

Town of Clifton Park Planning Board
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
September 9, 2015

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

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

Those absent were: E. Andarawis, J. Koval, E. Prescott

Those also present were: J. Scavo, Director of Planning
J. Hakes, 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, Mr. Koval, and Mr. Prescott.

Minutes Approval:

Mr. Ophardt moved, seconded by Mr. Werner, approval of the minutes of August 11, 2015 as written. The motion was unanimously carried.

Public Hearings:

[2015-030] **Hilderley, Clifton T.** - Proposed demolition of an existing residence and construction of a (2) family residence, 283 Sugar Hill Road – Public hearing for Special Use Permit #81034 and preliminary site plan review. SBL: 276.19-1-17

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 the 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. Neubauer 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. Ferraro, Chairman, called the public hearing to order at 7:05p.m. The Secretary read the public notice as published in the Daily Gazette on August 31, 2015.

Mr. Duane Rabideau, consultant for the applicant, reported that the project plan for 283 Sugar Hill Road remains generally as presented at the June 23, 2015 Planning Board meeting. He explained that on July 21, 2015, the applicant received a variance from the Zoning Board of Appeals to construct the proposed duplex within 100' of the centerline of Grooms Road. Demolition of the existing building is pending. The existing water well will be abandoned and water provided to the proposed duplex via extension of the Clifton Park Water Authority main located at the northwesterly corner of the Grooms-Miller Road intersection. The existing septic system will be abandoned and a new, individual system installed to the rear of the proposed "twin home." This system will be located a minimum of 100' from any water well situated on adjoining properties. Access will be provided by utilization of the existing curb cut on the southwesterly side of the property and a new curb cut just north of the existing drive. Mr. Rabideau reported that the applicant has spoken with representatives of the Historic Preservation Commission and is committed to working with them to design a two-family residence in keeping with the historic character of Grooms Corners.

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 Ms. Reed, Chief of the Bureau of Fire Prevention, offered no comment on this application.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, reported that the necessary variance for this application was approved by the Zoning Board of Appeals at its July 21, 2015 meeting.

Mr. Scavo reported that the ECC recommends that since the property was historically used as a blacksmith shop the Planning Board require the applicant to conduct soil testing for contaminants because the property has been abandoned for an extended period of time and the intended use may result in exposure of occupants or visitors to chemicals associated with potential health risks.

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, found the application acceptable and offered no comment on the project plan.

Mr. Scavo reported that the Planning Department issued the following comments regarding this application. The Saratoga County Planning Board reviewed the Special Use Permit application and reported that there would be “no significant county-wide or inter-community impacts.” The applicant should clarify whether or not there has been collaboration with the town’s Historic Preservation Commission to ensure that the new two-family dwelling design “fits into the context of the surrounding historic setting” as recommended at the June 23, 2015 Planning Board meeting. The applicant is asked to confirm whether or not representatives of the Historic Preservation Commission have been granted access to the interior of the existing structure to document architectural features. Mr. Scavo noted that the narrative description of the proposed action attached to the short Environmental Assessment Form notes that “the proposed driveway turn-around and south side of the new structure will be buffered with evergreen plantings [to provide screening] from the adjoining property at 281 Sugar Hill Road. A planting plan that notes the species, size, and quantity of the proposed plantings must be included on the plot plan.

M J Engineering and Land Surveying, P.C. did not review this application.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, offered no comment on the application.

There being no public comment on this application Mr. Ferraro moved, seconded by Mr. Werner, to close the public hearing at 7:16p.m. The motion was unanimously carried.

Mr. Ophardt encouraged the applicant to work with representatives of the Historic Preservation Commission to design a structure that “fits in” with the character of the Grooms Corners’ area and would “enhance” the historic town-owned Grooms Tavern. Mr. Neubauer questioned how such historic character would be assured if no design renderings were provided to the Board for consideration. Mr. Ferraro commented that, although he would be comfortable granting preliminary approval to the application, he would delay the granting of final approval until there is an agreement between the applicant and Historic Preservation Commission members on the architectural design. He viewed a written sign-off from the Commission as significant since “the general appearance of the structure must be reflective of the character of the neighborhood.” Ms. Paulsen pointed out that since Mr. Andarawis, the Board’s liaison with the Historic

Preservation Commission was absent, it would be important to secure his input before proceeding with final approval for the project.

Ms. Paulsen offered Resolution #12 of 2015, seconded by Mr. Ophardt, to waive the final hearing for this application and to grant preliminary approval to Special Use Permit #81034 to permit the construction of a two-family residence within the CR (Conservation Residential) zoning district pursuant to Section 208-16D(3)[8] of the Town Zoning Code. Ayes: Ophardt, Paulsen, Neubauer, Werner, Ferraro. Noes: None.

The applicant was directed to obtain a sign-off on the design of the two-family dwelling from the Historic Preservation Commission before submitting the application for final approval.

[2015-040] Murdza, Maria-Lee and Stephen – Proposed (3) lot subdivision, 269 Lapp Road – Preliminary public hearing and possible determination. SBL: 278.-1-18

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 the 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. Ophardt 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. Ferraro, Chairman, called the public hearing to order at 7:28p.m. The Secretary read the public notice as published in the Daily Gazette on August 31, 2015.

Mr. Duane Rabideau, consultant for the applicant, stated that this application remains generally as presented at the August 11, 2015 Planning Board meeting. The speaker explained that an area variance for a 30' front building setback was granted by the Zoning Board of Appeals on July 21, 2015. A border of Norway spruce and split-rail fencing will be installed on the newly created lots to define the delineated ACOE wetlands on the parcel.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that the approved postal addresses be added to the plan.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, reported that the necessary 30' minimum front yard setback variance for the existing residence for this application was approved by the Zoning Board of Appeals at its July 21, 2015 meeting.

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

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, asked that the applicant provide a detail for small home site construction on the final plat.

Mr. Scavo offered the following comment prepared by the Planning Department. While it is understood that no disturbance is proposed within the wetlands at this time, it is recommended that the following note be added to the subdivision plan for the benefit of future property owners and a reference to the restriction on the subdivision map be contained within each property deed:

The identified Freshwater Wetland is protected and regulated under federal law (Section 404 of the Clean Waters Act) by the U.S. Army Corps of Engineers. Prior to undertaking any project that may be within or adjacent to the wetland, contact both the DEC Region 4 Office at (518) 357-2069, and the US Army Corps of Engineers at (518) 266-6350 to obtain required permits.

Ms. Jackie Hakes, reported that, after review of the preliminary plan submitted for review, M J Engineering and Land Surveying, P.C. found that all previously-issued comments had been satisfactorily addressed.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, thanked the applicant for including the 10' easement as requested but asked that the label for the easement be revised to the standard language for the multi-use train and/or utility realignment. Mr. Rabideau agreed to revise the note.

There being no additional public comment, Mr. Ferraro moved, seconded by Mr. Werner, to close the public hearing at 7:43p.m. The motion was unanimously carried.

In response to Mr. Ophardt's recommendation that a note regarding the parcels' proximity to the Northway, Mr. Ferraro pointed out that the consultant had already included such a note on the plan. Mr. Ferraro commented that he viewed the note regarding wetland protection on the subdivision plan and in individual property deeds as significant in assuring protection of wetland areas.

Mr. Neubauer offered Resolution #13 of 2015, seconded by Mr. Ophardt, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon the addition of a note to the subdivision plat and in individual property deeds regarding non-disturbance of protected wetlands on the newly-created parcels and satisfaction of all items listed in the final comment letter prepared by the Planning Department. Ayes: Opahardt, Paulsen, Neubauer, Werner, Ferraro. Noes: None.

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

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

Mr. Ferraro, Chairman, called the public hearing to order at 7:40p.m. The Secretary read the public notice as published in the Daily Gazette on August 31, 2015.

Mr. Robert Kramer, applicant, presented this application that remains generally as presented at the July 14, 2015 Planning Board meeting at which time the Planning Board expressed concerns regarding the possible impacts to wetlands on the parcel. The applicant explained that although he attempted to address the Board's concerns, he was unsuccessful in contacting a surveyor who would delineate the wetlands. He explained that the drawings provided for consideration at this evening's meeting were prepared by Mr. Marty Wolfson, licensed engineer, who delineated the creek to the rear of the proposed two-family residence and also provided a septic design. He noted that the proposed two-family residence would be situated well beyond any wetland areas identified on the property.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, offered no comment on this application.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated August 28, 2015. No delineation of the significant wetlands and buffer areas have been shown on the parcel. The septic system will be evaluated when and if building plans are submitted. It appears that high ground water and poor soils are present on the property. The building location may be affected by the verified wetland delineation. It is unclear whether or not the adjoining property is served by a well. Since the adjacent property is downslope from the septic field, the separation between the septic field and well must be 200'.

Mr. Scavo read the comments issued by the ECC. The ECC notes that the Saratoga County maps indicate the presence of significant wetlands on the project site, and, therefore, recommends that the applicant delineate all wetlands and label each jurisdiction. The limits of the LC zone, 50 foot buffer zone, DEC wetlands, and ACOE wetlands shall be identified on the plot plan. The ECC notes that the project may result in intrusion into the LC zone: the applicant must file for an Application for Approval of Work to be Done in the LC zone with the Town of Clifton Park. The wetlands shall be delineated by a qualified professional in the field of delineating wetlands and shall include any previously filled wetlands.

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, provided the following comments regarding this applicant. A formal delineation of wetlands, buffers, stream locations, and LC zone must be conducted and the boundaries of all such environmentally sensitive

areas illustrated on the plan. The location of the fill piles on the property and adjacent owner's property (Tax Map #258.-2-5) should be shown on the plans.

Mr. Scavo explained that he would reiterate the comments issued by the ECC and he again requested that the applicant indicate all environmental constraints on the plot plan: all NYSDEC, ACOE, streams, and unclassified wetlands must be delineated on site and jurisdictional determination letters received from the respective regulatory agencies provided to the town.

There being no additional public comment, Mr. Ferraro moved, seconded by Mr. Neubauer, to close the public hearing at 7:45p.m.

Mr. Neubauer commented that since the Saratoga County IMAP viewer indicates that the town's LC zone crosses a portion of Mr. Kramer's property, he supported the recommendation that the applicant formally delineate and map all wetland areas. Mr. Ferraro pointed to the "consistency of concerns" expressed by Mr. Myers, the ECC, and Mr. Scavo regarding the delineation of wetlands by a licensed professional to ensure that all environmentally sensitive areas on the parcel are protected. Until the delineation is completed as requested, the application will be deemed to be incomplete.

[2015-033] **Casale, Tony** - Proposed (3) lot commercial subdivision, 1747 Route 9 – Preliminary public hearing and possible determination. SBL: 272.1-2-7.2 and 272.1-2-8.1

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

Mr. Ferraro, Chairman, called the public hearing to order at 7:50p.m. The Secretary read the public notice as published in the Daily Gazette on August 31, 2015.

Mr. Scott Lansing, consultant for the applicant, presented this application that remains generally as presented at the July 14, 2015 Planning Board meeting, explaining that the project plan has been updated in accordance with comments and recommendations offered by the town's professional staff, designated town engineer, and Planning Board at that time. Briefly highlighting some of the significant features of the subdivision plan, Mr. Lansing noted that Lot #1 will contain a retail-office building that is currently under construction. Lot #2 is proposed for the construction of a LaQuinta hotel and is required to obtain financing for the project. Lot #3 will be built-out in accordance with site plans approved in 2011. A small portion of Lot #3 abutting the proposed

hotel access drive extends into the Town of Clifton Park to provide future access to the potentially developable 5.02 acres situated in the Town of Halfmoon. An easement has been established with the owner of the Lands of Menneto to the north and a “floating easement” is in place for connection the Lands of the Phoenix Partnership to the south.

Mr. Scavo provided comment prepared by the Planning Department regarding this subdivision application. Sheet 1 of 14, Site Statistics, notes, “Minimum greenspace = 20%.” Pursuant to Section 208-53.3(f) of the Town Code, the minimum greenspace shall be 35%. This should be corrected in the statistics table since greenspace is not listed in the adjacent statistical notes as a variance granted or sought to date.

Ms. Hakes explained that, after review of plans and accompanying documents submitted for preliminary subdivision and site plan reviews, M J Engineering and Land Surveying, P.C. provided the following comments and recommendations. Comments 13 through 15 of the July 7, 2015 review are noted by the applicant’s design professional as to be addressed as part of the final plat submission. In response to those comments, Mr. Lansing explained that all required standard subdivision notes will be included on the final plans, the extent of relief and date of approval of the area variances approved by the Zoning Board of Appeals will be added to the final plat, and assigned 911 addresses will be shown on the final plat.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the applicant provide a future connection from the hotel site within the Town of Clifton Park to Lot #3 lying mostly in the Town of Halfmoon.

There being no additional public comment, Mr. Ferraro moved, seconded by Ms. Paulsen, to close the public hearing at 8:00p.m. The motion was unanimously carried.

In response to Mr. Ferraro’s question regarding a cross-easement to the Lands of Menneto, Mr. Lansing explained that such an easement is already in place. Mr. Scavo noted that the Saratoga County Planning Board and NYSDOT have both expressed a desire to “advance private easements between private lands” due to the large amount of development and re-development that is occurring within the Route 9 corridor. Mr. Ferraro observed that easements may not be feasible in all locations for this property due to its topography and the construction of retaining walls on the hotel site. In response to Mr. Neubauer’s request for a connection to Chelsea Place, Mr. Lansing stated that due to the steep slopes in the area such an easement would not be practicable. Mr. Ophardt suggested a connection to the Lands of the Phoenix Partnership along the southwesterly side of the hotel site. Mr. Lansing explained that the retaining wall may not allow such a connection to work and noted that there is an existing “floating easement” to the Phoenix Partnership property north of that property’s front parking area. Mr. Scavo expressed concerns regarding the link between subdivision and site plan approvals, stating that he would be opposed to approval of the subdivision should the site plan not be approved.

Mr. Werner offered Resolution #14 of 2015, seconded by Mr. Ophardt, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon resolution of all access issues, the granting of final site plan approval to the LaQuinta site plan by the Planning Board, and the satisfaction of all items listed in the final comment letter

prepared by the Planning Department. Ayes: Ophardt, Paulsen, Neubauer, Werner, Ferraro. Noes: None.

Old Business:

[2015-034] **LaQuinta Inn and Suites** – Proposed 4-story, 104 room hotel, 1747 Route 9 – Conceptual site plan review. SBL: 272.1-2-7.2 and 272.1-2-8.1

Mr. Scott Lansing, consultant for the applicant, presented this application that remains generally as presented at the July 14, 2015 meeting. The project plan calls for the construction of a four-story, 104 unit hotel, 113 parking spaces, and associated site amenities including pedestrian accommodations and bike rack. The sidewalk system includes a link that will connect the hotel to the existing sidewalk along Route 9. Addressing the concerns expressed by Ms. Karen Gazda, adjoining property owner, Mr. Lansing explained that the dumpster will be located more than 150' from the adjoining structure and that the retaining wall will be constructed of "Redi Block" materials that are engineered to provide long-term stability and be aesthetically pleasing.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that the approved postal addresses be added to the plan and that a fire hydrant at the rear of the proposed building be shown on the plan.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, reported that all necessary setback variances for the two applications were approved by the Zoning Board of Appeals at its August 18, 2015 meeting.

Mr. Scavo reported that the ECC notes that the retaining wall is 20 feet in height in some places. The applicant should show an engineering evaluation of the proposed retaining walls and slopes to assure the stability.

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, provided several comments related to the site plan application. 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. The project is proposing underground infiltration chambers that will keep the post-development runoff rates below pre-development runoff rates. The applicant shall submit an Operations and Maintenance Manual that specifically addresses the operation and maintenance for the underground infiltration system. Inspection ports shall be identified on the plans. The applicant must clarify whether or not there will be an isolator row to trap sediments and debris prior to the infiltration chambers. The applicant proposes retaining walls around the perimeter of the project: the plan should provide information regarding how the runoff from the upper slope will drain to the lower areas.

Mr. Scavo offered comments and recommendations issued by the Planning Department. Prior to the granting of final or conditioned final approval by the Planning Board, the applicant should provide a copy of the draft reciprocal access agreements for Lots #1, 2, 3, and Lot A. This agreement should also include utility easement language. Prior to final site plan approval the

applicant should demonstrate that both the Clifton Park Water District and Saratoga County Sewer District have adequate capacity and are willing to service the proposed hotel with the main extension as proposed. An updated traffic analysis must be completed and provided for review prior to preliminary site plan approval for the proposed hotel and overall proposed site development for Lots #1, 2, 3 and Lot A. At the conceptual meeting Mr. Scavo encouraged the applicant to provide cross access as well as ingress/egress easements to the properties neighboring to the north. Both the Saratoga County Planning Board (SCPB) and NYS DOT have expressed a desire to see more cross access easements worked into the local approval process. It appears that the proposed retaining wall adjacent to the northern parcel will limit future cross access onto the parcel that is currently the Route 9 driving range/miniature golf facility (which has been for sale and will likely redevelop in the near future). The applicant should explore if there is another method other than the retaining wall that can be sought to provide for a feasible future cross access easement. It appears the same retaining wall will limit future development access from the private roadway to the Lands of Lot #3 which are mostly situated within the Town of Halfmoon. A cross access easement to the Menneto parcel should also be provided. There are notes on the plan which state, "Proposed retaining wall to be designed by a geotechnical engineer." Based on its size and scale, the retaining wall will be a significant visual feature on the site: it is recommended that the applicant commit to a material type and style for the retaining wall prior to site plan approval. Final structural design details can be completed by a geotechnical engineer but the Planning Board should know if the proposed retaining wall will be a gravity retaining wall with stone or concrete material or a sheet pile wall which would be less visually aesthetic. The applicant is asked to provide evidence that a grading easement from the Menneto Property has been obtained prior to final site plan approval. Sheet 8 of 14 shows a 400 Watt Metal Halide street lamp design: the design plan should include LED lighting instead of less energy efficient, antiquated, metal halide technology.

Ms. Hakes explained that, after review of plans and accompanying documents submitted for preliminary subdivision and site plan reviews, M J Engineering and Land Surveying, P.C. provided the following comments and recommendations. Several comments related specifically to the site plan. The in-situ soil tests results shown on the cover sheet need to be noted on the site plans. The placement of the E-one grinder pump should be evaluated since it is located in what appears to be a parking space. It is not known if the E-one unit can be installed in this type of surface and an alternate type unit may be necessary. Prior to site construction, documentation that the noted grading easement has been granted from the lands of Menneto must be provided as noted on the plans. The proposed retaining wall should be moved further east to provide additional room behind the end cap of the proposed water line for access. Additional silt fencing at the bottom of the retaining wall or edge of expected disturbances at the same location must be provided. Any required temporary sediment traps or associated diversion swales must be identified on the erosion control plan. The Illumination Plan does not provide any footcandle bars or light level readings at the pavement surface for review. Sheet DT-2 provides an air release manhole for the sanitary sewer system, however, it is unclear on the plans where this is located. The materials of construction for the proposed dumpster enclosure illustrated on Detail 3 on sheet DT-5 must be identified. Note the installation of tack coat at the interface between existing and proposed pavement edges on Detail 4 on sheet DT-5. Identify the locations of the inspection ports for the subsurface infiltration facility on Detail 1 on sheet DT-6.

Ms. Hakes reported that several comments related to the Stormwater Pollution Prevention Plan. On Page 17, there is a summary of RRv techniques that are to be utilized with the project though on the subsequent page showing the tabulated calculations, the vegetative swales and tree planting credits are not claimed in the re-tabulated RRv. It is noted that the additional RRv techniques are not needed as the standard infiltration practice provides the minimum RRv by soil type. For the existing and proposed HydroCAD model, set the minimum Tc value to 6 minutes (1/10 of an hour). The Infiltration Basin Worksheet in Appendix D notes inadequate pre-treatment volume is being provided: confirm that results of the worksheet are representative of the proposed design. The Infiltration Basin Worksheet in Appendix D notes the volume of the infiltration practice and it is presumed this represents 100% void space within the infiltration practice, which is not the case. The volume may need to be adjusted based upon the void ratio within the stone surrounding the chambers which will be some value less than 100%. The pipe sizing and culvert calculations are not provided in Appendix E. Appendix I does not include project specific post construction operation and maintenance requirements for the proposed stormwater facilities. This shall cover the structural (drainage structural, HDS unit and subsurface chambers) and non-structural (soil restoration) elements proposed. Calculations that demonstrate that the HDS unit provides the minimum pre-treatment based upon soil permeability must be provided. The applicant is asked to review the response to Question 3 of the NOI as the current site conditions do not appear to resemble a forested site. Complete questions 4 through 8 and 27 through 37 of the NOI which are necessary and applicable to the design. The project plans indicate all runoff generated from the site will be routed to the on-site infiltration practices with no connection to existing storm sewers. If this is the case, the response to Question 15 should be "no" and there should be a blank in Question 16: the applicant must confirm that this is accurate. The following comments resulted from review of the Water/Sewer Letter Report. No technical comments are offered, however, as the project proceeds through the regulatory review of other agencies, the applicant shall provide the Town with copies of noted correspondence. Any approvals offered by the town shall be conditioned upon receipt of any and all utility regulatory approvals. This includes but may not be limited to SCSD No. 1, NYSDEC, CPWA, and NYSDOH.

M J Engineering and Land Surveying, P.C reviewed the Traffic Analysis document provided with the submission. The traffic analysis provided indicates that the uses previously proposed for phase 2 yielded different peak hour trips when compared to the current phase 2 proposal. The net change in peak hour vehicle trips is identified as 7 less trips during the AM peak and 2 additional trips during the PM peak. Based upon this analysis, and under the assumption that Phase2 had a SEQRA determination with no findings of significance relative to traffic impacts, M J Engineering and Land Surveying, P.C. would concur that no additional analysis would be warranted. Notwithstanding, the analysis shall be furnished to the Region 1 NYSDOT for review and comment.

Mr. Lansing explained that many of the comments issued by M J Engineering and Land Surveying, P.C. have been addressed. He stated that the grinder pump location has been revised, the retaining wall has been moved eastward as requested, the illumination plan now includes additional details for the LED lighting, stormwater management plans have been amplified, and copies of correspondence from both water and sewer regulating agencies have been forwarded to the town.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the applicant connect the sidewalk on the easterly side of the hotel to the sidewalk along the front of the hotel to “allow guests to get to a door without having to walk through grass.” It is recommended that the applicant install a pedestrian signal and crosswalk across Route 9.

Mr. Anthony LaFleche, 21 Wheeler Drive, asked about the distance of the hotel from Route 9. Mr. Lansing stated that the hotel would be located approximately 420’ from the main highway. In response to his question regarding the location of the sidewalk along Route 9, Mr. Lansing explained that the sidewalk would be located beyond the existing drainage ditch approximately 10’ to 15’ from the roadway.

Mr. Werner commented that the Route 9 corridor has experienced significant commercial and residential growth in the past several years and he questioned the veracity of the traffic study’s conclusion that there has been a “drop” in traffic along the Route 9. Mr. Lansing explained that the study referenced the traffic by this specific site development: the on-site trip generation remains very similar to that resulting from the uses originally proposed for the site. In response to Mr. Neubauer’s observation that the retaining walls “created a big notch” along the rear portion of the site, Mr. Lansing explained that the walls will look considerably smaller when the hotel building is constructed. Responding to Mr. Neubauer’s question regarding future mining on Lot #3, Mr. Lansing stated that there are no plans for development of that parcel at the present time. Mr. Neubauer recommended additional screening along the property’s eastern border. Mr. Ferraro expressed his concerns regarding the visual aesthetics of the proposed retaining wall: Mr. Lansing provided photographs on the “Redi Block” materials to be used from his tablet for the Board’s consideration. Mr. Ferraro questioned whether or not the number of trips estimated by the applicant was reasonable for the proposed use. Mr. Werner commented that hotel traffic generation is minimal. Mr. Ferraro encouraged the applicant to enhance the westerly side of the hotel site with evergreen plantings. In response to Mr. Ophardt’s suggestion that the 15’-19’ high retaining wall may require the placement of fencing on top, Mr. Lansing stated that although it is not usual to place fencing above retaining walls, the applicant may consider such an addition. Mr. Ferraro thanked the applicant for his willingness to work with Ms. Viggiani, Open Space Coordinator and the Trails Subcommittee to create a pedestrian-friendly site. Mr. Werner asked that the applicant provide the following information to the Board: AM and PM peak hour traffic movements to and from the site both northbound and southbound and accurate traffic volume counts along Route 9 under currently existing conditions.

[2015-019] **Clifton Park Plaza Redevelopment** - Proposed demolition and redevelopment of the existing shopping plaza and adjacent restaurant parcel to include construction of a 54,286 SF grocery store, 11,115 SF retail/pharmacy, and 10,000 SF retail and bank with drive-thru, 1018/1028 Route 146 – Preliminary site plan review and possible determination. SBL: 271.-1-7.1

Mr. Werner read the following statement prior to the introduction of the presenters for this application:

I have worked for Bergmann Associates in the past on an as needed consulting basis. I have not performed any compensated work in the past 18 months with

Bergmann Associates. I have been an on-call staff consultant for the Transportation Group. The Price Chopper project is in the Retail/Buildings Group. I have not worked on this project nor had any conversations with Bergmann Associates or the applicant in regards to this application. I do not have any direct or indirect financial gain from the proposed project by the applicant. Therefore, I feel that I can be fair and impartial in reviewing this application, and I do not believe that a conflict of interest exists in accordance with NY Code – Article 18. As such I will continue to serve in my capacity as a Planning Board Member for consideration of this application before the Town’s Planning Board.

Mr. Pelagalli agreed that there was no need for Mr. Werner to recuse himself from any discussion and/or vote on this application. Mr. Pelagalli reported that he had discussed the issue with Mr. McCarthy, Town Attorney, who agreed that Mr. Werner had no conflict of interest in reviewing this application. Mr. Ferraro and all Board members present at the meeting agreed that Mr. Werner would be able to consider the application impartially.

Mr. John Lapper, legal representative for the applicant, Mr. Gregg Ursprung, engineering consultant, Mr. Steve Powers, representative of Nigro Companies, and Ms. Wendy Holzberger, Traffic Engineer, were all present at the meeting.

Mr. Lapper explained that this application was reviewed by the Planning Board on April 28, 2015 at which time representatives for the applicant explained that the project plan called for the redevelopment of the existing Clifton Park Plaza and adjacent former Pizza Hut parcel for the purpose of constructing a new 54,286 SF grocery store, a new 11,115 SF retail/pharmacy store, and a new 10,000 SF bank with drive-thru along with associated parking, stormwater management systems, utilities, and landscaping. All existing buildings on the site will be razed. Access to the site will be from two locations along Route 146 and one location along Vischer Ferry Road though the westerly access along Route 146 would be restricted to right-in/right-outs only.

Mr. Lapper explained that the Zoning Board of Appeals approved a number of variances at its July 21, 2015 meeting. He also reported that access issues with the owners of the adjacent carwash have been resolved and that with a reciprocal transfer of lands, the applicant was able to obtain additional greenspace behind the proposed grocery store. The grocery store has been reduced in size, additional greenspace will be provided along Route 146, the parcel’s stormwater management facilities will be upgraded, and landscaping will be increased to improve the visual aesthetics of the site. The applicant is in receipt of comments issued by town staff members and M J Engineering and Land Surveying, P.C.: written responses are being prepared.

Mr. Gregg Ursprung, design consultant for the applicant, updated Board members on revisions that had been made to the site plan. He mentioned that the land swap between the plaza owners and the carwash proprietor resulted in increased greenspace behind the grocery store. Increased greenspace will be provided along the Route 146 corridor, the grocery store will be reduced in size by 1,900 SF and resituated slightly to the south, a detailed landscaping plan has been prepared, internal sidewalk connections have been added to the site design, a sidewalk connection has been provided from the sidewalk along Route 146 to businesses within the site, a sidewalk connection has been provided northward from the site to the entrance to Cumberland

Farms, a pedestrian access has been provided to the lot east of the site, crosswalks have been added where recommended, the drive-thru at the Rite Aid store has been reduced from three lanes to two lanes, the access along Vischer Ferry Road has been widened, the westerly access from Route 146 has been modified to include a right-out lane, an acceptable ingress-egress location has been established for the carwash, dumpsters have been relocated, and the wetlands and high water mark for the Dwaas Kill have been delineated.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that the approved postal addresses be added to the plan.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, reported that all required variances were approved by the Zoning Board of Appeals at its July 21, 2015 meeting. There are several site issues to be “addressed fully” including those related to stormwater management.

Mr. Scavo reported that, after review of this application at its September 1, 2015 meeting, the ECC provided a number of comments. The ECC notes the applicant proposes reduction of greenspace where the current green space is already below the requirements. The applicant should maintain a minimum 35% greenspace in accordance with B-3 space and bulk standards (208-38, G) calculated for the entire project. The ECC notes that the project includes extensive paving adjacent to, or in the vicinity of, the Dwaas Kill. The ECC recommends that the Planning Board require the applicant to incorporate sediment traps and oil water separators with appropriate capacity to limit the migration of vehicular contaminants into these sensitive environments. The ECC notes that sensitive environments exist on properties adjacent to the project site, thus there is a potential for environmental impacts to these areas in the event that the capacity of the stormwater management system is inadequate. The applicant's Drainage, Stormwater and Erosion Control Plans should be protective of these environments, during construction and occupation of the project. The ECC recommends careful review of these plans by the Town's Designated Engineer. The stormwater system should be sufficient to handle the combined stormwater runoff projected for the final development configuration. The ECC recommends that traffic flow on and off site be evaluated for potential traffic conflicts and safety. The applicant shall refer to Article X Land Conservation Districts L-C 208-69 B.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, offered the following comments related to this application in a memo dated September 3, 2015. Per the submitted Stormwater Management Design Narrative the project will be designed in accordance with the NYSDEC 2015 Stormwater Management Design Manual. The narrative states that additional water quality treatment will be needed as the runoff is directed into the Dwaas Kill (an impaired water body 303(d) segment). A Full Stormwater Pollution Prevention Plan must be prepared for the project.

Mr. Scavo reported that the Planning Department issued the following comments and recommendations regarding this application. Mr. Scavo's first comments related to traffic concerns. The traffic analysis provided mentions the build-out of the Honey Hollow Farms subdivision just east of the project site on NYS Route 146; however, there are two additional projects within the immediate vicinity. Twenty-four (24) dwelling units are proposed adjacent to

the Vistas Subdivision and a commercial/retail shopping plaza is proposed for the northeasterly quadrant of the NYS 146 and 146A intersection. Both projects are currently pending before the Planning Board. It should be also noted that construction on the Vistas subdivision was completed in 2014 and roads within that complex were dedicated to the Town of Clifton Park in 2015. The traffic study projected impacts based on the anticipated building completion date of 2017. All expected growth in the corridor that may occur over the next two years was considered; however, the study should be modified to include a horizon year (20 years after opening for development of this size adjacent to State and County Highways). 2037 is a reasonable horizon year since the functional vibrancy of the plaza and new buildings can reasonably be expected to go beyond 20+ years from the build date. Mitigation measures must be thoroughly analyzed and outlined. Currently the only mitigation measure identified for a decrease in the level of service is seeking a waiver from both the NYSDOT and the town since the assertion is that the depletion of the LOS is “not significant.” When projects don’t trigger a depletion of the level of service, however, the argument of no mitigation required is asserted. In light of the estimated increased number of vehicle trips generated by this project and the anticipated additional commercial growth along the Route 146 corridor and at the Route 146-Route 146A intersection, Mr. Scavo recommended that the Planning Board consider requesting a reasonable monetary contribution from this applicant for future roadway improvements. It is noted on Page 12 that the detailed multi-use trip credit calculation is included in Appendix C. The worksheet included in Appendix C appears to reflect the existing square footage for the pharmacy with no drive through, bank, retail, and supermarket rather than the “to be built” square footage for each. Page 12 notes that pass-by trips were calculated into the trip generation impacts. The study uses the example of westbound evening commuter traffic on NYS Route 146, noting that some traveling home may stop at the bank then continue westbound. Mr. Scavo questions whether such a maneuver would be a true pass-by trip since the western entrance into the plaza from Route 146 is highly unlikely to be utilized by the pass-by trip to exit the plaza to continue west on Route 146. The likely maneuver is to travel onto Vischer Ferry Road from the plaza to the intersection with Route 146 and utilize the dedicated left turn arrow to then travel west: the pass by trip would have an impact to northbound approach (County Route 90) to the Route 146 Intersection. The applicant is asked to reevaluate the PM peak pass by trip calculations. Table 3.1 – Trip Generation Summary shows a pharmacy with a proposed drive through which is more intense than the existing trips generated by the pharmacy with no drive through. Verification that the intensity of the drive through pharmacy was considered in relation to the existing trips which reflect a pharmacy without a drive through should be provided. Page 13 states, “A slight increase in the bank will result in an equal reduction in the retail space, thus maintaining the same size of the overall site square footage.” The bank is actually decreasing in size from 3,000 SF to 1800 SF and the retail space is increasing in size contrary to the statement. The bank currently has an interior ATM: it should be determined if the bank will still have an interior ATM or a drive-up ATM which may increase vehicle trips since the existing bank closest to the plaza (First Niagara Bank on Vischer Ferry Road) also has an interior ATM. Drive through trips for the proposed bank location are likely to increase trips onto Vischer Ferry Road (CR-90) for vehicles looking to head east/west on NYS Route 146 when compared to the current bank location. There should be a fair and equitable contribution towards future traffic improvements assessed to this project since it will drop the westbound through movement on Route 146 from a LOS C to LOS D. Also identified within the analysis per Page 28, “...a couple of travel movements will experience a drop in level of service from No-Build to Build Conditions....” The analysis then notes that the decrease in operating conditions will likely be only experienced during the peak

hours. I would argue that the peak hours are the most important times to provide for mitigation measures to an intersection that will see a decrease in the level of service. If the improvement is not made at this time through a capital improvement project to the intersection, then, as previously mentioned, a fair and equitable contribution should be required to mitigate traffic impacts and used to supplement the costs for a future capital improvement project by NYS DOT and/or Saratoga County at the intersection of NYS 146 and Vischer Ferry Road.

Mr. Scavo offered several comments regarding the proposed site plan. The existing Vischer Ferry curb cut onto Vischer Ferry Road (CR-90) is approximately 85' wide: the applicant's efforts to narrow and move the proposed curb cut further south away from the Route 146 and 146A intersection are appreciated. The applicant is asked to clarify whether or not the drive through stalls proposed for Trustco will include an exterior ATM with two teller lanes or if it will include two dedicated teller lanes with an interior ATM. The location and placement of the detectable warning strips at the front of the Market 32 Store must be shown on the plan. The approximate location of the Market 32 Store entrance/exit door(s) should also be indicated on the design plan. The location for the placement of the proposed bollards and their spacing should be clearly indicated on the site plan. It should be clear from the project plan whether or not the bollards will be placed within the asphalt before the flush curb transition or in the concrete curb where it meets the asphalt drive lane/fire aisle. The location and mounting locations for the "No Parking Fire Lane" signs must be shown on the site plan and it should be clear in the design details if the signs will be mounted on poles or will be placed on building columns. The Stop Sign Detail, Sheet 14 of 18 should be changed from "reflective aluminum" to "diamond grade reflective sheeting." The 90° Parking Lot Striping Detail shows 4" traffic yellow paint for the handicapped access isle: this should be changed to blue paint. The fire lane markings in front of the proposed Market 32 Store appear to be excessive: it would be preferable to provide two striped drive lanes with the minimum pavement markings for the required fire lane. There is a "right turn only" sign in the vicinity of the northern most carwash cross access driveway. The applicant is asked to clarify if vehicles traveling north will be restricted at that location to right turns only. Based on the internal circulation pattern, it appears left turns are feasible. The drive lanes show 2, 26' travel lanes for two-way traffic circulation with the parking area just east of the proposed Rite Aid and north of the Market 32 building: the applicant should look to reduce these two drive lanes to 24' to be consistent with the other proposed drive lanes. This would also increase the greenspace within the landscaped island adjacent to the eastern most entrance to the plaza. A sheet detail that displays only permanent pavement markings and traffic signage (Traffic Signage and Pavement Markings Plan Sheet) should be included in the plan set.

Ms. Hakes explained that, after review of the plans and information submitted for preliminary review, M J Engineering and Land Surveying, P.C. offered numerous comments and recommendations on the proposed project plan. On Sheet C010 the applicant is asked to modify Sanitary Sewer Notes #5 and 8 to identify Saratoga County Sewer District No. 1. In site data chart, or elsewhere within the plan set, all area variances granted, extent of relief granted, date of approval, and Zoning Board of Appeals' resolution number must be noted. The applicant is asked to confirm that the proposed curb radius along the south side of the entrance to Vischer Ferry Road can be constructed, considering the geometry of the adjacent entrance to Trustco. A new accessible curb ramp may be warranted at this location. The two modified entrances onto Route 146 appear to need modification which include realignment of the crosswalks to align with the existing

sidewalks as well as relocation of the stop bars and stop signs. At each location, the applicant must confirm that appropriate accessible curb ramps will be provided. There is no direct pedestrian linkage from Vischer Ferry Road to the site. The applicant should coordinate with the Town Trail's Subcommittee to discuss the need for any such direct linkage to the proposed buildings. Clarification or further detailing is needed on the logical terminus of the proposed sidewalk along Vischer Ferry Road as it approaches Cumberland Farms to the north. It is suggested that a decorative fence be placed at the east edge of the proposed Trustco building to prevent any pedestrians from crossing blindly in front of the drive-thru aisle. Note that there is substantial landscaping at the curbed island directly west of this location, however, the route up the hill, through the landscaped area may still become a path of convenience. Review the "4-way" intersection between Rite Aid and Price Chopper as it appears to present abnormal approaches, particularly from the northerly direction. It is suggested that signage be provided identifying the truck delivery routes into and through the parcel. Identify and label all proposed traffic regulatory signage proposed internal to the parcel to verify appropriate locations as some do not appear to be labeled. Review the directional sign (right turn only) just south of the intersection with the road connecting to the car wash to the west. Provide details for all proposed dumpster enclosures. In the event any of the buildings proposes an exterior sale of propane, the locations of the propane storage areas shall be identified, and if necessary, appropriate impact protection shall be shown complying with the Fire Code of New York State. Change the symbol in all accessible parking spaces to the current version applicable only in New York State. Based upon prior discussions, it was understood that a barrier was to be provided between the edge of the proposed external access road and adjacent embankment leading down to the Dwass Kill at the southeast corner of the Price Chopper building to limit the dumping of snow at this location: current plans do not show this item which may be warranted. The storm sewer piping needs to include pipe diameters to correlate with the stormwater design, when submitted. There are instances where pipes entering and exiting storm structures are less than 90 degrees. There needs to be an attempt to limit this angle to 90 degrees. Identify how roof drainage is being conveyed to the on-site storm drainage system. The plans need to be reviewed by the Town's emergency response agencies for acceptable access routes and fire hydrant locations. Sheet C151 provides truck turning templates for most of the expected maneuvers into and through the site with the exception of deliveries for the Rite Aid site: this maneuvering route, similar to others on the site should be provided on the plan. There should be consideration of some level of landscaping at the land between the adjacent car wash as there appears ample room to do so. The applicant is asked to review the placement of trees along Route 146, primarily at the middle entrance and the one to the adjacent carwash to confirm they will not obstruct sight distance at mature tree growth. The bioretention areas are also labeled rain gardens: delete the reference to rain gardens to limit mixing of stormwater practices. The silt fence placed between the entrances to Route 146 is at what appears to be the top of slope: review and revise accordingly. In stances where there are 3 on 1 land slopes, there should be consideration of some type of slope stabilization or appropriate erosion control matting. The locations of any required temporary sediment traps or diversion swales should be identified on the erosion control plan to control and manage construction phase runoff. It is suggested that silt fencing be placed at the bottom of slope leading down from Vischer Ferry Road and just up-gradient of the new edge of pavement of the parking lot. The applicant is asked to confirm that all proposed external light fixtures are cut off type with appropriate glare shielding. On sheet C501, update the accessible parking sign detail with the new symbol standard only in New York State. On sheet C502, update the 90 degree parking lot stripe detail with the updated accessible parking sign detail with the new

symbol standard only in New York State. Further, confirm that the accessible aisle parking area is to be yellow and not blue per 2010 ADA Design Guidelines/Standards. On sheet C503, for the sewer cleanout detail, confirm with the SCSD on the need to provide named covers if they are not specifically conveyed to the district. On sheet C503, identify the minimum bedding depth of subbase material for the storm manhole detail. On sheet C504, update the invert data for the control structure. On sheet C504, identify if the perforate underdrain pipe is to be flexible or rigid type pipe. On sheet C504, identify the minimum bedding depth of subbase material for the storm catch basin detail and correct the “Note” language to be specific to the project. On Sheet C504, clarify the use of a clay liner in the bioretention detail with permeable in-situ soils. Provide the planting mix rather than relying on the NYSDEC Design Manual. It is also suggested that the outlet structure be provided with a beehive grate to prevent clogging from floatables that may enter the practice. On Sheet C505, the protective bollards for the hydrant need to be as far away from the item being protected as they are tall pursuant to the Fire Code of New York State.

One comment related to the Stormwater Narrative. In general, the technical approach being taken appears adequate. Upon receipt of the project Stormwater Pollution Prevention Plan, a more comprehensive review of the document, in parallel with the project plans, will be completed.

Ms. Hakes reported that a review of the Traffic Impact Study produced the following comments. The applicant is asked to provide rationale for the utilization of the Multi-Use Development land code as this land use typically has a combination of retail, commercial and residential or some variation of these. The proposed redevelopment is predominately retail. It appears the existing and proposed land uses are more accurately represented using the Shopping Center land use, LUC 820. The description in the ITE 9th Edition for the Shopping Center land use includes varying businesses including restaurants and banks, along with retail. Pursuant to the ITE Trip Generation Handbook 9th Edition, page 89, when using Multi-Use Development for Trip Generation, “If the site has two or more buildings containing the same land use, combine the sizes of the multiple buildings if they are situated within reasonable and convenient walking distances.” Industry standards for acceptable walking distances are from 600 to 1,000 feet. The walking distances for the proposed redevelopment are less than 500 feet. All retail land uses then should be combined, which would result in using LUC 820 for a shopping center. The report should identify what additional mitigation would be required beyond the signal timing noted in the analysis to comply with NYSDOT and town policy to maintain the existing LOS. The average increases in delay could be considered “minimal,” but when the aggregate delay over the entire peak hour is considered, the delays are no longer “minimal” for the volume of traffic going through this intersection. An average increase in delay of 2.5 seconds per vehicle during the PM peak multiplied by the ±2,450 vehicles anticipated to travel through this intersection results in over 100 vehicle hours of delay. The increased use of gas and increase in wear and tear on the vehicles has to be considered when analyzing an intersection with high volumes.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, presented a sketch plan indicating the preferred sidewalk locations. He asked that the applicant provide a layout for the sidewalks along Vischer Ferry Road that includes a crosswalk to North Country Commons. Bike racks should be installed near the entranceway to each building within the center.

Ms. Pam Marshall, 5 Fairlawn Court, commented that opposing left-turning traffic maneuvers along Vischer Ferry Road at the Clifton Park Plaza – North Country Commons’ entranceways are at times very challenging and she asked if this applicant could address this safety concern in some fashion. Mr. Werner suggested lengthening of the existing median southward to the Clifton Park Plaza entranceway. Ms. Marshall stated that she liked the center’s new design since it would reduce the number of drivers who “cut through” the site.

Mr. Andy Brick, attorney for the owners of North Country Commons, asked that the Planning Board take no action on this application at this time, citing the fact that his client has filed a legal claim against the applicant, “challenging each and every variance granted by the Zoning Board of Appeals.” He reported that the Zoning Board of Appeals will reconsider the North Country Commons application at its September 15, 2015 meeting.

Mr. Ophardt observed that the site was “very busy,” and offered a number of suggestions to help the site “work well for both drivers and pedestrians.” He recommended, and Mr. Werner agreed, that the westerly restricted access onto Route 146 include a “curbed, channelizing median.” He additionally recommended direct pedestrian access be provided from the Route 146 sidewalk directly to the grocery store, that a three-way stop be provided within the northeasterly parking area drive aisle, the 8’ wide sidewalk along the northerly side of the grocery store be raised or somehow defined since the proposed area could be used by automobiles, delivery trucks, and pedestrians, the crosshatching in front of the store be replaced with defined crosswalks, the Rite Aid drive-thru be lengthened to allow stacking for more vehicles, the parking lot drive aisle along the westerly property border be closed due to its proximity with the Vischer Ferry Road site access point, the diagonal crosswalk markings be replaced with ladder-type markings, and the installation of a sidewalk from Vischer Ferry Road to the grocery store. Citing the need for pedestrian linkages to the site, he also suggested the installation of a staircase from the sidewalk along Vischer Ferry Road to the site near the proposed bank building. Mr. Neubauer complimented the design plan, stating that he found the design of the Market 32 building quite modern and attractive. He noted, however, that the proposed Rite Aid store “left a lot to be desired” and asked that the building be designed to reflect a more “pedestrian scale.” Ms. Paulsen agreed, encouraging the applicant to consider a “more cohesive” design plan. She recommended that the applicant prepare façade renderings to provide Board members with a visual illustration of how the proposed buildings will “work together.” Mr. Ferraro observed that the plan calls for the construction of a small retaining wall along the southerly side of the site. Mr. Ursprung stated that the retaining wall was necessary along only “a small portion” of the boundary line. The applicant was directed to address staff comments, technical engineering issues, and Planning Board recommendations.

[2015-039] **Levy, Jack** – Proposed (24) lot subdivision (22 units on Vista Court and 2 single family residences on Tanner Road), Route 146 and Tanner Road – Revised conceptual review. SBL: 270.-2-3.2

Mr. Joe Dannible, consultant for the applicant, explained that the plans for the subdivision proposed by Jack Levy on Vista Court have been revised in response to Planning Board and staff comments provided at the August 11, 2015 meeting. The plan now shows the extension of Vista Court to Tanner Road that will serve eleven (11) semi-detached structures or (22) dwelling units. Two single-family residences will be constructed on lots of 7.6 acres and 9.6 acres, respectively,

in the northern portion of the site along the easterly side of Tanner Road. The applicant has retained a traffic engineer to confirm that there is adequate site distance at the proposed intersection of Vista Court and Tanner Road. Mr. Dannible reported that delineation of the wetlands on the parcel is underway and that the applicant will work with the ACOE to determine the amount of wetland disturbance required for installation of the roadway and to determine the type and amount of mitigation for the proposed disturbance. The applicant proposes to contribute \$130,000.00 to the town's dedicated open space fund in exchange for the density incentive increase requested in accordance with Section 208-43.15(A)(B)(C). Mr. Dannible noted that Section 208-43.13(A) allows for the increase in single-family dwelling unit density within the HM, HR, and CR zone: Section 208-43.13(B) allows for the increase in two-family and semi-detached dwelling units within the HM zone only. He reported that his client will seek approval of a variance from the Zoning Board of Appeals that would allow the application of the incentive authorized in Section 208-43.13(A) to this project, permitting a density increase for two-family or semi-detached dwellings within the CR zoning district.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that the approved postal addresses be added to the plan.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, reported that variances for density will be required. Mr. Myers also noted in his memo of August 28, 2015 that the proposed second entrance from Tanner Road eliminates concerns for emergency access for both proposed and existing units.

Mr. Scavo reported that the ECC provided the following comments regarding this application. The ECC notes that the CR zoning provides for one family dwelling (such a dwelling is defined as a permanent building containing only one dwelling unit). The applicant is proposing to construct (22) duplex units on this property. In addition, it is proposed that these units will be built on less acreage than would be required for single family homes. An exception to the Town Code for duplex units and the proposed increased density would establish a precedent that would undermine the intent of the CR zoning: the ECC recommends that this project be rejected. While the applicant proposes paying \$130,000 for open space credits, if a variance is granted in this instance to allow duplexes within the CR zone, the contribution should be sufficient to acquire enough land to equal 66 acres of open space.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, offered the following comments regarding this application. The proposed stormwater management area (SMA) appears to impact mapped wetland areas. This disturbance will need to be permitted by the associative regulating bodies prior to any approvals of the placement of the SMA. The applicant must discuss the treatment of water quality and quantity for the proposed lots along Tanner Road. A full Stormwater Pollution Prevention Plan will be required for this project after the concept plan is found to be acceptable.

Mr. Scavo provided the following comments prepared by the Planning Department. Pursuant to §208-16(3)(a)[8] of the Town Code, "Dwellings, two-family attached or semi-detached" are permissible uses pursuant to special use requirements prescribed by §208-79 of the Town Code. Thereby, an applicant can request a subdivision to create new lots pursuant to density

requirements of §208-16(E) of the Town Code. Once these lots are created a special use application for semidetached units can be made to the Planning Board. It is important to note that §274-b(1) of NYS Town Law defines the term “special use permit” (SUP) as:

Special Use Permit - shall mean an authorization of a particular land use which is permitted in a zoning ordinance or local law, subject to requirements imposed by such zoning ordinance or local law to assure that the proposed use is in harmony with such zoning ordinance or local law and will not adversely affect the neighborhood if such requirements are met.

Thus, the Planning Board issuing the Special Use Permit may impose “reasonable restrictions and conditions as are directly related to and incidental to the Special Use Permit” as outline by §274-b(4) of NYS Town Law. The Planning Board’s authority to impose conditions is qualified: the conditions must be reasonable and related to the Special Use Permit. Based on the current concept plan the base per the local zoning code would provide a yield of seven (7) single family dwelling units. An application made for a SUP for each of the seven lots for consideration of duplex units by the Planning Board can be made pursuant to aforementioned §208-16(3)(a)(8) of the Town Code. This would provide a potential yield of fourteen (14) dwelling units with any reasonable conditions assessed by the Planning Board under the SUP approval. To achieve a higher density yield, the applicant desires to seek an area variance from the Town’s Zoning Board of Appeals to pursue the additional density beyond that assigned under Conservation Residential (CR) Bulk Zoning Standards. The parcel is unique within the CR zone since it is the only parcel that abuts four zoning districts and a cluster subdivision. The parcel is bound by CR to the north, Hamlet Mixed-Use (HM) to the east and two parcels to the south, R1 Residential to the south, Corporate Commerce (B5) to the west, and a cluster subdivision (Sterling Heights) to the east. It is also the only parcel fronting Route 146 east of the Waite Road intersection that is zoned CR. Pursuant to the Western Clifton Park GEIS the mitigation for an increase in density is \$20,000 for a two unit, semidetached structure. Pursuant to the Western Clifton Park GEIS incentive zoning fee assessed for density mitigation, Mr. Scavo understands that the applicant is willing to pay the density incentive fee per the GEIS Findings Statement, as a condition of both area variance and Special Use Permit approvals. The monies collected per the GEIS are deposited into a dedicated Town Open Space Fund which is utilized by the town to permanently protect development rights on lands found elsewhere within the CR zone. The applicant, in addition to the GEIS fee, is providing the 50% open space pursuant to the CR code and has modified the plan to include a local road connection from the Vistas Subdivision to Tanner Road. Tanner Road provides commuters within the proposed subdivision a viable route to head north to the hamlet of Jonesville and NYS Route 146A. If single family homes were to be built in accordance with the CR zone, the roadway extension would not be feasible.

Ms. Hakes explained that M J Engineering and Land Surveying, P.C. offered the following comments regarding this application. Comments 1 and 2 relative to SEQRA outlined in the August 7, 2015 review remain applicable for the latest submission. Comments 3 through 6 relative to the short Environmental Assessment Form outlined in the August 7, 2015 review letter also remain applicable for the latest submission. A Full Environmental Assessment Form must be provided for this Type I action. Comments 7 through 14 of the August 7, 2015 review remain applicable for the latest submission. Several comments related to the subdivision plan. The current proposal calls for 13 new lots, 11 of which will have semi-detached homes. As discussed at the last Planning Board meeting, there needs to be a determination from the Town’s Chief Zoning Officer on the

eligibility and/or appropriate regulatory framework for this proposal to proceed. Should variances be warranted, the Planning Board should offer opinions regarding those variances. The included environmental resource map and material presented during the applicant's first appearance before the Planning Board appears to satisfy the requirement of Section 208-16(E)(13)(a)(2) of the Town's Zoning Code. The Planning Board should offer input relative to this analysis and whether the lot density being pursued is appropriate.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the applicant extend the existing sidewalks within the Vistas, installing sidewalks in front of all new proposed units. Mr. Hartnett also asked that the applicant construct the widened shoulders along Tanner Road that are shown in the Trails Master Plan – 1' for every 10 MPH of posted speed limit.

Mr. Anthony LaFleche, 21 Wheeler Drive, commented that he liked the revised project design which includes estate lots on Tanner Road. He noted that the alignment of the intersection of Tanner Road, Route 146, and Waite Road is a bit offset and recommended that realignment of the roadways be undertaken when feasible.

Mr. Ferraro recommended that the new subdivision become part of the Sherwood Forest Park District. Mr. Ophardt commented that the revised plan was a significant improvement over the one submitted originally. In response to Mr. Werner's question regarding the adequacy of sight distance at the Tanner Road – Vista Court intersection, Mr. Dannible explained that the clearing of vegetation along the easterly side of Tanner Road would improve sight lines, meeting distance requirements. He also stated that the applicant "may be willing to contribute land" for the realignment of the Tanner Road, Route 146, and Waite Road intersection. Mr. Ferraro commented that he approved of the revised plan. He would recommend a note on the plan stating that no further subdivision of the two single-family parcels would be permitted. He also stated that the "very unique circumstances" related to this parcel as pointed out by Mr. Scavo "warrants the approval of the requested variances." Mr. Ophardt recommended that the plan include a sidewalk link from the Vista Court – Tanner Road intersection to the existing pathway along Route 146.

New Business:

[2015-042] **Village Plaza Mixed Use Development** – Proposed mixed use redevelopment with retail on first level and residential above – 19 Clifton Country Road – Possible referral to TAC for Development Design Review. 272.-1-44

Mr. Ferraro introduced this application, explaining that this project represents one of the first projects within the Town Center area that will be reviewed in accordance with the Clifton Park Town Center Form-Based Development Code adopted by the Town Board on March 16, 2015. He explained that applications proposing development beyond the scope of Administrative Review that "require interpretation or discretionary judgement with respect to compliance with the standards and guidelines" outlined within the code will be referred to a Technical Advisory Committee (TAC) for review. The Technical Advisory Committee shall consist of the chairperson (or vice-chairperson) of the Planning Board, the Director of Building and Development, the

Director of Planning, and the Planning Board Attorney. The review committee may be augmented as deemed necessary by the Planning Director with other town officials and Town Designated Engineer and/or Town Designated Design Professional consulting firms. Mr. Ferraro then asked Mr. Neubauer to serve as a member of the Committee: Mr. Neubauer readily agreed.

Mr. Bob Miller, Jr., applicant, introduced a number of people associated with both the Village Plaza Mixed Use Development project and the Park Avenue Mixed Use project who were in attendance at the meeting: Mr. Paul Goldman, Attorney, Mr. Tim Miller, co-applicant, Mr. Tom Andress, consulting engineer, and Mr. Bob Miller, Sr., Windsor Development.

Mr. Bob Miller, Jr., applicant, introduced this application to Board members, explaining that the Windsor Development Group, Inc. proposes to develop a portion of the 25 acre site within the TC6 zone within which the Village Plaza Shopping Center is situated. The development will require the relocation of a portion of the existing stormwater management basin, the construction of a new four (4) story mixed-use building containing 13,056 SF of retail space on the first floor, 6,000 SF of office space on the second through fourth floors, and a freestanding 2,400 SF restaurant with a drive-thru. The project will connect to existing water and sewer and the existing stormwater management system. New landscaping and lighting will be provided as required pursuant to the Clifton Park Town Center Form Based Development Code. Explaining that the design plan attempts to reflect the town's vision of creating an "inviting, active area with pedestrian connections," Mr. Miller explained that the plans call for such streetscape improvements along Clifton Country Road as an 8' wide multi-use pathway, 10' tree line, terracing, and on-street parking. Explaining that strict compliance with every dimensional standard included in the code was not possible due to existing site conditions, he asked if, pursuant to Section 2.3 of the Form-Based Code, Planning Board members would be amenable to approving modifications of some of the standards to accommodate existing conditions. The speaker provided examples of design elements that may need modifications, explaining that the frontage width at the build-to zone could not be met at all locations for the new retail-residential building due to the existing roadway geometry, window widths and entrance recesses necessitated by the building's function and design were greater than permitted by the code, and the roof line needed to complete the building's design would not meet requirements. The applicant presented a computer model of the proposed streetscape.

Mr. Ophardt commented that he "likes the project" and believes it to be "good use of infill." Mr. Neubauer stated that it would be important to consider the conclusions offered by the TAC committee after a comprehensive review of the plan. Ms. Paulsen observed that it would be difficult to decide if the modifications to the code requirements were truly justified: input from the TAC committee would be helpful in making such a determination. Mr. Ferraro encouraged the applicant to consider environmental issues such as stormwater management. In response to Mr. Neubauer's comment that the drive-thru restaurant proposed on Lot B was not code-compliant, Mr. Miller pointed out the business proposed for the smaller portion of the lot was permitted by Special Use Permit and that the applicant was attempting to encourage "walkability" within the area by placing a marketable product within a reasonable distance of the retail/residential space. Though Mr. Ferraro suggested relocation of the proposed drive-thru to the opposite side of the building, Mr. Andress explained that, for various reasons, the drive-thru had been placed at the most practical location. Mr. Werner encouraged the applicant to provide a rendering of the

building, fencing, and other site improvements. Ms. Paulsen criticized the plan's parallel parking arrangement, commenting that "she couldn't image parking along Clifton Country Road." Mr. Ferraro concluded the discussion by stating that recommendations provided by the TAC will help Board members "select the best possible options" for development of the Village Plaza site.

[2015-043] **Park Avenue Mixed Use** – Proposed redevelopment of a vacant K-Mart store to construct a mixed-use (4) story commercial/residential building, Park Avenue – Possible referral to TAC for Development Design Review. 272.-3-81

Mr. Bob Miller, Jr., applicant, unveiled redevelopment plans for the portion of the Shoppers World shopping center vacated by the K-Mart store last year. The project lies within the town's TC5 (Neighborhood Business) zoning district pursuant to the Clifton Park Town Center Form-Based Development Code. The new mixed-use area will require the demolition of the existing building and the construction of a four (4) story commercial building containing approximately 240 luxury apartments located over 18,314 SF of retail space all wrapping around a four (4) story parking garage. The mixed use building will contain amenities appropriate for the type and scale of development including two internal courtyards, a pool, a club house, and a fitness center. The project will connect to existing utility lines and utilize the existing stormwater management system which is being upgraded as part of a separate project. New landscaping and lighting will be a part of the design plan in conformance with the Form-Based Development Code. Mr. Miller, citing the recent upgrade of the Market 32 portion of the site, reported that project architects "have been challenged to tie all of the components of the site together." Applying code requirements to the project, he provided a brief analysis of some aspects of the development, stating that the proposed building complies with the three – five story development recommendation, dedicates 20% of first floor space to uses open to the public, provides walkable streets and structured parking, and reflects "good architectural and site design" indicative of current design trends. From a dimensional standpoint, the speaker noted that the building will require modifications to setback requirements as well as façade and roof designs. Blank wall areas incorporated into the building's design are necessary to accommodate stair towers and deeper recesses are required for the entranceway designs. Mr. Miller addressed the issue of traffic, reporting that it is estimated that the new structure will generate 428 peak AM trips, increasing traffic at that time by an additional 43 trips.

Mr. Scavo commented that the proposed increase in density will require Town Board approval in addition to the TAC review. He recommended that the Traffic Safety Committee be consulted as part of the TAC review process.

While a detailed, formal comment letter was issued on September 4, 2015, Ms. Hakes limited comments prepared by M J Engineering and Land Surveying, P.C. to the proposed site plan, noting that the project is located within the Town's TC5 Boulevard Zone of the Form Based Code (FBC). She explained that the applicant has prepared a project compliance review sheet for consideration, noting that the "build-to" zone allows some flexibility of design.

Mr. Werner commented that he appreciates the applicant's effort to create an area within the perceived Town Center area that will accommodate "permanent residents." Mr. Neubauer was critical of the density, stating that the code encourages a "smaller streetscape" rather than the

construction of large buildings. Mr. Ferraro stated that he found the proposed first-floor retail use desirable and he appreciated the “street level activity” provided in the design plan.

Mr. Werner moved, seconded by Mr. Ophardt, adjournment of the meeting at 11:48p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on September 22, 2015.

Respectfully submitted,

Janis Dean, Secretary

Notice of Decision

Resolution #12 of 2014

Preliminary Approval Special Use Permit

At a meeting of the Planning Board held at the Town Hall of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on September 9, 2015, there were:

Present: R. Ferraro, Chairman, E. Ophardt, K. Paulsen, T. Werner
A. Neubauer – Alternate Member

Absent: E. Andarawis, J. Koval, E. Prescott

Ms. Paulsen offered Resolution #12 of 2015, and Mr. Ophardt seconded, and

Whereas, an application was made to this Board by Clifton T. Hilderley for approval of Special Use Permit #81034 to permit the construction of a two-family residence on property located at 283 Sugar Hill Road;

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 September 9, 2015, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 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 Resolution #12 of 2015 Special Use Permit #81034 to permit the construction of a two-family dwelling located at 283 Sugar Hill Road pursuant to Section 208-16D(3)[8] is granted preliminary approval.

Resolution #12 of 2015 passed 9/9/2015

Ayes: Ophardt, Paulsen, Neubauer, Werner, Ferraro

Noes: None

R. Ferraro, Chairman

NOTICE OF DECISION

Resolution #13 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 September 9, 2015, there were:

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

Those absent were: E. Andarawis, J. Koval, E. Prescott

Mr. Neubauer offered Resolution #13 of 2015, and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by Stephen Murdza for approval of a subdivision entitled Subdivision of the Lands of Maria-Lee and Stephen Murdza consisting of (3) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 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 September 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 final hearing for this application is waived and the subdivision plat entitled Subdivision of the Lands of Maria-Lee and Stephen Murdza is granted preliminary and final approval conditioned upon the addition of a note to the subdivision plat and in individual property deeds regarding non-disturbance of protected wetlands on the newly-created parcels and satisfaction of all items listed in the final comment letter issued by the Planning Department.

Resolution #13 of 2015 passed 9/9/2015

Ayes: Ophardt, Paulsen, Neubauer, Werner, Ferraro

Noes: None

Rocco Ferraro, Chairman

NOTICE OF DECISION

Resolution #14 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 September 9, 2015, there were:

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

Those absent were: E. Andarawis, J. Koval, E. Prescott

Mr. Werner offered Resolution #14 of 2015, and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by Tony Casale for approval of a subdivision entitled La Quinta Inn and Suites Subdivision Plan consisting of (3) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on September 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 September 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 final hearing for this application is waived and the subdivision plat entitled La Quinta Inn and Suites Subdivision Plan is granted preliminary and final approval conditioned upon resolution of all access issues, the granting of final site plan approval to the LaQuinta site plan by the Planning Board, and satisfaction of all items listed in the final comment letter issued by the Planning Department.

Resolution #14 of 2015 passed 9/9/2015

Ayes: Ophardt, Paulsen, Neubauer, Werner, Ferraro

Noes: None

Rocco Ferraro, Chairman