

Town of Clifton Park Planning Board
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PLANNING BOARD

DENISE BAGRAMIAN
Chairwoman

ROBERT WILCOX
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PAULA COOPER
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Emad Andarawis
Eric Ophardt
Heather Fariello
Andrew Neubauer
Jennyfer Gleason
Keith Martin

(alternate) Lisa Westrick

Planning Board Minutes
July 12th, 2022

Those present at the July 12th, 2022 Planning Board meeting were:

Planning Board: D. Bagramian, Chairwoman, E. Andarawis, H. Fariello, A. Neubauer, E. Ophardt, J. Gleason, L. Westrick

Those absent were: K., Martin

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

Ms. Bagramian, Chairwoman called the meeting to order at 7:00 p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Ms. Bagramian stated that in the absence of Mr. Martin, Ms. Westrick will be a voting member for tonight's meeting.

Minutes Approval:

Mr. Ophardt moved, seconded by Mr. Neubauer, approval of the minutes of the June 29th, 2022 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:

None

Old Business:

2021-043 North Country Commons Redevelopment Site Plan

Applicant proposes construction of a 4,900 sf restaurant/retail building and a 2,600 sf bank with drive thru, drive aisles, parking, landscaping, utilities and stormwater management practices, 1208 Rt 146, Zoned: PUD (comm), Status: PB Prelim Review - Poss. Determination

SBL: 270.-2-55.1 To be reviewed by: MJE Consultant: Bohler Eng.

Applicant: Whitney Lane Holdings **Last Seen on: 11/23/21**

Consultant/Applicant Presentation:

John Lapper – Mr. Lapper stated that he is here tonight with Steve Vukas from Bohler Engineering as well as Howard Carr, of The Howard Group Management Co. He stated that the plaza needs updating and redevelopment. Mr. Lapper stated that as per the Board’s request the main entrance aisle has no parking and that the additional building next to the existing one in the rear of the property has been removed. He states that the goal is to re-tenant the existing building and have a new façade that would complement the new buildings in the front of the property that are proposed. Mr. Lapper stated that the Market 32 across the street from this property has been redone and has made a difference and now they would like to improve their site as well. He stated that he is confident that they can work through comments made by the Town as well as MJ Engineering comments.

Staff Comments:

The Environmental Conservation Commission held a meeting on 7/5/22 and issued a memo recommending:

1. The ECC requests if the trees along Vischer Ferry Road are in good condition should remain. Clarification regarding the removal of the trees and cedar row could be done with symbols as the tree removal note only points to two trees on the demolition plan. The applicant should to all degrees practicable maintain mature trees and vegetation while also evaluating maximizing site distances involving vegetation in ingress and egress along Vischer Ferry Road

2. While the ECC understands that the current PUD requires a minimum 22% greenspace, since the PUD was approved in 1995 residents in the Town of Clifton Park have strongly expressed their desire for preserving more open spaces. The ECC requests the applicant to compromise on the 10% loss of greenspace on the proposed plan with additional plantings in consideration of our designation of Tree City USA.

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. Postal verification
2. Fire department apparatus access must be shown to within 150' of all portions of buildings
3. 26' drive aisles minimum required
4. Hydrants must be every 600' and within 100' of the FDC if the buildings will be sprinklered.

Steve Myers, Director of Building and Development issued a memo dated 7/7/22 stating:

- Sprinkler connection at rear of building needs to be shown
- Hydrants need to be installed every 600' and one is needed in proximity of fire department connection. Water supply to existing building needs to be shown
- A full SWPPP has not been submitted
- New building for Cartwheels has been eliminated
- All drive aisles to be a minimum of 26' wide including drive thrus for bank and restraint. 24' wide is noted in the engineer's comments but the current 26' standard must be met.

Scott Reese, Stormwater Management Technician issued a memo dated 7/7/22 with the following comments:

1. The applicant shall show the LC Zone that extends from the Dwaas Kill Streambanks.
2. Provide a landscaping plan for the bioretention area as per NYS Stormwater Management Design Manual – Appendix H.2.
3. Channel protection is not required if the hydrology and hydraulic analysis for the project shows that the post-construction 1-year 24 hour discharge rate and velocity are less than or equal to the preconstruction discharge rate, providing 24 hour detention of the 1-year storm. The preconstruction discharge is 19.96 cfs. The post-development runoff is 28.18 cfs prior to the proposed stormwater management areas. Should channel protection measures be applied to the proposed stormwater management areas?
4. Provide HydroCAD calculations for the existing conditions.
5. The modeling for Pond SB - Sedimentation Basin should have a starting water elevation equal to the overflow weir elevation, because of the clay bottom preventing infiltration.
6. The modeling for Pond DB - Detention Basin should have a starting water elevation equal to the 8" outlet, because the basin depth extends deeper than the groundwater elevation.

John Scavo, Director of Planning issued a letter dated 7/7/22 with recommendations he made:

1. I have reviewed the landscaping plan, and the only concern is the visual implications of seeing the truck loading dock on the eastern side of the main shopping plaza building along Vischer Ferry Road. The applicant should clarify if tractor-trailers still utilize the loading dock, and if not, consider the possibility of a façade treatment to minimize the visual impacts from Vischer Ferry Road. I believe the intent of the vegetative wall along Vischer Ferry Road was to screen the loading dock.
2. I believe the existing western most curb-cut onto Route 146 benefits truck ingress/egress within the site.
3. All other prior comments I offered appear to be adequately addressed with the current submittal. I will defer to MJ Engineering for review and comments provided for the SWPPP and Traffic Analysis.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 7/8/22 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.
- SITE PLANS**
2. The site plan has been revised to just include two new buildings, the 4,900 SF restaurant and 2,500 Sf bank.
 3. At least one accessible route must connect the building or destination with each set of accessible parking spaces. This is in regards to the ADA parking spaces near the existing building to the south.
 4. Identify how roof drainage is being conveyed to the on-site storm drainage system.
 5. It is recommended that additional catch basins be placed at the south end of the access road at the 322 contour.
 6. The plans need to be reviewed by the Town's emergency response agencies for acceptable access routes and fire hydrant locations.
 7. Will the proposed existing parking lot improvement work involve the removal of subbase material or is it a mill and fill? This will determine if additional disturbance should be factored into the stormwater calculations/design.
 8. The proposed drainage diversion manhole with the proposed rim elevation of 320.32 near the northwest corner of the existing southern most building has a proposed 18" invert in at 319.50 which would be higher than the rim, revised accordingly.
 9. It appears the same drainage diversion structure mentioned above will surcharge the connecting inlet pipes. This may be problematic in the wintertime.
 10. It appears the downstream manhole directly south of the diversion structure will overflow during the 10-year and 100-year storm events.
 11. Confirm pipe sizing of proposed 0.5% slope 12" HDPE in lower section of storm water system. The incoming pipes into this structure are at 2.2% and 4.0%.
 12. It appears the restaurant parking lot runoff is directed to the main access drive, consider intercepting prior to the roadway.
 13. The soil media shall meet the characteristics as established by NYSDOT.

14. Section 6.4.5 of the NYSSMDM requires a dense and vigorous vegetative cover to be established over the contributing pervious drainage areas before runoff can be accepted into the bioretention facility. Sheet C601 needs to provide a note to that effect.
15. On the erosion control plan, identify locations of any required temporary sediment traps or diversion swales to control and manage construction phase runoff.
16. Pursuant to Section 3.5 of the NYSSMDM, the proposed stormwater practice needs to have a conspicuous and legible sign posted. The plans need to provide the standard sign with the applicable language as well as the location.
17. Within the plan set, provide a generic planting plan for the bioretention areas pursuant to Section 6.4.5 of the NYSSMDM.
18. The sediment basin dewatering device is the same elevation as the bottom of the basin and will allow sediment to enter the bioretention area causing potential clogging issues.
19. Provide clarification on the purpose of the 8" standpipes in the bioretention area. The spillway is sufficient to provide the 6" of ponding.
20. It appears the detention basin bottom is below the observed groundwater depth. The existing groundwater elevation should be taken into account for the design of the basin as the groundwater could take up some of the calculated volumes.
21. Provide location(s) for snow removal. The stormwater management area should not be utilized for snow storage.
22. Sheet C-801 provides truck turning templates for the site. It appears the WB-62 jumps the jump in several locations. A mountable curb should be proposed in these locations.
23. Confirm that all proposed external light fixtures are full-cutoff, downward-facing.
24. Should any work occur within the NYS Rt 146 right-of-way, approval and permitting from the NYSDOT will be required.
25. The photometric plan is difficult to decipher where the property boundary is to ensure no light spillage onto neighboring properties.
26. The following comments are relative to the site plan and its conformance to the International Fire Code (IFC). The Town Fire Official shall have final authority on the applicability of these comments to the proposed site layout:
 - a. Section 503.1.1 of the International Fire Code (IFC) requires an approved fire apparatus access road be provided for every facility, building or portion of a building and 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 measures by an approved route around the exterior of the building. If the building is sprinkler the distance can be up to 300 feet. Confirm that there is adequate fire access being provided for the proposed bank.

STORMWATER POLLUTION PREVENTION PLAN

27. The SWPPP text needs to provide the 24-hour rainfall intensities utilized in the analysis of the 1-year, 10-year and 100-year storm events as well as identify the source of the data (NYSDEC Manual or Northeast Regional Climate Center's Extreme Precipitation tables).
28. The SWPPP shall summarize the in-situ soil testing completed including infiltration tests and test pits with the results provided as an appendix to the SWPPP pursuant to Part III.B.2.d and e of GP 0-20-001.

29. The SWPPP should provide the existing condition HydroCAD models for the 1, 10 and 100-year storm event.
30. The pre and post development watershed maps shall show the Tc travel paths.

TRAFFIC

31. The sight distance summary needs to include the available and AASHTO distances for vehicles turning left into each driveway.
32. The sight distance summary needs to include the stopping sight distance for vehicles on NY Route 146 and Vischer Ferry Road.
33. The report states that “The proposed eastern driveway, shifted approximately 100 feet to the west on NYS Route 146 will maintain an acceptable sight distance looking to the west while improving the sight distance to the right to approximately 490 feet, approximately 92% of the recommended design distance. There is additional sight time for a vehicle approaching from the roundabout given that they are exiting the roundabout at lower speeds, generally around 25-30 mph. “The available sight distance looking left from this access is still 40 feet below the AASHTO distance. How much additional “sight time” is provided by the lower speeds? Provide additional information to support claim that the available sight distance is sufficient.
34. Under the Trip Generation Estimate section, the size of the retail/restaurant is incorrectly referenced as 9,000 SF and should be 4,900 SF.
35. The report used the average trip rate for the LUC 821 Shopping Plaza. Why was this rate used and not the equation? Was the process for selecting between the two options from the Trip Generation Handbook 3rd Edition used? If so, the report should state this.
36. The report states “Under the worst case that all of the existing development space is occupied with retail uses, the site could potentially increase traffic generation”. This statement is not correct since LUC 821 Shopping Plaza description includes “Office space, a movie theater, restaurants, a post office, banks, a health club, and recreational facilities are common tenants.” This statement should be revised.
37. The report states “Assuming approximately 30% of the retail trips and 50% of the fast-food trips are pass-by trips, 25-40 of the additional trips generated during the peak hours will be drawn from traffic already traveling on the adjacent street.” The Trip Generation Manual, 11th Ed., has 40% for the average pass-by percentage during the week. The report needs to state the reference for the pass-by trip reduction percentages and rationale for using the reductions used.

Public Comments:

Nicole Balauche – Adjoining western property owner – Ms. Balauche stated that she is happy with the redevelopment of the property and feels it would make a great addition. She stated that she has seen great disturbance in her rear yard at 4:30 am she hears larger trucks and feels that the landscaping is inadequate. Ms. Balauche asked what would be on the west side of the property if the new Cartwheels will not be constructed. Mr. Vukas stated that it would be a stormwater basin for overflow when there is heavy rain. He stated that there is no fence required around this but there will be small plantings per DEC requirements. Ms. Balauche asked if there

would be open water in the basin that would be accessible. Mr. Scavo stated the requirements to require a fence. Mr. Ophardt asked for the depth of the basin and Mr. Vukas stated it would be 4'

Planning Board Review:

Mr. Lapper stated that he is ok with all comments made except for the 26' drive aisle. He stated that this was originally approved at 24' with the PUD and if the applicant has to conform to the 26' he would have to rip up the entire pavement and redo the drive isles and parking.

Ms. Bagramian asked if the applicant has provided renderings. Mr. Lapper stated that they were submitted in March. Mr. Vukas handed out paper copies to all of the Board Members present. Mr. Howard Carr, property manager, stated the façade would be a combination of stone elements and a Dryvit type system (EIFS) with sign fields for each tenant. He stated that the structural columns would be removed and a higher-level column will be installed eliminating every other column that exists currently and drainage would be concealed within the columns. Mr. Carr stated that there would be lighting with the stone but the specifics have not yet been worked out.

Mr. Neubauer asked if there would be a change of façade for the original building. Mr. Lapper stated it was submitted last Fall. Mr. Carr stated that they will try to have the entire buildings match. Mr. Neubauer asked if the colors on the buildings would match. Mr. Carr stated that they would try but the business logos would be tenant specific as each business has their own unique look for marketing. Mr. Neubauer stated that even branding would be an improvement to the site. Mr. Neubauer stated that he would like to see the renderings to ensure that code is followed when they are available. Mr. Neubauer stated that he feels that the architecture is on the right track and an improvement to the site.

Ms. Bagramian stated that the tops of the buildings do not look to change much. Mr. Carr stated that the peak by the old church portion of the building will be removed as well as the peak by Ocean State. Ms. Bagramian asked if the overhead doors on the Vischer Ferry Road side are being utilized. Mr. Carr stated that overhead doors and loading areas are being utilized still, he stated that the vegetation along Cartwheels is intense and they hope to lower it for better visual appeal but will include landscaping to help buffer the larger doors from traffic. He stated that 3 of them are currently in use and that to the rear of the building is used for emergency vehicles as well as deliveries so the drive aisle needs to be maintained. Mr. Neubauer asked what the buffer would be for between Vischer Ferry Road and Cartwheels. Mr. Vukas stated that there would be ornamental trees as well as low vegetation. Ms. Bagramian stated that this area of the property does need improvement.

Mr. Andarawis asked if there would be landscaping around the proposed bank. Mr. Vukas stated that there would be trees such as peach trees and low lying vegetation around the bank and the proposed restaurant buildings. Mr. Andarawis thanked the applicant for this and stated that he feels that landscaping helps soften the asphalt.

Mr. Ophardt asked if the existing drive thru for the old bank would be maintained. Mr. Carr stated a lot of would-be potential tenants prefer the drive-thru window. Mr. Ophardt stated that he feels that it would be difficult to maneuver to the bank from the main aisle. Mr. Vukas stated that they have run simulations and that it can be done.

Mr. Neubauer asked if the applicant would connect to the multiuse path that is just off site. Mr. Vukas stated that they would be maintaining a connecting to the path. Mr. Neubauer asked if 24' drive is consistent with the code. Mr. Scavo stated that it meets state levels and needs to be wide enough for emergency vehicle. Mr. Scavo stated that the applicant has been working with Mr. Myers and stated he feels confident that they can work through these details.

Mr. Scavo explained the options for motions for this application tonight for the Board to decide what action, if any they would like to take.

Ms. Fariello moved, second by Mr. Ophardt, 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 carried unanimously.

Mr. Andarawis moved, second by Mr. Ophardt, to grant preliminary site plan approval with final approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listened in the comment letter issued by the Planning Department. The applicant must come back for final site plan approval

Conditions:

1. Façade renderings are provided for Planning Board review

Ayes: 7 Noes: 0 The motion is carried.

Old Business:

2022-013 & 2022-014 36 Boyack Road Verizon Wireless Facility SUP & Site Plan

Applicant proposes construction of a wireless communications facility, 36 Boyack Rd, Zoned: R-1,

Status: PB Preliminary Review w/ possible SEQR determination Review

SBL: 288.8-1-56 To be reviewed by: n/a Consultant: Young Sommer

Applicant: Verizon **Last Seen on:4/26/22**

Consultant/Applicant Presentation:

Dave Brennan – Young Sommer – Mr. Brennan stated that at the last Planning Board meeting the Board declared Lead agency pursuant to SEQR. Mr. Brennan stated that the Zoning Board of

Appeals has agreed that the Planning Board assume Lead Agency. Mr. Brennan read from comments received from the Town's RF Engineer William Johnson and stated that the frequency report was submitted for Verizon and included reference to AT&T on the existing water tank. He stated that the report shows less than 1% of the FCC requirements and the 110' monopole with a 10' lightening pole and would be at level with the Verizon pole. Mr. Brennan stated that there is no FAA light requirement for this proposal and that he submitted a map showing the missing coverage in the area and a map to compare what the coverage would be with the proposal. Mr. Brennan stated that he also submitted leaf off photos for the Board's review.

Staff Comments:

The Environmental Conservation Commission held a meeting on 7/5/22 and issued a memo recommending:

1. The ECC recommends that the antenna and monopole be considered visually intrusive to the character of the neighborhood and appropriate camouflage methods be deployed.

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. No comment

Steve Myers, Director of Building and Development issued a memo dated 7/7/22 stating:

- No further comments

Scott Reese, Stormwater Management Technician issued a memo dated 7/7/22 with the following comments:

1. I have no stormwater comments for this project.

John Scavo, Director of Planning gave the following recommendations:

- Mr. Scavo stated in the meeting that he submitted a SEQR draft for the Board's consideration. He stated that the ZBA has to grant a use variance and there will be a public hearing for this and if approved it would come back to the Planning Board with two public hearings to follow as well. He stated that before this can be some the Planning Board must determine Lead Agency.

Professional Comments:

No professional comments.

Public Comments:

The public asked if there are renderings of what the cell tower would look like. Mr. Brennan stated that there are photos taken with a balloon and then renderings made that have been submitted to the Town, and are available for review. Mr. Scavo stated that the public can request copies of any application from the Town Clerks Office or they can request them electronically.

The public asked if there was a pole in a residential area. Mr. Brennan stated that there is and gave a few examples.

Planning Board Review:

Mr. Scavo asked the applicant to walk the board through the SEQR criteria. Mr. Brennan stated that this is an unlisted action under SEQR and that the long form was not required but done anyway. Mr. Brennan stated that there are 18 parts and that that found that there is no land impact, geological features and surface or ground water was found. He stated that it was not in a flood zone and there was no impacts on the air as no back-up generator is present. Mr. Brennan stated that there will be a small impact on trees and animals as some trees would be cut back and that the proposed project is not in an agricultural area. He stated that the site will be seen approximately 30 feet above the tree line but it will not be significant. Mr. Brennan stated that this will not be in a historic site as the site is already disturbed. He also answered no impact to parts 11-15 and stated that there was a report submitted on the impact on human health and stated that this follows FCC regulation. Mr. Brennan stated that they will be going before the ZBA for a variance request and that to provide service to this gap it needs to be in the area.

Mr. Ophardt moved, second by Ms. Fariello, 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 carried unanimously.

New Business:

2022-026 Lindsey Farm 2 Lot Subdivision

Applicant proposes to subdivide 127.21 acres into 2 lots. Lot 1 will consist of 12.23 acres and will keep the 767 Grooms Rd Address. Lot 2 will consist of 114.98 acres and remain 753 Grooms Road. The existing solar fields, cell tower and logging operation will be located on Lot 2. No new construction is proposed, 753/765 (solar)/767 Grooms Rd, Zoned: R-1, Status: PB Concept Review
 SBL: 276.-2-30.1 To be reviewed by: MJE Consultant: ABD
 Applicant: Apple Wood Stables & Farm

Consultant/Applicant Presentation:

John Hitchcock – ABD – Mr. Hitchcock stated that this application is in the R-1 zone in the agricultural and district. He stated that the property does have active farming on it as well as logging, solar, horse barn and a home. Mr. Hitchcock stated that the proposal is for Lot 1 to have 12.3 acres which would have the house and the horse barn on it with a riding stable and lot 2 is proposed to have 115 acres with the solar, logging business and a home on it as well. He stated

that the horse barn already has its own address on Grooms Road. Mr. Hitchcock stated that there will be no land disturbance, the applicant just wants to have the horse barn on its own parcel.

Staff Comments:

The Environmental Conservation Commission held a meeting on 7/5/22 and issued a memo recommending:

1. The ECC has no comments at this time.

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. Postal verification

Steve Myers, Director of Building and Development issued a memo dated 7/7/22 stating:

- R-1 zone – no apparent zoning issues found with proposal

Scott Reese, Stormwater Management Technician issued a memo dated 7/7/22 with the following comments:

1. I have no stormwater comments for this project

John Scavo, Director of Planning issued a letter dated 7/11/22 with recommendations he made:

1. Since the project is adjacent to County Route 91 (Grooms Road), a referral to the Saratoga Co. Planning Board is required under GML §239m.
2. The applicant should confirm whether easements between two parcels are needed or exist. If so, indicate such easements on the Final Plat.
3. Show building setback information for the two existing barn structures at 767 Grooms Road from the new proposed eastern side property boundary.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 7/8/22 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. 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 (proximity to Grooms Rd) Additional agencies may be identified by the Town during its review of the project.

SHORT ENVIRONMENTAL ASSESSMENT FORM

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:

2. Part 1 13.a. – The response indicates that wetlands or other waterbodies regulated by federal, state or local agencies are contained within the project site (per the EAF Summary Report. The applicant did provide documentation that confirms the presence of federally regulated wetlands on the project site. Should this change as the project design progresses, additional approvals and permits may be required.
 - c. No further comments at this time.

SITE PLANS

- d. The project is located within the Town's Residential 1 District (R-1). The proposal is to subdivide the existing barns and solar farm onto individual lots. No new construction is proposed.
- e. Provide a site statistics table for each proposed lot.
- f. In our review of the concept plan submitted, it would appear that the bulk lot requirements as outlined in Section 208-11 of the Town's Zoning are satisfied.
- g. Provide contour lines at a minimum of five-foot intervals to United State Geological Survey datum within the parcel.
- h. The plat shall show the locations of the on-site wells.
- i. The final subdivision plat shall be signed and sealed by a surveyor licensed to practice in New York State.
- j. Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response numbers must be obtained for and assigned to each lot created and placed on the filed plat.
- k. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Public Comments:

No public comments.

Planning Board Review:

Ms. Bagramian asked if landscaping in front of the logging business is proposed. Mr. Hitchcock stated there no landscaping is proposed.

Mr. Neubauer stated that he feels that all of the applications for this land have made improvements except for the logging operation. Mr. Hitchcock stated that the owner of the logging company is different than the property owner so he is not sure if the owner would want landscaping. Ms. Bagramian asked for Mr. Hitchcock to check with the land owner.

Mr. Andarawis asked if the Board should look at this application in pieces. Mr. Scavo stated that future construction activities may need site plan approval but he understands that this is probably being done for estate purposes. Mr. Hitchcock stated that Mr. Scavo is correct. Mr. Scavo stated

that agricultural rights are still in place even after a subdivision. Mr. Hitchcock stated he understands this and if this is approved they will still be in the Towns code for 2 horses per acre of land.

New Business:

2022-028 Park Avenue Mixed Use Development Site Plan

Applicant proposes construction of 2 four story residential buildings containing a total of 100 luxury apartments on the 13 acre parcel which is part of the larger 27 acre Shoppers World Shopping Center. The project include covered parking, rooftop terraces, a pocket park, new pedestrian connections and a dog run, Park Ave, Zoned: TC5, Status: PB Concept Review

SBL: 271.-3-81 To be reviewed by: MJE Consultant: EDP

Applicant: Windsor Development

Consultant/Applicant Presentation:

Joe Dannible – EDP – Mr. Dannible stated that this application is for a redevelopment of the Kmart plaza. He stated that this has been before the Board many times and the proposal is now decreased to 100 apartments. He stated that in 2019 it was approved for 100 apartments through a density incentive granted by the Town Board and the applicant is now ready to move forward with a site plan application. Mr. Dannible stated that the building has been vacant since 2014 and showed to all in attendance 2 buildings stating each has 50 apartment units. Mr. Dannible stated that the parking lot has been reconfigured and would give the plaza a more downtown look. He stated that there will be garages and 150 parking spaces for this improvement application. He stated that water and sewer will be brought to the buildings and stormwater will be managed primarily off site. Mr. Dannible stated that approximately 8,000 sf will be retail use and would greatly decrease the traffic trips to about 49 on a Saturday during peak hours. Mr. Dannible stated that he will be working with the TAC before coming back to the Planning Board. Mr. Dannible stated that the application is for mixed use because the applicant is looking at the entire site as a whole and not just the Kmart building.

Staff Comments:

The Environmental Conservation Commission held a meeting on 7/5/22 and issued a memo recommending:

1. Per 208-22.6.B the Town Center Code requires the applicant to provide “for the design and construction of additional amenities within the Town Center for the use and enjoyment of the general public.” Examples of these amenities may include the following or a combination thereof but are not limited to (208-22.6.C):

- a. "A parking garage or deck, where not less than 50 % of the parking space are available to the public (min of 100 spaces.)
- b. "Recreational areas such as a public park or playground, maintained by the applicant."
- c. "Payment of funds provided to the town in lieu of or in combination with proposed amenities of a sum determined by the Town Board."

Based on the above the Applicant shall provide a narrative on how they are meeting the spirit and intent of these regulations.

2. The ECC request that the applicant continue to address the water quality impacts from the project into the Bear Brook (a trout spawning stream).
3. The ECC Notes that the Town Center Plan emphasizes the importance of walkability. The ECC recommends the applicant to incorporate maximum walkability (e.g., a sidewalk along Park Avenue and a sidewalk that allows safe passage from the project to Park Avenue.)

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. Postal verification
2. Further comments may follow when more detail is provided

Steve Myers, Director of Building and Development issued a memo dated 7/7/22 stating:

- Zoned TC-5 Neighborhood Zone
- Proposal appears to meet current zoning requirements. Town board resolution has been approved to increase density to 100 units
- Further comments to follow when more details provided.

Scott Reese, Stormwater Management Technician issued a memo dated 7/7/22 with the following comments:

1. The project will eventually require a FULL SWPPP, if the applicant is planning in using the Redevelopment Activity section of the NYS Stormwater Management Design Manual, provide a written narrative on how this will be achieved

John Scavo, Director of Planning issued a letter dated 7/12/22 with recommendations he made:

1. Before scheduling a meeting with the Town Center Advisory Committee (TAC), the applicant should provide a completed TC-5 Checklist.
2. Pursuant to Section 208-21, Figure 2.1 of the Town Code, Review and Approval Process Outline, the applicant will meet with the TAC as a next step to advance the application towards a formal preliminary submittal for design development review and a decision by the Planning Board. The applicant should be aware the advancement of a concept plan to a preliminary plan submittal may require more than one TAC meeting with the applicant and his design professionals.

3. The applicant will evaluate and agree upon the building form and architectural standards with the TAC before making a preliminary application to the Planning Board for a project decision.
4. The applicant must reach out to the Clifton Park Postmaster to determine the mail delivery requirements for the units and show the required accommodations on a future preliminary site plan submittal.
5. The applicant should identify and show any external mechanical systems as plans advance.
6. A backup generator unit should comply with the Town noise ordinance requirements. The generator may require sound attenuation measures to minimize impacts on residential units. Such mitigation measures may include adding an acoustic barrier.
7. Identify the locations for any exterior refuse collection areas.
8. Upon agreement between the applicant and TAC on the general site layout, the applicant should prepare a landscaping plan that meets the Town Code requirements, which include design considerations for Park Street and Neighborhood Street-2 - see §208-23, Site Standards for Parking Lot Landscaping - see §208-26(3), and Landscaping – see §208-26(5).

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 7/8/22 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. In Town Code Section 208.95(F)(9): Subject to and in accordance with the State Environmental Quality Review Act (SEQRA), the Planning Board shall be the lead agency for the purpose of conducting the environmental review of the application for a site plan. The Planning Board shall conduct an integrated comprehensive environmental review of the proposed project in combination with its review of the application under this article. 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: 239-m County Referral
- c. Saratoga County Sewer District #1: modified connection to SCSD
- d. Clifton Park Water Authority: water connection
- e. NYS Historic Preservation Office: archeological sensitive area
- f. NYS Dept of Environmental Conservation: Stormwater permit approval

ENVIRONMENTAL ASSESSMENT FORM

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

1. Part 1. 3.b. – The response indicates that the action will disturb 3.0+/- acres of land. It appears the project will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. Therefore, a full Stormwater Pollution Prevention Plan (SWPPP) will be required. As the project proceeds through the Town’s regulatory review process, a fully conforming SWPPP shall be provided for review.
2. Part 1 12.b. – 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.
3. Part 1 17.b – The response indicates that the proposed action creates storm water discharge, from either point of non-point sources. The applicant indicates that stormwater will discharge into stormwater structures and basins on and off site. The applicant should provide further detailed documentation of the management tools.
4. General Comment – Applicant indicates that action will not result in a substantial increase in traffic above present levels – it seems likely that the increased residential units (100 apartments) will bring on increased traffic.
5. No further comments at this time.

SUBDIVISION

6. The project is located within the Town’s TC5 Neighborhood Zone of the Town Code. The proposal for residence, mixed use multifamily is a permitted use, however the definition defines it as a structure containing both allowable commercial uses on the ground floor level as well as residential dwelling units on upper floors for two or more families. Based on this application it appears the structure only contains residential units without commercial.
7. In reviewing the proposed lot configuration, the created lots appear to be deficient in regards to meeting the minimum bulk lot requirements outlined in Section 208-22.1 of the Town’s Zoning. The noted deficiencies are as follows:
 - a. Section 208-22.1(A) requires 0’ min. and 8’ max. front setback from the property line.
 - b. Section 208-22.1(B) requires the maximum building height is three stories, the proposed building is four stories. Provide narrative on the proposed covered parking or variance may be required
 - c. Section 208-22.1(B) requires Only one Main Building and one Ancillary Building may be built on each lot.
 - d. Section 208-22(4) allows Ground Floor - Service, Retail, or Recreation, Education and Public Assembly and Upper Floor – Residential only.
8. It is suggested that the applicant meet with the TAC independently, if not already completed to review the site plan, building architecture and discuss modifications that may be required.
9. Provide the building setback lines for each lot shown.
10. It appears the proposed density of 10 units meets the criteria of 10 dwelling units per acre.

11. The proposed building is subject to the Architectural Standards outlined in Section 208-25 of the Town Zoning.
12. Section 208.26(1)(C) indicates the minimum parking requirements per use. Residence, multifamily (1-2 bedrooms) requires 1.5 spaces per unit and Residence, multifamily (3+ bedroom require 2 spaces per dwelling. Provide how many bedrooms will be in each unit to determine the parking requirements.
13. Please delineate and provide agreement of the numbered of shared spaces with the Center. List these in the Site Statistics table.
14. Can the existing parking spaces be further reduced to meet the proposed use.
15. Based on the shared parking agreement can additional parking spaces be eliminated?
16. The Planning Board may consider requesting a concept masterplan for the parking lot area adjacent to Park Place if the parking is no longer needed.
17. The Layout Plan show 5 accessible parking spaces. Based upon the number of total spaces initially proposed of 194, there needs to be 6 accessible spaces pursuant to Table 1106.1 of the Building Code of New York State (BCNYS).
18. If a garbage refuse area is required, show its location on the plan.
19. It is recommended that at a minimum the number of peak hour vehicle trips, including truck trips and sight distance at the project entrance be provided.
20. Provide the on site utility connections.
21. Subsequent plans shall provide additional information to demonstrate conformance with 208-26(6) of the Town Zoning with respect to site lighting.
22. 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.
23. 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. A copy of the plans shall be submitted to CPWA for review and approval.
24. The project proposes to provide sanitary sewer service to the site from the Saratoga County Sewer District No. 1 (SCSD). The applicant shall provide the Town documentation indicating the SCSD's ability and willingness to provide additional sewer service to the project. A copy of the plans shall be submitted to the SCSD for review and approval.
25. 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 closes

hydrant to the site is or where the fire department connection may be. Additional hydrants may be necessary.

26. 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 grading, lighting, landscaping, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Public Comments:

No public comments.

Planning Board Review:

Ms. Bagramian asked if there would be amenities between his two buildings and if there would be rooftop patios. Mr. Dannible stated that there will be a passive park with an entry and that they are working with an architect now to include patios and such. He stated that there is no large park but the Town is constructing one within walking distance and the grassy areas shown will be accessible to the residents. Ms. Bagramian stated that she has concerns with how people would get from this location to the Town Park. Mr. Dannible stated that there will be other improvements as well as crosswalks and sidewalks and that he will provide to the TAC.

Mr. Ophardt asked if there would be ground floor retail because he feels that ground floor apartments would struggle with privacy issues and lead to residents creating their own screening. Mr. Dannible stated that there would not be retail here. Mr. Bob Miller (Windsor Development) stated that he will challenge the architect on this concern and it is not their intent to develop this project and then just throw up a fence. He stated that the architecture will be done and designed with possible sculptures like in the Hannaford Plaza and attention to detail will be addressed and will not allow tenants to put up their own screening. Mr. Ophardt stated that he feels that a road would eventually be brought onto the site. Mr. Miller and Mr. Dannible agreed that it may but it would be down the road. Mr. Dannible stated that they can layout the future concept. Mr. Andarawis stated that he would appreciate the concept layout for the full site in the future. Mr. Neubauer stated that the Town Center Code already shows streets and other blocks with potential roadways for future intersections already lined up.

Ms. Fariello asked if the drop off areas would have tables and benches for tenants to enjoy as she feels the public may come in and sit. She stated she would like to possibly see more sculptures. Mr. Dannible stated that the TC code requires them to put in these spaces even if it is not ideal.

Ms. Bagramian stated that she feels that people need to live down town for the Town Center vision to work so this development may work. Ms. Bagramian asked what overflow parking areas in front of the apartments would become. Mr. Dannible stated that overflow would be in front of the plaza Mr. Miller stated that he knows that they are not meeting the full intent of the

form based code but eventually something will develop in front of this proposal. Ms. Bagramian asked if there would be dumpsters on site and where they would be/ Mr. Dannible stated that this has not been worked out yet.

Discussion Items:

None

Ms. Fariello moved, seconded by Mr. Neubauer, adjournment of the meeting at 9:15 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on August 9th, 2022.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary