

Town of Clifton Park Planning Board
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PLANNING BOARD

DENISE BAGRAMIAN
Chairwoman

ROBERT WILCOX
Attorney

PAULA COOPER
Secretary



MEMBERS

Emad Andarawis
Eric Ophardt
Heather Fariello
Mario Fantini
Jennyfer Gleason
Keith Martin
(alternate) Lisa Westrick

Planning Board Minutes
February 15th, 2023

Those present at the February 15th, 2023 Planning Board meeting were:

Planning Board: D. Bagramian, Chairwoman, E. Andarawis, H. Fariello, E. Ophardt, K. Martin, J. Gleason, M. Fantini, L. Westrick (alternate)

Those absent were:

Those also present were: 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 the recitation of the Pledge of Allegiance.

Minutes Approval:

Mr. Ophardt moved, seconded by Mr. Andarawis, approval of the minutes of the January 24th, 2023 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:

None

Old Business:**#2022-044 1739 US-9 Medical Building Site Plan (Alda)**

SBL: 272.1-2-13.1

Revised Submittal per Town comment, 1739 Us Rt 9, Zoned: B4A - Highway Business/Restricted Retail, Status: Revised Preliminary

Citizenserve File Number: 22-000054, Application Number: SPR23-000003

Applicant: Alda Enterprises of Albany; LLC, Consultant: N/A

Last Seen On: 12-14-22

Consultant/Applicant Presentation:

Caryn Mlodzianowski – Bohler – Ms. Mlodzianowski stated that she was last here in December and the proposal was for a 2 story medical building. She stated that at that meeting they were asked to see if the building could be moved more to the front of the property. She stated that they looked at alternative layouts and none of them allowed for the parking needed for the use per code. She stated that the applicant would also be looking for a parking waiver. Ms. Mlodzianowski stated that the parking would be 70 spaces with a waiver and if the building were to be moved, it would interfere with the stormwater management and due to the layout of the land, the stormwater needs to remain where it is now proposed. She stated that if it were moved forward, either access would be lost or the discharge for the stormwater would be interrupted, with only 60 parking spaces available. Ms. Mlodzianowski stated that aside from the 2 variances that are already granted, this layout would meet the code. She stated that the entrance is now off-center and the dumpster area has been relocated with landscaping added to the front of the property, but the architecture has been unchanged.

Staff Comments:**The Environmental Conservation Commission and issued a memo recommending:**

- Due to the probability of food and liquid wastes leaking from the on-site dumpster(s) into a storm water catch basin and/or surface water body, the ECC recommends the applicant enclose the area (i.e. roof) on an impervious surface with a berm surrounding the dumpster(s) that accept food and liquid wastes. If necessary, the Applicant will need to periodically pump out the accumulated wastes within the bermed area to avoid any overflow.
- The ECC recommends the applicant to plant additional native tree species in designated open space. The ECC believes that four trees are insufficient for this project.

- The ECC notes that several large mature trees are being removed along the southern boundary we recommend that they be retained or replaced with similar foliage.

Wade Schoenborn, Building and Zoning issued a memo stating:

- Specify Hydrant locations
- Specify FDC location
- Specify 26' drive aisles
- complete Postal verification and specify 911 address stated on final site plan

Mike O'Brien, Sewer issued a memo stating:

- no additional comments

John DeSimone, Chief of Fire Prevention, issued a memo stating:

- Postal number to remain same as old occupancy number. 1739

Scott Reese, Zoning Administrator issued a memo stating:

- This project was granted an Area Variance on October 18, 2022. Area variance from Town Code 208-50.3B from required 30 feet front yard parking setback - actual setback 13.7 feet - variance approved 16.3 feet. Chapter 208-50.3.D from the required 50 feet building rear yard setback - actual setback 22.5 feet - variance approved 27.5 feet.
- Medical Offices are a permitted use in Zone B-4A since all uses in B-3, B-2, and B-1 with the exception of dwellings is permitted in the B-4A Zone.

Scott Reese, Stormwater Management Technician issued a memo stating:

- No comments

Jennifer Viggiani, Open Space Coordinator issued a memo stating:

- Recommend the project include the design and installation of sidewalks along its entire Rt 9 frontage, in following the pattern that other new commercial properties have done along Rt 9 in the past 10 years, including other new medical offices facilities along Rt 9 in the Town of Clifton Park. Sidewalks will serve employees reaching workplaces, and residents who walk and bike. Ideally, the sidewalk would connect to the intersection of Chelsea Place to the south.
- Pedestrian route (sidewalks) should be provided internally through the site plan leading from the front door of the proposed new medical building to the public street and future sidewalks parallel / along Rt 9.

John Scavo, Director of Planning issued a memo stating:

1. The project appears to meet all necessary site plan element requirements based on area variances received to date from the ZBA and the remaining applicable B-4A Highway

Business Restricted Retail District requirements for setbacks and a building development envelope.

2. Clifton Park Planning Board will complete SEQR under an uncoordinated review.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.

PROJECT NARRATIVE

2. No comments.

SITE PLAN

3. The Town shall confirm if the existing storm discharge pipe from the underground system should be in an easement for future maintenance as it goes onto the neighboring property.
4. The proposed building is greater than 30 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 on the plans indicates 24 feet along the front of the building.

DRAINAGE REPORT

5. No further comments.

Public Comments:

No public comments.

Planning Board Review:

Ms. Bagramian asked for parking to be clarified. Ms. Mlodzianowski stated that 85 spaces are required, they are asking for 70, with the intent to use the building as medical office space.

Mr. Ophardt stated that the alternate building placements were asked for at the previous meeting and they were not shown tonight to the Board. Ms. Mlodzianowski stated that the building placements were not shown with parking to the Board on the alternate plans. Mr. Ophardt stated he would like to see the full alternate layouts and asked if the applicant would be willing to go non-medical so that the parking may make a difference. Ms. Mlodzianowski stated that if the placements of the building and parking would change, it would interfere with the stormwater management area and she cannot change the pitch of the land. Mr. Ophardt stated that the building could be placed to the front north and possibly not interfere.

Mr. Martin agreed that the Board had asked for alternate layouts with the building up front and it has not been shown to the Board and he as well would like to see them.

Mr. Andarawis stated that he agrees with Mr. Ophardt and Mr. Martin and thanked the applicant for looking into other layouts. He stated that there are no other properties with that much parking up front and that he has concerns. He stated that the applicant could look at 9,000 sf for the building instead of 12,000 sf. Ms. Mlodzianowski stated that there is no project if the building does not reach 12,000 sf. She stated that they are following code with the exception of two granted variances and a waiver for parking that is being asked for tonight. Mr. Andarawis asked if the applicant has looked into shared parking with nearby parcels. Ms. Mlodzianowski stated that they can look into shared parking to the north.

Ms. Bagramian asked if the applicant could ask neighbors as she has concerns with the applicant looking for 15 fewer spaces than required. She stated that she has seen a lot of medical buildings and she feels 15 spaces are a lot to ask for. Ms. Bagramian stated that the applicant can drop from the requested 12,000 sf building and lose medical use but still have other tenants and meet the requirements for parking. Ms. Mlodzianowski asked if the tenancy were to change of the Board would be ok with the project. Ms. Bagramian stated she cannot speak for the Board but the Board has requested alternate layouts, and that her request is for non-medical use to meet the parking requirements. Ms. Bagramian stated that she is not comfortable with the waiver being requested and she would like to see the parking meet the use.

Ms. Fariello stated that the building next to this one to the north has all parking in the front of the building. Ms. Bagramian stated that the building has been there for over 50 years and that this property may be able to share parking with the applicant. She stated that she would also like to see a sidewalk added to the plan for the next meeting.

Mr. Andarawis stated that he would not like to see parking up front and Mr. Ophardt stated he agrees. Mr. Ophardt asked the applicant to be creative to achieve what the Town and the applicant would like to see. He stated to the applicant he would like to see them look at Mr. Scavo's comments and try to establish shared parking with the neighbor to the north. Ms. Mlodzianowski stated she can look into making the footprint smaller but the square footage larger.

Old Business:

#2022-042 English Road 3 Lot Subdivision (Milczarek)

SBL: 250.-2-40

English Road 3 Lot Subdivision (Milczarek), English RD , Zoned: R1 - Residential

Status: Revised Preliminary

Citizenserve File Number: 22-000048, Application Number: SUB23-000004

Applicant: Milczarek Consultant: Environmental Design Partnership - Gavin Vuillaume

Last Seen On: 12/13/2022

Consultant/Applicant Presentation:

Gavin Vuillaume – EDP – Mr. Vuillaume stated that this application was presented last in December of 2022. He stated that since then, the application was also presented to the Town of Halfmoon as the property is in both Towns. Mr. Vuillaume stated that the Town of Halfmoon has approved the application. Mr. Vuillaume stated that the subdivision would not be creating new lot lines and that the lines flow with the Zim Smith Trail and English Road. He stated that some of the comments provided by MJE have been addressed and that the wetlands have been identified but not delineated due to no construction with this proposal. He stated that development may be possible on Lot 2 in the future but that would be mostly in the Town of Halfmoon. Mr. Vuillaume stated that the applicant would like to dedicate Lot 1 to the Town of Clifton Park and Lot 3 would have the existing home on it and it would remain.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

1. The ECC requests the applicant to the planning board what the terms and conditions will the donation be made (e.g. donation of the whole parcel to the Town or only development rights).
2. The ECC suggests establishing a buffer along the Zim Smith Trail along the border of proposed Lot 2.

Wade Schoenborn, Building and Zoning issued a memo stating:

- No comments at this time

Mike O'Brien, Sewer issued a memo stating:

- no additional comments

John DeDimone, Chief of Fire Prevention, issued a memo stating:

- Postal verification not required at this time. No proposed house shown.

Scott Reese, Zoning Administrator issued a memo stating:

- No comments

Scott Reese, Stormwater Management Technician issued a memo stating:

- No comments

Jennifer Viggiani, Open Space Coordinator issued a memo stating:

- In synch with Saratoga County Planning Board's review comments, it would be ideal if a reallocation of land to be conveyed to the public for this subdivision include a small area of land adjacent to English Road to allow for a small trailhead vehicle parking access to the Zim Smith Trail. It is tremendous for the potential conveyance of public lands for this project, but as the parcel is landlocked, it is a challenge for public access. The access by Zim Smith Trail (Saratoga County Regional Trail) is still a tremendous point of access
- The Town of Clifton Park will need to secure an agreement regarding town's maintenance vehicular access to any public lands conveyed to the Town for the purpose public maintenance access via the Zim Smith Trail (Saratoga County Regional Trail) through an agreement with Saratoga County as needed.

John Scavo, Director of Planning issued a memo stating:

- No comments

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter had the following comments:

SHORT ENVIRONMENTAL ASSESSMENT FORM

1. No further comments.

SUBDIVISION

2. No further comments.

Public Comments:

No public comment.

Planning Board Review:

Ms. Bagramian asked as per Mr. Scavo's comment, if the applicant would be providing access to Lot 2. Mr. Vuillaume stated that he does not know where it would go as there are wetlands near the lot line and the only other place to put it on Lot 1 would be where a potential home would go.

Mr. Ophardt asked if the land dedicated to the Town would be deeded to the Town. Mr. John Milczarek Jr. stated that the original intent of his father whom owned the land was to keep it wild. He stated that the goal is to prevent development. Mr. Ophardt stated that a trail to Lot 3 would be ideal but there is no access to develop the trail. Mr. Milczarek stated that there are 3 locations in the area within 2 miles where this can be accessed via a trail and that their intent is to sell the property to the Town for conservation. He stated that if the Town does not want the land that it will remain with them and remain as is. He stated that he would only sell Lot 1 to the Town.

Mr. Andarawis stated that he has concerns that if the Town does not take the land; the Board has created a landlocked parcel. He stated that if the Town does not want the Lot then the subdivision should be 2 lots and not 3. Mr. Vuillaume stated that they would create a land hook if the Town does not want the land and that Halfmoon has no intent of taking over the land.

Mr. Wilcox stated that the application should not be conditional on the Town taking the land and it would not be optimal to do so. He stated that he feels that the Town should accept the land prior to subdivision approval. Mr. Vuillaume stated that he would talk to the Town and then come back to the Board with either a 2 or 3 lot subdivision.

New Business:

None

Discussion Items:

Consideration of "Procedures for Member Videoconferencing Pursuant to Public Officers Law 103-a"

Mr. Wilcox stated that he would like to involve Mr. Scavo in the discussion for this Law consideration. He stated that he feels this is very strait forward in legalities. Mr. Wilcox stated that the State passed a law allowing video conferencing as an option for meetings in case there are issues with a quorum being met. He stated that this is open to all New York State Boards and that it would follow the Law set by NYS. He stated that the verbiage would be taken directly from the State website and helps a situation of a Board in an emergency with their provisions. He stated that the provisions are that they can hear and be heard, follow motions, and that the public is notified. He stated that the Planning Board could adopt this and follow State Law as written to alleviate any confusion or conflicting with the guidelines set forth by the State.

Ms. Fariello moved, seconded by Ms. Gleason, adjournment of the meeting at 8:01 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on February 28th, 2023.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary