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PLANNING BOARD

ROCCO FERRARO
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PAUL PELAGALLI
Attorney

JANIS DEAN
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MEMBERS

Emad Andarawis

Michael Hale

Joel Koval

Eric Ophardt

Kim Paulsen

Tom Werner

(alternate) Eric Prescott

Planning Board
November 25, 2014

Those present at the November 25, 2014 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, M. Hale, J. Koval, E. Ophardt,
K. Paulsen, T. Werner
E. Prescott – Alternate Member

Those absent were: None

Those also present were: J. Scavo, Director of Planning
J. Bianchi, M J Engineering and Land Surveying, P.C.
P. Pelagalli, Counsel
J. Dean, Secretary

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

Mr. Ferraro announced that the Saratoga County Planning and Zoning Conference held annually at the Saratoga Springs City Center has been scheduled for Wednesday, January 28, 2015 and he urged all Board members to attend. The Chairman also announced that the Town Board will hold a public hearing on the proposed Form Based Zoning Code for the Clifton Park Center Study Area on December 8, 2014.

Minutes Approval:

Mr. Koval moved, seconded by Mr. Werner, approval of the minutes of the November 12, 2014 Planning Board meeting as written. Ayes: Ophardt, Prescott, Hale, Koval, Werner, Ferraro. Noes: None. Abstained: Paulsen, Andarawis.

Public Hearings:

[2014-052] **High Hang Athletics** – Proposed recreation facility, 2101 Route 9 – Special Use Permit #81004 – Preliminary public hearing and site plan review and possible determination. SBL: 250.-2-34.2

Mr. Ferraro explained the review process to those present, stating that the Board was required to render a determination pursuant to SEQRA (State Environmental Quality Review Act) prior to conducting a public hearing on this application. He explained that the Planning Board would assume Lead Agency status for the project and issue a negative declaration which neither granted nor implied approval of the Special Use Permit application. Should it be determined that additional environmental review is required based upon input received at the public hearing, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Hale moved, seconded by Mr. Andarawis, 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 unanimously carried.

Mr. Ferraro, Chairman, called the public hearing to order at 7:05p.m. The Secretary read the public notice as published in the Daily Gazette on November 17, 2014.

Mr. Jonathan Noonan, applicant, presented this application that requests Planning Board approval of Special Use Permit #81004 that would allow an existing 6,700 SF warehouse located within the LI2 zoning district to be used as a recreational facility. The 1.7 acre parcel containing the building is situated on the easterly side of Route 9 just south of its intersection with English Road. The speaker explained that High Hang Athletics, LLC is a “dynamic fitness partnership” created to bring the growing Malta community a “fun, sociable outlet for exercise.” The facility will contain a variety of exercise equipment and will offer several exercise classes during the week and morning classes on the weekends. No modifications to the layout or structure of the building will be required. The existing landscaping conforms to the originally approved site plan: there will be no changes made to the planting plan. Mr. Noonan hopes that the building’s size will allow the business to grow without the need to relocate. Although there were 32 existing parking spaces on the site, three additional spaces have been striped on existing pavement. The speaker noted that the building is located a substantial distance from Route 9 and is not visible from the roadway. Tests conducted on the existing water lines indicate that there is adequate water pressure to the facility: water quality is being improved. There is an existing connection to the municipal sewer system.

Mr. Scavo reported that all comments issued by the town's professional staff and Mr. Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, have been forwarded to Board members for their consideration.

Mr. Scavo stated that Ms. Reed, Chief of the Bureau of Fire Prevention, provided the following comment in a memo dated November 24, 2014. Modifications to the building will be required because of the change of use status under the existing Building Code of New York State. Modifications to such items as restroom facilities, handicapped accessibility, sprinkler systems, and fire alarms may be required. A code analysis should be completed by a design professional prior to the request for issuance of a Building Permit.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, found the proposed plan acceptable. The Special Use Permit #81004 application form states that the application has been referred to the Planning Board since commercial recreational facilities are not permitted uses within the LI2 zoning district. The use is not included in the list of identified Special Uses or in the list of prohibited uses. Since the code is silent on the proposed use, the Planning Board must determine if it is appropriate for the zoning district. Mr. Myers states the following on the application: the tenancy application included with the submission packet must be applied for separately when and if the Special Use Permit is approved.

Mr. Scavo reported that, after review of the Special Use Permit application, the ECC offered the following recommendation. The ECC recommends that the Planning Board require the applicant to conduct soil testing for automotive waste because the property was a former automotive shop and the intended use may result in exposure of occupants or visitors to chemicals associated with potential health risks.

Mr. Scavo explained that the Planning Department has no concerns with the building being retrofitted to accommodate a recreational, personal health use. The applicant must ensure that the required handicapped parking space, access aisle, and signage are installed in accordance with New York State Building Code requirements. He noted that these items will be inspected by a Planning Board representative for compliance prior to the issuance of a Certificate of Occupancy by the Building Department.

Mr. Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, recommended that the applicant provide a bike rack near the building's entranceway since the building is located on Route 9, a designated NYS Bike Route and because it "backs up" to the Zim Smith Trail. The site plan should include design specifications, location, and installation details related to the bike rack for verification by inspectors. Mr. Hartnett recommended that the applicant consider providing access to the Zim Smith Trail if possible, though he recognizes that such a connection may not be possible due to the site's sloping topography. Mr. Ferraro supported the Subcommittee's recommendation for the installation of a bike rack at this location since it "ties in with the proposed activity."

There being no further public comment, Mr. Ferraro moved, seconded by Mr. Ophardt, to close the public hearing at 7:15p.m. The motion was unanimously carried.

In response to Mr. Ferraro's inquiry regarding the applicant's use of the building, Mr. Noonan explained that it was the intent of the lessees to utilize the entire space. Referencing the comments issued by the ECC regarding possible soil contamination on the site, Mr. Ferraro asked if - in the opinion of professional staff - soil testing on the parcel would be recommended. Mr. Scavo pointed out that the proposed use will not change existing soil conditions and that the private property owner, not the lessee, would be liable for any negative impacts resulting from contaminated soils. Mr. Pelagalli supported Mr. Scavo's comment, noting that the property owner - not the tenant - would be responsible for any damages resulting from contaminated soils. He advised the applicant to be certain that the lease agreement did not transfer such responsibilities to the tenant. In response to Mr. Hale's question regarding site lighting, Mr. Noonan reported that existing lighting was adequate: no changes to the lighting plan was proposed.

Ms. Paulsen offered Resolution #23 of 2014, seconded by Mr. Hale, to approve Special Use Permit #81004 to permit the use of a commercial recreational facility within the LI2 zoning district conditioned upon satisfaction of all items listed in the final comment letter prepared by the Planning Department. Ayes: Ophardt, Paulsen, Hale, Andarawis, Werner, Koval, Ferraro. Noes: None.

Mr. Andarawis moved, seconded by Mr. Ophardt, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of all items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

Old Business:

[2014-042] **Bonanno Professional Offices** – Proposed demolition of an existing building and construction of two (2) professional office buildings with shared parking, 999 Route 146 – Preliminary site plan review and possible determination. SBL: 271.6-1-77.1

Mr. Koval recused himself from any comment and/or vote on this application. Mr. Ferraro announced that, due to Mr. Koval's recusal, Mr. Prescott would be acting as a full voting member of the Planning Board for this application.

Mr. Tom Andress, consultant for the applicant, presented this application that remains generally as presented at the October 15, 2014 Planning Board meeting. Building orientations stay as presented in the location Mr. Andress described as the "least intrusive" since the site is "constricted on the east" by a significant grade change and because adjoining property owners have requested that the buildings be placed as far as possible from existing residences. Additional trees will be added to the rear of the site to provide additional screening from properties along Arnold Drive. Existing mature trees along Route 146 will be preserved in an "attempt to maintain the property's residential look." The proposed office buildings and associated parking improvements will be constructed in two phases: the smaller 3,120 SF office building situated on the easterly side of the parcel will be built first; the second building of 4,800 SF to the west of the entrance drive will be constructed at a later date. Construction of the second building will require relocation of the parking area installed to serve the first building to the rear of the site. Water and sewer connections will be made to existing utility services on site. Mr. Andress anticipates that the single access from Route 146 that is "offset" a bit from Denim Drive on the opposite side of

the Route 146 will operate efficiently since there is an existing turn lane within the main road and because the proposed business use generates very little traffic during peak travel times. Façade renderings were presented to Board members for their consideration.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, offered no comment on this application.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comment in a memo dated November 14, 2014. The stormwater plan and calculations do not properly nor fully address the stormwater management design. The stone trenches and underdrain at the drip edges do not go to any collection system. Roof drain locations are not shown. Capacity and overflow questions and green infrastructure are not discussed because no narrative was submitted with the project plan.

Mr. Scavo reported that the ECC issued the following comments regarding this application. The ECC recommends that, due to the amount of impervious surface, the applicant implement green infrastructure techniques such as bio-swales to mitigate stormwater runoff. The applicant should maintain a minimum of 35% greenspace on the site in accordance with B1 zoning regulations. Greenspace should be calculated for the entire parcel.

Mr. Scavo stated that the Planning Department was in receipt of a copy of correspondence issued by the Clifton Park Water Authority regarding water service at this site. Mr. Austin, Authority Administrator, states that the plan submitted by the applicant inaccurately depicts the water infrastructure at this site. He states that the water infrastructure within the depicted easement area is an 8" ductile iron water main. The new buildings shall both have new HDPE water services from the water main to the buildings and any existing services from the water main to the buildings and any existing services shall be abandoned and removed from the corporation stops at the water main. Curb stops for the new water services shall be placed within 10 feet of the point of connection to the water main. The Water Service Detail should be changed to reflect the current specifications of the Clifton Park Water Authority. Mr. Address addressed this issue, reporting that comments from the Authority were not based upon updated site plans: proposed connections have now been reviewed and approved by Authority based upon existing site conditions. The applicant will adhere to all current CPWA regulations.

Mr. Scavo offered comments prepared by the Planning Department. It appears that there is approximately 5' of separation between the proposed 22' wide asphalt driveway and two existing mature maple trees to the east and west of the curb cut. There is a concern that the access drive may negatively affect the viability of the trees. The following addition should be made to Note #2 on Sheet 1: No subsequent dumpster is allowed without first obtaining site plan approval from the Planning Board. Prior to the issuance of a Building Permit a pre-construction meeting must be scheduled with Town Staff to ensure that construction fencing will limit land disturbance to less than one acre of land. Soil percolation tests must be conducted to verify the stormwater infiltration calculation assumptions. The anticipated finished floor elevations must be shown on the plans. It appears that the stone drip edges to the rear of both buildings will not have a connected underdrain to move the water to a containment area. It is recommended that both buildings have swales constructed to move water towards the stormwater containment area to the rear of the

property. Sheet 4 contains an underdrain detail; however, it appears that the drainage diagram for the 4543a storm does not reflect the underdrain infrastructure in the stormwater management calculations. Sheet 5 illustrates a “Roof Drain Detail.” The applicant is asked to clarify whether or not this detail is being applied to the site plan. If secondary exits with sidewalks are being proposed for either or both building(s) the applicant must evaluate how these exits may impact the proposed stone trench drip edges. Sign-offs from both the CPWA and NYS DOT will be required prior to the granting of final approval.

Mr. Bianchi reported that, after review of the application submitted for review, M J Engineering and Land Surveying, P.C. offered the following comments. As noted in Comment 8 of the October 13, 2014 comment letter, it is recommended that the applicant provide a summary of the expected peak vehicle trips utilizing the most recent ITE data. It remains a recommendation that the Planning Board be furnished this information. The site plan notes that the total disturbance is expected to be 0.97 acres; therefore, the project is not subject to the NYSDEC Phase 2 Stormwater Regulations and General Permit GP-0-10-001. With the project 0.03 acres (or 1,300 SF) below the 1 acre threshold, careful attention will be required during construction to maintain construction disturbance limits noted on the plans. If there are any secondary entrances to the buildings, their location must be shown on the plans. The plan must indicate how the “No Parking” sign will be mounted for the accessible parking space for Building #2. The extended pavement area, which is part of the entrance drive, is noted as a connection to a future sidewalk. This sidewalk should either have a curb or be separated by a median to provide a protective barrier from vehicles. Further, the sidewalk must extend to the right-of-way line of Route 146. Since the buildings will not be equipped with automatic sprinklers, the applicant is asked to provide a dimension to the closest hydrant to the buildings. If more than 300 feet exists from all levels of the building, an on-site hydrant may be warranted. Though the applicant was previously asked to attempt to align the project drive with Denim Drive, the applicant indicated that he would prefer to save the large trees along Route 146. While the current alignment avoids the noted trees, it is likely the construction of the drive at its current location would eventually cause one or more trees to die. Ultimately, the alignment of the drive is subject to NYSDOT approval. It remains a recommendation to show the noted drive alignment to demonstrate the potential magnitude of tree loss for the Planning Board to review. The plan must indicate if there are any plans to prune the existing trees along Route 146 to improve the visibility to the building site. Subsequent submissions should include architectural renderings of the building along with identification of construction materials to be used. There should also be indication of whether or not roof top units are expected and how they may be screened from the public right-of-way. The following comments relate to the stormwater management calculations provided. The Tc values provided for Areas 1 through 4, which represent the roof areas of each proposed building are noted as 10 minutes. This figure appears high considering that the path of travel will be entirely over a surface that are relatively smooth: supporting Tc calculations for the 10 minute value must be provided. The HydroCAD data furnished only covers up to the 25-year, 24-hour storm event. Considering the infiltration practices are starting to approach their peak elevations at the 25-year event, additional storm events shall be provided to see how the overall system reacts and whether run-off starts to discharge to adjacent properties. Should the 100-year storm event under proposed conditions indicate off-site discharges, an existing conditions model may be necessary to show a comparison. This will demonstrate whether or not the offsite discharges under proposed conditions (if any) must be mitigated. The consultant is asked to confirm that the storage volume of drip edge ponds in the

HydrCAD model accounts for the void spaces in the stone. The HydroCAD model globally assumes an in-situ permeability for the soil of 12-inches per hour. Actual falling permeability tests must be completed to confirm the design assumptions made.

Mr. Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, expressed his appreciation to the applicant for providing the bike rack as requested at the October 15, 2014 meeting. He asked, however, that the applicant change the proposed striped walking lane to a concrete sidewalk to provide a safer and cleaner entrance from Route 146 into the project site. The speaker also asked that the applicant provide sidewalks along NYS Route 146 “border to border” on the property.

Mr. Anthony LaFleche, resident, thanked the applicant for locating the buildings as far a possible from adjoining residences.

In response to Mr. Werner’s question regarding the “nature of the proposed business” with relation to anticipated vehicle trips, Mr. Address stated that the first building will house a “financial advising office” that has a low volume of visitors and generally generates traffic at off peak times. He speculated that these factors, combined with the offset from Denim Drive and the turn lane in the center of Route 146 should allow for safe ingress and egress to and from the site. Mr. Werner agreed that NYSDOT would likely approve the proposed curb cut. Mr. Ferraro asked Mr. Address to describe the plan for “phasing” the development. Mr. Address reported that since water and sewer connections will necessarily be made as part of the initial phase, the proposed additional trees to be added to the rear of the site will be installed at that time. He explained that the existing row of arborvitaes to the west of the entrance drive will be removed as part of the first phase. When asked about the estimated timeframe for site build-out, Mr. Address reported that the applicant anticipates that the two buildings will be completed within two to three years. Mr. Ferraro expressed his appreciation for the applicant’s presentation of a plan that illustrates the total build-out of the site since it avoids the issue of segmentation. He also thanked the applicant for his willingness to “work with the natural features of the site” and to attempt to preserve the existing mature trees along Route 146: he encouraged the consultant to ensure that “precautions” were employed during the construction process to ensure that the trees survived. Mr. Ferraro approved of the façade renderings, stating that he believed the buildings as designed “fit well” with other development along the Route 146 corridor. When Mr. Ferraro questioned the proposed plan for stormwater management, Mr. Address explained that there would be less than one acre of disturbance and that the infiltration management methods proposed would likely accommodate a 100-year storm event. Mr. Hale observed that the trees to be preserved were located quite close to the proposed paved entranceway and commented that he would support a “shift” in the location of the entranceway should it be required to provide for long-term preservation of a single tree. He encouraged the use of newer water management techniques to help ensure the continued viability of the trees. Mr. Hale noted that the current site plan includes the construction of a sidewalk from the first building to a location short of the Route 146 right-of-way line. Mr. Address explained that since the construction of a connection to a possible future sidewalk along the northerly side of Route 146 would require substantial grading and since the location of such a walkway was uncertain, connection to the right-of-way boundary was not proposed at this time. Mr. Ferraro recommended that such a connection should be a condition of site plan approval. In response to Mr. Andarwis’s question concerning the removal of the row of existing arborvitaes on the westerly

side of the site, Mr. Address explained that permanent landscaping improvements proposed during the first phase of construction would include the installation of plantings on both sides of the entranceway. Mr. Address explained that the façade renderings depicted two buildings that would be constructed using white vinyl siding in an attempt to maintain the area's residential character.

Mr. Ophardt moved, seconded by Ms. Paulsen, 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 unanimously carried.

Mr. Hale moved, seconded by Mr. Werner, to grant preliminary and final site plan approval to this application conditioned upon satisfaction of the comments issued by the Planning Department, M J Engineering and Land Surveying, P.C., the addition of a note on the plan that states that a future sidewalk connection from the buildings to a sidewalk along the Route 146 right-of-way be constructed when improvements along the northerly side of Route 146 are installed, and all items listed in the final comment letter issued by the Planning Department. The motion was unanimously carried.

[2014-053] **Restore the Store, 357 Riverview Road – Site Plan Review** – 357 Riverview Road – Preliminary site plan review and possible determination. SBL: 287.16-1-30

The Planning Board reviewed this site plan at its September 23, 2014 meeting at which time members agreed that since the owners were “proposing neither a substantial change of use or structural design,” the Planning Board could “confidently rely on the Historic Preservation Commission’s oversight for proper design of the structure and its reflection of the area’s historic character.” The Historic Preservation Commission reviewed proposed restoration plans for the property located at 357 Riverview Road and issued the required Certificate of Appropriateness at its October 16, 2014 meeting. The Commission reviewed the proposed method of construction, floor layouts, type of building materials to be used, restored items, and replacement of historic features before unanimously accepting the plans for the building’s restoration. The building will be reconstructed to contain a retail facility on the first floor and two apartments. At the September 23, 2014 Planning Board meeting Mr. Scavo explained that exterior renovations were limited to relocation of the ADA handicapped ramp and the required ADA parking spot. He recommended that the project be presented to the Board for site plan review “only after the owners have worked with the Historic Preservation Commission to design a viable plan for the building’s restoration.” Since the Historic Preservation Commission has issued the required Certificate of Appropriateness, the item is included on this evening’s agenda to consider the proposed building design, construction materials, and compatibility with current code requirements. If the plan is found acceptable, the Planning Board may grant site plan approval.

Mr. Andarawis, Planning Board liaison with the Historic Preservation Commission, wholeheartedly endorsed the project plan, reporting that the applicant has “done a fantastic job” with restoration plans for the historic building, noting that the proposed building materials and construction design will create valuable repurposed retail and residential living space while preserving the historical integrity of the structure.

Mr. Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, thanked the applicant for providing a bike rack on site and recommended that the owners work with the town to provide trail connections to existing multi-use pathways in the future.

Mr. Ferraro agreed with Mr. Andarawis' comments regarding the project and praised the "collaborative process" that has provided for the restoration of a historically significant town landmark. He speculated that in the future identification signage will be placed along multi-use pathways to direct those utilizing them to areas of interest or businesses that are easily accessible.

Mr. Ophardt moved, seconded by Mr. Hale, 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 unanimously carried.

Mr. Andarawis moved, seconded by Mr. Werner, to grant preliminary and final site plan approval to the Restore the Store application conditioned upon satisfaction of all items in the final comment letter issued by the Planning Department. The motion was unanimously carried.

New Business:

[2014-049] **Wood Road Landscape Business** – Proposed construction of a 3,000 SF landscape shop and office with parking, Wood Road – Conceptual site plan review. SBL: 259.-2-73.12

Mr. Terrance Hubbard, applicant, presented this application that calls for the construction of a 3,000 SF building to house a shop and small office for his landscaping business. The development is proposed for small portion of a 16.62 acre parcel located on the westerly side of Wood Road approximately one quarter mile south of the Redneck Trailer Supply outlet within the LI2 zoning district. The project plan includes construction of a 3,000 SF steel building that will contain a bathroom and small office, parking areas for employees and equipment, and an outdoor storage area. No rooftop units for the building will be installed. The site will be accessed via a single driveway from Wood Road and served with an individual well and connection to an existing force main along Wood Road. The speaker reported that wetlands have been delineated on site and that project representatives have met with officials from NYSDEC and the ACOE. Jurisdictional approvals are expected soon from those agencies. No Karner Blue butterflies or associated habitat areas have been observed within the parcel's boundaries. The applicant proposes the use of "crusher run" for the parking lot areas. Based upon the amount of clearing and land disturbance proposed, a modified Stormwater Pollution Prevention Plan has been prepared and will be submitted with preliminary plans.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that the postal verification form be completed and submitted for approval and that assigned postal numbers be added to the final site plan.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated November 14, 2014. Significant wetlands border the entire

length of the parcel along Wood Road. A DEC crossing permit will be required. The proposed use appears to be permitted within the LI2 zoning district. A full Stormwater Pollution Prevention Plan will be required due to the proximity to and potential impact to the wetlands and because of the run-off potential of the use.

Mr. Scavo reported that the ECC reviewed the proposed site plan during its November 18, 2014 meeting and issued the following recommendations. The limits of the LC zone, DEC wetlands and associated buffers, and federal jurisdictional wetlands *shall* be identified on the plot plan. The ECC notes that the project may have significant environmental impacts, and recommends that the applicant complete the SEQRA Long Environmental Assessment Form for Planning Board and ECC review. If hazardous materials will be stored on this site, the applicant must submit a plan for approval addressing handling and storage and spill response to the Town of Clifton Park Stormwater Management Technician before such materials are stored. Due to the location of this project relative to the aquifer/recharge area, no underground storage tanks shall be constructed on this property. During construction, any temporary above-ground storage tanks shall have secondary containment of no less than 110% of the tank volume to prevent releases to the aquifer/recharge area and contractors shall have a spill contingency plan which addresses prevention and cleanup of releases of petroleum and/or hazardous materials.

Mr. Scavo provided several comments prepared by the Planning Department. The applicant must delineate NYS DEC wetlands and associated buffer areas and ACOE wetlands that may be present on the site. The plans must note who delineated the wetlands and the date of the field delineation. Applicable jurisdictional determination letters must be submitted. The parking area should clearly identify areas for employee parking, equipment and service vehicle parking, and the locations for the storage of stockpiled landscaping materials. Site improvement setbacks and building setbacks should be clearly indicated on the site plan. The project lies within the Wood Road GEIS Study Area. Pursuant to the Findings Statement, the following issues must be addressed:

1. Per Finding No. 34, traffic mitigation fees are required to address cumulative impacts of the proposed development. The applicant's consultant should submit an analysis of the projected trip generation using the ITE Trip Generation Manual, 9th Edition, so that the respective mitigation fee can be assessed.
2. Upon site plan approval a mitigation fee is due for the original review of the DGEIS in the amount of \$74.28 per acre.
3. Per Finding No. 73, a Phase I Environmental Audit shall be conducted and submitted at the initiation of site plan review.
4. Per Finding No. 78, the applicant shall contact NYS OPRHP regarding historic sites and archeologically sensitive resources near the project area. Copies of the correspondence should be sent to the Planning Department.
5. Per Finding No. 79, the Light Industrial zoning district was amended to allow only uses such as warehousing, fabrication, and similar low intensity land uses. The proposed use appears to be consistent with the permitted zoning and with prior approvals for landscaping businesses within the Light Industrial zoning district.

Mr. Scavo stated that an Environmental Audit of the entire site will not be required unless an inventory of the area to be disturbed indicates that a more intensive review of the entire site is warranted.

Mr. Bianchi reported that, after review of the conceptual site plan, M J Engineering and Land Surveying, P. C. offered the following comments and recommendations on the application. Based upon discussions with Town staff, the project resides within a GEIS study area and, therefore, is subject to findings and conclusions of the FGEIS Findings Statement. As the Planning Board reviews this proposal, members may find that (1) the project is in conformance with the prior SEQRA record and no further review is necessary, (2) the project does not conform with the prior SEQRA record, but the changes are not substantive enough to warrant a supplemental EIS, or (3) the proposal does not conform with the prior SEQRA record and a supplemental EIS is warranted. In order to assist the Planning Board in its review, the applicant should review the GEIS and provide a narrative comparing the project impacts against the GEIS SEQRA findings. The submitted Short Environmental Assessment Form is outdated. The applicant is asked to submit the most current version which may be obtained from the following web address: http://www.dec.ny.gov/docs/permits_ej_operations_pdf/seafpartone.pdf. Once an updated SEQRA form is submitted, additional comments may result. The project proposes to provide potable water to the site by drilling an individual well. It is recommended that the applicant furnish well pump tests prior to final approval to ensure that the existing groundwater source is adequate to support the proposed development. The project proposes to provide sanitary sewer service to the building from the Saratoga County Sewer District No. 1 via the extension of a service lateral to the building from an existing main at the rear of the property. The applicant shall provide the Town documentation indicating the SCSD's ability and willingness to provide additional sewer capacity to the project or the applicant must furnish justification as to why such approvals would not be necessary. Any approvals offered by the Planning Board should be conditioned on receipt of SCSD's review and approval. It is unclear from the plan submitted what the extent of land disturbances may be, but the plan notes 0.86 acres of disturbance. Additional information is required on the plan to support the area of disturbance noted. Should more than 1 acre of land be disturbed, a project-specific Stormwater Pollution Prevention (SWPPP) will be required. A review of the Saratoga County GIS indicates a NYSDEC mapped wetlands and associated 100-foot adjacent area exists on the project site that may encumber development. The application indicates that wetland impacts are expected. The submitted plan generally notes the wetland and adjacent areas, however the extent of the impacts anticipated is unclear. The project resides within the town's LI2 Light Industrial zoning district. The proposal for a landscaping business is permitted as a principal use within the district pursuant to Section 208-64(B) of the Town's Zoning Code. From the plan submitted, it cannot be determined whether or not the proposal meets the minimum space and bulk standards of the LI2 District as listed in Section 208-65 and 208-66 of the Code: mapping that indicates conformance to the bulk lot requirements and development standards must be submitted for review. Subsequent plans must define how stormwater management will be accommodated on the site. Subsequent submissions should include architectural renderings of the building along with identification of the materials to be used for building construction. There should also be indication whether or not roof top units are expected and how they may be screened from the public right-of-way. Considering the plan submitted is conceptual in nature, M J Engineering and Land Surveying, P.C. will reserve further comment until more detailed plans and reports are submitted.

Mr. Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the applicant provide a 15' easement along the entire frontage

of Wood Road for the installation of a future trail. He noted that this is an important link between the XAR property and DCG properties along Wood Road and a “critical link” from the Ushers Road Trail to the Zim Smith Trail. The speaker also asked that the applicant provide a bike rack, including its location, design specifications, and installation details for verification by inspectors during construction.

Mr. Hale described the Trails Subcommittee recommendation for the applicant’s granting of an easement for the construction of a trail segment along the westerly side of Wood Road as “relevant and purposeful,” though he commented that development of a trail may not be practical since there are significant wetlands located along the property’s frontage. In response to Mr. Hale’s question regarding proposed outdoor storage, Mr. Hubbard stated that there will be outdoor storage of some landscaping materials. Mr. Ferraro stated that although he recognizes that trail development may be limited due to the presence of wetlands, he would ask that the applicant “grant the opportunity” for the possible construction of a trail segment. Mr. Ferraro explained that the presence and protection of Karner Blue butterflies and/or habitat areas have been identified as Wood Road “corridor issues,” and questioned whether or not these “issues” should be included in discussions regarding this application. Mr. Hale pointed out that the applicant proposed minimal clearing of the forested site and stated that he “doubted” that either the butterflies or habitat areas would be found on the parcel. Board members did not comment positively or negatively on the project plan, though it appeared that members found it generally acceptable. The applicant reported that more detailed plans were being prepared by his consulting engineers in anticipation of a preliminary site plan submission to the Planning Department.

Discussion Items:

[2013-014] **Prestige Motor Car Expansion** – Request for one year extension of approved site plan. SBL: 259.-2-108

Mr. Scavo explained that the applicant has requested Planning Board approval of an extension for the Prestige Motor Car Expansion site plan proposed for 1926/1928 NYS Route 9 pursuant to Section 208-120B of the Town Zoning Code. The final expiry date of the extension would be November 25, 2015.

Mr. Hale moved, seconded by Mr. Werner, approval of the request for a one-year extension of site plan approval for the Prestige Motor Car Expansion, Planning Department project number 2013-014. Pursuant to Section 208-120B of the Town Zoning Code, the final expiry date for the approved site plan will be November 25, 2015. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on December 9, 2014.

Mr. Koval moved, seconded by Mr. Ophardt, adjournment of the meeting at 8:45p.m. The motion was unanimously carried.

Respectfully submitted,

Janis Dean, Secretary

Notice of Decision

Resolution #23 of 2014

Approval
Special Use Permit # 81004

At a meeting of the Planning Board held at the Town Hall of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on November 25, 2014, there were:

Present: R. Ferraro, Chairman, E. Andarawis, M. Hale, J. Koval, E. Ophardt, K. Paulsen,
T. Werner
E. Prescott – Alternate Member

Absent: None

Ms. Paulsen offered Resolution #23 of 2014, and Mr. Ophardt seconded, and

Whereas, an application was made to this Board by Jonathan Noonan for approval of Special Use Permit #81004 to permit the use of a commercial recreational facility within the LI2 zoning district;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on November 25, 2014, and

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on November 25, 2014;

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that Resolution #23 of 2014 Special Use Permit #81004 to permit the use of a commercial recreational facility within the LI2 zoning district conditioned upon satisfaction of all items listed in the final comment letter prepared by the Planning Department.

Resolution #23 of 2014 passed 11/25/2014

Ayes: Ophardt, Paulsen, Andarawis, Hale, Werner, Koval, Ferraro

Noes: None

R. Ferraro, Chairman