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PLANNING BOARD

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Joel Koval

Eric Ophardt

Kim Paulsen

Eric Prescott

Tom Werner

(alternate) Andy Neubauer

Planning Board Meeting
June 9, 2015

Those present at the June 9, 2015 Planning Board meeting were:

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

Those absent were: E. Andarawis, E. Prescott

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 Mr. Neubauer would be sitting as a full voting member at this evening's meeting in the absence of Mr. Andarawis and Mr. Prescott

Mr. Ferraro made announcements regarding public informational meetings. The Capital District Transportation Committee (CDTC) has announced two public information meetings to present the draft plan entitled New Visions 2040 – a new long-range, regional transportation plan. Meetings are scheduled for June 16, 2015 in Meeting Room 6 at the Empire State Plaza from 6:30-8:30p.m. and on June 18, 2015 at the Niskayuna Town Hall from 6:30-8:30p.m. National Grid will present a “conference or summit” entitled National Grid’s Energy Solutions for Clifton Park focusing on the utility’s use of “smart technologies” to improve its service to residential and commercial customers. The meeting will be conducted at the YMCA located at One Wall Street, Clifton Park on June 16, 2015. Meetings are scheduled for 7:30a.m., 12:30p.m., and 7:00p.m.

Minutes Approval:

Mr. Werner moved, seconded by Mr. Koval, approval of the minutes of May 27, 2015 as written. Ayes: Ophardt, Werner, Koval, Ferraro. Noes: None. Abstained: Paulsen, Neubauer.

Public Hearings:

[2014-055] **Mackey – Kendra Drive Subdivision** – Proposed (8) lot subdivision, 1644 Crescent Road – Preliminary public hearing and possible decision. SBL: 288.-2-43.11

Mr. Ferraro introduced this agenda item, explaining that the application had been scheduled for a public hearing at the April 14, 2015 Planning Board meeting. Since it was determined at that time that the application was incomplete and a reasonable SEQRA determination could not be issued, no public hearing was conducted at that meeting.

Mr. Ferraro explained the review process to those present, stating that the Planning Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. Although this action normally takes place at this point during the review process, he expressed concerns that the on-going issues regarding mitigation measures for impacts to environmentally sensitive features of the parcel raised serious concerns about the viability of the subdivision - particularly the feasibility of building on Lot #2. Explaining that it was difficult for the applicant to “work within the constraints of the site,” he recommended that the applicant present the revised design plan to those present before the Board considered issuing a SEQRA determination. Board members agreed that it would be prudent to delay the environmental determination until all plan modifications had been outlined.

Mr. Luigi Palleschi, consultant for the applicant, presented this application which calls for the subdivision of 30.15 acres of land into eight (8) single-family residential building lots ranging in size from one acre to 2.32 acres of land for the Board’s consideration. Open space areas ranging in size from .16 acres to 11.75 for a total of 15.10 acres will be permanently preserved. The 11.75 acre parcel will be deeded to the Town of Clifton Park: the smaller parcels of open spaces will be held in private ownership as portions of the proposed lots. The property to be subdivided lies within the CR (Conservation Residential) zone on the southerly side of Vischer Ferry – Crescent Road and will connect to the Southwick Meadows cluster subdivision via the extension of Kendra Drive. Water will be provided by the Clifton Park Water Authority and connection will be made to the Saratoga County Sewer system. .04 acres of wetland disturbance on Lots #2 and 3 is anticipated. As requested by the Planning Board, the wetland delineation was been updated by Gil VanGuilder Land Surveyors in April, 2015. A basic erosion and sediment control plan has been submitted.

Mr. Palleschi explained that the subdivision plan presented this evening shows the accurate wetlands boundaries, illustrates that the proposed house for Lot #1 has been moved outside of the wetland boundary, and indicates that .04 acres of wetland disturbance on Lot #2 will be required to redirect the water to the rear of the parcel. The applicant is awaiting receipt of ACOE permits. The speaker reported that after collaborating with Mr. Myers, Director of Building and Development and Mr. Scavo regarding test pit results and groundwater levels, a number of

methods have been employed to assure that there would be a minimum of 2' between ground water levels and finished basement floor elevations for all proposed residences. He viewed the technical concerns identified by M J Engineering and Land Surveying, P.C. as "minor" and stated that they would be satisfactorily addressed prior to the stamping of the final plat.

In response to Mr. Koval's question regarding the location of the basin drain, Mr. Palleschi described the basin as only "seasonally wet," expressing confidence that the underdrain would handle flows efficiently. The consultant agreed to evaluate the stormwater management area's ability to deal with 100-year storm events. Mr. Ophardt questioned whether or not fencing would be installed to identify wetland boundaries: Mr. Palleschi explained that split-rail fencing would be used to prevent disturbance of such areas. Mr. Ferraro emphasized the importance of making potential homebuyers aware of the responsibilities associated with maintenance of the drainage pipe to be installed between Lots #1 and 2 and protection of wetland resources, requesting that such information be included not only on the subdivision plat and individual deeds but also in marketing materials and site-specific plot plans. Mr. Ferraro expressed his particular concern for the construction of homes on Lots #1 and 2, remarking that existing wetland areas will impact the "homes, rear yards, and driveways" of those properties and noting that the "displaced water" must "go somewhere." In response to Mr. Koval's question concerning the redirection of water contained in the isolated wetland on Lot #2, Mr. Palleschi explained that a 12" pipe to be installed along the property boundary with Lot #1 will direct the insignificant amount of water from the isolated wetland to an eventual discharge point on Lot #3. Board members discussed the location of the 12" pipe, its ability to handle the anticipated water flow, and required maintenance issues. Both Mr. Bianchi and Mr. Scavo stated that maintenance of the piping was minimal. Mr. Palleschi stated that the developer would be required to place a "trash protector" on the intake end to help prevent obstructions from blocking water flow and to make maintenance easier. Mr. Koval asked that reference to the maintenance required be included in the new property deeds. In response to Mr. Ferraro's question regarding the increased water flow to the existing wetland, Mr. Palleschi stated that such flow would be minimal and that prior to the issuance of the appropriate permit, the ACOE would review the entire stormwater management plan. Mr. Ferraro restated his concerns, fearing that if homeowners did not act responsibly there could be significant impacts to adjoining properties: he was unconvinced that existing pockets of isolated wetlands would be "diverted effectively." Both Mr. Ophardt and Mr. Koval viewed the filling and diversion of the small wetland area as "minor" and that impacts to adjoining properties would be insignificant.

At this point Board members discussed the reasonableness of deeming the application complete and issuing a SEQRA determination. Mr. Ferraro summarized his concerns, listing the following: the amount of wetland disturbance on Lots #1 and 2 would make a single lot more viable; skepticism that the owner of Lot #2 will consistently provide the necessary maintenance of the drainage pipe; knowledge that displaced water "must go somewhere," possibly impacting adjoining properties; the lack of assurance that trees providing soil stability will be preserved in perpetuity; the environmentally sensitive features of the site that constrain development.

Mr. Koval moved, seconded by Mr. Ophardt, to establish the Planning Board as Lead Agency for this application, a Type 1 action, and to issue a negative declaration pursuant to SEQRA. Ayes: Ophardt, Paulsen, Werner, Koval. Noes: Neubauer, Ferraro.

Mr. Ferraro, Chairman, called the public hearing to order at 7:55p.m. The Secretary read the public notice as published in the Daily Gazette on June 1, 2015.

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 read the comments prepared by Mr. Myers, Director of Building and Development. A review of the soils data presented with the preliminary submission indicates that there are basement floor elevations at or below the groundwater elevations proposed. He noted that it has been “a dry season to date.” The groundwater will be exposed in the basement once the sump pits are installed which means that the foundations would be installed in standing water. Mr. Myers believes that the soil conditions do not reflect the actual high ground water elevations: field conditions will dictate footing elevations. The footings will be required to be a minimum of 2’ above groundwater or reflect the shown elevations – whichever is higher. It appears that the drainage easements between Lots #5, 6, and 7 have been established to provide access to the catch basins in the ditch lines between the properties. He recommends that the ditches be continued to the right-of-way where basins could be installed as needed. Although some soils information and basic inspection procedures have been added to the stormwater “policy,” no other substantial changes were found. Mr. Myers noted that several of the previously-issued comments remain to be addressed.

Mr. Scavo read the comments prepared by the ECC. The ECC is concerned with the adverse interaction of the existing water table and proposed residential basements. The applicant shall show area topography to demonstrate the source of on-site drainage flow that contributes to the on-site water features. The ECC notes that the project may result in intrusion into federally jurisdictional wetlands. The applicant must either avoid intrusion into ACOE wetlands or apply for a Federal Wetlands Permit for any disturbances. The permitting should consider the filling of the wetlands on the drainage corridor on Lot #2. The Town of Clifton Park should be provided with copies of all related correspondence. Prior to approvals the applicant shall provide proof that the open space has been deeded as private or public open space in accordance with the CR zoning code. Split-rail fencing should be located along the LC zone border and fencing added to Lots #4-7 where appropriate.

Mr. Scavo offered comments prepared by the Planning Department. The standard notes for “Permanent Open Space Areas” shall be added to the final subdivision plan. The labeled “Open Space Area” on Lots #1, 2, and 3 shall be changed to “Permanent Open Space.” The sample deed for Lots #2 and 3 shall be provided to Mr. Pelagalli, Planning Board Attorney, for his review and approval. A note must be added to the plans which states:

Permanent Open Space – The permanent open space portions of Lots #2 and 3 are restricted from future development, except for those uses listed in Section 208-16D(2) of the Clifton Park Town Code.

The sample deed language for Lots #6, 7, and 8 shall be provided to Mr. Pelagalli, Planning Board Attorney, for his review and approval. The deeds should incorporate language for the proposed

town stormwater drainage easements to maintain the catch basins and storm sewer lines located on private property. The language should note that no fence, wall planting, tree plantings, building, accessory structure, or other obstruction may be placed or maintained within each said drainage easement without the written approval of the Clifton Park Highway Superintendent. The applicant is advised that, pursuant to Town Law (Section 276(7)(c)), a conditional final subdivision plat expires 180 days following the date of the resolution of approval unless all conditions are satisfied. The Planning Board may extend, for periods of ninety days each, the time in which a conditionally approved plat must be submitted for signature if, in the Planning Board's opinion, such extension is warranted by particular circumstances. The applicant is required to request an extension in writing to the Planning Board within 30 days of each aforementioned expiration.

Mr. Bianchi reported that, after review of the information submitted for preliminary review, M J Engineering and Land Surveying, P.C. offered the following comments and recommendations. All comments previously issued regarding SEQRA and the Full Environmental Assessment Form submitted with project plans have been satisfactorily addressed. The foundation drain for Lot #2 extends into the undisturbed portions of the USACOE wetlands. The terminus end of the foundation drain must be revised to be outside the wetlands or the extent of disturbance associated with the foundation drain installation shown must be identified. Comment 7 of the April 10, 2015 review letter requested that the invert information be provided for the driveway culvert on Lot #2. The response indicates the information has been updated, however the submitted plans do not show the referenced culvert. With the completion of test pits within the project, mottling was identified, which is an indicator of seasonal high groundwater. The presence of seasonal high groundwater may impact the design as currently proposed and further adjustments may be necessary. M J Engineering and Land Surveying specifically notes the following:

- a. Test Pit #2 indicates mottling at 36" below existing grade of 688.5'. This places seasonal high groundwater at 685.5'. The house on Lot #2 has a basement finished floor at the same elevation as the apparent seasonal high groundwater elevation.
- b. Test Pit #3 indicates mottling at 36" below existing grade of 687.0'. This places seasonal high groundwater at 683'. The proposed stormwater basin has a bottom elevation of 682.5', below the apparent seasonal high groundwater elevation. Additionally, the basin shows an underdrain that may not function, considering the depth to both apparent seasonal high and observed static groundwater conditions.
- c. Test Pit #4 indicates mottling at 48" below grade of 690'. This places seasonal high groundwater at 686'. The house on Lot #5 has a basement finished floor at elevation 687', one foot above the apparent seasonal high groundwater elevation.

In response to Comment 10 of the April 10, 2015 review letter, the requested standard split rail fence has been provided, however the gate location and width are not identified on the plans. The applicant is asked to coordinate the width and location with the Highway Superintendent. The applicant is asked to clarify Note 9 on the Subdivision Plan, ensuring that it is applicable only to existing regulated wetlands to remain and not placing permitting responsibility for disturbances associated with the project on individual landowners. Additional comments related to the Stormwater Pollution Prevention Plan. With the completion of the test pits, the data indicates that the bottom of the stormwater basin may potentially be at or below seasonal high groundwater.

The HydroCAD model utilizes a storage volume at or below the seasonal high groundwater. There should be analysis of the basin operation if seasonal high groundwater is encountered thereby reducing available storage volume.

Mr. Bianchi reported that as of this date “the applicant has essentially addressed” most of the comments included in the comment letter.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, offered a number of comments regarding this application. Although the applicant has agreed to install a road sign reading “Future Trail Access,” the current plan does not depict such signage at the proposed future trail access points. Per Trails Master Plan Standards, there must be some type of landscaping or open space between trail access points and property boundaries: the plan currently shows trail access points directly on the property boundaries of Lots #3 and 4. Mr. Hartnett commented that the “lack of fencing along the property boundaries of Lots #3 and 4” is of concern since “there is no way for future property owners to recognize where their properties end and the trail access points begin.” The Trails Subcommittee recommends that the applicant be required to provide segments of split rail fencing at various points along the property boundary to ensure that there is a clear delineation between the private property and public open space. “Random segments of fencing” as opposed to a solid line of fencing material would be preferable. The current plans do not show the trail access around the entire stormwater basin that the applicant agreed to provide. Any type of access roadway or service lane details should be shown on the plans. Mr. Harnett noted that the applicant is proposing fencing in the entire stormwater retention basin: since the basin will only be a proposed 3½’ deep, the Trails Subcommittee recommends that no fencing be installed around the basin.

Mr. Anil Kumar, 19 Quince Court, stated that he was concerned that his property would be impacted by “the speed of water flow across the development site to his property.” He feared that the removal of trees on proposed Lot #1 would increase drainage to his property. Mr. Ferraro explained that the developer will be required to maintain a “non-disturbance” area between properties that will be assured by a note on the subdivision plan, specific plot plan, and, possibly by a deeded restriction. Mr. Koval recommended that the applicant provide split-rail fencing to define the clearing boundaries: Mr. Palleschi agreed. Mr. Kumar was also concerned about the sheet drainage that may result from grading for construction of the extension of Kendra Drive. Mr. Palleschi explained that he would evaluate the proposed water containment plan for that area.

Ms. Laurie O’Rourke, 17 Quince Court, stated that she shares Mr. Ferraro’s concerns regarding possible flooding of existing properties due to the new construction and she requested that the Planning Board require the establishment of a 25’ non-disturbance buffer between the new properties and existing ones along Quince Court. Mr. Ferraro reiterated his explanation regarding preservation of the non-disturbance areas.

Mr. Joe Thorpe, 13 Quince Court, questioned whether or not the elevation of his property would prevent additional water flow toward his home. Mr. Palleschi explained that his property was located up gradient of the proposed home, making it unlikely that additional drainage would be directed to his lot. He reported that the applicant has attempted to preserve existing vegetation

to the greatest extent practicable on large lots with “an estate feel.” Less than five acres of land will be disturbed overall.

There being no additional public comment, Mr. Koval moved, seconded by Mr. Ophardt, to close the public hearing at 8:20p.m. The motion was unanimously carried.

In response to Mr. Neubauer’s question concerning the type of fill used to fill in the “wetland sliver on Lot #2,” Mr. Pelleschi explained that soils on site will be graded to provide some of the fill required and that appropriately compacted soils will be added if needed. Mr. Neubauer viewed the construction of a residence on Lot #2 “as a real risk” and encouraged the developer to raise the finished floor elevation to the highest level possible. Mr. Ferraro encouraged the applicant to provide some type of delineation between property boundaries and trail locations and to add signage regarding future trail locations as recommended by the Trails Subcommittee. In response to Mr. Ferraro’s question regarding possible future trail connections, Mr. Scavo explained that connections may be made to an adjoining open space parcel or an existing apartment complex. Mr. Ferraro expressed his appreciation to the applicant for providing a significant amount of open space which he views as a “significant community benefit.” The applicant noted that he will meet with members of the Trails Subcommittee to address their concerns regarding the delineation between property lines and proposed trail segments.

Mr. Werner offered Resolution #7 of 2015, seconded by Mr. Neubauer, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon submission of a sign-off letter and/or issuance of a permit from the ACOE, the establishment of a non-disturbance buffer between the rear property boundaries of Lots #1 and 2 and existing properties on Quince Court, a note on the plan that requires that the residence to be constructed on Lot #2 be raised to the highest elevation practicable, that trails be located as specified by the Trails Subcommittee and Ms. Viggiani, Open Space Coordinator, that signage be included on the plan and posted on the property that indicates the location of possible future trail connections, that language regarding wetland preservation and drainage pipe maintenance to be incorporated into individual deeds be submitted for review and approval by Mr. Pelagalli, Planning Board Attorney, that any environmental constraints impacting parcel development be identified in individual deeds, plot plans, and any marketing materials used to sell the lots, and all items listed in the final comment letter prepared by the Planning Department. If the applicant is unable to satisfy any of the conditions of approval, the application must be resubmitted to the Planning Board for review. Ayes: Ophardt, Paulsen, Neubauer, Werner, Koval. Noes: Ferraro.

Old Business:

[2011-026] **Parkwood Village Addition** – Amendment to an existing site plan permitting the placement of temporary storage containers and accompanying landscaping plan, 1819 Route 9 – Preliminary site plan review and possible determination. SBL: 265.-1-66

Mr. Jack Barnhill introduced this proposal that requests Planning Board approval to allow an existing workshop with two large metal storage containers currently situated on a portion of the Parkwood Village property to remain in the location permanently. The site is located on the southerly side of Kinns Road near its intersection with US Route 9 approximately 100’ east of

West Parkwood Drive. The sketch plan submitted for review illustrates that there is an “existing shop,” two “containers,” and a salt shed located on the site. The plan also labels an area between the two existing containers as space for “a future container if necessary.” Mr. Barnhill explained that the applicant proposes the planting of several 4’-5’ arborvitae to “beautify the area.”

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comment regarding this application. The containers cannot be issued a building permit and cannot be considered habitable space.

Mr. Scavo reported that the ECC provided the following comments regarding this application. The current site plan showing temporary structures, which the applicant has maintained for a period of time, appears to be a violation of environmental conditions, and represents an ongoing safety hazard. The applicant shall comply with the Town's Hazardous Materials Policy, which can be obtained from the town's 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 Stormwater Management Technician before such materials are stored. The ECC recommends that the applicant provide plans for a permanent facility that addresses the types of materials stored and the visual impact the structure will have on the area.

Mr. Scavo provided the following comments regarding this proposed amendment, explaining that the applicant received Planning Board approval on September 27, 2011 to construct a 644 SF addition to the existing maintenance shop: to date that addition has not been constructed. The storage containers, which the applicant placed on site in 2011 to store replacement parts for renovated apartments received an extension in September, 2013.

Mr. Ophardt, noting that the “temporary” storage containers have been located on the site for nearly four years, questioned the meaning of *temporary* since it is apparent that the use has been on-going for several years. Mr. Ferraro commented that although the containers are “not particularly visible” from Kinns Road, they likely “look tacky” to those who view them from the apartment complex. In response to his question regarding the applicant's reluctance to construct the approved storage facility, Mr. Barnhill stated that it was a matter of “expense.” Mr. Koval commented that he recalled that the existing storage containers were approved “temporarily” and that he did not consider it “a heavy lift” for the applicant to build a “more aesthetically pleasing” structure. Mr. Ophardt pointed out that the need for storage on sites “comes up continually,” stating that the construction of a steel shed would appear reasonable. Several Board members expressed their concerns with the seeming “permanence” of the containers. Ms. Paulsen recommended that the Board extend the approval for the “temporary” storage containers for an additional two (2) years on condition that the reference to a possible third container be removed from the sketch plan.

Mr. Koval moved, seconded by Mr. Ophardt, to grant the applicant a two-year extension of time for the existing storage containers to remain on site conditioned upon the removal of the reference on the sketch site plan to the placement of a third container on site and the addition of landscaping materials as proposed. The motion was unanimously carried.

[2015-012] **Columbia Development Office Building** – Proposed 60,000 SF medical office building, 1783 Route 9 – Preliminary site plan review and possible determination. SBL: 266.3-2-5.

Mr. Gavin Vuillaume, consultant for the applicant, explained that although minor revisions have been made in response to comments rendered at the meeting and in correspondence from professional staff, the town's Designated Engineer, and Board members, the project plan remains generally as presented at the May 12, 2015 Planning Board meeting. Mr. Vuillaume pointed out the substantive modifications to the plan, noting that the plan now shows a 5' ramp/sidewalk with handrails on both sides in the southwesterly corner of the site to link the sidewalk surrounding the building to Biette Road and US Route 9. Although water to serve the site was to be provided via directional bore from the westerly side of U S Route 9, the Clifton Park Water Authority now requires that the additional fire hydrant on site be supplied by extension of the line along the easterly side of US Route 9 from a connection location near the Parkway Music store located considerably south of the site. The traffic report and ingress/egress design has been submitted to NYSDOT: it appears that the agency is satisfied with the proposed utility and roadway connections. In response to comments, Mr. Vuillaume explained that SEQRA review must include NYSDOH as an interested agency because of the water line extension. Necessary easements are being established with Oak Brook Commons' owners for ingress/egress and site grading. The applicant will likely seek a waiver from the 5-acre disturbance clearing limit. Additional soil testing is being conducted.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that the applicant relocate the proposed fire hydrant from the west side of the parking lot to the "north parking lot corner off the main entrance area."

Mr. Scavo explained that the following comments were issued by Mr. Myers, Director of Building and Development, in a memo dated May 28, 2015. The hydrants will be required nearer to the entrance driveway and at the eastern side of the building. Stormwater management areas must be identified on the plans and numbered to match the narrative. Test pits have not been performed to date so much of the Stormwater Pollution Prevention Plan is "speculation at this point." Sign-off will not occur until all necessary data is submitted and evaluated. Though it is stated that an overflow weir is not needed but will be installed to control discharge to the US Route 9 drainage ditch, approval from NYSDOT for discharging to the system should be obtained due to the area's history. The basins will require fencing.

Mr. Scavo explained that the ECC offered the following comments after review of the project plan. To avoid the potential for a future segmentation of the project, the ECC recommends that the applicant show a proposed plan for the north side of the proposed site. The applicant has a gerrymandered approach to meet the green-space requirement of 35%. While this may meet the letter of the law, it does not provide for an aesthetically pleasing site plan where green-space is integrated into the site design. The lot lines as drawn parallel the eastern border of the parcel and incorporate an isolated triangle in the northeast corner of the whole parcel. The ECC is concerned that, in the event of a further subdivision, the green space allotted will be altered because a large proportion of the Columbia project green space is adjusted to the northern lot and is segregated by the roadway. The ECC is concerned with the abandonment of the asphalt driveway: it would be

prudent to remove all of the asphalt of the abandoned driveway. In keeping with the recommendations and goals of the Town Comprehensive Plan, the applicant should retain existing vegetation to the maximum extent practical and/or use landscaping and grading to provide visual and auditory buffering between the project, adjacent roadways, or other properties.

Mr. Scavo explained that he offered the following comments on behalf of the Planning Department. The speaker explained that he has encouraged the applicant's consultant to submit a complete subdivision application including fees, noting that subdivision approval is required prior to site plan approval. If completed plans are submitted in timely fashion, the Planning Board may wish to set the public hearing for the July 14th meeting. He recommended that Planning Board and applicant consider the installation of additional landscaping within the grassy area along the southwesterly side of the building.

Mr. Bianchi reported that documents received for review by the Town Engineer included the following: response to comments, as prepared by EDP, LLP, dated May 18, 2015; site plans entitled, "1783 Route 9 - 60,000 SF Medical Office Building" as prepared by EDP, LLP, last revised May 18, 2015 (submitted on June 4, 2015); Stormwater Management Narrative, as prepared by EDP, LLP, last revised May, 2015; Stormwater Pollution Prevention Plan, as prepared by EDP, LLP, last revised May 2015; Full Environmental Assessment Form, dated May 18, 2015; Site Lighting Plan, dated June 1, 2015; Subdivision Plan entitled "1783 Route 9 - 60,000 SF Medical Office Building" as prepared by EDP, LLP, dated June 4, 2015; Traffic Evaluation, as prepared by Creighton Manning, last revised June 1, 2015. Based upon review of the above documents, M J Engineering and Land Surveying, P.C. offered the following comments for consideration. The revised plans show a new alignment of the off-site water connection. If the Clifton Park Water Authority considers this a public water main extension, the New York State Department of Health may be considered an involved agency under a coordinated SEQRA review. The following comments referenced the subdivision plan. The applicant is asked to note the minimum bulk lot requirements on the plat along with any standard subdivision plat notes required by the town. The applicant must obtain the approved 911 emergency response address and place them on the plat prior to filing with the County Clerk's office. Additional comments related to the site plan. The site plans note the removals of portions of the existing access road to Brookwood to the east in response to Comment 4 of the prior review letter. At the point of pavement removals, provisions may be necessary to appropriately convey runoff from the existing road, routing the runoff to prevent/avoid erosion. As noted in Comment 6 of the prior review letter, additional information was requested relative to the entrance improvements at US Route 9. The submitted plans (and updated site plan provided on June 4, 2015) do not appear to fully respond to the prior comment. Information specifically requested includes that which is typical of the NYSDOT Entrance Design Requirements. Items that must comply with NYSDOT standards shall reference the appropriate NYSDOT specifications. As noted in Comment 7 of the previous review letter, the grading of SMA#1 needed revision. The updated plans substantially address the comment; however, the overflow weir appears to need minor revisions to the contours to reflect the overflow weir grades. The site plan shows a new sidewalk with handrails terminating at Biette Road. The site plans note a detail for the handrails, but none could be located within the plan set. The applicant is asked to confirm that the routing and termination of the proposed sidewalks to the adjacent roadways are acceptable to the Town. The applicant is asked to identify on the site plans the proposed locations for the

Knox Box and fire department connections or provide notation that these will be reviewed and approved by the Town of Clifton Park as part of the building permit process. The site plans show a new alignment for connecting to the existing public water supply along US Route 9. The new point of connection is south along US Route 9 as opposed to directly west and on the opposite side of US Route 9. The applicant is asked to confirm that the length of new water main is within the NYSDOT right-of-way or that appropriate permissions have been obtained from private landowners for placement of the new water main. If the new routing of the water connection is being considered a public water main extension by CPWA, receipt of approval of this water main extension must be obtained from the NYSDOH. The applicant is asked to confirm that permission to grade onto Lands of Oak Brook Commons LLC to the east has been, or will be, obtained. The town shall be provided with appropriate documentation that the grading is permissible by the adjacent land owner prior to site disturbances, unless directed otherwise by the town. The applicant must provide confirmation that hydrant locations are satisfactory to the responding emergency services.

The following comments related to the proposed stormwater management plan. Section VI.6 mentions porous asphalt. The plans must identify where porous asphalt is being proposed or delete the reference if not being proposed. The applicant's design professional has indicated that a 5-acre waiver request will be submitted. If and when this occurs, appropriate information shall be submitted for review by the Town, including justification and the contractor's approach. This must be completed in advance of proposed site disturbances. The Stormwater Pollution Prevention Plan (SWPPP) provided did not include the updated Notice of Intent (NOI). The NOI reflective of changes made to the drainage design must be provided. Comments 19, 21-23 and 25 of the prior review require the completion of in-situ permeability testing. The applicant's design professional has indicated this will be completed in the near term. Once the data is provided, design assumptions and associated responses can be reviewed to ensure compliance with the applicable regulatory requirements. Table 3 notes the required volume of the sediment forebay for SMA#4. Since this basin also functions to provide WQv for portions of SMA#3, the applicant must confirm that the required and provided volumes are adequate.

Mr. Bianchi explained that review of the traffic information provided resulted in the following comment. As noted in Comment 30 of the prior review, it is suggested that the Town be provided feedback from the NYSDOT regarding the analysis in advance of granting final site plan approval.

Mr. Werner explained that it was imperative that the numbers provided in the traffic report submitted for this application be accurate since it is this report that will be used a basis for other projects along the US Route 9 corridor.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, reported that the Subcommittee reiterated the comments regarding the installation of sidewalks along the "entire frontage of the proposed private roadway with a public access easement, and the construction of a trail segment from the private roadway to Biette Road and the Rusty Nail Restaurant and Tavern. Additional comments related to the revised plans submitted for review. Though the applicant has illustrated a bike rack, the plan does not include

design details as requested. He explained that the applicant has failed to meet with Ms. Viggiani, Open Space Coordinator, to discuss proposed connections between the proposed project, US Route 9, Oak Brook Commons, and the Rusty Nail. He encouraged the applicant to schedule such a meeting.

Mr. Ophardt addressed the issue of pedestrian walkways, stating that he expected that the applicant would have included sidewalks from Oak Brook Commons to US Route 9 and along the US Route 9 frontage in the site design. Mr. Werner pointed out that, as has been required of other applicants along this corridor, this applicant should be required to install a sidewalk connection along the property's US Route 9 frontage. Citing a letter from Community Care Physicians, P. C. who are to occupy the building upon its completion, Mr. Ferraro stated that Mr. Ophardt's concerns "were very well taken," and he expressed his surprise that physicians who encourage people to walk more would not support sidewalk development. He stated that he would "strongly advocate" for sidewalks along the US Route 9 frontage. Mr. Neubauer commented that, although this project lies "outside the Town Center," connectivity between properties is "advantageous." Mr. Hartnett pointed out that every other medical facility in the town connects to adjoining trails or properties. Mr. Ophardt, Mr. Neubauer, and Mr. Ferraro all stated that installation of a sidewalk connection along US Route 9 should be required of this applicant, lest the opportunity for construction of the segment be lost. Mr. Rosen agreed to install the sidewalk along US Route 9 with an easterly connection to the sidewalk surrounding the proposed building. Mr. Werner asked that the applicant provide appropriate signage throughout the site.

Ms. Paulsen moved, seconded by Mr. Ophardt, 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. Werner moved, seconded by Mr. Neubauer, to grant preliminary site plan approval to this application conditioned upon subdivision of the Lands of Charles Hoffman to create the 5.2 acre development parcel, the installation of a sidewalk segment along the property's US Route 9 frontage and easterly to connect with the sidewalk surrounding the building and satisfaction of the comments provide by professional staff, M J Engineering and Land Surveying, P.C., and the Planning Board. The motion was unanimously carried.

[2015-006] **Stewart's Shop** – Proposed demolition of an existing store and construction of 3,975 SF store with canopied gas station, 1529 Crescent Road – Preliminary site plan review and possible determination. SBL: 284.-1-7.

Mr. Marcus Andrews, representative for Stewart's Shops, presented this application that remains generally as presented at the May 12, 2015 Planning Board meeting. The plan has now been revised to show a total of eight (8) fuel dispensers rather than the twelve (12) originally proposed. The site plan package contains various alternatives for site ingress and egress. Written responses to the technical comments issued by M J Engineering and Land Surveying, P.C. were submitted with the request for revised preliminary review. Mr. Andrews provided information regarding traffic flows along Crescent Road and the number of proposed trips in and out of the site at peak hours. He presented a graphic representation of the traffic and anticipated turning

maneuvers as justification for the proposed dual curb cuts onto Crescent Road. Mr. Bianchi commented that it appeared that the design as proposed appears to be the most “practicable.”

Mr. Scavo reported that Mr. Myers, Director of Building and Development, issued the following comments in a memo dated May 28, 2015. The proposed stormwater management basin will require fencing. There is concern regarding the proposed discharge to an existing stream corridor. Stewart’s representatives claim that only DA3 is considered a hotspot although in the narrative the “site” is said to be a hotspot. The representatives claim that DA3 is the only area with a potential for a spill, yet the storage tanks and at least part of the pump area are outside DA3. The entire site should be considered a hotspot and, as a result, a full Stormwater Pollution Prevention Plan should be required.

Mr. Scavo reported that Mr. Scott Reese, Stormwater Management Technician, provided the following comments regarding this project in a memo dated June 5, 2015. For the WQV & RRv calculations the 90% rainfall event number (P) is 1.1 per the New York State Stormwater Management Design Manual (NYSSMDM). The fuel dispensing and transfer area pads should be designed with no slope, if possible, to keep minor spills on the pad and encourage proper cleanup. The fueling station must have a spill cleanup plan and all employees should be trained on proper spill response procedures.

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

Mr. Scavo reported that the applicant has adequately satisfied all previous comments issued by the Planning Department. He noted that the revised plan shows that the number of fueling dispensers has been reduced from 12 to 8.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, offered a number of comments and recommendations regarding this application. At the April 14th and May 12th Planning Board meetings, the Trails Subcommittee asked that the applicant provide shade trees along the Crescent Road Trail, consider narrowing the proposed ingress/egress points on Crescent Road, and review “of the movement of people from the proposed store to the proposed parking,” since the proposed arrangement seems to present some “significant pedestrian/car conflicts with the potential for issues going forward.”

Mr. Ralph Reale, 13 Hiawatha Court, expressed his concerns regarding traffic along the Crescent Road corridor. He encouraged the widening of Crescent Road, particularly in the area of the proposed Stewart’s Shop and recommended an analysis of the timing of signals to improve traffic flow.

Mr. Ferraro commented that traffic issue was problematic and that there was “no easy answer to the problem.” He encouraged the town to be “more pro-active” in considering cumulative town-wide and regional development on some of the town’s major thoroughfares and those roadways impacted by substantial residential and commercial growth. He urged town officials to consider the fiscal impacts of development as well as potential revenue as projects are proposed. Mr. Koval encouraged Board members to consider restricted points of ingress and egress, with the easterly curb cut restricted to ingress and the westerly one egress. Mr. Werner

said that he appreciated the applicant's willingness to reduce the number of pumps from 12 to 8 and he recommended that the westerly curb cut be moved as far as possible to the westerly property line in an effort to create as much separation between the entrances as possible. Mr. Andrews agreed to this change. Mr. Ferraro recommended that the applicant place low perennials in the median between the entranceways and perhaps use some type of fencing to achieve a three-dimensional look. Mr. Neubauer supported this recommendation stating that "more definition" within this planted area would be desirable. Mr. Ferraro noted that the lack of striping at the entranceways to define the multi-use pathway and increase pedestrian safety was indicative of a "contradiction between policy and implementation." Mr. Scavo explained that the Crescent Road Trail design has been months in the making and that the design plan does not include striping along private properties. He noted that on-going maintenance of the striped areas was also of concern.

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

Mr. Ophardt moved, seconded by Mr. Neubauer, to grant preliminary and final site plan approval to this application conditioned upon installation of significant plantings and fencing within the raised median between entranceways to create a "three-dimensional" look, the relocation of the proposed westerly entranceway as far west as possible to achieve the greatest separation between curb cuts, and satisfaction of all comments listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

New Business:

There were no items of old business scheduled for this evening's meeting.

Discussion Items:

There were no discussion items scheduled for this evening's meeting.

Mr. Koval moved, seconded by Mr. Ophardt, adjournment of the meeting at 10:43p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on June 23, 2015.

Respectfully submitted,

Janis Dean, Secretary

NOTICE OF DECISION

Resolution #7 of 2015

Preliminary and 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 June 9, 2015, there were:

Present: R. Ferraro, J. Koval, E. Ophardt, K. Paulsen, T. Werner
A. Neubauer (alternate member)

Absent: E. Andarawis, E. Prescott

Mr. Werner offered Resolution #7 of 2015, and Mr. Neubauer seconded, and

Whereas, an application has been made to this Board by William F. Mackey for approval of a subdivision entitled Mackey Subdivision – 17 Kendra Drive and 1644 Crescent Road consisting of (8) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on June 9, 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 June 9, 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 Mackey Subdivision – 17 Kendra Drive and 1644 Crescent Road consisting of (8) lots is granted preliminary and final approval conditioned upon submission of a sign-off letter and/or issuance of a permit from the ACOE, the establishment of a non-disturbance buffer between the rear property boundaries of Lots #1 and 2 and existing properties on Quince Court, a note on the plan that requires that the residence to be constructed on Lot #2 be raised to the highest elevation practicable, that trails be located as specified by the Trails Subcommittee and Ms. Viggiani, Open Space Coordinator, that signage be included on the plan and posted on the property that indicates the location of possible future trail connections, that language regarding wetland preservation and drainage pipe maintenance to be incorporated into individual deeds be submitted for review and approval by Mr. Pelagalli, Planning Board Attorney, that any environmental constraints impacting parcel development be identified in individual deeds, plot plans, and any marketing materials used to sell the lots, and all items listed in the final comment letter prepared by the Planning Department. If the applicant is unable to satisfy any of the conditions of approval, the application must be resubmitted to the Planning Board for review.

Resolution #7 of 2015 passed 6/9/2015

Ayes: Ophardt, Paulsen, Neubauer, Werner, Koval

Noes: Ferraro

Rocco Ferraro, Chairman

