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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 Minutes**  
**April 14, 2015**

Those present at the April 14, 2015 Planning Board meeting were:

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

Those absent: None

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 called the meeting to order at: 7:06pm

All in attendance stood for the Pledge of Allegiance. Mr. Ferraro announced that all regular planning board members were present. Therefore, Mr. Neubauer would be welcomed to offer commentary and observations during the meeting, but he would not be a voting member.

**I. Minutes Approval - 3/24/2015**

Mr. Andarawis moved, seconded by Mr. Prescott, to approve the minutes of the meeting on March 24, 2015 as written. Ayes: Andarawis, Paulsen, Ophardt, Prescott, Koval, Hale, Ferraro, Noes: None. Abstain: Werner

**II. Public Hearings - NONE - 2014-055 Mackey Kendra Drive Extension moved to Old Business**

Mr. Ferraro stated that he had some concerns related to the high percentage of wetlands on Lot #1 and the building footprint within the wetland area. The chairman explained that the law

dictated that SEQR must be satisfied and closed out prior to holding a public hearing. Mr. Ferraro then asked the members if they had anything they wanted to address relative to SEQR before issuing a declaration at this time. Mr. Ferraro suggested that if Lots 1 & 2 were combined, the planning board might not have a problem and the public hearing might proceed.

Mr. Palleschi replied that the applicant did not feel it was viable to combine lots 1 & 2. The speaker also stated that the wetlands are in the process of being re-delineated at this time and the consultant was awaiting a jurisdictional determination. Mr. Ferraro replied that he had concerns with what was shown on this submittal which had changed a bit from the time it was last seen.

Planning Board members agreed that they preferred to wait until the wetlands delineation was completed before issuing a declaration pursuant to SEQRA. Therefore, the planning board chairman decided to table the public hearing until a later date. The Planning Director suggested that the applicant be allowed to present the project and comments be allowed but not in the form of a public hearing. The board members stated that they felt it was in everyone's best interest to review the submittal without opening a public hearing and no determinations being made at this time.

### III. Old Business

#### **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 and possible determination, SBL: 288.-2-43.11*

Luigi Palleschi, ABD Engineers and Surveyors presented the project, a subdivision resulting in 7 new dwelling units in a conservation residential zone. Mr. Palleschi explained that Lot #1 did show the footprint of the proposed home to be built on ACOE wetlands but that disturbance was to be limited to less than 1/10 of an acre which was within allowable limits. Mr. Palleschi also stated that the home would be built with a walkout basement due to the elevation at the rear of the property and sheet flow would be directed toward the remaining wetlands on Lots 1 and 2.

#### Staff and Professional Comments

Mr. Scavo, reiterated for the record that prior to a public hearing, the board should feel that the application is deemed complete for preliminary consideration and it had been determined that the planning board did not find the project complete enough at this time to make its determination.

Mr. Scavo, Planning Director stated prior to the meeting, all projects were forwarded to the following parties for review:

- Director of Building and Development
- Town designated Engineer
- Highway Superintendent
- Clifton Park Water Authority

- Fire Prevention
- Historic Preservation Commission
- ECC
- Open Space
- Other involved agencies

Any comments received were forwarded to planning board members for their consideration.

#### ECC

- The ECC is concerned with the close proximity of the wetlands and LC zone to the proposed residences.
- The ECC is concerned with the relative elevation between the wetland and finished floor for lot 1.
- The ECC has concern with the lot configuration of lots 1 and 2 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 1 could result in seepage into the foundation.
- Applicant shall show area topography to demonstrate source of on-site drainage flow that contribute to the on-site water features.
- 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 any disturbances. The permitting should consider the filling of the wetlands on lot 1 and the drainage corridor on lot 2. The Town of Clifton Park should be provided with copies of all related correspondence.

#### Steve Myers

- "Unconstrained" land being deeded to the town is useless due to lack of access.
- 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?
- Open space #4 section of lot 4/25 and wetland make the viability of lot questionable, especially with what appears to be a tributary to the main stream.
- What is intended to be a SWPPP was submitted. Applicant claims disturbance is between one and five acres and will have less than 25% impervious. Submit the mapping and calculations for review prior to any approvals. The applicant claims no post-stormwater management practices. This will be verified by the town once the calculation are checked.
- The SWPPP states the lots will be sold to a builder and they will file a new NOI and NOT.
- There is no discussion on what happens if the lots are passed on to more than one builder.

- It appears a portion of the wetland will be filled to provide buildable area. No mitigation work shown and no ACOE approvals provided.
- Much more detail required prior to any approvals.

Planning Director comments were mailed to the applicant and included the following:

- Note #5 states, "wetlands were delineated February 1,2013 by Gil VanGuilder Land Surveyor, PLLC and are subject to agency review." A re-delineation should be conducted during the wet portion of the growing season to accurately determine the location and presence of vegetative wetland species. The applicant will then be able to provide confirmation to the Board of the delineation currently shown.
- Add a note to the plan which states:
  - The 12" HDPE culvert to be constructed under the private driveway of lot #2 will not be dedicated to the Town of Clifton Park now or in the future. Also any future maintenance or capital investment requirements of the driveway and the culvert to equalize water levels and maintain flow to the wetlands on either side of the driveway are the sole responsibility of the private land owners within the property boundaries of Lot #2.
- Is there a possibility to extend the driveway culvert shown on Lot #2, south to the shared property line with Lot #3? It is very likely that future homeowners of Lot #2 may not desire to have constrained lands traversing the front yard. Also, please confirm if the area traversing Lot #2 is designated as ACOE wetlands. Per the legend, please clarify on the subdivision plan if the wetland body on Lot #2 is proposed to be disturbed in its entirety or just within the limits of the proposed 12" culvert to be disturbed.
- Please clarify if the .08 wetland disturbance includes the area identified for Lot #2.
- Per the subdivision map and legend, the 50' Land Conservation (LC) Zone is delineated adjacent to the centerline of the Class "c" Stream using the property line symbol. This is not a property line boundary. The legend and plan should be corrected with a different line symbol and noted on the plan and as "Land Conservation Zone".
- Based on the survey, it appears there is a shed encroachment from Lot #13 of the Southwick Meadows Subdivision within a portion of proposed Lot #2.
- The Clifton Park Water Authority design standards have been forwarded by email. Please update the detail sheet to reflect these design standards and include sheets SW1 and SW2 to the plan set.
- Prior to stamping of a final plan draft language for the 20' drainage easements shown for Lot #s 7, 6 & 5 shall be provided to the Town Planning Board Attorney for his review and approval. The Planning Board shall require the drainage easements for the aforementioned lots to be recorded and clearly identified within each lot's deed.
- The applicant should evaluate and determine the elevation for seasonal high groundwater mark. The methodology and data should be made available to the Planning Board and Town Designated Engineer (TDE) to determine the viability of the proposed home locations, especially Lots #1 and #2 (due to the presence of wetlands).

### Open Coordinator

Jen Viggiani confirmed that she was in agreement with the proposed layout of the Open Space lands as shown contiguous to town owned lands.

### Town Designated Engineer

Joel Bianchi of MJ Engineering and Land Surveying offered the following comments in a memo dated April 10, 2015. Those comments which were emphasized in the meeting are highlighted below:

#### State Environmental Quality Review

- No additional comments.

#### Full Environmental Assessment Form

- No additional comments.

### Subdivision Plan

- As noted in Comment 9 of our February 24, 2015 review, **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. This appears to occur at or near Sta 11+00.
- As noted in Comment 13 of our February 24, 2015 review, certain lots need to have their sump pump lateral discharge locations revised. Most have been revised; however Lots 2 and 5 still showing discharges that will be directed towards adjacent lots. Correct these lots to demonstrate conformance to Section 867(A)(6) of the Town Code.
- As noted in Comment 26 of our December 5, 2014 review, the plat indicates that the wetland delineation was performed during February of 2013, a time of year when some of the vegetative wetland indicators may not have been present. Ultimately, the delineation and/or wetland permitting is subject to the review and approval by the US Army Corps of Engineers and we would defer to that agency with regards the timing of the wetland delineation. **It is suggested that the Town be provided with documentation of the agencies having jurisdiction agreement on the wetland boundaries shown.**
- The **existing encroachments onto Lot 2** from Lands of Thorpe need to be resolved prior to final plat approval.
- Provide invert information for the driveway culvert on Lot 2.
- It is recommended that **test pits be conducted for Lot 1** to determine the depth to groundwater to ensure it would not drastically change the finished floor elevations proposed.
- The end section leading to the overflow structure at the proposed stormwater basin is shown as an 8-inch diameter pipe. **The minimum pipe size for storm sewer systems is 12-inch diameter** pursuant to Section 867(A)(2) of the Town Code. Assuming the smaller diameter pipe is to restrict flow, it may be more suitable to provide a restrictor plate while keeping the pipe a minimum of 12-inches in diameter.

- The proposed stormwater basin should include the Town's standard split rail fence and gate. **The need for the fencing and gate needs to be coordinated with the Town Highway Superintendent.**
- The final survey plat shall be stamped by a licensed land surveyor permitted to practice in the State of New York.

### Stormwater Pollution Prevention Plan

- Similar to the Town's SMO comment, Question 4 of the NOI indicates a disturbance area of 3.5 acres and new impervious area of 0.9 acres. This results in slightly more than 25% impervious, which is contrary to the statements found on Page 1 of the written SWPPP. **Assuming the information within the NOI is correct, a fully conforming SWPPP will be required.** The subsequent review comments are based upon a basic SWPPP being required. Should a full SWPPP be necessary, additional reviews will be required to ensure water quality controls are provided.
- Construction activities identified in Table 1 of Appendix B of GP-0-15-002 are required to prepare a SWPPP that only includes erosion and sediment control practices designed in conformance with Part III.B.1 of the permit. The submitted SWPPP needs to include the following elements to conform to the noted standard:
  - A description of the soil(s) present at the site, including an identification of the Hydrologic Soil Group (HSG) pursuant to Part III.B.1.c of GP-0-15-002.
  - A description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in the stormwater discharges pursuant to Part III.B.1.j of GP-0-15-002.
  - The subcatchment map provided appears to only represent the post-development conditions. A predevelopment watershed map needs to be furnished.
  - Assuming the subcatchment plan provided is representative of post-development conditions, the following revisions would be necessary;
  - It appears the graded swale behind Lots 6 and 7 discharging to CB 6 and 7 are not routed into the closed drainage system for modeling.
  - The front portion of Lot 2 appears to drain towards Lot 3 and then towards the cul-de-sac. This area may need to be incorporated into the subcatchment as it appears to ultimately discharge into the closed drainage system.
  - The existing conditions HydroCAD model has Tc values determined utilizing sheet and shallow concentrated flows and under the proposed conditions, Tc values are determined utilizing the Lag Method. The Lag Method is commonly utilized for much larger watershed and is likely not appropriate for the 3.5 acre watershed being considered.
  - Pond 1P utilizes exfiltration as an outflow device, yet there have been not in-situ falling permeability tests conducted to substantiate exfiltration rates applied. Testing is warranted to confirm the design assumption made.
  - There are no independent calculations furnished for the closed drainage system substantiating the pipe sizes shown on the plans. *The closed drainage system must be sized in accordance with Section 86-7(A)(2) of the Town Code and*

calculations need to be furnished to show the stated design conditions are being provided for the proposed closed drainage system,

## PUBLIC COMMENT

Dan Hartnett, Trails Subcommittee thanked the applicant for showing a trail on the map but asked if there would be a trail around the stormwater basin as well as a sign to be added showing “future road”.

Mr. Palleschi stated that the applicant intended to include 2 paths on either side of the basin which would be graded flat and noted with a sign for future access to the Open Space area.

Mr. Ferraro noted that a letter from a resident was forwarded to the planning board members for their review expressing her concerns regarding this subdivision and requesting a buffer to the existing homes.

Don Amedio, resident 15 Quince Court, stated that he had concerns:

- Requested a visual buffer for existing neighbors

Mr. Scavo showed the limits of disturbance on the plan and the consultant stated that it is the intention of the builder to keep as much of the landscaping as possible.

Laurie O’Rourke, 17 Quince Court

- concerned about lots 1 & 2 building in the wetlands
- asked for a treed buffer between new homes and those in Southwick Meadows which are bound by an HOA, while these new homes will not be.

## PLANNING BOARD COMMENT

Mr. Neubauer added that he had concerns about the elevation of the finished floor of the structure on lot 1. Mr. Palleschi described the design of the home as having a walk out basement due to the slope of the lot. Mr. Koval then asked that the applicant should submit a detailed grading plan for lots 1 & 2 for the planning board members. Mr. Ferraro expressed concerns should a future homeowner disturb the swale and add some kind of structure in that area. Discussion ensued about the viability of the fill and the contours and the possibility that deed restrictions could be created.

## III. Old Business

### **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: preliminary site plan review with possible determination. SBL: 284.-1-7*

Presented by: Chad Fowler and Marcus Andrews who represented the applicant, Stewart’s Shops. The site plan showed a few changes from the last submittal as last seen February 24, 2015. Mr. Fowler stated that the plan now showed the bike path as designed by MJ Design and added that Stewart’s was proposing to build the path from each of the entrances and across the

center island between the two entrances. Mr. Fowler then showed schematics which demonstrated that the tanker trucks which would deliver fuel to the site would need both entrances in order to maneuver through the site. The consultant then discussed the traffic counts which he projected based on "transactions per hour" statistics at the existing Stewart's which will close and the Cobble Pond Farms which is currently at this site. Mr. Andrews then stated that an erosion control plan would be added to the final plan and a boring log would be added. The speaker also stated that he was working out water and sewer agreements with the proper authorities.

#### Planning Board Comments

Planning board members expressed concern about statistics during peak hours and that the averages stated did not give consideration to the peak hours which board members felt would be measurably higher. Traffic and delivery patterns were also discussed and possible turning movements and conflicts relative to the surrounding properties.

#### Professional and Staff Comments

ECC – no comment

SMyers

- All necessary variances granted.
- The SWPPP appears to attempt containment of runoff to the site which is required since the project is considered a "hotspot" by NYSDEC design manual Chapter 4 which requires this. It is interesting that this is not mentioned in the SWPPP.
- The SWPPP does discuss runoff leaving the site in several places which is not correct because of the "hotspot" designation. This designation requires treatment of all site runoff prior to leaving the site.
- It is unclear how this treatment will be completed. There is an underground storage facility and a basin shown on the plans but it is not shown if they are intended for the treatment to meet the hotspot requirements.
- There is also a sand filter mentioned in the narrative but it does not show on the plans.
- The site runoff appears to be directed to both the underground array and the basin which would require runoff treatment at both locations prior to its interaction with the groundwater.
- The SWPPP states the project will be designed so as not to affect any water sources or groundwater but does not say how.
- The SWPPP looks at the project from the Chapter 9 re-development view and needs to be considered from the hotspot view.

John Scavo issued a letter dated 4/8/2015 with the following comments:

- A letter dated February 23, 2015 from the Saratoga Co. Planning Board noted, "Decision: No significant county wide or inter community impact." The County Planning Board did note that the applicant will need to obtain a County DPW permit for access to the County Highway.

- In a letter dated March 23,2015 to MJ Engineering Stewart's Corporation stated, "...Stewart's will be responsible to construct the path from the multi-use path, drop to pavement at the proposed curb cut to the east and west, as well as the entire path through the island between the curb cuts."
- The proposed landscaping plan sheet (S-5) shows a quantity total of ten bradford pear trees. However, only the location of eight of the ten proposed bradford pears are shown on the landscaping plan.

Joel Bianchi with MJ Engineering and Land Surveying offered a review letter dated 4/10/2015 with the following comments:

- As noted in Comment 8 of our February 20, 2015 review, the project required several area variances due to insufficient setbacks. The site plan shall note the extent of relief granted by the Town Zoning Board of Appeals, referencing the resolution granting the relief.
- As noted in Comment 11 of our February 20, 2015 review, it was requested to provide the locations of the existing potable water and sanitary sewer mains that the project was planning to connect to. The plans show the water mains, but continue to lack detail on the existing sanitary sewer system. It is believed that the site is currently serviced by an on-site septic system, with the closest public sewer within the existing development on the south side of Crescent Road. The applicant needs to indicate how the proposed sewer lateral will be routed to the existing public mains. Further, if there is in fact an existing on-site septic system, its location shall be shown on the plans and there needs to be notation as to how it will be abandon. In the event the septic system has a SPDES Permit, the septic system must be abandon in accordance with New York State Environmental Conservation Law and permit terminated.
- As noted in Comment 15 of our February 20, 2015 review, notation shall be added to the plans indicated the Knox Box location shall be coordinated with the Town and responding emergency services as part of the building permit process.
- During the applicant's last appearance before the Planning Board, there was discussion regarding the elimination of the one of the ingress/egress points with the applicant not being in favor of this. The current plan set provides turning movements for two types of tanker trucks. Sheet S-3 illustrates that the smaller tanker truck can maneuver into and through the site without needed the western curb cut, while the larger truck appears to require the western curb cut to access the storage tanks and then exit the site. However, absent showing additional turning templates for the larger truck which demonstrated conflicts with fixed objects or parking spaces, it is not conclusive whether the western curb cut is necessary. The applicant should provide the noted additional turning movements for the larger truck to support their position that the western most curb cut is needed. Absent this, the Planning Board can require only one curb cut as outlined in Section 208-39 of the Town's Zoning.

- The light symbols shown on the Photometric Plan are not clearly identified in the corresponding site plan. The actual locations of proposed light fixture, include fixture type needs to be clearly shown to ensure all fixtures have been accounted for and the ground level illumination values a reflective of all proposed fixtures.
- The Utility Plan notes the proposed sanitary sewer lateral terminating at or near the Crescent Road right-of-way. As noted in Comment 2, it is believed existing public sewers are not in close proximity of the site and may need to be routed some distance. The plans need to show the alignment of the full extent of the sewer connection for review. It should be noted that if any of this sewer is installed utilizing conventional trenching, this will count towards the project disturbance, when it is outside of the areas of the primary building and site construction.
- The utility plan appears to show a proposed catch basin that will be placed on top of an existing water main. The catch basin shall be relocated based upon actual location of the existing potable water main.
- Identify the location of and provide a detail for inspection ports for the underground stormwater storage facilities.
- The site plans show no proposed sediment and erosion control measures to be implemented during construction such as silt fences and inlet protection. These items need to be shown for review to demonstrate that construction related sediment will not be transported to off-site locations, creating turbid water conditions.
- Provide additional information for each of the proposed stormwater outfall structures, similar to Detail 1/S-6, found on Sheet S-7. This includes structure size, bedding conditions, frame/grate type.

### Site Plans

- As noted in Comment 8 of our February 20, 2015 review, the project required several area variances due to insufficient setbacks. The site plan shall note the extent of relief granted by the Town Zoning Board of Appeals, referencing the resolution granting the relief.
- As noted in Comment 11 of our February 20, 2015 review, it was requested to provide the locations of the existing potable water and sanitary sewer mains that the project was planning to connect to. The plans show the water mains, but continue to lack detail on the existing sanitary sewer system. It is believed that the site is currently serviced by an on-site septic system, with the closest public sewer within the existing development on the south side of Crescent Road. The applicant needs to indicate how the proposed sewer lateral will be routed to the existing public mains. Further, if there is in fact an existing on-site septic system, its location shall be shown on the plans and there needs to be notation as to how it will be abandon. In the event the septic system has a SPDES Permit, the septic system must be abandon in accordance with New York State Environmental Conservation Law and permit terminated.

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- The Utility Plan notes the proposed sanitary sewer lateral terminating at or near the Crescent Road right-of-way. As noted in Comment 2, it is believed existing public sewers are not in close proximity of the site and may need to be routed some distance. The plans need to show the alignment of the full extent of the sewer connection for review. It should be noted that if any of this sewer is installed utilizing conventional trenching, this will count towards the project disturbance, when it is outside of the areas of the primary building and site construction.
- The utility plan appears to show a proposed catch basin that will be placed on top of an existing water main. The catch basin shall be relocated based upon actual location of the existing potable water main.
- Identify the location of and provide a detail for inspection ports for the underground stormwater storage facilities.
- The site plans show no proposed sediment and erosion control measures to be implemented during construction such as silt fences and inlet protection. These items need to be shown for review to demonstrate that construction related sediment will not be transported to off-site locations, creating turbid water conditions.
- Provide additional information for each of the proposed stormwater outfall structures, similar to Detail 1/S-6, found on Sheet S-7. This includes structure size, bedding conditions, frame/grate type.

## Stormwater Management Report

- The stormwater management report indicates that the total area of disturbance will be less than one acre, but then continues to reference the project as a redevelopment project under Chapter 9 of the New York State Stormwater Management Design Manual (NYSSMDM). Since the project appears to not be subject to the NYSDEC General Permit GP-0-15-002, it is not relevant whether the site is a redevelopment project. Notwithstanding, the report and associated analysis has been reviewed to see if it is generally consistent with the design requirements of the NYSSMDM. If over the course of the project's review, it is determined that the project is subject to GP-0-15-002:
  - The applicant will be required to substantiate the position that the project is considered redevelopment since no such documentation or argument has been provided.
  - The applicant will be required to demonstrate permit eligibility with respect to Part I.F.8 of GP-0-15-002, specific to cultural and archeological resources.
- Section 2.3 of the SMR should reference the depth to groundwater based upon in-situ testing.
- Section 3.2 of the SMR references applicable erosion and sediment control measures typical of a construction project. The project plans show no such measures and need to. Further, the SMR must be modified to include only those measures proposed as part of the project.
- There needs to be confirmation that existing groundwater levels will be adversely impact the operation of the proposed sand filter.

### Public Comment

Mr. Hartnett, Trails subcommittee asked for

- coordination of the Crescent Rd. Trail and the impact of the sewer connection
- shade trees along Crescent Rd. Trail per stated Town Goal
- 2 - 30' wide entrances are a concern along the trail... and wondered if they could they be narrowed down to 24' wide entrances
- crosswalks across both entrances

As a resident, Mr. Hartnett stated that this is a merge area of traffic from the Northway and that the center lane becomes a drive lane during peak hours. The tree line along the eastern edge of the property was also discussed in relation to the limits of disturbance.

Planning Board members stated that they would like to see trees along the trail and that the applicant should consider adding some in relation to the store and the sign. Discussion ensued

regarding best placement of some additional columnar type deciduous trees on the border of the property along Crescent road.

Additional discussion took place regarding marking crosswalks across private drives. The planning director stated that the town designated engineer and staff would review it further relative to the entire Crescent Road Trail and overall town policy. Mr. Ferraro stated that he felt there might be a difference in requiring it for commercial properties rather than private residential properties and needed to be considered for the future with complete street strategies.

Board members stated that they would like to study the data that was presented. It was also added that the peak hour was of greatest concern.

### Public Comments

Ralph Reale, Hiawatha Drive resident expressed the following concerns:

- left hand turns out of Stewarts during peak hours
- density for the lot
- transactions during peak hours
- green space on site
- parking spaces

The applicant was asked to address the items which were expressed as areas of concern and submit at a later date. No determination was made at this meeting.

### **2014-038 Fairchild II - North (Lots 2-5)**

*Proposed construction of (5) new warehouses with 103,000SF and amendment to subdivision of Lot C. , 55 Van Patten Dr., Zoned: L 1, Status: PB - Revised Conceptual review, SBL: 259.-2-84.1*

Presented by: Tom Andress and Jackie Phillips-Murray

Mr. Ferraro explained that the new warehouses being provided added up to 103,000 sf bringing the entire site up to 215,000sf. Mr. Ferraro also stated that a working group met with the consultants including three planning board members, town staff and members of the public.

Mark, Susan and Chris Rekucki, property owners were also present. Mrs. Phillips-Murray discussed the revised site layout and handed out a simplified site plan showing the proposed layouts designed as a result of the workshop meeting. The speaker added that variances which were requested of the ZBA were for internal setback lines relative to the proposed subdivision. Mrs. Phillips-Murray also noted that the proposed layout would cluster the buildings and maximize the buffering along the property edge.

Mr. Andress, ABD Engineers and Surveyors, explained the second phase as it compared to Phase I of Fairchild Square. The consultant described the cluster of buildings with parking in the middle and greenspace along the exterior. Mr. Andress also showed an aerial view of the L1 and L2 sites in proximity to Fairchild Square. Next, he presented an alternative sketch of one large

135,000 sf warehouse which he stated could be proposed on the site without needing any variances to proceed with site plan review. Then, Mr. Andress presented a subdivision plan and discussed utilities which were to be provided to the site. Landscaping was described as well as the grading plan. Mr. Andress then showed a sketch of the variances which had been obtained during Phase I development as well as the proposed variances requested for Phase II.

Mr. Ferraro asked about the height of the proposed evergreen trees being planted along Mapleline Road. Mr. Andress stated they would be 6 feet+ and meant to help fill in the void under the taller canopy that was present. Mr. Werner asked if a stockade fence would be considered. Mr. Andress stated that the applicant was open to suggestions. Mr. Ferraro suggested that additional plantings in the 6-8ft range in addition to the berms and retaining as much of the existing landscape as much as possible would be his preference. Discussion ensued regarding visual impacts. The consultant also stated that the applicant was willing to offer some trees to the adjoining property owners if they wanted them on their own lots to add some extra buffering in their yards which might have greater impact due to the perspective of a closer tree vs. the new construction.

#### Professional and Staff Review:

#### ECC

- The ECC notes that the emergency access off Van Patton Drive now includes parking and has no controlled access. This would invite the emergency access to be used as normal ingress and egress.
- Given the density and proximity of this project to the residential area the ECC is concerned with the potential environmental impacts from commercial traffic and warehouse operations from this project.
- The location and size of building C restricts traffic flow, potentially resulting increase idling and increased backup alarm noise. The project should consider redesign.

#### Steve Myers

- The latest submission for the required number of variances are incorrect.
- The lot configurations of lots #2, 3, and 4 are different than what was submitted for the variance application. New sets of plans will be required for zoning to re-evaluate the required variances prior to its appearance at a ZBA meeting.
- Below is what variances were required per the last submission. They do not include any of the buffer, parking or front setback variances in their submission.
- Variances required:
  - 208-65E(1) - 50' front setback required, lot #5, 25' available, 25' variance required.
  - 208-65E(1) - No parking allowed in front yard. Lots 2,3 and 4 all have parking in front yard(three variances since all separate parcels).
  - 208-65E(2) - 25' side and rear yard setback and buffer required. 0' setback available for lots 1 & 2, lots 2,3,4 and 5(ten variances-5 for 25' setback requirement and five for buffer requirement). Lot #4 would also need relief

for the northern edge of the parking area but will be covered by variances noted.

- 14 variances, greenspace appears to be met due to very creative lot configurations.

Joel Bianchi

- From our review, the proposed turning lane is an improvement to address impacts. We did note though that the length of the turning lane may still not be sufficient given the vehicle queues. We suspect the reason for the shorter turn lane is due to limitations within the existing paved road and/or right-of-way.

Mr. Ferraro offered an interpretation of the Town Code regarding noise ordinances and how that might affect the delivery vehicles and trash removal with back up signals and other loud noises near the residential district and that those restrictions should be noted on the plan.

Discussion then ensued regarding the traffic analysis and planning board members agreed with Mr. Bianchi that the turning lane which was proposed would be beneficial. It was confirmed that truck patterns were included in the analysis as well as automobiles.

#### PUBLIC COMMENT

Richard Chapman, 9 Mapleline Road expressed the following concerns:

- his residence lies west of property
- felt loss in property value of 15-25%
- felt project about 10% too large
- concerned that new entrances could be requested if subdivided
- request that the 100 ft buffer would be a no-cut area
- Height of Building F
- asked if possible to reduce size of Building F by 25%

Pam Marshall, resident of Fairlawn Ct. stated that this property is the only one of the industrial zoned properties that is adjacent to residential properties and needs to take that into consideration.

Dan Hartnett pointed out that Buildings A, B and C do not appear to be connected to the pathways proposed. Mr. Hartnett stated that the sidewalks between buildings D and E should be lined up on the plan as they were offset on the submittal.

Jim Ruhl, 168 Wooddale Drive resident had the following comments:

- felt this design was an improvement
- asked if it would be possible to phase in Building C only after it was proven that the truck patterns at the other buildings would not be hindered by Building C.

Planning Board Comment

Discussion ensued about the benefit versus the detriment of Building C. Mr. Rekucki explained that having that building in the plan, he felt that it would actually deter businesses which might expect delivery from the larger tractor trailer trucks and that he preferred to not to attract tenants requiring large trucks to this part of the site.

Members asked for assurance that the buildings would be designed without rear access doors in Phase II. Planning Board members also stated that they would like the emergency access point of Van Patton Drive to be gated if possible. It was added that dumpsters would need to be shown on subsequent plans. Then it was also noted that the zoning of the area had not changed. Planning Board members appeared to find the plan generally acceptable with the clustering and landscaping as shown with emphasis on the following points:

- No rear access to buildings
- Add gate access to Van Patten Drive if acceptable to Fire/Safety Officer
- Deed restrict “no further access” on Mapleline Road

No determination was made. The planning board recommended the applicant proceed with its application to the Zoning Board of Appeals.

#### IV. New Business

##### **2015-016 Hilton Garden Inn Patio Enclosure**

*Proposed expansion of bar and patio, amendment to existing site plan [2008-037] and [2010-038] , 30 Clifton Country Rd, Zoned: TC6, Status: PB Prelim Review - Poss.*

*Determination*

SBL: 272.-1-31.112

To be reviewed by: MJE

Presented by: Gavin Vuillaume, EDP and Donald Macelroy, DCG Development

Donald Macelroy explained that the bar has been popular at the Hilton Garden Inn and that the proprietor would like to expand the seating area by enclosing some of the existing patio but not all of it.

Staff and Professional Comments

ECC – no comments

SMyers

- Minor renovation, expansion of sprinkler system to newly enclosed area will be required.
- Effect of addition on egress will be considered as will access to fire protection features since it is believed there is a fire department connection in the area of this expansion.

### Planning Director

Note that this could have been an administrative review under TC6, but since the Town Center Form Based Code was only just adopted, Mr. Scavo felt it would warrant at least some discussion of the process.

Joel Bianchi issued a review letter on 4/10/2015 with the following comments:

#### **State Environmental Quality Review**

- Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. In our review of the proposed action, we find no interested and involved agencies and therefore a coordinated review may not be necessary.

#### **Short Environmental Assessment Form**

- No comments.

#### **Site Plan**

- The project is located within the Town’s TC6 Boulevard Zone. The proposal for the construction of an enclosed patio is ancillary to the principal use being a hotel. Based upon our review, the use appears to be a permitted accessory use to the permitted principal use as outlined in Table 3-1 of the Form Based Zoning Code.
- A site plan showing the positioning of the enclosure with respect to the parcel boundaries has not been provided. Therefore, the associated bulk lot requirements of the TC6 Zone cannot be confirmed. The plan that has been submitted appears to align the front façade of the proposed enclosure with the adjacent canopy that exists. Under the assumption that the existing canopy is appropriately located, then the proposed enclosure would also be. We would defer to the Town’s chief zoning officer on determining if the positioning of the enclosure meets the bulk lot requirements of the TC6 Zone.
- Confirm that the proposed on-site stormwater facilities can accommodate any potential increased runoff from decreases in greenspace, if any is expected to occur.

#### **PUBLIC COMMENT**

Mr. Hartnett asked for a bike rack at or near the entrance to the hotel as required by the new Town Center Zoning.

#### **PLANNING BOARD COMMENT**

Members stated that they felt this was a needed change.

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

Mr. Ophardt moved, seconded by Mr. Andarawis, to waive the final hearing for this application of the site plan review of an addition to the Hilton Garden Inn Patio, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Director. Ayes: All, Noes: none. The motion is unanimously carried.

### **2015-017 Kids Fun Plaza**

*Proposed day care center to expand existing day care at 511 Moe Road to add a second building at 509 Moe Road (a former school) at [2005-020] Moe Road Office Complex, 509-519 Moe Rd, Zoned: B-1, Status: Preliminary site plan review determination. SBL: 271.-3-35*

Presented by: Michelle Ymerzine, Anna Herpecastro and Gene Crocca from Kids' Fun Plaza explained that the applicant is currently located at 511 Moe Road and would like to expand their business and also occupy space at 509 Moe Road which had been formerly occupied by Mother Theresa Academy. Mr. Scavo explained that the change of use is from a school to a day care which is a change of use according to state building code but would not necessitate any change in the site plan or intensity of use. Planning board members discussed the difference between the two uses agreed that there was no need for extensive review because there was no change in the intensity between a school and a day care as shown in section 208.

Mr. Prescott moved, seconded by Mr. Koval that the application did not necessitate a new site plan review conditioned upon the applicant, Kids' Fun Plaza, being bound by terms, conditions and covenants of the original site plan [2005-020] Moe Road Office Complex approved on 8/8/2006.

### **2015-018 Fredrick, Lands of**

*Proposed (2) lot subdivision , 722 Clifton Park Center Rd, Zoned: R-1, Status: Conceptual subdivision review. SBL: 270.-2-61*

Presented by: Keith Fredrick presented the subdivision to create a keyhole lot of 3.22 acres on Clifton Park Center Road with public water and sewer.

ECC issued a memo on 4/7/2015 with the following comments:

- ECC notes that the project is in an archeological sensitive zone and shall provide the town with an amended SEQRA form.
- Applicant shall verify if the parcel is located in an agricultural zone.

Steve Myers offered the following:

- Parcel is zoned R-1.
- Keyhole lots require Planning Board approval per 208-86.

Shery Reed offered the following:

- Provide Postal Verification
- The driveway is required to provide emergency vehicle access to the proposed residence per the requirements of section 511 Fire Code of New York State.

John Scavo offered the following comments

It is a large parcel that actually lies on both sides of Clifton Park Center Road according to the assessor's office. Therefore, the assessor recommends it actually being a (3) lot subdivision.

Joel Bianchi issued a comment letter dated 4/10/2015 with the following comments:

#### **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:
  - a) Saratoga County Planning Board – 239m referral due to the parcels proximity to Consolidated Agriculture District No. 2
  - b) Clifton Park Water Authority: Water service connection
  - c) NYS Dept of Environmental Conservation –potentially NYSDEC Phase II Stormwater Regulations and identification of threatened and endangered species.
  - d) 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.

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

#### **Short Environmental Assessment Form**

- Provide a response to Part I.1 with respect to the need for adoption of plan, local law, or ordinance.
- Review the numerical values provided for Item I.3.b. with respect to disturbance area. This value should be representative of areas to be physically disturbed via earthmoving operations associated with this application.
- Item I.11 notes the project will connect to existing wastewater utilities, however the subdivision application does not reference proposed provisions for sanitary facilities.

#### **Subdivision Plan**

- The project is located within the Town's R-1 Residential District. Under the presumption that the newly created lot is intended for a single family home, this activity would be considered a permitted principal use within the R-1 District pursuant to Section 208-10(B)(2)(b) of the Town Zoning.
- The proposed lot being proposed is considered a keyhole lot and the bulk lot requirements are regulated under both Section 208-11 and 208-86 of the Town's Zoning. A review of the proposed lot configuration suggests that the minimum bulk

lot requirements outlined in both sections of Zoning are likely satisfied. Notwithstanding and for clarity purposes, the plat shall provide the physical setback lines as well as a summary of the existing zoning district and applicable bulk lot requirements outlined in Section 208-11 and 208-86 of the Town's Zoning.

- Pursuant to Section 208-86 of the Town Zoning, keyhole lots may be permitted by the Planning Board only in Residential Districts R-1 and R-3 and only in rare instances when required due to unusual conditions of the area. Further, keyhole lots shall not be created for any use other than a single-family dwelling. The Planning Board shall review the circumstances surrounding the applicant's desire to create a keyhole lot.
- The submitted plan does not provide a conceptual layout of the proposed home or driveway. Therefore, the plan cannot be reviewed to determine whether the positioning of the drive and home meets the requirements of Sections 208-86 (D) or (E) of the Town's Zoning.
- Provide notation on the plan
  - Consistent with the language noted in Section 208-86(F) of the Town Zoning.
  - Indicating potable water and sanitary sewer service will be provided for the proposed use (assumed to be a single family home).
  - The expected area of disturbance with an outline of the disturbance.
  - That the parcel has or has not been evaluated for regulated wetlands.
  - That any driveway in excess of 500-feet must meet the requirements of Section 511 of the Fire Code of New York State.
- The applicant needs to obtain the 911 emergency response address and show on the final plat.

#### Public Comment

Mr. Hartnett asked for 15' right-of-way along Clifton Park Center Road and Miller Road for future trail or utility realignment

#### Planning Board Comment

Mr. Koval stated that there are keyhole lots in the area and that he did not see it as a problem in the general area. Mr. Andarawis asked if the parcel was intended to be kept agricultural and Mr. Fredrick stated that this parcel was not currently used for anything and he was not prepared to speak about the intent of the land in the future, but explained that it was likely to be further subdivided at some point among the three owners. Mr. Norman Fredrick explained that his father had left the property as shared property for his three children with each child having a potential for subdividing in the future. Mr. Fredrick also stated that this lot was being created for his son Keith who desires to live near his other family members and they are following a plan that had been communicated by his father to the family.

Mr. Ferraro stated that he was not generally a fan of flag lots, but he added that he felt that it seemed to fit into the general layout of this particular property. The planning board appeared to find the plan generally acceptable.

**2015-014 Courtyard by Marriott**

*Proposed construction of a 130+/- unit hotel. Demolition of existing retail/office space. , 627/629 Plank Rd, Zoned: TC1, Status: Conceptual site plan review, SBL: 272.-1-3.1*

**2015-015 Massaroni, Lands of**

*(2) lot commercial subdivision to create separate parcels for proposed hotel [2015-014] Courtyard Inn by Marriott) and the existing retail space. , 627/629 Plank Rd, Zoned: TC1, Status: Concurrent subdivision review, SBL: 272.-1-3.1*

Presented by: Gavin Vuillaume, of Environmental Design Partnership described the project which would include demolition of an existing commercial building and construction of a Courtyard Inn by Marriott. It was noted that this was in the TC1 zone which is was part of the Town Center Zoning Code which was adopted by the Town Board on 3/16/2015. The project was located on Plank Road near the existing Plank Road Plaza. Several variances may be needed if the design would not allow the building to be oriented within the build-to lines on the odd-shaped lot. Mr. Vuillaume also explained that there would be a shared parking agreement with the Plank Road Plaza and entrances would be on both Plank Road and Old Route 146 and sidewalks were provided on the plan. It was added that stormwater management might be constructed under the parking.

Mr. Jim Tripp listed the amenities which would be included within the hotel such as: conference rooms, breakfast area, meeting rooms, porte-cochere, courtyard, firepit, exercise room, pool and guest rooms. Conceptual facade renderings were also shown which would include some brick as well as colored stucco accent features.

ECC issued a memo dated 4/7/2015 with the following comments:

- The ECC recommends the applicant to maximize the potential greenspace area for this project.
- The ECC would like to see the SWPPP as soon as practicable to evaluate.
- In keeping with the recommendations and goals of the Town Comprehensive Plan, the Applicant *should* retain existing vegetation and/or use landscaping and grading to provide visual and auditory buffering between the project and the Northway.
- The ECC suggests that the lot line be shifted to the north to incorporate a portion of the curb cut and the 1.5 parking spaces shown on the lot adjacent to the project site.
- The ECC does not have enough information to evaluate the impact of the subdivision of the remaining property to the north, especially the amount of green space. The ECC recommends further data acquisition prior to planning board prior to subdivision approval.

Steve Myers issued a memo dated 3/27/2015 with the following comments:

- A hotel is an allowed use in a TC-1 zone.
- Several variances appear to be required for proposal including building height and setbacks.
- Much further review required including stormwater.
- Concept approval needed prior to consideration of variances.

- No separate documents submitted for subdivision of property therefore proposed property line and possible setback issues could not be reviewed.

John Scavo suggested the following:

- The Best Western sign should be relocated out of public right-of-way or combined
- 1st entrance from Old Route 146 should be restricted to in only to create a better traffic flow pattern for drivers trying to get to the Northway.
- Because it fronted the main road, the secondary entrance along Plank Road should be made to look more significant even though it was not the main entrance.

Joel Bianchi offered the following comments:

- A Checklist was created for Form-Based Development Code Compliance Review and distributed to planning board members

ADD comment letter here.

### **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 Clifton Park Sewer District, /Saratoga County Sewer District No. 1. The applicant shall provide documentation indicating the both agencies ability and willingness to provide additional sewer capacity to the project. Any approvals offered by the Planning Board should be conditioned on receipt of each agencies review and approval.
- The submitted SEQRA Short Environmental Assessment Form indicates the total project disturbance will be more than one acre and therefore would be subject to the NYSDEC Stormwater Regulations and GP-0-15-002. As the project advances through the Town's regulatory review, a SWPPP addressing water quality and quantity controls shall be provided.
- Given the size of the proposed development, at a minimum, the applicant should provide a summary of expected peak hour vehicle trips. Should this analysis show that more than 100 peak vehicle trips will result, a formal traffic impact statement may be required.

### **Public Comment**

Daniel Hartnett asked for:

- a bike rack on the path
- multi-use trail should be 8' wide
- border to border bike-ped trail across entire parcel not just subdivided section

Anthony LaFleche for clarification of the Old Route 146 ownership and offered some suggestions for configuration of proposed building on the property and opportunities for future connections.

#### Planning Board Comment

Mr. Ferraro asked if the building could be shifted closer to Plank Road so that only one row of parking was along that front and then add some more parking at the rear. Mr. Andarawis asked if a sidewalk could be added along Old Route 146. Mr. Ferraro suggested that it might be possible to create one from Plank Road to the Courtyard. Mr. Scavo zoomed in on the plan and suggested connectivity from the courtyard area along the southern boundary to cross Old Route 146 for patrons wishing to visit IHOP. Mr. Neubauer stated that as the first project under the TC code, that it was desirable to conform as much as possible to the new code and he felt that it should try to stay within the build-to zone and that he thought it was a great looking building and that material choices should be consciously setting a higher standard. Mr. Neubauer had further suggestions about facade treatments which the consultants stated they would consider.

Planning board members appeared to find the plan generally acceptable which would allow the applicant to proceed with refining their design in order to move forward with variances as may be needed.

Discussion Items: None

Mr. Koval moved, seconded by Mrs. Paulsen to close the meeting at 11:33 pm. The motion was unanimously carried.

Respectfully submitted,

Meg Springli