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PLANNING BOARD

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Kim Paulsen  
Tom Werner

*(alternate)* Eric Prescott

**Planning Board  
July 8, 2014**

Those present at the July 8, 2014 Planning Board meeting were:

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

Those absent were: 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  
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.

**Minutes Approval:**

Mr. Ophardt moved, seconded by Mr. Hale, approval of the minutes of the June 24, 2014 Planning Board meeting as written. Ayes: Ophardt, Hale, Koval, Werner, Ferraro. Noes: None. Abstained: Andarawis, Paulsen.

**Public Hearings:**

There were no public hearings scheduled for this evening's meeting.

## **Old Business:**

### **[2014-021] DeCrosta Duplex – Special Use Permit #80975**

Mr. Ferraro explained that this application was reviewed by the Planning Board at its May 27, 2014 meeting at which time the Board approved the Special Use Permit “conditioned upon the establishment of a 15’ wide easement along the Plank Road right-of-way for possible development of a future trail connection:” and that “the purpose of the easement must be clearly labeled on the final plot plan.”

Mr. Ferraro explained that as a condition of approval for Resolution #8 of 2014, the applicant for Special Use Permit #80975 was required to establish an easement along the property’s frontage for possible future trail development. After considering that the surveying and filing costs of such an easement would cost the applicant thousands of dollars because the application involved site plan approval rather than subdivision approval, Mr. Ferraro asked Board members to consider the following change in wording to the original condition of approval:

Now therefore, be it resolved that the Planning Board grants approval to Special Use Permit #80975 to permit the construction of a two-family dwelling at 754 Plank Road within an R1 zoning district conditioned upon *a notation on the plan that a 15’ wide easement to the Town of Clifton Park be granted at such time when a future multi-use pathway along Plank Road is proposed*: the purpose of the easement must be clearly labeled on the final plot plan.

Mr. Ferraro pointed out that the *intent* of the approval condition remains unchanged: the applicant would be required to provide the easement when a multi-use pathway is proposed rather than at the time of site plan approval.

Mr. Scavo explained that subdivision applications usually require payment of parkland fees for any newly created parcels. These fees may be waived when conditions approval require the establishment of easement(s) for future pathway development, making the establishment of the easement less onerous for the applicant.

In response to Mr. Andarawis’s question regarding the acknowledgement of the easement to future property owners, Mr. Scavo explained that the easement reference would be included in the property deed.

Mr. Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, noted that future subdivision of the parcel was possible and questioned whether or not the Committee would have the ability to enforce the approval condition. Mr. Scavo explained that a future subdivision would require Planning Board approval at which time the easement condition would be reinforced, possibly – at that time - through the establishment of a formally filed easement.

Mr. Koval offered Resolution #13 of 2014, seconded by Ms. Paulsen, to amend Resolution #8 of 2014 to read as follows:

Now therefore, be it resolved that the Planning Board grants approval to Special Use Permit #80975 to permit the construction of a two-family dwelling at 754 Plank Road within an R1 zoning district conditioned upon a notation on the plan for a 15' wide easement to the Town of Clifton Park to be granted at such time when a future multi-use pathway along Plank Road is proposed: the purpose of the easement must be clearly labeled on the final plot plan.

Ayes: Ophardt, Paulsen, Andarawis, Hale, Werner, Koval, Ferraro. Noes: None.

[2012-030] **Crescent Woods** – Proposed (61) lot cluster subdivision, 1567 Crescent Road – Preliminary review and possible SEQRA determination. SBL: 283.-2-8

This application was withdrawn from this evening's agenda at the request of the applicant.

[2014-031] **Shopper's World Bank** – Proposed 3,000 SF bank, Shopper's World Plaza, Park Avenue – Conceptual site plan review. SBL: 271.4-3-72.2

Mr. Tom Andress, consultant for the applicant, presented this application that calls for the construction of a 3,000 SF banking facility within the Shopper's World Shopping Center. Mr. David Sussman and Mr. Robert Miller, Jr., principals of Windsor Development Group, Inc., owner of the shopping center, were also in attendance at the meeting. The development site is located within the B4 zoning district and specifically located directly west of the delivery area that serves the existing Price Chopper grocery store. Mr. Andress reported that the banking facility would be accessed by two (2) curb cuts onto the service roadway, though the northerly access is proposed to be used primarily to access employee parking. Stormwater will be directed to an existing basin located behind the shopping complex. Site development will required less than one acre of land disturbance. A bike rack located near the front entranceway has been shown on the plan. Connection to the pedestrian pathway to be installed adjacent to the drive-thru pharmacy along the south side of Price Chopper which was recently approved as part of the improvements for the grocery store has been indicated on the plan and connection will also be made to the existing sidewalk along Maxwell Drive.

Mr. Scavo explained that comments provided by the ECC, Mr. Myers, Director of Building and Development, and the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee have been forwarded to Planning Board members.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments in a memo dated July 2, 2014. He noted that required setback variances were approved by the Zoning Board of Appeals at its November 18, 2008 meeting. He recommended that Board members consider how this proposal will affect the recently-approved upgrades to the Price Chopper grocery store since the drive to the rear of Price Chopper is not a public roadway. Drainage is proposed to be directed to the existing Maxwell Road pond which must be improved pursuant to a separate action. The required improvements have not been started to date: no approval for this project should be granted until they are complete.

Mr. Scavo reported that the ECC offered the following comments on this application. The ECC is concerned with the combined environmental impact of multiple projects that are

within the same parcel. The ECC recommends replacement of the two dead elms with two 3” caliper deciduous trees.

Mr. Scavo read comments prepared by the Planning Department. The project will require referral to the Saratoga County Planning Board pursuant to Sections 239 (m) and (n) of General Municipal Law. Mr. Scavo recommended that the applicant provide a visual site assessment which would show proposed views from adjacent roadways. The applicant must provide verification that a legally dedicated access is available from the private driveway off Park Avenue, thus ensuring a shared access should the parcel be later subdivided. The site statistics table should be updated to show the overall statistics for both pre- and post-construction scenarios. It appears that the parcel is now part of the larger Shopper’s World complex. The dumpster pad location should be illustrated on the site plan. The speaker recommended that the applicant provide additional plantings in the southwesterly corner of the site within the grassed area adjacent to “where the drive land meets the proposed front parking area.” A note must be added to the sign detail which states:

The bottom of the mounted traffic control guidance signs shall be placed at least 60” above the parking surface.

Mr. Scavo asked that the applicant consider the possibility of eliminating the single lane of traffic from south to north, east of the proposed building and making the second entrance for the drive-thru with directional signage.

Mr. Andress explained that no dumpster was proposed for the bank.

Mr. Bianchi read comments prepared by M J Engineering and Land Surveying, P.C. in a letter dated July 8, 2014. Based upon the project information, the total site disturbance will be below one acre and, therefore, would not be subject to the NYSDEC Phase 2 Regulations or General Permit GP-010-001. Notwithstanding, there must be an analysis furnished indicating that the proposed improvements and associated impervious areas can be adequately accommodated and that there will be no adverse impacts to adjacent properties. This analysis is necessary as part of the Town’s SEQRA review. The project will be provided with public sewers via a service connection to the Saratoga County Sewer District (SCSD) infrastructure. While the proposed expansion appears minimal in nature, the applicant should furnish the Town with confirmation that the SCSD can accommodate any increases in sewage being generated. The project will be provided with public water via a service connection to the Clifton Park Water Authority’s (CPWA) infrastructure. While the proposed expansion appears minimal in nature, the applicant should furnish the Town with confirmation that the CPWA can accommodate any increases in water usage. Additional comments related to State Environmental Quality Review. Based upon review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. Assuming 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 are not necessarily limited to the following: Saratoga County Planning Board – 239m referral due to the project’s proximity to NYS Route 146; Saratoga County Sewer District: additional reserve sewer capacity, if deemed necessary; Clifton Park Water Authority: additional taking of water, if deemed necessary. Additional involved/interested agencies may be defined as the project proceeds through the Town’s regulatory review process. The project resides within the Town’s Highway Business

(B4) Zoning District. The proposal for a bank is a permitted principal use within the B4 District pursuant to Section 208-45 of the Town Zoning. Based upon a review of the concept plan, and associated area variances previously granted, all bulk lot requirements appear to be satisfied. It is recommended that the applicant provide site statistics for the parcel based upon actual proposed coverages rather than indicating all are met, with specific focus on green space. The plans must clarify who will be responsible for the installation of the crosswalk from Price Chopper, north of the project. The plans note a 6" x 6" x 1" connection for the water service, however, the plans also indicate that the relocated water main is an 8-inch diameter line, which would then require a different sized tee. It is likely the service will not be a tee, but rather a direct tap: this connection method must be coordinated with and approved by the CPWA. The applicant is asked to provide the top of frame and inverts for the proposed sanitary manhole north of the site that is along the sewer service lateral. The applicant should verify the light levels from the drive-thru, as it is common that roof or building mounted lights at a bank drive-thru are high for security reasons. It may be necessary to provide additional landscaping along the Maxwell Road right-of-way to shield excessive light glare. Please note the locations of required Knox Box and/or fire department connections or in the alternative provide notation on the plan indicating that final locations shall be subject to the approval of the Town as part of the building permit process. Provide a detail describing dimensions and other relevant information for the pedestrian crosswalks proposed. Elevations and materials of construction for the proposed building should be submitted to the Planning Board for review.

Mr. Andress explained that the amount of greenspace currently located on the Shoppers World site – 35% - will not be reduced since the applicant is seeking to invoke its ability to apply greenspace credits per a land donation agreement approved by the Town Board in 2002. Mr. Scavo explained that at that time, the applicant donated 1.95 acres of land to the Town which has, through the years since, provided the basis for applying greenspace credits to various projects in the area. He stated that the remaining available credits are sufficient to offset the greenspace reduction for the Shopper's World complex.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, asked that the Board request the applicant to provide a crosswalk across the service road that serves Price Chopper and sidewalks along Park Avenue between the service road and main entrance to Price Chopper, thus connecting "all of Windsor's property along the north side of Park Avenue."

Mr. Werner commented that he supported the installation of a sidewalk along Park Avenue which would allow for continuity of sidewalks throughout the Shopper's World complex and reasonable internal pedestrian accommodations throughout the site. Mr. Koval agreed, stating that this appeared to be the appropriate time for requiring installation of a continuous walkway along Park Avenue. Mr. Koval stated his concern regarding the potential conflicts that may occur between traffic using the bank and the larger truck traffic that utilized Price Chopper's service bays. Though Mr. Andress stated that traffic at the northern-most access to the bank would likely be minimal, Mr. Werner questioned whether it would be used by bank patrons to avoid long queues at the drive-up lanes. Mr. Andress explained that the applicant was considering the installation of signage that would limit the access to bank employees. In response to Mr. Hale's comment regarding possible improvements to the rear of Price Chopper

to give it “more of a façade look,” Mr. Miller, applicant, stated that negotiations with Price Chopper representatives regarding site improvements have been on-going. In response to Mr. Ferraro’s concern that removal of the trees that now shield the back of Price Chopper will result in negative visual impacts to travelers along Park Avenue and Maxwell Drive, Mr. Miller stated that a visual impact assessment will be provided for the Board’s consideration. Mr. Miller assured the Board that the proposed building will be adequately screened from Park Avenue and Maxwell Drive. Both Mr. Ferraro and Mr. Ophardt encouraged the applicant to preserve as many of the existing mature trees on the site as possible. Mr. Koval noted that the existing service road must be designed to accommodate “through traffic.” Concerns focused upon the removal of existing mature trees that provided visual appeal and the amount of paving to provide for adequate stacking for the drive-thru windows. Board members discussed traffic circulation through the site and roadway design, requesting that the applicant provide alternative plans for consideration. Mr. Scavo reminded the Board that Price Chopper recently received approval to move existing parking spaces along the southern side of the store closer to Park Avenue and commented that installation of a sidewalk along the northerly side of Park Avenue from its intersection with Maxwell Drive to the main entrance to Price Chopper may require the removal of a significant number of mature trees. In response to Mr. Andarwis’s observation that the (23) parking spaces provided substantially exceeded the required number, Mr. Andress explained that experience has demonstrated that the proposed number of spaces may be necessary to meet peak demands. Board members, though finding the plan generally acceptable, appeared to be concerned with the possible removal of existing mature vegetation that provided substantial screening of the existing development, the excessive amount of paving on the site purported to be necessary to accommodate bank patrons at peak hours, smooth traffic flow through the site, and the most practical locations for pedestrian accommodations within and around the shopping complex. The consultant was asked to prepare alternative site development plans and provide a visual impact assessment of the site.

[2014-032] **Verizon at Ushers Road Celltower** – Proposed co-location of antennae on an existing telecommunications tower, 287 Ushers Road – Conceptual site plan review. SBL: 259.-1-37.1

Mr. Dave Brennan, legal consultant for the applicant, introduced Mr. John McCabe, acquisition specialist for the telecommunications provider, who was in attendance at the meeting. He then presented the application that calls for the replacement of an existing antennae array at the telecommunications tower located on the northerly side of Ushers Road just east of the Northway Exit 10 northerly on ramp. The parcel is located within an L2 zoning district. He explained that the applicant proposes to co-locate twelve (12) panel antennas at the 125’ centerline of an existing tower – an area that is being vacated by another carrier. The plan also includes construction of a 12’ x 30’ (360SF) prefabricated equipment shelter within a 20’ x 38’ expansion of the existing fenced compound area, twelve (12) coaxial cables connecting the antennas to Verizon Wireless’ equipment shelter, and other appurtenances, fencing, and utility services necessary for operation of the facility. No lighting is proposed. Noise levels are minimal. Though 240 gallons of diesel fuel will be stored on the property to supply emergency generators, the storage tanks will be monitored and alarmed: sufficient containment will be provided in the event of spillage.

Mr. Scavo reported that the ECC requested clarification of the type, quantity, and location of the fuel storage associated with the backup generators.

Mr. Scavo reported that Mr. Myers offered no comment on this application.

Mr. Scavo offered comments prepared by the Planning Department. A copy of the application has been forwarded to Mr. William Johnson, the Town's Designated Engineer for telecommunication applications, for his review and analysis. The project has also been referred to the Saratoga County Planning Board in accordance with Section 239 (m) and (n) of General Municipal Law. The speaker explained that the owner of the parcel has informed him that the proposed site improvements will be constructed outside of the lease boundaries, though no formal survey substantiating this allegation has been submitted. The survey provided by the applicant indicates that the area slated for development is located within the defined lease boundaries. Mr. Pelagalli explained that any question regarding the lease agreement and legally leased boundary area is beyond the Planning Board's purview: it is a private property issue to be resolved between the involved parties.

Board members found the application generally acceptable and Mr. Brennan stated that his client would await comment from the Mr. Johnson, Town Engineer before requesting review of preliminary plans.

[2014-033] **Dwaas Kill Fens** – Proposed (3) lot subdivision of medical office complex site plan, 715 Pierce Road – Conceptual review. SBL: 265.-1-12.1

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that calls for the subdivision of approximately 13 acres of land located on the easterly side of Pierce Road approximately one mile north of its intersection with Kinns Road within the L1 zoning district. Site plan approval for a medical office complex consisting of three (3) office buildings and associated improvements was granted March 27, 2012 and – to date – one 16,000 SF building and (90) parking spaces have been developed on Lot #2. Mr. Vuillaume acknowledged that, depending upon proposed uses for the vacant parcels, setback variances may be necessary for development of the remaining lots. Mr. Vuillaume explained that sewer and water mains are located within the private roadway.

Mr. Scavo reported that the ECC offered no comment on this application at this time.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comment on this application in a memo dated July 2, 2014. The proposed subdivision appears to meet zoning requirements for the L1 zoning district. It appears that the parking lot to the north of the existing building is on Lot #2: it appears that it was intended to serve the building on Lot #3. Another subdivision may be required in the future.

Mr. Scavo read prepared statements from the Planning Department. The project has been referred to the Saratoga County Planning Board in accordance with Section 239 (m) and (n) of General Municipal Law. Lots #1 and 3 must have their own separate utility laterals for both water and sewer. The applicant must verify that the frontage along the right-of-way will be

adequate to accommodate these connections and must note the method of connection to be used. It appears that there are other private utilities (i.e. phone, cable) located within the strip of land that provides frontage for the parcel along Pierce Road. The applicant must supply documentation regarding the easement agreement for ingress/egress from the private roadway. This agreement should clearly define ownership and maintenance responsibilities which also include what appears to be the stone infiltration trench along the main roadway. Easements to achieve the pedestrian connections and circulation to connect each lot must be provided. A note must be added to the plan which states the following: Private roadway not intended to be dedicated to the town now or in the future. An additional note must be added to the plan that states the following: Site plan review and approval will be required for Lots #1 and 3 prior to the issuance of a building permit. Sidewalk and pathway connections are to be incorporated into future site plans for Lots #1 and 3 to meet the intent shown on the previously approved site plan for Lot #2 on March 27, 2012 and stamped November 8, 2012 for Planning Board project #2011-033. The site statistics table must be updated for the existing parcel and each proposed lot to show what the remaining greenspace and impervious surface percentages will be after the subdivision. The applicant must address stormwater management issues, indicating how the stormwater functions for Lot #2 and how each lot will accommodate its own stormwater runoff.

Mr. Vuillaume stated that the applicant will provide a copy of all maintenance agreements and that sidewalk and pathway connections will be provided as approved. The site statistics table will be updated in accordance with Mr. Scavo's recommendations.

Mr. Bianchi reported that, after review of the materials presented, M J Engineering and Land Surveying, P.C. offered the following comments. Based upon review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, the involved/interested agency to be engaged may include, but is not necessarily limited to, the Saratoga County Planning Board: 239m referral due to the project's proximity to Interstate 87. Additional involved/interested agencies may be defined as the project proceeds through the Town's regulatory review. Several comments related to the subdivision plan. The project is located within the Town's Light Industrial (L1) Zoning District. The uses have not been reviewed for conformance to the Town's zoning as the site has already undergone a site plan review. It should be noted that there may be a need to review bulk lot requirements for Lots #1 and 3 upon their construction to ensure the minimum lot coverage is being provided as outlined in Section 208-65 (B) of the Town Zoning Code. Section 208-65(A) of that Code requires a minimum lot width of 150 feet. Lots #2 and 3 do not appear to provide this minimum width at the building line: the applicant must indicate how these lots meet the minimum Code requirements. Alternatively, a variance from the Zoning Board of Appeals may be necessary. The applicant is asked to update the bulk lot table to include the actual lot coverage for Lot #2 since a Certificate of Occupancy has been issued and approved improvements to the lot have been completed. It is suggested that any roadways and/or utilities which cross lots adjoining lots within the subdivision be included in easements benefiting the appropriate parties, as necessary prior to approval or filing of the subdivision plat with the Saratoga County Clerk. Appropriate 911 emergency response numbers must be obtained for and assigned to each lot created and placed on the filed plat.

Mr. Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, requested that the applicant provide a 15' wide right-of-way along Pierce Road and that the subdivision plan clearly indicate the pedestrian improvements that were approved as part of the original site plan approval.

Mr. Koval stated that he approved of the plan "if the stormwater management area is located where it's supposed to be." Mr. Hale was concerned with maintaining pedestrian connections between the proposed buildings and along the private drive. Referencing Mr. Myers' comment regarding the parking lot locations for Lots #2 and 3, Mr. Ferraro expressed his concerns regarding the adequacy of proposed parking for each separate parcel. Mr. Vuillaume stated that parking lot allocations would be evaluated to ensure that each lot has an adequate number of spaces. Mr. Ferraro noted that since the parcel is environmentally sensitive, "less parking may be better" and he encouraged the use of cross-access easements. Board members found the subdivision proposal generally acceptable.

Mr. Ophardt moved, seconded by Mr. Koval, adjournment of the meeting at 8:35p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on August 12, 2014.

Respectfully submitted,

Janis Dean,  
Secretary

**Notice of Decision**

**Resolution #13 of 2014**

**Approval**  
**Amendment to Approval of Special Use Permit**

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 July 8, 2014, there were:

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

Absent: E. Prescott – Alternate Member

Mr. Koval offered Resolution #13 of 2014, and Ms. Paulsen seconded, and

Whereas, an application was made to this Board by Eric DeCrosta for approval of Special Use Permit #80975 to permit the construction of a two-family dwelling within an R1 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 May 27, 2014, and

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

Now, therefore, be it resolved that Resolution #8 of 2014 be amended by Resolution #13 of 2014 to read as follows: Now therefore, be it resolved that the Planning Board grants approval to Special Use Permit #80975 to permit the construction of a two-family dwelling at 754 Plank Road within an R1 zoning district conditioned upon a notation on the plan for a 15' wide easement to the Town of Clifton Park to be granted at such time when a future multi-use pathway along Plank Road is proposed: the purpose of the easement must be clearly labeled on the final plot plan.

Resolution #13 of 2014 passed 7/8/2014

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

Noes: None

R. Ferraro, Chairman