

Town of Clifton Park Planning Board
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PLANNING BOARD

ROCCO FERRARO
Chairman

PAUL PELAGALLI
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JANIS DEAN
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MEMBERS

Emad Andarawis
Denise Bagramian
Joel Koval
Andrew Neubauer
Eric Ophardt
Eric Prescott

(alternate) Jeffery Jones

Planning Board Meeting
February 9, 2016

Those present at the February 9, 2016 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, J. Koval, A. Neubauer,
E. Ophardt, E. Prescott
J. Jones – Alternate Member

Those absent were: None

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.

Minutes Approval:

Ms. Bagramian moved, seconded by Mr. Ophardt, approval of the minutes of January 26, 2016 as written. The motion was unanimously carried.

Public Hearings:

There were no public hearings scheduled for this evening's meeting.

Old Business:

[2015-053] **Stevens, Jane** – Proposed (2) lot subdivision, 178 Vischer Ferry Road – Revised conceptual review. SBL: 282.-2-20

Mr. John Stevens, consultant for the applicant, presented this application, explaining that the application remains generally as presented at the November 10, 2015 meeting. He addressed the comments issued at the previous meeting, reporting that the well and septic locations have been shown on the plan and the required separation distances confirmed, that the three “floating easements” granted by National Grid that would provide access across its parcel to link the existing Stevens properties have been referenced on the plan, that a note has been added stating that the subdivision is created pursuant to Section 208-16(E)(2)(c) of the Town of Clifton Park Zoning Code, and that because there are no plans for development of the larger parcel or disturbance of existing wetlands, a general note has been added stating that the wetland boundaries shown on the plan have been taken from mapping provided by Saratoga County. A note requiring a formal wetland delineation if and when additional development is proposed for the remaining lands will be added to the plan. Approved, assigned postal addresses will be added to the final plat. Proof of the mailing of the required notification of the application to property owners within 500’ of the parcel boundaries will be submitted with the preliminary application. Mr. Stevens stated that the applicant is willing to provide the requested 15’ easement along the property’s Vischer Ferry Road frontage for possible future trail construction or roadway improvements in lieu of the \$1,250.00 parkland fee.

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 several comments regarding this application in a memo dated January 26, 2016. Mr. Myers notes that the “plan details are not legible.” He requests that the discrepancy in acreage between the county maps which show the parcel to contain 55.61 acres and the subdivision proposal before the Planning Board which indicates that the parcel contains 58.34 acres be resolved. Mr. Myers observes that a significant portion of the parcel contains wetlands. These wetlands are “vaguely shown on the plan:” a more definitive representation, including associated buffers, should be provided. As presented, the plan does not comply with the intent Section 208-16E(2)(c) of the Town Zoning Code which allows for a “one time, single lot exception...” The lots as proposed appear to meet the other CR zoning requirements though the wetlands appear to provide a significant barrier to the rear third of the property. Larger scale plans with better detail should be required prior to the granting of subdivision approval.

Mr. Scavo explained that the discrepancy in the purported parcel sizes is explained by the fact that the county tax mapping system does not include the National Grid parcel since there is no assessment levied for land held by the public utility.

Mr. Scavo reported that the ECC found the application acceptable.

Mr. Scavo issued the following Planning Department comments in a letter to the applicant dated February 4, 2016. The project appears to be an “unlisted” action pursuant to SEQRA: as such, coordinated review is optional. Mr. Scavo explained that the Saratoga County Planning Board reviewed this application at its November 19, 2015 meeting and offered the following comment:

The Saratoga County Planning Board requested that further information be provided on the wetland delineation that was completed on the parcel as well as any future subdivision plans for the parcel. The Board commented that if further subdividing of the lots is proposed, the location of the wetlands, ingress/egress to the larger lots, and other site features should be depicted on the subdivision map.

The applicant must provide proof of the mailing of the 500’ notifications when preliminary plans are submitted to the Planning Department. The approved 911 addresses must be shown on the final subdivision plan. A note must be added to the plan which states the following:

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 5 Office at (518) 623-3603, and the US Army Corps of Engineers at (518) 266-6350, to obtain required permits.

The proposed subdivision lies within the Western Clifton Park GEIS. The mitigation fee for preparation of the Western Clifton Park GEIS will be applicable: a payment of \$348.00 per each new lot created must be paid prior to the stamping and release of the final subdivision plan.

Mr. Scavo explained that the applicant will place a note on the subdivision plan which states that no Building Permit will be issued for the remaining lands until such time as a formal wetland delineation has been completed and approval letters have been provided by the appropriate regulating agencies. He explained that Mr. Kemper, Director of Planning for Saratoga County found this an adequate response to the comment issued by the Saratoga County Planning Board: a Memo of Understanding from that Board will be forwarded to the Town of Clifton Park.

Mr. Bianchi reported that, after review of the revised plans submitted for consideration, M J Engineering and Land Surveying, P.C. found the plan generally acceptable. The applicant is asked to add the approved postal addresses to the plan.

Mr. Scavo emphasized the fact that the Planning Board would have to formally waive the \$1,250.00 parkland fee as a condition of approval and that information regarding the waiver must be included in the Notice of Decision issued. Board members appeared to find the subdivision application acceptable.

[2014-044] **Lamarche Mixed-Use Development** – Proposed demolition of an existing retail outlet and construction of 12,771 SF retail/commercial space with 33 apartments on the 2nd, 3rd, and 4th floors, 31 Old Route 146 – Revised conceptual site plan review. SBL: 272.9-1-37

Mr. Scott Lansing, consultant for the applicant, explained that the original site plan submitted for review at the October 15, 2014 Planning Board meeting has been significantly revised in response to client demands and comments issued at that time. In general, the application

proposes development of a 1.35 acre parcel of land located within the B-4A (Highway Business/Restricted Retail) zoning district specifically situated at the intersection of Old Route 146 and Clifton Park Village Road. All of the existing structures on the site which include the former Salvation Army thrift store, a residential structure, and an outlying storage building will be demolished to allow for the construction of a 59,084 SF, four-story mixed use building that will be comprised of subsurface parking in the basement, retail/commercial uses on the first floor, and thirty-three multi-family apartments on the second, third, and fourth floors. The building footprint will be 14,771 SF. The 109 parking spaces to be installed on site will provide adequate parking for customers, employees, and residents. Connections will be made to existing municipal water and sewer systems. Access to the site will be from US Route 9 and Clifton Park Village Road. The dumpster will be located in the northwesterly corner of the site. Sidewalks will be provided along Fire Road and Clifton Park Village Road. Mr. Lansing described the eight (8) variances that must be approved by the Zoning Board of Appeals prior to preliminary site plan review by the Planning Board. In addition to the six setback variances, one for reduced greenspace on the site and one for an increase from the required building height will be required. A use variance to permit the construction of multi-family apartments will also be required since dwellings are not permitted in the zoning district.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application. The parcel is situated within the B-4A Highway Business zoning district. Dwellings are not permitted within this district and cannot be allowed by special exception or otherwise. He noted that this restriction would likely preclude the applicant's ability to obtain a use variance. It appears that several area variances would also be required. Since the building height has not yet been determined, it is uncertain whether or not a variance for building height would be required. Although the application states that the "project was developed to parallel the intent of the Town Center Plan," this parcel is not located within the boundaries of the Town Center zoning district. Since this parcel was "actively used" until recently it appears that it may be difficult to demonstrate that permitted uses are not suitable for this property. The applicant should give consideration to roadway improvements for Clifton Park Village Road due to the additional traffic the project will generate.

Mr. Scavo reported that, after review of the project plan at its February 2, 2016 meeting, the ECC provided the following comments. Other projects within this neighborhood have maintained substantially more greenspace than what is being proposed. It is recommended that the applicant maintain a minimum of 35% greenspace, calculated for the entire project, in accordance with Section 208-50.3(F)2 of the Town Zoning Code. The project design as proposed it is not in keeping with the character of Clifton Park when it comes to density and setbacks. For example the Town Comprehensive Plan recommends the maintenance of existing vegetation to the maximum extent practicable and the use of landscaping and grading to provide visual and auditory buffering between the project and the adjacent roadways and other properties: the proposed design does not conform to these goals. The ECC recommends downsizing the project to conform to the space available and to be consistent with the visual character of the neighborhood.

Mr. Scavo read the comments prepared by Mr. Reese, Stormwater Management Technician. The Project Narrative dated January 15, 2016 indicates that stormwater will be managed on site through the use of multiple green infrastructure run-off practices. Since the site

has over 85% impervious cover, the specific practices to be employed should be indicated. Should the applicant be considering the use of underground infiltration units, test hole data with seasonal high water elevations indicated and percolation test results should be provided.

Mr. Scavo offered comments prepared by the Planning Department. With the increase in traffic it may be prudent to investigate the installation of a stop bar and verify the placement of the “STOP” sign on Old Route 9 at the intersection with Old Route 146. An opportunity to install a sidewalk along NYS Route 9 outside of the right-of-way should be explored. In absence of a sidewalk, enhanced landscaping along the parking area should be considered. Site landscaping should be incorporated in such a manner as to anticipate potential future sidewalks to avoid removal or relocation of planting materials in the future. The project will require a use variance for the residential component and several area variances to accommodate the building footprint and height. Proposed building elevations, especially along Old Route 146 and Old Route 9 should respect the surrounding architectural context. In particular, the structure should take design cues from the generally smaller and more articulated massing found in structures built before 1960 to help reduce any perceived context issues regarding size. The building’s massing should contribute positively to the pedestrian experience along Old Route 146 and Old Route 9. Building elevations should not contain long unbroken wall treatments. Although not included within the Town Center Zoning District the project area was evaluated under the Town Center Plan which was adopted as part of the Town’s Comprehensive Plan. The applicant should consider some of the building treatments such as awnings and decorative lighting prescribed within the Town Center Zoning to bring the façade closer to a human scale level of perception. Although Mr. Scavo expressed his concern about the height of the proposed building, he believes that the proposed project will remove an eyesore contributing to community blight. Through the site plan process, building articulations and façade treatments can be incorporated into the elevations to provide for a modern building that has the same character as historic structures in close proximity. Mr. Scavo noted that it would be helpful to determine the height of the billboard which is currently located at the Fire Road – US Route 9 intersection on the Lands of Griffin. He also called Board members attention to the display on the site plan that indicates the very restrictive setbacks that the applicant would need to adhere to if development was proposed in strict accordance with existing B-4A zoning regulations.

Mr. Bianchi offered a number of comments prepared by M J Engineering and Land Surveying, P.C. after review of the project plans. Based upon a 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: Saratoga County Planning Board – 239m referral due to the project’s proximity to U.S. Route 9; Clifton Park Water Authority: taking of additional water and water service connection; Saratoga County Sewer District No. 1: Reserve sewer capacity and sewer service connection; New York State Department of Environmental Conservation – 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; New York State Department of Transportation - curb cut access permit. Additional agencies may be identified by the Town during its review of the project.

Two comments related to the Short Environmental Assessment Form. Under Part I.8.a., the response indicates that the proposed action will not result in a substantial increase in traffic above present levels. Subsequent submissions should provide information that supports this conclusion. Under Part I.12b., the response indicates that the proposed action is not located in an archeological sensitive area. A review of the on-line CRIS database suggests otherwise. The applicant is asked to confirm that the response provided remains appropriate.

Mr. Bianchi offered several general comments regarding the project plan. The submitted information indicates the project is proposing to connect to an existing water main along Clifton Park Village Road owned and operated by the Clifton Park Water Authority (CPWA). It is recommended that the town be furnished with documentation that the CPWA is willing and capable of providing potable water to the project. The submitted information indicates the project is proposing to connect to an existing sewer main along Clifton Park Village Road owned and operated by the Saratoga County Sewer District No. 1 (SCSD). It is recommended that the town be furnished with documentation that the SCSD is willing and capable of providing sanitary sewer service to the project. 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. Subsequent submissions shall provide a Stormwater Pollution Prevention Plan (SWPPP) that addresses stormwater quality, quantity, and green infrastructure elements. If being advanced under a redevelopment approach, the applicant must provide justification that the project meets the criteria of Chapter 9 of the NYSDEC Design Manual. The project is proposing modifications to the access to and from US Route 9. This will require review and approval from the NYSDOT. Given the size of the proposed project, it may be necessary to prepare a traffic impact statement to determine the number of vehicle trips generated from the project and whether or not there will be any impacts to the level of service of the adjacent roadway that may warrant mitigation. The traffic study should not only be an examination of the proposed site access intersections but also existing intersections proximate to the site. The study should also take into account other planned projects within close proximity.

Additional comments related to the project narrative. The project narrative provides supporting arguments for the granting of the use and area variances. This information has been provided to the Planning Board as part of the revised conceptual application. The applicant must apply for and obtain these variances from the Zoning Board of Appeals in advance of the Planning Board taking formal action on this application.

Mr. Bianchi provided comments related specifically to the site plan. The project resides within the Town's Business, B4-A zoning district. A review of the uses being proposed indicates the commercial/retail elements are permitted uses pursuant to Section 208-50.2(B) of the Town Zoning Code. The residential component, however, is not an allowed use and a use variance would be required. The applicant has applied (or will apply) to the Zoning Board of Appeals for consideration of a use variance. A review of Section 208-50.3 of the Zoning Code indicates that the project will require several area variances. The applicant has applied (or will apply) to the Zoning Board of Appeals for consideration of the required area variances. There should be a delineation of how truck traffic will enter and exit the project. Depending on the expected delivery mode, there may be a need to prohibit deliveries from Clifton Park Village Road and/or Old Route

146 due to limited maneuverability into and out of the site. The plans indicate that the proposed stormwater management facilities will generally be infiltration practices. Subsequent submissions shall include the appropriate soil testing to support their use. Under Part I.12b., the response indicates that the proposed action is not located in an archeologically sensitive area. A review of the on-line CRIS database suggests otherwise. The applicant is asked to confirm that the response provided is appropriate. The proposed parking along the project perimeter is expected to require grading within the adjacent right-of-ways. Should this be required, discussions with both the Town of Clifton Park and the NYSDOT will be necessary as part of subsequent design efforts to ensure the grading activities are advanced in an appropriate manner. Should any of the proposed uses include food service, an exterior grease trap will be required and shall be shown on subsequent plans. There may be a desire to provide a sidewalk along NYS Route 9 with linkage directly to the project, similar to other projects within the corridor. Sidewalks being proposed should be coordinated with those being planned for development on the south side of Old Route 146 as it provides an opportunity for a cross walk and continued linkage southward. The proposed sidewalk along Old Route 146 and Clifton Park Village Road is in close proximity to the travel way: there may be a need to examine the installation of a curb line or other protective measures to segregate pedestrians from vehicular movements. There are two drives shown along Clifton Park Village Road: one appears to provide full access while the other appears to provide one way exiting from the site. The one-way exit appears to be a drive thru. The applicant is asked to confirm whether this is a drive-thru and if it is, there appears to be minimum queue space for vehicles. The minimal spacing between these two access points may prove difficult and introduce unwanted vehicle conflicts. There should be an examination of alternate geometries for increasing the distance between the two entrances to the greatest extent practicable. There may be a need to modify the geometry of Old Plank Road and/or the locations of the two proposed site drives along Clifton Park Village Road to minimize vehicle conflicts. The proposed building is identified as being four stories and, as such, may be greater than 30 feet high. If this is the case, subsequent plans need to identify where the required aerial apparatus access exists as outlined in Appendix D105 of the Fire Code of New York State. The applicant is asked to review the location of existing fire hydrants in relation to the distance to all points along the first floor exterior walls of the proposed building to determine whether additional on-site hydrants are warranted. Site 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. Plans should indicate whether roof top mechanical units are proposed and how screening may be incorporated to shield them from public view. Any proposed site lighting should be developed with attention paid to limited spillage to adjacent properties along Clifton Park Village Road and Old Route 146. There should be an examination of potential linkages or cross-easements to adjacent properties. Subsequent submissions should include architectural renderings of the building along with identification of materials of construction. Considering the plan submitted is conceptual in nature, the town's Designated Engineer will reserve further comments until more detailed plans and reports are submitted.

Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, offered the following recommendations. The applicant should provide 5' sidewalks on the property along US Route 9 with appropriate landscaping. A crosswalk should be provided across Clifton Park Village Road at its intersection with Old Route 146. A 5' minimum

bicycle lane should be provided along Old Route 146 from US Route 9 to Clifton Park Village Road and along Clifton Park Village Road. Mr. Casper explained that the 5' minimum bike lane width against a curb/sidewalk is based on The AASHTO Guide for the Development of Bicycle Facilities. The parking lot should reconsider pedestrian circulation. The applicant should provide bike racks for bicycle parking. Mr. Casper asked that the applicant provide direct pedestrian routes through the parking lot which are not impeded by drive-thru traffic lanes.

Mr. Anthony LaFleche, 21 Wheeler Drive, stated that he "liked the way" the project "coordinated" with the proposed development to the south. He asked that the Board require that the sidewalk along US Route 9 be located as far from the roadway as possible to accommodate snow removal. He also asked that the sidewalks along Old Route 146 and Clifton Park Village Road be located as far from the roadways as possible.

Mr. Ferraro stated his appreciation for the applicant's willingness to move the building closer to the street in response to Board recommendations. Mr. Andarawis found the building location and proposed sidewalks appealing, explaining that the design will promote "walkable village streets." He encouraged the applicant to enhance the property with substantial landscaping. Citing the need for a variance for a reduction in required landscaping, Mr. Andarawis suggested an elimination of one story from the proposed building may result in a reduction of the required number of parking spaces and an increase in the green area on the site. Mr. Neubauer commented that he, too, preferred the revised building placement and noted that the Town Center Plan identified the "northeast node" of the study area a likely location for the development of an "arts district." He asked that the applicant consider a connection to the small retail area directly north of the parcel which could possibly result in "some shared parking opportunities." He asked that the building's architectural design conform with the architectural standards presented in the Town Center Plan and that rooftop units be screened. In response to his question regarding the apparent drive-thru feature illustrated on the site plan, Mr. Lansing explained that it was anticipated that the drive-thru would accommodate a bank use: it was not likely that the commercial space would be occupied by a fast food restaurant. Mr. Neubauer commented that he would prefer to see a more significant buffer along US Route 9 rather than a pathway: pedestrians and bicyclists could be diverted to Clifton Park Village Road. Mr. Jones agreed with this recommendation. In response to Mr. Jones' question regarding access to the businesses located on the building's first floor, Mr. Lansing explained that entrances would be provided in both the front and the rear of the building. Mr. Koval observed that the proposed density of development of the 1.35 acre site was significant as evidenced by the number of variances required. Although he understands that the proposed design reflects development standards proposed in the Town Center Plan, current zoning does not support those standards: he believes that the fourth story creates the density issue by requiring more parking which, in turn, reduces the site's greenspace. Mr. Koval preferred the construction of sidewalk along US Route 9 noting that the Planning Board has mandated that recent projects along the corridor install such sidewalk connections. In his view, the parcel under consideration provides the opportunity to directly link the hotel and retail properties to the north directly to the Fire Road – US Route 9 intersection. Mr. Ferraro expressed his frustration with the town's failure to extend Town Center zoning to properties east of the Northway. Mr. Scavo explained that at the time Town Center zoning was being considered, the Capital District Transportation Commission recommended that the implementation occur in phases. Since the Northway corridor provided a natural boundary, the town center zoning initiative was limited to lands west of this border. Ms.

Bagramian questioned whether or not the applicant had considered other uses than the residential use proposed for the upper stories since this component of the project required the approval of a use variance by the Zoning Board of Appeals. Mr. Lansing explained that the applicant had indeed considered other uses for the building; however, those uses proved economically unviable. Mr. Ferraro stated his general support for the project explaining that he “liked the proposed mixed-use project in this location.” He encouraged the applicant to “make certain” that the building’s architectural design “adds interest to the area, creates a sense of excitement, and encourages human interaction.” Mr. Ferraro explained that the Board would be concerned with traffic impacts since it would be “problematic” for the narrower roadways surrounding the site to accommodate increased traffic flow. He supported the construction of a trail connection along US Route 9 explaining that providing greenspace along the major thoroughfare was not as crucial as enhancing greenspace along the site’s perimeter to “dress up” the site. The speaker encouraged the incorporation of green infrastructure materials and pervious surfaces into stormwater management design plans. Mr. Ferraro supported Mr. Neubauer’s recommendation regarding a possible connection to the small retail area directly north of the site and encouraged the applicant to pursue such a link. In response to Mr. Ferraro’s question regarding the applicant’s possible purchase of the property directly south of the site currently used as an automobile repair shop, Mr. Lansing explained that the property owner had no interest in selling the parcel at this time. Mr. Casper recommended that, if possible, bicycle lanes be designed in combination with the proposed sidewalks. Board members appeared to find the conceptual site plan approval, including the residential use, generally acceptable though they acknowledged that approval of the use variance by the Zoning Board of Appeals would be key to the project moving forward. Mr. Koval reiterated his concern that the proposal was “too dense” for the site.

New Business:

[2016-005] **Route 9 and Fire Road Office Building (Abele Builders)** – Proposed construction of a 57,000 SF four-story office building, 32 Old Route 146 – Conceptual site plan review. SBL: 272.9-1-10; 272.9-1-21.1; 272.10-2-8; 272.10.-2-20.

Mr. Ed Abele, applicant, introduced Mr. Gavin Vuillaume, project consultant, and Ms. Wendy Holzberger, traffic engineer, who were in attendance at the meeting. Mr. Abele provided a brief history of the project, explaining that his firm has demolished buildings contained within what was known as Village Plaza, including the former Captain’s Treasures store, to provide a “fresh canvas” for an integrated development site.

The speaker explained that since purchasing the 5.5 acre parcel located within the B-4 zoning district and situated on the westerly side of US Route 9 and bordered by that federal highway, Fire Road (Old Route 146), the Lands of Clifton Park-Halfmoon Fire District No. 1 and Northside Drive, his firm has been considering various development scenarios for the property. Although the “original vision” was to market the space to national retail chains, that idea was quelled when it was clear that most retailers were struggling and had little capital to invest in new areas. What became clear, however, was that there was a pressing demand for class A corporate-type office space in the Clifton Park area which has become a recognized “business hub.” It is Abele Builders intention to create a “tasteful” office building complex that will encourage high-end corporate businesses to locate here.

Mr. Vuillaume, project design consultant for the applicant, unveiled the site plan design, explaining that the conceptual plans presented at this evening's meeting were intended to provide an "overall master plan" for the parcel with specific emphasis on the proposed 57,000 SF state-of-the-art office building which would become the "centerpiece of the project." Describing the site components, Mr. Vuillaume explained that the proposed building, though "tied to US Route 9" was designed to have a "greater presence" among the anticipated retail establishments that would likely develop along the US Route 9 corridor because of its boulevard entranceway, substantial landscaping, and pedestrian amenities. The speaker explained that the location of the full-service entranceway with ingress and egress onto US Route 9 - located as "close to center as possible" between the Fire Road – US Route 9 intersection and the Route 146 US Route 9 intersection - was a critical component of the site design. The parcel would have additional access points on Northside Drive and Fire Road. Proposed parking areas have been located in the center of the site to provide easily-accessible access and shared parking opportunities for the site's anticipated multiple-use businesses. Mr. Vuillaume explained that although the comprehensive design plan presented for review was indicative of expected uses, the focus of the arrangement was on the center of the site. Parking for 274 vehicles is proposed, though the Zoning Code would require only 240 spaces. Stormwater will be managed on site. Connection will be made to existing municipal water and sewer services. Sidewalks and pedestrian linkages between on-site and off-site destinations would be designed as recommended by the Trails Subcommittee, Ms. Viggiani, Open Space Coordinator, and the Planning Board. Mr. Vuillaume explained that, in order to meet zoning regulations, the application will require approval of a number of variances by the Zoning Board of Appeals: variances would include a number of setback variances as well as approval for a reduction of greenspace. In response to comments received from town staff members and the town's designated engineer, Mr. Vuillaume explained that any CDTA-recommended amenities would be incorporated to the greatest extent practicable in the design, that the existing guardrail on the southerly side of the Fire Road – US Route 9 intersection would be removed, and that all fire access regulations would be respected.

Mr. Abele commented that the project plans would likely include the proposed construction of a three-story rather than four-story building due to the additional costs associated with construction of a taller building. Though a four-story building would "command attention," it was determined that the costs of meeting state code regulations for elevator installation and fire suppression equipment within the structure would be "cost prohibitive." He presented façade elevations of the proposed building, noting that the incorporation of such features as "upscale window systems," a roof deck, and high entrance canopy helped to add visual appeal to the building. He pointed out that, although a building's first floor is generally 13' – 14' high, the proposed design calls for a 16' ceiling. Being mindful of visual impacts imposed by rooftop units, the plans indicate that such equipment will be shielded by a parapet. It is anticipated that the building will "attract larger corporate tenants." Substantial landscaping is proposed to make the site more visually appealing.

Ms. Wendy Holzberger, traffic engineer for Creighton-Manning Engineering, reported that the traffic report currently being prepared will consider the plan "in two phases" as proposed by the applicant. She explained that, though the report was not yet complete, the review would include evaluation of the proposed full-access curb cut onto Route 9, the effectiveness of secondary

access locations onto Fire Road and Northside Drive, impacts to existing nearby intersections, potential future growth within the corridor, and pedestrian accommodation and accessibility.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, offered several comments in a memo dated January 26, 2016. The parcel is situated within the B-4 (Highway Business) zoning district: the uses proposed are permitted within the zone. Though it appears that the applicant is seeking to purchase the adjoining Lands of Krawecki for inclusion in the site development plan, the parcel currently contains 5.5 acres. The contrast in colors of the parking areas should be explained. The Town of Clifton Park cannot consider approvals for proposals, such as the 2,600 SF restaurant and associated parking area that are located outside town boundaries. With this considered, the proposal will result in approvals for two buildings on approximately 5.1 acres. Area variances will be required for setbacks, more than one ingress/egress to a site, parking, greenspace, and landscaping. The proposal, which would be considered as “a group of establishments (without the restaurant)” does not have the required 400’ lot width at the building line.

Mr. Scavo reported that the ECC offered the following comments regarding this application following review at its February 2, 2016 meeting. The applicant should maintain a minimum 35% greenspace in accordance with Section 208-46(F) of the Town Zoning Code, calculated for the entire project. In keeping with the recommendations and goals of the Town Comprehensive Plan, the applicant should propose the use of landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways and other properties.

Mr. Scavo read comments prepared by Mr. Reese, Stormwater Management Technician. Since the applicant is proposing the installation of underground infiltration units, test hole data with seasonal high ground water elevations and percolation test results should be provided. There are multiple commercial buildings proposed: the applicant should provide information regarding the ownership and maintenance for the individual stormwater management areas.

Mr. Scavo offered comments prepared by the Planning Department. The proposed project appears to be an “Unlisted” action pursuant to SEQRA, and as such, coordinated review is optional. It is recommended the Planning Board coordinate its review with the Town of Halfmoon, NYS DOT, and other involved agencies. The proposed project will result in additional traffic in the vicinity of the project site and, as a result, the applicant should prepare a traffic impact analysis. Other conditions that are met to justify a detailed traffic impact analysis include:

- a. High traffic volumes on surrounding roads that may affect movements to and from the proposed development.
- b. Proximity of the proposed access points to other existing drives and signal controlled intersections.
- c. The conceptual site plan includes a drive-thru operation that allows for direct access onto NYS Route 9.

The applicant should reach out to CDTA Planning Staff during the review process to see if transit site design elements can be incorporated into the site plan. These site elements may encourage or accommodate future bus transit modes of transportation to the project location. Copies of any communication with CDTA should be sent to the Planning Board to be included in the project file. The applicant and Planning Board should consider whether or not an opportunity exists to move the office building closer to NYS Route 9 and to relocate some of the parking field behind the

building. This will encourage a more pedestrian friendly US Route 9 corridor as the sidewalk network continues to be built on a site-by-site basis providing connections to adjacent properties. The applicant should clarify whether or not the parking demand shown is based on medical office parking requirements which are a higher yield than commercial office parking requirements. The applicant should clarify whether or not the greenspace calculation is for the entire project site or only the portion within the Town of Clifton Park. Clifton Park may only apply its local zoning laws on lands within its municipal borders. As such, the greenspace calculation should be factored on the lands that lie solely within Clifton Park's municipal boundary. The project will require a recommendation from the Saratoga County Planning Board due to its proximity to US Route 9. Site landscaping should be incorporated in such a manner as to anticipate potential future sidewalks to avoid removal or relocation of planting materials in the future. There appears to be a guiderail at the intersection of US Route 9 and Fire Road (Old Rt. 146) that provides protection to the former Liberty Tax Building. The guiderail may be a future impediment to an integrated sidewalk network between parcels. During discussions with NYSDOT, the applicant should explore the feasibility of removing the guiderail. It is understood that the site plan is at a conceptual level for discussion purposes. As plans advance, the placement of crosswalks, lighting, and other details as required per preliminary plan submittal requirements listed in the Town Code will be provided by the applicant; additional comments will be offered at that time. Mr. Scavo also provided a mark-up identifying suggested changes to the submitted conceptual plan including the addition of a building fronting along US Route 9 south of the proposed boulevard where parking is currently indicated.

Mr. Scavo pointed out that the development parcel is bisected by the town boundary. Though the Planning Board would be unable to approve any site plan "outside town boundaries," the Board could, if it was deemed reasonable, assume Lead Agency status for the project and issue a SEQRA determination. Both towns would be bound by that determination. Site plans would be approved by the respective Planning Boards.

Mr. Bianchi reported that, after review of the materials submitted by the applicant for conceptual site plan review, M J Engineering and Land Surveying, P.C. provided numerous comments regarding the project plan. 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: Saratoga County Planning Board – 239m referral due to the project's proximity to US Route 9; Clifton Park Water Authority - taking of additional water and water service connection; Saratoga County Sewer District No. 1 - reserve sewer capacity and sewer service connection; New York State Department of Environmental Conservation - 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; New York State Department of Transportation - curb cut access permit; Town of Halfmoon Planning Board - approval of site plan (or portions) within the Town of Halfmoon. Additional agencies may be identified by the town during its review of the project. It should be noted that portions of the project are within the Town of Halfmoon requiring that municipality's Planning Board review and approval. There needs to be a determination of which board will act in the roll of SEQRA lead agency or if each board will make its own SEQRA findings.

One comment related to the Short Environmental Assessment Form which was submitted as part of the application. Under Part I.8.a., the response indicates that the proposed action will not result in a substantial increase in traffic above present levels: subsequent submissions should provide information that supports this conclusion.

General comments on the plan were provided. The submitted information indicates the project is proposing to connect to an existing water main(s) within proximity to the parcel that are owned and operated by the Clifton Park Water Authority (CPWA). It is recommended that the town be furnished with documentation that the CPWA is willing and capable of providing potable water to the project. The submitted information indicates the project is proposing to connect to an existing sewer main(s) within proximity to the parcel that are owned and operated by the Saratoga County Sewer District No. 1 (SCSD). It is recommended that the town be furnished with documentation that the SCSD is willing and capable of providing sanitary sewer service to the project. The project would result in disturbances in excess of one acre and, therefore, is subject to the NYSDEC Phase 2 Stormwater Regulations and General Permit GP-0-15-002. Subsequent submissions shall provide a Stormwater Pollution Prevention Plan (SWPPP) that addresses stormwater quality, quantity, and green infrastructure elements. If being advanced under a redevelopment approach, the applicant is asked to provide justification that the project meets the criteria of Chapter 9 of the NYSDEC Design Manual. The project is proposing modifications to the access to and from US Route 9. This will require the review and approval from the NYSDOT. Given the size of the proposed project, it may be necessary to prepare a traffic impact statement to determine if the number of vehicle trips generated by the project will result in any impacts to the level of service of the adjacent roadway which would warrant mitigation. The traffic study should not only include an examination of the proposed site access intersections, but also existing intersections proximate to the site. The study shall also take into account other planned projects within close proximity.

Several comments related specifically to the site plan. The project resides within the Town's Business, B4 (Highway Business) zoning district. A review of the uses being proposed indicates all are permitted as-of-right pursuant to Section 208-45(B) of the Town Zoning Code. A review of Section 208-46 of the Zoning Code indicates the project as proposed has the following bulk lot deficiencies:

- a. Section 208-46(B) indicates there shall be a minimum front yard of 80 feet, into which space there shall be no encroachment of structures other than a fence, a wall or a sign not larger than 20 square feet and no encroachment of commercial usage other than parking space. The proposed 3,500 SF building is closer than the noted 80 feet.
- b. The 57,000 SF building is within 20 feet of a property line (either rear or side yard). Due to the proposed height of the building, the required setbacks increase 2 feet for every foot above the maximum building height of 35 feet. As such, it appears that the building is within the rear yard setback (pursuant to Section 208-46(C)) or side yard setback (pursuant to Section 208-46(D)), depending on how the noted property line is considered.
- c. Section 208-46(F) requires 35% minimum green space and the plan proposes 32%. The applicant is asked to confirm that the green space calculation is

representative of the area within the Town of Clifton Park and not the entire project area which extends into the Town of Halfmoon.

Section 208-49 allows the construction of a group of establishments in accordance with an integrated site and architectural plan with a minimum land area of 5 acres. Plans indicate that the project is 5.5 acres in size. The applicant is asked to confirm that the 5.5 acres is representative of lands within the Town of Clifton Park. Should the lands within the Town of Clifton Park be less than 5 acres, it would appear that an area variance would be required. There should be a delineation of how truck traffic will enter and exit the project. The plans indicate that the proposed stormwater management facilities will generally be infiltration practices. Subsequent submissions shall include the appropriate soil testing to support their use. The plans show new sidewalks along a majority of the project frontage on US Route 9, but terminate at Lands of Dariano. It is understood that there may be limited area on Lands of Dariano to continue the sidewalk northward, however, there should be a review of how to continue this pedestrian linkage. This linkage should be coordinated within the proposed development on the north side of Old Route 146 as it provides an opportunity for a crosswalk and continued linkage northward along US Route 9. There are multiple points of access planned to the site. The access proposed onto US Route 9 may need to have restricted movement as the exiting left turn places vehicles close to the northbound stop bar of US Route 9. This entrance configuration needs to be reviewed with the Region 1 office of the NYSDOT. One of the proposed buildings is identified as being four stories and as such may be greater than 30 feet high. If this is the case, subsequent plans need to identify where the required aerial apparatus access exists as outlined in Appendix D105 of the Fire Code of New York State. The applicant is asked to review the location of existing fire hydrants in relation to the distance to all points along the first floor exterior walls of the proposed buildings to determine whether additional on-site hydrants are warranted. Plans must indicate whether the proposed building will be equipped with automatic sprinklers. If it is, the fire department connection should be noted on the plans or notation furnished indicating that the final locations shall be determined as part of the building permit process. Plans should indicate whether roof top mechanical units are proposed and how screening may be incorporated to shield them from the public view. Any proposed site lighting should be developed with attention paid to limited spillage to adjacent properties along Old Route 146. There should be an examination of potential linkages or cross lot easements to adjacent properties. Subsequent submissions should include architectural renderings of the building along with identification of materials to be used in its construction. Considering the plan submitted is conceptual in nature, the Town Engineer will reserve further comments until more detailed plans and reports are submitted.

Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, offered the following recommendations. The applicant should provide 5' sidewalks on the property along US Route 9 with appropriate landscaping. Sidewalks should also be provided on the property along Old Route 146, along the entranceway to the project from Old Route 146, and along the north side of Northside Drive from the office building to Fire Road. Ideally, a sidewalk should be provided along Old Route 146 from US Route 9 to the Fire Station. Crosswalks should be provided at the entranceways to the project on Old Route 146, Route 9 and on Northside Drive. A crosswalk should be provided across Northside Drive from the proposed sidewalk to the hotel and restaurants. A 5' minimum bicycle lane should be provided along Old Route 146 from US Route 9 to the Fire Station. The parking lot should reconsider pedestrian circulation. The applicant should provide bike racks for bicycle parking.

Mr. Anthony LaFleche, 21 Wheeler Drive, stated that he “liked the boulevard entranceway proposed for access to US Route 9 though he recommended that the number of “stops” be reduced to create a more fluid traffic flow through the site. In response to his question regarding the failure of Northside Drive to connect with Route 9, Mr. Abele explained that such a connection was not approved when the Comfort Suites site plan was approved: he stated that the link may be requested in the future. Mr. Koval commented, and Ms. Holzberger agreed, that it may be prudent to provide traffic controls that would limit vehicle speed through the site.

Mr. Koval suggested that a left-turn left be incorporated into the boulevard access onto US Route 9. He also asked that the location of the parking area along the access route to Fire Road be reconsidered. Board members discussed alternative locations for site access. Mr. Koval commented that he found the façade rendering presented visually appealing. Mr. Ferraro agreed, noting that younger workers would find the roof deck a desirable place for group activities and socializing. Mr. Ferraro suggested that the applicant consider “sliding the building more toward US Route 9.” Commenting on Mr. Neubauer’s observation that the “biggest [visual] impact of the building would be from the Exit 9 ramp of the Northway,” Mr. Abele stated that the location provides a “good opportunity to showcase a monument building.” Although Mr. Neubauer stated his support for a four-story building, Mr. Abele explained that it appeared that state building code requirements made the taller building significantly more expensive to construct. The applicant agreed, however, to compare the cost analysis information for both designs to determine if construction of a larger building would be feasible. Though Mr. Neubauer remarked that the “building looks like a nice building,” he expressed concerns that it would “look dated” in a couple of years. He recommended that “more attention” be paid to the exterior treatment of the building since it would likely become a “landmark building” which had the potential to “define the entranceway to Clifton Park.” Mr. Neubauer asked that the applicant consider the integration of a north-south pedestrian link in the site plan design. Mr. Ferraro asked the applicant to incorporate green infrastructure elements in the parking lot design and to consider the “natural flow of water” on the site. Citing Mr. Neubauer’s comments, he, too, asked that the applicant consider the “building’s perspective from I-87” and the visual impact of its design on those traveling the US Route 9 corridor.

Discussion Items:

[2014-047] **St. Edward’s Church Addition** – Proposed 14,224 SF addition and parking lot amendment, 569 Clifton Park Center Rad – Request for one year extension of site plan approved February 10, 2015.

Mr. Scavo reported that he was in receipt of an e-mail from Mr. Thomas Field, III, representative of Ryan Biggs-Clark Davis Engineering and Surveying, P.C. and consultant for the St. Edward’s Church addition project, requesting an extension of the site plan approval that was granted to the project on February 10, 2015. Mr. Field explained that the building design plan is “moving forward” and that it is expected that the final plan will be completed by the end of March. Pursuant to Section 208-120B of the Town Zoning Code, an applicant may request “an extension of time within which to comply with the site plan.”

Mr. Scavo explained that Mr. Myers, Director of Building and Development, commented that the project is moving through the review process and that he anticipates submission of completed building design plans for review before the end of March.

Mr. Ferraro referenced the comments provided by the Trails Subcommittee for this application, noting that the project had received preliminary and final site plan approval at the February 10, 2015 Planning Board meeting at which time it was agreed that the applicant would provide a note on the project plans stating that the church would provide an easement for future installation of a sidewalk or trail on either side of the driveway as well as a 15' easement for the same purpose along its frontage on Clifton Park Center Road.

Mr. Andarawis moved, seconded by Mr. Ophardt, to approve the requested extension of site plan approval. Pursuant to Section 208-120B, the applicant is granted up to an additional year to comply with the approved site plan. The final expiry date of said approval shall be February 10, 2017 since no further extensions are permitted. The motion was unanimously carried.

Mr. Koval moved seconded by Mr. Neubauer, adjournment of the meeting at 9:30p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on February 23, 2016.

Respectfully submitted,

Janis Dean, Secretary