

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
April 25th, 2023

Those present at the April 25th, 2023 Planning Board meeting were:

Planning Board: D. Bagramian, Chairwoman, E. Andarawis, E. Ophardt, K. Martin, J. Gleason, M. Fantini, L. Westrick

Those absent were: H. Fariello

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 Ms. Fariello, Ms. Westrick would be a voting member tonight.

Minutes Approval:

Mr. Ophardt moved, seconded by Ms. Westrick, approval of the minutes of the March 28th, 2023 Planning Board meeting as written. The motion was unanimously carried.

Mr. Ophardt moved, seconded by Mr. Fantini, approval of the minutes of the April 11th, 2023 Planning Board meeting as written. The motion was unanimously carried. Mr. Andarawis abstained.

Public Hearings:

None

Old Business:

#2022-009 Synergy Phase 3 Site Plan

SBL: 259.-2-48

Revisions to Synergy Phase 3, Ushers Rd Rear

Zoned: L2 - Light Industrial 2, Status: Revised Preliminary

Citizenserve File Number: 2022-009, Application Number: SPR23-000009

Applicant: MJ Properties - Mark Rekucki , Consultant: Lansing Engineering, PC

Last Seen On: 12/13/2022

Consultant/Applicant Presentation:

Jason Dell – Lansing Engineering – Mr. Dell stated that they were last here in December and since then they have met with Mr. Scavo and MJE about access. He stated that he is here tonight to answer any remaining questions. Mr. Dell stated that this is a total of 64 acres in the LI zone and is phase 3 of the project. Mr. Dell stated that there are 5 buildings being proposed ranging from 342,000 sf to 32,000 sf. He stated that there would be an extension of the private road to access the site, water, and sewer would be on site, and stormwater management would be in accordance with regulations. Mr. Dell stated that MJE comments have been addressed and they are looking for approval tonight.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- Based upon the proposed plans quantity of parking spaces for large trucks the ECC is concerned with regards to spillage of diesel and other petroleum fluids in environmentally sensitive areas.
- The ECC notes that per 208-64 C. Prohibited Uses (5) The manufacture, processing, storage, production, or refining of petroleum or other flammable gases is prohibited in the LI district.

- ECC notes per 208-66 F. No underground fuel storage tanks shall be allowed where there is evidence that an aquifer (or aquifer recharge area) exists or is within 500 feet of the site for tanks The Colonie Channel Aquifer is located in this area.
- ECC notes per 208-66 E. Each change of use in any existing facility in the LI District shall require site plan approval by the Planning Board in order to ensure that future uses are in keeping with the purpose of this article. This should be noted in the deed.
- The ECC would like clarification of the percentage of greenspace. Please note the 208-65 B. Lot coverage. Buildings, parking areas, including maneuvering areas, stormwater retention areas and other site amenities that are an integral and necessary part of the use shall not occupy more than 60% of the total lot area. Notwithstanding the requirement in Â§ 208-116A(8), the green space requirement for this district is 40%. The stormwater retention area may be included in the green space calculation upon proof that the stormwater retention area will be improved to form an integral part of the landscaping scheme and would enhance the overall aesthetics and thus serve the purpose of the green space requirements of this article. The ECC requests the Town Designated Engineer to validate the Site Statistic Greenspace Calculations.

John DeSimone, Fire Marshall issued the following memo:

- Assure Fire Department access roads meet all 2020 NYSFC sub section 503.
- Assure Hydrants are within 100' of all FDC connections.
- Additional marking or signage may be required by the fire code official prior to occupancy stating "NO PARKING-- FIRE LANE"
- Emergency responder radio coverage test will be required on all buildings that have a building SHELL greater than 5,000 square feet.

Scott Reese, Zoning Administrator issued a memo stating:

- If the proposed stormwater retention areas are included in the greenspace calculations provide a landscaping scheme and would enhance the overall aesthetics.
- The proposed Landscaping Plans (LS-1 & LS-2) appear to not meet Town Code Chapter 208-55 B. Landscaping. The overall intent of this standard is to achieve, where possible, a well-landscaped site that takes into consideration the surroundings and the total environment. That is, consideration shall be given to preservation of natural and existing vegetation as well as new plantings throughout the entire site plan. The Planning Board shall take into consideration the location of the structures and parking areas and their proximity to adjacent buildings and/or lots. Consideration shall be given to planting along property lines, buffer areas and along the walls of the building or structure, where possible, without impeding the operations of the facility. However, if there is substantial natural vegetation on site that serves the requirements, i.e., screening, aesthetics, etc., the Planning Board shall not require additional landscaping except where deficiencies exist.

John Scavo, Director of Planning issued a memo stating:

- As a condition of site plan approval and consistent with the original SEQR findings for Synergy Technology Park the planning board should consider a requirement that states, - The applicant is required to construct the dedicated right turn lane on Kinns Road prior to

obtaining a Certificate of Occupancy for any of the structures constructed under this site plan.

- A final sign-off from the Clifton Park Water Authority is required prior to stamping the final site plan.
- A sign-off from John DeSimone, Town Fire Marshall, is required before stamping the final site plan to validate that assigned 911 addresses, and the location and quantity for proposed hydrant locations are acceptable.

Professional Comments:

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

SITE PLANS

1. The applicant will be required to request a 5-acre disturbance waiver from the Town of Clifton Park, as the regulated traditional land use MS4. As part of the disturbance waiver, information such as (1) necessity (2) duration and (3) additional erosion and sediment control measures to be incorporated shall be included. It shall be noted that should the Town grant such a waiver, it is a discretionary approval that may be revoked at any time, should the conditions of the waiver be violated or site erosion and runoff become unmanageable.

Public Comments:

No public comment.

Planning Board Review:

Ms. Westrick asked why there was a walking path on the west and south side of the front of the building but no path on the east and asked if one could be added. Mr. Dell stated that they can add more sidewalks anywhere as tenants come in and parking is mitigated.

Mr. Ophardt stated that Synergy Phase 1 layout had robust walking paths but he does not see it reflected here. Mr. Dell stated that the owner does not intend to do the same here as this will be more of an industrial facility. Mr. Ophardt asked why the applicant cannot run the path from Phase 1 to this site as well and up the east to connect. He stated that he thought it was to flow together and allow employees recreational time on their breaks. Mr. Ophardt stated that he noticed there are no picnic areas here as well to provide an outdoor space for employees to eat and that this is a good time to provide this. Mr. Dell stated that he can talk to the applicant about adding this and then work with Mr. Scavo. Mr. Martin and Mr. Andarawis agree they would like to see this as well.

Ms. Bagramian stated that she feels if the paths were tied together, it would be more appealing to incoming tenants. Mr. Martin stated that there is not a lot of continuity to the paths so connecting them would be optimal in his opinion. Mr. Andarawis stated that the paths connect to traffic and

that if employees have a place to remain on the site, then it would cut down on traffic coming and going on the site.

Mr. Scavo stated that the path follows the water line so there is potential there to get a good connection and that he would be glad to walk the site with the applicant for this.

Ms. Bagramian stated that the east side looks like it would be tight with a trail there but is confident it can be worked out. Ms. Bagramian asked if the applicant would be building without tenant. Mr. Dell stated that they would be waiting for tenants to build and there are always potential for smaller buildings because of this.

Ms. Gleason arrived to the meeting at 7:26 pm.

Mr. Andarawis asked if they would be built to suit for the tenants. Mr. Dell stated they would build parking only up to tenant needs. Mr. Andarawis stated that he would like to see EV parking stations or at least connections when the parking is done.

Mr. Ophardt asked if there are building renderings that the Board could look at. Mr. Scavo stated that the applicant will be keeping with the theme of the park and the building design they are using now.

Mr. Ophardt moved, second by Mr. Andarawis, to waive the final hearing for this application for the site plan review of Synergy Park Phase 3, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Conditions:

1. Mr. Reese sign off on ECC comments to be addressed.
2. NYS DOT sign-off required.
3. Landscaping plan to be reviewed and addressed by Planning Department

Ayes: 7

Noes: 0

Old Business:

#2022-032 Van Patten Drive (Concord Development) Subdivision

SBL: 265.-1-6.111

20 Lot subdivision, Van Patten Dr

Zoned: B2 - Business Non Retail 2, Status: Revised Preliminary

Citizenserve File Number: 22-000020, Application Number: SUB23-000010

Applicant: Concord Development - Chris Myers, Consultant: Brett L. Steenburgh, P.E. PLLC

Last Seen On: 01/10/2023

Consultant/Applicant Presentation:

Brett Steenburgh – representing Concord Development – Mr. Steenburgh stated that they have received a lot of comments from the Board as well as the community, so they went back and looked at the roads, and home settings, and decided to push the homes forward to allow for a larger rear yard and to keep the conservation area larger. He stated that they met with the Town in March and since then have been reduced the number of lots to 19 to allow for stormwater management. Mr. Steenburgh stated that there is now about 10 acres of open space that runs along the railroad tracks that will be conveyed to the HOA or turned over to the Town of Clifton Park. He stated that all curb cuts will be shared to keep down on the number and the driveways are staked about 300' apart. Mr. Steenburgh stated that the lots are 40,000sf to 55,000 sf with the homes placed to the front of the lots.

Andy Brick – attorney representing the applicant – Mr. Brick stated that he has analyzed the project and the zoning and stated that some uses may not be appropriate for the area even though it is in the B-2 zone. He stated that he is working on a list of less impactful uses for the application. He stated that they are looking at primarily offices such as those for architects, CPAs, or therapists. Mr. Brick stated that he looked at the home office code and stated that there are many restrictions to recognize to alleviate the impact of the character of the residents across the street. Mr. Brick stated that they are looking at either deed restrictions or an HOA. Mr. Brick stated that he has done HOAs before in his office for years and that they would restrict the use and how it could be utilized. He stated that the HOA would also protect the open space and the stormwater management areas.

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

- Per 208-35 D. Setbacks (4) Buffer - The ECC notes There shall be established a 10-foot buffer area within the minimum side and rear yard setback along the property line. The buffer shall be planted for the purposes of the adjoining properties. The Planning Board shall take in consideration and natural vegetation which existing and serves the intent of this article. Each of these properties do not show such buffer. The
- ECC Notes that 50% of the lot coverage shall be calculated as the greenspace requirement. The Site Plans do not reflect this standard.

- Lots 1 and 2 are noted to have extremely steep gradients and with clearing of surface vegetation the potential for erosion toward the wetlands. It is strongly recommended to do geotechnical evaluation or avoid any disturbance of the slopes entirely.
- The ECC notes that sensitive environments exist on properties adjacent to the project site (within watershed of Long Kill, Cooley Kill & Dwaas Kill all 303(d) segments impaired by pollutants related to construction activity), thus there is a potential for environmental impacts to these areas in the event that the capacity of the stormwater management system is inadequate. As such the Applicant's Drainage, Stormwater and Erosion Control Plans should be protective of these environments, during construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer.
- The ECC notes that this area may have been used as a depository of construction materials during the building of Van Patten developments. The applicant should be required to validate whether construction materials have been buried on the site within all the planned disturbed areas

John DeSimone, Fire Marshall issued the following memo:

- Assure driveways meet the requirements of the 2020 NYS Fire Code section 511.2
- Assure Hydrants are no further than 400' from the proposed structures. Additional hydrants or hydrant may need to be added. Reference section 507.5.1 of the 2020 NYSFC.
- If structures are constructed under the commercial code, assure fire access roads meet section 503 of the 2020 NYSFC
- See attached document with assigned postal numbers. Saratoga emergency services and the post office have all been informed of the new parcels.

Scott Reese, Zoning Administrator issued a memo stating:

- On Sheet 1 of 12, under Site Zoning - the applicant is requesting a Zone Change from Light Industrial (L1) to B-2. This zone change will need to be applied for and approved by the Town Board.
- Future plans and/or narrative shall describe how the project will meet Town Code Section 208-34 B. Architecture. Within the narrative provide possible minimum / maximum percentages of office space to residential building area.
- Show the existing property boundary between tax map parcels 265.-1-81.1 & 265.-1-72.11
- Label or provide a legend for the building setback lines and other preliminary plat required items.

Scott Reese, Stormwater Management Technician issued a memo stating:

- Per the submitted Stormwater Narrative, prepared on April 3, 2023, by Brett L. Steenburgh, P.E. PLLC - "A complete SWPPP and drainage analysis will be provided as the project progresses and the concept finalized." When completing the SWPPP address the following comments:
- Size all the proposed driveway culverts to accommodate a minimum 10-year storm event.

- Provide permanent slope stabilization to the proposed drainage between proposed lots 17 and 18 that drain to the proposed infiltration basin.
- Show the locations and sizes of the existing drainage culverts under the railroad where the proposed drainage will be flowing to.
- Include all watersheds that drains onto the property in the drainage analysis.

John Scavo, Director of Planning issued a memo stating:

- The 10.84 acres labeled area to be conveyed to the Dwaas Kill Nature Preserve should be relabeled as Open Space Area with stormwater management improvements offered to the Town of Clifton Park. As previously noted, this parcel is not adjacent and does not provide access to the Dwaas Kill Nature Preserve.
- Add 911 addresses to the subdivision plat once the Town Fire Marshall provides the assigned numbers.
- I will provide additional comments once the applicant submits a full SWPPP for consideration by the Town.

Professional Comments:

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

STATE ENVIRONMENTAL QUALITY REVIEW

1. No further comments.

LONG ENVIRONMENTAL ASSESSMENT FORM

2. No further comments at this time.

SUBDIVISION

3. The subdivision plat shall provide the metes and bounds for all easements (HOA, sewer, water), property lines and right of ways.
4. The northerly property line/Van Patton Right of Way on Sheets 2, 3 and 4 of 12 is difficult to see with the proposed HOA easement. Bring the property line in front of the easement.
5. It appears the HOA easement includes portion of the right of way, easement should be contained within the property boundaries.
6. Provide a different shade for the proposed HOA easement. It is the same shade as the asphalt path and appears the easement would be asphalt as well, please provide clarification.
7. Provide a means of ingress/egress for maintenance and rehabilitation of the infiltration basins.
8. Show the existing water main that runs parallel to Van Patton Drive on all sheets.
9. Confirm with the Town of Clifton Park Sewer District that the front porch of Lot 1 appears to be within the existing sewer easement.
10. Provide a sewer engineering report with proposed system (materials, sizes, etc.) and anticipated flows for review.
11. Provide erosion and sediment control plans.
12. Soils test pits and infiltration testing location shall be shown on the plans.

13. Pursuant to Section 3.5 of the NYSSMDM, the proposed stormwater practices need 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.
14. Indicate how runoff from the new impervious areas will be routed to the infiltration practices.
15. Show how the roof leaders will be connected to the proposed stormwater management system, these should be shown on the plans.
16. Pursuant to Section 6.3.6 of the NYSSMDM, infiltration practices shall never serve as a sediment control device during site construction phase. In addition, the Erosion and Sediment Control plan for the site shall clearly indicate how sediment will be prevented from entering an infiltration facility.
17. A note should be added to the plans that heavy equipment must be kept off the site where the trenches are to be constructed to prevent compacting the underlying soils.
18. . Detail sheets shall be provided for review.
19. For the shared driveways being proposed, the Planning Board's legal counsel should be provided with a draft of the shared driveway access and maintenance agreement for review and approval.
20. Identify the date and by whom the wetlands shown on the plat were delineated.
21. The subdivision plat shall be prepared by a surveyor licensed to practice in the State of New York.
22. A note should be added to the plat indicating railroad tracks are located to the rear of the properties.
23. The project proposes to service each new lot 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.
24. The project proposes to service each new lot with public sewer from the Town of Clifton Park Sewer District #1. The applicant shall provide the Town documentation of the Sewer District's ability and willingness to service the project with public sewer.
25. 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, utilities).
26. Provide a cross section detail for each infiltration system shown. The cross section should provide design elevations including stone invert, pipe invert and depth of runoff by storm event.

STORMWATER NARRATIVE

27. The text indicated test pits were performed on site, however there is no mention of infiltration tests. Infiltration tests should be performed to determine if the proposed locations of the infiltration basins are feasible.
28. Section 1.3 indicated the area of disturbance will not exceed 5 acres. An erosion and sediment control plan shall be provided showing the construction phasing.
29. There are several areas that still indicate infiltration trenches will be utilized, please revise accordingly.

30. 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.
31. The applicant shall provide written responses to all technical comments provided by Town staff and consultants as part of the next submission.

Public Comments:

No public comment.

Ms. Bagramian stated that there have been letters submitted from the community to the Board and that they are on record and the Board has reviewed them.

Planning Board Review:

Mr. Fantini asked how the acceptable use would be enforceable, especially what would happen if the person retires. Mr. Brick stated that the use of the home office would be specified and that section of the home would have to remain an office and could not be converted into a bedroom or other living space. Mr. Brick stated that this would be enforceable by the HOA or deed restriction.

Ms. Westrick stated that she is struggling with how someone will know or not know if it is being used as a spare bedroom. She stated that her HOA does not enter her home for inspection. Mr. Brick stated that it would be reported, and an investigation would be done as any other violation would.

Ms. Bagramian asked if a kitchenette would be permitted in the office as many offices have them and this would make it easy to convert into another living area. Mr. Brick stated that this would be a part of the restrictions. Ms. Bagramian stated that she was hoping to see a draft of an HOA and allowed usage tonight as the Board has asked for them at the last meeting. She stated that before she feels she can move forward she needs to be able to review these documents and have the Board have input. Ms. Bagramian stated that she has concerns with a resident's understanding of a Certificate of Occupancy for the office and if the HOA will be responsible for notifying the Town of changes or residents not following restrictions. She asked if the resident would have to prove their business and know their restrictions before closing as it would get complicated after closing. Mr. Brick stated that the HOA would guide people to the Town to get what is required by the Town.

Mr. Martin stated that he would prefer a deed restriction rather than a HOA. He stated that all the concerns brought up are constructive and all of it leads to what is permitted by code. He stated

that he appreciates the applicant taking the concerns of the Town as well as the public into account. Mr. Martin read from Subsection 208-32.a and Section 15.

Mr. Brick stated that he is unaware of dumping on the property, but he will look into it as this affects the land and purchase. Mr. Scavo stated that there is no record of hazardous material on record. Mr. Steenburgh stated that they have done test pits in phase 1 and found no hazardous materials, and found sandy ground.

Ms. Gleason asked if the footprint would comply with the B-2 zoning. Mr. Brick stated that the code or zoning does not state which should be larger, the business or the residence part of the home. Ms. Bagramian stated she feels the business should be looked at first and then the residence.

Mr. Andarawis stated that this application is in the B-2 zoning but trying to look like a residential area but landscaping restrictions would have to be in place as well as site plans for the homes.

Mr. Ophardt asked what would be done with the low areas near the railroad tracks. Mr. Steenburgh stated that fill might be brought in, he stated that it has been disturbed over the years, but he is unsure what it was filled with in the past.

Mr. Martin stated that there is a large swale on the property that has tree trunks there and feels it is a mess and probably has bricks and building things there but is unsure of the exact location. Mr. Martin stated that if the application is denied if other more intensive uses could go there and gives the applicant credit for trying to make this work with the residential being so close to this zone. Mr. Martin asked if Mr. Reese agrees with the 2022 code interpretation. Mr. Scavo stated that Mr. Reese, Zoning Administrator does agree with Mr. Myers' interpretation.

Ms. Bagramian stated that she feels that she needs an HOA report to be able to move forward with the application. She stated that some people do not realize their responsibility when they purchase a home and that she feels that she needs to protect the new and current residents. Ms. Bagramian asked the applicant how signage would be mitigated for the homes and stated that she would like renderings of the homes as the term looking residential is broad. Mr. Brick stated that they are drafting up signage restrictions and that the applicant is looking at renderings that don't work and they plan on working backward from there.

Mr. Fantini asked how an architect would prove working from home 3 days a week for a firm that they do not own and if they would be allowed to purchase one of these homes. Mr. Brick stated that they would be able to purchase a home here but they would have to use the office space exclusively as an office. Mr. Fantini stated that they have not yet seen the curb cuts versus the access road yet. Mr. Steenburgh stated that they met with the Town and that there were curvatures found and this would increase impervious areas as well as the stormwater management plan and areas as well as the turnaround requirements. He stated that this would be

in violation of DEC standards. Mr. Ophardt stated that he has asked to see the layout of the access road and his requests were ignored the shared drives would be better than individual.

Mr. Andarawis stated that 10% of the floor plan is not considered living space and if a person whom would not utilize this would not be a smart buyer. Mr. Brick stated that the owner of the home has to be the user of the space and cannot lease it out to others. Mr. Andarawis stated that the access road could also be a hybrid model as well and that he would appreciate buffering from the railroad tracks. He asked how much grading would be needed for this buffering. Mr. Brick stated that flat land increases noise. Mr. Steenburgh stated that the grading plan would be in the packet. Mr. Andarawis asked what the B-2 office would need to look like.

Ms. Gleason asked if the applicant thinks that they would get 19 businesses that would be willing to buy these properties. Mr. Brick stated that he feels they would, they may not be broadly mixed uses but he felt they could sell them. Ms. Bagramian asked if the applicant would be restricting professions allowed. Mr. Brick stated that they would not be restricting the amount of one professional business.

Mr. Fantini asked if the HOA would restrict if one individual could use the office or if both such as a husband and wife using the office for each of their professions. Mr. Brick stated that they did not think of this but that they would look into it. Mr. Fantini asked if the HOA would allow accessory structures. Mr. Brick stated that they would. Mr. Andarawis stated that if the resident wanted an accessory structure or a pool, they would have to come to the Planning Board for approval. Mr. Fantini asked how the resident would prove to the HOA a business or working from home; would they need to show proof of an LLC or a W-2? Mr. Brick stated that the applicant would submit a comprehensive HOA enforcement plan.

Ms. Bagramian stated that the parking matters and that there needs to be ratios. Mr. Brick stated that they would be marketing more towards the professional who would utilize Zoom chats or is a multinational company.

Mr. Ophardt asked if the land to the rear of the homes would be donated to the Town. Mr. Brick stated it would like to give a conservation easement to the Town or if they do not want it the HOA would take it over. Mr. Andarawis stated that the lots need to be small to be able to protect as much of the land as they can.

Mr. Andarawis stated that an access road is still an option and that the roadway may actually decrease the disturbance to the area. Mr. Chris Myers, the applicant, stated that he was confused on what the Board wants as he feels the road would disturb more land. Mr. Steenburgh stated that grading and clearing would be substantial for a roadway. Mr. Andarawis stated that maybe a mix of driveways and a roadway would be an answer.

Ms. Bagramian stated that there needs to be a robust landscaping plan to help with the appearance on the road front. Mr. Steenburgh stated that they don't want to waste money looking into a landscape plan if the subdivision is being questioned. Ms. Bagramian stated that sound, trees, and landscaping are other concerns brought up by the Board.

New Business:

1774 Route 9 - Parking Improvements for Doctor's Office Site Plan

SBL: 266.3-3-11.21

Parking Improvements for existing Doctor's Office, 1774 Us Rt 9

Zoned: B4A - Highway Business/Restricted Retail, Status: Concept

Citizenserve File Number: 23-001105, Application Number: SPR23-000008

Applicant: Dr. David Perlmutter, Consultant: ABD Engineers

Consultant/Applicant Presentation:

John Hitchcock – ABD – Mr. Hitchcock stated that this application is for a 1774 Route 9. He stated that this is about 4,000 sf of a commercial building with the primary parking up in the front. Mr. Hitchcock stated that the Doctor in the building wants to move locations but needs more parking and needs more parking than required. He stated that there are 42 proposed parking spaces with access for the proposal being moved. Mr. Hitchcock stated that the application provides a rear entrance and a sidewalk on the south side of the building to the parking lot. Mr. Hitchcock stated that this application has also been submitted to the County for review.

Staff Comments:

The Environmental Conservation Commission and issued a memo recommending:

- Per 208-50.5 Landscaping The property margins at the sides from the front building line to the rear property line shall be planted with trees and shrubs for a width of not less than 15 feet.

John DeSimone, Fire Marshall, issued a memo stating:

- Update to parking lot does not interfere with fire apparatus access road. Section 503, 2020 NYSFC
- Postal verification not required. Applicant to use existing assigned postal number. 1774 Route 9

Scott Reese, Zoning Administrator issued a memo stating:

- Per Town Code Chapter 208-50.3 C. no automobile parking space shall be extended nearer to a side property line than 20 feet. The applicant can either relocate the rear parking spaces or apply for an area variance through the Zoning Board of Appeals

Scott Reese, Stormwater Management Technician issued a memo stating:

- There appears to be an increase in impervious material proposed for this project. The runoff from this additional impervious surface will drain into an existing catch basin located to the west of the rear parking area. The outlet of the catch basin drains offsite into a depression. Applicant shall verify and determine if there will be any adverse downstream impacts by the increase of impervious material.

John Scavo, Director of Planning issued a memo stating:

- The site plan has been referred to the Saratoga Co. Planning Board for a recommendation in accordance with Section 239-M &N of GML.
- With significant advancements in treating macular degeneration through a consistent schedule of medications through eye injections, the prospects of delaying or even holding off the degenerative progression of losing eyesight have increased. Regularly scheduled eye injection treatments for each such patient increases parking demands for Ophthalmology Facilities beyond the needs common with other medical specialties. Therefore, I believe the parking request above the minimum spaces required by the Town Code is justified.
- This location can accommodate parking beyond the existing location for the under-parked medical practice and cannot accommodate a parking expansion. The site with additional parking provides a continuity of care and services to existing patients by keeping the medical practice in Clifton Park near its current location.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter 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 subdivision. 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. NYS Historic Preservation Office: Archeological sensitive area

Additional agencies may be identified by the Town during its review of the project.

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

SITE PLAN

4. The project is located within the Town’s Highway Business/Restricted Retail District (B-4A). The proposal for exterior parking lot improvements may be considered ancillary to the existing principal use.
5. Since there are no planned building renovations and/or changes in use proposed, a review of the building placement, building form, building type and allowed frontage types as outlined in the B-4A Zone have not been completed.
6. In our review of the concept plan submitted, it appears that there are instances where the bulk lot requirements are not satisfying the minimum requirements set forth in Section 208-50.3 of the Town’s Zoning. The potential lot deficiencies identified are as follows:
 1. Section 208-50.3(B) requires there shall be no parking allowed within 30 feet of the front lot line.
 2. Section 208-50.3(C) requires there shall be no parking allowed within 20 feet of the side lot line.
7. Provide the setback lines on the plan.
8. Will the patients be allowed to utilize the rear entrance? If not, show the proposed route of patients to the front door entrance.
9. The driveway currently shares access with the storage facility. Confirm the proposed configuration will provide the necessary turning movements for the size vehicle that may be utilizing this facility.
10. Show location of any proposed dumpsters.
11. Consider bollard protection around the well on the western most portion of the rear parking lot.
12. Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to lighting, landscaping, and erosion control to fully assess the design and its compliance to the applicable standards.

Public Comments:

No public comment.

Planning Board Review:

Ms. Bagramian asked the applicant if more handicapped parking would be needed. Mr. Hitchcock stated that he does not think so but he will look into it and change it if needed.

Mr. Andarawis stated that there is a pending application next door to this one and asked if there could be a possible curb cut. Mr. Scavo stated that the rear of the property is deed restricted so he will send out a copy of that for Board review.

Mr. Ophardt stated that the stormwater seems to drain to the west to an offsite retention basin in the northwest corner which seems to be a NYS right of way. Mr. Hitchcock stated that he can look into this and will ensure not to increase the runoff. Mr. Ophardt asked if the building goes through a water easement. Mr. Hitchcock stated that he thinks it's an overhang from the building.

Discussion Items:

None

Mr. Ophardt moved, seconded by Mr. Fantini, adjournment of the meeting at 9:04 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on May 9th, 2023.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary