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(alternate) Andy Neubauer

**Planning Board**  
**May 27, 2015**

Those present at the May 27, 2015 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, J. Koval, E. Ophardt, E. Prescott,  
T. Werner

Those absent were: K. Paulsen, A. Neubauer – Alternate Member

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

Mr. Ferraro, Chairman, called the meeting to order at 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Mr. Ferraro announced that the application for the proposed Abele multi-family residential PDD which had been scheduled for review at this evening's meeting, has been withdrawn by the applicants without prejudice.

**Minutes Approval**

Mr. Andarawis moved, seconded by Mr. Ophardt, approval of the minutes of May 12, 2015 as written. Ayes: Ophardt, Andarawis, Prescott, Werner, Ferraro. Noes: None. Abstained: Koval

**Public Hearings:**

[2015-003] **Neil, Andrew** – Proposed (4) lot subdivision, 58 Bradt Road – Final review and possible determination. SBL: 263.-1-39

Mr. Ferraro introduced this agenda item, explaining that the Planning Board issued a SEQRA determination and granted preliminary subdivision approval to this application at its March 24, 2015 meeting.

Mr. Ferraro, Chairman, called the public hearing to order at 7:05p.m. The Secretary read the public notice as published in the Daily Gazette on May 19, 2015.

Mr. Harold Berger, representative for the applicant, explained that the application remains generally as presented at the March 24, 2015 meeting. The project site, located at 58 Bradt Road, is situated on the westerly side of Bradt Road approximately ½ mile south of the Ashdown – Blue Barns Road intersection. The 12.98 acre parcel is located within the CR (Conservation Residential) zoning district. Though the property contains no identified wetlands, slopes in excess of 20% (over 50 feet horizontal distance), considered “constrained land,” totals .109 acres. The total unconstrained land area is 12.872 acres. An existing single-story brick home located at 58 Bradt Road will remain on a 1.019 acre parcel. The three proposed lots will be 1.59 acres, 1.62 acres, and 8.7 acres, respectively. The largest parcel will contain 6.603 acres of permanently protected open space. The new lots will be served by individual water connections to an existing Clifton Park Water Authority line. Individual septic systems designed by a licensed professional engineer will be provided on a site-specific basis. Access to the new lots will be via a combined drive from a single curb cut on Bradt Road to the north of the existing residence.

Mr. Berger explained that written responses to comments issued at the last meeting have been forwarded to the Planning Department. He provided a summary of the revisions made to the plan. The driveway design now complies with the New York State Fire Code, Sections 503, 511, and D102.1. He explained that no water main will be installed: only house services will be used to supply water to each residence. Approved postal addresses have been shown on the plan. The drainage system has been revised in accordance with comments issued by Mr. Reese. The standard note regarding noise and vibration has been added to the plan. The permanently protected open space portion of Lot #4 and is shown on the plat with a referencing note to a deed restriction. All recommended notes have been added to the plan. Screening between the lots is indicated on the plan and sump pump lateral discharge points have been added. The location of the existing septic system for Lot #1 has been located and labeled on the plan. The placement of silt fencing and related changes have been made. The Short EAF has been updated to reflect the change from duplexes to single-family homes. The driveway use agreement is being prepared and will be provided to the Planning Department and Mr. Pelagalli prior to final stamping of the plans.

Mr. Scavo reported that all comments prepared by Mr. Myers, Director of Building and Development, Ms. Reed, Chief of the Bureau of Fire Prevention, the ECC, Mr. Reese, Stormwater Management Technician, M J Engineering and Land Surveying, P.C., and the Trails Subcommittee

of the Open Space, Trails, and Riverfront Committee have been forwarded to Board members for their consideration.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated May 12, 2015. Since more than two residences are to be constructed, in addition to Section D102.1 cited on the plan, a fire apparatus access road must comply with Sections R103 and D105 of the NYS Fire Code. The road must be a minimum of 26' wide, the grade can be no steeper than 10%, and the design verified by a licensed engineer. Each lot will require a site-specific septic system designed by a licensed engineer. He noted that "a generic system design on the site plan does not qualify and site plan approval does not mean that the septic systems are approved." It appears that all of the proposed homes will be constructed on fill: compaction tests and certification by an engineer will be required. Clarification regarding proposed site drainage is required. Per Section 508.5 of the NYS Fire Code, at least one hydrant is required on the fire apparatus road since the road will be over 400' in length. If the water services are to remain as shown, approval by the Clifton Park Water Authority is required to ensure that the 1" lines proposed are sufficient. No Stormwater Pollution Prevention Plan has been provided.

Mr. Scavo reported that the ECC provided the following comments regarding this application. Per Section 208-16F of the Town Code regarding Conservation Residential Zones, proof of preservation in perpetuity of permanent open space via deed for these privately owned sites shall be supplied to the Town of Clifton Park Planning Board and filed prior to the final plat approval of a site plan or subdivision plat. The language on the current plan appears to not meet the requirement and intent of "permanent open space."

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, provided comments regarding this application in a memo dated May 21, 2015. The applicant is asked to provide calculations and details for the proposed level spreader. The consultant may refer to the New York Standards and Specifications for Erosion and Sediment Controls (August, 2005) Level Spreader on pages 5A.13-5A.14. Mr. Reese expressed concerns with the two 90 degree bends at the end of the defined swale by the emergency turn around: the applicant shall include details of the area as to prevent a blow out of the emergency turnaround area. The grading signature shows a 6" deep swale while the related note states that it is 18" deep: the applicant is asked to correct this inconsistency. The applicant shall note that the check dam spacing as per the detail provided will result in more numerous check dams alongside the proposed driveway than those shown graphically on the plans. The steepness of the slopes promotes a scouring potential in the swale bottom: permanent velocity reduction measures should be considered. Erosion and Sediment Control Plans must address all items per the NYSDEC SPDES GP-0-15-002 Part III B1 a. - 1. The applicant must submit the Notice of Intent and MS4 Stormwater Pollution Prevention Plan Acceptance Form for review and acceptance. Information regarding the grade be at the emergency turnaround should be provided.

Mr. Scavo read comments prepared by the Planning Department. The final subdivision plat must display assigned 911 addresses for each lot. The standard notes for "Permanent Open Space Areas" shall be added to the final subdivision plan. The label "Conservation Area" for Lot #4 shall be changed to "Permanent Open Space." The sample deed for Lot #4 shall be provided

to the Mr. Pelagalli, Planning Board Attorney, for his review and approval as a condition of final approval. The note on Sheet C-3 of the subdivision plan states the following:

Conservation Area – The conservation portion of Lot #4 is deed restricted to allow conformance with the requirements of the LC zone. The limitations and allowed uses for this portion of Lot #4 are described in detail in the proposed deed restrictions to be made a portion of the deed for this lot upon transfer of ownership.

The first sentence of this note should be changed to read:

Permanent open space – The permanent open space portion of Lot #4 is restricted from future development, except for those uses listed in Section 208-16D(2) of the Clifton Park Town Code.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. offered the following comments and recommendations on the application after review of the final subdivision plan submitted for review. As noted in Comment 6 of the March 20, 2015 review letter, the current lot configuration places adjacent structures in close proximity to one another. The submitted plans appear to preserve some of the existing vegetation and to add plant materials to provide screening between lots. It is suggested that an alternate species for the proposed landscaping buffer be selected that is more tolerant to deer and other animals. The Planning Board should review the current buffering proposal to determine if it meets the intent of Section 208-86-(E) of the Town Zoning Code. As noted in Comment 9 of the March 20, 2015 letter, the proposed shared drive appears to be in excess of 500 feet. The driveway must meet Section 511.2 of the Fire Code of New York State. The Town's Chief Zoning Officer has identified additional provisions of the Code that must be met: M J Engineering and Land Surveying, P. C. would defer to the Chief Zoning Officer on these matters. There are no comments on the Stormwater Pollution Prevention Plan, however, the applicant shall submit an MS4 Acceptance Form for review prior to any site disturbance.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, reiterated comments made at previous meetings, requesting that the applicant verify that there is adequate right-of-way for widened shoulders which "are proposed in the future for Bradt Road." If adequate width is not available, the Trails Subcommittee recommends that the applicant provide the "extra space to accommodate them in the future."

There being no additional public comment, Mr. Werner moved, seconded by Mr. Ophardt, to close the public hearing at 7:17p.m. The motion was unanimously carried.

Mr. Ferraro expressed his surprise at Mr. Myers' recommendation that the combined driveway width be increased to 26' and that a fire hydrant be installed along that roadway in accordance with the state building code. Mr. Koval remarked that some town roads do not meet this standard and commented that, he believed that the code required construction of a 20' wide drive which would reduce the amount of paving necessary to access residences – a significant factor in maintaining the area's rural character. Mr. Bianchi, noting that state building code standards do not apply to public roadways, explained that the required driveway width was related to the number of homes served on private driveways. When asked for advice, Mr. Pelagalli explained that the final decision regarding the driveway width must be made by the Town's Chief Zoning Enforcement Officer. Mr. Scavo pointed out that if the applicant was not satisfied with

Mr. Myers' decision, he could seek relief from the determination from the State Board of Appeals. Mr. Ferraro noted that Mr. Myers' previously-issued comment required a 20'-wide driveway. He recommended that the plan note that an easement will be provided for future right-of-way widening for trail development, explaining that under Section 208-16 (Conservation Residential Zones) of the Town's Zoning Code, "the existing conditions and site analysis process" requires an applicant to be mindful of "existing and potential trails, bikeways, and pedestrian trails that are in public use or are proposed conceptually in the Town of Clifton Park Open Space Plan, or, specifically, on the Town of Clifton Park Town-Wide Master Plan Map..." He viewed the easement request as "a requirement of zoning" rather than an item to be considered "in lieu" of parkland fees. Referencing comments issued regarding driveway maintenance, he emphasized that it was imperative that property deeds as well as notes on the subdivision plan make clear the property owners' responsibilities for on-going maintenance and repair of the driveway. In response to Mr. Ophardt's question regarding the applicant's ability to comply with Mr. Reese's comments concerning stormwater management, Mr. Berger expressed confidence that all issues could be adequately addressed. Though Mr. Andarawis commented that he would like to see whether the combined drive would be a "driveway" or a "highway," Mr. Koval pointed out that if the access road were designed to town roadway standards, the property would "essentially be subdivided the same way." Mr. Ferraro, an outspoken critic of keyhole lots, stated that he believes that approval of this application would result in negative impacts to character of the neighborhood. He argued that the higher density subdivision will "set a precedent" resulting in increased density development within the zoning district. Mr. Koval countered, stating that although he is concerned when keyhole lots impact existing property owners, potential owners of the proposed lots will be clearly aware of the configuration of this subdivision before purchasing the lots. In response to Mr. Werner's question regarding the location of the nearest main that would support installation of a fire hydrant, Mr. Berger explained that he was uncertain of such a location at this time. Mr. Berger again explained that the Clifton Park Water Authority has approved individual water services. Board members appeared divided on whether or not the recommended increase in driveway width and fire hydrant installation would adversely affect the character of the neighborhood.

Mr. Koval offered Resolution #5 of 2015, seconded by Mr. Werner, to grant final subdivision approval to this application conditioned upon assurance that responsibilities for on-going maintenance and repair of the combined driveway be included in each property deed, the granting of an easement along the property's Bradt Road frontage for any future widening necessary for the installation of a trail connection, resolution of the issue regarding the width of the proposed combined drive and fire hydrant installation issue by either a sign-off from Mr. Myers, Zoning Enforcement Officer or the granting of relief by the State Appeals Board, and all items listed in the final comment letter prepared by the Planning Department. If any revisions to the proposed drive are required, the applicant must submit design plans for Planning Board review and approval. Ayes: Ophardt, Andarawis, Prescott, Werner, Koval. Noes: Ferraro.

[2015-021] **Mazzarelli, Jeffrey** – Proposed two-family dwelling, 1058 Route 146A – Public hearing for Special Use Permit #81021, preliminary site plan review and possible determination. SBL: 264.-2-54

Mr. Ferraro explained the review process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. He explained that although the Planning Board would deem the application complete, assume Lead Agency status, and issue a negative declaration, these actions would neither grant nor imply approval of this application. Should it be determined that additional environmental review is required based on input received at the public hearing, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Andarawis moved, seconded by Mr. Koval, 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. Ferraro, Chairman, called the public hearing to order at 7:52p.m.

Mr. Jeff Mazzarelli, applicant, proposes the construction of an addition to an existing residence on a 6.2 acre parcel located at 1058 Ballston Lake Road (Route 146A). The property lies within the town's CR (Conservation Residential) zoning district. In accordance with Section 208-16D(3)(a)[8] of the Town's Zoning Code, the applicant has requested approval to construct an attached three-car garage with a full walk-out basement and in-law apartment above. The existing home is served by a well and individual septic system.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments on this application. Per Section 208-11 of the Town Zoning Code, a minimum floor area of a dwelling unit is required to be 960 SF: the proposed 864 SF dwelling will require a variance. The proposed dwelling unit must be attached to the main house to qualify as a two-family residence: two dwelling units on a single parcel is not permitted.

Mr. Scavo reported that the ECC offered no additional comments regarding this application.

Mr. Scavo reported that the applicant has provided proof of mailing the required notification of the pending application to adjoining owners within 500' of the property boundaries. He noted that all comments included in the review letter issued on April 27, 2015 have been satisfactorily addressed. The Saratoga County Planning Board has agreed that the project will have no significant county-wide impacts.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the applicant provide a 15' wide easement along the property's Route 146A frontage for a future multi-use trail and/or utility easement.

There being no additional public comment, Mr. Ferraro moved, seconded by Mr. Werner, to close the public hearing at 7:56p.m. The motion was unanimously carried.

In response to Mr. Ophardt's question regarding the use of separate utilities, Mr. Mazzarelli stated that plans called for each unit to have separate utility connections. Though Board members were concerned that, per Mr. Myers' memo, the proposed dwelling unit would fall below the

required 960 SF of living space, Mr. Mazzarelli explained that the “connector” which would link the existing house with the addition had not been included in the original square footage calculation. It is likely that the addition will exceed the necessary 960 SF. Mr. Ferraro questioned whether or not the 15’ easement would be necessary considering the right-of-way width of Route 146A. Mr. Scavo explained that since no subdivision plat was associated with this application and no parkland fees were due, requiring the establishment of an easement could be considered a “taking” and expenses incurred by the applicant significant. Since the right-of-way width has not been determined, it was decided that approval of the Special Use Permit be conditioned upon the establishment of an easement if and when a trail was proposed along Route 146A.

The Planning Board members first considered approval of Special Use Permit #2015.

Mr. Ophardt offered Resolution #6 of 2015, seconded by Mr. Werner, to approve Special Use Permit #81021 to permit the construction of a two-family dwelling at 1058 Ballston Lake Road in accordance with Section 208-16D(3)(a)[8] of the Town of Clifton Park Zoning Code conditioned upon the issuance of a building permit for construction of the second dwelling unit and assurance that a 15’ easement for possible future trail development along the property’s Route 146A frontage be provided when required. Ayes: Ophardt, Andarawis, Prescott, Koval, Werner, Ferraro. Noes: None.

The Board then considered site plan approval.

Mr. Ophardt moved, seconded by Mr. Prescott, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of all items listed in the final comment letter prepared by the Planning Department. Ayes: Ophardt, Andarawis, Prescott, Koval, Werner, Ferraro. Noes: None.

### **Old Business:**

Since the following two agenda items are related and information regarding both the subdivision and site plan were presented as one submission to the Planning Department, the Board found it reasonable to consider them concurrently.

[2014-038] **Fairchild II – North (Lots 2-5)** – Proposed construction of (5) new warehouse buildings totaling 215,000 SF and amendment to subdivision of Lot C, 55 VanPatten Drive – Preliminary site plan review. SBL: 259.-2-84.11

### **New Business:**

[2015-024] **Fairchild II – North Subdivision** – Proposed (5) lot subdivision, VanPatten Drive – Conceptual review. SBL: 259.-2-84.11

Ms. Jacqueline Phillips-Murray, legal representative for the applicant, and Mr. Tom Andress, project consultant, were in attendance at the meeting. Ms. Phillips-Murray explained that at its May 5, 2015 meeting, the Zoning Board of Appeals approved variances for shared parking and driveway access for the site. She asked that the Planning Board schedule a public

hearing for consideration of the subdivision at its June 23, 2015 meeting explaining that the applicant is working diligently to satisfactorily address all of the concerns expressed by the town's professional staff, Town Engineer, and Board members.

Mr. Andress explained that the Stormwater Pollution Prevention Plan is being finalized, SEQRA issues are being addressed, and additional traffic information is being analyzed. Describing the comments issued by M J Engineering and Land Surveying, P.C. as "minor," the speaker expressed confidence that all issues would be addressed by the June 23, 2015 meeting. He reported that the stormwater management plan is nearly complete: most of the site drainage will be directed to the existing basin on the south side of Mapleline Road: on-site infiltration and "some work on site" will be required to handle "roof run-off." Mr. Andress stated that five (5) traffic reports have been completed to date. He presented a sketch illustrating the proposed increased length of the left turn lane from the Ushers Road – VanPatten Drive intersection to the site's entranceway. Any issues regarding access and maneuvering space for fire apparatus and emergency vehicles will be resolved with Ms. Reed, Chief of the Bureau of Fire Prevention and Mr. Myers, Director of Building and Development. Mr. Ferraro pointed out that the need for improved access to buildings may negatively impact landscaping and he asked that the applicant address this concern with the next submission.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments in a memo dated May 12, 2015. Variances have been approved by the Zoning Board of Appeals conditioned upon the stipulation that no access to Mapleline Road be allowed. A number of questions regarding stormwater, building separation distances, and maneuvering distances still exist. Verification of 911 addresses must be provided. Due to the limited access to the front of the buildings – particularly those on Lots D, E, and F - due to loading docks in several locations, fire apparatus access to the rear of some of the buildings may be required.

Mr. Scavo stated that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that a revised postal verification form be provided.

Mr. Scavo read the comments prepared by the ECC regarding this application. The applicant *shall* submit a Stormwater Management Plan for review by the Town's Engineer. The stormwater report shall evaluate the entire Fairchild complex. The ECC recommends that the applicant incorporate lighting that is directional and limited as documented by a photometric plan. The applicant *shall* comply with the Town's Hazardous Materials Policy, which can be obtained from the Stormwater Management Technician. If hazardous materials will be stored on this site, the applicant must submit a plan for approval addressing handling, storage, and spill response to the Town of Clifton Park Stormwater Management Technician before such materials are stored. Mr. Scavo reported that the ECC noted that the comments for site plan consideration shall be applicable for the subdivision review. The ECC reserved additional comments until such time the SEQRA process is completed.

Mr. Scavo read the comments prepared by Mr. Reese, Stormwater Management Technician. The applicant must describe how stormwater will be controlled on site and/or directed safely to the existing stormwater management area to the south of the site. The concern is that during a large storm event the amount of runoff from impervious areas will overwhelm the closed

drainage system and open drainage swales causing water to flow across Van Patten Drive and Mapleline Road onto adjacent properties.

Mr. Scavo read comments included in his letter to the applicant dated May 19, 2015. Prior to the issuance of a SEQR determination by the Planning Board, the applicant must ensure that all potentially large impacts have been mitigated to the Board's satisfaction. Based upon previous reviews and discussions, these impacts may include, but are not limited to, traffic and stormwater management concerns. As noted in the applicant's submittal package cover letter, the Planning Board must conclude SEQR prior to conducting a public hearing for the consideration of the preliminary subdivision application. Archeological field testing was conducted by Black Drake Consulting. Shovel test pits were dug at the standard interval of 15meters/50 feet (as required by OPRHP). The conclusion of the field test determined that no archeological deposits were identified. There are no proposed exterior wall mounted lights over the doorways for the proposed side entrances to each building. The applicant should clarify the location of all proposed exterior lighting which includes wall mounted lights. A detail of how the ADA-compliant curb drops and signage will be accommodated for each building should be shown. The handicapped space must be located to provide the closest accessible route to a public entrance door for each building. Handicapped signage locations should be delineated and the location of mounting poles should be shown on the plans. The running slope of the curb ramps should be shown to meet ADA requirements in relation to the finished sidewalk and asphalt top coat elevations. The plan appears to show one dumpster area at this time between buildings A and B. If additional exterior dumpster locations are needed, they should be shown on the plan.

Mr. Bianchi explained that after review of materials submitted by the applicant for this evening's meeting, M J Engineering and Land Surveying, P.C. offered a number of comments and recommendations in correspondence dated May 26, 2015. A fully conforming Stormwater Pollution Prevention Plan (SWPPP) has not been submitted for review: a technical review of the stormwater design cannot be completed. It is the opinion of M J Engineering and Land Surveying, P. C. that absent the ability to review the SWPPP in conjunction with the proposed stormwater management system design, the Planning Board may not have sufficient information to make a SEQRA determination on either the subdivision or site plan application. The subdivision plat should identify the area variances received for the project from the Town Zoning Board of Appeals. The full parcel area of existing Lot C (1 Fairchild) should be shown as part of the subdivision plat for clarity since a lot line adjustment appears to be proposed for this lot. For clarity, it is suggested that a subdivision plat be prepared separately from the site plan that emphasizes proposed lot sizes and bulk lot criteria rather than proposed site improvements. The final subdivision plat shall be stamped by a surveyor licensed to practice in New York State. The site plan should identify the area variances received for the project from the Town Zoning Board of Appeals. The applicant must provide a detail for the emergency access gate shown on the site plan. The applicant is asked to coordinate with the responding emergency agencies for any specific locking devices that may be requested at the gate and to specify the type (following MUTCD standards) and mounting height for the proposed signage associated with the emergency access gate. The site plan shows an adequate number of accessible spaces based upon total number of parking spaces proposed pursuant to the Building Code of New York State; however, there should be consideration of providing one accessible space per proposed building. If this is to be employed, Building A would require one accessible space and aisle. The accessible space shown for Building B and Building

E do not appear to have a well-defined accessible route from the accessible aisle to the building entry. In instances where an accessible ramp is proposed, it should be noted on the plans with a supporting detail demonstrating compliance with the 2010 ADA Standards for Accessible Design for curb flares, ramp width, grade, and landing grade dimensions. The northern most overhead door on the east face of Building A appears to have limited vehicle access. The door location may need to be modified or eliminated to avoid conflicts with vehicles utilizing the adjacent overhead doors. The secondary ingress/egress points out of Building D and E terminate in the approximate middle of adjacent parking spaces. There should be consideration of a more logical termination of these sidewalks, potentially further south of the parking area and aligned with one another. There should be consideration of shifting the entry point to the proposed sidewalk along the eastern edge of the property that extends out to Van Patten Drive. A potential relocation would be further north and away from the overhead door drive access to Building D. The site plan should identify the proposed tree line as illustrated on other proposed conditions plan for consistency. Information on the dimension requirements and paint color for proposed painted stop bars and cross walks should be provided. The proposed grading behind Buildings D, E, and F must be further defined (potentially with a 0.5-foot interval contour) to illustrate the routing of surface runoff towards each of the proposed drywells. Any required grading modifications associated with the changes to the access drive between 4 and 6 Fairchild Square should be shown on the plan. There must be confirmation from the responding emergency services that adequate access will exist around the proposed buildings when considering the grading, berming, and landscaping.

Mr. Bianchi offered several additional comments. New STMH#1 is shown connecting to the existing site storm line such that there will be less than 90 degrees along the line of flow. The point of connection should be modified such that no less than 90 degrees is provided between the existing and proposed storm lines. Provide the pipe diameter and slope for the section of storm pipes connections CB #23 through #25 to the existing storm line behind 4 Fairchild Square. CB #23 through #25 are proposed to connect to an existing storm line behind 4 Fairchild Square. There must be an indication as to how the existing tree row will be protected during the required pipe installations. New SMH#1 is shown connecting to the existing site sanitary sewer such that there will be less than 90 degrees along the line of flow. The point of connection should be modified such that no less than 90 degrees is provided between the existing and proposed sanitary sewer lines. The sanitary lateral for Building D is shown with curvature along its length. Changes in pipe direction should include a manhole or cleanout: field bends of gravity lines without these features is generally discouraged. The existing sanitary manhole just south of Building E may need to have a water tight frame and cover as under proposed conditions this structure is within a depression that may collect surface runoff potentially entering the sanitary sewer system. The proposed hydrants west of CB #8 and east of CB #11 should include bollards for protection against vehicle impact. The bollards shall meet the prescriptive requirements of the Fire Code of New York State. Buildings A and B do not show the drip edge condition, similar to other proposed buildings. The applicant is asked to clarify whether a drip edge is proposed for these buildings or if a gutter system is proposed. As noted in a previous comment, a Stormwater Pollution Prevention Plan (SWPPP) has not been provided and, therefore, a comprehensive review of the site stormwater systems cannot be completed. Upon submission of the SWPPP, the review of the site stormwater systems will be conducted. All utility work proposed within public rights-of-way (Mapleline Road and Van Patten Drive) shall require permitting through the Town Highway Department: notation to that effect should be added to the Utility Plan. The planting plan must

include the species for plantings shown adjacent the loading dock access. The applicant must provide additional specifications for the proposed “common picnic area.” The common picnic area appears to be shown on top of an existing tree. Modify the picnic area as necessary. The Erosion Control Plan must identify the construction access (with detail), temporary sediment traps, and top soil stock pile areas as appropriate. The Striping Improvement Sketch provided will improve the operating condition of the intersection; however, the 8-foot lane width proposed may not provide sufficient room for access to the left turn lane for left-turning vehicles. During the PM peak, the queue distances is noted as being 175 feet in length and within this distance, the lane width decreases from 10 feet, at 125 feet from the intersection, to 8 feet up to 175 feet from the intersection. If vehicles queuing in the right turn lane do not stay in the middle to right side of the turn lane, access to the left turn lane may be blocked. There should be an attempt to widen the turn lane to provide the full 10-foot width over the entire 175 feet of proposed turning lane or provide a discussion as to why this geometry cannot be provided.

Summarizing his numerous comments, Mr. Bianchi underscored the following as the most significant: listing the approved variances granted by the Zoning Board of Appeals on the plan; providing information regarding required emergency access to proposed buildings; incorporating appropriate handicapped accessible standards in the project design; providing adequate road width for the entire length of the proposed turn lane.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the applicant provide bicycle/pedestrian connections between Buildings A, B, and C and other properties in Fairchild I and II. The installation of a crosswalk and connecting sidewalks between Buildings D and E is requested. The installation of a bike rack near the entranceway of each building should be required. The applicant is asked to provide a detail of the crosswalk at the Fairchild Square/VanPatten Drive intersection for review. The Trails Subcommittee recommends that the applicant provide a connection to the front entrance of Building F similar to the one provided for Building E. Mr. Andress stated that he would collaborate with Ms. Viggiani, Open Space Coordinator, regarding the best placement for sidewalks and crosswalks.

Mr. Ferraro noted that since the project generally consists of warehouse uses with limited office space that required few employees, the applicant may wish to limit pedestrian activity through the sites, focusing instead on providing connections to existing “major trails” in close proximity to the project. In response to Mr. Werner’s question regarding the failure of the traffic report to include information on large trucks entering and exiting the site, Mr. Andress explained that the applicant is attempting to attract smaller businesses that would require fewer large truck trips. Mr. Werner asked that the applicant include the number of anticipated truck trips with the next submission since that number may impact the length of the proposed stacking lane on VanPatten Drive. Mr. Ferraro stated that he supported the applicant’s request to be placed on the June 23, 2015 agenda and identified the significant issues to be addressed as the negative impacts that fire access might have on existing building footprints and undisturbed areas and the adequacy of the stormwater management design to handle significant water flow.

[2015-023] **Wit’s End Expansion** – Proposed 14,000 SF addition to existing retail store, 1762 Route 9 – Conceptual site plan review. SBL: 272.-1-17

Mr. Gavin Vuillaume, consultant for the applicant, explained that the owner of the existing Wit's End Giftique proposes a 14,000 SF expansion of the store which is located on the westerly side of Route 9 just south of the Post Office. The 4.3 acre parcel is located within the B-4A zoning district. The existing building totals 16,000 SF: total building area with the expansion will be 30,000 SF. 25 additional parking spaces are proposed, bringing the total number on site to 180. 35% greenspace is proposed. The building is currently serviced by the Clifton Park Water Authority and the Saratoga County Sewer District. The existing sidewalk in front of the store will be extended to the new entranceway and parking area. Stormwater will be directed to an existing stormwater basin along I-87 (the Northway) that was enlarged approximately five (5) years ago. With the exception of the parking along Route 9, all required setbacks have been met. If necessary, the applicant will seek a variance from the Zoning Board of Appeals.

Mr. Scavo read the comments provided by Mr. Myers, Director of Building and Development. A front parking variance will be required. The building appears to be situated on two lots. The applicant is asked to provide documentation that the lots have been combined. He noted that sign variances resulted in an agreement between two owners to allow only an off-site sign.

Mr. Scavo explained that the ECC provided the following comments regarding this application. The applicant should reserve and display on the site plan or subdivision proposal sufficient rights-of-way to accommodate multi-use trails to interconnect the proposed property with existing and contemplated trail networks, as defined in the Town Trails Master Plan. The applicant must show where the proposed green space is located using color shading and confirm that the required greenspace requirement is met. In keeping with the suburban nature of the project area and the recommendations of the Town Comprehensive Plan, the applicant should retain existing vegetation to the maximum extent practical, and use landscaping and grading to provide visual and auditory buffering between the project and (roadway, subdivision, school, etc). The applicant should incorporate landscaping and grading to provide visually and auditory buffering from both Interstate 87 and NYS Route 9.

Mr. Scavo read the comments issued by Mr. Reese, Stormwater Management Technician. The applicant shall provide the approach this project will take to handle the quantities and quality of stormwater runoff. The plans should show the existing stormwater management areas.

Mr. Scavo explained that the following comments were issued by the Planning Department. The two parcels must be combined prior to the stamping of the final site plan. Pursuant to Section 208-50.2 of the Town Code, "...no retail establishment within a building or structure shall contain total gross floor space equal to or exceeding 30,000 square feet." Based upon the concept plan, it appears that this addition will reach the maximum development capacity for the project site in accordance with the B4-A bulk zoning standards. The proposed project is subject to Section 239 of General Municipal Law and will be referred to the Saratoga County Planning Board for review. According to parking requirements outlined in the Town Code, the 30,000 SF retail store will require one space per every 200 SF of gross floor area which equals 150 parking spaces. 180 spaces are proposed. The plan should indicate if the proposed project will increase or decrease the amount of greenspace from the existing conditions and measures should be made to increase the

quantity and quality of greenspace as appropriate. The plan should include measures to better define vehicular circulation patterns between properties as discussed during previous Planning Board review of this application. All existing utilities (i.e. stormwater), ingress/egress easements, and shared parking arrangements should be clearly identified on the plans. The existing stormwater basin to the rear of the parcel should be clearly delineated. The applicant's response to question 3.b. of Part I of the Short EAF notes one acre is to be physically disturbed. A full Stormwater Pollution Prevention Plan will be required. Mr. Scavo recommends that the applicant consider the establishment of a 30' wide ingress/egress easement to be located to the north front parking area to allow for a future cross access to be developed between that parking area and the existing parking area in front of the Post Office. Mr. Scavo noted that the proposed addition appeared to be "angled" to follow the property's northerly boundary and he asked if it could be straightened to reduce visual impacts for those traveling the Route 9 corridor.

Mr. Bianchi reported that M J Engineering and Land Surveying, P. C. reviewed the materials submitted for review and issued the following comments and recommendations in a letter dated May 22, 2015. Based upon 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 are not necessarily limited to the following: Clifton Park Water Authority – potential taking of additional water; Saratoga County Planning Board – 239m referral due to project's proximity to U.S. Route 9; Saratoga County Sewer District No. 1 – potential discharge of additional sewage; New York State Department of Environmental Conservation – potential permit coverage under stormwater SPDES and identification of threatened and endangered species if project is subject to GP-0-15-002; New York State Office of Parks, Recreation and Historic Preservation – identification of the existence or absence of cultural and historic resources should the project be subject to GP-0-15-002. Additional interested and involved agencies may be identified over the course of the Town's review of the application. Under Part I.2 of the Short Environmental Assessment Form, if the project expects 1 or more acres of disturbance, the NYSDEC should be added as an additional permitting agency. Under Part I.3.b, the response indicates 1.0+/- acres of disturbance is expected. Should 1 or more acres of disturbances occur, the project will be subject to GP 0-15-002 and a project specific stormwater pollution prevention plan will be required as part of subsequent submissions. Under Part I.12.b, the response indicates that the project is located in an archeologically sensitive area. If the project is subject to GP 0-15-002, documentation shall be provided demonstrating that the project is eligible for permit coverage. The project is located within the Town's Highway Business/Restricted Retail B4-A Zoning District. In reviewing Section 208-50.2 (B) of the Town's Zoning Code the proposal for an expansion of an existing retail outlet is a permitted principal use. Based upon the review of the concept plan prepared, the following potential deficiencies in the bulk lot requirements have been identified:

a. Section 208-98 states that no building or part of a building, other than steps, eaves and similar fixtures, shall extend nearer than 130 feet from the center line of U.S. Route 9. The plans do not provide a dimension from the center line of U.S. Route 9 to confirm whether or not this bulk lot dimension is being provided.

b. Section 208-50.3(B) states that there shall be no parking allowed within 30 feet of the front lot line. The plan shows existing parking within a few feet of the front lot line. The Town

Engineer would defer to the Town's Chief Zoning Officer on whether this is a pre-existing non-conformity that may or may not need to be reconciled as part of this proposal.

c. Section 208-50.3(C) indicates that no automobile parking space shall extend nearer to a side property line than 20 feet. The plan shows what appears to be existing parking spaces to remain at the northeast corner that are within the stated setback. The Town Engineer would defer to the Town's Chief Zoning Officer on whether this is a pre-existing non-conformity that may or may not need to be reconciled as part of this proposal.

d. Section 208-50.5 requires the property margins at the sides from the front building line to the rear property line shall be planted with trees and shrubs for a width of not less than 15 feet. The concept plan provides little in the form of landscaping, especially north of the expansion where there is no landscaping on the adjacent lot to the north. The project encompasses two separate tax parcels and it is assumed that there would be a lot consolidation as part of the proposed development plan. A deed consolidating the lots should be provided to the Town as part of the final plan approval along with documentation of filing with the County Clerk's office. The entry to the parcel from US Route 9 and continuing into the site has an unusual alignment where the entry is wide then continuing west, the parking area and buffer extends into the drive lane. Further, the first entry into the project site, immediately west of US Route 9 can potentially create conflicting turning movements for vehicle entering the private drive and into the site. There should be an examination of modifying vehicular circulation into and through the project site. The plan offers little in the form of accommodations for pedestrian linkages to adjacent uses or the public right-of-way. The Planning Board may desire to have sidewalks along US Route 9 and connectivity to and from the project site and other adjacent uses. Subsequent submissions shall indicate how sanitary sewer and potable water service is to be provided to the building expansion. Subsequent submissions shall detail how stormwater management is being accommodated. Should the project be subject to GP 0-15-002 and a redevelopment approach be taken as outlined in Chapter 9 of the New York State Stormwater management Design Manual, appropriate justification shall be provided supporting this approach. In the event the project is determined as not being subject to GP 0-15-002, at a minimum, an analysis shall be completed demonstrating that the project development will not adversely impact adjacent properties. The applicant is asked to indicate the location of the required Knox Box or notation furnished indicating the final locations shall be determined as part of the building permit process. The plan should also indicate whether the proposed buildings will be equipped with automatic sprinklers: if so, the fire department connection should be noted on the plans or notation furnished indicating that the final locations shall be determined as part of the building permit process. Subsequent submissions should include architectural renderings with a summary of building materials to be utilized for review by the Planning Board. Considering the plan submitted is conceptual in nature, M J Engineering and Land Surveying, P. C. reserved further comments until more detailed plans and reports are submitted.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, offered several comments regarding this application. The applicant is asked to provide a bike rack near the entranceway to the business: the design, location, and installation details for the rack should be provided for verification by inspectors. The applicant should be required to provide a pedestrian connection between Wit's End and the Parkwood Plaza, as both properties are held under common ownership. The applicant should be required to

construct a sidewalk along US Route 9 from the shared entrance with Parkwood Plaza to the Post Office entrance.

Mr. Werner supported the request made by the Trails Subcommittee for the installation of a sidewalk along US Route 9, noting that other sites along Route 9 have been required to provide pedestrian connections as they were developed. Referencing the number of parking spaces, Mr. Koval questioned whether or not they were all needed. Ms. Susan Hoffman, applicant, stated that the spaces were definitely needed during the holidays when the business employs nearly 100 people. Mr. Ferraro stated that he found the plan generally aesthetically pleasing, though he asked that the applicant consider adding landscaping along the US Route 9 frontage. Mr. Ophardt noted that the alignment of the entranceway and the existing curbing within the site “was awkward” and he recommended that the applicant consult with NYSDOT regarding the possible narrowing of the entranceway from US Route 9. Mr. Ophardt also recommended the installation of a sidewalk link from any new walkway along US Route 9 to the site in the vicinity of the proposed sign and the possible closing of the eastern-most access to the store’s front parking lot. Board members appeared to find the concept plan generally acceptable.

[2015-027] **Verizon Co-Location at B.P.O.E.** - Proposed co-location of antennae on an existing communications tower, 695 MacElroy Road – Conceptual site plan review. SBL: 258.-2-84.1

Mr. Ferraro introduced this application, explaining that since it was a request to co-locate on an existing telecommunications tower, no public hearing would be required.

Mr. Hyde Clark., the applicant’s legal representative, presented this application that calls for the co-location of communications equipment on an existing tower located on the westerly side of MacElroy on property currently owned by the B.P.O.E. – Clifton Park Lodge #2466. The application consists of the following general components: the co-location of twelve (12) panel antennas on three (3) antenna frames and related equipment at a height of 160’; one prefabricated, locked and secure unmanned equipment shelter measuring 12’ x 30’ (360 SF) in size within the existing fenced compound area; cable bridge with mounted GPS unit, connecting the antennas to Verizon Wireless’ unmanned equipment shelter and electronic telecommunications equipment; other appurtenances, fencing, utility services (power and telephone/fiber) necessary to the operation of the communications facility. No tower marking and/or lighting is proposed. Mr. Clark believes that the new equipment will have “minimal visible impacts” to adjoining properties.

Mr. Scavo reported that the application has been forwarded to Mr. William Johnson, the Town’s Designated Engineer for the review of telecommunications towers and co-locations, for his comments and recommendations. He noted that the existing tower located at 695 MacElroy Road received approval of a Special Use Permit from the Planning Board on August 8, 2014 that allowed for the co-location of up to four (4) “co-locaters.” Upon receipt of the engineering report, the application will be placed on the Planning Board agenda for preliminary site plan review.

In response to Mr. Ophardt’s question regarding the type of fuel to be used by the backup generators, Mr. Clark explained that although the company usually relies on diesel fuel, the use of propane is being considered due to the parcel’s proximity to wetlands. He stated that more details

will be available at the time of preliminary review. Though Mr. Ophardt expressed concern about the cumulative noise effect that would be created if multiple generators were operating at the same time, Mr. Koval pointed out that there were no homes “within 1,200 feet” of the property. Board members found the project proposal generally acceptable.

**Discussion Item:**

[2014-023] **Boni Office Building** – Request for one year extension of the site plan approved on May 21, 2014. SBL: 277.13-4-2

Mr. Scavo explained that Mr. Boni, applicant, has requested a one year extension of an existing site plan approval granted on May 21, 2014. Mr. Boni anticipates that construction of the 2,996 SF office building at 313 Vischer Ferry Road will commence in the near future and be completed by the spring of 2016.

Mr. Koval moved, seconded by Mr. Werner, to grant a one year extension to the Boni Office Building site plan stamped on May 21, 2014 in accordance with Section 108-120B of the Town of Clifton Park zoning code. The final expiry date of the site plan approval will be May 21, 2016. The motion was unanimously carried.

Mr. Ophardt moved, seconded by Mr. Koval, adjournment of the meeting at 9:27p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on June 9, 2015.

Respectfully submitted,

Janis Dean, Secretary

**NOTICE OF DECISION**

**Resolution #5 of 2015**

**Final Subdivision Approval**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on May 27, 2015, there were:

Present: R. Ferraro, E. Andarawis, J. Koval, E. Ophardt, E. Prescott, T. Werner

Absent: K. Paulsen, A. Neubauer (alternate member)

Mr. Koval offered Resolution #5 of 2015, and Mr. Werner seconded, and

Whereas, an application has been made to this Board by Andrew Neil for approval of a subdivision entitled Subdivision of the Lands of Andrew Neil Bradt Road Residential Subdivision consisting of (4) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 27, 2015;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on March 24, 2015;

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the subdivision plat entitled Subdivision of the Lands of Andrew Neil Bradt Road Residential Subdivision consisting of (4) lots is granted final approval conditioned upon assurance that responsibilities for on-going maintenance and repair of the combined driveway be included in each property deed, the granting of an easement along the property's Bradt Road frontage for any future widening necessary for the installation of a trail connection, resolution of the issue regarding the width of the proposed combined drive by either a sign-off from Mr. Myers, Zoning Enforcement Officer, or the granting of relief by the State Appeals Board, and all items listed in the final comment letter prepared by the Planning Department. If any revisions to the proposed drive are required, the applicant must submit design plans for Planning Board review and approval.

Resolution #5 of 2015 passed 5/27/2015

Ayes: Ophardt, Andarawis, Prescott, Werner, Koval

Noes: Ferraro

Rocco Ferraro, Chairman

**NOTICE OF DECISION**

**Resolution #6 of 2015**

**APPROVAL**  
**Special Use Permit**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on May 27, 2015 there were:

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

Mr. Ophardt offered Resolution #6 of 2015 and Mr. Werner seconded, and

Whereas, an application has been made to this Board by Jeffrey Mazzarelli for approval of Special Use Permit #81021 to permit the construction of a two-family residence within an CR zone pursuant to Section 208-16D(3)(a)[8] of the Town Code of the Town Code;

Whereas, pursuant to Section 276 of the Town Law a public hearing was advertised and was held on May 27, 2015 in the Town Office Building,

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA, and

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now therefore, be it resolved that the Planning Board approves the application of Jeffrey Mazzarelli for approval of Special Use Permit #81021 to permit construction of a two-family residence within an CR zone pursuant to Section 208-16D(3)(a)[8] of the Town Code conditioned upon the issuance of a building permit for construction of the second dwelling unit and assurance that a 15' easement for possible future trail development along the property's Route 146A frontage be provided when required.

Resolution #6 of 2015 passed 5/27/2015

Ayes: Ophardt, Andarawis, Prescott, Werner, Koval, Ferraro

Noes: None

R. Ferraro,

Chairman