

One Town Hall Plaza
Clifton Park, New York 12065
(518) 371-6054 FAX (518)371-1136

PLANNING BOARD

ROCCO FERRARO
Chairman

PAUL PELAGALLI
Attorney

JANIS DEAN
Secretary



MEMBERS

Emad Andarawis

Joel Koval

Eric Ophardt

Kim Paulsen

Eric Prescott

Tom Werner

(alternate) Andy Neubauer

Planning Board Meeting
July 14, 2015

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

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

Those absent were: 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 Mr. Prescott's absence.

Minutes Approval

Mr. Werner moved, seconded by Mr. Ophardt, approval of the minutes of June 23, 2015 as written. Ayes: Ophardt, Andarawis, Neubauer, Werner, Koval, Ferraro. Noes: None. Abstained: Paulsen

Public Hearings:

[2010-038] **Windhover Farms** – Proposed (25) lot subdivision, Grooms Road – Preliminary public hearing and possible determination. SBL: 276.-1-9

Board members discussed the status of this application at length since it appeared that it was “not ready for a public hearing” due to the number of issues that remain outstanding. Mr. Ferraro noted that, although most SEQRA issues had been satisfied, technical concerns regarding drainage, locations for emergency access, landscaping along the property’s eastern boundary, and proposals for transfer of the “active recreational area” to a non-profit group, remained unaddressed. Mr. Koval pointed out that questions regarding the proposed road width remained unanswered. Board members were concerned that, should the public hearing proceed, the applicant could invoke sixty-two (62) day time frame that required that a decision by the Board be rendered within that period of time. It was eventually agreed, particularly because the reconvening of a public hearing would require additional public notice and because Board members were advised that the sixty-two (62) day clock would not begin until a decision had been issued, that the public hearing would be conducted and likely adjourned to a later date. Mr. Pelagalli pointed out that the (62) day time period allowed for a Planning Board decision to be considered, could be extended by mutual agreement of the Planning Board and the applicant. Mr. Ferraro introduced the public hearing which was conducted as usual.

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 would be reopened and a decision rendered when all environmental issues are satisfactorily addressed.

Mr. Koval moved, seconded by Mr. Neubauer, to establish the Planning Board as Lead Agency for this application, a Type I 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 7:20p.m. The Secretary read the public notice as published in the Daily Gazette on June 16, 2015.

Mr. John Stevens, consultant for the applicant, began by addressing the discrepancies related to the number of proposed subdivision lots. Though advertised as a twenty-five (25) lot subdivision, a careful review of the number of lots revealed that there are twenty-three (23) lots proposed for the construction of new residences, two (2) lots designated as stormwater management areas, one (1) lot set aside for construction of the pump station, and the remaining lands: the subdivision totals twenty-seven (27) parcels. An additional lot remains as a separate, deeded parcel. The remaining 70 acre parcel will be designated as open space or donated to a 501C3 organization: no further subdivision of the parcel will be permitted. Connection will be

made to existing municipal water and sewer services. Existing water lines will be extended approximately 1,700 feet from the Grooms Road – Sugar Hill – Miller Road intersection to the new subdivision. The sewer will connect to the existing system in the Settlers’ Hill subdivision. The proposed subdivision will be accessed by two curb cuts onto Grooms Road. The secondary access, which has inadequate width to be developed as a town roadway, will provide a three lane ingress/egress to the development and include a sidewalk. Mr. Stevens specifically addressed several of the issues identified in the comment letter provided by M J Engineering and Land Surveying, P.C. The Town Engineer notes that the proposed secondary access is substandard: Mr. Stevens agrees that the overall width of the roadway is substandard – the applicant is unable to meet the demands of the town zoning code and New York State Town Law but does provide space for a three lane ingress/egress design and installation of an adjoining sidewalk. Comment #4 of the engineering review letter regarding consolidation of the Subdivision Plan and Horizontal Control Plan will be satisfactorily addressed. Referencing Comment #5, Mr. Stevens reported that the applicant will convey an individual lot that contains the proposed pump station to the Saratoga County Sewer District if requested to do so. Fire district lines have been modified: the subdivision will be served by two separate fire districts. With respect to Comment #6, the consultant explained that sump pump discharge area will be shown on the plans. A phased grading plan will be prepared. Discharge to a NYSDEC wetland will be coordinated with that agency. Once water line design plans have been finalized and approved by the Clifton Park Water Authority, a traffic control plan will be prepared. As requested by the Board, split-rail fencing will be installed around the proposed stormwater management basins. The location of test pits will be shown on the plan. Per discussions with Trails Subcommittee representatives and the town’s Open Space Coordinator, the proposed sidewalk locations have been “shifted.” A landscaping plan will be prepared to indicate the placement of front yard tree plantings and will include the quantities, species, and caliper sizes of materials to be planted. Sidewalks will be constructed of recommended materials. Utility easements will be added to the plan as applicable. In accordance with Comment #17 of the review letter, the locations of the storm drains that cross Lots #3 and 5 will be evaluated and possibly relocated: associated easements will be attached to respective deeds and filed at the County Clerk’s office. Issue #21 concerning locations of outlet structures for the proposed stormwater ponds has been addressed. All information regarding the proposed stormwater management ponds will comply with Section 6.1.6 of the MYSSMDM. Erosion control details and those contained within the Stormwater Pollution Prevention Plan will be consistent. All other technical issues will be revised in accordance with directives provided by the Town Engineer. All conditions of the existing Special Use Permit that runs with the property will be included on the plan and transferred to the 501C3 organization that accepts ownership of the 70 acre parcel reserved for “active recreational uses.”

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 for all projects to be reviewed at this evening’s meeting have been forwarded to Board members for their consideration.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered a number of comments regarding this application in a memo dated July 7, 2015. The stormwater operation manual states that approved drawings have been completed: there are no approved

drawings to date. Stormwater management plans show the use of a pocket pond which is not an acceptable practice according to town law. There are no green infrastructure practices proposed: ponds are to be used only as a “last resort.” No reasons are given for not utilizing green infrastructure practices. An agreement with the town for maintenance of the stormwater facilities will be required since it will be privately owned. All sump pumps are to connect to the stormwater system: houses will be evaluated on an individual basis if this is not possible. Dimensions for the second access must be provided to ensure that the required minimum 26’ width is provided. The plans should include a note stating that the plans conform to the NYS Uniform Fire Prevention and Building Code – not just the Local Building Code. It appears that this is a (23) lot subdivision rather than a (25) lot subdivision.

Mr. Scavo explained that the ECC provided the following comments regarding this application. The ECC recommends that if the Saratoga County Sewer District requires an access road for sewer line maintenance, it be minimally invasive to the wetlands. The ECC noted that, per Town Code, the applicant must provide proof of preservation in perpetuity of permanent open space prior to approval.

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, offered several comments regarding this application. Many of the comments referenced the Erosion and Sediment Control Plan. Sheet C-9 of the Sediment and Erosion Control Plan, was not included with the current submittal or any previous submittal. All Stormwater Pollution Prevention Plans prepared shall include erosion and sediment control practices designed in conformance with the technical standard, New York State Standards and Specifications for Erosion and Sediment Control, dated August, 2005. The specific locations, sizes, and lengths of each erosion and sediment control practice should be indicated on the plan. Proposed limits of disturbance, test pit locations, 100-year floodplain boundaries, labeled discharge points, and storage areas, must be identified on the plans. The location and sizing for the level spreaders located at the diversion of stormwater runoff, the locations of the temporary sediment traps, and the dimensions of the practice must also be included on the plan. Since rain gardens are being proposed, test pit results for each location shall be provided, groundwater separation shall be indicated, and the applicant shall name the party responsible for their long term maintenance. The applicant is asked to provide underdrains and underdrain outlet locations for the 11 rain gardens that appear to be located in Rhinebeck Soils that also contain HSG D soils. Maintenance access to stormwater management areas must be shown on the plan. Grading for Lots #2-4, 9-11 & 23 should provide a useable back yard for the future home owners.

Additional comments provided by Mr. Reese were related to the Stormwater Management Report. The applicant is asked to show design points on the Pre- and Post- Development Conditions Plans. Precipitation data sources should be cited. The applicant is asked to use the most recent rainfall frequency reference data included in the NYS Stormwater Management Design Manual (NYSSMDM), last revised January, 2015 isohyets for the P value (90% rainfall event), 1-year, 10-year & 100-year storm event. The applicant must clarify whether or not the Time of Concentration for the Proposed sub #1A, post sub #2A, for the Direct Entry time is from the Appendix D of the Proposed Closed Storm System Analysis. For post sub #2 and post sub #3 if meadow is being used for Curve Number (CN) description, the roughness coefficient (n) of meadow should be used: if bermuda grass is being used for (n) then grass cover should be used for

CN. The report states that the permanent pool is at elevation 324, but the 3" orifice is at elevation 323: the applicant is asked to clarify the discrepancy. Other comments related to the Stormwater Pollution Prevention Plan. The applicant is asked to use the total new impervious area - not the adjusted impervious area - for the Runoff Reduction Volume calculations. The SWPPP document shall refer to the NYSSMDM, last revised January, 2015. A description of the pollution prevention measures that will be used to control litter, construction chemicals, and construction debris from becoming a pollutants in the stormwater discharges must be provided.

Mr. Scavo reported that the following comments were issued by the Planning Department. The applicant must add a note to page C-2 that states the following: Prior to construction the contractor shall obtain a highway work permit from the Saratoga County Department of Public Works. The applicant must add a site statistics table to Page C-3 - Existing Conditions Plan - that lists the total parcel acreage size, the amount of unconstrained acreage, NYSDEC and ACOE wetlands, and associated wetland buffer areas. The proposed maintenance access for the proposed micro-pool extended detention pond should be shown on the plan. Based on evaluation of the Stormwater retention area east of Penfield Drive and adjacent to Grooms Road, the feasibility of installation of the proposed multi-use path in that location appears doubtful since the path appears to cross over an emergency overflow, stone spillway, and lie adjacent to an existing telephone pole to the north and an existing Grooms Road drainage swale to the south. The design engineer should verify that the elevations of the path will work as shown on the plan. A detail for the proposed multi-use path or sidewalk should be provided. The plans should include information regarding test pit locations and a data table on the sheets showing the finished floor elevations of the proposed homes. If sump pump laterals are proposed, they should be shown on the plans. Any proposed sump pump locations must demonstrate conformance with Section 86-7(A)(6) of the Town Code. Verification of the utility cross sections with plan points on Page C-11, the Holbrook Drive Plan & Profile is required. The applicant should specifically consider points #2, #3 and #4. For example, point 4+00 appears to show 12" STM east of 4+00 rather than west of the reference point. On page C-12, MH 2 is shown as a "D" with an "O" around the "D" rather than what the map key on page C-2 expresses as the manhole symbol which is a "●". The pavement detail must show the 1.5" top coat as NYSDOT Type 6 rather than Type 7. The site statistics table should identify lands to be dedicated to the Town as well as the areas of land to be transferred to the 501C3.

Mr. Bianchi reported that, after review of plans and documents submitted for review, M J Engineering and Land Surveying, P.C. provided numerous comments regarding the project. Several comments related to the subdivision proposal. As noted in Comment 5 of the April 3, 2014 review letter, the applicant's representative indicated that the emergency access road would be offered to the Town as a public road. In Comment 11.a of the January 27, 2014 review letter, it was noted that, along with other deficiencies, the right-of-way appeared to be less than the minimum as required by Section 86-6 (B)(1) of the Town Code. In addition to being deficient from the noted section of the Town Code, under New York State Town Law, Article 8, §180, no highways shall be laid out less than three rods in width (49.5 feet). There still needs to be further discussion regarding the dedication of this road as a Town road and how the minimum requirements of both the Town Code and New York State Town Law would be satisfied. As noted in Comment 4 of the February 24, 2015 review letter, the Subdivision Plan and Horizontal Control Plan must be consolidated into a single plan for the purpose of filing. The applicant is asked to review Section 179-11 of the Town Subdivision Regulations for additional plat requirements. The

plat must be stamped by a surveyor licensed to practice in the State of New York. As noted in Comment 6 of the February 24, 2015 letter, the proposed sanitary lift station intended for conveyance to Saratoga County Sewer District should be on its own parcel or easement conveyed to that district. The current plans place the pump station on an individual lot: the applicant shall confirm that the SCSD is willing to take ownership of the entire parcel or if a reduced parcel size is desired due to maintenance responsibility of the proposed 1 acre parcel. If SCSD does not want to take ownership of the entire parcel, the ownership of the remaining area will need to be determined. As noted in Comment 8 of the February 24, 2015 review letter, the plans must be updated to demonstrate conformance with Section 86-7(A)(6) of the Town Code with respect to discharge locations of proposed sump pumps. Lots that are intended to discharge to the closed drainage system are identified; however, if a lot is to have a discharge to the rear, plans must show the prospective location to confirm it will not discharge to a down gradient property and have adverse impacts. As noted in Comment 12 of the February 24, 2015 letter, a phased grading plan needs to be provided to demonstrate that no more than 5 acres of land will be disturbed at once. The applicant has indicated such phasing is anticipated and that a 5 acre waiver will not be requested. As noted in Comment 13 of the February 24, 2015 review, the project proposes disturbances with the 100 foot adjacent area to NYSDEC Wetland N-12. Since it is proposed to convey this infrastructure to the Town, the applicant needs to provide the town any specific permit conditions associated with this utility installation as well as maintenance requirements/limitations. As noted in Comment 16 of the February 24, 2015 review, a maintenance and protection of traffic plan for utility work within the Grooms Road right-of-way shall be prepared. It is understood that this is being prepared and will be submitted along with a highway work permit application to the Saratoga County Department of Public Works. As noted in Comment 23 of the February 24, 2015 letter, it was requested that the town standard split-rail fence and gate be provided around the proposed stormwater basins. The plan sheets prepared by Advance Engineering note that vinyl may be substituted for wood: such a substitution must be approved by the town. The applicant is asked to identify on the plan sheets the locations of the test pits performed. The proposed sidewalks shown associated with the project need to be reviewed by town staff to ensure positioning and termination points are acceptable. The applicant must show or provide notation indicating that the required quantities, species and installed caliper sizes of front yard tree plantings are acceptable. There should be consideration given to providing a landscaped buffer around the proposed sanitary pump station proposed along Penfield Drive. If desired by the town, the selection of screening materials will need to be coordinated with SCSD No. 1. The proposed construction materials for all proposed sidewalks must be included on the plans. All required utility easements shall be shown on the subdivision plat and subsequent plans. The proposed storm drain that crosses Lots #3 and 5 may drastically limit uses in the rear yards of those lots. The applicant may wish to consider relocating the drainage line towards the rear portions of the lots. If the storm lines cannot be relocated, it may be necessary for hold harmless agreements to be executed with each home owner to define future repairs should the Town need to access the area for maintenance. The proposed sidewalk location shown along Grooms Road should be coordinated with the limits of the adjacent stormwater basin as it appears to be within the working area of the stormwater management pond. Such items as the split rail fence and emergency overflow appear to infringe on the proposed sidewalk. The applicant must identify the type of pond being proposed adjacent to Grooms Road and Penfield Drive on the plans. The Notice of Intent (NOI) suggests this will be a Pocket Pond (P-5). It should be noted that the town prohibits the use of P-5 ponds unless appropriate documentation can be furnished

demonstrating that no other practice can be implemented. The proposed stormwater pond at Grooms Road and Penfield Drive may need to be shifted to the northeast in order to provide the minimum 25 foot buffer outwards from the maximum water surface elevation of the pond pursuant to Section 6.1.5 of the NYSSMDM. The plan set prepared by Infinigy needs to note the location of the outlet structure associated with each of the proposed stormwater ponds, reflective of the design information shown on sheets prepared by Advanced Engineering and Surveying. Both of the proposed stormwater ponds need to show a defined access route with material specifications pursuant to Section 6.1.6 of the NYSSMDM. The access shall extend to the forebay, safety bench, riser, and outlet and be designed to allow vehicles to turn around. The erosion control details shown within the plan set differ from those provided within the appendices of the Stormwater Pollution Prevention Plan: consistent details for these items must be utilized. Question 29 of the NOI indicated the use of "Conservation of Natural Areas" as one of the RR techniques. The plans need to (1) delineate this area and note that it is within a restrictive easement and (2) define how the limits will be delineated in the field/project development site with structural barriers. Further, a draft of the conservation easement instrument must be prepared that ensures perpetual protection of the proposed area. Question 29 of the NOI indicates the use of rain gardens, however the plans do not show locations or any associated detailing. The engineering plans provided within the Stormwater Management Engineering Report shall be made part of the plan set as they contain pertinent design information for use in construction. Signs shall be posted prohibiting swimming, wading, and skating, and warning of possible contamination or pollution of pond water. The signs should also indicate the maximum depth of water at each stormwater pond pursuant to Section 6.1.6 of the NYSSMDM. The applicant is asked to provide notation and details for the required signage.

Mr. Bianchi reported that several comments resulted from review of the Stormwater Pollution Prevention Plan (SWPPP)/Stormwater Management Report (SMR). The P-1 practice calculations shown on page 16 of the SMR appear to require adjustments to correlate to the plans. The elevation for the permanent pool shown in the report does not appear to match the plans (323' in report and 322.5' on plans). The applicant must provide design information for the P-5 practice, similar to that provided for the P-1 practice on page 16. Test pit data suggests that there is a perched water table within the vicinity of both stormwater practices with no groundwater at greater depths. With the proposal to utilize a P-5 practice, there needs to be indication as to how the perched groundwater table will interact as part of the forebay/wetpool areas and provide a static groundwater elevation above the pond bottom. Appendix D of the SWPPP does not include the referenced correspondence from the NYS Office of Parks, Recreation and Historic Preservation. NOI Question 14 needs to be modified to "yes" since NYSDEC wetland adjacent areas are proposed to be impacted. The storm sewer tabulation sheets provided are intended to demonstrate compliance with Section 86 -7(A)(1) of the Town of Clifton Park Design Standards. The applicant is asked to confirm that the Line ID numbers correlate to the structure designations shown on the plans as they do not all appear to match: specifically, Lines 1 and 2 of the second set (project file ST1WIND.STM) and all lines of the third set (project file ST3WIND.STM).

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, expressed thanks to the applicant for working with subcommittee members to resolve previously expressed concerns. The speaker offered several comments regarding the current project plan. Though the subcommittee has recommended that concrete sidewalks be

installed along Selfridge Way, the application does not include information regarding the materials to be used for surface construction or a cross-section of the walkway. The plans do not show the requested 15' right-of-way along the project's frontage on Miller Road. A note should be added along the entire length of the 15' right-of-way along Grooms Road that "clearly denotes it" for a future multi-use trail and/or utility realignment. Clarification concerning the unnumbered lots along Penfield Way is requested.

Mr. Ferraro asked that the standard note regarding aviation activity be added to the plan, that landscaping along the eastern property boundary be fortified, that the 100-year flood plain be identified on the plans, and that, in accordance with Mr. Myers' comments, green infrastructure be incorporated into the stormwater management plans where appropriate. In response to Mr. Andarawis' question regarding maintenance of the emergency access (secondary) drive, Mr. Stevens stated that the establishment of an HOA is being considered. Mr. Ophardt recommended the use of plantings or split-rail fencing to designate wetland boundaries on the residential lots. Mr. Ophardt also asked that signage be provided at the entrance to the reserved 70-acre site that informs potential buyers as well as the general public that "active recreation is permitted." Mr. Koval requested information regarding the possible future uses of the 70 acres that would "reinforce" the likelihood that the remaining acreage will be utilized for some type of sporting or recreational activity. Board members discussed alternatives for providing visual and physical "separations" between the possible "active, recreational uses" and the residential properties. Mr. Ferraro asked if it would be possible to create a berm from excess soil materials resulting from site grading. Mr. Ophardt supported the concept of the use of some type of barrier to define the separation of uses, encouraging the installation of fencing or a berm to the rear of the homes proposed on the northerly side of Holbrook Drive. Mr. Werner pointed out that it may be possible to encourage the construction of a berm or other type of separation between the recreational uses and residential homes as the 70 acre parcel is developed. Mr. Stevens stated that he would agree to extend the 62-day determination period if necessary. Board members did not comment positively or negatively on the application.

Mr. Werner moved, seconded by Mr. Ophardt, adjournment of the public hearing at 7:56p.m. The motion was unanimously carried. The public hearing will be "renoticed" and reconvened at later date.

Mr. Ferraro introduced the application for subdivision of the Lands of Charles E. Hoffman and the application for approval of a site plan for the construction of a 60,000 SF medical office building, explaining that although the items are listed separately on the evening's agenda, they would be reviewed concurrently since they involved the same parcel of land.

[2015-032] **Columbia Development (Lands of Charles E. Hoffman)** – Proposed (2) lot commercial subdivision, 1783 Route 9 Preliminary public hearing and possible determination. SBL: 266.3-2-5

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

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 because the Planning Board deemed the application complete, assumed Lead Agency status, and issued a negative declaration for this application on June 9, 2015, no additional SEQRA action is required.

Mr. Ferraro, Chairman, called the public hearing to order at 8:00p.m. The Secretary read the public notice as published in the Daily Gazette on June 16, 2015.

Mr. Mr. Gavin Vuillaume, consultant for the applicant, explained that although minor revisions have been made in response to comments rendered at the June 9, 2015 Planning Board meeting and in correspondence from professional staff, the town's Designated Engineer, and Board members, the project plan remains generally as presented at the June 9, 2015 meeting when Planning Board members established the Board as Lead Agency for the site plan application and granted it preliminary approval 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. The existing office space situated on the property will be removed. All bulk and density requirements have been met. Mr. Vuillaume reported that representatives from NYSDOT have verbally approved the sidewalk plans: the applicant has applied for the appropriate permits.

Mr. Scavo read comments submitted regarding this application from Mr. Myers, Director of Building and Development, in a memo dated July 7, 2015. Per the Town Zoning Code, 400 parking spaces are required: the current plan shows that only 298 spaces are provided. Stormwater issues identified during the previous review have not yet been resolved. A fire hydrant is required on the easterly side of the building.

Mr. Scavo read the comments issued by the ECC 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 development 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 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 that 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 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 and adjacent roadways or other properties.

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, provided the following comments regarding this application in a memo dated July 14, 2015. The applicant is asked to describe how the rooftop runoff will be treated by runoff reduction methods. Having a

60,000 SF rooftop drain to an infiltration area (4P) that has a surface area of 60 SF does not appear to meet the sizing criteria per the NYS Stormwater Management Design Manual – Section 6.3. Calculations for all infiltration bottom areas must be provided per Section 6.3. The 24 hour design storm amounts must be updated per the NYS Stormwater Management Design Manual published in January, 2015 (NYSSMDM). Shallow Concentrated Flow surface conditions shall be either paved or unpaved. An evaluation of the downstream culverts along US Route 9 should be undertaken. The applicant should determine whether or not the direct discharge of the SMA 2 and the other 2 existing culverts will have an impact on the existing 18” culvert pipe under Biette Road. The applicant is asked to obtain a letter from NYSDOT that verifies acceptance of having the SMA 2 within the NYSDOT right-of-way. The consultant is asked to update the WQV & RRv calculations for the latest 90% rainfall event number (P) per the NYSSMSM.

Mr. Scavo reported that the applicant has satisfactorily addressed all of the prior comments issued by the Planning Department. He noted that the applicant responded to a previous comment regarding landscaping by adding an additional crabapple tree within a front lawn area adjacent to the northwest corner of the building. Prior to the issuance of a Building Permit, the applicant must demonstrate that the NYSDOT has issued the required Highway Work Permit.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. found that many of the comments issued previously have been adequately addressed by the applicant. The following comments were provided after review of the most recently revised plans. The applicant is asked to obtain the approved 911 emergency response address and include it on the final plat. As noted in Comment 6 of the June 5, 2015 review letter, additional information was requested relative to the entrance improvements at US Route 9. The applicant is advancing this work and will be submitting to the NYSDOT for review and approval. It is suggested that any building and site disturbance permitting be withheld until approval is granted from the NYSDOT for the proposed entrance improvements. Further, should the NYSDOT require changes not reflected in the current plan set, subsequent reviews by the Planning Board may be warranted. As noted in Comment 16 of the June 5, 2015 review letter, the applicant’s design professional has indicated that a 5-acre waiver request will be submitted. The applicant must understand that receipt of site plan approval shall not be considered granting of a 5-acre waiver which must be reviewed by the Town’s Stormwater Management Officer. As noted in Comment 20 of the June 5, 2015 letter it is suggested that the Town be provided feedback from NYSDOT regarding analysis of the traffic report before granting final site plan approval.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, noted that the subcommittee requested that the Planning Board condition its subdivision approval on the requirement that any future project on the northern lot be required to provide a sidewalk from Oak Brook Commons up to both lots to provide a safe route for those walking from the apartment complex to “these two substantial commercial projects.”

Mr. Hartnett provided the following comments regarding the site plan. The applicant must provide construction details on the proposed sidewalk along US Route 9 for Ms. Viggiani’s review. The applicant should be required to provide a crosswalk across Biette Road with a landing pad on the other side to safely allow pedestrians to access the Rusty Nail Restaurant and Tavern. The applicant should consider realignment of the sidewalk along US Route 9 to ensure that it ends at

the intersection of US Route 9 and Biette Road instead of ending one to two car lengths behind the stop crossbar. The Planning Board may wish to consider requesting that the applicant provide sidewalks along the back side of the building. The applicant is asked to provide design specifications for the proposed bike rack.

Mr. Anthony LaFleche, 21 Wheeler Drive, asked that the applicant provide as great a distance as possible between the sidewalk and Route 9, explaining that snow storage was an issue during the winter months.

Ms. Pam Marshall, 5 Fairlawn Court, asked that the Board require that the asphalt of the existing driveway between Route 9 and Oak Brook Commons be removed and that such a stipulation be included in the property deed.

There being no additional public comment on this application, Mr. Ferraro moved, seconded by Mr. Werner, to close the public hearing at 8:15p.m. The motion was unanimously carried.

In response to comments issued by the Trails Subcommittee, Mr. Vuillaume explained that the sidewalk terminus will be made closer to Biette Road. In response to Mr. Koval's question regarding the ownership of the private roadway, Mr. Vuillaume assured Board members that appropriate easements and maintenance agreements "are in place." Mr. Neubauer called for assurance that pedestrian activity along the northern edge of the roadway would be adequately accommodated when that parcel is developed. Mr. Ferraro thanked the applicant for his willingness to accommodate pedestrian activities along US Route 9.

Ms. Paulsen offered Resolution #10 of 2015, seconded by Mr. Ophardt, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon satisfaction of all items listed in the final comment letter issued by the Planning Department. Ayes: Ophardt, Paulsen, Andarawis, Neubauer, Werner, Koval, Ferraro. Noes: None.

Board members then considered approval of the proposed final site plan. The site plan received preliminary approval at the June 9, 2015 Planning Board meeting.

Mr. Werner moved, seconded by Mr. Neubauer, to grant final site plan approval to this application conditioned upon extension of the sidewalk as close to the Biette Road right-of-way as possible, installation of a bike rack near the building's entranceway, and satisfaction of all items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

Old Business:

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

AUTHOR'S NOTE: This agenda item was reviewed concurrently with the Columbia Development (Lands of Charles E. Hoffman) Subdivision application. Please refer to the public hearing section of these minutes.

[2015-023] **Wits' End Expansion** – Proposed 14,000 SF addition to an existing retail outlet, 1762 Route 9 – Preliminary site plan review and possible determination. SBL: 272.1-1-17

Mr. Gavin Vuillaume, consultant for the applicant, explained that this application remains generally as presented at the May 27, 2015 meeting. Though there have been some discrepancies in the reported size of the existing building, it has been determined that it totals 16,500 SF. The proposed addition, therefore, will be 13,500 SF to comply with B4A zoning code requirements that limits building size to 30,000 SF. Describing site grading “as an issue,” the speaker explained that ramps will be utilized on both the interior and exterior of the building to accommodate the slight slopes. Building elevations are being prepared to show that the proposed addition will maintain the character of the existing store. As requested, a sidewalk along US Route 9 has been provided with a link to the store. A crosswalk will be provided to connect the site with the adjoining Parkwood Plaza businesses. Though Mr. Vuillaume noted that the existing stormwater management area was designed to accommodate the now demolished restaurant as well as other uses on the site, a full Stormwater Pollution Prevention Plan will be prepared. The consultant is preparing applications for all required permits. Mr. Vuillaume explained that the addition as designed will require approval of a number of variances from the Zoning Board of Appeals.

Mr. Scavo stated that Mr. Myers, Director of Building and Development, offered comments regarding this application in a memo dated July 7, 2015. Several variances will be required. The required lot consolidation has not yet occurred. The applicant should clarify the actual size of the addition to be constructed. The Building Department has determined that the existing building totals 16,970 SF. Since building size within the B4A zoning district limits building size to 30,000 SF, the total allowable expansion would be 13,030 SF. Mr. Myers describes the stormwater analysis as “misleading,” since the restaurant area has been grass for a considerable period and should no longer be used as existing impervious area: the area shown as impervious to green really is not. Mr. Myers recommends that the “current conditions should be the control.” Mr. Scavo reported that consolidation of properties has been approved: appropriate legal documents will be filed at the County Clerk's office.

Mr. Scavo explained that the ECC issued the following comments regarding this application. The applicant is asked to indicate where the proposed green space is located using color shading to 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 adjacent roadways. The ECC requests that the applicant provide a plan to incorporate landscaping and grading to provide visual and auditory buffering from both Interstate 87 and US Route 9.

Mr. Scavo read comments prepared by the Planning Department. Since the project lies along US Route 9, it must be referred to the Saratoga County Planning Board for review and comment. The preliminary site plan has been forwarded to that Board for review at its July 23,

2015 meeting. The applicant is asked to depict designated green space on a plan sheet using color, cross-hatching, or shading to visually distinguish the areas reserved to meet the 35% requirement. The applicant should provide information on the status of required variances. If the variances are granted by the Zoning Board of Appeals, the date of approval, type of variance granted, and variance reference number must be added to the plan. A signoff from the Clifton Park Water Authority will be required prior to stamping of the final plan. Flush curbs and detectable warning strips should be provided and shown at all pedestrian crossings with a construction detail for such added to the plan. The location of the proposed sidewalk adjacent to US Route 9 should be clearly delineated. A note appears on the plan which depicts the approximate location but it should be field verified that the proposed sidewalk is buildable as shown. The proposed parking area lights should use down directional LED lighting.

Mr. Scavo read comments regarding this application from a memo prepared on July 14, 2015 by Mr. Reese, Stormwater Management Technician. It would be beneficial to see a chart showing the total water quality and quantity for the drainage area of the existing stormwater management area. The chart should show the amounts for existing conditions prior to the demolition of Parkwood Restaurant, after the demolition of Parkwood Restaurant, and the proposed site plan conditions. It is unclear as to the time frame of the completion and stabilization of one project and the start of another to be considered a Larger Common Plan of Development: a call has been made to the Regional NYSDEC for clarification.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. reviewed this application and provided the following comments and recommendations. A single comment related to the Short Environmental Assessment Form. As noted in Comment 4 of the May 22, 2015 review letter, if the project is subject to GP 0-15-002 documentation shall be provided demonstrating that the project is eligible for permit coverage. Based upon the stormwater analysis furnished, it appears the project is subject to GP-0-15-002 and the noted documentation must be furnished. Several comments related to the proposed site development plan. As noted in Comment 6 of the May 22, 2015 review letter and discussions with the Town's Chief Zoning Officer, two area variances will be required. Should the variances be granted, appropriate notation shall be provided indicating the extent of relief and the date the relief was granted by the Zoning Board of Appeals. Since the plans propose an easement for future access to the adjacent lot to the north, it is recommended that a draft easement/deed description be furnished to the Planning Board's legal counsel for review. Documentation should be furnished to the town of the filing of that easement prior to issuance of a Building Permit or Certificate of Occupancy. The plans show a proposed sidewalk along US Route 9, but there does not appear to be a clearly defined connection from the building expansion to the proposed sidewalk. The proposed sidewalk configurations shall be reviewed by the town to confirm logical connectivity and termination points. Plans must indicate how roof runoff will be directed to the site storm sewer system. Plans must also show how the existing sanitary sewer that is shown underneath the northern wall of the proposed addition will be re-routed. It is unclear from the plans where proposed site lighting is to be installed. If substantial lighting is proposed, an illumination plan may be warranted. The accessible parking symbol must be updated to the current "racing" handiman which is now required in New York State. A standard water/sewer trenching and bedding detail must be provided. Mr. Bianchi discussed the Analysis of Existing Stormwater Management Facilities report, noting that it is quantitative only and references prior

reports of record to arrive at the conclusions offered. In general, M J Engineering and Land Surveying, P.C. concurs with the findings and conclusions; however, the report makes clear reference to a prior activity occurring on the site (the 2010 expansion). Due to the prior activity, which was subject to the NYSDEC Phase 2 Stormwater Regulations and the General Permit in effect at that time, it is believed that the current activity and associated site disturbances may be classified as being part of a “larger common plan of development” as defined in Appendix A of GP-0-15-002. Should this be correct, a project specific Stormwater Pollution Prevention Plan that address stormwater quantity and quality controls would need to be prepared.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, reported that the subcommittee reiterated all comments issued for the May 27, 2015 meeting. 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 access.

In response to Mr. Koval’s question regarding the recommended “floating easement” between the Wits’ End and the adjoining Post Office to the north, Mr. Vuillaume reported that such an easement has been provided on the plan. Mr. Werner commented that it appeared that the access point to the store and Parkwood Plaza was “quite wide.” Mr. Vuillaume agreed to consider modification of the curb cut though he explained that such a change would require NYSDOT approval. Mr. Ferraro recommended that the applicant provide small shrubbery along the US Route 9 border. Mr. Werner asked that detailed building elevations be provided for the Board’s review. It appeared that Board members found the plan generally acceptable.

[2015-020] **The Great Discovery Childcare** – Proposed 4,800 SF childcare center with playground, Arnold Drive – Preliminary site plan review and possible determination. SBL: 271.-1-2.111

Mr. Koval recused himself from any comment and/or vote on this project.

Mr. Tom Andress, consultant for the applicant, presented this application that calls for the construction of a 4,800 SF childcare center on a 1.66 acre parcel located on the northeasterly corner of the intersection of Route 146 and Arnold Drive. The parcel is located in the B1 (Business Non-Retail) zoning district. The plan proposes the construction of a 4,800 SF L-shaped building with a capacity to serve 60 children, a 3,000 SF outdoor play area, 37 parking spaces, and two curb cuts onto Arnold Drive. The new building will be served by connection to the Clifton Park Water Authority and Saratoga County Sewer District. It is anticipated that the facility, regulated by the NYS Department of Education, will be staffed by 12 employees. Tree buffering will be provided along the easterly boundary and the northerly edge of Arnold Drive line to minimize visual impacts to the existing neighborhood. Residential style low-level lighting fixtures are proposed. The consultant anticipates that there will be less than one acre of site disturbance – drainage will be handled mainly through infiltration methods.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated July 7, 2015. Per Buildings and Grounds personnel, the proposed sign easement indicated on the plans already exists. All necessary variances have been granted by the Zoning Board of Appeals. Additional information related to soil borings is required before adequate review may be undertaken.

Mr. Scavo reported that the ECC offered no comment on this application at this time.

Mr. Scavo read comments prepared by Mr. Reese, Stormwater Management Technician. The applicant should include soil type data and percolation data for the stormwater management calculations. The time of concentration runoff rates should be supported by runoff coefficients, slopes, and lengths. The applicant is asked to provide a tenant/owner Operations and Maintenance Manual to ensure continuous infiltration rates.

Mr. Scavo read the memo dated July 14, 2015 from Michael O'Brien, Director of the Town of Clifton Park Sewer Department, which states that although it is anticipated that the system will have adequate capacity to serve the site, additional engineering information pertaining to estimated sewage flows for the facility at full operation is requested. Since there appears to be a discrepancy regarding the proposed connection location and the actual location of force main(s) in the field, the applicant's consultant is asked to verify the actual sewer line location. The memo notes that the \$1,000.00 hookup fee must be paid prior to connection to the system and that a Saratoga County Sewer District #1 permit will be required.

Mr. Scavo offered several comments prepared by the Planning Department. He reported that the Town of Clifton Park acquired an easement in 2015 on the corner of this parcel which includes the Arnold Drive/Woodland Hills neighborhood entrance sign and adjacent supporting landscaping. The Town Board authorized the acceptance of said easement on January 5, 2015 and the easement transaction has been finalized. The draft site plan has been revised to illustrate the actual Permanent Easement Boundaries held by the Town of Clifton Park.

Mr. Scavo provided additional site-specific comments. The applicant is asked to display the locations for the flush curbs and detectable warning strips that should be provided at all pedestrian crossings. The Landscaping Plan (Sheet 2 of 2) displays the locations for seven red maples while the planting schedule shows a quantity of six. The applicant is asked to increase the number of red maples on the planting schedule to seven. A detail is shown for a 6' high colonial style lamppost, however, the location of the lamp post is not indicated on the plan: plan must be updated show the proposed location. Preservation of the existing tree line adjacent to NYS Route 146 and the proposed limits of disturbance are important features in minimizing visual impacts of the proposed development. A notation should be added to the site plan which states the following:

Existing tree line to remain as a visual buffer and any proposed future modification will require additional site plan review.

An additional note must be added to the plan which states:

Prior to any tree clearing, grading, and construction activities commencing on-site, town staff will verify that the clearing limits have been marked per the approved site plan.

It appears that the proposed location for silt fence will serve as a visual cue to the set limit of clearing line.

Mr. Bianchi reported that, after review of the materials submitted for preliminary review, M J Engineering and Land Surveying, P.C. provided the following comments. As noted in Comments 2 and 3 of the April 24, 2015 review letter, the applicant shall provide the Town documentation indicating both CPWA's and SCSD's ability and willingness to provide potable water and sanitary sewer service, respectively, to the project. Any approvals offered by the Planning Board should be conditioned on receipt of CPWA's and SCSD's review and approval. As noted in Comment 4 of the April 24, 2015 letter, given the wide variations with potential vehicle trips associated with the proposed use, it is recommended that, at a minimum, the anticipated peak hour trip generation be provided. Several comments related to the Short Environmental Assessment Form. The response to 8.a indicates that the proposed action will not result in substantial increase in traffic above present levels. As noted in Comment 7 of the April 24, 2015 review, at a minimum, the applicant is asked to provide an estimate of peak hour vehicle trips to assist the Planning Board in its review to determine if there will or will not be a significant increase above existing levels. Comment 9 of the April 24, 2015 review letter identified area variances required for the project, most of which have been granted. It remains unclear, however, if the minimum greenspace of 50% is being provided pursuant to Section 208-35(D)(3) of the Town's Zoning Code or if this was part of the relief granted by the Zoning Board of Appeals. As noted in Comment 10 of the April 24, 2015 letter, a 10 foot buffer is required along the side and rear yards: the plan does not appear to show any such buffer along the northerly boundary. The applicant must demonstrate how the minimum requirements of the town's zoning code are going to be satisfied with the potential limitations associated with the existing easement, should a variance or waiver not be obtained. As noted in Comment 12 of the April 24, 2015 review, any proposed utility work within the town right-of-way is subject to the review and approval of the town Highway Superintendent: notation to that effect shall be added to the plans. As noted in Comment 14 of the April 24, 2015 review, should the project propose any exterior dumpsters, locations for such shall be shown on the plan for review. If an exterior dumpster is not required, a notation on the plan should be provided describing the proposed process for refuse handling for the site. The applicant is asked to provide "Do Not Enter" signs for the bus drop off at its intersection with Arnold Drive. Areas planned for snow storage should be indicated on the plan. Additional spot elevations are required to clearly define the accessible route from the accessible aisle to the front entrance. If an accessible curb ramp is necessary, identify its location with a supporting detail. The Drip Edge detail provided indicates a 4 inch underdrain: the applicant is asked to show on the plans where this pipe is located and its discharge location. The applicant is asked to label the diameter and materials of construction for the pipe discharge to each of the proposed drywells on the south and east sides of the proposed building. Specifications for the proposed chain link fence along the Route 146 frontage must be provided. Under proposed conditions, increase the Tc values to be no less than 0.1-hour (or 6 minutes) as recommended by TR-55 methodologies. The proposed conditions HydroCAD model applies presumptive infiltration rates. In-situ testing shall be performed at all locations where infiltration practices are proposed to confirm design assumptions made. Mr. Bianchi recommends that the new icon indicating ADA compliance be utilized.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, offered the comment issued by the subcommittee. The applicant should construct a 5' wide sidewalk along the property's entire frontage along Route 146 as well as a sidewalk connection from the proposed building to the newly constructed sidewalk along Route 146.

Mr. Vince Aceto, 27 Wheeler Drive, referencing the site plan application for a funeral home on this parcel that was reviewed by the Planning Board several months ago and was opposed by those residing within the Woodland Hills neighborhood, described the current application as "egregious." His comments focused mainly on traffic issues as he explained that the 140 families residing within the subdivision must use either Arnold Drive or George Drive for ingress to and egress from the development. In his opinion, the estimated 60 vehicle trips generated at both morning and evening peak travel times would severely impact the level of service at the Arnold Drive – Route 146 intersection – and make it particularly difficult for those drivers attempting to exit the neighborhood going east. Based upon estimated trip generation information, traffic flow would increase by 1/3. The speaker called for a "controlled study" that would identify and provide suggestions for mitigation of potential traffic problems. Mr. Aceto pointed out that those who currently reside in Woodland Hills are "respectful" of neighborhood children and pedestrians who frequent the roadways. He does not believe that those utilizing the daycare facility would drive as carefully. Presenting "facts" collected in an unscientific study of the surrounding properties, he noted that of eleven (11) commercial sites located on the northerly side of Route 146, eight (8) offer entrance and exit directory onto Route 146: three (3) provide access from "side roads." On the southerly side of that road, of the twelve (12) commercial sites, only two (2) access from side roads. All three daycare facilities along Route 146 provide ingress to and egress from their sites directly to Route 146. Calling for Board members to consider the impact of the proposed development on the exiting neighborhood, the speaker recommended that the Board require that ingress and egress to the facility be provided from Route 146. Mr. Aceto concluded his remarks by requesting that the Board delay any decisions until the residents of Woodland Hills returned from summer travels.

Ms. Judy Morley, 8 Wheeler Drive, expressed opposition to the proposed plan, citing the fact that the estimated sixty (60) additional vehicle trips on Wheeler Drive would negatively impact existing residents, that the parcel slated for development was originally proposed as "greenspace" for the neighborhood, that the traffic study conclusions were deficient since no study was conducted during periods when schools were in session and recreational facilities were functioning at maximum capacity. Ms. Morley was also concerned that fumes from the buses entering and exiting the site would pose problems for existing residents.

In response to Mr. Ferraro's assertion that subdivision plans showed no designated greenspace at the intersection of Arnold Drive and Route 146, Ms. Morley stated that it was her understanding that the approved subdivision plans for Woodland Hills "were missing." Mr. Scavo reported that plans for Woodland Hills are on file at the Town Hall and that no park district was ever created within its boundaries. Mr. Ferraro explained that the parcel to be developed lies within the B1 zoning district and that the applicant has a right to develop the property in accordance with applicable zoning regulations. He commented that he was concerned about the growing need for traffic studies and possible remediation measures throughout the capital region as cumulative

growth impacts many highly-traveled roads and busy intersections. Describing the increased traffic at the Arnold Drive – Route 146 intersection as “problematic,” Mr. Werner recommended that the applicant provide a traffic study that realistically calculates the number of trips generated at peak hours and that the information obtained in the study be forwarded to NYSDOT for expert review and comment. Mr. Ophardt remarked that a driveway located on Route 146 would likely create a very unsafe condition due to the increased number of turning conflicts that would result from the proximity of curb cuts.

Ms. Laura Essa, 12 Wheeler Drive asked that the Planning Board not permit a commercial use to access a residential street.

Ms. Laurene O’Brien, 8 George Drive, told the Board that she was a member of the Federation of Clifton Park Homeowners’ Organizations which had collaborated with the Planning Board and Zoning Board of Appeals in the late 1970’s to address such things as visual aesthetics for development and traffic flow along the Route 146 corridor. In her opinion, the signs along Route 146 have become “uglier” and “uglier” and that “commitments made at that time have not been enforced.”

Mr. Ferraro commented that he was “sympathetic” to the traffic concerns expressed by the residents of Woodland Hills, explaining that the pressures of cumulative growth on traffic patterns throughout the region are a result of site-specific reviews. He would encourage a comprehensive review of traffic throughout the town and development of a capital improvement plan that would provide funding for the mitigation of existing and potential traffic congestion.

Mr. Chris Beck, 1 Wheeler Drive, stated that although he is not “against business,” he is “against a business entering and exiting on Arnold Drive.” In response to his comment regarding the unacceptable location for the playground area, Mr. Ferraro pointed out that the area is to be located approximately 30’ from Route 146 and that the existing tree line is to be preserved.

Mr. Perry Gava, 10 Wheeler Drive, objected to the “one-way bus scenarios” presented as part of the plan. The speaker was concerned that parents dropping off children at the daycare would park along Arnold Drive, thus creating an unsafe condition for both drivers and children. Ms. Paulsen pointed out that plans indicated that only nine (9) school aged children will be served by the facility.

Ms. Maria Rose, 8 Arnold Drive, stated her opposition to the proposed project, explaining that the parcel located at the Arnold Drive – Route 146 intersection was the main entranceway to Woodland Hills and that traffic safety was an issue. Citing problems with clean-up after construction of commercial buildings in close proximity to her residence, she asked that residents of Woodland Hills be assured that all debris be removed from the site as soon as the project is completed.

Ms. Kathy Messier, 11 Arnold Drive, pointed out that the application for the funeral home was rejected in part because of the proposed installation of two means of ingress and egress. She described this site plan, which also proposes two means of ingress and a single means of egress

from the site as “unconscionable.” The speaker also expressed her concerns that queues of cars would extend from the site onto Route 146 resulting in unsafe travel conditions.

Ms. Lucyann Nolan, 13 Arnold Drive, asked that the Board consider where families would park if special events were held at the daycare.

Mr. Anthony LaFleche, 21 Wheeler Drive, asked that Board members consider requiring a connection between the proposed project and the site currently being developed on the site directly east of the parcel. The speaker also stated his disapproval of variances granted by the Zoning Board of Appeals that would allow development in close proximity to Arnold Drive and Route 146.

Ms. Rita Gava, 10 Wheeler Drive, challenging the project consultant’s greenspace calculations, commented “it was obvious” that the project plan did not contain the required 50% green area.

Mr. Don Wilson, 42 Wheeler Drive, concurred with a number of the concerns expressed by others and remarked that Board members “did not show a lot of common sense” by reviewing the plan as presented.

One audience member expressed her disappointment with the amount of growth that has occurred throughout the town since her family moved to the neighborhood from southern New York State a few years ago.

Mr. Ferraro responded to the comment by explaining that Clifton Park is situated within a “high growth corridor” in the capital district area because of its desirable location and quality of life.

Ms. Therese Finneran, 16 Wheeler Drive, noted that Board members had discussed the necessity for having two means of ingress and egress for a subdivision containing eighteen or more lots [Windhover Farms] and questioned whether they believed that adding an additional commercial use to a subdivision of 140 homes served by only two means of ingress and egress was reasonable.

Mr. Ferraro explained that Board members were sensitive to “how the project fits into the location,” explaining that additional landscaping, limited directional lighting, and other mitigations will be required to minimize impacts of the development on existing residents. Mr. Aceto pointed out that both traffic and safety issues should concern the Board.

In response to Ms. Ms. Morley’s question from the floor, Mr. Pelagalli explained that those opposed to a Planning Board determination could appeal the decision when issued by filing an Article 78 proceeding in the County Clerk’s Office and serving the Town Clerk.

Mr. Werner recommended that, at a minimum, traffic counts during the morning peak hour be provided and that collaboration with representatives of NYSDOT be undertaken to identify possible potential impacts of the proposed development and, if necessary, consider mitigations for

those impacts. Mr. Andress explained that since the applicant currently operates a daycare facility in close proximity to this location, an estimate of the number of children arriving by automobile and by bus can be provided quite easily.

New Business:

The two following agenda items were reviewed concurrently since they involved the same parcel of land.

[2015-033] **Casale, Tony** - Proposed (3) lot commercial subdivision, 1747 Route 9 – Conceptual site plan review. SBL: 272.1-2-7.2

[2015-034] **LaQuinta Inn and Suites** – Proposed 4-story, 104 room hotel, 1747 Route 9 – Conceptual site plan review. SBL: 272.1-2-8.1

Mr. Scott Lansing, consultant for the applicant, unveiled this application that calls for the subdivision of 9.87 acres of land situated in the B4-A (Highway Business – Restricted Retail) zoning district on the easterly side of Route 9 approximately $\frac{3}{4}$ of a mile north of its intersection with Route 146. The lots will be divided into parcels of 1.06 acre, 3.80 acres, and 5.01 acres, respectively. A 4-story, 104-bed hotel with 113 parking spaces, which must be situated on its own lot for funding purposes, is proposed for the 3.8 acre parcel and is subject of the accompanying site plan application. The hotel will connect to existing public water and sewer systems located within the US Route 9 right-of-way and will be accessed by a private roadway. Stormwater will be managed and maintained on site. The application will require approval by the Zoning Board of Appeals for a number of variances including those for building height, side yard setbacks, and front yard setbacks. Since minimum building setbacks for front, side, and rear yards for the keyhole lot are all 80', a number of area variances will be required. Referencing comments issued by professional staff and the Town Engineer, Mr. Lansing described the comments issued by M J Engineering and Lands Surveying, P.C. as “technical in nature” and easily satisfied. The consultant gave Board members an opportunity to review a LaQuinta Inns and Suites Prototype Booklet that provided information and photographs representative of the proposed exterior and interior building designs proposed for this location.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application in a memo dated July 7, 2015. The application for required variances for the proposed subdivision will be reviewed by the Zoning Board of Appeals at its July 21, 2015 meeting. The list of required variances as shown on the plan sheet “is not totally accurate for required variances:” it appears from the conceptual site plan that several variances will be required, though a much more detailed plan will be required for a comprehensive review. Permanently deeded access to Lots #1 and 2 will be required. Due to existing site conditions, significant slope work and stabilization will be required. A full Stormwater Pollution Prevention Plan must be submitted.

Mr. Scavo stated that the ECC issued the following comment regarding this application. The ECC recommends showing where the proposed green space is located using color shading to

confirm that the required greenspace requirement is met for each individual lot within the Town of Clifton Park. It appears that Lot #1 may not meet the required amount of green space.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, offered the following comments in a memo dated July 14, 2015. The ownership of the Notice of Intent for the NYSDEC General Permit should be established to consider this project a Larger Common Plan of Development for the current development on Lot #1, the proposed development on Lot #2, and the future development on Lot #3. A Full Stormwater Pollution Prevention Plan will need to be prepared as the project moves forward.

Mr. Scavo read comments prepared by the Planning Department. The proposed private roadway must be given an official name by the applicant for future 911 purposes. The applicant is asked to clarify how the final topography and site clearing “relate to” and “fit with” the proposed layout and context of the hotel. The applicant should show the final grading and clearing of the entire site in relation to the proposed hotel. A timeline for completion of the hotel project in relation to additional site clearing and grading activities to still occur on the site – i.e. demolition of the existing residential dwelling should be submitted.

Mr. Casale explained that the existing residential building will not be demolished. It is his intention to move the building to a location within the Town of Halfmoon.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. offered a number of comments in correspondence dated July 7, 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 US 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; New York State Office of Parks, Recreation and Historic Preservation – identification of the existence or absence of cultural and historic resources; Town of Halfmoon – due to the project site being adjacent to the municipal boundary of the Town. Additional interested and involved agencies may be identified over the course of the town’s review of the application. Several comments related to the Full Environmental Assessment Form submitted with the conceptual site plan application. Under Part D.2.c, additional information will be necessary to substantiate the responses with respect to the water provider having the ability to service the project. Under Part D.2.d, additional information will be necessary to substantiate the responses with respect to the sewage facilities having the ability to service the project. Under Part D.2.k, no response is provided yet regarding expected energy consumption. When this information is known, it shall be provided on an updated form. Under E.2.m, the applicant is asked to provide a listing of the predominant wildlife species that occupy or use the project site. This list should be supplemented by a database search of NYSDEC online Environmental Mapper. Under E.2.o and p, there must be formal documentation from the NYSDEC and/or US Fish and Wildlife to substantiate the response furnished. Under E3.f, there needs to be formal documentation from the NYS Office of Park,

Recreation and Historic Preservation regarding archeological resources being located on or adjacent to the project site. At a minimum, a search of the online CRIS database is needed to determine permit eligibility for coverage under GP-0-15-002.

Mr. Bianchi provided several general comments regarding the application. The project would result in disturbances in excess of 1 acre and, therefore, is subject to the NYSDEC Phase 2 Stormwater Regulations and General Permit GP-0-15-002. As the project proceeds through the regulatory review process, a fully conforming Stormwater Pollution Prevention Plan (SWPPP) will be required that addresses stormwater quality, quantity, and green infrastructure elements. This document must be submitted as part of a preliminary plan submission to the Town. As a result of being subject to the Stormwater General Permit GP-0-15-002, the applicant will need to seek consultation from the NYS Office of Parks, Recreation and Historic Preservation and the NYSDEC regarding the absence or existence of cultural or historic resources and threatened and endangered species, respectively, within the project boundaries if not already completed as part of the prior approvals on the site. The site plan indicates that the project will be provided public sanitary sewer by way of connection to the Saratoga County Sewer District No. 1 sewer system. It is recommended that the Town be furnished with documentation that the SCSD is willing and capable of servicing this project. The applicant has indicated water service will be provided by the Clifton Park Water Authority Dist. #1. It is recommended that the Town be furnished with documentation that the CPWA is willing and capable of service this project. The proposed hotel may result in more than 100 peak hour vehicle trips. At a minimum, the applicant needs to provide a summary of expected peak hour vehicle trips for review. This information may require the preparation of a project specific traffic impact study. If the study is warranted, it must account for projects currently proposed or under construction and planned for occupancy in the near future. Comments were provided regarding the subdivision plan. Any standard subdivision plat notes required by the Town must be included on the subdivision plat. In the event the area variances required are granted by the Town Zoning Board of Appeals, the extent of the relief granted and date of approvals shall be provided on the subdivision plat. The applicant must obtain the approved 911 emergency response addresses and place them on the plat prior to filing with the County Clerk's office. The following comments related to the site plan application. 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 a hotel/motel 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 208-50.3(C) indicates that no building shall be placed closer to a side property line than 30 feet. The plan shows the building associated with proposed Lot #1 within the stated side setback.

b. 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 parking associated with proposed Lot #1 within the stated side setback.

c. Section 208-50.3(D) indicates that no automobile parking space shall extend nearer to a rear property line than 30 feet. The plan shows parking associated with proposed Lot #1 within the stated rear setback.

d. Section 208-50.3(F) requires a minimum of 35% greenspace. It is unclear from the plan if proposed Lot #1 provides the minimum greenspace.

e. Section 208-50.5 requires the property margins at the sides from the front building line to the rear property line be planted with trees and shrubs for a width of not less than 15 feet. Subsequent plans need to illustrate how this provision of the Zoning Code is being satisfied.

f. Section 208-86(B) states that keyhole lots may be permitted by the Planning Board only in Residential Districts R-1 and R-3 and only in rare instances when required due to unusual conditions of the area. Keyhole lots shall not be created for any use other than a single-family dwelling. The project proposes a keyhole lot for a non-residential use within the B4-A zoning district. The plan provides 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 the private road and/or linking the adjacent uses. Subsequent submissions shall indicate how sanitary sewer and potable water service is to be provided to the site. It should be noted that if new mains planned for this project are intended to service the undeveloped Lot #3, both would likely need to be conveyed to the service provider and would be considered public utilities. The proposed roadway that all lots utilize for access should include a shared maintenance agreement, if not already prepared as part of the prior development approvals. The location of the required Knox Box should be identified or notation furnished indicating the final location shall be determined as part of the building permit process. Plans should indicate whether the proposed building will be equipped with automatic sprinklers. If so, the fire department connection should be noted on the plans or notation furnished indicating the final locations shall be determined as part of the building permit process. Further, this information will determine whether an on-site hydrant is required. 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. will reserve 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, commented on the proposed subdivision application, requesting that the applicant be required to provide sidewalks along the entire access easement to provide pedestrian access to all lots per the original approval of the Casale commercial project. It is recommended that the application be referred to the Highway Safety Committee to evaluate the need for a pedestrian activated signal at this site, as the proposed hotel will be situated within a commercial complex comprised of office space, a bank, and other retail outlets and will be across from other hotels, restaurants, and retail establishments on the westerly side of US Route 9. A pedestrian connection between the proposed sidewalks along US Route 9 and the building on Lot A should be provided.

Mr. Dan Hartnett then offered comment on the site plan application. The applicant should provide a bike rack and include the design, location, and installation details for review by inspectors during construction. The applicant should be required to provide a sidewalk in front of parking spots in the rear of the hotel to connect them to the front and rear door access points. The applicant should be required to provide a connection from the requested sidewalks along the access easement to the front door of the hotel.

Mr. Ferraro recommended that the applicant collaborate with Ms. Viggiani, Open Space Coordinator, to develop a comprehensive plan for both internal and external pedestrian accommodations on the parcel. Mr. Neubauer commented that the applicant had submitted plans

for a visually appealing building. He observed that the application for a proposed hotel is the fourth one that the Planning Board has reviewed during the past several months and he speculated that “the critical mass of hotels” will demand more restaurants and services along the US Route 9 corridor to accommodate the increasing number of visitors. Mr. Ferraro took note of his comment, stating that he was pleased that the Board had acted proactively to require connectivity between businesses being established along the US Route 9 corridor. Mr. Werner encouraged discussions with NYSDOT representatives to attempt to develop “some sort of consistency” of design for sidewalks, drainage facilities, utility pole installations, and topography along state controlled roadways. In response to Mr. Ophardt’s question regarding the need for a left turn lane, Mr. Lansing explained that there was an existing turning lane.

Mr. Ferraro’s concerns centered on the condition of the site as it currently exists, citing two specific issues. The first issue related to the mining activity that has been on-going on the site. He observed that the “cliff-like” situation poses an “interesting juxtaposition” for the proposed new building with the existing site condition that leaves a large portion of the hill on the property exposed as excavation continues. Descriptions of the necessary cut and fill required to create a more level topography and stability of soils that would allow for construction of the hotel should be provided for Board members to better appreciate what the site will look like at full build out. Mr. Ferraro requested that the Planning Department collaborate with the Town of Halfmoon to ensure that future development of the parcel is adequately coordinated. The second issue of concern focused on relationship of this proposal to existing site approvals. The speaker asked that the applicant provide sufficient landscaping to “tie the sites together.” Mr. Lansing explained that site mining is currently being conducted on lands within the Town of Halfmoon: excavation of the parcel is expected to be completed within two to three months. He reported that the mining activity has been coordinated with the NYSDEC and all stabilizing and reclamation activities continue to be monitored by that agency. Mr. Ferraro believes that site development may proceed unimpeded as long as the mining activity is being overseen by the appropriate regulatory agencies. Mr. Andarawis spoke to the keyhole lot configuration, stating his support for it within the B4-A zoning district. He did comment that he would prefer that the roadway proposed to serve the hotel be conveyed to the town if a 60’ wide right-of-way could be established. Board members appeared to find the proposed site plan acceptable.

[2015-035] **Kramer, Robert and Elizabeth** - Proposed (2) family dwelling, MacElroy Road – Special Use Permit #81036 and conceptual site plan review. SBL: 258.-2-4

Mr. Robert Kramer, applicant, presented this application for the Board’s consideration, explaining that he would like to construct a 2,000 SF duplex on a 5.3 acre parcel of land situated within the R1 (Residential) zoning district on the northerly side of MacElroy Road approximately 200 feet west of its intersection with Trethorne Drive. The dwelling units will be served by connection to the Clifton Park Water Authority. Sanitary facilities will be provided either by connection to an existing municipal system or installation of an individual on-site system designed by a licensed engineer. Pursuant to Section 208-10B(9)(a)[7] of the Town Code, approval of Special Use Permit #81036 is required to allow construction of a two-family dwelling within the R1 (Residential) zoning district.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments regarding this application. It appears that there are significant wetlands on the property. A detailed delineation will be required prior to approval of the placement of the house and septic system. The parcel is the last parcel in the R1 zone – not the CR zone as noted on the plan. Approval of the Special Use Permit will be from Section 208-10B(9)(a)[7] – not from Section 208-16 as noted on the plan.

Mr. Scavo stated that the ECC provided the following recommendations after review of the Special Use Permit application. The ECC recommends delineating the wetlands and stream corridor - including the LC zone - using shading on the plan to confirm that the project will not impact said wetlands. The ECC notes that the project is in an R1 zone where two family homes are not an allowed use. The applicant has been filling an area very close to the LC zone along the Cooley Kill: Commission members would like to assured by the applicant that the filling activity stays out of the LC zone.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, recommended that the wetlands, associated buffers, stream location, and LC zone be depicted on the site plans. The location of fill piles on the property and adjacent owners' property boundary line should be shown on the plans.

Mr. Scavo reported that the Planning Department found the project plan generally acceptable, though the applicant was advised to indicate all environmental constraints on the plot plan prepared prior to the issuance of a Building Permit. All NYSDEC, ACOE, streams, and unclassified wetlands should be delineated on site and jurisdictional determination letters received from the respective agencies should be provided to the town. Percolation tests for the proposed septic system locations should be provided and noted on the site plan to ensure that soils are conducive for an individual system.

Board members agreed that, although the plan appears reasonable, the “special environmental features” of the site must be depicted on the plot plan. Mr. Ophardt recommended that the surveyor include all wetland delineation information as well as proposed house and septic locations on the plot plan presented for review.

Mr. Ferraro announced that the Capital District Regional Planning Commission will hold its annual Fall Local Government Planning and Zoning Workshop on Thursday, October 15, 2015 at Hudson Valley Community College. Topics will include planning and zoning, water quality and sustainability.

Mr. Koval moved, seconded by Mr. Ophardt, adjournment of the meeting at 11:35p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on August 11, 2015.

Respectfully submitted,

Janis Dean, Secretary

NOTICE OF DECISION**Resolution #10 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 July 14, 2015, there were:

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

Those absent were: E. Prescott

Ms. Paulsen offered Resolution #10 of 2015, and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by Columbia Development for approval of a subdivision entitled 1783 Route 9 – Subdivision of the Lands of CEH, LLC consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on July 14, 2015;

Whereas, the Planning Board was established as Lead Agency for this application, and a negative declaration was issued pursuant to SEQRA on July 14, 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 final hearing for this application is waived and the subdivision plat entitled 1783 Route 9 – Subdivision of the Lands of CEH, LLC is granted preliminary and final approval conditioned upon satisfaction of all items listed in the final comment letter issued by the Planning Department.

Resolution #10 of 2015 passed 7/14/2015

Ayes: Ophardt, Paulsen, Andarawis, Neubauer, Werner, Koval, Ferraro

Noes: None

Rocco Ferraro, Chairman