

Town of Clifton Park

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PLANNING BOARD

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Emad Andarawis
Denise Bagramian
Jeffery Jones
Andy Neubauer
Eric Ophardt
Greg Szczesny

(alternate) Teresa La Salle

Planning Board Minutes

January 23, 2018

Those present at the January 23, 2018 Planning Board Meeting were:

Planning Board: R. Ferraro, Chairman, E. Ophardt, D. Bagramian, E. Andarawis, A. Neubauer

Those also present were: J. Scavo, Director of Planning
A. Morelli, Counsel
M. Springli, Secretary

Absent: G. Szczesny, J. Jones, T. LaSalle – Alternate Member

Mr. Ferraro, Chairman, called the meeting to order at 7:01pm. All in attendance stood for the Pledge of Allegiance. Mr. Ferraro noted that a quorum was present. The chairman also noted that the Abele project had been pulled at the request of the applicant until February 13, 2018. Mr. Ferraro then noted that a review memo regarding the Abele project had been sent to planning board members by the Planning Director and that he would like to discuss possible questions/concerns related to the memo in the Discussion period at the end of the meeting.

I. Minutes Approval – 1/9/2018

Mr. Neubauer moved, seconded by Mr. Ophardt, to approve the minutes of the meeting on January 9, 2018 as written.

Ayes: All Noes: None. Motion unanimously carried.

II. Public Hearings - none

III. Old Business – none

IV. New Business

2017-049 Earl Route 146 Planned Development District

Applicant proposes a mix of semi-detached condominium units and single family homes for a total of 132 units. The project may also include a 3,000 sf clubhouse building, Rt 146 & 146A, Zoned: R-1 and B-3, Status: Referral from Town Board for a recommendation.

SBL: 271.-1-16

Mr. Ferraro summarized the application and stated that the purpose of the planning board review at this point was only to make a recommendation to the Town Board to approve, approve with conditions or disapprove the PDD as proposed. Then the chairman stated that if the Town Board were to decide to advance the PDD legislation, they would hold a public hearing at the Town Board level. Then, if approved by the Town Board, the project would be submitted to the Planning Board as a Planned District Development and site plan application, subject to the full review process.

Scott Lansing Consultant, with Lansing Engineering, represented the applicant, Scott Earl and Route 146 Development LLC. Mr. Lansing described the project that is located on the corner of NYS Rt. 146 and Rt. 146A. The consultant noted that there were three vacant parcels equaling 27+/- acres in R-1 and B-3 zoning. As part of the PDD process, the applicant would ask that the parcels be consolidated into one. Next, the speaker explained that the project was surrounded by Sherwood Forest, the firehouse, the Dwaaskill, Arnold Drive, 146A and 146 where there are some commercial properties. The eastern edge of the parcel slopes down to the Dwaaskill. Mr. Lansing also said that he was awaiting a formal letter regarding revised wetland jurisdiction from DEC and ACOE, adding that a small section of land along the Dwaaskill was in an LC overlay zone. Next, he stated that the project proposed condominiums, which would be mainly owner occupied and maintenance free with an association. There would be a variety of unit type choices: (27) 4-unit buildings, (5) 2-unit buildings, and (14) single family units transitioning to the R-1 single-family residential neighborhood to the north. All of the units were intended to be 2-story structures ranging from 1200 to 1600 sf and a clubhouse may be included in the community.

Mr. Lansing stated that main access to the property would be off NYS Rt. 146A, emergency access to 146. The internal roadways would be private and would have a maintenance agreement within the Condominium Owners Association. Then he mentioned that a traffic study was done by Creighton Manning. The wetland impacts would be about .047 acres of disturbance. The project would be connected to public water and sewer and all stormwater managed onsite. The consultant noted that the project was a pedestrian focused layout with some rear-entry garage access to units in the center of the project. Units on the outer edge will have front-entry garages.

Mark Nadolny, with Creighton Manning Engineering, described the traffic impact study to determine the volume and speed of vehicles traveling in this area. Mr. Nadolny stated that they used calculations, which increased existing traffic by 1% per year, and based on the standard ITE handbook, the project would result in 64 additional trips during the AM peak hour and 75 additional trips during the PM peak hour. Next, the speaker stated that it was determined that an approximate 4-second delay would be expected, which was considered not significant by DOT. It was discussed that this particular intersection was being examined by DOT for possible improvements in the next year or so. Mr. Nadolny said that the project itself would not warrant installation of a traffic signal nor a left turn lane. Next, he stated that pedestrian access was being studied by the consultants to allow pedestrians to move south toward NYS Rt. 146 from the project. Mr. Nadolny also noted that DOT had asked that the access drive be moved farther north for improvement of sight lines and traffic flow.

Scott Lansing then added that that approximately 69 % of project would be Open Space or green areas. Then he stated that a 75 ft no cut buffer was being proposed with single-family houses having a minimum 100ft setback from the northern property line.

Staff Comments:

Environmental Conservation Commission

The ECC held a meeting on January 16, 2018 to discuss the project and issued a comment letter stating that:

- The ECC is concerned with the impacts that the proposed project will have on the existing traffic conditions in the immediate vicinity. According to the most current data per the NYSDOT, the accident rate at the intersection of NY 146 and 146A is 62% higher than the expected rate for similar type of roads / intersections in NYS. The peak traffic volume for the project adds 75 trips per peak hour which is 26% of the proposed parking spaces. The ECC recommends that the Town Engineer and the Town's highway safety committee validate the proposed Traffic Study estimates.
- The ECC is concerned with the amount of the proposed impervious surfaces for this PDD proposal. In order to reduce the impervious area, the ECC suggests that the pavement be reduced and consider alternate driveway access.
- The ECC is concerned with the proximity of the proposed structures 9, 10, & 28 to the steep slopes that drain to the Dwaas Kill.
- The ECC is concerned with safety of the proposed Route 146 access road's proximity to the on ramp to NYS Route 146A.
- A portion of the proposed project resides within the R1 zoning district. The proposed density of the project within this area is inconsistent with the character of the existing R-1 neighborhood.

Dahn Bull,

- What are the intended plans for stormwater management?
- Dwaaskill flooding downstream could cause problems
- Runoff problems in Plank and Bruno Roads, and the tributaries on Carlson and Nadler Roads.

John Scavo, dated January 22, 2018

- Planning Board can only recommend not approve or deny.
- Town Board may hold public hearing in future

Open Space, Trails and Riverfront Committee

Roy Casper offered the following comments:

- The proposed site plan has a good internal network of sidewalks and crosswalks.
- How does the internal network of sidewalks connect to the existing multi-use path along Rt. 146A and the sidewalk on the south side of Rt. 146?
- How will future residents/pedestrians access the Price Chopper and other stores on the south side of Rt. 146?

Professional Comment: No Town Designated Engineering Review at this stage. They would be involved at the next stage if it should advance.

Public Comment:

Rick Suprenant, a resident at 8 Buckingham Court, expressed opposition to the proposed project for the following reasons:

- Felt that the R-1 parcel behind the firehouse too dense, should only have 3 houses
- Emergency access would be used as full access and cut-through

Bob Voelker, 10 Stratford Dr, resident for 24 years. Stated this was an improvement over prior commercial proposal, expressed the following comments:

- It is too dense, recommended reducing number of units
- Perhaps chain the emergency access, but concerned it wouldn't be plowed in winter and might hinder emergency services
- Roundabout possibility

Vance Bryant, 8 Lincoln Town Drive in Sherwood Forest expressed concerns about

- Small lot sizes
- Too Dense
- Emergency exit and ownership with commercial entities should be reviewed
- Erosion near the Dwaaskill
- Drumlin, glacial till in area of Marlboro Dr. could create drainage challenges, asked if homes would be at grade level or if excavation would be needed.

Anthony Lafleche, 21 Wheeler Drive, remarked that:

- He would like a pre-existing trail open to maintain access to the Dwaaskill (County Sewer trunk line)
- Clear cutting seems to be excessive and would like to preserve natural growth as much as possible
- He preferred that the emergency access way be allowed as an entry for residents and possibly allow emergency only exit.
- Questioned grading and topography
- He liked sidewalks and would like open space or community areas to be made obvious to residents

Scott Lansing responded with the following notes:

- The primary access was going to be realigned based on recommendations from the DOT and sight distance would be optimized.
- Applicant owns the access to the Route 146 and commercial properties have easements to utilize it.
- Not currently proposing basements
- Further evaluation will determine how much grading or excavation might be necessary or if basements are even possible
- Erosion will be addressed in future
- Calculations show that the R-1 parcel (7.45 acres) would allow approximately 15 homes on 20,000 sf lots – with a 25 ft rear yard setback and no buffer would be required

Planning Board Review:

Mr. Andarawis stated that he preferred the residential Planned Development District (PDD) rather than a commercial one and liked the transitional design and the diversity of housing types proposed. Planning Board members appeared to agree though some members expressed concern with the density. Discussion ensued about the emergency access and whether it should be made into a full access road. Mr. Ferraro noted that it seemed likely that a roundabout or some other intersection design would be installed at this intersection and he expressed that it was important to consider the impact of conflicts with pedestrians, adding that there was the potential to improve walkability to the commercial area to the south.

Mr. Neubauer then noted that he felt the design represented good “new sub-urbanism” planning with its internal network of dwellings. The board member then asked for a comparison of traffic expectations between the proposed plan and the potential of a commercial B-3 development. Mr. Nadolny responded that if the parcels were fully developed as allowed in B-3 zoning, there would be upwards of 400 trips per peak hour, as opposed to the 75 per peak hour as proposed.

Mr. Ophardt questioned steep site grades and stated that he would like the applicant to reduce the density. Mr. Lansing explained that the only disturbance in the slopes would be the stormwater management area but there would likely be some necessary fill in areas. Mr. Lansing also explained that the density worked out to about 4.7 units per acre, with a lot of green space that he felt did not make this too dense.

Mr. Ferraro disclosed that he lived in Sherwood Forest on Friar Tuck Court and was very familiar with traffic in the area.

Next, Mr. Scavo noted that this would be a Type I action pursuant to SEQRA and the Town Board would likely assume Lead Agency for SEQR review. Then he explained that the R-1 zone would only have the road frontage for three keyhole lots, if it was a standalone project without roadway access from the internal road on the adjoining parcel, but due to the internal road frontage, the proposed number of lots in the R-1 parcel makes sense.

Mr. Ferraro also asked about plans for Mr. Earl’s parcel to the east of the project that includes the Dwaas Kill. Mr. Lansing stated that it was not discussed in this project. Mr. Ferraro then suggested the Board might look upon it favorably if it would be dedicated to the Town in lieu of parkland fees and might be worth exploring. The Chairman then noted that he was not as concerned as some members were, about the density, because if it were B-3 commercial development, it would be a much busier area than a residential proposal. Mr. Ferraro also stated that he preferred the community environment with walkability, owner occupied housing and amenities such as a clubhouse and sidewalks.

It was also discussed that a no-cut buffer owned by a Condo Association would be much easier to enforce. Recommendations were given to the consultant to consider green infrastructure such as rain gardens and pervious surfaces to minimize erosion, leaving some mature trees, and to possibly adjust the traffic counts to include traffic generated in the morning on a school day.

Mr. Scavo noted that the Planning Board would have the ability to reduce the # of units at the Planning Board review stage based on further analysis. The PDD at the Town Board level will designate the minimum setback lines and the Planning Board will be able to impose some further restrictions based on site plan review.

Mr. Suprenant then expressed concern that he felt the chairman might be more in favor of the developer because he expressed that the developer needed certain numbers in order to profit. Then he stated that he felt Mr. Ferraro was less concerned with existing homeowners in proximity with the project. Mr. Ferraro responded that he was respectful of the parcel adjacent to R-1 zone being single-family homes, and that he was speaking to the entire project as proposed. The chairman noted that he felt that the Planning Board had to be fair in its consideration to both the surrounding residents and the landowner and that he felt the impact of this proposal was far less than might be developed if it was commercial use as permitted under the current zoning for a large portion of the parcel. He also stated that the proposed building footprints will have to be evaluated to address environmental impacts which may result in a reduction in the number of units.

Mr. Voelker then stated that he felt the access from Ravenswood could become used as a shortcut even if it was not the intention and he was concerned that there was not much of a buffer to houses built behind the firehouse. Planning board members did not seem concerned since buyers would see that when looking at the lots available for purchase.

Pam Marshall, 5 Fairlawn Ct. observed that the last plan proposed had planned to dedicate the R-1 parcel as open space to serve as a buffer between the commercial and existing residences.

Anthony Lafleche asked if trees in a buffer zone could be cut down if dead or diseased and Mr. Scavo said the Planning Board could address that in their review.

Mr. Scavo noted that topics discussed from this meeting would be drafted and sent to Planning Board members. He added that a decision must be sent within 60 days as the recommendation to the Town Board, and any of these comments/concerns could be included. Discussion ensued and planning board members appeared comfortable with the PDD application. Concerns should include the possible usage of the parcel to the east of current proposal, a possible reduction in the number of dwelling units, and a recommendation that the Town Board ask the applicant to establish an escrow account for the Town Designated Engineer to review the plans prior to approval of the PDD legislation by the Town Board.

Mr. Andarawis moved, seconded by Mr. Neubauer to send a recommendation to the Town Board to approve the **2017-049 Earl Route 146 Planned Development District** with comments provided by the Planning Department and Planning Board Members regarding open space, the number of dwelling units and the establishment of an engineering review escrow account.

Ayes: All Noes: none The motion was unanimously carried.

V. Discussion Items –

2017-021 Abele 14 Lot Subdivision and Duplex SUP

The Planning Director issued a review memo to Board Members and the chairman asked if there were any questions.

Mr Scavo noted that Tom Andress, the representative for the applicant, had received the memo and stated that he would be modifying plans to address comments.

Then, Mr. Morelli noted that he recommended that the restricted land would not be counted in the calculations based on case law, but that the Planning Board may decide otherwise. The counsel added that it would be up to the Planning Board to decide:

- Whether they preferred the cluster design or conventional layout
- Whether duplexes would be allowed at all
 - and if so, each lot must be looked at separately to determine if duplex was suitable and then granted a SUP
 - The SUP can be allowed as a single application with individual lot analysis not 14 separate SUP applications
- Whether dwelling units can be sold individually or each duplex must be sold as a two-family unit to one owner with potential for owner/rental occupancy.

Mr. Scavo then explained an area variance offers some leeway when the ZBA considers criteria for granting it and all of those criteria [see Town Code §208-109(C)(3)] should be considered if the Planning Board advances the cluster design vs. the conventional layout. Mr. Scavo added that the conventional layout would allow the developer to use the Christinamarie Drive as full access to the proposed project since they own the road in fee title.

Finally, Mr. Ferraro reminded board members that the Planning and Zoning conference will be held January 31, 2018 in Saratoga.

Mr. Ophardt moved, seconded by Mrs. Bagramian to adjourn the meeting at 9:22pm. The motion was unanimously carried.

Respectfully Submitted,

Meg Springli