

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

PLANNING BOARD

ROCCO FERRARO
Chairman

PAUL PELAGALLI
Attorney

JANIS DEAN
Secretary



MEMBERS

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

(alternate) Jeffery Jones

Planning Board Meeting
May 10, 2016

Those present at the May 10, 2016 Planning Board meeting were:

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

Those absent were: D. Bagramian, J. Koval, E. Prescott

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

Mr. Ferraro, Chairman, called the meeting to order at 7:00p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Mr. Ferraro congratulated Mr. Jones on the birth of the family's baby girl. Harper Jones arrived shortly after Mr. Jones was called from the April 26th Planning Board meeting. He then announced that Mr. Jones would be sitting as a full voting member of the Board at this evening's meeting due to the absence of three Board members.

Minutes Approval:

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

Public Hearings:

[2016-018] **Hockford, Le** - Public hearing for Special Use Permit #81077 to permit the construction of a two-family dwelling within the CR zoning district, 254 Sugar Hill Road – Preliminary site plan review and possible determination. SBL: 282..-1-12

Mr. Ferraro explained the review process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. He explained that although the Planning Board would pronounce the application complete, assume Lead Agency status, and issue a negative declaration, these actions would neither grant nor imply approval of the application. Should it be determined that additional environmental review is required based on input received at the public hearing, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Ophardt moved, seconded by Mr. Andarawis, 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 7:08p.m. The Secretary read the public notice as published in the Daily Gazette on April 25, 2016.

Ms. Le Hockford, applicant, presented this application that remains generally as presented at the April 12, 2016 Planning Board meeting. The applicant requests approval to convert an existing single-family residence within the CR (Conservation Residential) zoning district to a two-family dwelling. The 7.15 acre parcel slated for improvement is located on the westerly side of Sugar Hill Road approximately 500 feet north of its intersection with Ray Road. Approval of Special Use #81077 would permit the construction of a two-family dwelling pursuant to Section 208-16D (3)[8]. Ms. Hockford explained that all changes to the residence would be made internally: no change to the building footprint is proposed. The speaker apologized for placing stone in the area where she proposes installation of the second driveway before approvals were received from the Board.

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 items on this evening's agenda have been forwarded to Board members for their consideration.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comments in a memo dated April 25, 2016. Referencing previous comments issued for the application, he stated that CR zoning allows for the creation of a two-family residence by approval of a Special Use Permit. Building plans must be reviewed to assure code compliance and approved by the Building Department. Mr. Myers explained that work was stopped on the project since the required approvals and work permits had not been issued. No actual plot plan has been submitted to verify setbacks. The proposed second curb cut will require approval by the Highway

Department. A legible and complete site plan must be submitted. Any tree clearing required for installation of the new driveway must be indicated on the site plan.

Mr. Scavo reported that the ECC issued the following comment after review of the application at its May 3, 2016 meeting. The placement of a two family home within the CR zone violates the spirit of the western Clifton Park zoning code. If the application is for a two-family residence, the ECC recommends that the Planning Board deny this application and require the applicant to provide a plan which adheres to the intent of the CR zone as per section 208-16A.

Mr. Scavo reported the Mr. Reese, Stormwater Management Technician, offered no comment on this application.

Mr. Scavo offered a number of comments issued by the Planning Department. The Saratoga County Planning Board issued a determination on this application, noting that it would result in no significant county-wide or inter-municipal impacts. In comments issued for the April 12, 2016, Planning Board Meeting, Mr. Myers, Director of Building & Development, noted that the work begun at the site without any approvals was stopped. It appears that since that meeting stone has been brought to the site for what appears to be a driveway relocation; however, no such driveway with crushed stone is shown on the site plan submitted. The applicant should explain why work continued on the site without approvals. As previously requested at the April 12, 2016 Planning Board meeting, the following notes should be added to a site plan:

1. This parcel is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours or operation, and other associated activities. A study describing this impact in detail is available for inspection in the offices of the Albany International Airport.
2. Clifton Park is a Right to Farm Community. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, noise, smoke and vibration associated with farming practices.

Mr. Scavo explained that Special Use Permit review procedures apply to certain land uses and activities which, due to their particular characteristics or the nature of the area in which they are to be located require special consideration so that they may be properly located and planned with respect to the objectives of the town's zoning code and their effect on the surrounding properties and community character. He referenced Section 208-7(9)E of the Town Code, explaining that the section provided the following list of standards for special use permits. Before granting approval to any special use, the Planning Board shall determine whether the proposed special use will, among other things, satisfy the following considerations:

- (a) That the use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts.
- (b) That the use will not prevent the orderly and reasonable use of permitted or legally established uses in the district wherein the proposed use is to be located.
- (c) That the public health, safety, general welfare or order of the Town will not be adversely affected by the proposed use in its location.
- (d) That the use will be in harmony with and promote the general purposes and intent of the Comprehensive Plan and this chapter.

- (e) That the character of the existing uses and approved future development in the district will not be adversely affected by the location of the proposed special use in the proposed location.
- (f) The conservation of property values in the vicinity of the proposed specially permitted use and the encouragement of the most appropriate use of land.
- (g) The effect that the location of the proposed use may have on the increase of vehicular traffic congestion on public streets and highways.
- (h) That the proposed site provides adequate parking facilities to protect against hazardous traffic and/or parking conditions.
- (i) The availability of adequate and proper public or private facilities for water and for the treatment, removal or discharge of sewage, refuse or effluent (whether liquid, solid, gaseous or otherwise) that may be caused by or as a result of the proposed use.
- (j) Whether the use or materials incidental thereto or produced may give off obnoxious odors, smoke or soot or will cause disturbing emissions of electrical charges, dust, light, vibration or noise detrimental to the public health, safety and general welfare.
- (k) Whether operations of the special use will cause undue interference with the orderly enjoyment by the public of parking or of recreational facilities, if existing or if proposed by the Town or by other governmental agencies.

Mr. Scavo offered additional comment regarding this Special Use application. The Town of Clifton Park has achieved a degree of flexibility by adding special uses to the types of land uses otherwise permitted in zoning districts. In its inception, zoning was justified on the ground that the strict separation of uses was in the public interest and promoted the public health, safety, and welfare. This alone, however, would lead to the creation of single-family districts, residential districts, and neighborhood commercial districts where relatively few uses are allowed and thereby exclude a variety of uses historically associated with one another, such as the church in a residential neighborhood, or gasoline station in a neighborhood retail district. By allowing special uses, yet subjecting them to conditions, the legislature achieves needed diversity of uses while insuring compatibility with surrounding properties. Typically, a two family dwelling is the most innocuous special use found within zoning codes.

Mr. Doug Simmons, 241 Sugar Hill Road, explained that he is in the process of razing and rebuilding an existing residence at that location and that he has been required to submit information regarding the adequacy of the property's water and septic systems. He asked if Ms. Hockford would be required to do the same. Mr. Scavo reported that Ms. Hockford has provided verification from a licensed engineer which states that the septic system is adequate for the proposed use. He explained that no evaluation of the well is necessary for Planning Board review since certification of water quality and quantity will be required prior to the issuance of a Building Permit.

There being no additional public comment, Mr. Ferraro moved, seconded by Mr. Jones, to close the public hearing at 7:15p.m. The motion was unanimously carried.

Ms. Hockford explained that she believes that the existing residence is served by two wells, two septic systems, and two furnaces. One furnace is located in the basement of the home while the other has been installed in the garage.

Mr. Ferraro expressed his dismay that the detailed site plan requested at the last meeting had not been submitted for review. Mr. Andarawis questioned the need for the proposed second driveway at the southerly side of the house. Ms. Hockford explained that the driveway was intended to provide access to an existing entranceway on that side of the home. Mr. Ferraro commented that he was “concerned” with the location of the new driveway. In response to Mr. Neubauer’s question regarding the number and types of improvements shown on the subject parcel, Ms. Hockford explained that there is an existing residence, a detached three-car garage to the rear of the home, and a “gazebo-type structure” directly behind the home. Mr. Ferraro commented that the duplex currently under construction near the Grooms – Sugar Hill Road intersection had been designed to reflect the character of the surrounding neighborhood and found it difficult to determine whether or not this application did the same since it was lacking specific details necessary for such a decision. He emphasized that COMPLETE applications were required for adequate review of the increasing number of two-family Special Use Permit applications being submitted for consideration. Mr. Neubauer agreed, stating that information “specific to the building itself” was necessary in order to decide – in this instance – whether or not the additional driveway would be acceptable and possibly for other reasons when reviewing different applications. He explained that such things as building entranceways, proposed parking spaces, and driveway locations would be important details to consider when approvals are rendered or conditions of approval are imposed. In response to a question regarding the distinction between a “two-family dwelling” and an “in-law apartment,” Mr. Scavo explained that the addition of a second kitchen triggers the “two-family dwelling” designation: the town does not recognize “in-law apartments” as such; however, in some instances conditions have been imposed requiring that the second kitchen to be removed when an extended family member ceases to live in the “apartment space.” Mr. Andarawis stated that he believes that when approval of a two-family residence is requested within a predominantly single-family neighborhood, the Board should seek to “mitigate its negative impacts.” In most instances this would be achieved by requiring design plans that make the duplexes appear as single-family homes. He was critical of the second access drive proposed for this property stating his preference for a walkway or pathway from the existing driveway to the southerly doorway. Mr. Ferraro questioned whether or not stormwater management regulations would be met by the proposed new driveway due to the increased amount of impervious surface on the parcel. Mr. Ophardt, Mr. Neubauer, and Mr. Jones all stated their support of Mr. Ferraro’s request for a “more detailed” site plan that would include existing and proposed driveway locations, required tree removal, proposed plantings, exterior changes to the building’s exterior, and pertinent interior building design plans.

[2016-009] **Currier, Gerald Special Use Permit** – Proposed Special Use Permit #81072 to permit construction of a two-family residence in a CR zone, 1117 Route 146A – Preliminary site plan review and possible determination. SBL: 257.-2-33.11

Mr. Ferraro explained the review process to those present, stating that the Planning Board issued a negative determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting and closing a public hearing on this application at its April 12, 2016 meeting.

Mr. Gerald Currier, applicant, presented this application that requests approval of a Special Use Permit to allow the construction of a two-family residence within the CR (Conservation Residential) zoning district pursuant to Section 208-16D(3)[8] of the Town Zoning Code that

remains generally as presented at the February 23, 2016 and April 12, 2016 Planning Board meetings. The applicant explained that the plan submitted for review at this evening's meeting reflects the revisions requested by the Planning Board. The front doors have been relocated to the front of the building, two trees have been added to the front yard, and the required 100' building setback has been met.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered the following comment regarding this application in a memo dated April 25, 2016. All building and septic design plans will be reviewed by the Building Department for code compliance prior the issuance of a building permit and are not part of the Planning Board's site plan approval process.

Mr. Scavo read the following comment issued by the ECC after review of the application at its May 3, 2016 meeting. The placement of a two family home within the CR zone violates the spirit of the western Clifton Park zoning code. If the application is for a two family residence, the ECC recommends that the Planning Board deny this application and require the applicant to provide a plan which adheres to the intent of the CR zone as per section 208-16A.

Mr. Scavo stated that Mr. Reese, Stormwater Management Technician, offered the following comment. Erosion and sedimentation controls should be installed during construction of the home to prevent sediment laden run-off from entering the adjacent wetlands.

Mr. Scavo explained that the Planning Department provided the following comments. Special Use Permit review procedures apply to certain land uses and activities which, due to their particular characteristics or the nature of the area in which they are to be located, require special consideration so that they may be properly located and planned with respect to the objectives of the Town's zoning code and their effect on the surrounding properties and community character. He referenced Section 208-7(9)E of the Town Code, explaining that the section provided the following list of standards for special use permits.

Before granting approval to any special use, the Planning Board shall determine whether the proposed special use will, among other things, satisfy the following considerations:

- (a) That the use will not prevent the orderly and reasonable use of adjacent properties or of properties in adjacent use districts.
- (b) That the use will not prevent the orderly and reasonable use of permitted or legally established uses in the district wherein the proposed use is to be located.
- (c) That the public health, safety, general welfare or order of the Town will not be adversely affected by the proposed use in its location.
- (d) That the use will be in harmony with and promote the general purposes and intent of the Comprehensive Plan and this chapter.
- (e) That the character of the existing uses and approved future development in the district will not be adversely affected by the location of the proposed special use in the proposed location.
- (f) The conservation of property values in the vicinity of the proposed specially permitted use and the encouragement of the most appropriate use of land.
- (g) The effect that the location of the proposed use may have on the increase of vehicular traffic congestion on public streets and highways.
- (h) That the proposed site provides adequate parking facilities to protect against hazardous traffic and/or parking conditions.

(i) The availability of adequate and proper public or private facilities for water and for the treatment, removal or discharge of sewage, refuse or effluent (whether liquid, solid, gaseous or otherwise) that may be caused by or as a result of the proposed use.

(j) Whether the use or materials incidental thereto or produced may give off obnoxious odors, smoke or soot or will cause disturbing emissions of electrical charges, dust, light, vibration or noise detrimental to the public health, safety and general welfare.

(k) Whether operations of the special use will cause undue interference with the orderly enjoyment by the public of parking or of recreational facilities, if existing or if proposed by the Town or by other governmental agencies.

Mr. Scavo offered additional comment regarding this Special Use application. The Town of Clifton Park has achieved a degree of flexibility by adding special uses to the types of land uses otherwise permitted in zoning districts. In its inception, zoning was justified on the ground that the strict separation of uses was in the public interest and promoted the public health, safety, and welfare. This alone, however, would lead to the creation of single-family districts, residential districts, and neighborhood commercial districts where relatively few uses are allowed and thereby exclude a variety of uses historically associated with one another, such as the church in a residential neighborhood, or gasoline station in a neighborhood retail district. By allowing special uses, yet subjecting them to conditions, the legislature achieves needed diversity of uses while insuring compatibility with surrounding properties. Typically, a two family dwelling is the most innocuous special use found within zoning codes.

Mr. Scavo noted that all previous comments issued by the Planning Department have been adequately addressed.

Mr. Ferraro found the plan generally acceptable though he requested that the applicant include a note on the plan within the 15' easement area along the property's Route 146A frontage that states that the easement is for construction of a future multi-use pathway or highway improvements. He also commented that there is a discrepancy between the "boxlike" building footprint indicated on the plan and the actual building design that shows the garage area extending approximately 10' from the main building façade. Referencing the comment issued by the ECC, Mr. Neubauer stated that because of the adjoining property uses and types of housing stock surrounding this parcel, the proposed use in this location appeared reasonable. Though acknowledging that the Planning Board is not charged with architectural review, he believes that the Special Use Permit process allows the Board some latitude in requesting design changes that would aesthetically enhance properties. The speaker then recommended "increased window dressing, enhanced fenestration on the proposed doorways, addition of a porch railing, increased pitch for the roofs, and installation of additional landscaping." Mr. Ferraro noted that the proposed use of the property appeared justified under the circumstances though he expressed his concerns regarding the lack of mandatory design guidelines and standards for two-family dwellings within all zoning districts as well as in the Hamlet Mixed Use districts where they are permitted as a right. Mr. Jones commented that some flexibility of design should be encouraged to provide visual interest and "prevent all two-families [throughout the town] from looking the same." Citing the fact that the town's changing demographics will likely result in an increased number of

applications for Special Use Permits for two-family dwellings, Mr. Ferraro encouraged revisions to the town's zoning code that would reflect the evolving needs of the community. In response to Mr. Ophardt's question regarding the proposed single water and sewer service to the duplex, Mr. Currier explained that the building will be held by a single owner who will supply the utilities.

Mr. Neubauer offered Resolution #9 of 2016, seconded by Mr. Ophardt, to grant approval to Special Use Permit #81072 to permit the construction of a two-family dwelling within the CR (Conservation Residential) zoning district pursuant to Section 208-16D(3)[8] of the Town Zoning Code conditioned upon revision of the roof pitches to 8/12 for the upper roof, 5/12 for porch roofs, and 6/12 for the gabled roof, the addition of railings to the porch areas, an arched window above the doorway, installation of plantings as proposed on the sketch plan, and the inclusion of a note on the identified 15' easement along Route 146A which states that it is for construction of a future multi-use pathway or highway improvements. Ayes: Ophardt, Andarawis, Jones, Neubauer, Ferraro. Noes: None.

Board members then considered site plan approval.

Mr. Ophardt, moved, seconded by Mr. Jones, to grant preliminary and final site plan approval to this application conditioned upon revision of the roof pitches to 8/12 for the upper roof, 5/12 for porch roofs, and 6/12 for the gabled roof, the addition of railings to the porch areas, an arched window above the doorway, installation of plantings as proposed on the sketch plan, the inclusion of a note on the identified 15' easement along Route 146A which states that it is for construction of a future multi-use pathway or highway improvements, and all items listed in the final comment letter prepared by the Planning Department. The motion was unanimously carried.

[2015-045] **VanVeghten, Shawn 380 Ushers Road (Lands of Randall Valachovic)** – Proposed (4) lot subdivision, 380 Ushers Road – Revised preliminary review and possible determination. SBL: 259.-3-11

Mr. Ferraro introduced the application and explained the review process, noting that a conditional negative declaration pursuant to SEQRA was issued at the February 23, 2016 Planning Board meeting. The required public hearing was conducted and closed at that meeting.

Mr. Duane Rabideau, consultant for the applicant, explained that the subdivision plan submitted for review at the February 23, 2016 Planning Board meeting has been revised in response to comments issued by members of the town's professional staff, the Town Designated Engineer, and Planning Board members. In order to address the sight distance issue, the plan now calls for the installation of a single curb cut onto Ushers Road between Lot #376 and Lot #380 at a location that exceeds sight distance requirements. The speaker explained that the applicant had submitted an application for approval of a reduction in lot widths to the Zoning Board of Appeals in an effort to eliminate the keyhole lot configuration. That request, however, was denied. Mr. Rabideau speculated that the denial was based on the significant size (from 200' of lot width at the building line to a 100' width) of the reduction in lot widths requested. As a result of the Zoning Board's decision, Lot #378 retains its keyhole configuration.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application. It appears that this is “another configuration of four lots.” All zoning requirements appear to be met: no variances will be required. The Planning Board must approve the proposed keyhole lot configuration for Lot #378. The common access drive onto Ushers Road must be “maintained as requested.”

Mr. Scavo reported that the ECC provided the following comment regarding this application. The ECC would like to recommend construction of a berm and/or vegetated buffer to between the driveway for proposed Lot #382 and Ushers Road to block headlight glare from oncoming traffic on Ushers Road.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, requested that the Notice of Intent information provided in the Stormwater Pollution Prevention Plan dated January 4, 2016 must be revised and the document completed prior to the submission of the MS4 Letter of Acceptance to the town.

Mr. Scavo offered comments prepared by the Planning Department. It appears that prior comments issued for the February 23, 2016, Planning Board Meeting appear to be satisfied by the current plan submittal. On March 31, 2016, Mr. Scavo prepared a letter of behalf of the Highway Safety Committee (HSC) which reviewed the revised single-driveway configuration and location for the subdivision. The Committee noted that the plan revisions improve sight distance from the existing curb cut location and address the concerns of the Planning Board and Town Designated Engineer. An area variance was denied by the Zoning Board of Appeals which would have eliminated the need for a keyhole lot. As a result, the project is back before the Clifton Park Planning Board with the keyhole lot configuration. A SEQRA determination was made and a public hearing was held and closed on the preliminary plan application at the February 23, 2016 Planning Board Meeting. The plan at that time included the keyhole lot configuration with two driveways on Ushers Road. The current plan has consolidated the four homes to a single access point onto Ushers Road that meets the AASHTO Standard for sight distance at 50 miles per hour in response to concerns by professional staff, Planning Board members, and residents.

Mr. Bianchi reported that, after review of the revised subdivision plans and documents presented for preliminary consideration, M J Engineering and Land Surveying, P.C. offered the following comments on the application. As noted in Comment 25 of the September 18, 2015 review letter, the applicant must provide information on the plans to indicate how potential sump pump laterals may be positioned to be in conformance with Section 86-7(A)(6) of the Town Code. As noted in Comment 6 of the April 8, 2016 review, the sanitary manhole located on 378 Ushers Road where all proposed sewer laterals discharge to and the sewer pipe that crosses Ushers Road will need to be conveyed to the Saratoga County Sewer District No. 1. This is due to the prohibition of having multiple parcels utilizing a single sewer lateral that is not under ownership of a municipal agency or transportation corporation. As such, subsequent plans shall include the associated details to support approval from the Saratoga County Sewer District No. 1 and the NYSDEC for the extension of public sewers. Since the applicant was unable to obtain an area variance for specific lots from the Zoning Board of Appeals, the current plan proposes a keyhole lot, similar to initial concepts provided. Pursuant to Section 208-86 of the Town Zoning Code, keyhole lots may be permitted by the Planning Board only in Residential Districts R-1 and

R-3 and only in rare instances when required due to unusual conditions of the area. The Planning Board shall review the circumstances surrounding the applicant's desire to create a keyhole lot for proposed Lot #378. An updated Erosion and Sediment Control Plan was not furnished with the latest submission. As such, Comment 9 of the January 22, 2016 review letter still requires a response. An updated Stormwater Pollution Prevention Plan was not furnished with the latest submission. As such, comments 10, 11 and 12 from the January 22, 2016 review still require responses.

Mr. Bianchi reported that a revised plan submitted to him on this date has addressed all outstanding concerns.

Mr. Jones stated that he finds the single access reasonable. Mr. Rabideau responded to Mr. Neubauer's comment regarding the likelihood of significant clearing and grading along the roadway by presenting the proposed clearing and grading plan and stating that it is the applicant's intention to preserve as much of the existing vegetation along Ushers Road as possible. Mr. Ferraro asked that the language contained within the perpetual ingress/egress easement agreement be included in the individual property deeds. Mr. Scavo advised the Board that any approval must include approval of the flag lot configuration for Lot #378 and a requirement that the boundaries of all areas to be disturbed be flagged prior to the commencement of site work.

Mr. Neubauer offered Resolution #10 of 2016, seconded by Mr. Ophardt, to waive the final hearing for this application and to grant preliminary and final subdivision approval with recognition that Lot #378 is acceptable as configured as a "keyhole lot" and conditioned upon the incorporation of all stipulations included in the ingress/egress easement agreement in the individual property deeds, that the boundaries of all areas to be disturbed be flagged prior to the commencement of site work, and satisfaction of all items listed in the final comment letter issued by the Planning Department. Ayes: Ophardt, Andarawis, Jones, Neubauer, Ferraro. Noes: None.

[2016-002] **Stevens, Evelyn** – Proposed (2) lot subdivision, Vischer Ferry Road – Preliminary review and possible determination. SBL: 271.-5-21

Mr. Ferraro explained the review process to those present, stating that the Board issued a negative declaration pursuant to SEQRA and conducted and closed a public hearing at its March 22, 2016 meeting. The application is presented for preliminary approval at this evening's meeting.

Mr. Duane Rabideau, consultant for the applicant, presented a brief overview of this application that remains generally as presented at the March 22, 2016 Planning Board meeting when a public hearing was conducted and closed. He explained that the parcel contains a small archeologically sensitive site that will be protected. With the exception of a minor disturbance of the NYSDEC designated wetlands located in the front of the site for installation of a common driveway, all work will be done outside of wetland boundaries. Split rail fencing will be placed along the wetland boundaries and appropriate signage will be added to discourage any disturbance of the environmentally sensitive areas.

Mr. Ferraro asked that restrictive language regarding non-disturbance of the wetland areas be included in the individual property deeds.

Mr. Scavo reported that the ECC issued the following recommendation after review of the proposed subdivision plan at its May 3, 2016 meeting. With the close proximity of the NYSDEC wetland buffer zone, the ECC recommends that the buffer zone be delineated with split rail fencing or signage.

Mr. Scavo explained that Mr. Reese, Stormwater Management Technician, provided the following comment regarding this application in a memo dated May 6, 2016. The proposed driveway culvert configuration must be approved by NYSDEC. A copy of the permit application must be submitted to the town for inclusion in the project files.

Mr. Scavo read comments prepared by the Planning Department. The applicant is asked to provide details, installation locations, and spacing intervals for environmental protection signage to delineate the 100' wetland buffer boundary located within the front yard area for both lots. Below is an example of such signage:



The applicant will note that signs affixed to trees should utilize aluminum nails which allows a chainsaw to safely saw through if for some reason the tree is damaged and must be removed. The Saratoga County Planning Board reviewed the application and found that that it would produce “No Significant County-Wide or Inter-Municipal Impacts.” All prior comments have been satisfied. The current plan includes the culvert design detail previously requested to be added to the plan.

In response to a letter received by the Planning Department from Mr. Steve Gibbs, adjoining property owner who was concerned about the proposed septic systems, Mr. Scavo explained that existing sewer lines are located at a distance greater than 100' from the property making connection unfeasible. The septic system must be designed by a licensed engineer and meet all state public health standards.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. provided the following comment regarding the application. Pursuant to Comment 9 of the January 22, 2016 review letter, it is suggested that, should the application be approved, the applicant furnish the town with proof of filing of the shared driveway maintenance agreement and easement with the County Clerk’s office prior to issuance of a building permit for either lot.

Mr. Andarawis offered Resolution #11 of 2016, seconded by Mr. Ophardt, to waive the final hearing for this application and to grant preliminary and final subdivision approval conditioned upon the addition of split rail fencing and restrictive signage along the borders of designated wetlands, the submission of ingress/egress maintenance agreements for Counsel's review and approval, and all items listed in the final comment letter issued by the Planning Department. Ayes: Ophardt, Andarawis, Jones, Neubauer, Ferraro. Noes: None.

[2016-025] **Angelo Mazzone – Pierce Road Flex Space** – Proposed 3,010 SF addition to an existing building and proposed new building containing 6,960 SF of office space and 10,1076 SF of warehouse space, 743 Pierce Road – Conceptual site plan review. SBL: 259.-2-49.2

Mr. Scott Lansing, consultant for the applicant, presented this application for the Board's consideration. He explained that the site to be improved is situated within the LI (Light Industrial) zoning district and is specifically located on the easterly side of Pierce Road approximately 2,500 feet south of the Pierce – Ushers Road intersection. The site is currently occupied by a single 21,320 SF mixed-use building which contains approximately 1,650 SF of general office space; the remainder of the building is utilized as a light industrial warehouse. The existing twenty-six (26) parking stalls are provided in two separate locations in front of the building. Trucking access is provided along the southerly side of the building for access to the loading docks. Sixteen (16) additional parking stalls are located along the trucking access. The rear of the lot is wooded. .37 acres of federally regulated wetlands have been delineated along the parcel's southern border.

Mr. Lansing explained that site improvement plans will involve clearing and leveling the rear portion of the parcel to provide for the construction of a 17,136 SF mixed-use building which would contain approximately 10,176 SF of warehouse space and 6,960 SF of general office space. In addition, the existing warehouse will be expanded by 3,010 SF. The existing building is serviced by the Clifton Park Water Authority and the Saratoga County Sewer District #1. A new 6" DIP service shall run east along the south side of the access road to provide water service to the new building. A new 6" gravity sanitary sewer line shall be run from the proposed building to the existing Saratoga County Sewer District No. 1 gravity line on the west side of Pierce Road: the line shall run along the north side of the new access road to the proposed building. Access to the new building and parking area will be through the existing curb cut and truck access route located at the southwest corner of the lot. The existing parking stalls along the truck access route, south of the existing building will be adjusted northward to provide a separate access drive for the new building. The existing security fence will be relocated to align with the parking stalls and to provide additional separation between the two areas. Additional parking and truck maneuvering space will be provided between the existing building and proposed building. Mr. Lansing noted that the parking and loading docks have been reconfigured to allow for maneuverability of up to a full size WB-67 trailer. The total required parking for the site based upon proposed uses would be ninety-five (95) stalls. The site currently contains forty-two (42) spaces. The applicant proposes one-hundred fourteen (114) spaces. This number will include five (5) designated accessible spaces of which at least one (1) will be van accessible. All accessible spaces will have ADA compliant routes to the proposed building. No disturbance of the identified wetland will result from the proposed clearing grading, parking expansion, or building construction.

Mr. Lansing spoke explicitly to Comments 8, 10, and 11 issued by M J Engineering and Land Surveying, P.C., explaining that the plan as presented does maintain a 25' non-disturbance buffer around the parcel borders, requires excess parking to accommodate employees, and proposes a building that will be less than 30' in height. In response to Mr. Scavo's question regarding the intended use of the proposed building, Mr. Lansing reported that it was the applicant's intention to sublet the facility, though no specific tenant has yet been identified.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, offered several comments regarding the application in a memo dated April 25, 2016. He noted that the project which calls for the expansion of an existing building and development of another within the LII zone appears to be an approved use and that the site plan presented complies with required setbacks and buffers. Required greenspace is 40%: that proposed will be "very close" to meeting this requirement. The amount of paved area proposed appears to be "excessive for the use." No stormwater management plans have been submitted. Additional comments will be prepared when more detailed plans are presented for review.

Mr. Scavo explained that, after review of the application at its May 3, 2016 meeting, the ECC issued the following comments. The ECC notes that sensitive environments exist on properties adjacent to the project site, thus there is a potential for environmental impacts to these areas in the event that the capacity of the stormwater management system is inadequate. As such the applicant's Drainage, Stormwater and Erosion Control Plans should be protective of these environments during construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer. The ECC notes that the project includes extensive paving adjacent to, or in the vicinity of, the LC Zone as well as state or federal wetlands. The ECC recommends that the Planning Board require the applicant to incorporate sediment traps and oil water separators with appropriate capacity to limit the migration of vehicular contaminants into these sensitive environments. The applicant should retain existing vegetation to the maximum extent practical and/or the use landscaping and grading to provide buffering between the parking area and the federal wetlands. The ECC notes that there may be an unlabeled retaining wall on the plan which could serve this purpose. The stormwater system should be sufficient to handle the combined stormwater runoff projected for the final development configuration.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, provided the following comments regarding this application. The Short Environmental Assessment Form states that the stormwater will be impounded briefly with a subsurface infiltration system. The future plans should provide test hole data and infiltration rates at the elevation of the subsurface infiltration basin base. The test hole data should extend three feet deeper than the base and indicate seasonal high water elevations. The applicant should determine if any of the proposed uses for the flex space in this light industrial zoned area would fall under the Standard Industrial Classification (SIC) code outlined in the SPDES General Permit for Stormwater Discharges Associated with Industrial Activity and be considered a hotspot. Hotspots cannot be allowed to infiltrate untreated into groundwater. The applicant is asked to review Section 4.11 - Stormwater Hotspots - in the NYS Stormwater Management Design Manual.

Mr. Scavo reported that the Planning Board issued a number of comments regarding this application. The proposed project appears to be an unlisted action pursuant to SEQRA and as such

coordinated review is optional. The required greenspace within the L1 Light Industrial zoning district is 40%: this application appears to meet the minimum required at 40.1%. All proposed and existing exterior lighting should be depicted on the preliminary plan and cut sheets of the proposed fixtures should be provided for review. If lighting is not proposed a note should be added to the plan indicating that no additional lighting will be provided. The plan depicts approximately nineteen more parking spaces than required by code. Additional clarification and justification should be provided for these additional parking spaces, as this will result in an increase of impervious surfaces, loss of greenspace, and greater stormwater runoff impacts. The plan should not provide any more parking than that required to accommodate the proposed use. The consultant/applicant must provide the anticipated number of additional truck trips generated by the expansion and specify the types of trucks and/or service vehicles accessing the site. The anticipated hours of operation should be provided. The capacity of the existing water and sewer systems should be verified as it appears the project will increase water and sewer demands. Section 208-65-C of the Town Code requires a 25' planted buffer along the rear and side property lines. Clearing appears to be anticipated toward the side and rear property lines of the site up to the 25' buffer strip of the site. Measures to reduce the extent of vegetation removal along the side and rear property boundaries should be investigated. Future plans should verify that the town requirement will still be met. The Short Environmental Assessment Form indicates that 2.87 acres of area will be disturbed. The proposed plan should include measures to reduce peak flow discharges from the site and utilize green infrastructure practices. If there is to be any exterior storage of cargo containers on-site, the applicant must show such storage containers. The applicant is advised that no such container will be permitted without site plan approval. Preliminary plans should address the Development Standard Criteria prescribed by Section 208-66 of the Clifton Park Town Code. A 15' multi-use pathway and/or utility relocation easement was granted by the applicant under the approval for a previous site plan, Planning Board Project #2013-021.

Mr. Bianchi stated that, after review of the project plans and documents submitted for review, M J Engineering and Land Surveying, P.C. provided the following comments in a memo dated May 6, 2016. The Short Environmental Assessment Form submitted indicates that more than one acre of land will be disturbed. As such, a Stormwater Pollution Prevention Plan (SWPPP) addressing water quality, quantity, and green infrastructure is required. Additionally, the site improvements completed under CP#2013 -021 may need to be included in the analysis as it may be grouped in as part of a larger common plan. The project proposes to provide potable water to the new building from the Clifton Park Water Authority (CPWA). The applicant shall provide the town documentation indicating the CPWA's ability and willingness to provide additional potable water to the project. Any approvals offered by the Planning Board should be conditioned on receipt of CPWA's review and approval. The project proposes to provide sanitary sewer service to the new building from the town's sewer district ultimately discharges to the Saratoga County Sewer District No. 1 (SCSD) it is believed that the applicant would be required to request additional reserve capacity from the SCSD. If this is the case, the applicant shall provide the town documentation indicating the SCSD's ability and willingness to provide additional sewer capacity to the project. Any approvals offered by the Planning Board should be conditioned on receipt of SCSD's review and approval. At a minimum, the peak hour vehicle trips should be provided and need to be inclusive of existing site uses. Several of Mr. Bianchi's comments related to the State Environmental Quality Review Act (SEQRA). Based upon review of Part 617 of NYS Environmental

Conservation Law, the project appears to be an “Unlisted” action. Assuming 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 Sewer District: additional reserve sewer capacity; Clifton Park Water Authority: taking of additional potable water; Saratoga County Planning: 239m referral due to the parcel being within 500 feet of Interstate 87; NYS Department of Environmental Conservation – NYSDEC Phase II Stormwater Regulations and coverage under stormwater SPDES and identification of threatened and endangered species; NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources. Additional involved/interested agencies may be defined as the project proceeds through the town’s regulatory review process. Part I.8.a. of the Short Environmental Assessment Form indicates that the project will not result in a substantial increase in traffic above present levels. At a minimum, the applicant is asked to provide the expected peak hour vehicle trips for review that may support this statement.

Mr. Bianchi stated that several comments related specifically to the site plan submitted for review. The project resides within the Town’s L1, Light Industrial District. Review of Section 208-64(a), (b) and (i) of the Town Zoning Code indicates that the proposed office and warehouse (expansion and new) are permitted principal uses within the district. It appears from review of the concept plan submitted that the bulk lot requirements as outlined in Section 208-65 of the Town’s Zoning Code are satisfied with the exception of Section 208-65(c) which indicates that there shall be established a minimum twenty-five-foot planted buffer along the rear and side property lines of all parcels. The submitted plan does not show how this provision of zoning will be satisfied. For concept site plan submission, Section 208-114(B) of the Zoning Code requires topographic information at no more than 10-foot contour intervals: the plan as submitted does not provide the required topographic information. If the town is considering this a preliminary submission, additional mapping requirements are needed as outlined in Section 208-115 of the Zoning Code. The project proposes 18 more parking spaces than required by the Town’s Zoning. Similar to the prior application for a building expansion, there should be consideration of banking parking spaces. The expected height of the proposed building should be provided so that a review of the fire access to the building may be completed. If the building is greater than 30 feet in height, an aerial fire apparatus access road will be required meeting the requirements of Appendix D, Section D105 of the Fire Code of New York State (FCNYS). Section 503.1.1 of the FCNYS requires a fire apparatus road that shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. The rear of the proposed building appears in accessible from the southern end due to what appears to be a retaining wall. There needs to be a determination as to whether or not the proposed building construction and use will warrant automatic sprinklers as prescribed in the Building Code of New York State. This information is needed to determine whether or not an on-site hydrant is required to satisfy the requirements of Section 508.8 of the FCNYS. Subsequent submissions shall include information as outlined in Section 208-115 of the Zoning Code specific to lighting, site grading, landscaping, erosion control, and stormwater management to fully assess the design and its compliance to the applicable standards. Elevations and materials of construction for the proposed building expansion should be submitted to the Planning Board for review.

Mr. Scavo pointed out that referral to the Saratoga County Planning Board would not be required since the project site lies just beyond the 500' distance threshold for review from the Northway corridor.

Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Riverfront, and Trails Committee, asked that the Board members consider the following recommendations. The applicant should construct a 10-foot wide multi-use trail along Pierce Road. This is an important trail segment in the Trails Master Plan's Pierce Road multi-use path plan that provides a connection between the existing Ushers Road and Kinns Road trails. A crosswalk should be provided across the front entranceway along Pierce Road. A sidewalk should be provided along the access road from the multi-use path to the proposed office/warehouse building at the rear portion of the parcel. A sidewalk should also be constructed from the front entrance of the existing building to the access road and a crosswalk provided that connects to the access road sidewalk. Bicycle racks should be installed in front of the existing building and at the main entrance to the proposed building at the rear portion of the property.

In response to Mr. Neubauer's question regarding the need for the proposed expansion, Mr. Lansing explained that Mr. Mazzone's business was growing and additional space was needed for storage of items associated with his catering business. Mr. Neubauer recommended that the consultant provide additional details for the retaining wall since it appears to rise considerably from the front of the site to the rear: Mr. Lansing reported that the wall indeed did rise to approximately 8' along the easterly side of the proposed new building and agreed to provide such information with the preliminary submission. Mr. Ophardt questioned whether or not the new building would meet fire code standards. Though Mr. Bianchi noted that the standards do not necessarily require the construction of a roadway around the building, Mr. Lansing stated that the plan would be evaluated and all fire code requirements met. In response to Mr. Ophardt's question regarding the proposed use of green infrastructure methods for stormwater management, Mr. Lansing explained that site runoff would be directed to storage facilities installed beneath the parking lot. No porous asphalt is proposed for use on the site due to anticipated truck traffic and the cost of maintenance for such materials. Mr. Andarawis asked that the applicant consider the impact of stormwater runoff along the property's southern boundary. Mr. Ferraro also expressed concerns about possible runoff along the southerly property border and its impact on wetland areas and existing vegetation. He recommended that the applicant consider "some type of protection" for the area. Questioning the need for extra parking spaces, Mr. Ferraro asked that the applicant determine the intended use of the building so that a more accurate number of parking spaces can be determined. Summarizing the Board's discussion, Mr. Ferraro listed the following items of concern: preservation of existing vegetation supplemented where necessary; protection of the existing evergreen tree line along the property's southeasterly boundary and maintenance of existing buffers to the greatest extent practicable - most particularly at the site entranceway; evaluation of impacts of stormwater runoff to plantings and wetlands; verification of the 40.1% greenspace calculation; identification of the intended use of the proposed building for parking ratio calculations; consideration of comments issued by the Trails Subcommittee regarding the installation of sidewalks and bike racks.

Mr. Ophardt moved, seconded by Mr. Neubauer, adjournment of the meeting at 9:20p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on **May 31, 2016**.

Respectfully submitted,

Janis Dean, Secretary

Notice of Decision

Resolution #9 of 2016

Special Use Permit Approval

At a meeting of the Planning Board held at the Town Hall of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on May 10, 2016 there were:

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

Absent: D. Bagramian, J. Koval, E. Prescott

Mr. Neubauer offered Resolution #9 of 2016, and Mr. Ophardt seconded, and

Whereas, an application was made to this Board by Gerald Currier for approval of Special Use Permit #81072 to permit the construction of a two-family dwelling within the CR (Conservation Residential) zoning district pursuant to Section 208-16D(3)[8] of the Town Zoning Code located within the CR zoning district at 1117 Route 146A;

Whereas, the Planning Board was established as Lead Agency for this application on April 12, 2016, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on April 12, 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 #9 of 2016 Special Use Permit #81072 to permit the construction of a two-family dwelling within the CR (Conservation Residential) zoning district pursuant to Section 208-16D(3)[8] of the Town Zoning Code located at 1117 Route 146A is granted approval conditioned upon revision of the roof pitches to 8/12 for the upper roof, 5/12 for porch roofs, and 6/12 for the gabled roof, the addition of railings to the porch areas, an arched window above the doorway, installation of plantings as proposed on the sketch plan, and the inclusion of a note on the identified 15' easement along Route 146A which states that it is for construction of a future multi-use pathway or highway improvements.

Resolution #9 of 2016 passed 5/10/2016

Ayes: Ophardt, Andarawis, Jones, Neubauer, Ferraro

Noes: None

R. Ferraro, Chairman

NOTICE OF DECISION

Resolution #10 of 2016

Preliminary and Final Subdivision Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on May 10, 2016, there were:

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

Absent: D. Bagramian, J. Koval, E. Prescott

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

Whereas, an application has been made to this Board by Shawn VanVeghten for approval of a subdivision entitled Subdivision Plan – 380 Ushers Road consisting of (4) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on February 23, 2016;

Whereas, the Planning Board was established as Lead Agency for this application and a conditional negative declaration was issued pursuant to SEQRA on February 23, 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 the subdivision plat entitled Subdivision Plan – 380 Ushers Road is granted preliminary and final approval with recognition that Lot #378 is acceptable as configured as a “keyhole lot” and conditioned upon the incorporation of all stipulations included in the ingress/egress easement agreement in the individual property deeds, that the boundaries of all areas to be disturbed be flagged prior to the commencement of site work, and satisfaction of all items listed in the final comment letter issued by the Planning Department.

Resolution #10 of 2016 passed 5/10/2016

Ayes: Ophardt, Andarawis, Jones, Neubauer, Ferraro

Noes: None

Rocco Ferraro, Chairman

NOTICE OF DECISION**Resolution #11 of 2016****Preliminary and Final Subdivision Approval**

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on May 10, 2016, there were:

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

Absent: D. Bagramian, J. Koval, E. Prescott

Mr. Andarawis offered Resolution #11 of 2016, and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by Marklee, LLC for approval of a subdivision entitled Subdivision of the Lands of Evelyn D. Stevens consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on March 22, 2016;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action and a negative declaration was issued pursuant to SEQRA on March 22, 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 the subdivision plat entitled Subdivision of the Lands of Evelyn D. Stevens consisting of (2) lots is granted preliminary and final approval conditioned upon the addition of split rail fencing and restrictive signage along the borders of designated wetlands, the submission of ingress/egress maintenance agreements for Counsel's review and approval, and all items listed in the final comment letter issued by the Planning Department.

Resolution #11 of 2016 passed 5/10/2016

Ayes: Ophardt, Andarawis, Jones, Neubauer, Ferraro

Noes: None

Rocco Ferraro, Chairman