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PLANNING BOARD

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Joel Koval

Eric Ophardt

Kim Paulsen

Eric Prescott

Tom Werner

(alternate) Andy Neubauer

Those present at the January 13, 2015 Planning Board meeting were:

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

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

Mr. Ferraro, Chairman, called the meeting to order at 7:03pm. All in attendance stood for the Pledge of Allegiance. The Chairman announced that Mr. Michael Hale has been asked to sit on the Saratoga County Sewer District Board as of January 1, 2015, which marks the end of his term on the planning board. The chairman noted that Mr. Hale's experience as a landscape architect was invaluable and will be well utilized at the Sewer District. Mr. Eric Prescott has been named as a full voting member of the Planning Board and Mr. Andy Neubauer has been named as an alternate member of the planning board who will vote in the absence of a regular member. Mr. Neubauer noted that he has volunteered for a few years on various committees with the town and that he is an architect by trade. Mr. Ferraro thanked Mr. Hale for his years of work on the planning board. The Planning Board members offered a round of applause and expressed their gratitude.

Next Mr. Ferraro noted that forms need to be submitted by tomorrow for registration for the Saratoga County Planning and Zoning Conference this month. The chairman also remarked that continuing education credits can also be earned by attending the Capital District Regional Planning Commission event in March 27th at HVCC.

I. Minutes Approval

Mr. Werner moved, seconded by Mr. Ophardt, approval of the minutes of the December 9, 2014 Planning Board meeting as written. The motion was unanimously carried.

II. Public Hearings

None

III. Old Business

None

IV. New Business

2015-001 Plaza West Commercial Development

Proposed construction of commercial development with 93,800 SF of retail, bank and restaurant space, Rt 146, Zoned: B-3, Status: Conceptual site plan review. SBL: 271.-1-13

Mr. Ferraro summarized the application and then asked Mr. Pelagalli to clarify the allowed uses in B-3 zoning. The planning board attorney explained that a shopping center is an allowed use within B-3 zoning by special use which makes it subject to additional review by the planning board relative to SEQRA and according to satisfaction of Town Code Section 208-79 standards and that a public hearing will be heard at a later date.

Mr. Ferraro noted that he lives in the Sherwood Forest neighborhood and is a member of the neighborhood board but he has no financial interest in the project. Mr. Pelagalli remarked that there was no reason he would not be able to vote on this project.

Mr. Scott Lansing, Lansing Engineering presented the application for a retail center on the northeast corner of the intersection of NYS Route 146 and NYS Route 146A. Mr. Scott Earl, the land developer was also present. Mr. Lansing stated that while Mr. Earl owns three adjacent parcels, two parcels will be developed. The consultant noted that surrounding uses are both residential and commercial. Mr. Lansing described the property as sand soils which sloped to the Dwaas Kill on the east and he stated that wetland delineations have been done and jurisdictional ruling is pending. The consultant said that the land conservation area will be delineated along the Dwaas Kill in future submittals. Mr. Lansing also noted that one area variance will be pursued with the zoning board. The consultant described the uses of the buildings as shown on the plan but stated that no specific tenants have committed at this time for occupancy. It was stated that the primary access will be on NYS Rt 146A and the second access point will be on NYS Rt. 146, with both access points being full access in both directions. Mr. Lansing also noted that pedestrian path and linkages will be shown on future plans. The consultant next stated that the developer is offering the residentially zoned parcel to the north as Open Space or a buffer according to the desires of the planning board adding that he would like that parcel in its existing vegetative state to be considered as the "landscaped buffer" for the project. Mr. Lansing stated that 500' Notification letters were mailed out January 2nd, 2015.

Mr. Lansing noted that he would address in the future submittals some of the technical comments that were offered by staff and the town designated engineer.

Mr. Scavo, Planning Director, reported that the following groups and/or staff have had the opportunity to review the plans as submitted and any of their written comments have been forwarded to Planning Board members for their consideration:

- Sheryl Reed, Bureau of Fire Prevention
- Steve Myers, Building and Development
- Environmental Conservation Commission
- Dan Hartnett, Trails Subcommittee of the Open Space, Trails, and Riverfront Committee
- Rick Kukuk, Highway
- Don Austin, Clifton Park Water Authority

ECC Recommendations:

1. In view of the size and scope of the proposed project, the ECC recommends that the Planning Board consider issuing a positive declaration under SEQRA and that the Applicant be required to prepare a Draft Environmental Impact Statement
2. 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 1/10 acre in total for the project. The Town of Clifton Park should be provided with copies of all related correspondence.
3. The limits of (the LC Zone and 100 foot buffer zone, DEC Wetlands, Federal Jurisdictional Wetlands) shall be identified on the plot plan.
4. This project has the potential to change the (skyline, visual character) of the project area. As such the ECC recommends that the Applicant be required to conduct and submit a visual impact assessment for Planning Board and ECC review.

S. Myers Comments:

- Appears to be an allowed use in a B-3 zone.
- Land clearing appears to extend into R-1 zone in rear. Believed to be same property owner.
- Per 208-89G parking to be no closer than building line or 50' minimum, several areas this is not done, variances should not be considered. Plan should be reconfigured to meet requirements since it is a new proposal.
- Traffic studies for the proposed entrances are required. A new curb cut so close to a ramp and intersection needs to be considered along with the use of an existing driveway that already has traffic issues due to its proximity to the intersection
- Stormwater considerations will require much more information. It would appear ponds are already being considered which are a last resort after proving no other method is viable.
- Protection of the Dwaas Kill will be a strong influence on the project.
- Providing water and sewer to businesses adjoining this proposal should be required
- Development of the residential parcel to the north should be considered.

J. Scavo Review:

1. The project will need to be submitted for review and approval to the Saratoga Co. Sewer District. Reserve capacity should be determined and any connection to the existing sewer system must be made per the Sewer District's adopted rules and regulations.
2. Involved and interested agencies in accordance with SEQRA requirements are expected to include the following: Town of Clifton Park Planning Board; Clifton Park Water Authority – Water Connection Permit; Saratoga Co. Sewer District #1 – Sewer Connection Permit; NYS Department of Transportation – Traffic Study evaluation, work permits and curb-cut approvals for proposed access driveways on NYS Routes 146 & 146A; NYS Department of Environmental Conservation – Sewer & SPDES Permit; NYS Department of Health – Water System; U.S. Army Corps of Engineers – Jurisdictional Determination & Wetlands Disturbance Permit; NYS Historic Preservation Office – Archeological Analysis; U.S. Fish and Wildlife Services – Endangered Species Analysis; Saratoga Co. Planning Board - §239 Referral, Town of Clifton Park Zoning Board of Appeals for area variance.
3. A detailed traffic study shall be submitted by the applicant which included the proposed access driveways and the NYS Route 146, Route 146A, and County Route 90 (Vischer Ferry Road Intersection). The traffic study should also evaluate the level of service impacts to the Route 146A and Marlboro Drive Intersection and Jonesville Fire Department Station #2 driveway accessed from NYS Route 146A.
4. The plan currently proposes a total of 546 total parking spaces with the total required number of parking spaces for Building #2 to be determined as the plans progress through the site plan review process. This number of spaces will ultimately be determined in accordance with Section 208-99(B)(1) of the Town Code.
5. Stormwater quality and quantity will be required to be treated on site and it appears areas have been reserved for such practices on the concept plan by the applicant.
6. The applicant should clarify if the greenspace calculation includes the stormwater management system.
7. As plans progress a lighting plan will be required, that shall delineate the type of fixture to be used and the subsequent lighting pattern, the height of the fixture and the wattage of the light system utilized. It is recommended that the site utilize international Dark-Sky Association approved lighting.
8. A pedestrian circulation plan should be should be vetted out by preliminary design to encourage walkability among the establishments within the proposed shopping center.

M.J. Engineering and Land Surveying Review - Comment Letter on 1/5/2015

General Comments

1. The project will disturb more than one acre of land and therefore will require a full SWPPP addressing water quality, quantity controls as well as green infrastructure elements. Subsequent submissions shall include a SWPPP and other supporting documents for review.
2. The project proposes to provide potable water to the site from the Clifton Park Water Authority (CPWA) via the extension of a new service lateral to the property. The applicant shall provide the Town documentation indicating the CPWA's ability and willingness to provide l potable water to the project. Any approvals offered by the Planning Board should be conditioned on receipt of CPWA's review and approval.

3. The project proposes to provide sanitary sewer service to the site from the Saratoga County Sewer District No. 1 via the extension of a service lateral to the property. The applicant shall provide the Town documentation indicating the SCSD's ability and willingness to provide additional sewer capacity to the project. Any approvals offered by the Planning Board should be conditioned on receipt of SCSD's review and approval.
4. Given the size of the project, a site specific traffic impact study shall be provided for review. This document will also need to be reviewed and approved by the Region 1 office of the New York State Department of Transportation.
5. All proposed access improvements along NYS Rt 146A and/or NYS Rt 146 will require review and approval by the NYSDOT.

State Environmental Quality Review

6. Based upon our review of Part 617 of NYS Environmental Conservation Law, specifically Section 617.4(b)(6)(i), the project appears to be a "Type 1" action, since the project includes activities other than residential facilities that involves the physical alteration of 10 acres. Assuming the Planning Board is to request Lead Agency status under SEQRA, a coordinated review is required. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
 - a. Saratoga County Sewer District: Additional reserve sewer capacity.
 - b. Clifton Park Water Authority: Taking of additional potable water.
 - c. Saratoga County Planning: 239m referral due to the parcel being within 500 feet of NYS Route 146 and 146A.
 - d. NYS Dept of Environmental Conservation – If the project is subject to the NYSDEC Phase II Stormwater Regulations then permit coverage under stormwater SPDES and identification of threatened and endangered species.
 - e. NYS Office of Parks, Recreation and Historic Preservation – If the project is subject to the NYSDEC Phase II Stormwater Regulations then identification of cultural or historic resources.
 - f. New York State Dept of Transportation – proposed access improvements onto NYS Route 146 and 146A
 - g. US Army Corps of Engineers – wetland permitting. Additional involved/interested agencies may be defined as the project proceeds through the Town's regulatory review.

Full Environmental Assessment Form

7. Under Part 1.C.1 correct the response to "yes" since the Town does have an adopted comprehensive land use plan covering the entire Town.
8. Under Part 1.C.4.d, the parcel is adjacent to the Sherwood Forest Park District and should be identified.
9. Under Part 1.D.1.h.iv, as the project design advances, the noted information relating to stormwater management will need to be provided.
10. Under Part 1.D.2.c.ii, an independent analysis needs to be completed to confirm that responses provided relative to CPWA ability to serve the project.
11. Under Part 1.D.2.c.iii, as the project design advanced, the noted information relating to the extension or capacity expansions will need to be provided.

12. Under Part 1.D.2.c.iii, please correct the source of the supply district for water to CPWA.
13. Under Part 1.D.2.d.ii, an independent analysis needs to be provided to confirm the responses provided relative to SCSD No.1 ability to serve the project.
14. Under Part 1.D.2.g no response to the question is provided relative to air emissions.
15. Under Part 1.D.2.j.ii, once known, provide the expected number of semi-truck deliveries expected for the project.
16. Under Part 1.D.2.j.v, the response indicates there will be no modification of existing roads, creation of new roads or change in existing access, yet the plan at a minimum suggests the creation of a new access onto NYS Rt 146A and potential modifications to the existing access onto NYS Rt 146. Further, it is likely that additional intersection improvements may be warranted based upon impacts associated with increased vehicle trips.
17. Under Part 1.D.2.k.i, once known provide the estimated electrical demands associated with the project.
18. Under Part 1.D.2.o & m, please indicate the source of the determination made as the narrative indicates at least one endangered species may exist within the parcel boundaries.

Site Plans

19. The project resides within the Town's B-3, Neighborhood Business District. In our review of Section 208-36(B) of the Town Zoning, the proposed retail uses are permitted within the B-3 District.
20. Based upon the overall development proposal, it appears to meet the criteria of a shopping center as outlined in Section 208-89 of the Town's Zoning. We would defer to the Town's chief zoning office on this determination. Should it be classified as a shopping center, then pursuant to Section 208-89(B), the initial construction shall comprise not less than 50% of the planned total construction as measured in terms of bulk of the building proposed to be built. There needs to be clarity on how this provision of the Town Zoning will be satisfied, if the project is determined to be a shopping center.
21. In the review of the concept plan submitted, it appears that the minimum bulk lot requirements as outlined in Section 208-38 and 208-89(G) of the Town's Zoning are satisfied, with the following potential exception;
 - a. Section 208-38(H) requires a 100 foot buffer when abutting a residential district. The plan shows a horizontal buffer to the parcel to the north, however there is little in the form of landscaping or berming to provide a physical buffer. The planning board should provide direction to the applicant as to what may be necessary to supplement this buffer area.
22. Portions of the Town's Land Conservation Zone borders and may extend onto the project site. Verify the extent of the LC boundary and show it if it extends onto the parcel boundary to review its proximity to the development plan.
23. As the plan proceeds through the regulatory review process, the required improvements to the existing access onto NYS Rt 146 and proposed access improvements onto NYS Rt 146A shall be defined. Close coordination with the Town and NYSDOT will be required to determine appropriate improvements to mitigate against potential adverse impacts relating to traffic.
24. The concept plan shows little in the form of pedestrian connectivity to/from the proposed uses internal to the site or to the existing right-of-way of NYS Rt 146 or 146A. The Town

- should provide direction to the applicant if there is a desire to provide improved internal and external linkages as well as extension of such facilities along the existing road frontage.
25. With the project provide for any linkages to local transit facilities? There should be discussions with the Capital District Transportation Authority regarding inclusion of such facilities with the project.
 26. There needs to be a determination if the proposed building construction and use(s) will warrant automatic sprinklers as prescribed in the Building Code of New York State. This information is needed to determine whether or not an on-site hydrant is required to satisfy the requirements of Section 508.8 of the Fire Code of New York State (FCNYS).
 27. Provide the maximum building height expected to determine if aerial access road are required pursuant to Appendix D105 of the FCNYS.
 28. Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to lighting, site grading, landscaping, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.
 29. Elevations and materials of construction for the proposed building should be submitted to the Planning Board for review.

Mr. Ophardt asked for clarification of the ownership of the third parcel which is north of the proposed project. Mr. Lansing stated that it was recently subdivided by the Jonesville Fire Department as was purchased by Mr. Earl shortly after that subdivision, and that Mr. Earl would look for guidance from the planning board as to whether the third parcel should be dedicated to the town as open space or deed restricted if it is held in ownership by the applicant.

Public Comment

The Director remarked that several residents have sent emails regarding the Plaza West development to planning@cliftonpark.org which have been forwarded to Planning Board members and staff. Mr. Ferraro noted that tonight would not be a formal public hearing adding that if this project moves forward, at such time as it is reviewed for preliminary review as a special use permit, legal notices would be published in the Daily Gazette. That being said, Mr. Ferraro added that if residents in attendance wanted the opportunity to voice concerns, the planning board would allow a few minutes for unique comments to be heard.

Bob Voelker, 10 Stratford Dr., a longtime resident of Sherwood Forest stated that he hoped the town would take ownership of the northern residential parcel. Mr. Voelker stated the following concerns:

- vehicular traffic - large volume
- added congestion for those turning into or leaving Ravenswood
- backup on Rt. 146A
- questioned the compatibility with the Town's comprehensive plan
- felt that B-3 zoning not meant for "big box" stores and large parking lot
- Like feel of small local neighborhood shopping center instead
- impact on property values of neighbors

Rich Surprenant, 8 Buckingham Ct. stated the following concerns:

- felt size a little too big
- liked buffer
- prefer sewage not to tie into the residential community
- night time lighting impacts should be reduced on residences
- questioned the access points and would not like to see 3rd point on the “buffer parcel”
- Dwaas Kill impact

Dan Hartnett

Trails Subcommittee Summary summarized the following concerns:

- Sidewalks to NYS Route 146A
- Crosswalk to existing sidewalk on NYS Route 146A
- Pedestrian circulation and sidewalk within site
- Bike racks at each building
- traffic, speed humps or tables
- visual impacts should be considered

Wen Sheng Hu, Marlboro Dr. Sherwood Forest offered the following comments:

- what is final goal?
- improve quality of life or to make money?
- suggested nursing home as alternative

Esther Roberts, Buckingham Court Resident, stated the following comments:

- the definition of buffered landscaping according to 208-79 does not appear to correspond with the proposed plan
- She suggested that the applicant place evergreens along the residential zone for lighting and noise
- would prefer main entrance on NYS Rte 146 not 146A
- questioned the stated 6/15 start date in a newspaper article
- Clifton Park needs empty nester homes, maintenance free residences not more shopping

Carl Reed, 4 Marlboro Dr., offered these comments:

- Firehouse project has already adversely impacted the drainage in his back yard and fears more with this project
- felt that a traffic study should be done Spring, summer, fall when the Clifton Common is in full swing not the winter

Mike Jabonaski, 1 Sheffield Dr., remarked that he is concerned with the following issues:

- traffic concerns
- lower property values
- two developments nearby should be renovated before adding new projects
- light pollution and noise abatement
- wetlands
- stormwater runoff
- asked that parcel be rezoned residential

Bill Hoffman 7 Buckingham Ct. noted the following:

- concern with “Special Use” but not knowing what the uses will be (unknown tenants)
- felt a lack of transparency with project

Vance Bryant, Sherwood Forest Resident asked what plans were for the following issues:

- Traffic and the “ramp”
- conducting a traffic study during a fire emergency

Gerald Havasy, Resident of The Vistas, made the following remarks:

- surprised at how wooded the area under development is
- asked that site plan drawing in the future be oriented with North at the top of the plan

Judy Morley, 8 Wheeler Dr., voiced the following concerns:

- security of residential areas surrounded by this density of visitors
- asked that a different consultant perform this traffic study than the one who did it for the Nigro presentation

There being no further comments, Mr. Ferraro asked planning board members if they had anything they wanted to add.

Planning Board Discussion

Mr. Joel Koval questioned the applicant about his access points on NYS Route 146 and 146A and wanted to know what kind of traffic calming features could be used on NYS Route 146A, especially southbound. Mr. Koval also asked about the landscaped buffer to the residential zone as it was felt that a variance would be required as shown. Mr. Ferraro asked if there might be a reason why it was drawn the way it was for clearance purposes or grading. Mr. Werner then proposed scheduling a meeting early on with NYSDOT officials to address the traffic concerns which have been noted. Mr. Ferraro asked Mr. Werner or Mr. Ophardt would be willing to sit on a committee if established.

Next Mr. Ophardt asked about improving the internal site circulation, and if there were a possibility of lining up a 4-way stop intersection within the parking lot and then he suggested shared use parking be considered as ways of conserving more open space. Next, Mr. Ophardt suggested that for aesthetic reasons, the applicant might want to consider rotating building #4 as shown.

Mrs. Paulsen state that she felt a right-in/right-out access point on NYS Route 146 will change the access to the medical offices which currently exist and would require cross access easements because it might create an essentially land locked parcel. Mr. Koval noted that different types of businesses with cross access easements can create traffic problems for the different types of businesses. Mr. Andarawis expressed that wetland disturbance and the grading between buildings #2 & #4 might perhaps be improved by trying to use the natural topography.

Pete Schroeder, 12 Marlboro Dr. resident, added that he felt no one had considered the school buses turning left onto NYS Rte 146 from 146A.

Andy Neubauer added that he would like to know if there was a reason for developing separate boxes rather than a connected strip mall.

Mr. Lansing responded that individual buildings is desired by both the developer and potential tenants.

Mrs. Roberts also mentioned that traffic counters were out a few weeks ago and reiterated that she felt that should be done in July when all the activities are going on.

Scott Earl, property owner, and resident of 43 Ray Road, has owned the land for 7 years. Mr. Earl stated that he had originally wanted to build 192 apartments and was discouraged because it would require a zoning change. Mr. Earl noted that with this proposal he was trying to develop a project that fits the zoning. The speaker acknowledged that there already is a problem of traffic in the area and that he will work with the town to help address and fix the traffic problems, adding that through the process, the experts will vet it out. Mr. Earl also added that he liked the idea of the residential buffer deeded to the town and noted that at this point, no tenants have committed yet. Mr. Earl noted that the existing surrounding business will be able to tie into the sewer and water improvements.

V. Discussion Items

Planning Board members were given Oaths of Office and Ethics forms to complete and sign.

Mr. Koval offered a motion to close the meeting at: 8:38 pm, seconded by Mr. Ophardt. The motion was unanimously approved.

Respectfully submitted,

Meg Springli

Planning Board Secretary