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Joel Koval
Eric Ophardt
Kim Paulsen
Tom Werner
(alternate) Eric Prescott

Planning Board Meeting Minutes
March 11, 2014

Those present at the March 11, 2014 Planning Board Meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, M. Hale, J. Koval, E. Ophardt,

Those absent were: K. Paulsen, T. Werner, E. Prescott – Alternate Member

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

Mr. Ferraro called the meeting to order at 7:02pm. All in attendance stood for the pledge of allegiance. Mr. Ferraro made opening comments. The chairman acknowledged that it was a full room and asked that all present to respect each speakers' privilege to speak whether anyone agreed with the speaker or not. Mr. Ferraro also stated that although there was no public hearing before the board tonight, there would be time granted to allow public comment after each project was presented.

Minutes Approval

Mr. Koval moved, seconded by Mr Ophardt, to approve the minutes of the meeting on February 25, 2014 as written. Ayes: Ophardt, Prescott, Andarawis, Koval, Hale. Noes: None.

II Public Hearings - start at 7:00 pm - none

III Old Business

2014-007 Sitterly Road Medical Offices

Proposed 35,000+/- SF medical offices, Zoned; B-4, Sitterly Road, preliminary site plan review with possible determination.

The project was presented by: Gavin Vuillaume of Environmental Design Partnership on behalf of the applicant, Columbia Development Companies. The project was last seen on January 28, 2014. Mr. Vuillaume explained the history of the site as it was previously approved but not developed. Grading had been done but it is otherwise vacant. The consultant used a powerpoint presentation to show aerial views of the parcel, the conceptual site plan, and the detailed site plan submitted for preliminary review. Mr. Vuillaume also described the water and sewer connection agreements and stated that easements have been agreed to and will be provided prior to stamping. The speaker also described the storm water infiltration practices which are modifications from the previously approved parcel and are detailed on the plan and in the SWPPP.

Mr. Vuillaume stated that the existing path is in rough shape and after examination it needs to be stripped and totally replaced with a new asphalt path. He also noted that there would be a connection from the building to the pathway with striping in the parking lot. Next, landscaping and plantings were described along property boundaries and edge of parking lot near Sitterly Road to provide some visual buffering for the surrounding residences. Finally, the SWPP erosion plan was shown. Mr. Vuillaume then addressed traffic issues by stating that the applicant is proposing to address traffic concerns with some traffic light coordination improvements.

J. Scavo – Director of Planning

- Does the 2015 Build w/Improvements rating shown in Table 4.1 rely on the construction for a westbound right-turn lane on Sitterly Road along the project frontage or does the donation of the additional right-of-way achieve recommendation #2 for the improvements to maintain the level of service by 2015?
- I recommend the project team, prior to this project being approved, determine the appropriate timing/implementation for the traffic signal coordination and signal timing/phasing modifications to maintain the level of service by 2015. This determination should be based on this projects impacts and appropriate modeling to demonstrate a viable solution should be provided. There is no future corridor study planned by the Town at this point in time and any future corridor study would be contingent upon an award for outside funding assistance. Ultimately a corridor study may develop design solutions to address existing and future transportation growth issues however, the implementation of the improvements would not be binding on the Town or future administrations. As a result, the improvements and outcomes from a future corridor study cannot be considered as adequate mitigation for the impacts associated with this project.
- A detail should be provided for the existing asphalt sidewalk to be re-established along Crossings Blvd.
- Is a stop bar with an R1-1 stop sign proposed at the exit of the site onto Crossings Blvd?
- Identify any proposed traffic control measures (i.e. signage, painted directional

arrows) for traffic circulation around the covered drop-off area. Is one way traffic circulation proposed?

- I was unable to locate the dumpster pad detail referenced on sheet #1 during my review.

Steve Myers – Director of Zoning

- Stormwater facilities to be privately owned and maintained so a maintenance agreement with the Town shall be required.
- MS4 acceptance form incorrectly lists CHA as the Town TDE.
- None of the actual stormwater calculations or reasoning for how the practices proposed were arrived at is included in the plan.
- There is no discussion of green infrastructure as required.
- Medical offices are an allowed use in a B-4 zone since it includes uses allowed in a B-1.
- Confirm there will be no overnight occupancy by patients as that is not allowed.
- 208-46G – 100 ft buffer to residential zone which is also across town line needs to be addressed.
- 208-47 – two entrances proposed, one allowed.

ECC

1. The ECC recommends the use of non-deciduous trees and/or shrubbery as a screen along the northern border of the property.
2. The ECC recommends that the applicant incorporate lighting that is directional and limited.
3. Due to the potential 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.

Mr. Ferraro asked to clarify the comment from Steve Myers that the 100 ft buffer to residences does not need to be addressed when the boundary is a town line as in this case to the east of the parcel.

Joel Bianchi of MJ Engineering offered the following comments from a letter dated: March 10, 2014

Based upon our review of the above documents, we offer the following comments for consideration.

State Environmental Quality Review

1. No additional comments.

Short Environmental Assessment Form

2. No additional comments.

Site Plans

3. As noted in our January 27, 2014 review, when abutting a residential zone, a minimum buffer of 100 feet shall be maintained and supplemented as deemed appropriate by the Planning Board per Section 208-46(G) of the Town Code. Immediately to the east and adjacent to the subject parcel exists a residential zone within the Town of Halfmoon. We would defer to the Town as to whether the condition specified in the Town Code applies when the residential district is within an adjoining municipality.
4. As noted in Comment 10 of our January 27, 2014 review, the plans needs to show the full extents of the proposed force main extension to the SCSD#1 manhole behind the Emergency Services property to the north, and that the applicant has legal rights to access the adjacent property for the proposed utility extension.
5. As noted in Comment 12 of our January 27, 2014 review, the applicant is proposing two points of ingress/egress, which is not permitted under Section 208-47 of the Town Code unless the Planning Board allows additional entrances. The Planning Board should confirm that the proposed number of ingress and egress points is acceptable.
6. As noted in Comment 13 of our January 27, 2014 review, 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 per Section 208-48 of the Town Code. The submitted landscaping plan appears to propose minimal landscaping to provide a meaningful buffer, especially along the northern boundary. Along the east boundary there is an existing buffer between the adjacent property and the proposed plantings should look to infill any gaps that may exist.
7. Please indicate the extent and method of asphalt sidewalk repaving along Crossings Boulevard noted on the plans.
8. There should be consideration of a pedestrian linkage directly from the facility to the existing sidewalk along Crossings Boulevard.
9. Accessible parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions pursuant to Section 4.6.6 of the ADA 2010 Standards. The proposed grading at the accessible parking spaces on the south side of the building and out in the parking lot need to be reviewed as it appears that the pavement slopes exceed the stated minimums.
10. The number of accessible parking spaces shown meets the minimum requirements of Section 1106.1 of the Building Code of New York State (BCNYS). However, with the building proposed for medical uses, there may be a need to provide additional accessible spaces to meet the requirements of Section 1106.3 and/or 1106.4 of the BCNYS.
11. The plan shows 14 future parking spaces to the southeast corner of the property and within what appears to be part of the stormwater management system. There needs to be consideration as to what effect the construction of the spaces would have on the proposed stormwater basin, if any.
12. With the proposed emergency generator being in close proximity to residential uses to the east, there should be consideration of the time of day any required generator exercising occurs.
13. Please indicate the method of installation of the water service to the project. Any proposed open excavations of Crossings Boulevard may have severe limitations as to

when it may occur and would need to be coordinated with the Highway Superintendent.

14. Provide notation on the Erosion and Sediment Control Plan that all upstream construction shall be completed and stabilized before connecting to the downstream infiltration practice(s) pursuant to Section 6.3.5 of the NYSSMDM.
15. Provide notation on the Erosion and Sediment Control Plan that the infiltration practice(s) shall not be used as sediment control device during site construction phase pursuant to Section 6.3.6 of the NYSSMDM.
16. The Erosion and Sediment Control Plan needs to indicate locations for temporary sediment traps to be used during construction.
17. Please indicate where on the site the proposed vegetative swale as a green infrastructure technique is located to confirm it meets the design requirements of Section 5.3.3 of the NYSSMDM.
18. Each of the proposed stormwater practices needs to have a sign posted in the immediate vicinity of the practice. The sign shall be not less than 18 inches by 24 inches and shall contain the information outlined in Section 3.5 of the NYSSMDM.
19. A site specific illumination plan shall be required.
20. Provide a standard construction detail of the proposed vegetative swale as a green infrastructure technique to confirm it meets the design requirements of Section 5.3.3 of the NYSSMDM.
21. Provide a detail for the proposed dumpster enclosure.

Stormwater Pollution Prevention Plan

22. The Stormwater Narrative needs to provide a summary of all available green infrastructure techniques with discussion as to why each practice is or is not being used, which is required as part of the pre-planning process outlined in Chapter 5 of the NYSSMDM.
23. The Stormwater Narrative indicates that conservation of natural areas will be one of the selected green infrastructure techniques and The NOI indicates 0.30 acres is being considered. Section 5.3.1 of the NYSSMDM requires 10,000 s.f. of contiguous area. Please indicate where the contiguous area exists within the site.
24. The area being considered for conservation of natural areas shall be located within an acceptable conservation easement instrument that ensures perpetual protection of the proposed area pursuant to Section 5.3.1 of the NYSSMDM. The easement must clearly specify how the natural area vegetation shall be managed and boundaries will be marked
25. Soil restoration is a required practice applied across areas of a development site where soils have been disturbed and will be vegetated in order to recover the original properties and porosity of the soil pursuant to Section 5.1.6 of the NYSSMDM. The NOI indicates this will be employed and Section 4.0 of the Stormwater Narrative provides a general description of what and where it will occur, however there is no indication on the plans where this will occur and which method of restoration as listed in Table 5.3 of the NYSSMDM will be employed.
26. Section VI of the SWPPP needs to be modified to include the following:
 - a. All recommended maintenance requirements of the vegetative swale as noted in Section 5.3.3 of the NYSSMDM (Pg 5-62).
 - b. Maintenance associated with soil restoration as noted in Section 5.1.6 of the NYSSMDM (Pg 5-24)
27. Section 2.1 of the Stormwater Narrative provides a description of the site soils and

associated infiltration rates. However, there is no indication of what the observed seasonal high groundwater is. With the presence of regulated wetlands on the southern edge of the property and the proposal to have a stormwater management practice in the same general vicinity, seasonal high groundwater may be present and may present challenges for the proper function of the stormwater basin.

28. Appendix A and Appendix B of the Stormwater Management Narrative have been excluded from the report. Therefore, a comprehensive review can not be completed of the proposed stormwater management system. Upon receipt of these sections of the narrative, additional technical comments may result.

Traffic Impact Study

29. The TIS applies land use code 720 – Medical Dental Office Building to arrive at the M and PM peak hour vehicle trips. Based upon information that applicant provided to the Town during their last appearance, the actual end user (or users) has not been defined or was not provided. The TIS did note that a candidate tenant provided vehicle trips and for the PM peak, the ITE manual yielded higher values and were used as a conservative measure. Once a known user is defined and if it is different than the one mentioned within the TIS, it may be prudent to continue to utilize known vehicle trip data to account for potential higher or lower vehicle trips.
30. The TIS indicates that at the PM peak hour, the southbound Crossings Boulevard approach is expected to operate at a level of service (LOS) F under future build conditions while overall the intersection will operate at a LOS D. The TIS further indicates that the same southbound approach will be a LOS of D and assumed the Table 4.1 provides for the suggesting improvements, however, there needs to be clear recommendations and associated costs provided as to what timing modifications will need to be made in order for the stated future LOS to occur.
31. In Figure 3.2, Trip Distribution, the percentages for the PM peak hour at the Woodin Road intersection are not correct. Revise accordingly. Table 4.1 contains a header of “2015 Build w/ Imp”, state that improvements were made and what improvements were made to the existing analysis model prior to table or move table to after improvement description.
32. The February 6th memo shows what the LOS differences are for the improved analysis model. Show what the effects of the additional traffic associated with the Stewart’s are with regard to the existing model without improvements.
33. The TIS makes mention of the Town’s corridor study, which is seeking funding. While it would be appropriate to coordinate the efforts and recommendations associated with the Town’s effort, the formal study, its recommendations and actual construction may not occur in the near term. As such, unless given direction from the Town to the contrary, the applicant must provide full mitigation of all adverse traffic impacts resulting from the project.
34. The conclusions of the TIS indicate that the adverse impacts and degradation of LOS will be mitigated with implementation of traffic signal coordination, timing and phasing modifications and Table 4.1 seems to support this. Yet, no clear modifications have been offered to demonstrate that the mitigation being offered will occur. As such, it is recommended that the applicant provide additional information to fully demonstrate that the project’s adverse impacts as it relates to traffic will be mitigated and how they will be mitigated.

Dan Hartnett of the Trails subcommittee, stated that they would like to see the following incorporated to the plan:

- land for future multi-use trail along Sitterly
- upgrade path along Crossing Blvd. to a full multi-use trail not just repair existing inadequate path

Dan LaFleche, 21 Wheeler Dr. asked that the applicant consider providing room along Sitterly Rd for a future turning lane or trail improvements.

Planning Board Comment

Mr. Ophardt stated no problem with the two driveways given the intensity of the use. Mr. Ferraro asked if there would be any restrictions such as right turn out and Mr. Vuillaume stated that might be delineated for the northernmost entrance with paint.

Ms. Wendy Holsberger with Creighton Manning Engineering addressed the signal upgrades being proposed which would include communications between signals at Crossings/Sitterly Road and the Sitterly/Clifton Country Road intersections. The consultant also stated that the signal upgrades and communication devices would maintain the current level of service at the intersections and that the applicant would donate land for the future building of turning lanes from Sitterly Road turning to Crossings Blvd.

Mr. Scavo explained that a TIP application with the Town of Halfmoon has been submitted to the Capital District Transportation Commission and that they anticipate hearing whether the funds have been granted some time this Spring but it would likely be about 3 years before the potential project would be completed.

Mr. Hale asked whether the existing construction storm basins could be used for permanent storm water management. Mr. Vuillaume stated that they are reviewing the detail and will make sure the design is compliant with current regulations.

Mr. Koval noted that the south side of the parking lot might need some added vegetation to screen some headlights that might shine toward existing residences especially in winter when vegetation is low.

Mr. Andarawis asked how much the land donated for turning would impact the vegetative buffer and infiltration and Mr. Vuillaume stated that they would make sure that it was 15 feet and would not interfere with either aspect.

Discussion ensued regarding the multi-use trail and its size. Planning board members asked for an 8 foot multi-use trail which Mr. Scavo explained that 8 foot standard was easier to install and maintain with existing equipment rather than non-standard 6 foot trail. Mr. Ferraro asked for an easement for a future multi-use trail in addition to the turning lane along Sitterly Road. Planning Board members suggested it could be a "floating easement" to be designed somewhere between the parking lot and the roadway and suggested 10' in addition to the 15'.

Mr. Ferraro stated that he was reluctant to grant final approval with some of the technical adjustments that still needed to be made to the plan. Planning Board members appeared to agree that a SEQR determination could be made but not final approval.

Conditional negative declaration in accordance with an unlisted action pursuant to SEQR with specific comments to be addressed for outstanding transportation concerns and technical comments by staff

Mr. Andarwis moved, seconded by Mr. to Ophardt, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a conditional negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Ophardt moved, seconded by Mr. Andarawis to grant preliminary site plan approval condition upon the applicant returning to satisfy outstanding transportation concerns and technical comments as outlined by the review letters of the Planning Director and town designated engineer. Ayes: all, Noes: none. The motion was unanimously carried.

IV New Business

2014-009 Nigro Companies PDD - (PCP Cpark Associates, LLC)
Proposed PDD to allow for retail shopping plaza, Zoned: HM, 1221 New York State Route 146, Planned Development District recommendation to Town Board.

Mr. Ferraro described the process for the presentation, staff recommendation, and public input period. He stated that many emails, petitions, and communications have been distributed to the planning board. The secretary has forwarded them, placed them in the digital files of the project and compiled a summary and graph of the concerns outlined in the communications. Also submitted to the planning board by a resident was a list of petition signatures in opposition to the Nigro Proposal as of March 11, 2014 and a list of their concerns. Mr. Ferraro noted that the planning board has 60 days from the date it was referred to the planning board to make a recommendation to the Town Board.

Gregg Ursprung of Bermann and Associates, presented the application to the planning board on behalf of the applicant, PCP CPark Associates, LLC. He also introduced the other consultants working on the proposal. The property is currently owned by Thomas Powers. The consultant passed out a copy of the powerpoint presentation that was shown to those present. The presentation outlined the application process.

Chuck Chisholm, director of real estate for Price Chopper, stated that Price Chopper has identified a need to relocate from its current location at Southeast corner of the intersection of New York State 146 and New York State 146A in order to expand.

Mr. Ursprung described the existing conditions on the 35+/- acre parcel that is proposed for development and its surroundings. Next he detailed an overview of the proposal to include commercial retail and restaurant uses as well as green space and traffic modifications to be made. The consultant also indicated wooded buffers on the plan and showed some depictions of the views from each direction. Mr. Ursprung explained that grading would be lower for the

store than the adjoining properties to provide a natural berm for some visual screening for neighboring residents.

Joe Berman, stated that he was in charge of corporate social responsibility for Price Chopper and outlined some of the sustainable practices to be implemented:

- conserve green space
- conserve wetlands
- wetlands mitigation
- minimize visibility of store
- third party certification for green building practices
- bus stop for public transportation
- electric vehicle charging
- materials usage/waste

Wendy Holsberger, Creighton Manning Engineering described the traffic study scope analysis and recommendations:

- coordination with town and NYSDOT
- peak hours analysis
- data collection
- accident assessment
- trip generations
- nearby intersections assessment
- growth rate
- estimates
- Fire department intersection and signal
- signal timings
- need for turning lanes
- potential slip-lane removal
- pedestrian accessibility

Next Mr. Ursprung stated that the project would benefit the community through:

- property and school taxes
- sales taxes
- employment - would be increased above employment level of existing store
- increased retail offerings/services not currently available at the existing store
- added trail connection
- upgrade to the commercial/retail spaces offered at intersection

Compared Project alternative (permitted uses in HM zone)

- 110,000 sf office space
- rear setback 30'
- nearest residence 190 ft

Vs. Current Proposal:

- 90,000 sf
- nearest residence 329 ft.
- same impervious area, same green space.
- project density 7.3%

The consultant then reviewed the zoning adjacent to the project which includes, HM, PDD, B-3, Cluster subdivision, R-1, CR. Other nearby zoning includes a Corporate Commerce area. Mr. Ursprung also outlined how the applicant proposed to be consistent with the Western Clifton Park Land Conservation Plan.

- surrounding land uses
- buffers
- impervious areas and green space
- density
- Route 146 commercial corridor

Emphasized the following points as Consistent with the Comprehensive Plan

- compatibility with surrounding land uses
- significant buffer to adjacent properties
- impervious areas and green space compatible with HM zoning

Emphasized the following points as Consistent with Land use goals

- Not designated as future open space
- The Western Clifton Park LCP states: “large scale commercial projects will significantly impact rural character and the character of the existing hamlets.”
 - Applicant stated that proposal would not be within an existing hamlet, rather in center of a heavily developed commercial corridor

Emphasized the following points as Consistent with Strategies for implementing land use goals:

- appropriate balance of land uses

Emphasized the following points as Consistent with Implementation strategies:

- preserve integrity of residential neighborhoods and promote large open space
- Focus business interests on commercial corridor of Exit 9, Route 9 and Route 146.

Emphasized the following points as Consistent with Compliance with Planning Board Review Criteria:

- Consistency with the Comprehensive Plan Objectives
 1. would create more than current HM Zoning requires
 2. trees, topography, water resources, and outstanding natural features to be preserved
 3. creative use of land
 4. efficient use of land, networks, utilities and streets
 5. development pattern in harmony with planning objectives of Town
- compliance with general requirements pursuant to 208-71, proposes a variety of uses
- Uses proposed shall not be detrimental to the natural characteristics of the site or adjacent land uses
 - greater diversity of services
 - proposed offset of any disturbance of wetlands with creation of new wetlands if approved by ACOE
- Parking landscaping and utilities create and sustain each phase independently
- Meets local needs for roadways, pedestrian systems, land use, open space, drainage and to scale... function singly and cumulatively and conform to accepted design principles

- Adequate service and utilities available or proposed
- traffic generated by the project has no adverse impact on existing traffic network
 - added traffic signal and left-turn lanes
 - secondary site access
 - signal timing modifications
 - slip-lane elimination
- SEQRA determination
 - amended findings statement
 - supplemental EIS might be needed

Mr. Ferraro asked about any project alternatives that might be considered regarding the HM zoning. MR. Scavo stated that would need to be verified.

Mr. Scavo, Director of Planning read the criteria from 208-73 for recommendation:

A. Upon completion of its review, the Planning Board shall transmit, in writing, to the Town Board its recommendation for approval, approval with conditions or modifications or disapproval of the application, including a discussion of the proposal's compliance with the following:

- (1) That the proposal conforms to the Town's comprehensive planning objectives.
- (2) That the proposal meets the intent and objectives of a planned unit development as expressed in this article.
- (3) That the proposal complies with the general requirements listed above in this article.
- (4) That the uses proposed shall not be detrimental to the natural characteristics of the site or adjacent land uses.
- (5) That each phase of the development, as it is proposed to be completed, contains the required parking facilities, landscaping and utilities necessary to create and sustain each phase independently.
- (6) That the proposal is conceptually sound in that it meets local and area-wide needs and that the proposed roadways, pedestrian system, land use configuration, open space system, drainage system and scale of elements shall function singly and cumulatively and conform to accepted design principals.
- (7) That there are adequate service and utilities available or proposed to accommodate the development.
- (8) That the traffic generated by the proposal shall not have an adverse impact on the existing transportation network.

Mr. Ophardt asked how it met #1 of the criteria in particular. The board member stated that in 2005, the Town promoted alternative development without larger scale commercial buildings in Western Clifton Park in order to preserve its rural character and that based on that point, he felt this PDD failed on the first test.

Mr. Scavo stated that it was up to this board to decide if that is the case. Mr. Pelagalli stated that a PDD is a zoning change per town code and that the comprehensive plan is a guideline. Next, the planning board attorney added that in general, zoning is a land use tool to further meet a town's goals and objectives as defined in its Comprehensive Plan.

ECC recommended the following comments from a letter written 2/3/2014:

1. The ECC notes that, per the Statement of Findings - Western Clifton Park Land Conservation Plan & Generic Environmental Impact Statement (April 11, 2005), “SEQR requires a supplement to the final generic EIS if the subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action may have one or more significant adverse environmental impacts.”
2. The Full EAF submitted by the applicant indicates that the proposed action is not located wholly or partially “within an area listed in an adopted municipal open space plan”. The ECC notes that the “WESTERN CLIFTON PARK - Land Conservation Plan & Final Generic Environmental Impact Statement” contemplates maximum densities for the area where this project is proposed.

Mr. Ferraro explained that this project has generated much public comment during the review period. The chairman noted that written emails were forwarded to Planning Board members as they were received and have been placed in the projects digital file. Mr. Ferraro also noted that the secretary had summarized the email concerns, and distributed that to the board members along with a list of signatures. Next, the chairman stated that while this agenda item was not a public hearing, that the board would allow public input as they usually do. Mr. Ferraro added that he would be asking first for supporters and then those in opposition. A resident asked why those in favor would be allowed first. Mr. Ferraro responded that there were many more in opposition to the project in the room and wanted to give everyone an opportunity to speak in an orderly and respectful manner and that this was how he had organized the meeting.

Mr. Peter Bardunias, 651 Waite Road resident, and President of Southern Saratoga Chamber of Commerce offered his support for the proposed PDD for the following reasons:

- location for shopping is convenient to western Clifton Park
- felt Price Chopper would make best use of land as an asset to community

Thomas Powers 1221 Route 146 offered his support for the following reasons:

- owner of the proposed parcel
- zoning was changed from commercial in 2005 to HM, and he feels this PDD would return to the previous zoning

Joe Brousseau, 6 Vista Ct. stated he was in support for the following reason:

- supported the provision of modern services needed in western Clifton Park

Bob Voelker, 10 Stratford Dr. Sherwood Forest opposed the zoning change based on the following:

- precedence it sets for other HM zones in western Clifton Park
- EIS - would need to be redone
- drastic change inconsistent with residential character of surroundings
- size and scale
- distance from homes
- traffic issues
- vacant retail spaces nearby and deterioration

- noise, air pollution
- negative visual impacts
- neighbors loss of privacy and property value

Jim Smith, 21 Sterling Heights opposed the project based on the criteria outlined in Town Code section 208-73:

- responded that the proposal would not meet each of the criteria listed in section 208-73
- has not complied with intent and objectives of PDD requirements Article A2
 - in particular he noted that 500 ft notices were not sent out time of application
- noise, light pollution
- fire house safety issues at newly planned entrance
- traffic, especially at Vent Fitness facility
- service and utilities
- page 31 of traffic study, increased delays
- undermines Western Clifton Park GEIS

Youssef Ballout, resident of Clifton Park and chairman of Democratic Party spoke in opposition for following reasons:

- stated western Clifton Park starts at Waite Road
- HM was meant to protect from intense development
- not in compliance with existing zoning
- questioned math regarding wetlands and how the applicant arrived at 73% undisturbed wetlands
- questioned benefit of eliminating the slip lane being credited to the applicant
- sales taxes spent in Clifton Park will be same, just spent at a different corner of town
- room is filled with community that opposes change in zoning at this property
- build in existing zoning or redevelop aging mall
- claims adverse effect on Sterling Heights property values

- Vance Bryant, a 50-year resident of Clifton Park, Sherwood Forest, stated that he was a project manager for the Vischer Ferry GEIS, worked on the Open Space plan, and was a former member of Open Space Committee, and that he opposed the proposal for the following reasons:

- negative impact to traffic, 2 intersections have higher than average accident rates and felt would get worse.
- stated that this would be a “brown field” made out of a green field (Mr. Koval asked for clarification of “brown field” designation and Mr. Bryant stated it was not technically a brownfield, but rather a disturbance of undeveloped land.)
- does not meet the attempt to create more open space, recreation uses
- not harmonious with planning objectives of the town

Gerry Havasy, a new resident of the Vistas opposed the proposal and added the following observations:

- history of Price Chopper rehabbing Glenville vs. building totally new
- in favor of rehab of existing spaces at corner of Rt. 146 and 146A

Mike Jabonaski, 1 Sheffield Dr. Sherwood Forest opposed for the following reasons:

- added traffic concerns
- lower property values
- peak hours
- fire department difficulties
- questioned need for building 60,000 sf facility
- questioned proposed site lines as not accounting for equipment on top of buildings
- 24 hour activity and drive throughs near residential district

Bill Hoffman, 7 Buckingham Ct., Sherwood Forest opposed for the following reasons:

- not redeveloping existing property
- change in zoning, PUD
- precedent set for change in Western CP
- notification of neighbors
- quote Phil Barrett, “Zoning protects hamlets from big box stores”
- home value
- traffic congestion
- considers it a redistribution of wealth

Mike Piccard, Sterling Heights, opposed for the following reasons:

- questioned the math of the proposed PDD
- asked Town to purchase the land and have what he called Powers Park
- traffic
- asked for refurbishment of existing Price Chopper or North Country Common

Jennifer Casabonne, 33 Sterling Heights Dr. urged the planning board to deny the proposal based on the following:

- a petition in opposition of the project at change.org signed by almost 300 taxpayers and voters
- Facebook page “Save Western Clifton Park from Commercial Development and Urban Sprawl with 100+ members
- opposes zoning change
- lower property value
- irresponsible planning and land use
- waste of taxpayer money if do not follow Western Clifton Park GEIS

Dan LaFleche, 21 Wheeler Dr. opposed for the following reasons:

- added traffic light slowing traffic through intersection
- if traffic light is needed, project must be too intense a use
- most traffic at existing PC come from south and east but they are building in northwest which changes traffic patterns of those drivers
- rehab existing Price Chopper
- oppose change of zoning laws
- community has already had input and chose HM for that property, change to PDD is not listening to community
- oppose another super center, prefer smaller store in this location

Mr. Ferraro asked for new comments at this time.

Frank Berlin, 980 Main Street Jonesville, opposed for the following reasons:

- felt applicant should work within existing sites at this corner

- worried about vacant buildings

Another resident of Sterling Heights opposed for the following reasons:

- concerned with loss of property value
- needs to balance growth with existing community
- claimed change in tax revenues will result in no net increase

Dave Wagner, 9 Wheeler Dr. opposed for the following reasons:

- traffic congestion
- impact to wildlife
- 24 hour activity

Darryl Caron, 15 Coventry Dr. Sherwood Forest opposed for the following reasons:

- proximity of 4 super centers
- compare to new Hannaford by exit 11 and why not upgrade existing location to similar scale

Mr. Ferraro next asked the Planning Board members if they had any questions, concerns or observations regarding this application.

Mr. Koval noted the following concerns and observations:

- Vent Fitness traffic, 1000 members per day entering and exiting
- left turning motion eastbound into the site
- drive thru restaurants facing Sterling Heights residents and late hours should be relocated elsewhere on the site
- Delivery details, time, refuse pickup at rear of building next to Sterling Heights
- concerned that opinion is being regarded as fact
- felt this parcel does not function as a hamlet despite the zoning
- could be primarily commercial
- stated that school and property taxes would increase, sales tax revenue would not necessarily change
- Price Chopper has already rehabbed the current location
- PDD is a change in zoning requested by applicant
- used to be B-3 zone before HM
- expressed opinion that buyers would like to move closer to shopping and restaurants

Mr. Andarawis noted the following concerns and observations:

- comparing PDD to the HM allowed uses
 - if density and intensity increases, would like to see improvements
 - less pervious surface
 - more open space

Mr. Hale noted the following concerns and observations:

- doubts consistency of 208-71b, accessory use of eating establishments
- density should be more efficient use of land than traditional zoning
- network of streets is not met
- proposed pedestrian system not consistent with HM zone
- purpose of HM to serve adjacent residential hamlets rather than outside the adjacent area

- suburban sprawl surrounding property
- more creative use could meet HM zoning developed closer to southeast corner
- felt that parcel cannot function as HM
- felt there was room for change in keeping with spirit of HM while not meeting it

Mr. Ophardt noted the following concerns and observations:

- traffic issues need to be addressed
- not sure it meets Town Comprehensive Zoning Objectives
 - Western should not look like Eastern Clifton Park
 - Western GEIS - was created at great expense of money and time
- HM was chosen and should remain in place
 - Price Chopper needs to look at fitting into HM
- innovative and creative design
- proposal was inconsistent with surroundings
- too intense for site
- stress on existing signal
- Open Space plan and current zoning are fine felt there was no need to change

Mr. Hale added that he felt the applicant was basically looking to revert to B-3 zoning which includes, shopping, mixed office, retail and residential zones and that this project could potentially do that which and be in keeping with HM intention

Mr. Koval noted that the green space that is on this site won't compare to shopping malls at eastern Clifton Park and this would make it different.

Mr. Ferraro noted that the owners, residents, developers all have an interest in the financial and economic health of this part of town. The chairman stated that the town had invested in comprehensive planning to attempt to balance that fiscal responsibility for all and that any plan should represent the vision for all stakeholders in the community. Mr. Ferraro added that something would be developed here and that it was zoned as hamlet mixed use and a comprehensive plan had already been done. Next the chairman added that the property owner would have a reasonable expectation of making a profit if and when he sold the land. Mr. Ferraro added that when purchasing in Sterling Heights, buyers knew there was potential for development at this property which is on the border of a state highway and transportation problems exist and need to be addressed. Then the chairman noted that a GEIS was done, with its stated objective to eliminate the need for PDD applications. Mr. Ferraro also said that he felt that although B-3 became HM zoning, it didn't function as a hamlet area currently, but that in order to become a hamlet, it would have to start at some time. Mr. Ferraro added that he would like to see redevelopment of all corners of this intersection and that he appreciated that this project was sensitive to environmental features of this site but was not applying a creative use of this space to the proposed land use. Next the chairman stated that he would like to see a mixed use, Price Chopper Plaza with a smaller footprint and perhaps some townhouses and increased walkability, adding that the application of both HM zoning, and the Western GEIS, could achieve that. Finally, MR. Ferraro noted that he felt this PDD was just more of the same and does not meet the vision of the community and he would like to see the start of a Hamlet Mixed-use plan and would not support the PDD at this time.

Mr. Ophardt moved, seconded by Mr. Andarawis to provide a recommendation to the Town Board to disapprove a Planned Development District application. Ayes: Mr. Andarawis,

Mr. Ophardt, Mr. Ferraro, Noes: Mr. Hale, Mr. Koval. The motion to disapprove the PDD recommendation passed 3:2.

Role call:

Ayes:

Mr. Andarawis - stated that he felt that this proposed plan did not meet the intent of a PDD which should increase Open Space and improve land usage.

Mr. Ophardt - stated that he felt the town did an exhaustive study to arrive at Western GEIS zoning and that he wanted to respect the vision of both the town board and the community.

Mr. Ferraro - stated that the Town had made a large investment in the planning process, HM was designated as a part of the Western GEIS and intended for mixed use land activity and that he felt this proposal was not creative but that does not preclude the applicant resubmitting a more creative project in line with the HM environment.

Noes:

Mr. Hale - stated that he did not want to disapprove because he felt that the applicant should have an opportunity to do a supplemental EIS to address inconsistencies and to revise the plan in keeping with the underlying zoning despite existing deficiencies in the zoning, and that he was not willing to close PDD option without giving the applicant the opportunity to perform a supplemental EIS.

Mr. Koval - stated that after review of the Town Code, he believed the current zoning designation was misapplied and that he also felt the applicant could do a supplemental EIS and modify its PDD application. Mr. Koval also noted that he felt the mechanism to address inappropriate zoning is a through a PDD as allowed for in town code.

V Discussion Items – NONE

Mr. Koval moved, seconded by Mr. Andarawis to close the planning board meeting at 11:20pm. The motion was unanimously carried.

Next submittal deadline: 3/19/2014

Next Planning Board meeting: 3/25/2014 from items submitted on 3/5/2014

Respectfully submitted,

Margaret Springli