

Town of Clifton Park Planning Board
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PLANNING BOARD

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Chairman

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PAULA COOPER
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Emad Andarawis
Eric Ophardt
Heather Fariello
Andrew Neubauer
Denise Bagramian
Keith Martin

(alternate) Jennyfer Gleason

Planning Board Minutes
February 23rd, 2022

Those present at the February 23rd, 2022 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, D. Bagramian, H. Fariello, E. Ophardt, K. Martin,
J. Gleason – Alternate Member

Those absent were: A. Neubauer, E. Andarawis

Those also present were: J. Scavo, Director of Planning
W. Lippmann, M J Engineering and Land Surveying, P.C.
T. McCarthy, Counsel
P. Cooper, Secretary

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

Mr. Ferraro stated that in the absence of Mr. Neubauer and Mr. Andarawis, Ms. Gleason would a voting member this evening.

Minutes Approval:

Ms. Bagramian moved, seconded by Ms. Ophardt, approval of the minutes of the February 8th, 2022 Planning Board meeting as written. The motion was unanimously carried by all who were in attendance at the meeting.

Public Hearings:

None

Old Business:

None

New Business:

2022-004 303 Ushers Road Medical Buildings (Paulsen) - Site Plan

Applicant proposes to construct a two-story 21,400 sf medical office building on 4.1 acres with parking for approximately 128 vehicles. The project includes access on Ushers Rd, off-site sewer connection and on-site stormwater management, 303 Ushers Rd, Zoned: B-1, Status: PB Concept Review SBL: 259.-2-61
To be reviewed by: MJE Consultant: EDP Applicant: Paulsen Development

Consultant/Applicant Presentation:

Gavin Vuillaume – EDP – Mr. Vuillaume stated that he is here tonight with Mr. Rich Paulsen from Paulsen Development and Ms. Alana Moran from VHB. Mr. Vuillaume stated that the plan here tonight is different from the one before the ZBA and he supplied an updated plan map. He stated that the plan is for a 21,400 sf 2 story building with access from Ushers Road. Mr. Vuillaume stated that there is an existing home and driveway on the property that will be removed with this plan. Mr. Vuillaume stated that this application’s proposed full access driveway is now centered between Pierce Road and Van Patten Drive. He stated that there is a low area in the front of the property where the proposal would remove the vegetation and raise that land to provide site distance. Mr. Vuillaume stated that this use would not create large use and would not require a lot of parking. He stated that 150 spaces are required per code and that he feels that this use would require 10-15% less parking, so they are looking to land bank some of it. Mr. Vuillaume indicated on the map where the banked parking would be and stated that the application meets the setbacks and that water and sewer are available off-site.

Rich Paulsen – Paulsen Development – Mr. Paulsen stated that Albany GI is looking to develop this property for ambulatory surgery. He stated that there would be 4-5 procedure rooms for colonoscopies and that the footprint of the building may change but the total square footage would remain at 21,400 sf. Mr. Vuillaume stated that the footprint is currently 13,000sf but it could go up to 14,000 sf but will not go over the total of 21,400 that the ZBA granted. Mr. Paulsen stated that they would see between 55-60 patients per day and there would be approximately 20-25 employees on site. Mr. Paulsen stated that this building would be similar to the Ortho NY building and would be owner-occupied. Mr. Paulsen stated that there are other projects that he has done that have been over parked and feels that some parking can be land banked with this project.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 2/4/22 stating:

- Variances approved. Building size reduced from original proposal.
- Suggest property entrance be moved due to conflicts with Pierce Road and Van Patten Drive.

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. Provide NYSFC compliant fire apparatus access plan
2. Will this building have a sprinkler system? If so where will the fire department connection be located?
3. Specify hydrant location.

Scott Reese, Stormwater Management Technician issued a memo dated 2/18/22 with the following comments:

1. The proposed entrance may fill an existing depression in the NYS ROW. The applicant shall show the pipe outlets from the two existing catch basins on Ushers Road.
2. There appears to be a depression along the western portion and the southeastern portion of the property. When providing the future plans verify that the grading will not impact neighboring properties drainage.
3. When plans progress and a Stormwater Pollution Prevention Plan (SWPPP) is submitted, please include test pits and perc test information within the proposed stormwater management areas.

The Environmental Conservation Commission held a meeting on 2/1/22 and issued a memo recommending:

1. The ECC recommends a detailed in-depth traffic study concentrating on the proximity of all the curb cuts along Ushers Road and the on and off ramp of Interstate 87. It is well documented that this area is prone to traffic accidents with the conditions as they exist.

2. This now large, consolidated building should comply with the architectural intent of the Town Code. Specifically, per 208-33 D(Architecture) “The architectural design of a rehabilitated or a newly constructed building shall be consistent with the designs compatible for residential dwellings... The architectural design should give the appearance of compatibility with the surrounding neighborhood and shall try, to the maximum extent possible, to avoid the creation of a monolithic mass by implementing architectural relief within the design. Long, unbroken lengths of walls, and appearance of walls and the appearance of massive structures within the area of residential sized building shall be discouraged.” The example of the character of the structures in the area should also reference Northway 10 Executive Park is more in character with the development on the north side of Ushers Road than the ones brought up in comparison.
3. In keeping with the recommendations and goals of the Town Comprehensive Plan, the Applicant should retain existing vegetation to the maximum extent practical and/or the use landscaping and grading to provide visual and auditory buffering between the project and adjacent roadways or other properties. Specifically, a Plantings Plan consistent with other properties along Ushers Road should be included in this proposal. i.e., that is retention of the foliage buffer on County property on the north side of Ushers Road.
4. The ECC questions the need for the land banked parking for this proposal and requests that the applicant provide on the plan the number of required parking spaces.

John Scavo, Director of Planning issued a letter dated 2/18/22 with recommendations he made:

1. The applicant shall show an ability to accommodate additional flows for both water and sewer. Determinations from the Clifton Park Water Authority and Saratoga Co. Sewer District #1 demonstrate they have the capacity and are willing to service the proposed building.
2. Provide a traffic impact analysis to identify any potential impacts to traffic within the Ushers Road Corridor due to the proposed medical office building. Specifically, the study should include a section dedicated to:
 - a. Determine anticipated future non-site (background) traffic volumes.
 - b. Identify other approved projects within the Ushers Road, Pierce Road, and Van Patten Road Corridor.
 - c. Evaluate existing traffic patterns and intersection operating conditions from the built environment adjacent to this project to assess the cumulative impact of traffic for the construction completion target year.
 - d. Verify site distance at the proposed curb cut is adequate.
 - e. Verify if NYS DOT has any regulatory authority or approvals with the project due to the proximity of I-87 and the Exit 10 Interchange. At a minimum, list NYS DOT as an interested agency for SEQR review purposes.
3. Add the Total Parcel Acreage to the Site Statistics Table.
4. As the application advances to preliminary design and more detailed plans are made available, the applicant shall demonstrate compliance with §208-33 of the Town Code, including:

C. Landscaping. Landscaping shall be in accordance with that similarly associated with residential dwellings, i.e., lawn area, trees, shrubs and other plantings to maintain a residential character.

D. Architecture. The architectural design of a rehabilitated or newly constructed building shall be consistent with the design's compatible for residential dwellings. The design shall take into consideration the existing neighborhood, the exterior facade in regard to building materials and color and other appurtenances, such as rooflines, dormers, windows, chimneys and other items that create a residential appearance. All exposed mechanical equipment and service and storage areas shall be screened from public view. The architectural design should give the appearance of compatibility with the surrounding neighborhood and shall try, to the maximum extent possible, to avoid the creation of a monolithic mass by implementing architectural relief within the building design. Long, unbroken lengths of walls and the appearance of huge, massive structures within an area of residentially sized buildings should be discouraged.

E. Hours of operation. All businesses in the B-1 District shall be limited to hours of operation, for the public, between 7:00 a.m. and 10:00 p.m. In addition, if the proposed use abuts an existing residence, no outside commercial activities, e.g., garbage pickup, etc., shall take place between the hours of 10:00 p.m. and 6:30 a.m.

5. Per GML §239(m)&(n), a referral to the Saratoga Co. Planning Board will be made for a recommendation at the time of receiving a preliminary site plan application from the applicant.
6. The applicant should demonstrate adequate turning radii for emergency service vehicles in travel lanes around the proposed building as plans develop.
7. Add the following notation to the site plan:

The property owner agrees to, as an aspect of the new construction, accommodations to install the conduit under the pavement to designated parking stalls for preparation of future EV Charging Stations. Such infrastructure accommodations at the time of new construction will further the 2016 "Capital District Electric Vehicle Charging Station Plan" goals. The costs to run conduit at the time of new construction greatly decreases costs to install EV Charging Stations in the future since pavement within the parking area will not need to be torn-up to run electrical connections."

Mr. Scavo stated in the meeting that he would like the Board to know that there is an existing concrete sidewalk in front of the application.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 2/18/22 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:

- a. Town of Clifton Park Planning Board: Plan approval
- b. Saratoga County Planning: Plan approval
- c. New York State Department of Environmental Conservation: Stormwater permit approval
- d. Clifton Park Water Authority (CPWA): Connection to municipal water
- e. Town of Clifton Park Sewer District No. 1: Connection to public wastewater infrastructure
- f. Saratoga County Sewer District #1: Connection to public wastewater infrastructure
- g. New York State Department of Transportation: Close proximity to I-87
- h. NY State Historic Preservation Office: correspondence with SHPO to ensure no archeologically sensitive resources on project site

The applicant has submitted Part 1 of the Short Environmental Assessment Form (SEAF). Based upon our review of the submitted Part 1 SEAF, the following comments are offered:

1. Part I.12 – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The applicant should provide a correspondence letter from SHPO to confirm the presence or absence of archeologically sensitive resources.
2. Part 1.15 - The response indicates that the project site may contain species of animals or associated habitats, listed by the State or Federal government as threatened or endangered, including the Karner Blue and Frosted Elfin. The applicant will need to provide correspondence from the Permits staff at the NYSDEC Region 5 Office to confirm the presence or absence of the listed species and for any permit considerations. The applicant should also provide correspondence from the NY Natural Heritage Program to confirm the presence or absence of rare plants or animals and significant natural communities as well as the US Fish and Wildlife Service IPaC database.
3. Part I.17 – The response indicates that the proposed action will create stormwater discharge and physically disturb more than one acre. A Stormwater Pollution Prevention Plan SWPPP will be required.

4. General – Application for Site Plan Review Narrative states that the project will include an off-site sewer connection and on-site stormwater management. It is suggested that further documentation be provided to support this plan.
5. General – Submitted Site Plan dated 1/27/2022 indicates an existing house and driveway to be removed and proposes a new full access entrance/exit driveway along Usher Road. It is suggested that further documentation be provided to support this plan.
6. No further comments at this time.

SITE PLAN

7. The project is located within the Town's Business Nonretail District (B-1). The proposal for medical offices is a permitted principal use within the B-1 District as noted in Section 208-32(A)(2) of the Town's Zoning.
8. Based upon a review of the documentation provided, it appears the minimum bulk lot requirements have been met as the applicant was granted an area variance for the proposed building size.
9. The project is proposing to be serviced with public water from the Clifton Park Water Authority. The applicant shall provide the Town documentation of the CPWA's ability and willingness to service the project with potable water.
10. The project proposes to provide sanitary sewer service to the new building from the Town of Clifton Park Sewer District No. 1. Since the Town's sewer district ultimately discharges to the Saratoga County Sewer District No. 1 (SCSD) the applicant would be required to request additional reserve capacity from the SCSD. If this is the case, then the applicant shall provide the Town documentation indicating the SCSD's ability and willingness to provide additional sewer capacity to the project.
11. Future submissions should show the full extents of the proposed force main extension to the Town/SCSD#1 manhole/force main.
12. The project will disturb more than 1-acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. Therefore, a full SWPPP will be required that addressed water quantity and quality controls. As the project proceeds through the Town's regulatory review process, a fully conforming SWPPP shall be provided for review.
13. The plan shows 104 parking spaces and 24 future banked spaces (total 128 spaces), 15 less than required pursuant to Section 208-99, of the Town Zoning (1 for each 150 square feet). Provide a narrative on how they were derived.
14. Confirm that additional accessible parking is not required based upon the medical uses that may be proposed.
15. This project may have a cumulative impact on the level of service of the adjacent roadways. As such, it is recommended that a traffic impact study be completed that assesses peak hour vehicle trips, site distance and accident data.
16. The following comments are relative to the site plan and its conformance to the NYS Fire Code (NYSFC). The Town Fire Official shall have final authority on the applicability of these comments to the proposed site layout:

- a. Determine if a Knox Box is required based upon the building arrangements, occupancy and materials of construction. If one is required, its location is subject to the review and approval of the Fire Chief.
 - b. If the proposed building is to be provided with an automatic sprinkler, show the location of the fire department connection to ensure they are reasonably accessible.
 - c. Section 912.2 of the IFC requires a fire hydrant to be located within 100-feet of the building's fire department connection. It is not clear from the plans where the closest hydrant to the site is or where the fire department connection may be. Additional hydrants may be necessary.
 - d. The proposed building is 34 feet high, therefore a twenty-six (26) feet wide aerial apparatus access shall be provided that is between 15 and 30 feet of one entire side of the building in accordance with Appendix D105 of the NYSFC. The aerial apparatus access shall be identified on the plans.
 - e. Section D104.1 of the NYSFC, Appendix D, any building exceeding 30 feet or three stories in height shall have not fewer than two means of fire apparatus access.
 - f. Section D104.3 of the NYSFC, Appendix D, where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served.
 - g. Provide a turning template analysis for the largest emergency vehicle that may respond to an event at the site.
17. Subsequent plans shall provide the proposed landscaping species to demonstrate conformance to Section 208-33(C) of the Town's Zoning. It is noted that the lot has a substantial mature tree buffer along Ushers Road. It may be desirable to maintain this existing buffer to the greatest extent practicable.
 18. Subsequent plans should include architectural elevations of the building with a listing of the materials of construction for review by the Planning Board.
 19. Provide notation on the plan as follows:
 - a. No Utilities shall be installed beneath the proposed driveways.
 - b. Any work required within the Town right-of-way shall be subject to any permitting from the Clifton Park Highway Department (driveway, culvert, water service, sewer).
 20. Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans and reports are submitted. Subsequent submissions shall include information as outlined in Section 208- 115 of the Town zoning specific to site grading, lighting, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards

Public Comments:

Jim Ruhl – 168 Wooddale Drive – Mr. Ruhl stated what he felt were the potential impacts of the proposal on the Ushers Road corridor. Mr. Ruhl stated that his concerns included adding a commercial site to a rural area and a residential road that is Town owned. He stated that Pierce Road and Van Patten Drive have created congestion in the area and that this would add to it. Mr. Ruhl stated that Ushers Road was never meant to be the main road that it has come to be and there should be no more curb cuts from the Northway to Stewarts due to already heavy traffic.

Mr. Ruhl stated that he feels that it is not fitting to destroy an existing buffer to create site distance for the proposed curb cut. He stated that he does not feel that this should not be done, but rather that he feels that this application needs help with access and traffic concerns.

Planning Board Review:

Ms. Bagramian asked what the upstairs of the building would be. Mr. Vuillaume stated it would be for the doctors' offices as well as leased space.

Mr. Ophardt stated that he was at the location about 5:30 p.m. and stated that the road was very busy. He asked why the applicant felt this would be an appropriate site for them. Mr. Vuillaume stated that the location of this property is what the applicant likes about the location. He stated that they are flexible with the driveway placement and felt that this initial plan is a starting point. Mr. Vuillaume stated that a traffic study will also be done to see its results. He stated that they could "T" off of Van Patten Drive, but the applicant would need to obtain an easement. Mr. Vuillaume stated that he will approach the adjacent property owner to see if something can be arranged. Mr. Ophardt stated that he feels that if the applicant cannot work out something with the adjacent property, it would be a stumbling point for the application.

Mr. Ferraro asked why the applicant cannot tie into the Northway Park access road since it already has a curb cut. Mr. Scavo stated that it was a PDD and now may be industrial. Mr. McCarthy stated that litigation has been done and zoning maps were wrong and the map should show B-1 and B-2 zoning. Mr. Ferraro stated he would like to see a connection from the existing access road to the proposed office building to avoid another access point directly onto Ushers Road. Mr. Ferraro stated that the scope of the traffic study would be very limited and only show the proposal's impact which is likely to be minimal and a more in depth traffic study should be done to determine the cumulative impacts of existing development and future development within the entire Ushers Road corridor. Mr. Ferraro stated that he understands this medical use will be less of a traffic impact than other medical uses but a more in depth study is necessary to determine what mitigation measures may be necessary to address future traffic concerns due to existing traffic and future traffic as additional development occurs in the area.

Mr. Martin stated he has heard complaints about the increase of traffic over the years on state highways, but this is a Town road and the development needs to make sense in the Town. He stated that he believes that this site can be developed but access needs to be closely examined to ensure safety. Mr. Martin stated that as the project moves along, he would like to see architectural renderings. Mr. Paulsen stated that they are in progress and should be available for review at the next submittal.

Mr. Ferraro stated he would like to see the landscaping plan and the building design for the next meeting as well. Mr. Ferraro asked how high the building would be. Mr. Paulsen stated about

34'. Mr. Ferraro asked why it is so high. Mr. Paulsen stated that the building is still a work in progress, but he can play with the height of the building.

Mr. Ophardt stated he would like to see the "T" up with Van Patten Drive as a part of the traffic study. Mr. Vuillaume stated it would be done. Ms. Moran stated that they will be looking at Van Patten and Ushers Road traffic and side access. She stated this may be limited but they will look into it. Ms. Moran stated that the entrance is now centered on the parcel and this is best for conceptual plan purposes affording the greatest level of visibility. She stated that the applicant would not ask for an unsafe access and that it would meet standards. Ms. Moran stated that the actual speed of traffic will also be measured in the study, not just the posted speed limit.

Mr. Martin asked if there would be large delivery trucks entering the site. Mr. Paulsen stated that deliveries would be made by single axle box trucks. Mr. Martin stated that there is a lot of larger truck traffic in and out of Pierce Road already. Mr. Vuillaume stated that the traffic generated from this application should be going to and from the northwest so it should not impact the existing traffic.

Mr. Ferraro asked Mr. Scavo if there are any conditions or limitations for the adjacent owner to allow an easement for a tie-in for this property to have access from the Northway Park access road rather than a new driveway directly from Ushers Road. Mr. Scavo stated that he could look and see, but he does not believe any conditions were attached to the approval of that application.

Discussion Items:

Sketch plan discussion for a possible project to construct on lands adjacent to Route 9 near Oak Brook Commons Apartment Complex. Parcel #266.3-2-3

Gavin Vuillaume – EDP – Mr. Vuillaume stated that this is for the development of 0.3 acres of land for Mr. Charles Hoffman. He stated that this land meets the needs that Mr. Hoffmann is looking for. He stated that he would like to build an office for Oak Brooke Commons on this parcel with 6 parking spots. Mr. Vuillaume stated that he knows that variances are needed from the ZBA to make this work but he wanted to obtain the Planning Board's views on this before going to the ZBA. Mr. Vuillaume stated that they would need a rear setback variance, a side variance for parking, and a variance for zoning as it does not meet code. Mr. Vuillaume stated that the property is 13,000 sf. and the minimum lot size is 40,000 sf. He stated that this would be a 1,800 sf. building with a septic hook-up. He stated that water is over 100ft away, and they may not be able to hook-up to public water but will try.

Mr. Scavo stated he would like to see porous pavement like the CDPHP building behind it if this site plan moves forward. Mr. Vuillaume stated that they can do this and that he understands that these are big variances.

Mr. Ophardt asked if the variances are not granted if there is no plan. Mr. Vuillaume stated this is correct but if they need to, the applicant can try to purchase a triangle of land from the adjacent medial building to connect the other parcel owned by Oak Brooke Commons to decrease the variances.

Mr. Lippmann stated that proper separation needs to be ensured for water and septic.

Mr. Ferraro asked if this lot was always separate. Mr. Vuillaume stated it has been and was not created. Mr. Ferraro stated that he has concerns with the size of the lot and the number of variances needed. He stated that he feels this was never intended to be a buildable lot and that it was previously used as access to Oak Brook Commons. Mr. Martin stated that this was an entrance to the complex, but it was eliminated, so he also questions if it was ever a buildable lot.

Mr. Scavo asked if the zoning was B-1. Mr. Vuillaume stated that it is zoned B-3. Mr. Scavo stated that Oak Brooke Commons is located in Halfmoon where the existing office facility is located and has the potential for additional residential dwelling that would not come before Clifton Park.

Ms. Bagramian asked why the office is looking to relocate. Ms. Bagramian stated that she feels this would be setting precedence and that the ZBA may feel the same. Mr. Vuillaume stated that they would like more presence on the road and they may possibly develop more internally.

Ms. Fariello moved, seconded by Mr. Martin, adjournment of the meeting at 8:15 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on March 8th, 2022.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary