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PLANNING BOARD

ROCCO FERRARO  
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PAUL PELAGALLI  
Attorney

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Secretary



MEMBERS

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

(alternate) Jeffery Jones

April 26, 2016

Those present at the April 26, 2016 Planning Board Meeting were:

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

Those absent were: D. Bagramian

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

Mr. Ferraro, Chairman, called the meeting to order at 7:05pm. All in attendance stood for the Pledge of Allegiance. The chairman then noted that the Discussion Item had been removed from the agenda. Mr. Ferraro noted that Mr. Jones would be a voting member in the absence of Mrs. Bagramian.

**Minutes Approval**

Mr. Neubauer, seconded by Mr. Koval, to approve the minutes of the meeting on April 12, 2016 as written. Ayes: Andarawis, Ophardt, Jones, Prescott, Koval, Hale, Neubauer. Noes: None. The motion was unanimously approved.

**Public Hearings:**

2016-023 Frederick Ground Mounted Solar Special Use Permit (SUP) Applicant requests a Special Use Permit (SUP) per section 208-79E(3)of the town code in a residential zone. 693 SF

of Solar Panels Proposed; 29 Van Vranken Rd, Zoned: R-1, Status: Preliminary Review with Possible Determination SBL: 288.-2-26.12

Mr. Ferraro explained the review and approval 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. The chairman explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the subdivision application. Then Mr. Ferraro stated that should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Ophardt moved, seconded by Mr. Prescott, 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 7:09p.m. The Secretary read the public notice as published in the Daily Gazette on April 11, 2016.

**Consultant/Applicant Presentation:**

Mike Watson of Albany, NY, representative of Kasselmann Solar stated that 36 panels measuring 8 feet high and 40 feet long would be ground mounted on the Fredrick Property.

**Staff Comments:**

**Environmental Conservation Commission**

NO COMMENT

**Fire Prevention**

NO COMMENT

**Building and Development**

Steve Myers issued a memo dated 4/6/2016 with the following comment(s):

- Applicant owns 51+ acres.
- 36 Panel systems exist on roofs of homes in town.
- Do not believe this system will affect neighbors.
- Will need to provide proof of an electrical inspection and approval when completed.

**Planning**

John Scavo offered the following:

- Pursuant to §280-16(3)(a)[22] of the Town Code, ground mounted solar arrays are permitted as a special use within the CR Zoning District.
- Pursuant to §208-79(3) of the Town Code, factors to be considered by the Planning Board in determining the siting requirements for solar installations under a special use permit are:

- The setbacks proposed and available in relation to other applicable setbacks for the zone within which the installation is proposed.
- The proposed height, width and dimensions of the installation and housing structures, and whether the proposed installation is compatible with adjacent uses in terms of scale, siting, design, lighting and noise generation.
- The maximum surface area of the proposed installation in relation to the available lot size for the host parcel.
- Energy load of the primary residence or buildings to be powered by the installation.
- All installations shall be screened with an appropriate combination of natural vegetative buffer, landscaping, or other such screening as the Planning Board shall determine, and installations shall be sited so as to minimize significant adverse visual and/ or auditory impacts.
- The Planning Board may require visual simulations sufficient to determine potential visual impacts during the review process, as well as other information reasonably necessary in the Board's discretion.
- The parcel is approximately 56' acres in size with existing mature vegetation that should provide more than adequate visual and auditory screening from adjacent parcels for a ground mounted solar array approximately 8' in height.

**Public Comment:**

There being no public comment, Mr. Ferraro moved, seconded by Mr. Koval to close the public hearing at 7:14p.m. The motion was unanimously carried.

**Planning Board Review:**

Mr. Andarawis asked the consultant to point on an aerial view to the approximate area where the arrays would be mounted. Mr. Watson described it as being 600 ft to the rear of the house in a cleared area with a large wooded area between the house and the panels. Mr. Watson also stated that site clearing would not be necessary.

Mr. Scavo explained that residential properties could clear up to 1 acre without a permit, but since this was a special use permit, a condition could be added to the permit.

Mr. Andarawis offered Resolution #7 of 2016, seconded by Mr. Ophardt, to waive the final hearing for this application and to grant preliminary and final approval of the special use permit, conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, and Town Designated Engineer, including submitting the site plan for approval to the Planning Director prior to the stamping of the Special Use Permit.

**Roll Call**

Ayes: E. Andarawis, E. Ophardt, J. Jones, E. Prescott, A. Neubauer, J. Koval, R. Ferraro

Noes: None

Resolution Approved

Mr. Koval moved, seconded by Mr. Prescott, to waive the final hearing for this application for

the site plan review of the Fredrick Ground Mounted Solar Array, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listened in the final comment letter issued by the Planning Department.

Ayes: All

Noes: None

The motion is unanimously carried.

**2016-014 Diesem 2 Lot Subdivision** Proposed 2 lot subdivision of existing 5.2+/- acre lot. Lot A will be 2.69+/- acres with proposed new residential construction. Lot B will be 2.47+/- acres which includes existing residential dwelling and outbuildings. Both lots will have on site sanitary disposal systems and be serviced by public water; 1733 Crescent Rd, Zoned: R-3, Status: Preliminary Review with possible Determination SBL: 288.-1-8.1

Mr. Ferraro explained the review and approval 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 the Planning Board would assume Lead Agency status for the project and issue a negative declaration as a “formality” which neither granted nor implied approval of the subdivision application. Should it be determined that additional environmental review is required, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

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 7:24p.m. The Secretary read the public notice as published in the Daily Gazette on 4/11/2016

#### **Consultant/Applicant Presentation:**

Duane Rabideau, with Vanguilder and Associates presented the project that was last seen on March 8<sup>th</sup>, 2016. Mr. Rabideau described the proposed location as being directly across from Applewood Dr. and that one new lot would be for the building of a new residence and that the other would be for the existing single-family residence.

#### **Staff Comments:**

#### **Environmental Conservation Commission**

The ECC issued a comment letter on 4/21/2016 stating that the ECC recommends that the septic system is designed to avoid seepage down the embankment that is approximately 15 feet from the leach fields.

#### **Stormwater**

No Comment

#### **Fire Prevention**

No Comment

### **Building and Development**

Steve Myers issued a memo dated 4/6/2016 with the following comment(s):

- Setback variances approved. Setback regulated by distance to slope per building code.
- Property will use public water.
- All other zoning requirements met.

### **Planning**

John Scavo offered the following:

The Planning Director stated that he had discussed the proposed plan with Steve Myers and that it was decided that the building inspectors would be looking for a septic design to divert waste away from slope. Mr. Scavo stated that after his discussion with Mr. Myers, he was confident that the septic plan can be handled at the time of the building permit submittal.

In addition, he wrote:

- Add a note to the plan that the “proposed limits of clearing and grading” shall be field delineated prior to construction activities commencing and no expansion of the “proposed limits of clearing and grading” shall occur without additional Planning Board review and approval.
- The property owner should take appropriate measures to control the velocity and volume of discharged water from impervious surfaces to the steep slope. There is a strong potential for excessive soil erosion to occur at this site from the construction of roofs, accessory structures, pavement and other impervious surfaces in lieu of the existing area that has a relatively high infiltration rate into the soil.
- Show any temporary soil stockpiling locations (if none – note so), along with stabilization and erosion protection for the soil stockpiles.

### **Professional Comment:**

Joel Bianchi, MJ Engineering issued a letter on 4/8/2016 with the following comment:

- As noted in Comment 8 of our March 4, 2016 review, it was requested to verify that the placement of the proposed home met the requirements of Section R403.1.7.2 (slope setback) of the Residential Code of New York State. This item may need to be further verified as part of the building permit process, once the floor plan of the home is defined.

### **Public Comment:**

NONE

There being no additional public comment, Mr. Ferraro moved, seconded by Mr. Neubauer, to close the public hearing at 7:49p.m. The motion was unanimously carried.

### **Planning Board Review:**

Mr. Neubauer remarked that he felt that the slope to the Stony Creek and the septic area were of concern, and that he recommended a geotechnical engineer should be involved. Mr. Scavo stated that could be a condition of approval.

Mr. Bianchi explained the code and stated that as long as the plan for the house met the state building code, it would be allowed. The town-designated engineer then stated that if the code for slope stability were not met, then the building department would require a geotechnical engineer. Mr. Rabideau stated that he had met with Mr. Myers of the Building Department and that the proposed design had taken that code into consideration and that they should not need the geotechnical engineer for this project because they are at a grade of 3:1 or less. Planning board members agreed that those concerns seem to have been addressed and that they felt that the building inspectors had a process in place that should resolve any issues that might arise during the building process.

Mr. Prescott offered Resolution #8 of 2016, seconded by Mr. Ohardt, to waive the final hearing for this application for the 2-lot subdivision of Lands of Diesem, and to grant preliminary and final subdivision approval condition upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listened in the final comment letter issued by the Planning Department.

Roll call

Ayes: E. Andarawis, E. Ophardt, J. Jones, E. Prescott, A. Neubauer, J. Koval, R. Ferraro

Noes: None

Application Approved

III. Old Business

**2015-041 Rexford Landing Mixed-Use Building Site Plan** Proposed construction of 2 story mixed-use building with a 10,000 SF footprint, with a total building area of 20,000 SF. Public water and sewer. Access driveways and onsite parking areas. Prior subdivision is pending county real property tax map data processing out of former 6 acre parcel; 300 Vischer Ferry Rd, Zoned: B-3, Status: Preliminary Review SBL: 276.-2-10

Mr. Nick Costa with Advanced Engineering and Surveying, presented the project on the corner of Grooms and Vischer Ferry Road, representing Mr. Romano with Riverview Construction, which was last seen January 12, 2016.

Description:

- 2 story 10,000 sf footprint with an entrance on Vischer Ferry Road and one on Grooms Road
- public sewer and public water
- partial sidewalk
- mix of retail and office – medical and general office uses
- parking was rearranged from original concept and spaces added to accommodate a medical office tenant
- restaurant use with outdoor dining possibility planned depending on prospective tenants' needs

**Staff Comments:**

## **Environmental Conservation Commission**

The ECC issued a comment letter on 4/21/2016 with the following recommendations:

- In keeping with the recommendations and goals of the Town Comprehensive Plan, the Applicant should use landscaping and grading to provide visual and auditory buffering between the project and adjacent Vischer Ferry and Grooms roadways on the eastern and southern borders of the property.
- The ECC recommends the applicant create more greenspace by land banking parking spaces to maximize the greenspace. This will enhance the visual nature of the project.

## **Stormwater**

- Any placement of fill, excavation, or grading, including stormwater management areas in the adjacent area (buffer) of a NYSDEC regulated wetland requires an Article 24 Freshwater Wetlands Permit from the NYSDEC. Obtaining the permit from the NYSDEC should be done prior to any site plan approvals.
- Encourage a shallow vegetated swale to direct runoff away from the existing residential lot located north of the entrance off Vischer Ferry Road.
- If the infiltration rate is greater than 5.00 inches per hour then 100% of the water quality volume (WQv) shall be pre-treated prior to entry into an infiltration facility. Currently forebays capture 1,251 cubic feet, - 7,358 cubic feet required.
- Infiltration practices shall be designed to exfiltrate the entire WQv through the floor of each practice (sides are not considered in sizing (HydroCAD Exfiltration over Wetted area)).
- Stormwater Report should explain how the time of concentration increased from 8.8 minutes for existing conditions to 27.6 minutes for proposed conditions.
- Stormwater Report should explain further how the infiltration rate of 30 inches hour is used for the project. The maximum infiltration rate that is suggested by Urban Stormwater Hydrology – A guide to engineering calculation, by A. Osman Akan (1993) for dry sandy soils with dense vegetation is 10 inches per hour.

## **Fire Prevention**

Sheryl Reed issued a memo dated with the following comment(s):

- 675 Grooms Road address must be noted on the final stamped plan

## **Building and Development**

Steve Myers issued a memo dated 4/6/2016 with the following comment(s):

- Setback variance granted.
- Building height less than 35' needs to be verified.
- Construction and drainage details will be reviewed once plans submitted.
- No SWPPP for review.

## **Planning**

John Scavo offered the following:

- It appears the additional parking proposed since the January 12, 2016, review of the project is based on a desire to accommodate parking demands for medical tenants to

occupy a portion of the proposed building. The applicant should explore the opportunity to land bank such additional parking spaces until and if such time the additional parking demands are met based on tenant occupancy type (i.e. retail, medical & general office).

- The applicant should evaluate for discussion purposes with the Planning Board if an opportunity may exist to shift the building to the east and add the proposed additional parking spaces to the west of the building. This would reduce visual impacts from the intersection looking across the proposed parking field at the proposed building. Parking to the west of the building is shielded by the building and a wooded adjacent parcel to the west.
- On the Site Plan - Sheet Detail-1, please add to the STOP sign detail, “The minimum sheeting reflectivity shall be High Intensity Prismatic (HIP).
- The subject property is located within the Vischer Ferry Road Corridor GEIS Study Area. If the project is deemed to be in conformance with the statement of findings, then a negative declaration pursuant to SEQR may be appropriate. The applicant is required to contribute to the mitigation fees established in the Vischer Ferry GEIS and Capital Improvement Plan (CIP). An estimate of the CIP fees based on “equivalent dwelling units” are as follows:

Description	#	\$/ EDU	\$ SubTotal
Transportation (Trips during peak hour)		\$ 268.00	
Sanitary Sewer		\$3,314.00	
Water Distribution		\$1,728.00	
GEIS Preparation		\$ 310.00	
CIP Preparation		\$ 49.00	

- Since this project is not for the addition of residential dwelling units the applicant should provide an equivalent number of EDU’s for the proposed use of a 20,000 sq.ft. office building . This EDU calculation should be reviewed and verified by the Town Planning Board Engineer. Once agreement on the equivalent EDUs is established the Planning Board can assign the appropriate mitigation fees pursuant to the GEIS findings statement.

**Professional Comment:**

Joel Bianchi, MJ Engineering issued a letter on 4/6/2016 with the following comment(s):

General Comments

- As noted in Comment 7 of our January 6, 2016 review, the applicant needs to provide a summary of the expected peak hour vehicle trips. If the analysis shows 100 or more peak hour vehicle trips a traffic impact study may be warranted.

Site Plans

- As noted in Comment 9 of our January 6, 2016 review, indicate the location of the required Knox Box or notation furnished indicating the final locations shall be determined as part of the building permit process
- As noted in Comment 10 of our January 6, 2016 review, 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 the final locations shall be determined as part of the building permit process. Further, this information will determine whether an on-site hydrant is required.

- As noted in Comment 11 of our January 6, 2016 review, the Town may consider incorporating the extension of the existing multi-use trail located to the east along Grooms Road beyond what is current shown on the site plans. If not already done, coordinate with the Town's trail committee regarding potential alignments of pedestrian facilities.
- The project proposed 3 more parking spaces than required. It is suggested that the plan show only the minimum required parking spaces be constructed and the additional spaces be banked to preserve greenspace.
- Confirm that the landing area at the top of the accessible curb ramp, near the northwest corner of the building provides sufficient width to maintain the accessible route to the accessible entrances to the building.
- Provide notation on the plans indicating that the applicant shall obtain a road work permit from the Saratoga County Dept. of Public works prior to any planned work within the adjacent county right-of-ways.
- The Planning Board should review and provide direction on the appropriateness of the landscaping plan proposed. There should be consideration of providing ground level plantings along the project frontage and infilling between proposed trees, similar to what exists at the site across Vischer Ferry Road to the east.
- Provide notation on the Erosion Control Plan and/or Grading plan indicating that "upstream construction shall be completed and stabilized before connection to a downstream infiltration facility. A dense vigorous vegetative cover shall be established over the contributing pervious drainage area before runoff can be accepted into the facility."
- On the Erosion Control Plan provide notation that only one of the two proposed site entrances may be used for construction access to minimize the potential for transport of sediment off-site.
- Indicate on the plans how direct access is being provided to the infiltration practice pursuant to Section 6.3.6 of the NYSSMDM.
- Pursuant to Section 3.5 of the NYSSMDM, the proposed stormwater practice needs to have a conspicuous and legible sign posted. The plans need to provide the standard sign with the applicable language as well as the location.
- Provide a detail specific to the stormwater pond overflow including dimensions and means of stabilization at the crest and overflow.
- On Sheet DET1, modify both the accessible parking sign and painted symbol within the accessible parking space to the New York State standard symbol.

#### Stormwater Pollution Prevention Plan

- Page 20 of the SWPPP indicates soil testing was completed include a test pit and percolation test. With the use of an I-2 practice, Section 6.3.1 of the NYSSMDM, it is required to complete one test per 5,000 s.f. with a minimum of two per facility. Additional soil testing appears warranted.
- Question 40 of the NOI indicates no other NYSDEC permits are required. The proposed stormwater management facility is within the adjacent area of a NYSDEC wetlands and this is believed to require permitting. Correct the NOI as necessary if NYSDEC permitting is required.

- The SWPPP needs to provide information to demonstrate permit eligibility with respect to cultural and historic resources pursuant to General Permit GP-0-15-002. Stormwater Management Report
- Page 10 notes that conservation of natural areas is a selected runoff reduction technique, yet the NOI does not take credit for it. Update the report or NOI to match. If no credit is being claimed then the report should not state the credit.
- Page 10, under porous asphalt, the statement that the Town does not allow porous roads is inaccurate and is only applicable to roadways intended for conveyance to the Town as a public roadway. Applicants are free to employ this practice on privately owned and operated parking lots and roadways not intended for conveyance to the Town.
- Page 10 indicates that bioretention will be utilized; however neither the NOI nor the plans illustrate this SMP being utilized.
- Provide calculations that show the infiltration practice will fully dewater within 48 hours after a storm event pursuant to Section 6.3.2. of the NYSSMDM.
- Provide calculations that the required pretreatment based upon the in-situ soil percolation rates pursuant to Section 6.3.3. of the NYSSMDM.

**Public Comment:**

Roy Casper, with the Trails Subcommittee stated that they would prefer that the building be moved further east to the intersection with more landscaping there and seating on the east side. Mr. Casper added a request for an 8-10' multi-use path along Vischer Ferry Road to connect to the crosswalk, as well as an 8-10' multi-use path along Grooms Road

Anthony LaFleche, also with the Trails Subcommittee asked what the setbacks were from the building to each of the frontage roads on the current set of plans. The consultant replied that the setback was 80' to the building from the property line at Grooms Road and 195' to the building from the property line at Vischer Ferry Road.

**Planning Board Review:**

Mr. Andarawis stated that he felt the plan as submitted now was less appealing than the previous plan. Mr. Costa stated that the applicant needed 10 more parking spaces now that they were considering a medical office tenant and that had precipitated the change to the plan. Board members stated that they preferred the previous design and further expressed disappointment of the redesign. Members remarked that they did not like the prominent parking in front of the building on such a highly trafficked and visible corner in town. It was suggested to move the building further east and add the parking spaces on the west. Mr. Koval stated that he felt that that the board did not insist on the building being closer to Vischer Ferry Road at concept because there had been a very appealing and walkable green space feature. Mr. Neubauer added that he also recalled sidewalks were part of that original circulation and with the elimination of that design feature, he felt the applicant should then construct more sidewalks along the road frontages. The consultant replied that he would have to discuss it with the applicant, and that a right-of-way had been added to the plan but that they had not committed to building all those sidewalks. It was also noted that the applicant may need to seek another variance if the building is moved closer to Vischer Ferry Road, which the Planning Board Chairman said they would support.

Mr. Ophardt asked for clarification about stormwater calculations and Mr. Scavo explained that the Stormwater Technician, Scott Reese and Mr. Costa would be discussing the design in the near future prior to submittal of the next site plan.

### **Old Business**

**2016-005 RT 9 and Fire Rd Office Building Site Plan** Applicant proposes to construct a 57,000 sf three story office building on a 5.50 acre parcel with 200 +/- parking spaces. The project includes access drives on Fire Road, Northside Drive and Route 9. Parcel Id's also include 272.9-1-21.1; 272.10-2-18 and 272.10-2-20, 32 Old Rt 146; Zoned: B-4, Status: Revised Concept Review SBL: 272.9-1-10

Gavin Vuillaume presented the plan for Abele Builders. Wendy Holzberger from CT Male also was present.

Mr. Vuillaume summarized the design revisions since the last meeting on February 9, 2016:

- 3-story instead of 4,
- Smaller building
- Added access on Fire road
- 2 Access points on Northside Drive instead of 1
- Boulevard style access on Route 9
- Another parcel has been added along Fire Road since the applicant purchased it
- Sidewalks added

Wendy Holzberger summarized the traffic study dated 3/17/2016:

- Phase 1 focus of larger office building
- Phase 2 will be for potential future development
- Peak periods 89 am and 85 pm trips
- Many access points distribute traffic to several points
- Projections show that anticipated increase in traffic volumes through 2018 and the addition of other known projects are expected to total 13% .
- Fire Road – could restrict left turn movements out of driveway and direct drivers to exit out of Northside Dr.
- Level service B at Signalized intersection – no change
- Queuing analysis did not account for courtesy gaps but acknowledged that they do occur
- Am peak hour queuing did not extend past driveways but the pm peak hour is within the 95<sup>th</sup> percentile
- Route 9 driveway could remain a full access driveway
- The plan as designed is not viewed as an encouraging cut-through road between Northside Drive and Fire Road

Jeff Jones announced that he had to leave the Planning Board meeting at this point, as he received word that it was time to take his wife to the hospital for the arrival of their newest family member!

### **Staff Comments:**

## **Environmental Conservation Commission**

NONE

### **Stormwater**

- Since there are multiple commercial buildings, the applicant should provide information on the ownership and maintenance for the individual stormwater management areas.

### **Fire Prevention**

Sheryl Reed issued a memo dated 4/21/2016/2016 with the following comment(s):

- Postal verification will be required with 911 addresses on the plan

### **Building and Development**

Steve Myers issued a memo dated 4/6/2016 with the following comment(s):

- No SWPPP provided.
- Do not believe redevelopment is the correct approach for stormwater on this site. The majority of the site is open field and brush not pavement.
- The proposed restaurant is wholly in the Town of Halfmoon. Parking associated with that building should be noted on the plan. An MOU or similar document should be obtained with Halfmoon to relinquish oversight of this associated parking to them.
- Property is zoned B-4.
- Variances required for setbacks, building height, number of entrances, landscaping borders.
- Plan shows homes at #28 & 32 Old Rt. 146 removed, this has not occurred to date.

### **SCPB comments**

- Since there are multiple commercial buildings, the applicant should provide information on the ownership and maintenance for the individual stormwater management areas.

### **Planning**

John Scavo offered the following:

- The traffic analysis relying on courtesy gaps on a multi-lane highway is a questionable assumption and may be operationally unsafe for the Planning Board to accept. Especially when evaluating the context, character and composition of the existing traffic flow for this short section of Rt. 9, between the Rt. 146 and Fire Road Intersections. Heavy commercial vehicle presence and stacked lane approaches are present during peak periods.
- Based on Phase 1 site generated traffic of 89 (AM) and 85 (PM) new vehicle trips per hour, the report concludes the 100 site generated vehicles triggering off site intersection analysis is not met. Full build out of Phase 2 results in 151 vph AM peak and 135 vph in the PM. The applicant should provide documentation on why this would not trigger the off-site analysis. For SEQR review purposes the Planning Board should evaluate the cumulative impacts of the full-build out scenario for the entire project.
- In regards to basic traffic operations along Rt. 9, it was recommended by the Town's Highway Safety Committee that the new site driveway align up directly across the

existing commercial full access driveway to the commercial plaza on the East side of Rt. 9. This would be essential if further site development or increased trip generation on either side of Rt. 9 should trigger the need for a future traffic signal.

- Traffic volumes often queue up along Rt. 9 between the Rt. 146 and Fire Rd. traffic signals especially in the PM peak periods which would render full access to the proposed new site driveway onto Rt. 9 operationally difficult and potentially a safety risk to site generated users. Peak period left turn restrictions may be required. NYSDOT should comment on the status of any planned interconnect coordination between the 2 signals.
- A meeting with representatives for the applicant, NYSDOT, Town of Halfmoon, Town Clifton Park, and Clifton Park Volunteer Fire Department, will be scheduled to review the traffic operations and potential concerns once NYS DOT has completed their initial review of the traffic study provided by the applicant.
- The Town's Highway Safety Committee has recommended a computerized traffic simulation/visualization of the full build out traffic flow operations around the site should be presented to the Planning Board and public.
- In absence of no left turns from proposed northern driveway of the site onto Fire Road due to site distances the traffic study should evaluate the impacts of Northside Drive's ability to handle the traffic that will look to make the left turn out to Fire Road during peak hours when traffic frequently stacks from the Route 146 intersection beyond the Northside Drive Intersection at Fire Road.
- Roadway geometries will need to be modified at the northern driveway entrance to restrict the left turn movements out of the site, as recommended by the traffic analysis.
- As plans advance a detailed landscaping plan should look to provide street trees adjacent to the right-of-way and parking areas. Opportunities to incorporate landscaping within the parking and circulation areas should also be explored. Additional landscaping of low shrubs may be required between the street and parking lot to minimize visual impacts of the parking lot from the adjacent roadways.

**Professional Comment:**

Joel Bianchi, MJ Engineering issued a letter on 4/25/2016 with the following comment(s):

**Site Plans**

- The response provided addresses in written form the prior comments provided. Considering the plan submitted remains conceptual in nature, we will reserve further comments until more detailed plans and reports are submitted. Traffic Assessment
- The assessment appears to use the same build year for the Phase 2 construction as part of the sensitivity analysis. Given the unknowns regarding what Phase 2 may include and when it may occur, it may be prudent to examine the Phase 2 in a year beyond the 2018 build year for Phase 1.
- The Phase 1 project is planned for offices where as Phase 2 has a more commercial / retail focus. The sensitivity analysis for Phase 2 should consider weekend vehicle impacts where this use may be more prevalent and/or impactful.
- The queue analysis intended to determine whether the proposed driveways are likely to be blocked utilizes courtesy gaps. Provide the same que analysis without the courtesy gaps as this is a variable that may not be relied upon especially if its inclusion is the difference between a properly functioning driveway or decreased functioned driveway.

- There should be some discussion and/or analysis of how the site plan as provided encourages or discourages cut through traffic between Northside Drive and the signalized light at Route 9 and/or Fire Road. This should examine traffic that may come from Route 146 at the intersection of the I-87 ramps and traffic from existing commercial establishments along Fire Road and whether this will create internal congestion or excessive queuing at drives exiting the site.

**Public Comment:**

Roy Casper Trails stated that:

- sidewalks along Route 9 should be added to plan
- sidewalk along Northside Drive
- Crosswalks to be added
- Bike Lane on Old Route 146

Anthony LaFleche remarked

- Thanked the applicant for adding sidewalks along Route 9
- Push sidewalks as far as possible away from Route 9 so snow plowing piles would have a place to be deposited
- Fire Road – asked for clarification of which parcels are owned by the applicant

**Planning Board Review:**

Mr. Ophardt questioned the safety of left turn movements into the median from the site onto NYS Route 9. Then the board member asked that sight distances be re-examined to the north from that driveway. The consultant responded that the lanes already existed and that it was a design approved by the State DOT. Mr. Ophardt explained that he felt it was not safe and that he felt it was not used anyway. Discussion ensued about anticipated behavior by drivers and the possibility of restricting the left turn vehicles out onto Route 9. It was noted that modifications may need to be made to the access points when Phase II is planned.

Next, the possibility of a green roof and rooftop deck was discussed and encouraged by the planning board. The Chairman asked if the Fire Road portions were potentially being used for in-fill development and stated that he would like to see that in the future to make it an attractive corner. Mr. Neubauer stated that he would prefer to see those on the plan now and that he would prefer a North/South Boulevard creating a sense of place rather than the East West one. Mr. Abele stated that they had spent a lot of time designing this plan and that they could look at circulation a little bit more. Further discussion took place regarding the possibility of the main building facing the other roads and not necessarily Route 9.

Mr. Neubauer also asked what materials would be used on the façade. Mr. Abele suggested that he would like to use different colors with some variation rather than just red brick, and that the first floor higher would have large windows and the upper floor facades would be broken up with stone and Alucobond panels. Mr. Abele also stated that he wanted to accommodate a larger tenant, therefore it was a larger building. Mr. Neubauer agreed that the materials discussed

appeared to be of higher quality and would like the materials to be submitted before approval. The board member also suggested some simulations of the view from Route 146 and coming off the Northway to the North be submitted. Board members stated that they would like to see this project make a statement at a main entrance to Clifton Park and that they felt it would be important to see the form in relation to the road.

Mr. Abele stated that they would meet with DOT soon and then they would be back with those requests.

## **V. New Business**

**2016-024 9 Clifton Country Rd Expansion** Applicant proposes expansion of the parking area to the north side of the building and additional pavement and striping to better define the drive thru. Work proposed to meet tenant demand for parking, 9 Clifton Country Rd. Zoned: TC6, Status: Concept Review SBL: 272.-1-33.2

Bob Miller Jr., and Tim Miller of Windsor Development and Tom Andress of ABD Engineering presented the project, a parking lot expansion and drive thru re-striping. Mr. Miller stated that they would be adding pedestrian connections within the project area and a new pylon signage and landscaping on this particular lot would replace the existing monument sign. Mr. Miller also showed the project in relation to the other project directly adjacent to the South which is before the Board for consideration (2015-042 Village Plaza Mixed Use Development). The speaker also described the history of the current building which has housed a Subway, Starbucks, a bank, and a brokerage firm. Mr. Miller explained that Starbucks is leaving for another location in town, the brokerage has left a vacancy and the existing bank would be downsizing. Then, Mr. Miller stated that Windsor Development would consolidate the vacated spaces and add a better drive-thru for a new tenant who knows what their needs will be; stating that the trees and monument sign will be removed in order to increase the visibility of the building. Mr. Miller stated that the plan does not conform to the Town Center Zoning but that he explained that they are trying to move incrementally closer with added pedestrian connections as suggested in the Town Center Plan for pre-existing buildings.

## **Staff Comments:**

### **Environmental Conservation Commission**

NONE

### **Fire Prevention**

NONE

### **Building and Development**

Steve Myers issued a memo dated 4/6/2016 with the following comment(s):

- Proposed pylon sign cannot be included in planning review. All signs go thru the Building Department.
- There does not appear to be any building work proposed, only additional parking and/or pavement. Stormwater should be considered due to the additional impervious area.
- Change in required green space may be an issue.

- No actual plot plan with submittal to verify setbacks.

## **Planning**

John Scavo offered the following:

- Per the attached drawing with comment captions, the applicant should evaluate if approximately 5 proposed parking spaces could be relocated to an area south of the existing parking field adjacent to Clifton Country Road to allow for the preservation of the existing sign and landscaped berm area. The existing dumpster area would have to be relocated.
- It appears 2 mature trees would also be removed with the parking field expansion. The applicant should evaluate if these plantings could be supplemented elsewhere within the site.

## **Professional Comment:**

Joel Bianchi, MJ Engineering issued a letter on 4/22/2016 with the following comment(s):

### **State Environmental Quality Review**

- Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. In our review of the proposed action, we find no interested and involved agencies and therefore a coordinated review may not be necessary.

### **Short Environmental Assessment Form**

No comments.

### **Site Plan**

- The project is located within the Town’s TC6 Boulevard Zone. The proposal for the construction of exterior parking lot improvements and drive thru may be considered an ancillary to the existing principal use. It is noted that Table 3-1 of the Form Based Code (FBC) identifies a drive-thru, either as part of a bank or retail operation is subject to a special use. We would defer to the Town on whether or not this application requires special use permit considerations.
- The project appears to propose no exterior renovations to the existing building. As such, a review of FBC as it relates to form and architectural guidelines and standards has not been completed.
- There may be a need to discuss further with the Planning Board the degree to which the exterior features of the site need to conform to the TC6 exterior improvement standards. Specific items that may need to be discussed are (1) location and width of various pedestrian improvements outlined in the TC6 bulk tables (2) streetscape enhancements associated with the Boulevard South area and (3) site standards (Chapter 7 of the FBC). Pursuant to Section 2.3 of the FBC, the Planning Board does have the ability to make modifications to various dimensional requirements if deemed appropriate.
- Depending on the extent of renovations (if any) planned for the existing building, there may be a need to bring the existing site lighting of the property into conformity with Section 7.6 of the FBC. Please identify the extent of renovations (if any) planned for the existing building to determine whether or not site lighting modifications are required.

- Consider relocating the parking space at the northeast corner to avoid conflicts while vehicles try to navigate in and out of this space.
- Confirm that the accessible curb ramp leading to the existing bike path has sufficient horizontal area to rise 6-inches.
- The parking lot expansion appears to remove substantive landscaping and trees, There should be consideration of replacement of equivalent quantities and species type elsewhere on the parcel.
- Confirm that the proposed on-site stormwater facilities can accommodate any potential increased runoff from decreases in greenspace, if any is expected to occur.

**Public Comment:**

Roy Casper asked if the entire large plaza was owned by one owner and noted that the parking lot was seldom at capacity and that people park at the other parking lot and cross over to the Starbucks building and that the Trails Subcommittee would like to see a crosswalk added.

Mr. Miller, Jr. stated that some connections are planned within the adjacent project to the South. Then he added that the other parcels have lease restrictions that limit the ability to share the parking, and that the leases predate the existence of the outer buildings and state that a certain number of parking spaces were designated for their buildings to be available for their customers. Discussion ensued about the possibility of shared parking as new tenants might be attracted. Then the need for the drive-thru and the additional lane to the northern side of the building was also discussed. Mr. Ophardt questioned the need for so much additional parking. Mr. Miller remarked that the Town Code commanded the increased parking spaces based on a higher intensity use.

Board members also discussed but did reach agreement that the plan was an incremental improvement closer to TC6 zoning. The members also expressed concern about the loss of trees, landscaping and greenspace. It was noted that they would like to see the green space requirement calculations and statistics on this site also in conjunction with 2015-042 Village Plaza Mixed Use project.

Mr. Miller concluded by stating that he could not knock down the existing building and build it closer to the corner, and that a landscaping plan will be added once the application is advanced beyond the concept stage.

Discussion Items – None

There being no further comment, Mr. Neubauer offered a motion to close the meeting at: 10:07 pm, seconded by Mr. Koval. The motion was unanimously carried.

## NOTICE OF DECISION

### Resolution #7 of 2016

### Preliminary and Final 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 April 26, 2016, there were:

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

Absent: D. Bagramian

Mr. Andarawis offered Resolution #7 of 2016, and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by Kasselmann Solar, LLC, for approval of Special Use Permit #81081 to permit the installation of a ground mount solar PV array on the Lands of Frederick located within the R-1 zoning district at 29 Van Vranken Road pursuant to Section 208-10B(9)(a)[12] of the Town Zoning Code;

Whereas, the Planning Board was granted status as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on April 26, 2016;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on April 26, 2016;

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

Now, therefore, be it resolved that Resolution #7 of 2016 Special Use Permit #81081 to permit the installation of a ground mount solar PV array in the back yard of the property owned by Warren Frederick located within the R-1 zoning district at 29 Van Vranken Road pursuant to Section 208-10B(9)(a)[12] is granted approval conditioned upon: satisfaction of all items as outlined per a final comment letter provided by the Planning Department.

Resolution #7 approved

Ayes: Mr. Andarawis, Mr. Ophardt, J. Jones, Mr. Prescott, Mr. Neubauer, Mr. Koval, Mr.  
Ferraro

Noes: None

Rocco Ferraro,

Chairman

**NOTICE OF DECISION**

**Resolution #8 of 2016**

**Preliminary and Final 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 April 26, 2016, there were:

Present: R. Ferraro, Chairman, E. Andarawis, E. Ophardt,  
E. Prescott, A. Neubauer, J. Koval, J. Jones – Alternate Member

Absent: D. Bagramian

Mr. Prescott offered Resolution #8 of 2016, and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by Mary Diesem, for approval of a (2) lot subdivision consisting of 5.2+/- acres on 1733 Crescent Road;

Whereas, the Planning Board was granted status as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on April 26, 2016;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on April 26, 2016;

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 that the amendment to the subdivision entitled Lands of Mary Diesem consisting of 5.2+/- acres on 1733 Crescent Road is granted preliminary and final approval conditioned as outlined per a final comment letter based upon satisfaction of the comments offered provided by the Planning Board and professional staff.

Resolution #8 approved

Ayes: Mr. Andarawis, Mr. Ophardt, Jones, Mr. Prescott, Mr. Neubauer, Mr. Koval, J. Mr. Ferraro

Noes: None

Rocco Ferraro,

Chairman