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PLANNING BOARD

ROCCO FERRARO
Chairman

PAUL PELAGALLI
Attorney

Meg Springli
Secretary



MEMBERS
Emad Andarawis
Joel Koval
Eric Ophardt
Kim Paulsen
Eric Prescott
Tom Werner

(alternate) Andy Neubauer

Planning Board
February 24, 2015

Those present at the February 24, 2015 Planning Board meeting were:

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

Those absent included: K. Paulsen

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

Mr. Ferraro called the meeting to order at: 7:05pm. All in attendance stood for the Pledge of Allegiance. Mr. Ferraro announced that Mr. Neubauer would vote in place of Mrs. Paulsen for this meeting.

I. Minutes Approval

Mr. Koval moved, seconded by Mr. Andarawis to approve the planning board minutes of February 10, 2015 as written. Mr. Werner and Mr. Ferraro abstained.

Ayes: Koval, Andarawis, Ophardt, Prescott, Neubauer

Noes: none.

II. Public Hearings – begin at 7:00 pm

~~2014-054 Caruso Home Builders~~ **POSTPONED AT REQUEST OF APPLICANT**
until 3/24

III. Old Business

Mr. Ferraro noted that many members of the public were seated and asked for a show of hands to demonstrate those present who were interested in the residential projects proposed for Ushers Road. The chairman remarked that it appeared as if the majority of those present raised their hands. Then Mr. Ferraro stated that he would rearrange the order of the agenda in order to accommodate the audience and allow those who would like to leave after the presentation to do so.

2012-012 Ushers Woods

Proposed construction of 74 single family residences, Ushers Rd, Zoned: B-1, Status: PB - Revised conceptual site plan review

SBL: 259.-2-60, 259.-2-62, 259.-2-66, 259.-2-68, 259.-2-69.11, 259.-2-70, 259.-2-71 last submitted 6/2012 and 9/2012

Mr. Ferraro explained to those present that there had been two applications submitted which included the same parcel. The first application being known as 2012-012 Ushers Woods included Owner Authorizations signed by the owners of record: Country Club Acres Inc., Boni Enterprises LLC and 1743 Route 9 LLC. Mr. Larry Boni (Boni Enterprises LLC) and Mr. Kevin Dailey (the agent of record) requested the project be placed under old business on the agenda for the 2/24/2015 planning board meeting by the submittal deadline.

The chairman noted that under new business an item had been submitted as 2015-008 Ushers Knob, designed by a different engineer on one of the parcels included in 2012-012 Ushers Woods. It was, however, subsequently withdrawn from the meeting agenda by the applicant, 1743 Route 9 LLC, and requested that they be allowed to proceed with this second application at a future date. Mr. Ferraro expressed concern that two different proposals were on two separate applications that involved the same parcels. The chairman indicated that these conflicting applications have led to confusion as to what was being reviewed, explaining that the parcel in question had differing layouts and residence types.

Mr. Pelagalli observed that the board cannot proceed with consideration of two projects on the same parcel and that if the applicant chose to separate them as phases, then that would be segmentation. The planning board attorney then suggested that if the parties involved could indicate what their intention was, the planning board could proceed, but they were not all present.

Board members mentioned that they were concerned about segmentation of the sites and that they felt confused and that they had hoped for clarity if both applicants appeared at the planning board meeting. Discussion ensued about the legality of having conflicting applications open for review. The chairman recommended tabling the discussion at this time.

Mr. Kevin Dailey, representative of Ushers Woods, asked that it be noted in the record that his applicant was ready to proceed this evening and then he stated that this was the second time the project had been "refused to be seen".

Mr. Ferraro asked the applicants to resolve the preceding questions and/or conflicts among themselves and appear at a later date when there is some clarity.

2014-055 Mackey Kendra Drive Extension

Proposed (8) lot subdivision with public water and sewer creating a cul-de-sac at the end of Kendra Drive, 1644 Crescent Rd, Zoned: CR, Status: Preliminary subdivision review. SBL: 288.-2-43.11

Mr. Luigi Palleschi, of ABD Engineers and Surveyors, presented the project which was last seen on 12/9/2014. The consultant described the new layout as consisting of 7 new homes, one lot line adjustment for 17 Kendra Drive and another lot line adjustment for 1644 Crescent Road. Mr. Palleschi stated that he has received the letter from MJ Engineers and Land Surveyors and that he disputes #5) regarding the calculation of 7.5 lots and explained that he would adjust the lot line for 17 Kendra Drive to gain the necessary acreage for the subdivision. Mr. Ferraro stated that he would defer to the zoning enforcement personnel to confirm that calculation and the board would not make that decision at this time.

Mr. Palleschi also commented that he disagreed with #14) and that he felt that a full SWPPP was not necessary and would discuss that with Steve Myers as well.

Next, the consultant replied to the Planning Director's comment #3) that the applicant was not proposing cluster mailboxes, but Mr. Scavo explained that the applicant would need to get confirmation from the postmaster and submit that proof to the planning department before that requirement could be waived.

Mr. Koval then asked for the area of disturbance and Mr. Palleschi replied that it would be 3.3 acres total.

Staff

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 from a letter dated 2/17/2015:

- The ECC has concern with the lot configuration of lots 1 and 4 in regard to the possible impacts to the federal wetlands and buffer zones of the stream. In addition the proximity of the proposed home to the wetlands on lot one could result in seepage into the foundation.

- The ECC is concerned with the close proximity of the wetlands and LC zone to the proposed residences and feel the boundaries of the wetlands and LC zone be marked. (e.g. split rail fencing)
- The applicant shall clarify the extent of property to be deeded to the Town of Clifton Park and the ownership of the stormwater management area.
- The ECC requests clarification of a watercourse (intermittent?) on lots 4 and 5.

Sheryl Reed issued a memo dated 2/23/2015

- Lot 1= 16 Kendra Drive
- Lot 2= 18 Kendra Drive
- Lot 3= 20 Kendra Drive
- Lot 4= 25 Kendra Drive
- Lot 5= 23 Kendra Drive
- Lot 6= 21 Kendra Drive
- Lot 7= 19 Kendra Drive
- Lot 8= 1644 Crescent Road

Steve Myers issued a comment letter dated 2/9/2015

- “Unconstrained” land being deeded to the town is useless due to lack of access.
- Lots must be numbered to reflect Kendra Drive addresses.
- Lots 1 & 2 are questionable as to whether buildable due to wetlands (lot #1 especially). Permits for stream crossing must be obtained.
- Stream is Clifton Park regulated including buffer zone, not ACOE or NYSDEC.
- Although zoned CR, it is believed the cluster zoning which applies to the rest of this subdivision should be extended to this proposal. Same subdivision different zoning?
- Per code the number of lots is rounded down for 0.5 or less. $22.7 \times 0.33 = 7.49$, should be 7 lots. Also appears to be 9 new lots. Lot at end of new street is not numbered. It appears to have been set aside for a stormwater pond which still makes it a lot and the pond is not allowed without significant proof there is no other method viable. The pond is also located directly adjacent to the protected stream.
- No SWPPP provided.

John Scavo issued a comment letter dated 2/12/2015

- The following note should be added to the final site plan, "Underground utility connections to a dwelling unit are not allowed to be constructed underneath a private driveway. Such utilities include but are not limited to water laterals, sewer laterals, gas, electric and storm/foundation drains shall not be installed underneath driveways. A Certificate of Occupancy will not be issued without all utilities complying with this requirement."
- The applicant should be aware that pursuant to Town Law 276(7)(c) a conditional final subdivision plat expires 180 days following the date of the resolution of approval unless all conditions are satisfied. The Planning Board may extend for periods of ninety days each, the time in which a conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by the particular circumstances. As such, the applicant is required to request an extension in writing to Planning Board within 30 days of each aforementioned expiration.

- Provide for a cluster mailbox detail and design location on the plan and provide verification that it is to the satisfaction of the Clifton Park Postmaster. If a cluster mailbox is not mandated by the Clifton Park Postmaster written documentation stating such is requested for the Town record.
- The final subdivision map should display assigned 911 addresses for each lot.
- Prior to stamping the final subdivision plan a signoff from the Saratoga Co. Sewer District is required for the proposed tie-in and sewer line extension.
- This parcel (Subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation, and other associated activities. A study describing this impact in detail is available for inspection in the offices of the Albany International Airport."
- In accordance with §86-10 of the Town Code, "The applicant shall be required to plant two new trees per living unit on the street side of new construction sites." As such please add the required trees to the Subdivision Plan prior to final stamping. The applicable code section is attached, which includes the required planting specifications:
- Add a note to the plan that states, "The identified Freshwater Wetland is protected and regulated under federal law (Section 404 of the Clean Waters Act) by the U.S. Army Corps of Engineers. Prior to undertaking any project that may be within or adjacent to the wetland, contact both the DEC Region 4 Office at (518) 357-2069, and the US Army Corps of Engineers at (518) 266-6350, to obtain required permits.
- Since the project disturbs over 1 acre of land and requires the construction of a public roadway the project is required to obtain coverage under the NYS DEC General Permit and will need a full SWPPP in accordance with the NYS DEC F AQs.
- A check for \$8,750.00 (\$1,250 x 7 new residential dwelling lots) made payable to the Town of Clifton Park for parkland fees is due prior to the stamping of the final plan.
- A check for \$105.00 (\$15.00 x 7 new lots) made payable to the Town of Clifton Park for GIS fees is due prior to the stamping of the final plan.
- The mitigation fee for the Western Clifton Park GEIS preparation will be applicable: a payment of \$348 per each new dwelling unit will be required to be paid prior to the stamping of the final plan. Therefore a check made payable to the Town of Clifton Park in the amount of \$2,436.00 is due prior to the stamping of the final plan.

MJ Engineering and Land Surveying issued a revised letter on 2/24/2015 with the following comments. Those in **bold** were highlighted at the meeting.

State Environmental Quality Review

- No additional comments.

Full Environmental Assessment Form

- No additional comments.

General Comments

- As noted in Comment 16 of our December 5, 2014 review, please provide the Town documentation of the SCSD's ability and willingness to service the project with public sewers. It is understood that the applicant has initiated this process with the SCSD.

- As noted in Comment 19 of our December 5, 2014 review, the project is subject to the NYSDEC Phase II Stormwater regulations and will require a stormwater pollution prevention plan (SWPPP) that includes water quality controls, water quality controls as well as green infrastructure elements. Note that the project would likely be permitted under GP-0-15-02. See also the Town's SMO comments on this topic.

Subdivision Plan

- The project is identified as being 27.4 acres in size. As such, the development of the lot must follow the provisions outlined in Section 208-16(E)(2)(b) of the Town's Zoning, which is applicable to development on 10 or more acres. Under Section 208-16(E)(2)(b) of the Town's Zoning, **the maximum density permitted for this project would be 7 dwelling units** (applicants may round down fractional units of 0.5 or less and round up fractional units greater than 0.5- per 208-16(E)(1)). The proposal calls for 7 new units and 1 existing residence, for a total of 8. It would appear that a variance would be necessary or the incentive zoning option may be pursued as described in Section 208-16 (H) of the Town Zoning. We would defer to the Town's chief zoning officer on this matter.
- **The subdivision plat does not note the planting of new trees pursuant to Section 86-10 of the Town Code. Please provide notation, identifying the species and caliper size for review.**
- **There may be a desire to have a split rail fence or other visual indicators at the edge of regulated wetlands to remain on individual lots for sale.** We would defer to the Town on this matter.
- **The proposed road profile provides no vertical curvature in the new road at its intersection with the end of Kendra Drive.** If the algebraic difference between the existing and proposed road grade is in excess of 2%, a vertical curve is required.
- The profile of the new road and associated utilities needs to show the existing sanitary lateral from Lot 17 to ensure adequate clearance will be provided for other utilities planned for installation.
- For any proposed residential lots that will contain regulated wetlands, it is suggested that notation be added to the plat listing those lots, indicating that the wetlands shall remain and any further disturbances may be subject to additional reviews by authorities having jurisdiction.
- **All lot grading shall be such that drainage is directed away from the homes and towards lot lines and ultimately to an approved drainage course as required by Section 86-7(A)(5) of the Town Code.** The grading plan as submitted shows grading across lots 4 through 6 without properly directing it along lot lines and/or towards the proposed drainage system or existing drainage ways. **The plan needs to be updated to demonstrate conformance to the noted section of Town Zoning.**
- **The erosion control plan provided is generic in nature, representing the entire project. Provide a lot specific erosion control plan, representative of conditions following road and utility installations that would be carried out by the home builder.**
- **The plans show proposed sump pump laterals. Those shown for Lot 2 and 5 appear to result in a potential discharge to an adjacent lot.** There are none shown for Lot 6 and 7. Revise sump pump lateral locations, demonstrating conformance to Section 86-7(A)(6) of the Town Code.

- **Since there is no SWPPP provided, the appropriateness of the proposed stormwater management systems cannot be reviewed. Once the SWPPP is prepared and submitted, the stormwater management systems, including the stormwater pond will be reviewed for conformance to the New York State Stormwater Management Design Manual.**
- The technical design and detailing for the proposed potable water and sanitary sewer systems have not been completed as they are subject to the review and approval of other authorities having jurisdiction. Any comments received from other agencies shall be incorporated into subsequent plan submissions.

Public Comment

Dan Hartnett, Trails Subcommittee, asked the applicant to consider the following:

- split rail fencing in the open space
- Future trail access signage to avoid encroachment which could interfere with future plans.

The chairman and board members stated that a note on the stamped plans as well as signage on the roadway to warn future homeowners that a trail might occur, would be a good idea.

Mr. Lorensen, resident, asked how restrictions would be made known to future homeowners. Mr. Pelagalli stated that deed restrictions would be most likely to be seen by homeowners and that it should be noted on deeds as well as the stamped plan.

Planning Board Comments

Mr. Koval remarked that there was town owned land adjacent to the proposed open space and that town access is available and should be noted on the final plan.

Mr. Ferraro stated that the Open Space Coordinator had made some suggestions regarding lands to be used in the calculations for the 50% requirement of open space within the Conservation Residential zone. Mr. Koval also stated that a survey of the lots would be made available to new homeowners and that these restrictions should be required to be made on those individual plot plans as well the overall site plan.

Mr. Prescott asked about the stormwater retention area and whether a trail would fit in that area. Mr. Pelleschi replied that it was an infiltration basin and the sandy soils should easily accommodate a trail. Mr. Ferraro asked that a potential future trail be included for review on subsequent plans. Mr. Ferraro also commented that a split rail fence to denote the conservation restricted areas also be added.

2014-031 Shopper's World Bank

Proposed construction of a 2,784SF bank on a vacant pad site at Shopper's World Plaza , 15 Park Ave, Zoned: B-4, Status: Preliminary site plan review and possible determination.

Tom Andress, consultant with ABD Engineers and Surveyors representing Windsor Development presented the project which was last seen 7/8/2014. Mr. Andress noted that the most recent submittal included the footprint of the actual building as designed by the project architect and it showed more greenspace along Maxwell Drive which maintained more trees on the site. The consultant also remarked that the sidewalk along Park Avenue was extended to the recent Price Chopper improvements.

Next, Mr. Andress responded to the MJ Engineering review letter, adding that he had adjusted the site plans to reflect those comments and he would work on the stormwater management issues that were raised. The consultant also stated the proposal showed that green space on the Shopper's World space would be reduced and Windsor Development would like to utilize some of their reserved "land bank". Mr. Scavo gave a history of the land bank area which had been transferred to the town and noted that there was a spreadsheet which demonstrated the availability of land bank area for the benefit of projects developed by Windsor Development.

Staff

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 from a letter dated 2/17/2015:

- The ECC requests that the 35% green space area shall remain intact for the entire tract owned by the applicant. Prior approval of the Price Chopper renovations was predicated upon the proposed location of the bank remaining as green space. This project jeopardizes the site meeting the required amount of green space.
- The ECC is concerned that this project borderlines segmentation due to the close proximity of review time between the Price Chopper Renovation project and this current project.

Sheryl Reed issued a memo dated 2/23/2015

- Postal address 25 Park Avenue shall be noted on the plan

Steve Myers issued a comment letter dated 2/9/2015

- Three way conflicting traffic.
- Maxwell Drive/Shopper's World pond improvement should be completed prior to this approval since it will contribute to the pond.
- 0.97 acres disturbed? Would require to see disturbance area calculations to confirm less than one acre.
- Proposed grading will direct significant runoff towards the roadway behind Price Chopper. It is expected this change will cause significant issues on the access road especially in colder weather.
- Setback variances believed to have been approved previously. Parcel greenspace is below required 35% both before (29.9%) and after proposal (24.6%). A greenspace variance is required.
- Site plan 2008-36 should be checked to see changes in this proposal.

John Scavo issued a comment letter dated 2/12/2015

- The current site plan shows a proposed site statistic of 24.6% green space. Pursuant to Town Code 35% green space is required. If any variances for greenspace have been previously obtained please note such on the site plan.
- I am concerned with the plan showing, "Contractor to meet on site with engineer prior to work to review sidewalk alignment." As a condition for approval the final sidewalk location and alignment should clearly be delineated on the plan to avoid any conflicts with existing utilities and mature trees. As has been past experience, if such details are not considered now by the Planning Board the implementation of such connections when construction begins has become problematic when not fully vetted out during the site plan review process.

MJ Engineering and Land Surveying issued a letter on 2/20/2015 with the following comments. Those in **BOLD** were highlighted at the meeting.

General Comments

- As noted in Comment 1 of our July 8, 2014 review, it was initially determined that the project would not be subject to the NYSDEC Phase 2 Regulations or General Permit. However, due to the activities associated with Price Chopper Plaza, adjacent to this parcel, this project can be considered as part of a "larger common plan" as defined by Part I.A.1 of GP-0-15-002. **The applicant needs to prepare a SWPPP in accordance with the General Permit unless appropriate justification can be furnished as to why this project is not considered part of a larger common plan.**
- As noted in Comment 2 of our July 8, 2014 review, the applicant should furnish the Town with confirmation that the SCS D can accommodate any increases in sewage being generated from the project.
- As noted in Comment 3 of our July 8, 2014 review, the applicant should furnish the Town with confirmation that the CPWA can accommodate any increases in water usage from the project.

State Environmental Quality Review

- No additional comments.

Short Environmental Assessment Form

- No additional comments.

Stormwater Management Report

- The report notes the total disturbances associated with the project to be 0.97 acres and it “includes all offsite sidewalk improvements” Please confirm the area of disturbance also includes the sanitary sewer improvements noted on the plans and work associated with the regional stormwater basin that is reported to occur with this project.
- The report makes reference to improvements to the regional stormwater management area that will occur as part of this project. Plans and design calculations associated with these modifications need to be included for review.
- As noted in the report, infiltration tests and test pits will be required prior to construction to confirm design assumptions made.

Site Plans

- The plans include the variances of record for setbacks, however, no reference to the variance associated with deficient greenspace can be found. Please provide on the plans as necessary. If no variance exists, then the applicant must apply for area variances for deficient greenspace.
- As noted in Comment 15 of our July 8, 2014 review, elevations and materials of construction for the proposed building should be submitted to the Planning Board for review, if not already done.
- On Sheet 1, the Parking Date notes 20 spaces provided. Provide additional notation of 5 future parking spaces also being included.
- The tactile warning strip proposed at the Park Avenue crossing appears to be set back from the furthest curb line and potentially in excess of what is permitted by ADAAG 2010 Standards, Section R305.2.1. Pursuant to the noted standards, the maximum distance between the curb and tactile warning is 5-feet.
- For all on-site traffic regulatory signs (Do Not Enter), provide an appropriate MUTCD sign designation.
- On Sheet 1, there is a note “8” DIP CL 50 Pipe”. Please identify what this is for.
- The plans note a 1-inch water service. If the building is to include an automatic sprinkler as a result of building materials of construction or occupancy, please confirm that the 1-inch service is adequate for both potable water and fire protection.
- If the building is required to have an automatic sprinkler, provide notation that the fire department connection shall be reviewed as part of the building permit process with final location subject to Town approval.
- Provide design invert elevations for all proposed drainage structures and design pipe lengths and slopes for proposed drainage pipes.
- **The sidewalk proposed along Park Avenue needs to include appropriate information to protect the existing trees to remain. If any grading or excavation is required, appropriate measures need to be incorporated into the design to protect the long term health of the existing trees.** Further, and as noted via Town staff reviews, **clarity on the sidewalk alignment is necessary such that field decisions made between the engineer of record and contractor do not result in substantive deviations from an approved plan or alignment.**

- Sheet 2 notes the selective trimming of an existing tree at the proposed site entrance. Provide a general site diagram to understand the potential extent of tree pruning.
- Since there is no SWPPP provided, the appropriateness of the proposed stormwater management systems cannot be reviewed. Once the SWPPP is prepared and submitted, the stormwater management systems, including the stormwater pond will be reviewed for conformance to the New York State Stormwater Management Design Manual.
- The technical design and detailing for the proposed potable water and sanitary sewer systems have not been completed as they are subject to the review and approval of other authorities having jurisdiction. Any comments received from other agencies shall be incorporated into subsequent plan submissions

Public

Dan Hartnett, member of the Trails Subcommittee asked for clarification of the width of the sidewalk surrounding the bike rack. Next, Mr. Hartnett expressed concern about pedestrian access from the “banked” parking spaces and Mr. Address stated that would only be used, if necessary, in the future and could be restricted to employee use only. The board agreed that a note could be added to the plan that if those spaces were to be used in the future, the amendment will be reviewed by the Planning Board at that time.

Mr. Bill Lorensen, resident of Hearthside Drive, asked how it would be made clear to contractors which trees were to remain on the site. Mr. Ferraro stated that they were clearly labeled on the plan. Mr. Address stated that is shown on the landscaping plan and then stated that orange protective fencing could be put on those trees to be preserved at the start of the project to indicate that those trees were to be protected.

Planning Board

Mr. Ophardt asked for clarification of the 24” storm line that was indicated on the plan. Mr. Address explained that there was a joint stormwater management basin that handles the entire area and that DCG, Phillips, Windsor, and the Abele properties shared that basin. Next Mr. Ophardt remarked that he felt the crosswalk section on Sheet 3 of 3 should be changed to a ladder style crosswalk rather than diagonal.

Mr. Werner expressed concern about drivers being stuck in the drive-thru lane and not being able to make an exit if they decided to leave. Mr. Address commented that was purposeful to discourage using the drive-thru as a cut-thru on the property.

Next, Mr. Prescott observed that painted timbers on the exterior of the building were specified and felt that was perhaps less desirable in the harsh winter environment rather than synthetic. Mr. Address stated that was specified by the architect and tenant. Mr. Prescott also asked the consultant to explain the current layout of the sidewalk along Park Avenue. Mr. Address replied that it was in part altered based on saving the existing trees. Mr. Ophardt asked if the consultant would meet with the Open Space Co-ordinator in the field to discuss the safety of pedestrians

and any changes that might be required, adding that if changes were to occur, the planning board will be notified.

The Planning Board being in general agreement, the chairman asked for a decision to be conditioned upon stormwater issues being resolved.

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

Mr. Andarawis moved, seconded by Mr. Prescott, to waive the final hearing for this application for the site plan review of Shopper's World Bank, and to grant preliminary and final site plan approval condition upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department. Ayes: all. Noes: none. The motion is unanimously carried.

2010-038 Windhover Farms

Proposed (25) lot residential subdivision with additional emergency access, Grooms Road, Zoned: CR, Status: Revised conceptual subdivision review
SBL: 276.-1-9

Project last seen 6/24/2014

John Stevens, of Infinigy Engineering summarized the project as it was submitted. It was noted that the Fire District boundaries have been clarified and shown on the plan. The sewer line had been redesigned and comments had been received by the SCSD. It was also stated that the proposed grinder pumps had been removed and gravity fed systems would be used. Mr. Stevens then stated that the wetland delineations had been clarified. Next, the consultant summarized his response to MJ Engineering's Comment letter.

- the submittal is now for a (23) lot subdivision, removed (2) westernmost parcels
- the water main would stop at Penfield Drive
- the sanitary lift station is now on its own parcel
- sump pumps and discharge will be clarified
- SWPPP minor changes will be revised and updated
- Other changes will be shown on plan regarding water
- Selfridge Way – was not to be dedicated to Town as a right of way, but could be a piece of property that the Town would own that had a road on it
- the turning lane and walkway are tight but could be done as requested by the planning board

Staff Comments

ECC Recommendations from a letter dated 2/17/2015:

- The ECC recommends if the County requires an access road for the sewer line maintenance that it would be minimally invasive to the wetlands.
- ECC notes, per Town Code, the Applicant must provide proof of preservation in perpetuity of permanent open space.

Sheryl Reed issued a memo dated 2/23/2015

- Fire District Boundary line adjustments have been approved by the Vischer Ferry Fire District and Rexford Fire District. Waiting on notary of document then will forward to the Town Board for resolution. Please have final fire district boundary lines placed on final subdivision mapping.

Steve Myers issued a comment letter dated 2/9/2015

- Only plans submitted no SWPPP.
- End of pipe ponds proposed with overflow to wetlands. Need to provide significant information to establish reasons for this plan. Ten feet of material to be removed to establish pond. Soils data to ensure no conflict with the water table will be required.
- Sewer and water approval required.
- Fire department boundaries not shown.
- Too many questions still remain.

Don Austin, Clifton Park Water Authority Administrator issued a review letter with the following comments:

- The water main should be more clearly labeled as 8-inch ductile iron pipe on the drawings.
- All water infrastructure should conform to the CPWA's Standard Specifications, which can be found on our website at www.cpwa.org.
- All water main should be located outside of the paved areas, except in locations where watermain crosses a roadway.
- The offsite water main and connection is not shown on the plans. Please incorporate this into any future submissions.
- At the entrance to the subdivision, a valve should be placed on the water main heading into the subdivision as well as on the west side of the tee.
- Plans should show a gate valve and two lengths of pipe extending to the west from the proposed end of the water main on Grooms Road, with an end cap and thrust restraint.
- The hydrant at the end of the cul-de-sac should be located at the property line between Lots 10 and 11 to avoid potential impacts with driveways.
- Detail drawings should be included in future submissions and accurately reflect the Current CPWA standards.

MJ Engineering and Land Surveying issued a letter on 2/20/2015 with the following comments. Those in **BOLD** were highlighted at the meeting.

State Environmental Quality Review

- No additional comments.

Full Environmental Assessment Form

- Comment 2 through 5 of our January 27, 2014 review specific to **the full environmental assessment form need to be formally responded to, which includes submission of an updated full environmental assessment form.**

Subdivision Plan

- As noted in Comment 5 of our April 3, 2014 review, the applicant's representative indicated that the emergency access road would be offered to the Town has a public road. In Comment 11.a of our January 27, 2014 review, it was noted that the right of way appeared to be less than the minimum as required by Section 86-6 (B)(1) of the Town Code along with other deficiencies. In addition to being deficient from the noted section of the Town Code, under New York State Town Law, Article 8, § 180, no highways shall be laid out less than three rods in width (or 49.5-feet). **There needs to be further discussion regarding the dedication of this road as a Town road and how the minimum requirements of both the Town Code and New York State Town Law would be satisfied.**
- Provide a plan entitled "Subdivision Plat" which appears to be a composite of the Subdivision Plan and Horizontal Control Plan. This plan will ultimately be filed with the Saratoga County Clerk's Office. The Subdivision Plat shall show proposed lot configurations, right-of-ways and easements. All lots shall be provided with the lot areas, assigned 911 address, appropriate setback lines and metes and bounds. The right of ways shall be labeled with the proposed road names with metes and bounds. Any easements and lots intended for conveyance shall be labeled with areas, metes and bounds and note the proposed receiving party's name. Any special notes required of the Town should be placed on the plat. Please also review Section 179-11 of the Town Subdivision Regulations for additional plat requirements. The plat will also need to be stamped by a surveyor licensed to practice in the State of New York.

Mr. Andarawis asked if the lot # 2 could possibly be oriented to face Grooms Road with the driveway off Penfield. Mr. Koval stated that would not be desirable to homebuyers without some kind of landscaped buffer because of setback requirements for large front yard creating a smaller back yard. Mr. Andarawis suggested perhaps the architecture of the house could be such that it would be appealing on Grooms Road even if frontage were on Penfield.

Public Comment

Mr. Hartnett asked a right of way or easement could be granted on the Miller Road parcel and would like to see the detail on the multi-use trail along Selfridge Way.

Mr. Neubauer asked whether all grading would be retained on site and what would be the fill material requirements. Mr. Stevens explained that there might actually be some exporting of fill from the site.

Mr. Ferraro also asked that the landscaping plan should address screening for adjacent property owners.

Mr. Anthony LaFleche, 21 Wheeler Dr. suggested a buffer for homes along Grooms Road from the potential trail

Planning Board members indicated that they found the plan generally acceptable. The chairman stated that the next submittal would be for a public hearing after the Town designated engineer and stormwater staff have deemed the SWPPP ready for review.

IV. New Business

2015-008 Ushers Knob POSTPONED AT REQUEST OF APPLICANT

2015-006 Stewart's Shop

Proposed demolition and redevelopment of existing convenience store location with new 3,975 sf store, filling station and canopy. , 1529 Crescent Rd, Zoned: B-3, Status: Conceptual site plan review.

SBL: 284.-1-7

Chad Fowler of Stewart's explained that the applicant was planning to replace the store already existing on Crescent Road and the applicant would intend to sell or lease the existing property although it would be restricted from being a convenience store. Mr. Fowler noted that two fronts were being proposed at this site because of its orientation along a main entrance to town adding that the main door would be on the western side of the building. The consultant also explained that the building would also have a cupola on top. It was noted that the zoning board granted variances needed for the proposed layout on 2/17/2015. Mr. Fowler distributed a traffic study dated 2/16/2015. Mr. Fowler also showed photos of the existing landscaping to the right of the proposed building and asked the planning board to provide direction as to what they would like to see done in the buffer. The planning board indicated that they did not feel any trees needed to be cut along the eastern portion of the building.

ECC Recommendations from a letter dated 2/17/2015:

- The ECC would like to recommend that the applicant install an oil and water separator.

Sheryl Reed had no comments

Steve Myers issued a comment letter dated 2/9/2015

- Currently zoned B-3 and has existing Cobble Pond Farms store on property.
- Building and gas pumps are to be demolished.
- Proposal is on the zoning agenda for 2/17/15.
- Island between driveways needs to be coordinated with multi-use trail coming through in the same location.
- A full SWPPP will be required.

- Sign type, location and size needs to be submitted separately to the Building Department.

MJ Engineering and Land Surveying issued a letter on 2/20/2015 with the following comments. Those in **Bold** were highlighted at the meeting.

General Comments

- The project proposes to provide potable water to the site from the Clifton Park Water Authority (CPWA). **The applicant shall provide the Town documentation indicating the CPWA's ability and willingness to provide potable water to the project.** Any approvals offered by the Planning Board should be conditioned on receipt of CPWA's review and approval.
- The project proposes to provide sanitary sewer service to the site from the Saratoga County Sewer District No. 1. **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.
- The submitted SEQRA Short Environmental Assessment Form indicates the total project disturbance will be less than one acre and therefore would not be subject to the NYSDEC Stormwater Regulations and GP-0-15-002. **Please confirm that the area of disturbance is inclusive of the work proposed within the County right-of-way.**
- Notwithstanding the project potentially not needing to comply with the NYSDEC Stormwater Regulations, best management practices need to be incorporated into the site design since the use is considered a "hotspot" for stormwater runoff. Further, and at a minimum, a stormwater management study needs to be completed to ensure that the proposed project does not increase runoff from the site that may adversely impact adjacent properties or infrastructure.

State Environmental Quality Review

- 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:
 - o Saratoga County Planning Board – 239m referral due to proximity to County Route 92;
 - o Saratoga County Sewer District: Additional reserve sewer capacity.
 - o Clifton Park Water Authority: Taking of additional potable water.
 - o Saratoga County Dept of Public Works: Entrance modifications at County Route 92.
 - o NYS Dept of Environmental Conservation –potentially NYSDEC Phase II Stormwater Regulations and identification of threatened and endangered species.

- o 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.

Short Environmental Assessment Form

- Under Part 1, Item 3b, please confirm that the area of disturbance is inclusive of the proposed work within the County right-of-way.
- Under Part 1m Item 8.a, **please provide a summary of peak hour vehicle trips based upon the proposed use that correlates to the ITE Manual.**

Site Plans

- The project resides within the Town’s B-3, Neighborhood Business District. In our review of Section 208-37(B) of the Town Zoning, the proposed convenient store/gas station is a permitted principal uses within the B-3 Zoning District. **A review of Sections 208-38 and 208-98 of the Town Zoning indicates the following bulk lot deficiencies:**
 - o The building is 29.3 feet from the front lot line and the canopy is 18.4 feet from the front lot line. Section 208-38(C) requires a minimum of 80 feet, into which space there shall be no encroachment of structures other than a fence, a wall or a sign not larger than 20 sq. ft. and no encroachment of commercial usage other than parking spaces.
 - o The building is 29.3 feet from the front lot line and the canopy is 18.4 feet from the front lot line. Section 208-98 indicates that no building or part of a building, other than steps, eaves and similar fixtures, shall extend nearer to the center line of Crescent Road than 130 feet.
- Section 208-40 of the Town Zoning requires the property margins at the sides from the front building line to the rear property line shall be planted with trees and shrubs for a width of not less than 15-feet. Sheet S-5 provides suggested landscaping, however it appears to lack substantial landscaping along the eastern side line to meet the requirements of Section 208-48.
- **The Town is in the process of the final design and permitting for a multi-use trail along Crescent Road. The advanced plans were furnished to Stewarts for review and incorporation into the site plan.** The current submission does not illustrate this proposed work and needs to as it will affect the entrance, grading and utility improvements proposed. A copy of the plan furnished to Stewarts is provided as an attachment to
 - this review letter.
 - The existing conditions plan need to show the approximate locations of potable water and sanitary sewer services planned for connection.
 - The plans shows no provisions for on-site stormwater management and needs to be shown to demonstrate feasibility (see also Comment 4).
 - The plans show various improvements within the County Route 92 right-of-way. These improvements need to be coordinate with and reviewed by the Saratoga Count Dept of Public Works. As the project proceeds through the Town’s review, the applicant must provide the Town with plan comments from the County Dept of Public Works.

- **There needs to be indication as to whether or not the building will be provided with an automatic sprinkler** as a result of proposed building materials and occupancy type. Depending on whether or not the building is sprinklered will dictate if any site specific fire protection will be warranted.
- The applicant shall coordinate with the responding fire department for the location of the Knox Box and fire department connection. Notation to that effect shall be added to the plans.
- Conceptual building elevations have been furnished. It is suggested that colored rendering and/or samples of the materials of construction be provided for review by the Planning Board.

Public Comment

Mr. Hartnett asked if future design submittals would be able to show placement of trees that might be planted to provide some shade for the trail along Grooms Road. Mr. Hartnett next asked about the access from side parking spots and questioned why the sidewalk along the front of the building was flush with the ground. Mr. Fowler replied that he would look into trees in relation to signage and that the sidewalk was level at many of their locations to eliminate trip edges.

Mr. Hartnett also stated that as a resident, he was concerned that the back of the building would be seen from traffic westbound on Grooms Road. Then he added that he was surprised to hear that there was no significant increase in traffic discerned although the store will double in space and the number of gas pumps would triple.

Mr. Ophardt asked if the traffic study had been compared with the existing store down the street. Mr. Fowler stated that they were not comparable because the existing store did not even sell gas. The planning board members expressed that they felt that the traffic study that was done by CHA may have underestimated the traffic that would be coming into the new store and that it appeared to be a calculation from the ITE handbook rather than a traffic count. Mr. Ophardt also questioned whether parking was underestimated as well as actual turning movements. Mr. Bianchi stated that MJ Engineering would do a comparison review as had been done at the new Sitterly Road store. Mr. Werner next asked that circulation patterns be reviewed to reduce indecision at entrances and turning lanes. Mr. Werner suggested that the entrances be marked as one way in on the eastern curb cut and one way out on the western curb cut.

Next, Mr. Ferraro questioned whether there were brownfield considerations due to removing the existing in ground tanks. Mr. Scavo stated that the removal procedures had been discussed with the applicant and that there are no known issues of contamination and that would be verified before SEQR is completed.

The planning board members appeared to find the plan generally acceptable.

V. Discussion Items - None

Mr. Ophardt moved, seconded by Mr. Werner, to close the meeting at 9:40. Ayes: All, Opposed: None.

Respectfully Submitted,

Meg Springli