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PLANNING BOARD

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Emad Andarawis

Michael Hale

Joel Koval

Eric Ophardt

Kim Paulsen

Tom Werner

(alternate) Eric Prescott

Planning Board
September 10, 2014

Those present at the September 10, 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
T. McCarthy, Town Attorney
M. Kazmierczak, Chairman, Historic Preservation Commission
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. Koval moved, seconded by Mr. Ophardt, approval of the minutes of the August 12, 2014 Planning Board meeting as written. Ayes: Ophardt, Hale, Andarawis, Koval, Werner, Ferraro. Noes: None. Abstained: K. Paulsen.

Public Hearings:

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

Old Business:

[2006-035] **Preston Court (formerly approved Dickinson Subdivision)** – Proposed review and amendment of the restrictive covenant for 859 Main Street. SBL: 265.-1-55.111

Mr. Ferraro introduced discussion of this agenda item, explaining that a dispute has arisen between the Town and the current owner of 859 Main Street regarding the restrictive covenant requiring that “the existing home shall be maintained and preserved by the grantee, its heirs, successors and assigns, in order to preserve the historic architecture of the home.” He explained that the purpose of this evening's discussion was to determine and resolve the interpretation dispute and, if necessary, to recommend appropriate action. He then introduced Mr. Tom McCarthy, Town Attorney, to provide background information regarding the nature of the dispute and a description of the role the Planning Board would play in its resolution.

Mr. McCarthy explained that, as a condition of approval granted to the Dickinson Subdivision application in 2007, the Planning Board required the applicant to ensure that the existing “Smith House” contained within the property's boundaries would be preserved in an effort to maintain the historic character of Jonesville's Main Street. This condition was not challenged by the applicant, was included as Note #2 under General Notes on the subdivision plan, and was contained as a restrictive covenant in the Warranty Deed for the property. The 54,748 SF parcel on which the house is situated was subject to a life estate agreement which was terminated upon the death of the home's last occupant, Lois Smith. The property was eventually transferred to Mr. David Lenney by ARK Development Group, LLC by Warranty Deed on August 11, 2010. Mr. McCarthy stated that he became involved with the preservation issue in July, 2014 following Mr. Lenney's request for a demolition permit to raze two existing barns located on the property. The application was reviewed by the Historic Preservation Commission, which believed that the Planning Board approval required preservation of the barns as well as the residence, and then referred to the Town Attorney for interpretation of the approval conditions and restrictive covenants. Upon review of the subdivision plat and warranty deed, Mr. McCarthy determined that the barn and chicken coop structures were not slated for preservation, but that the house was subject to a restrictive covenant that that required preservation of the homestead was contained within the Warranty Deed. He stated that he conveyed this information to Mr. Lenney who subsequently informed him that the house was maintained and secured. Site visits conducted by members of the Building Department and by the Mr. Myers, Director of Building and Development revealed that the building was not maintained in an acceptable manor and that significant deterioration of the building had occurred. Since the restrictive covenant stated that “the benefits of this restrictive covenant shall run in favor of, and be enforceable by, the Town of Clifton Park and the Town of Clifton Park Planning Board” and that “any disputes pertaining to the interpretation and/or application of this restrictive covenant shall be referred to the Town of Clifton Park Planning Board for its determination and resolution” Mr. McCarthy requested that this item be placed on this evening's agenda.

Mr. Ferraro called upon Mr. Mark Kazmierczak to discuss his involvement with the property in his dual capacities as Code Enforcement Official and Chairman of the Town of Clifton Park Historic Preservation Commission. Mr. Kazmierczak offered a chronologically-ordered outline of his visits to and observations of the subject property and meetings with the Mr. Lenney. On February 9, 2010, Mr. John Scherer, Town Historian, forwarded an e-mail to the Building Department reporting that he saw a large dumpster placed in the front yard at 859 Main Street and his concern that the house was being prepared for demolition. Code enforcement officials determined that the interior of the house was being cleaned. On November 10, 2010, Mr. Kazmierczak met with Mr. Lenney to discuss “what could be done with the property.” Mr. Kazmierczak reported that he told Mr. Lenney that although the interior of the house did not contain any significant historical features, the exterior of the house must be retained, that the remaining two barns must be preserved and restored, and that all proposed work and changes to the interior must be prepared by a professional and submitted to the Historic Preservation Commission for review and recommendations and to the Building Department prior to the issuance of a Building Permit. On September 21, 2012 Code Enforcement inspected the house and found that extensive work had been done without benefit of a Building Permit. Work was ordered stopped and the Town informed the owner that he must submit proper plans and secure a Building Permit for any work done on the premises. In July, 2014, Mr. Lenney applied for the demolition of the two barns. Although the Historic Preservation Commission assumed – per the conditions of approval granted in 2007 - that the barns were to be preserved, the Town Attorney, after review of Planning Board minutes, notes on the subdivision plat, and the restrictive covenant contained within the Warranty Deed, determined that only the house was subject to preservation. On July 11, 2014, Mr. Scherer and Mr. Kazmierczak visited the two barns “to make a record for the town files.” The two structures were in worse condition than when inspected in 2007. The Historic Preservation Commission determined that, due to the “unrepairable conditions of the buildings,” the application for demolition could be approved by the Building Department. During that same visit, Mr. Kazmierczak reported that Mr. Scherer pointed out that doors and windows were opened: the house was unsecured and completely open to the elements. This concern was brought to the attention of the Town Attorney who asked that Code Enforcement inspect the premises. On July 23, 2014 both Mr. Kazmierczak and Mr. Myers, Director of Building and Development, conducted a site visit and found site conditions to be worse than when the work was stopped on September 21, 2012. They noted many “dangerous situations on the interior” and found the house unsecured, with open windows and doors. Rain was allowed to enter the interior: water damage was extensive. Code Enforcement asks the Planning Board to act to require the owner “to protect the house as it was to be preserved” by doing the following: installing proper doors (not doors with screens) and being certain that they are locked; repairing exterior steps leading to doorways; repairing the flooring on the screened porch and protecting the porch from further damage; repairing the screens on the porch; ensuring that all windows are closed at all times; repairing the roof on the porch to stop and prevent future water leaks; repairing and/or replacing any other items deemed to be dangerous or in need of repair due to neglect or progress in restoration of the house. He noted that the deed restriction calls for “maintenance of the house” which would require attention to both exterior and interior features.

Mr. Ferraro reported that he had visited the “Smith House” on two recent occasions and found the condition of the property deplorable. He, too, attested to the fact that windows and doors had been left open to the elements resulting in obvious deterioration of the structure. He was concerned with the fact that home was “unsecured.”

Mr. Scavo reported that the following documents have been forwarded to Planning Board members for their consideration: a letter dated July 11, 2014 from John Scherer, Town Historian, to Mark Kazmierczak, Chairman of the Town’s Historic Preservation Commission; General Notes Section of the Approved Subdivision Plan for Planning Board Project #2006-035: the subdivision was evaluated as a Type I action pursuant to SEQRA; copy of a Warranty Deed filed August 27, 2010 in the Saratoga County Clerk’s Office; Visual Observations Letter with Photographs dated July 24, 2014 from Mark Kazmierczak and Steve Myers to Tom McCarthy, Town Attorney.

Mr. Scavo explained that, in accordance with the restrictive covenant found on page 3 of the Warranty Deed that transferred the 54,748 SF parcel of land and existing residence from ARK Development Group, LLC to Mr. David Lenney, any disputes concerning the “interpretation and/or application” of the covenant shall be referred to the Planning Board for determination and resolution. He noted that this language was incorporated in the deed to ensure that the covenants, restraints, and conditions associated with the parcel as part of subdivision approval were fully enforceable. Mr. Scavo read the following from Section 179-41 of the Town Code regarding special preservation conditions:

No owner shall order, allow, or suffer the demolition or destruction of any building or structure in violation of any special condition requiring its preservation on any subdivision plat approved by the Planning Board.

In addition to any other remedies available at law, violations of this section may be punishable in a civil action for civil penalties pursuant to Section 208-111D.

Mr. Scavo concluded his remarks by stating that the Planning Board has “full authority” to compel compliance with the terms, conditions, and restrictions of the approved subdivision as prescribed by the restrictive deed covenant approved for 859 Main Street.

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

In response to Mr. Ferraro’s question regarding concerns by adjoining property owners, Mr. Kazmierczak explained that there have been no complaints regarding the property, though he pointed out that the house is situated a “good distance” from neighboring properties, that the building across the street serves as an office for an engineer who rarely uses it, and that another property quite close to the structure has been vacant for a considerable time. Mr. Ferraro expressed his “frustration” at a situation such as this developing in Clifton Park, noting that the photographs presented by the Historic Preservation Commission and Code Enforcement clearly indicate the seriousness of the situation and the deterioration that can occur rapidly when a building is left open to the elements and he stressed the need for immediate attention and remediation of the situation. Mr. Ferraro asked if it would be possible for the Town to make improvements to the property should the owner refuse to do so. Mr. McCarthy stated that it was more likely that the Town would file a suit with the Saratoga County Supreme Court that would require the owner to comply with the Board’s directives than to “do the work ourselves”: other

enforcement options have not be “vetted out.” Mr. Pelagalli commented that there is a question as to whether or not the town could take even “temporary measures” to secure the property since there is no basis for doing provided in the Town Code without a court order.

Mr. Pelagalli stated that Mr. Lenney has initiated legal action against the Town of Clifton Park by filing a Summons with Notice at the County Clerk’s Office. He pointed out that since Mr. Dickenson, the original applicant, did not file a challenge to the conditioned subdivision approval within 30 days of the decision, it is unlikely that Mr. Lenney could prevail in an action requesting that the restrictive covenant be rescinded or deemed unenforceable. He advised Board members to focus on interpretation and application of the covenant language question presented to them: has the restrictive covenant been violated? Has the unsecured, unprotected property been subject to “demolition by neglect”? He stated that any enforcement action was beyond the scope of this meeting and possible decision. Enforcement actions may involve this Board, the Town Attorney, the Department of Building and Development, and/or other agencies.

Mr. McCarthy pointed out that this situation is “unique” and that the first step requires the Planning Board to identify the dispute and offer recommendations for its resolution. Mr. Koval stated his hesitation to support the Board acting as an “enforcement body.” Mr. Pelagalli explained that the Planning Board is charged with determining whether or not a violation has occurred: the Town Attorney and Town Board must then determine what enforcement would entail.

In response to Mr. Koval’s question regarding whether or not the owner has been asked to secure the home from the weather, Mr. Kazmierczak explained that the owner has been asked to install solid doors, repair the roof leaks, and secure the building to no avail. Mr. Koval’s request for the Board to supply the owner with a list of specific recommendations resulted in Mr. McCarthy stating that the owner should be responsible for repair of exterior steps, the repair and/or replacement of exterior doors, repair of roof leaks, closing of windows to prevent water penetration, and securing the property from unauthorized entry. Although Mr. Hale commented that it was necessary to “state the obvious” when listing the necessary repairs, he believes that it is the Board’s responsibility to encourage the owner to “maintain the property.” Mr. Ferraro read Mr. Lenney’s e-mail to Mr. McCarthy of September 10, 2014 which states the following:

My response to the placement of 859 Main Street on the Planning Board Agenda is attached [an attachment labeled Summons with Notice.docx; KAMHI v Town of Yorktown.docx was part of the e-mail, though not presented to the Planning Board or discussed at the meeting]. As I advised Paul Pelagalli today, I am not attending the meeting or responding to the various documents provided. It is my opinion that the easement is unenforceable. It is also my opinion that retaliation is at the heart of the matter which I will not tolerate.

Mr. McCarthy called the Board’s attention to the owner’s contradictory position, noting that in July he reported that the house was secured; today he contends that the restrictive covenant is unenforceable. Mr. Ferraro stated that he would end the discussion with one last comment: “This is not retaliation, it is responsible citizenship.”

Mr. Ferraro moved, seconded by Mr. Andarawis, to resolve that the Planning Board finds the conditions at 859 Main Street to be in violation of both the approved subdivision plan for

Planning Board Project #2006-035 and the Warranty Deed filed August 27, 2010 in the Saratoga County Clerk's Office for 859 Main Street; and be it further resolved that the property is found to be unsecured and unprotected from the weather elements and unauthorized intruders in its current condition and is in danger of "demolition by neglect" if not remediated immediately; and be it further resolved that the recorded property owner for 859 Main Street is directed to secure the building and protect the structure from the weather elements and unauthorized intruders by closure, replacement and/or repair of windows and doors, repair of the leaking porch roof, and replacement of flooring on the porch; and be it further resolved that the Town Building Department is directed to provide a draft scope of work for Planning Board consideration within the next fourteen (14) days; and be it further resolved that the applicant is required to obtain any necessary local and state permits, based on the approved scope of work, including a Building Permit and Certificate of Appropriateness; and be it further resolved that this resolution shall take effect immediately. The motion was unanimously carried.

[2014-020] **Clifton Park Center – Mixed Use** – Proposed construction of 28,000 SF retail/commercial space with drive-thru on vacant pad site, 309 Clifton Park Center Road – Preliminary site plan and possible determination. SBL: 272.-1-47

Mr. Gavin Vuillaume, consultant for the applicant, presented this application that calls for the construction of 28,000 SF of retail and/or commercial space with a drive-thru within the boundaries of the Clifton Park Center complex. Specifically, the portion of the mall property to be developed is located within a B4 (Highway Business) zoning district on a 2.5 acre parcel situated to the east of the existing Olive Garden restaurant and on the southerly side of Clifton Park Center Road across from the Pier I Imports store and Ninety-Nine Restaurant. The 28,000 SF retail center which will "fit well with the area's overall masterplan" will provide space for a number of businesses and parking for 125 vehicles. Pedestrian accommodations will be provided throughout the site. A drive-thru has been provided along the northerly side of the building. A service area will be provided to the eastern side of the building. Site development will require the re-routing of an existing water main and the installation of new service connections. Connection will be made to the existing sewer district line. Mr. Vuillaume reported that there are "no capacity issues." Describing stormwater management at a redevelopment site as "challenging," he explained that the plan now calls for the retention area to be located to the rear of the building within the designated sewer easement, noting that approval for such an installation will require approval by the sewer district. Drainage to the front of the site will be directed to existing storm sewers. A dumpster enclosure is proposed within the proposed service area located in the northeastern corner of the site. A written response to the review letter addressing the concerns identified by M J Engineering and Land Surveying, P.C. and town staff members has been submitted to Mr. Bianchi as well as the Planning Department. Mr. Vuillaume pointed out that the proposed project reduces the areas impervious surface "8 or 9 percent." Building elevations were presented for the Board's consideration: it was noted that the building has been designed to complement those contained within the existing shopping center. Mr. MacElroy, DCG Development Company's Vice President, emphasized this point, stating that revised architectural plans "tie the building into the general architectural scheme" and are more reflective of the center's overall design. Glass will surround the back doors of the building, adding visual interest.

Mr. Scavo reported that all comments issued by Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, Mr. Steve Myers, Director of Building and Development, Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, and M J Engineering and Land Surveying, P. C. have been forwarded to Planning Board members for their consideration.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, asked that the applicant indicate the location of all existing and proposed fire hydrants.

Mr. Scavo explained that Mr. Myers, Director of Building and Development, offered the following comments on this application. Several items within the Stormwater Pollution Prevention Report require revision, including the reference to “Homewood Suites” on page 13. Forms within the stormwater management document must be signed. The information provided lacks details regarding ADS water quality unit.

Mr. Scavo reported that the ECC reviewed this application at its September 2, 2014 meeting and issued the following comments. As presented the project will change the skyline and visual character of the project area: the ECC recommends that the applicant incorporate a storefront façade on the building facing Clifton Park Center Road and the eastern most access to the complex.

The ECC recommends that the applicant provide an overall pedestrian linkage between this site and the surrounding commercial complex. The ECC would like to see that the proposed design follow the “Preliminary Clifton Park Center Master Plan” with the recommendations of a true mixed use as developed in the South Side Drive Commercial Center with second and third floor mixed use.

Mr. Scavo reported that the Planning Department provided the following comments. Several items referenced the Stormwater Management Pollution Prevention Plan. Section VI on page 13 refers to the “proposed Clifton Park Center – Homewood Suites Project.” this should be revised to reference the current project. Page 2 of the stormwater management narrative states that the proposed building will total approximately 27,200 SF: the site plan indicates a building size of 28,000 SF: the consultant must clarify this discrepancy. The second paragraph of Section 6.2 on page 6 of the Stormwater Narrative should be corrected. In order for the applicant to justify this as a redevelopment project according to Chapter 9 of the NYSDEC Stormwater Management Design Manual, the applicant must elaborate on the constraints that pertain to the soils, water table, and head. Consideration must also be given to the feasibility of siting SMP’s on the entire site within the property boundary. If it is the applicant’s intent to utilize the existing stormwater management area, an in-depth look should be given to the following statement: “The proposed project will not adversely affect adjacent or downstream properties.” In the past, severe storm events have resulted in significant flooding of roadways adjacent to the stormwater management areas. Pursuant to Section 86-10(B)(1) of the Town Code, “trees shall not be less than three inches in caliper, measured six inches above the ball.” The minimum caliper sizes for plantings listed on the planting plan for the proposed Red Maples and European Hornbeams must be increased to meet Code requirements. The Crosswalk Striping Detail provided on Sheet 9 of 9 should indicate that the lines will be painted white. The proposed dumpster location and details of the proposed enclosure must be included on the plan. Upon

viewing the plan at this evening's meeting, Mr. Scavo noted that since it appears likely that a café or restaurant use will be included in the center, placement and design details for a grease trap should be included on the plan. Mr. Vuillaume explained that necessary equipment had already been incorporated in the project plan.

Mr. Bianchi reported that, after review of all documents provided for preliminary review, M J Engineering and Land Surveying, P. C. provided the following comments. As previously noted in Comment 6 of the April 18, 2014 review letter, the project required variances which have been granted. The plans should note when the variances were granted as well as the Zoning Board of Appeals resolution number as appropriate. As noted in comment 8 of the April 18, 2014 review, there are multiple curb cuts onto the road to the south. The Planning Board should provide direction as to whether a reduction in the number of curb cuts should be considered to mimic the southern street edge and to limit the amount of vehicles entering the roadway. As noted in Comment 12 of the April 18, 2014 review, the applicant must indicate where any required dumpster enclosures may be located. As noted in Comment 13 of the April 18, 2014 review, in any case where a stop bar needs to be modified due to a new pedestrian crosswalk, its new location must be shown on the plans. As noted in Comment 16 of the April 18, 2014 review, absent showing Knox Box locations, the applicant must provide a notation on the plans stating that the final location is subject to the review and approval by the Town as part of the building permit process. Similarly, with the buildings including automatic sprinklers, the fire department connections would also be subject to final approval by the Town as part of the building permit process. The BL1 bollard fixtures could not be found on Sheet 3 of 6. A project specific illumination plan must be submitted for review. A "Do Not Enter" sign should be added to the two exit points of the drive thru. Provide "Stop" signs where internal roadways exit onto the adjacent road network. The plans should note the points of entry to each building in order for the accessible routes to be reviewed for appropriate grades. Additional spot elevations should be provided along that route to confirm it meets the ADA requirements. The plans must note the location and size of sanitary sewer and domestic water services. The plans must indicate how roof runoff is being collected and conveyed to the on-site stormwater system. The bioretention system is located within an existing sanitary sewer easement conveyed to the Saratoga County Sewer District No. 1. There should be confirmation that placement of this system within the existing easement is permitted by said district. The applicant must confirm that the accessible ramp on the east side of the parking lot provides the minimum horizontal space between the top of ramp and back of sidewalk. The proposed crosswalks shown on the adjoining roadways must be reviewed to ensure that the ends of the crosswalks are positioned appropriately in relation to the existing or proposed accessible curb ramps. The landscaping schedule indicates that certain species of trees do not meet the minimum caliper size of Section 86-10(B)(1) of the Town Code. The caliper size must be adjusted to meet the minimum requirements of the Town Code. The bioretention system requires a perforated underdrain pursuant to Section 6.4.2 of the NYSSMDM. The detail provided on Sheet 4 of 9 must be modified to reflect this requirement with the routing of the underdrain shown on the plans. There should be consideration of a back-up stormwater practice to the bioretention system to provide treatment during the winter when the filter may become ineffective. The location of the emergency overflow for the bioretention area must be clearly shown on the plan. The following comments relate to the Stormwater Pollution Prevention Plan. Under Section II.G the applicant is asked to provide the documentation supporting the response provided relative to threatened and endangered species.

Under Section II.H the applicant is asked to provide the documentation supporting the response provided relative to cultural resources. The project title in Section VI must be corrected. Additional comments were related to the Stormwater Management Narrative. The narrative indicates that the project will follow the NYSDEC Redevelopment approach as outlined in Chapter 9 of the NYSSMDM. In our review of the justification provided, additional background must be furnished to support this development approach. Specifically, the claim that the appropriately sized stormwater facilities would impact parking or access appears to suggest a smaller scale project may need to be considered. SMA#1 is a bioretention system with infiltration. In-situ data is required for this selected practice to confirm soil permeability and separation to groundwater (pursuant to Section 6.4.2). While the model does not account for infiltration in the design, it still must be determined to account for successive storm events and the system's ability to recover within an appropriate timeframe.

In response to Mr. Ophardt's suggestion that the parking area be "turned 90°," Mr. MacElroy explained that although the applicant had considered other parking arrangements, the one presented yielded in the greatest number of parking spaces and provided sight lines were desirably directed to the storefronts. Mr. Ophardt recommended that the pedestrian crossing at the southwesterly corner of the building be moved further to the south.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, reiterated a number of concerns that were expressed at the April 22, 2014 meeting. He stated that a 10' wide multi-use trail "is seen as essential" along Clifton Park Center Road "to effectively move people around the Town Center area" and "provide access to Route 146." The speaker also recommended that the applicant consider the installation of additional bike racks near the entrances of the proposed stores.

Mr. LaFleche, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, encouraged the Planning Board to require a "continuous [trail] loop" around Clifton Park Center, describing the area surrounding the mall as the "ground zero" of trail development.

In response to Mr. Werner's question regarding the number of trips generated by the development, Mr. Vuillaume reported that site development would result in approximately ninety (90) trips during peak hours. Mr. Hale supported the use of glass on the back of the building, noting that it was important to add visual enhancements to the site. In response to Mr. Koval's inquiry regarding the applicant's response to comments issued by the Trails Subcommittee, Mr. Vuillaume explained that the applicant focused mainly on the site's interior design and making all stores "internally accessible." Though he found the 5' wide sidewalks acceptable, Mr. Ferraro emphasized his "preference for a multi-use pathway" along the outer perimeter of the site, recommending that that applicant consider moving the building to the south to allow for its installation. He identified the three major issues of concern as pedestrian access, stormwater, and building façade details.

Though Mr. MacElroy asked the Board to approve the project conditionally due to time restraints imposed by the lessees, Board members concurred that the issues involving possible relocation of the building to the south, trail development in and around the site, and stormwater

management area were significant enough to warrant further Board review. Mr. Hale stated that he would approve an 8' wide trail surrounding the site; Mr. Koval reluctantly agreed that an 8' wide trail would be acceptable, though he preferred a 10' wide multi-use pathway. In response to Mr. Werner's question regarding the proposed use that would require drive-thru service, Mr. MacElroy reported that it would likely be utilized by a fast-food business. Ms. Paulsen stated her opposition to the granting of final approval at this meeting, stating that there are too many significant issues to be determined by the town's professional staff. Mr. MacElroy observed that the elevations presented omitted proposed signage that would add a visually appealing addition to the rear of the building. Mr. Ferraro commented that since the rear of the building would be "very visible," it would be imperative for the applicant to "do it right."

Mr. Werner 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. Andarawis moved, seconded by Mr. Hale, to grant preliminary site plan approval to this application conditioned upon the applicant's satisfactory response to Planning Board's comments regarding pedestrian access, stormwater management, and building façade design. The motion was unanimously carried.

[2014-035] **Clifton Corporate Park** – Continued review of proposed PUD, 872 Route 146 – Discussion and possible recommendation to the Town Board. SBL: 272.-3-27

Ms. Jacqueline Phillips Murray, legal representative for the applicant, explained that her law firm represents DCG Development Company "in furtherance of its application for the Clifton Corporate Park PUD to allow for re-development of the existing office buildings for multi-family residential units and/or a combination of multi-family residential units and commercial space." She referenced the minutes of the Town's Environmental Conservation Committee (ECC) which included a recommendation that the application should be supplemented with "sufficient detail for a PUD approval." Noting that the Planning Board is charged, at this evening's meeting, with the "relatively limited scope" of recommending PUD approval to the Town Board, Ms. Phillips Murray explained that the proposed PUD "satisfies the Town's technical requirements for approval" since it proposes uses permitted by the Code and satisfies the ownership and 10-acre minimum area requirements. Citing Section 208-73(A) of the Town Code which sets forth criteria for the Planning Board to consider when deciding the merits of a PUD application, Ms. Phillips Murray stated that the proposed PUD "satisfies all of the criteria for a recommendation of approval." Explaining that the existing office buildings suffered from functional obsolescence, she stated that the PUD proposal, which now incorporates the 6 acre parcel to the west, includes a commercial component as well as a multi-family housing complex designed to meet the needs of a changing population. The plan conforms to both the Town's comprehensive planning objectives and Town Center Plan.

Mr. Scavo stated that neither Mr. Meyers, Director of Building and Development, nor Ms. Reed, Chief of the Bureau of Fire Prevention offered no comment on this application at this time.

Mr. Scavo reported that the ECC offered the following comments on this application at its September 2, 2014 meeting. The applicant should reserve and display on the site plan or subdivision proposal sufficient rights-of-way to accommodate multi-use trails to interconnect the proposed property's buildings with existing and contemplated trail networks, as defined in the Town's Trails Master Plan. The applicant should maintain a minimum 50% greenspace in accordance with Article IV – 208-35-D(3), calculated for the entire PUD. The narrative shall be revised to provide sufficient detail for a PUD approval and the narrative shall reflect what is provided on the site plan. The proposed plan as presented appears to be mostly residential with a single commercial/office space.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, encouraged the applicant to provide public access to and thru this property.

In response to Mr. Koval's comment regarding his difficulty overlooking some of the obvious design problems apparent in the sketch plan presented, such as the garages that back to Route 146, Mr. MacElroy stated that the plan was designed to "establish thresholds for density" rather than provide accurate site plans. Mr. Koval commented that the "commercial component" required more specific language. In response to Mr. Pelagalli's question regarding the creation of the legislation, Ms. Phillips Murray explained that the language for the legislation has not yet been drafted. Mr. Pelagalli stated that the applicant and his consulting team would work with the Town Board and Mr. McCarthy, Town Attorney, to create acceptable legislation. He further commented that the application and narrative presented for the Board's consideration may "contain more detail" than the Planning Board requires at this time to determine whether or not the mixed use as proposed is a reasonable use on the DCG parcels. Mr. Hale found the project plan presented at this evening's meeting consistent with that presented at the August 12, 2014 meeting: describing the plan as "acceptable," he expects that the legislation created will provide "zoning criteria," in the form of a list of generally permitted uses, for the Planning Board to apply to future site plans presented rather than a "prescribed plan" for site development. He encouraged the applicant to include design elements recommended in the Town Center Plan such as sidewalks and connections between parcels in its development plan. Mr. Ferraro expressed his support of the applicant's desire to "repurpose" the site, though he cautioned that redevelopment must "fit with the Comprehensive Plan" and the Town Center Plan. He was concerned that the PUD as proposed did not clearly satisfy the criteria outlined in Section 208-73(A) of the Town's Zoning Code, particularly with respect to stated goals and objectives of the Comprehensive Plan. Since he views "connectivity" as a critical component of the project plan, he encouraged the applicant to consider "how this site relates to surrounding land uses" and how internal and external amenities will be used to create these important linkages. He emphasized the fact that he would not support a gated, self-contained community. Mr. Pelagalli advised Board members that the Planning Board is not to consider specific site plan issues at this time but rather to determine if the proposal meets the general criteria outlined in Section 208-73(A) of the Town's Zoning Code. Mr. Ferraro explained that, should the Board agree to recommend that the Town Board consider approval of the proposed Clifton Corporate Park PUD, the applicant must not assume that the Planning Board gives its blessing to the building footprints or site layouts as presented at this meeting. Ms. Phillips Murray stated that the PUD criteria outlined in the narrative provided at this evening's meeting was designed to show the "functionality" of the site

and its compliance with Town Code Section 208-73(A), the Town's Comprehensive Plan, and the Town Center Plan. She assured the Board that her client understood – and Mr. MacElroy agreed - that a positive recommendation to the Town Board did not imply future site plan approval of the conceptual sketches presented at this meeting.

Mr. Hale offered Resolution #20 of 2014, seconded by Mr. Werner, to authorize the Chairman of the Planning Board to forward a positive recommendation to the Town Board regarding the applicant's request to establish PUD legislation to allow for the construction of mixed use multi-family dwellings and commercial space with appropriate interconnections between buildings and adjoining properties on parcels located at 872 A and B Route 146 identified by tax map numbers 271.-3-27 and 400 Clifton Corporate Parkway identified as tax map parcel 371.-3-73 since the Board supports the repurposing of the existing office complex and development of vacant land in a manner that complies with Section 208-73(A) of the Town Code, the Town's Comprehensive Plan's stated goals and objectives, and with the guidelines set forth in the Town Center Plan. Ayes: Ophardt, Paulsen, Andarawis, Hale, Werner, Koval, Ferraro. Noes: None.

New Business:

[2014-037] **Bernard Subdivision** – Proposed (2) lot subdivision, 696 Clifton Park Center Road – Conceptual review. SBL: 270.-2-45.1

Mr. Duane Rabideau, consultant for the applicant, presented this application that calls for the subdivision of 2.36 acres of land situated on the southerly side of Clifton Park Center Road approximately 450' west of Michelle Drive into lots of 1.18 acres each. The parcel lies within the R1 zoning district. All zoning requirements will be met. Mr. Rabideau explained that the applicant would like to remove the existing single family home and garage and build two (2) new single family residences that would be served via extension of existing public water and sewer lines. The subdivision plan proposes the installation of fourteen (14) 4' hemlock trees along the boundaries of the delineated federally jurisdictional wetlands. The consultant explained that the applicant seeks to have the Planning Board waive the current restriction found on the subdivision plat that states: "No Future Subdivision of Lots Allowed." In return for the waiver the applicant proposes the granting of a 15' wide easement for a future multi-use pathway and/or utility installation along the length of the property's Clifton Park Center Road frontage.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requires the applicant to submit a postal verification form to her office for review and approval by the appropriate Postmaster.

Mr. Scavo stated that Mr. Myers, Director of Building and Development, offered the following comments on this application. He recommended that the applicant confirm the availability of public sewer. He believes that the original subdivision called for "no further subdivision." The Historic Preservation Commission is required to evaluate the property's historical significance prior to the issuance of a demolition permit: asbestos and lead paint removal may be required. The subdivision as proposed appears to meet R1 zoning requirements.

Mr. Scavo reported that the ECC reviewed this project plan at its September 2, 2014 meeting and provided the following comment. Federal jurisdictional wetlands have been identified on this site: uses in this area are restricted and the wetlands shall be delineated on the subdivision plan. The Town of Clifton Park Building Department shall be notified before any land disturbance activities are undertaken in Federal wetlands.

Mr. Scavo offered comments prepared by the Planning Department. He reported that, as indicated by Mr. Rabideau, the subdivision map dated December 11, 2001 for 696 Clifton Park Center Road included a note which stated that no further subdivision of the Lands of Gibbs would be permitted. At that time 7.59 acres was subdivided to create three new building lots on private septic systems. The remaining lands of 696 Clifton Park Center Road is currently 2.36 acres. Mr. Scavo speculated that at the time the Gibbs Subdivision was approved, the note was included to lessen the likelihood of future subdivisions on the newly created lots. With a connection to public sewer, the minimum acreage requirement would be reduced to 20,000 SF per lot which would have potentially allowed for three (3) additional homes for a cumulative total of six (6) new dwellings. It also appears that the Planning Board at that time was concerned with the significant wetland features that would traverse the newly created lots. It is important to note that this Planning Board has the ability to fully enforce the restriction which appears on the 2001 subdivision plat; however, from a professional standpoint in 2014, Mr. Scavo believes that the Planning Board should consider the benefits of approving this application since it would allow for the placement of a new residence beyond the 50' setback line and the removal of the mature hedge row that would pose a problem for any future multi-use pathway. He noted that he has received many requests from residents for the creation of a pathway along Clifton Park Center Road. The speaker noted that the applicant is offering a 15' easement for utility relocation and possible future multi-use pathway installation as well as removal of the existing structure that does not meet current setback requirements. The proposed homes would be meet these requirements. The Town's Historic Preservation Commission evaluated the property in July and determined that the existing home and barn have no significant historical value and may be demolished. Both proposed homes would connect to the public sewer system. The existing home is served by a private septic system: its age and efficiency cannot be determined. The applicant proposes the installation of 4' hemlocks along the wetland boundary to clearly delineate the area. Mr. Scavo notes that since there is a significant drainage ditch and adjacent wetland features within the right-of-way and a residence that is close to the roadway on the northerly side of Clifton Park Center Road, the southern side of the road appears to be the best choice for installation of a future multi-use pathway.

Mr. Bianchi reported that M J Engineering and Land Surveying, P. C. reviewed the documentation and subdivision plan submitted and offered the following comments and recommendations on the application. 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, involved/interested agencies to be engaged may include, but are not necessarily limited to the following: Saratoga County Sewer District No. 1 – for sanitary sewer service connection; Clifton Park Water Authority - for potable water service connection. Additional agencies may be identified by the Planning Board during its review of the project. The Short Environmental Assessment Form appears acceptable. The project is located within the

Town's R1 (Residential) zoning district. The proposal for single family homes is a permitted principal use within the R1 District as noted in Section 208-10(B)(2) of the Town's Zoning Code. Based upon a review of the proposed lot configurations, it appears that the plan meets the minimum bulk lot requirements as identified in Section 208-11 of the Town's zoning for the R1 District. The plans show suggested locations for proposed easements for future pedestrian facilities. These proposed easements should be reviewed by the Town's trails committee to ensure that they are located appropriately. The applicant must provide a notation on the plat that states that all existing utility connections to the existing home will be abandoned and/or removed in accordance with the utility provider's requirements. If an on-site septic system and/or well exists, both shall be abandoned in accordance with NYSDOH regulations. It is believed that the overall development will have less than 1 acre of disturbance. It is suggested that the plat be provided with notation indicating the proposed area and limits of disturbance and further indicating that it will be less than an acre, if this is in fact the case. The plans do not show any proposed grading: each lot shall be graded such that drainage is directed away from the home and towards lot lines and ultimately to an approved drainage course as required by Section 86-7(A)(5) of the Town Code. Given the small size of this project, it is recommended that a notation be provided on the plat indicating that this requirement must be met as part of the permitting process. The applicant should be aware that the Town may require the development of a lot-specific grading and drainage plan for Lot #1 supporting the issuance of a building permit for that lot. Should any basement sump pumps or gravity discharges be deemed required for future homes, pursuant to Section 86-7(A)(6) of the Town Code, their end discharge locations must be noted on the plans or notation provided on the plat indicating that this requirement be met as part of the permitting process. The Tax Map ID for the existing parcel should be added to the plat. A note shall be added to the plat indicating that no utilities shall be installed under a proposed driveways. Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response numbers must be obtained for and assigned to each lot created and placed on the filed plat.

Mr. Anthony LaFleche, representative of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, commended the applicant for his willingness to provide the 15' easement for trail development along his property's frontage.

Mr. Koval commented that although he is "sensitive to the fact" that the original subdivision noted that no further subdivision would be permitted, he finds the current application acceptable and believes that changes in circumstances warrant the Board's reconsideration of the restriction. Mr. Hale concurred with Mr. Koval's statement and said that although he feared that approval may establish a precedent, there are compelling reasons to approve the project. Mr. Pelagalli, noting that circumstances have changed since public sewer is now available, stated that the Board does have the ability to weigh the public benefits of the proposed subdivision against support of the restrictive clause. Mr. Ophardt stated that, since there is no apparent reason for the restriction, he would support approval of the pending application. In response to Mr. Ferraro's question regarding the support of the application – or lack thereof – by adjoining property owners, Mr. Rabideau stated that he had received no comment from neighbors. Mr. Andarawis stated that he found the application acceptable because it "fixed a non-conforming use" and allowed for future trail development, though he was concerned with the restrictive language. Board members agreed that the plan was acceptable "for now," but would seriously

consider any additional information or concerns from surrounding property owners which may come to light regarding the “no additional subdivision” note at the time of the public hearing for the proposed subdivision.

[2014-038] **Fairchild II – North (Lots 2-5)** – Proposed construction of (5) warehouses totaling 215,000 SF and amendment to subdivision of Lot C, Ushers Road Rear – Conceptual subdivision and site plan review. SBL: 259.-2-84.1

Mr. Tom Andress presented this application that calls for the construction of five (5) warehouses totaling 215,000 SF and related subdivisions within the Fairchild light industrial complex located on the southwesterly quadrant of the intersection of VanPatten Drive and Ushers Road. The project site which has been the subject of many subdivision, site plan, and amendments lies within the L1 zoning district and adjoins the Fairchild I development area. Both the principal access and emergency access to the site will be from VanPatten Drive. The proposed project will necessitate the relocation of existing water and sewer utility lines. Mr. Andress reported that the installation of new lines is supported by the utility agencies. Common easements have been established to provide for maintenance of utilities and stormwater management areas. A traffic study previously prepared indicates that it is possible that this development will trigger the need for installation of a traffic signal. Application has been made for Zoning Board approval for setbacks for “a group of establishments.”

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requires the applicant to submit a postal verification form to her office for review and approval by the appropriate Postmaster. She notes that because the Building Code of New York State – Table 602 requires distance separations between buildings based on the type of construction and occupancy classification, 4 Fairchild Square may require a greater separation to the proposed 16,250 SF warehouse/office building.

Mr. Scavo read the comments prepared by Mr. Myers, Director of Building and Development. Mr. Myers observes that the proposal calls for “very dense” site development which requires many variances – including two (2) zero setbacks – and he comments that the improvements “seem to be too much for the available land.” He states that it “is doubtful” that stormwater will be handled on site as required by NYSDEC and notes that it appears that stormwater is “transported off site.” Adequate sight distance at the access should be verified. A 16,250 SF building to be combined with another lot that contains a school is not recommended, especially since the rear of the school may have a playground. Stormwater changes on Fairchild I were never fully addressed after changes were made to the site. Depending upon building classifications and occupancies, larger separations between buildings may be required. Variance applications submitted for consideration by the Zoning Board of Appeals have been deferred until the Planning Board has reviewed the plans conceptually and it appears that buildings are in their final positions.

Mr. Scavo reported that the ECC reviewed this application at its September 2, 2014 meeting and offered the following comments. The ECC recommends legal review of the segmentation of this project. The square footage of proposed warehouses must be verified.

Given the proximity of this project to the residential area the ECC is concerned with the potential impact from commercial traffic and warehouse operations.

Mr. Scavo offered a number of comments prepared by the Planning Department, citing Zoning Code requirements applicable to this proposal. Section 208-65(C) of the Town Code reads as follows:

Buffer. No building shall be located closer to any residential district property line than 100 feet, and there shall be no encroachment into this area by anything other than natural vegetation or planted landscaping.

Section 208-66 of the Town Code outlines the development standards by which a project within the LI zone is reviewed. The applicant should provide a written narrative to the Planning Board as to how the development standards A through F under this section are met by the applicant. Below is a listing of these standards for the Board's consideration. Since the project lies adjacent residential dwellings, item B - Landscaping, is an important element of review since adequate screening of the proposed buildings and the creation of a visually pleasing site will be very important. Mr. Scavo read from Section 208-66 of the Code which lists the Town's Development Standards:

A. Ingress/egress. There shall not be more than one curb cut per lot unless the Planning Board finds that traffic safety will be improved with the addition of another curb cut. The approved curb cut shall be wide enough to accommodate safely, and in accordance with accepted traffic control standards, approved by the Town Engineer the type of traffic to be generated by the use and shall meet all of the fire safety requirements of the Town of Clifton Park. The distance between curb cuts on two separate parcels shall be a minimum of 120 feet measured from the center line of the curb cut. Design should take into consideration the possibility of shared curb cuts with adjacent properties and parallel service roads in order to minimize the amount of curb cuts in a given area. In the case of a corner lot, no curb cut shall be located closer than 100 feet to the intersection.

B. Landscaping. The overall intent of this standard is to promote and achieve, where possible, a well-landscaped site that takes into consideration the surroundings and the total environment. Consideration shall be given to preservation of natural and existing vegetation as well as new plantings throughout an entire site. The Planning Board shall take into consideration the location of the structures and parking areas and their proximity to adjacent buildings and/or lots. Consideration shall be given to planting along property lines, buffer areas and along the walls of the structure, where possible, without impeding the operations of the facility. However, if there is substantial natural vegetation on site that serves the requirements, e.g., screening, aesthetics, etc., the Planning Board shall not require additional plantings except where deficiencies shall exist.

C. Architecture. The architectural design shall consider building facade, including color, and other significant design features, such as exterior materials and treatments, roof structure, exposed mechanical equipment and service and storage areas. Architectural block or similar facade along the road frontage shall be required.

D. Utilities. Uses provided within an LI District shall be served by sanitary sewers, adequate drainage control and/or storm sewers, and a community water system where available. If none is available at the time of approval, the owner shall be required to hook into a community water and sewer system as soon as one becomes available as defined by the New York State Uniform Fire Prevention and Building Code.

E. Each change of use in any existing facility in the LI District shall require site plan approval by the Planning Board in order to ensure that future uses are in keeping with the purpose of this article. (If the use is within the same category of uses, i.e., storage, from furniture to tools, no new site plan approval is required. However, if the use involves a change from storage to fabrication, then a new site plan approval is required.) In addition to any other requirements of the Town Code or New York State law, a site plan shall be provided to the Planning Board for review, outlining any changes to the site plan necessitated by the change in use. The Planning Board shall take into consideration current code requirements in an effort to bring outdated site plans into conformance as reasonably as possible.

F. No underground fuel storage tanks shall be allowed where there is evidence that an aquifer (or aquifer recharge area) exists or is within 500 feet of the site for tanks or if the building lot is located adjacent to or adjoins a Land Conservation Zone. The Planning Board shall refer to the aquifer/recharge maps officially recognized by the Town Board in order to assess whether testing is required to make a determination.

Mr. Scavo explained that he has spoken with the applicant about the disturbance within the 100' buffer area adjacent to the existing residential properties on Mapleline Road. As plans progress, the level of site clearing, grading and disturbance may ultimately effect the Planning Board's decision on the intensity of the proposed build-out. A lighting/photometric plan that includes all proposed exterior lighting will be required with the preliminary submission. As part of its review under SEQR, the Planning Board must evaluate the traffic information provided by the applicant and the level-of-service impacts to the existing roadway network will have to be determined. Due to the proximity of I-87 Exit 10 it is recommended that NYS DOT be listed as an interested agency under SEQR. Since they have no permitting authority NYS DOT cannot be included as an involved agency. Additional comments will be provided as more detailed plans are presented for review.

Mr. Bianchi explained that review of the documents and site plan presented for consideration resulted in the following comments from M J Engineering and Land Surveying, P. C. The first comments related to the State Environmental Quality Review Act. The project generally proposes office and industrial uses contained within five (5) buildings totaling 106,000 SF of usable floor space on 8.9 acres of land. Additionally, a lot consolidation is proposed with existing 6 Fairchild Square and a lot line adjustment with 1 and 2 Fairchild Square. Based upon our review of Part 617 of the New York State Environmental Conservation Law (ECL), Section 617.4(b)(6)(i) the project appears to be a Type I action as it is a project or action that effects 10 acres (or more). Assuming the Clifton Park Planning Board is to request Lead Agency status under SEQRA, a coordinated review is required for Type I actions. Under a coordinated review, involved /interested agencies to be engaged may include, but are not necessarily limited to the

following: Clifton Park Water Authority– potential public water supply connection permit; Saratoga County Sewer District #1– sanitary sewer connection permit; NYSDOH– potential extension of public water mains; NYSDEC– potential extension of sewer mains/sewer plan approval, permit coverage under stormwater SPDES, identification of threatened and endangered species, potential joint permit for impacts to regulated wetlands and watercourses and potential taking of additional water for public use; NYS Office of Parks, Recreation and Historic Preservation– identification of cultural or historic resources. Additional involved/interested agencies may be defined as the project proceeds through the Town’s regulatory review. Under Part D.1.h, the response indicates no impoundments for liquid are proposed. It is our understanding that based upon the FEAF guidance document, this includes stormwater management areas. The consultant is asked to review the FEAF online guidance site and revise the response, if necessary. Under Part D.2.c, the responses indicate the Clifton Park Water Authority water system has adequate capacity to serve the proposed development. Subsequent submissions must include an analysis confirming the responses furnished on the FEAF. Under Part D.2.d the responses indicate the Saratoga County Sewer District No. 1 sanitary sewer system has adequate capacity to serve the proposed development. Subsequent submissions must include an analysis confirming the responses furnished on the FEAF. The applicant is asked to complete Part D.2.j.vi through viii since no responses are furnished. Under Part D.2.1.ii, there is indication of possible 24-hour operations. Clarification regarding the type of activity this references is requested. Under Part E.2.o and E.2.p, the appropriate documentation from the NYSDEC National Heritage and/or USFW to support the responses given must be provided. Under Part E.3.e, the appropriate documentation from the New York State Office of Parks, Recreation and Historic Preservation to support the responses given must be provided. It is understood that ultimately subdivisions and lot line adjustments will be required. Once the overall conceptual plan has been endorsed by the Planning Board, a subdivision plat must be submitted. As a procedural matter, the subdivision plat must be approved prior to the site plan. The site plan application indicates that the project is proposes to service each new lot with public water from the Clifton Park Water Authority (CPWA) via extending new water main(s) throughout the project. It is recommended that the Town be furnished with documentation that the CPWA is willing and capable of providing potable water to the project. The plans shall be subject to the review and approval by the CPWA. Should the new water mains be conveyed to the CPWA as public water mains, the project would then also be subject to NYSDOH plan approval and potentially the NYSDEC for the taking of additional water. Reports prepared that define the proposed on-site distribution systems as well as examine the need for any off-site improvements to the existing water distribution system should be furnished to the Town and other authorities having jurisdiction when they become available. The site plan application indicates the project is proposing to service each new lot with sanitary sewer by way of connection to the Clifton Park Sewer District infrastructure with ultimate conveyance to the Saratoga County Sewer District No. 1 sewer system. It is recommended that the Town be furnished with documentation that both the Clifton Park Sewer District and SCSD is willing and capable of servicing this project. The plans shall be subject to the review and approval by the SCSD. Should the new sewer mains be conveyed as public sewers, the project would then also be is subject to the review and approval by the NYSDEC. Reports prepared that define the on-site collection system as well as examine the need for any off-site improvements to the existing sewer collection system should be furnished to the Town and other authorities having jurisdiction when they become available. The project would result in disturbances in excess of

1 acre and, therefore, is subject to the NYSDEC Phase 2 Stormwater Regulations and General Permit GP-0-10-001. Prior amendments to the development of the first phase of this project have been advanced via amendments to the previously approved Stormwater Pollution Prevention Plan. Because this project extends into a new area not previously contemplated for development, a fully conforming Stormwater Pollution Prevention Plan (SWPPP) will be required that addresses stormwater quality, quantity and green infrastructure elements. It must be submitted as part of subsequent plan submissions to the Town. The project resides within the Town's L1 (Light Industrial) zoning district. The exact uses are not fully defined other than offices and warehouse space, both of which are permitted principal uses within the L-1 District pursuant to Section 208-64(1) of the Town Zoning Code. If and when additional uses are defined, they shall be subject to the requirements of Section 208-64 (1) of Town zoning. Based upon discussions with Town staff, area variances will be required for the project. It is understood that until such time that the application for relief from zoning will not be heard until such time that the Planning Board has reviewed and commented on the project. Buildings sketches for Lots #2, 3 and 4 suggest there will be loading docks for delivery vehicles. There must be indication of the type of vehicles (size) to ensure that adequate maneuverability is provided internal to the parking lots, which may include turning templates to demonstrate this. The project proposes a connection with the adjacent parcels to the north (1 and 2) Fairchild Square. The current configuration must be modified to provide clear separation between parking stalls and the travel way. The details for this connection need to be finalized as part of subsequent submissions. The plan does not show any accommodations for pedestrians, similar to the project to the north which has sidewalks along internal roads. The Planning Board may desire to have a continuation of the sidewalks within this project for consistency. A majority of the proposed buildings appear to propose the architectural rear of the building fronting to existing public roads. Section 208-66(C) of the Town Zoning has specific requirements for the building facade facing the road frontage. Therefore, subsequent plans should include architectural renderings with samples of construction materials for review by the Planning Board as required by Section 208-66(C) of the Town Zoning. With respect to the last comment, if the Board is in favor of the rear of buildings on Lots 2 through 4 facing Van Patten Drive, it is recommended that a combination of berms and landscaping be included to screen them from the public right-of-way. The applicant must indicate whether the proposed buildings will be equipped with automatic sprinklers. If they are, the fire department connection should be noted on the plans or a notation furnished indicating that the final locations shall be determined as part of the building permit process. Label what the existing sight distances are at the proposed emergency entrance/exit onto Van Patten Drive. The project proposes the creation of new lots. As such, the applicant shall coordinate with the Town for 911 emergency response numbers for each lot. The 911 address for each lot shall be provided on any filed subdivision plat. Additional comments will be provided when more detailed plans and reports are submitted.

Mr. Jay Hopeck, 10 Mapleline Road, requested that the developer preserve as much of the 50' natural buffer between the residential properties on Mapleline Road and the proposed development as possible.

Mr. Dan Hartnett, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, expressed the Committee's concerns with the "lack of connectivity" within the site for non-motorized users, noting that Fairchild II shows no bike or pedestrian trails

between any of the buildings or to existing sidewalks within Fairchild I. It is recommended that the Planning Board require the applicant to provide sidewalk connections between Fairchild I and Fairchild II and between all proposed buildings. Mr. Hartnett also requested that the applicant provide a bike rack at each building. A connection from Fairchild II to 55 VanPatten Drive and the VanPatten trail should also be shown.

Mr. Koval agreed with Mr. Hopeck that buffering of the site to the greatest extent practicable from adjoining residential properties is imperative. Mr. Andress stated that the applicant will work with the neighbors to determine the amount of berming and number of trees that would provide acceptable screening. Mr. Ferraro stated that the concerns he expressed at the November 26, 2013 have not been addressed. He remains concerned about the number of buildings proposed, proposed parking areas that impact existing landscaping, and lack of pedestrian connections. He also voiced his displeasure regarding the lack of consistency in the plans presented for review and the number of amendments requested, noting that segmentation of review may become an issue.

Mr. Andress reported that each of the proposed lots will contain at least 40% greenspace and that all required setbacks have been met.

Mr. Ferraro reiterated his belief that the project proposal “was too dense” for the site. Mr. Werner recommended that the consultant meet with town officials to discuss the traffic report. He also recommended that the applicant consider a variety of design techniques such as berming, landscaping, building orientations, and exterior colors to minimize the visual impacts of the development and called for a comprehensive plan of the site that would clearly illustrate how traffic flow, development, greenspace, parking, and pedestrian accommodations are integrated. Mr. Ophardt described the site as “way overdesigned” and believes that traffic will not flow smoothly through the site. In response to Mr. Ophardt’s question concerning pedestrian amenities, Mr. Andress explained that the site can accommodate more open space areas and that he will work to incorporate pedestrian amenities into the plan.

Mr. Ferraro summarized his concerns regarding the application. He observed that Lot #3 had significant “topographical issues” to be addressed and that the proposed development may have negative impacts to existing landscaping, that there may be stormwater management “capacity issues” that are difficult to identify due to the lack of “comprehensive site planning and review,” and that the density proposed may have significant negative impacts with relation to the environment, traffic, and visual aesthetics. He stated that he was concerned with the amount of land disturbance proposed and the lack of buffering. In response to Mr. Andarawis’s question regarding whether or not the “fingers of green” between the proposed loading docks were included in the greenspace calculation, Mr. Andress responded positively.

Mr. Hale moved, seconded by Mr. Ophardt, adjournment of the meeting at 10:55p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on September 23, 2014.

Respectfully submitted,

Janis Dean,
Secretary

NOTICE OF DECISION

Resolution #20 of 2014

Recommendation to Town Board

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on September 10, 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. Ophardt offered Resolution #20 of 2014, and Mr. Hale seconded, and

Whereas, an application has been made to this Board by DCG Development Company a positive recommendation from the Planning Board to the Town Board for approval of PUD legislation to allow for development of mixed use multi-family dwellings and commercial space with appropriate interconnections between buildings and adjoining properties on parcels located at 872 A and B Route 146 and 400 Clifton Corporate Parkway;

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

Now, therefore, be it resolved to authorize the Chairman of the Planning Board to forward a positive recommendation to the Town Board regarding the applicant's request to establish PUD legislation to allow for the construction of mixed use multi-family dwellings and commercial

space with appropriate interconnections between buildings and adjoining properties on parcels located at 872 A and B Route 146 identified by tax map numbers 271.-3-27 and 400 Clifton Corporate Parkway identified as tax map parcel 371.-3-73 since the Board supports the repurposing of the existing office complex and development of vacant land in a manner that complies with Section 208-73(A) of the Town Code, the Town's Comprehensive Plan's stated goals and objectives, and with the guidelines set forth in the Town Center Plan.

Resolution #20 of 2014 passed 9/10/2014

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

Noes: None

Rocco Ferraro,

Chairman