project may result in intrusion into Federal Jurisdictional Wetlands. The Applicant must avoid intrusion into ACOE Wetlands or apply for a Federal Wetlands Permit for disturbances of more than 1/3 acre in total for the project. The Town of Clifton Park should be provided with copies of all related correspondence.
  - The ECC notes that sensitive environments exist on properties adjacent to the project site, thus there is a potential for environmental impacts to these areas in the event that the capacity of the stormwater management system is inadequate. As such the Applicant's Drainage, Stormwater and Erosion Control Plans should be protective of these environments, during construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer.
  - ECC notes that the project includes extensive paving adjacent to, or in the vicinity of the Federal Wetlands. The ECC recommends that the Planning Board require the Applicant to incorporate sediment traps and oil water separators with appropriate capacity to limit the migration of vehicular contaminants into these sensitive environments.
  - The Applicant shall comply with the Town's Hazardous Materials Policy, which can be obtained from the Town Environmental Specialist.

Public Discussion

None

Planning Board Discussion

Mr. Ferraro asked for landscape setback clarification. Mr. Dell noted that he had a DEC letter stating they had no jurisdiction so no buffer was needed there. The consultant also stated that the applicant was asking for some relief from screening requirements as it is an industrial use rather than residential and might want relief from the 25'. The consultant then said they will see if they need to pursue zoning variances. Mr Ferraro stated that there might be something that can be done with landscaping and the lawn so that it is not just a huge asphalt parking lot.

Dan Hartnett from the Trails subcommittee noted that the committee would request a 15' ROW and 10' multi-use path from property line to property line for future connectivity along Pierce Road. Mr. Hartnett added that the Trail Master Plan is being updated and the Eastern side is being targeted for a trail. There was general discussion about the feasibility of placing the trail along the same side of the road as the Town owned land in the vicinity which has considerable wetlands.

Mr. Koval asked if this was considered a flag lot. Mr. Scavo responded that Mr. Myers would address that with the applicant and make sure setbacks are in conformance with code. Mr. Ophardt then mentioned that the Board would like an estimate of truck usage and for measurements of turning radii of trucks parking in the westernmost bay. Mr. Dell stated that would all be included in the traffic study.

Mr. Ferraro remarked that the concept was good but might need to consider variances. The chairman also added a request to look at landscaping for really improving the look and feel of the property and he asked Mr. Dell to clarify that there are no Northway visual impacts. The Planning Board members indicated general acceptability of Concept plan

#### **IV. Minutes Approval – January 10, 2012**

Moved by: Mr. Ophardt

Seconded by: Mr. Hale

Ayes: All

Noes: None

The motion is: Unanimously carried

#### **V. Discussion Items –**

Mr. Scavo stated that the existing Toys R Us and Babies R Us store wants to make some interior redesign changes. The Planning Director noted that the only exterior changes would be the addition of 6 expectant mother designated parking spaces and some security cameras on pole. It was stated that the Zoning officer can ask the Planning Board to review the plan. Mr. Scavo recommended that a memo could be sent to ZBA stating no further site plan approval is required but this can be noted in the records as a minor change to an existing site plan. The Planning Board indicated its general agreement.

#### **2010-2011 Planning Projects Summary**

The chairman asked for a motion to close the meeting at: 8:41 pm

Moved by: Mrs. Pace  
Seconded by: Mrs. Paulsen  
Ayes: All  
Opposed: None  
This motion is: Unanimously carried

***Next submittal deadline: January 25, 2012***

***Next Planning Board Meeting: Wednesday February 15, 2012***

Respectfully submitted,

Meg Springli  
Acting Planning Board Secretary