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PLANNING BOARD

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MEMBERS

Emad Andarawis

Joel Koval

Eric Ophardt

Kim Paulsen

Eric Prescott

Tom Werner

(alternate) Andy Neubauer

Planning Board Minutes

April 28, 2015

Those present at the April 28, 2015 Planning Board meeting were:

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

Those absent: E. Prescott

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: 7:07pm

All in attendance stood for the Pledge of Allegiance. Mr. Ferraro announced that Mr. Neubauer would be a voting member this evening in the absence of Mr. Prescott. Next, Mr. Ferraro explained that there was very a lengthy agenda for the meeting and explained the order of business. The chairman also described the PUD recommendation as the first part of a process in which the Planning Board would review the proposed changes to zoning in order to make a recommendation to the Town Board and that at this time, the board was not reviewing for site plan approval.

I. Minutes Approval - 4/14/2015

Mr. Koval moved, seconded by Mr. Werner, to approve the minutes of the meeting on April 14, 2015 as written. Ayes: Andarawis, Paulsen, Ophardt, Koval, Werner, Ferraro, Neubauer Noes: None.

II. Public Hearings - None

III. Old Business

2013-037 Quick Response

Extension of stamped site plan to 10/6/2016. , 2077/2079 Rt 9, Zoned: L 2, Status: Final & Stamped 10/6/2014, SBL: 250.-2-51

Noelle Long, counsel for Quick Response explained that the business has been inordinately busy this year and would like to request one more year with the temporary trailer so they can finish the proposed project once the subcontractors are available to proceed.

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.

Comment

Steve Myers

- Per conversations we have had with applicant, he is not sure project is going forward. This should be confirmed prior to granting any extensions. Proof should be provided of project progress or trailer should be removed.

John Scavo comments

- The request for an extension included the use of a temporary office trailer until 10/6/2016.
- The applicant should provide information to the Board on intentions to build or not build the approved site plan addition previously proposed.
- The applicant should note that site plan approval per §208-120(A) of the Town Code “shall be valid for one year from the date of issuance. If compliance with the site plan is not made by the applicant before the termination of this one-year period, said approval shall automatically terminate, except as provided in § 208-120B below. In this event, the Building Inspector shall revoke the building permit issued to the applicant pursuant to the provisions of § 208-107E hereof, and the applicant must resubmit either preliminary or final site plan for Planning Board review and approval, as directed by the Board. Any developed use of the parcel, lot and building after the termination of such approval pursuant hereto shall be a violation hereof.” Therefore, a new site plan approval will be required if a building permit is not obtained by the applicant by October 6, 2016.

Planning Board

Mr. Koval asked if the applicant intended to build. Ms. Long stated that the applicant intended to proceed with the expansion next spring.

Mr. Werner moved, seconded by Mr. Ophardt to grant an extension of the site plan until October 6, 2016. Ayes: all. Noes: None. The motion was unanimously carried.

2014-035 Clifton Corporate Park

Proposed 110 room hotel and mixed use residential buildings with 220+/- dwelling units. , 872 Rt 146, Zoned: TC3 Status: PB - Revised amendment to PUD referred by Town Board for recommendation, SBL: 271.-3-27

Mr. Ferraro clarified that the Planning Board had 60 days from the date of the application to make its decision.

Mr. Joe Dannible and Mrs. Jackie Phillips-Murray presented the revised application asking the Planning Board to give a positive recommendation for the amendment to the Town Board. Donald Macelroy and Donald Greene were also in attendance. Mrs. Phillips-Murray stated that the change to the application was that the buildings on the eastern side of the parcel would be redeveloped as a hotel and a restaurant rather than as apartments. The speaker then stated that the western portion would later be developed as apartments. Since the original application, she added that the Town Center Zoning had been adopted and the zoning has actually changed to TC3 for this parcel which supports mixed uses as does the Town Comprehensive Plan for this area.

Mr. Dannible summarized the approvals needed and explained that the appropriate agencies have indicated there is sufficient capacity to service the project for water and sewer. Mr. Dannible stated that initial traffic analysis showed that the proposed use would not alter the trips generated by full capacity of its current office use.

John Scavo

The Planning Board is considering a recommendation to the Town Board for the proposed PUD Application pursuant to Section 208-73 of the Town Code noted below:

§ 208-73. Planning Board review and recommendation.

- Upon completion of its review, the Planning Board shall transmit, in writing, to the Town Board its recommendation for approval, approval with conditions or modifications or disapproval of the application, including a discussion of the proposal's compliance with the following:
 - o That the proposal conforms to the Town's comprehensive planning objectives.
 - o That the proposal meets the intent and objectives of a planned unit development as expressed in this article.
 - o That the proposal complies with the general requirements listed above in this article.
 - o That the uses proposed shall not be detrimental to the natural characteristics of the site or adjacent land uses.
 - o That each phase of the development, as it is proposed to be completed, contains the required parking facilities, landscaping and utilities necessary to create and sustain each phase independently.
 - o That the proposal is conceptually sound in that it meets local and area-wide needs and that the proposed roadways, pedestrian system, land use configuration, open

- space system, drainage system and scale of elements shall function singly and cumulatively and conform to accepted design principals.
- o That there are adequate service and utilities available or proposed to accommodate the development.
- o That the traffic generated by the proposal shall not have an adverse impact on the existing transportation network.
- In addition, the report shall include a determination of the applicability of the State Environmental Quality Review Act.EN

The recommendation should note that the proposed PUD is a Type I action pursuant to SEQRA and coordinated review with lead agency status will be required.

Mr. Scavo and Mr. Ferraro emphasized that the planning board would not be approving a site plan at this time. The chairman noted that the board would only be making a recommendation to whether the Town Board might proceed with its consideration of the application.

Mr. Werner mentioned to the applicant that he would like to see provisions for interconnectivity between the residential portion and abutting properties. Mr. Koval stated that he thought that had been recommended before and he added that he would like to see vacant business properties be redeveloped. Mr. Andarawis asked what the application would actually look like if it was now submitted under TC3 zoning and what the project was asking to be allowed to do that it could not do now.

The consultants stated that they had not done that analysis because it was applied for initially prior to the enactment of TC3. Then the consultant also stated that the project was not significantly different than the original proposal, but it did reduce the number of residences in the project and allowed a greater mix. Mr. Andarawis stated that he felt that the proposal was actually closer to the allowed TC3 zoning than it was to the zoning that was in place prior to Town Center Zoning Code. Mr. Ferraro noted that TC3 would not allow for residential and that was why the PUD was proposed. Mr. Ferraro also added that repurposing was something he would support and he also asked the applicant to consider the importance of connections and pedestrian access. Planning board members indicated that they would be looking for that if the project came in for site plan review. Mr. Neubauer asked that the form based component of the town center be taken into consideration as the project advanced even though there were some constraints within redevelopment. Mr. Dannible mentioned that he looked at it in reference to section 3.2 which promotes “incremental changes” within redevelopment of the Town Center.

Mr. Hartnett, Trails Subcommittee asked that public access easements over all the sidewalks be granted as the project moves forward, if it comes for site plan review.

Mr. Andarawis moved, seconded by Mr. Werner to recommend the amendment to the Town Board to change the zoning of these parcels to a PDD, conditioned upon the inclusion of language to the PDD that the applicant must incorporate the following into the site: pedestrian connections, architectural form and architectural guidelines in the spirit of the Town Center and Town Center Plan as the project moved forward. Ayes: all. Noes: none. The motion was unanimously approved.

IV. New Business

2015-021 Mazzarelli In-law Apartment

Proposed in-law apartment with garage and basement 864 SF plus 12x12 breezeway connection. per Section 208-16(D)(3)(a)[8], 1058 Rt 146A, Zoned: CR, Status: Conceptual special use permit and site plan review, SBL: 264.-2-54

Mr. Gary Mazzairelli, represented his brother, Jeff Mazzairelli. Mr. Mazzairelli stated that the project was an existing residence on a six acre parcel and that his brother would like to construct a 3-car garage with an in-law apartment above it and with a breezeway connected to the existing home.

Steve Myers

- Garage addition must be attached to main house to qualify as two family.
- Fully code compliant plans will be required for a building permit.

ECC

- According to the NYSDEC web site EAF Mapper, a remediation site for hazardous waste is in the proximity of the project site. Question 20 in the Environmental Assessment Form should be marked yes.

John Scavo

- The applicant should clarify the proposed square footage of the in-law apartment.
- Since the parcel is a keyhole lot configuration the proposed in-law apartment will have to meet 50' setbacks from all property lines.
- Per page two of four, question 11, of the Environmental Assessment Form, the applicant has noted wastewater treatment will be accomplished by means of "new septic".
- If the concept plan is acceptable to the Board then a public hearing will be set to consider a preliminary application at a future Planning Board Meeting.
- The applicant will have to provide proof of mailing for the 500' property owner notifications prior to the public hearing being conducted.

Dan Hartnett, a member of the Trails Subcommittee, asked for a 15' right of way along the front of the property. Mr. Mazzairelli explained that his brother would like more information regarding this before agreeing to it. Mr. Scavo remarked that Jennifer Viggiani would research it and relay that information to the applicant.

Mr. Neubauer asked about the nature of the hazardous material which the ECC noted. Mr. Scavo showed on the aerial map that it was off this parcel and quite a distance from it, but close enough to trigger the remark on the EAF Mapper and would have no bearing on this project.

The Planning Board appeared to find the proposal generally acceptable and noted that the applicant should submit for a public hearing as the next step.

2015-019 Clifton Park Plaza Redevelopment

Proposed demolition and redevelopment of existing shopping plaza and adjacent restaurant parcel. Plaza to include 54,286 sf grocery, 11,115 sf retail/pharmacy, and 10,000 sf retail and bank with drive-thru , 1018/1028 Rt 146, Zoned: 5, Status: Conceptual site plan review,, SBL: 271.-1-7.1

Tom Werner recused himself from the application. Mr. Ferraro also stated that there was an easement on the property for access to an adjoining property. Mr. Pelagalli explained that the owner of the adjacent car wash has expressed concern regarding their existing easement and that the planning board would have to consider it but that it will need to be reconciled between the property owners before approval. The planning board attorney stated that any new site plan cannot frustrate the intent of that access to the adjoining parcel.

Project representatives:

John Lapper, land use attorney,

Steve Powers, Nigro Companies

Gregg Ursprung, Bergmann and Associates

Wendy Holzberger, Creighton Manning

Mr. Lapper explained that this was a proposed redevelopment of a property that is in need of improvement in terms of stormwater, traffic, landscaping and that they believe the easement issues can be worked out among the property owners. The speaker added that area variances will be sought with the Zoning Board of Appeals. Next, Mr. Lapper added that the site plan would include an access easement with ingress to the carwash from the shopping center and that the applicant felt that they have the right to relocate the easement while still honoring the access to the carwash.

Gregg Ursprung described the project as it was proposed in the B-3 zone. Mr. Ursprung noted that the 7.66 acres included the former Pizza Hut parcel, and would consist of 75,400+/- sf of commercial space, 200 parking spaces, 18% greenspace, three access points - (two along Rt. 146 and one along Vischer Ferry Road). Next, the consultant added that included in the project would be a new Price Chopper, Rite-Aid, other retail, and a bank with drive-thru. The consultant asked for parking requirements to be reduced adding that it would still be an improvement over the current condition. Then, the speaker stated that landscaping would be enhanced along the roadways and would be coordinated with NYSDOT and the Saratoga County Highway Department. Mr. Ursprung added that stormwater management would comply with NYSDEC requirements. The consultant also noted that the applicant was aware of that the Dwaas Kill was a 303(d) stream and that the applicant would add the necessary water quality treatment. He also stated that public water and sewer will be coordinated with the proper agencies.

ECC

- The ECC notes the applicant proposes reduction of green space where the current green space is already below the requirements. The Applicant should maintain a minimum 35% greenspace in accordance with B-3 Space and bulk standards (208-38, G) calculated for the entire project.
- The ECC notes that the project includes extensive paving adjacent to, or in the vicinity of the Dwaas Kill. The ECC recommends that the Planning Board require the Applicant to incorporate sediment traps and oil water separators with appropriate capacity to limit the migration of vehicular contaminants into these sensitive environments.
- The ECC notes that sensitive environments exist on properties adjacent to the project site, thus there is a potential for environmental impacts to these areas in the event that the capacity of the stormwater management system is inadequate. As such the Applicant's Drainage, Stormwater and Erosion Control Plans should be protective of these environments, during construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer.

- The stormwater system should be sufficient to handle the combined stormwater runoff projected for the final development configuration.

Steve Myers

- Property is zoned B-3. Shopping center is an allowed use.
- Property fronts on both Route 146 and Vischer Ferry Road, therefore both the north and west faces of the Price Chopper are fronts. The west face of the proposed retail is the building front and the north face of the proposed Rite Aid is the front
- Setback and greenspace and possibly landscaping variances are required.
- A full SWPPP is required.
- Additional parking currently utilized by Cumberland Farms on this property will be eliminated causing further congestion at that location.

Scott Reese, Stormwater

- Per the submitted EAF the project will be proposing on-site stormwater management system for quality treatment and runoff rate control prior to discharging towards the Dwaas Kill. Once additional details area submitted after concept review further review will take place.
- The applicant shall note that the Dwaas Kill is a 303(d) segment impaired by phosphorus and total suspended solids related to construction activity. With the project directly discharging into the Dwaas Kill a sensitive environmental area, alternative stormwater management practices for redevelopment activities shall not be allowed. The standard NYSDEC stormwater management practices for both water quality, including enhanced phosphorus removal and water quantity will be required.

John Scavo

- As plans progress the area of disturbance and grading to occur at the southeast corner of the lot will be of particular attention due to the presence of a steep slope to the Dwaas Kill.
- Pursuant to §208-114 of the Town Code the project is in for conceptual consideration by the Planning Board to review the basic site design concept and generally determine the information to be required on the preliminary site plan.
- As plans progress for preliminary consideration the applicant should provide information specific to stormwater, lighting, landscaping, grading, construction phasing plan and construction equipment/material storage areas identified, traffic circulation, and building elevations (to include line of sight from Vischer Ferry Road (CR-90).
- It is recommended that if exterior lighting is to be upgraded the applicant pursue energy efficient lighting options that are dark sky friendly (International Dark-Sky Friendly Fixtures can be researched at www.darksky.org)
- The applicant should provide information on proposed façade facing NYS Route 146 for the proposed price chopper since the building fronts two public right-of-ways.
- The proposed action is a Type I Action pursuant to SEQRA and coordinated review is required.
- A recommendation from the Saratoga Co. Planning Board is required since the project is adjacent to County Route 90 and NYS Route 146.

Mr. Ferraro asked for clarification about the coordinated review for SEQR. Mr. Scavo stated that it was up to the board to decide if it was an unlisted action or a Type-1 action. Mr. Scavo stated that the applicant would need to supply all the appropriate studies for review to assist the board in

making that determination. Mr. Bianchi noted that he advised that he felt it might be an unlisted action but recommended that the board wait for the full EAF to be submitted and then the planning board could make its determination. Mr. Scavo explained that the planning board can still seek input from interested and involved agencies even if it was an unlisted action. Mr. Ferraro added that he felt it would at the very least require the NYSDEC to be consulted. Mr. Scavo explained the technicalities and timetable for coordinated review. Mr. Lapper remarked that the applicant will submit a full EAF and felt the planning board would be satisfied that the Dwaas Kill would be more protected than it is now. Mr. Ferraro stated that he was most concerned whether the environmental issues would be addressed and that a quality project was produced.

Joel Bianchi, MJ Engineering, offered a review letter with the following comments.

1. 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. Should the applicant claim this project as redevelopment under Chapter 9 of the New York State Stormwater Management Design Manual, appropriate justification must be provided to the Town for review to support this approach. Further, with the project having the potential for a direct discharge to the Dwaas Kill, a 303d impaired water body with reported phosphorous restrictions, careful selection of appropriate stormwater practices will be necessary.
 2. The project proposes to provide potable water to the building from the Clifton Park Water Authority (CPWA) via a water main extension to the property. The applicant shall provide the Town documentation indicating the CPWA's ability and willingness to provide additional potable water to the project. Any approvals offered by the Planning Board should be conditioned on receipt of CPWA's review and approval.
 3. The project proposes to provide sanitary sewer service to the buildings from the Saratoga County Sewer District No. 1 (SCSD). The applicant shall provide the Town documentation indicating the SCSD's ability and willingness to provide additional sewer capacity to the project. Any approvals offered by the Planning Board should be conditioned on receipt of SCSD's review and approval.
 4. The project proposed modifications to existing entrances to and from N.Y.S. Route 146 and will require review and approval from Region 1 of the NYSDOT. As the project proceeds through the Town's regulatory review, the applicant shall engage the NYSDOT relative to the entrance improvements.
 5. The project proposed modifications to an existing entrance to and from County Route 90 and will require review and approval from the Saratoga County Dept of Public Works (SCDPW). As the project proceeds through the Town's regulatory review, the applicant shall engage the SCDPW relative to the entrance improvements.
 6. Given the size of the proposed development, at a minimum, the applicant shall provide a summary of expected peak hour vehicle trips. Should this analysis show that more than 100 new peak vehicle trips will result, a formal traffic impact statement may be required. This assessment needs to account for other projects proposed within proximity of the site.
- State Environmental Quality Review

7. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. Assuming 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 Sewer District: Additional reserve sewer capacity.
 - b. Clifton Park Water Authority: Taking of additional potable water.
 - c. Saratoga County Planning: 239m referral due to the parcel being within 500 feet of NYS Route 146.
 - d. New York State Department of Environmental Conservation: permit coverage under GP-0-15-002 and determinations of the absence or existence of threatened and endangered species within the project site.
 - e. New York State Department of Transportation; Utility / Non Utility Work permit for proposed improvements along NYS Route 146.
 - f. New York State Office of Parks, Recreation and Historic Preservation: determination of the absence of existence of cultural, historic or archeological resources within the project site.
8. Additional involved/interested agencies may be defined as the project proceeds through the Town’s regulatory review.
9. While our initial review suggests that the project may be considered an Unlisted Action, it may be appropriate for the applicant to complete and submit a Full Environmental Assessment Form (FEAF) to better assist the Planning Board in its review of the application under SEQRA.

Short Environmental Assessment Form

9. Under 8.a the response indicates that the proposed action will not result in substantial increase in traffic above present levels. At a minimum, provide an estimate of new peak hour vehicle trips expected to assist the Planning Board in its review to determine if there will or will not be a significant increase above existing levels.
10. Under 12.b, the response indicates the site is located in an archeological sensitive area. Since the project will be subject to GP-0-15-002, a no effect letter will be required to demonstrate permit eligibility.

Site Plans

11. The project resides within the Town’s B-3 Zoning District. In our review of Section 208-37(B) of the Town Zoning, the proposal for a shopping center is a permitted principal uses within the B-3 Zoning District. In our review of the concept plan submitted, it appears that there are instances where the bulk lot requirements are not satisfying the minimum requirements set forth in the Town’s Zoning, some of which are noted on the plan. It is noted that with the use being classified as a shopping center, there are more restrictive

standards identified in Section 208-89 of the Town Zoning. The potential lot deficiencies identified are as follows:

- a. Section 208-38(C) requires a minimum front yard 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 square feet and no encroachment of commercial usage other than parking space. It appears that the Rite Aid, fronting NYS Route 146 and the Trustco fronting Vischers Ferry Road are within the stated setback.
 - b. Section 208-38(G) requires a minimum of 35% greenspace. The plan proposes approximately 18% greenspace, a reduction from an already deficient site.
 - c. Section 208-89 (A) states that the minimum area shall be 10 acres. The two parcels are approximately 7.65 acres in size.
12. Section 208-40 of the Town's Zoning requires the property margins at the sides from the front building line to the rear property line to be planted with trees and shrubs for a width of not less than 10 feet. Subsequent plans need to illustrate how this provision of the Town's Zoning will be satisfied.
 13. Section 208-89 of the Town's Zoning requires that satisfactory assurance shall be given that initial construction will comprise not less than 50% of the planned total construction as measured in terms of bulk of the buildings proposed to be built. The applicant needs to discuss how this provision of the Town's Zoning will be satisfied.
 14. The Town's LC District bisects the property to the south, which is representative of the flow line of the Dwaas Kill. Confirm that the proposed development is not within 100 feet from each side of the outer bank of the high-water mark of the Dwaas Kill pursuant to Section 208-69.1(A)(2)(c) of the Town's Zoning.
 15. The applicant is requesting a reduction in the required parking spaces. It is suggested that the applicant furnish appropriate justification to the Planning Board to support the requested reduction, which is permitted pursuant to Section 208-89(E) of the Town's Zoning.
 16. The concept proposes a sidewalk along NYS Route 146. The applicant needs to coordinate with the Town on whether additional pathways along the public right-of-ways are warranted. This should include the discussion of appropriate routes and logical termination points.
 17. The concept provides little in the form of pedestrian linkages to and from the public right-of-way. The applicant needs to coordinate potential linkages from the site to exterior routes with the Town.
 18. The concept provides no information regarding how the site will be enhanced through improved landscaping either internal to the site or external and along the public right-of-ways.
 19. Confirm that the dumpster proposed near the Trustco building is accessible for the service vehicles. This analysis should illustrate ingress and egress turning template.
 20. The proposed drive thru for Rite Aid has what appears to be a short queue lane for each of the two lanes proposed. The applicant needs to provide representative analysis of whether this presents an issue for vehicles backing up into the path of travel of the adjacent internal

road.

21. The concept shows proposed improvements that will infringe on the steep banks, proximate of the Dwaas Kill, near the southeast corner of the parcel. The design needs to contemplate the stability of this embankment and should include a geotechnical assessment to ensure adverse impacts will not result from proposed construction at this location.
22. A review of the USDA Soil Survey for the site indicates that the existing soils along the southeastern portions of the site are Oakville Windsor Soils (OeE) with 25% to 35% slopes. The applicant needs to provide documentation indicating how the project will be eligible for permit coverage under GP-0-15-001 as a result of Part I.F.6.c of the permit. The referenced section of the permit indicates that construction activities for commercial projects which are undertaken on land with a Soil Slope Phase that is identified as an E or F, or the map unit name is inclusive of 25% or greater slope, on the United States Department of Agriculture (“USDA”) Soil Survey for the County where the disturbance will occur are considered as activities which are ineligible for coverage.
23. A review of the Saratoga County GIS database indicates that the areas adjacent to the Dwaas Kill are mapped as a NWI wetlands. The concept plan indicates approximate ACOE wetland boundaries in this general vicinity. It needs to be confirmed that the boundary shown is based upon an actual field delineation. Should wetland impacts be required, permitting from the appropriate agencies having jurisdiction will be required.
24. The placement of hydrants throughout the site needs to be reviewed by the responding emergency services to ensure that they are appropriately located to respond to an event.
25. There needs to be a determination if the proposed building construction and use will warrant automatic sprinklers as prescribed in the Building Code of New York State. This information is needed to determine whether proposed on-site hydrants are appropriately located to satisfy the requirements of Section 508.8 of the FCNYS.
26. Elevations and materials of construction for the proposed buildings need to be provided as part of subsequent submission to demonstrate that the principals outlined in Section 208-33(D) of the Town Zoning are being satisfied.
27. Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to lighting, site grading, landscaping, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Public Comment

Pam Marshall, a Clifton Park resident, expressed concerns about eliminating a left turn lane onto Vischer Ferry Road. The consultants stated that there would still be a left lane although they did not show it on the plan even though the entrance would be narrowed from its current configuration.

Bob Voelker, a Sherwood Forest resident stated that he was in favor of redeveloping the existing plaza and expressed the following concerns:

- traffic issues with entrance across from Ravenswood and the proposed Plaza West
- traffic cut-throughs between Vischer Ferry Road and NYS Route 146.

Anthony LaFleche, voiced his support for the proposed project but expressed the following concerns:

- cut throughs
- right turn lane on Vischer Ferry to NYS Rt. 146
- sidewalk along Vischer Ferry Road up to NYS Rt. 146
- access across from North Country Commons

Jim Smith, resident, expressed gratitude that the applicant was planning to redevelop the existing site rather than their original proposal near Sterling Heights.

Ed Kobolewski, attorney for the adjacent car wash property, posted a site plan showing the existing easements. Mr. Kobolewski explained that the owners were concerned that their property was previously granted fixed easements and stated that they cannot be changed without their permission. Mr. Kobolewski also stated that there was a “floating” easement between the two fixed easements because the exact location of the bank was not fixed at the time. Mr. Lapper stated that his client felt that they should be able to relocate that easement on their property through private negotiations without the involvement of the planning board. Mr. Pelagalli stated that the two parties should be able to resolve this without the planning board being actively involved. Both parties indicated that they have been working to that end and hope for reasonable resolution without resorting to a court ruling. Planning board members noted that they felt it could be worked out.

Mr. Koval added that he would like to see more green space added by eliminating the row of parking along Vischer Ferry Road even though the application is already falling short of parking. Mr. Andarawis stated that he concurred and did not think the loss of parking was as significant as the gain of green space. Other planning board members stated that they liked the reuse of the site. Traffic patterns were noted as an area of concern and the applicant added that they would be willing to contribute to mitigation costs for future intersection improvements. Planning board members also discussed the problems with the different plaza entrances and the opposing entrances at North Country Commons at Ravenswood.

Wendy Holzberger, a consultant with Creighton Manning Engineering told Planning Board members that they had taken the northern parcel as proposed into consideration when analyzing traffic at the site. Ms. Holzberger explained that being a reuse, the impact of the Clifton Park Plaza would be much less significant than the future development at the Plaza West which would include adding all new square footage and new uses than what currently exists on that parcel.

Mr. Ferraro felt that this Price Chopper might be more attractive and therefore more visited than the existing store and that those numbers should be considered. Ms. Holzberger responded that a comprehensive assessment of ITE standards would be done comparing the existing use and the proposed use.

The following items were also brought up by planning board members as needing to be clarified in future submittals:

- Internal traffic patterns
- public sidewalks and internal pedestrian connections
- turn lanes
- Parking lot queuing lanes
- landscaping
- Dwaas Kill

- Dumpster locations
- water quality benefits and improvements
- drainage

Mr. Lapper stated that Nigro Companies will take all the comments into consideration to make great improvements to this site.

2015-020 The Great Discovery Childcare

Proposed (1) story 4800 SF childcare center with playground, Arnold Dr, Zoned: B-1, Status: conceptual site plan review, SBL: 271.-1-2.111

Joel Koval recused himself from this project.

Drew Schauffert, a land surveyor with Santo Associates represented the applicant which was currently leasing space for a childcare center and would like to own their own space. The consultant explained that there would be 11 staff members and the daycare would operate Monday through Friday.

ECC

- The ECC recommends that the applicant incorporate lighting that is directional and limited.
- The Applicant should maintain a minimum 50% green space in accordance with B-1 Space and bulk standards (208-35 D.3) calculated for the entire project.
- The Applicant must indicate the proposed amount of green space for this project.
- The Applicant *should reconfigure the placement* of parking lots, service areas and waste receptacles out of view from high use thoroughfares.
- According to the NYSDEC web site EAF Mapper the project is in an archeological sensitive area. Item 12b in the Environmental Assessment Form should indicate that the project is in an archeological sensitive area.

Steve Myers

- Parcel is zoned B-1. Childcare is an allowed use.
- Property has two fronts-Rt. 146 and Arnold Dr.
- 180' of frontage required per 208-35C, variance required.
- Parking within 70' of front line on Arnold Dr. per 208-35D(1), variance required.
- Lot coverage requirements do not appear to be exceeded.

Scott Reese, Stormwater

- Per the submitted EAF the project will be proposing stormwater runoff to be channeled to Arnold Drive and then south to drainage structures located at the intersection of Route 146.
- The project disturbs less than one acre so no NYSDEC SWPPP is required. The applicant is proposing a large amount of impervious surface with the proposed building, sidewalks and parking area. It would be in the best interest to allow infiltration on the project site first, than runoff to discharge directly onto Arnold Drive.

John Scavo

- The project is in for conceptual consideration at this point in time. As plans develop the bulk and setback table for the B-3 Zone should be shown on the site plan.
- Since the parcel is a corner lot it is required to have two 80' front setbacks which severely limit the building envelope. The Planning Board as part of its consideration

and feedback may want to consider encouraging the applicant to seek an area variance to move the building closer to NYS Route 146 and Arnold Drive, thereby possibly allowing for the proposed parking to be located behind the building.

Mr. Schaufert asked for and received clarification of setback lines on both road frontages.

Joel Bianchi

General Comments

1. Based upon a review of the submitted materials, it is stated that the project will disturb 0.45 acres. In the event it is determined that the project is not subject to GP-0-15-002, 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.
2. The project proposes to provide potable water to the building from the Clifton Park Water Authority (CPWA) via a service lateral to the property. The applicant shall provide the Town documentation indicating the CPWA's ability and willingness to provide additional potable water to the project. Any approvals offered by the Planning Board should be conditioned on receipt of CPWA's review and approval.
3. The project proposes to provide sanitary sewer service to the building from the Saratoga County Sewer District No. 1 (SCSD). The applicant shall provide the Town documentation indicating the SCSD's ability and willingness to provide additional sewer capacity to the project. Any approvals offered by the Planning Board should be conditioned on receipt of SCSD's review and approval.
4. Given the wide variations with potential vehicle trips associated with the proposed use, it is recommended that at a minimum the anticipated peak hour trip generation be provided.

State Environmental Quality Review

5. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. Assuming 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 Sewer District: Additional reserve sewer capacity.
 - b. Clifton Park Water Authority: Taking of additional potable water.
 - c. Saratoga County Planning: 239m referral due to the parcel being within 500 feet of NYS Route 146.

Additional involved/interested agencies may be defined as the project proceeds through the Town's regulatory review.

Short Environmental Assessment Form

6. Under 3.b, the response indicates the total disturbance associated with the project will be under 1 acre. This figure will need to be verified based upon more detailed site plans.
7. Under 8.a the response indicates that the proposed action will not result in substantial increase in traffic above present levels. At a minimum, provide an estimate of peak hour vehicle trips to assist the Planning Board in its review to determine if there will or will not be a significant increase above existing levels.
8. Under 12.b, please indicate how the response was determined that the site is not in the vicinity of an archeological sensitive area.

Site Plans

9. The project resides within the Town's B-1 Zoning District. In our review of Section 208-32(A)(7) of the Town's Zoning, the proposal for a day care is a permitted principal uses within the B-1 Zoning District. In our review of the concept plan submitted, it appears that there are instances where the bulk lot requirements are not satisfying the minimum requirements set forth in Section 208-35 and 208-98 of the Town's Zoning, some of which are noted on the plan. The potential lot deficiencies identified are as follows:
 - a. Section 208-35(C) requires the minimum lot width to be 180-feet along NYS Route 146 and the concept plan shows only 150-feet (+/-). Since this is a corner lot with double frontage it may not be necessary to meet this bulk lot requirement and we would defer to the Town on this matter.
 - b. Section 208-35(D)(1) requires that no building shall be located closer to the front property line than 70 feet, into which there shall be no encroachment of buildings or parking or anything other than a wall, berm or sign. It appears that the proposed building is within the stated setback of Arnold Drive.
 - c. Section 208-35(D)(4) requires a 10-foot buffer area along the side and rear yards for the purpose of screening from adjoining properties. The concept plan does not provide any buffer along the northern property line.
 - d. Section 208-35(D)(3) requires a minimum of 50% greenspace be provided. Calculations for the proposed greenspace have not been furnished. Therefore, it cannot be determined whether or not the plan meets the minimum bulk lot requirements.
 - e. Section 208-98 of the Town Zoning requires that no building or part of a building shall extend nearer to the center line of NYS Route 146 than 130-feet. The concept plan suggests that the building may be within this special setback.

10. As noted in Comment 9.c, above, a 10 foot buffer is required along the side and rear yards and the plan does not appear to show any such buffer along the northerly boundary. The applicant needs to demonstrate how the minimum requirements of the Town's Zoning are going to be satisfied with the potential limitations associated with the existing easement, should a variance or waiver not be obtained.
11. Provide a summary of the basis in determining the number of parking spaces proposed.
12. Any proposed utility work within the Town right-of-way is subject to the review and approval to the Town Highway Superintendent. Notation to that effect shall be added to the plans.
13. Provide a delineation of the area of expected disturbance associated with the project along with the numerical value.
14. Should the project propose any exterior dumpsters, their locations shall be shown on the plan for review.
15. There needs to be a determination if the proposed building construction and use will warrant automatic sprinklers as prescribed in the Building Code of New York State. This information is needed to determine whether or not an on-site hydrant is required to satisfy the requirements of Section 508.8 of the FCNYS.
16. Elevations and materials of construction for the proposed building need to be provided as part of subsequent submission to demonstrate that the principals outlined in Section 208-33(D) of the Town Zoning are being satisfied.
17. Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to lighting, site grading, landscaping, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Public Comment

Dan Hartnett, Trails subcommittee asked for the following to be added to the plan:

- a Bike Rack
- 5 ft sidewalk along Rt 146
- connection from building to sidewalks

Anthony LaFleche, 21 Wheeler Dr., stated the following:

- preferred a childcare vs. a funeral home
- sidewalk connections were desirable
- asked that sidewalks be coordinated with adjoining property owner
- asked applicant to consider two-story design to minimize footprint
- ask if design could look more residential than commercial

Jennifer Zachariah, the applicant, provided a facade rendering and stated that she understood per state code, that a multi-level building would require an elevator and that each classroom must have an exterior exit which would be difficult with a 2nd level and cost prohibitive.

Tom Werner asked that peak hour traffic be evaluated relative to the drop off and pick up times which would coincide with peak commuter times. Then, the possibility of land banking some parking spaces was also discussed. Mr. Scavo explained that the planning board could waive the number of parking spaces required but that a variance would be needed to build the building closer to the road. Planning board members stated that they supported seeking a variance to move the building closer to the road, and one suggestion was to put the playground to the east of the building and to move the parking behind the building.

Landscaping was also discussed and Mr. Schauffert stated that the trees along NYS Rt. 146 were to remain and the only disturbance was intended to be in the building area. Mr. Scavo noted that recently, an easement had been granted to allow the Woodland Hills sign to remain on the corner of the lot and for landscaping at the base of the sign to be maintained by residents of Woodland Hills. Ms. Zachariah also explained that there would need to be room for a school bus to access the site.

2015-011 Abele PUD began at 2:18:18

PDD Application referred by Town Board to Planning Board for recommendation.

Proposed 94 apartments or condominiums in 8 buildings with access off John J. McKenna IV Way, Christinamarie Dr, Zoned: R-1, Status: PENDING, SBL: 284.-1-10.21

Eric Ophardt was recused from discussing this application.

Representing the application:

Ed Abele of Abele Builders,

Tom Andress of ABD Engineers,

Rob Camoin of Camoin Associates

Mr. Abele presented the application. He has owned the land since 1997 which is behind the park and ride and Plaza 8. The applicant is proposing multi-family housing with a total of 94 dwelling units. Since Clifton Park does not have zoning for apartments, the applicant must proceed through a PUD. He explained that the developer had a market analysis done by Camoin Associates. The proposed complex is located near services, promotes walkability, and has easy access to the Northway. He added that some features which are perceived as public have actually been privately funded. The sidewalk along Crescent Road was first started by and funded by Abele Builders and has been added to by others.

Tom Andress, ABD Engineers, spoke about the conceptual site plan.

- 20 acres
- Access from Crescent
- Christinamarie Drive (possible emergency access - no residential access)
- 2 story buildings totaling 94 dwelling units
- private road network
- walking trail to Christinamarie Drive
- water and sewer
- wetlands and streams
- infiltration basins
- density 4.5 units per acre vs. 2 units per acre in R-1
- clustering buildings on developable areas with buffers to existing residences
- rendering of 2-story buildings
- added buffering proposed along the buildings closest to Christinamarie Dr.

- Traffic getting to Northway does not have to go through a residential neighborhood

Rob Camoin

Background: His firm is located in Saratoga Springs and undertakes strategic planning for communities, economic and fiscal impact studies, and residential/commercial/retail market analysis. He then provided a demographic analysis to the Board that included a review of the following elements:

- national trends vs. local trends
- economics
- transformation from baby-boomers to millennials
- housing types - single family homes
- recession, recovery
- housing preferences of aging baby boomers and younger generation
- rental housing not keeping up with demand
- unmet needs in Clifton Park
- attracting new residents to the community

Mr. Abele thanked the board and then he added that Abele Builders has built homes that spanned the spectrum of housing types in Clifton Park and the surrounding communities.

John Scavo

The Planning Board is considering a recommendation to the Town Board for the proposed PUD Application pursuant to Section 208-73 of the Town Code noted below:

§ 208-73. Planning Board review and recommendation.

- Upon completion of its review, the Planning Board shall transmit, in writing, to the Town Board its recommendation for approval, approval with conditions or modifications or disapproval of the application, including a discussion of the proposal's compliance with the following:
 - o That the proposal conforms to the Town's comprehensive planning objectives.
 - o That the proposal meets the intent and objectives of a planned unit development as expressed in this article.
 - o That the proposal complies with the general requirements listed above in this article.
 - o That the uses proposed shall not be detrimental to the natural characteristics of the site or adjacent land uses.
 - o That each phase of the development, as it is proposed to be completed, contains the required parking facilities, landscaping and utilities necessary to create and sustain each phase independently.
 - o That the proposal is conceptually sound in that it meets local and area-wide needs and that the proposed roadways, pedestrian system, land use configuration, open space system, drainage system and scale of elements shall function singly and cumulatively and conform to accepted design principals.
 - o That there are adequate service and utilities available or proposed to accommodate the development.
 - o That the traffic generated by the proposal shall not have an adverse impact on the existing transportation network.
- In addition, the report shall include a determination of the applicability of the State Environmental Quality Review Act.EN

Mr. Ferraro summarized a petition that was submitted by the residents living in Crescent Estates and stated that those who had something to add would be allowed to speak after. The concerns expressed in the petition included the following:

- Traffic - Crescent Road already congested, Southbury, Lapp, John J. McKenna Way, Exit 8, walkability claim is false, Christinamarie Dr. access
- Schools - Okte crowded, strain on class size, increase school taxes
- Land is zoned single family residential - precedence of rezoning
- water and noise – due to the wetlands, the proposed development could create water issues.
- reduction in trees and its impact on Northway noise
- Disturbance of animal life and resulting pest issues
- Construction activity would be invasive , and property values would go down if the apartments were built
- History of property and issues with land disturbances and violations due to alleged previous actions by the land owner

The petition asked the planning board deny the proposal and included signatures of 86 online petitioners and additional handwritten signatures of about 100 people were attached.

Other Comments

Dan Hartnett, resident of Southbury Drive opposed the project and read a letter which he submitted to the Planning Board and will be held in the project file.

- Traffic
- Buffering
- Building Code - no more than 18 units on single access
- Density
- Lack of public benefits
- Open space other than wetlands is lacking
- Questioned Builders past regard for restrictions
- Lack of trail connections
- Lack of school bus access
- felt there was conflicting information about project

Ethan Smith, Park District chair stated that he is a resident and supports Mr. Hartnett's statement. He opposed the project adding the following concerns:

- ACOE Deed restrictions
- traffic
- parking
- dangerous to walk without sidewalks
-

Mohan Kojant, a resident of Christinamarie Drive stated that it already takes 20 minutes for him to get to work from his home to a location at Exit 8.

Kevin Allen, a Christinamarie Drive resident, opposed the project for the following concerns:

- safety of children around transients
- crime increases with higher density

Lee Reynolds, Christinamarie Drive resident voiced the following concerns:

- children play in the stream

- the impact of density on the quality of the stream

Dan Lill, Clifton Park resident offered his support for the Abele Builders proposal.

Kiev Parseg a resident of Parsippany Way stated that he opposed the project.

Bill Dow of Brendan Court, stated that he supported the proposal for the following reasons:

- well thought out
- shortage of apartments in town
- influx of Global Foundries employees

Ryan Mcevoy, Hiawatha Drive, opposed project for the following:

- stated that more members have signed the petition online
- questioned value of project to the town
- felt it would lower the quality of life in the area

Mike Rosenthal 16 Hiawatha Drive opposed project stating that he moved to exit 8 to get away from high density housing.

Barbara Norelli, of Grant Hill Road stated that she opposed the project and she disagreed with market analysis for the area. Ms. Norelli also stated that she fears walls being needed along the Northway for noise reduction.

Planning Board Discussion

Mr. Scavo explained that the planning board has 60 days from the date of the referral to make a decision regarding their recommendation to the Town Board.

Planning Board members expressed a desire to consider the project a bit longer given the information that was added at the meeting. Below is a summary of reasons given by members.

Mr. Werner

- traffic concerns
- agreed need for affordable housing for empty nesters
- not sure this is correct answer
- transient housing needed
- this proposal lacks good connectivity
- not sure he is ready to vote yet
- would like more time to consider

Mr Andarawis

- diversity of housing is lacking in Clifton Park
- transition from commercial to single family residential is good in theory
- concerned with the site given the restrictions, traffic

Mr. Neubauer

- felt concept had some positive aspects
- exit 8 and Crescent Road location problematic

Mr. Ferraro

- agrees that there is a lack of diversity of housing

- demographics are favorable for this type of project
- would like to see amenities
- Town Comprehensive plan and Town Center Form Based Zoning Code both identified projects of this type
- Felt residents had a reasonable expectation that a property would be developed according to the existing zoning.
- concerned about the proposed density so close to the existing residences
- would like more time to review the submissions
- does support other housing options and would like to see diversity

Mr. Scavo stated that the application could be reconvened at the second meeting in May.

Mr. Abele stated that some of the details being asked for would be vetted out in the site plan review process and that they did not delve into that at this stage. The speaker stated that traffic analysis, walkability and amenities are important but until the zoning issue is resolved, the applicant was not investing in that level of analysis yet.

Mr. Andarawis asked if the builder could speak to the development that could be built in R1 zone as of right and stated that he would like to know the density that could be built on the unconstrained lands. An unnamed resident stated that they had been shown a maximum buildout at a meeting of 5 buildable acres out of 18 acres resulting in no more than 16 single family homes.

Mr. Abele explained that the restricted areas are federal wetlands.

Mr. Andress asked for copies of all items submitted. Asked to be seen at the second meeting in May which would be within the 60 day time period. It will be verified that May 27th would be acceptable, otherwise it may need to be on May 12.

Residents were advised to check the agenda on the website to confirm.

V. Discussion Items - *None*

Mr. Koval moved to close at the public hearing at 10:59pm which was seconded by Mr. Ophardt. The motion was unanimously carried.

Respectfully submitted,

Meg Springli