

**Town of Clifton Park Planning Board**  
One Town Hall Plaza  
Clifton Park, New York 12065  
(518) 371-6054 FAX (518)371-1136

PLANNING BOARD

ROCCO FERRARO  
Chairman

ROBERT WILCOX  
Attorney

PAULA COOPER  
Secretary



MEMBERS

Emad Andarawis  
Eric Ophardt  
Ram Lalukota  
Andrew Neubauer  
Denise Bagramian  
Keith Martin

*(alternate)* Jennyfer Gleason

**Planning Board Minutes**  
**September 14<sup>th</sup>, 2021**

Those present at the September 14<sup>th</sup>, 2021 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, R. Lalukota, A. Neubauer, E. Ophardt, K Martin, J. Gleason – Alternate Member

Those absent were: None

Those also present were: J. Scavo, Director of Planning  
W. Lippmann, M J Engineering and Land Surveying, P.C.  
R. Wilcox, Counsel  
P. Cooper, Secretary

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

**Minutes Approval:**

Mr. Ophardt moved, seconded by Mr. Lalukota, approval of the minutes of the July 13<sup>th</sup>, 2021 Planning Board meeting as written. The motion was unanimously carried.

Mr. Andarawis moved, seconded by Mr. Lalukota, approval of the minutes of the August 10<sup>th</sup>, 2021 Planning Board meeting as written. The motion was unanimously carried.

### **Public Hearings:**

None

### **Old Business:**

#### **2021-029 Bogdan's Wood Rd Light Industrial Site Plan**

*Applicant proposes to construct a 20,000 light industrial building with parking for 40 cars. The property will be accessed from Wood Road, Wood Rd, Zoned: L 2, Status: PB Preliminary Review*  
SBL: 259.-2-115

To be reviewed by: MJE      Consultant: EDP      Applicant: DCG Development      **Last Seen on: 5-11-21**

### **Consultant/Applicant Presentation:**

Joe Dannible – EDP – Mr. Dannible stated that this project is located in a light industrial park off of Wood Road. He stated that it is on a previous approved subdivision and next to the Solar Foundations approved project. Mr. Dannible showed a map of the location. He stated that this is on a 2.2 acre lot, a 20,000 sq/ft light industrial building with 40 parking spaces. Mr. Dannible stated that the applicant does millwork design finishing cabinetry. He stated that the applicant needs a larger work space due to contract work. Mr. Dannible stated that the applicant would have standard lumber on site as well as different wood materials and chemicals. He stated that the chemicals would be no more than 5 gallons and would not need a DEC permit for them. Mr. Dannible stated that the building would be sprinklered with one overhead door as well as a pass door on the south side of the building and an additional pass door on the west side of the building. Mr. Dannible stated that the water flow pattern goes to the west side of the property and that the building has been flipped to avoid piping for stormwater. Mr. Dannible stated that there will be public water and sewer hook ups using a lateral from the hydrant for water and gravity line for the sewer coming from Wood Road. Mr. Dannible stated the gas and electric would come off of Wood Road as well. Mr. Dannible stated that there would be evergreens and shade trees along Wood Road for screening and there would be a retention pond for the stormwater as well on the property and it would have split rail fencing with chicken wire. Mr. Dannible stated that the Town easement has been left in place for a possible trail along the property line. Mr. Dannible showed to everyone in attendance a rendering and elevation of the possible building explaining that this is different from the proposal now as there is only one

overhead door in the proposal but this picture is showing two. Mr. Dannible stated that technical comments have been reviewed and that fire apparatus access is available as the truck can enter the site and back out, and meets IFC requirements.

**Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 8/30/21 stating:**

- From last review- where is location of nearest fire hydrant and where is fire department connection
- Drainage and stormwater areas in National Grid easement
- Provide the requested turning template

**Wade Schoenborn, Chief of the Bureau of Fire Prevention:**

1. Specify hydrant location
2. Specify fire department connection location
3. Provide fire apparatus access plan that complies with NYS Fire Code

**Scott Reese, Stormwater Management Technician issued a memo dated 9/10/21 with the following comments:**

1. Place CB#2 and 12" standpipe closer to the embankments, so the structures can be accessed and maintained.
2. Show underdrains for SMA #2 on the plans. Since seasonal highwater is close to the surface ensure drainage from SMA #2, so there is no bathtub affect.

**The Environmental Conservation Commission held a meeting on 9/7/21 and issued a memo recommending:**

1. The applicant has not addressed the ECC comments made on May 4th, 2021, please respond in writing.
2. The ECC would like clarification of materials being stored and used at this site for the purpose of proper permitting, if necessary, safe handling of the materials (chemical, acid, solvents, and other wood treatments).
3. The Applicant shall comply with the Town's Hazardous Materials Policy, which can be obtained from the Town Environmental Specialist.
4. The Applicant should indicate all other environmental permits that may be required for the activities that are proposed under the planned use of the site.
5. The ECC recommends that the Town Planning Board requests an easement along Wood Road for a Multi-Use Trail in anticipation of present and future development in this corridor.

**John Scavo, Director of Planning issued a letter dated 9/7/21 with recommendations he made:**

1. The parcel's new SBL assigned by Saratoga Co. Real Property Services due to a lot line adjustment completed with the adjacent Nortrax Parcel is:

**SBL: 259.-2-115**

The applicant should update the plan to reflect this information.

2. The applicant notes in a response letter to MJ Engineering's prior comments, that the anticipated peak hour trips using ITE methodology for an Industrial Classification Use is 20 trips. Therefore, pursuant to finding #32 of the Wood Road GEIS, the traffic mitigation fee is due at the stamping of the final plan:  

$$20 \text{ trips} \times \$723.09 = \$14,461.80$$
3. The mitigation fee for the original DGEIS as noted previously in my May 6<sup>th</sup> review letter is \$204.27, due at the time of stamping the final site plan.
4. Add a note to the site plan that states, "No additional exterior lighting beyond what is shown on the plan is allowed without additional Town review and approval."
5. Pursuant to Town Code, §208-66-C Development Standards:

*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.*

The applicant must provide a building elevation for the board's consideration to satisfy this requirement.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 9/10/21 had the following comments:**

**STATE ENVIRONMENTAL QUALITY REVIEW**

1. No further comments at this time.

**SITE PLAN**

2. The project is proposing to be serviced with public water from the Clifton Park Water Authority. The applicant shall provide the Town documentation of the CPWA's ability and willingness to service the project with potable water. Any action on the application should be conditioned upon receipt of plan approval from the CPWA.
3. The project is proposing to be serviced with public sewer from the Saratoga County Sewer District. The applicant shall provide the Town documentation of the SCSD's ability and willingness to service the project with public sewer. Any action on the application should be conditioned upon receipt of plan approval from the SCSD.

4. The following comments are relative to the site plan and its conformance to the International Fire Code (IFC). The Town Fire Official shall have final authority on the applicability of these comments to the proposed site layout:
  - a. Section 912.2 of the IFC requires a fire hydrant to be located within 100-feet of the building's fire department connection. It is not clear from the plans where the closest hydrant to the site is or where the fire department connection may be. Additional hydrants may be necessary.
  - b. Section 503.1.1 of the International Fire Code (IFC) requires an approved fire apparatus access road be provided for every facility, building or portion of a building and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measures by an approved route around the exterior of the building. Note that the building is equipped with an automatic sprinkler therefore, the fire code official is authorized to increase the dimension. This should be confirmed by the Fire Chief.
  - c. Identify the actual height of the building. If greater than 30-feet in height above the average grade plan, aerial apparatus access shall be provided that is between 15 and 30 feet of one entire side of the building in accordance with Appendix D105 of the IFC. If aerial apparatus access is required, its location shall be identified on the plans.
  - d. Provide a turning template analysis for the largest emergency vehicle that may respond to an event at the site.
  - e. If the building is provided with an automatic sprinkler, the fire department connection should be shown or noted as subject to review and approval by the Town.
5. Subsequent submissions should include architectural renderings of the building along with identification of materials of construction. There should also be indication whether or not roof top units are expected and how they may be screened from the public right of way.
6. At the pond, pursuant Section 6.1.6 of the NYSSMDM, warning signs must be posted prohibiting swimming, wading, and skating, warning of possible contamination or pollution of pond water, and indicating maximum depth of pond. The plan shall show the location of the sign and detail must be provided within the plan set.
7. On Sheet 7 of 12, show any required temporary sediment traps with supporting sizing calculations for the tributary areas. If the proposed stormwater basins are planned for this purpose, appropriate notation should be provides directing the contractor to remove any accumulated sediment that may impact long term operations prior to each being deemed functionally ready.
8. Provide a note on Sheet 8 indicating that "A dense and vigorous vegetative cover shall be established over the contributing pervious drainage areas before runoff can be accepted into the bioretention facilities" consistent with Section 6.4.5 of the NYSSMDM.

**STORMWATER POLLUTION PREVENTION PLAN/STORMWATER  
MANAGEMENT NARRATIVE**

9. Since it appears the on-site stormwater management facilities will be privately owned, this shall be acknowledged in the SWPPP and a maintenance agreement and easement for access executed with the Town of Clifton Park will be required.

10. The WQv provided in Table 2 indicates a smaller value than both the WQv calculation sheet and NOI question 33a. Please confirm and revise accordingly.
11. There shall be a description of the post construction O&M requirements associated with soil restoration pursuant to Section 5.1.6 of the NYSSMDM.
12. Pursuant to Section 6.1.5 of the NYSSMDM, a pond buffer shall be provided that extends 25 feet outward from the maximum water surface elevation of the pond. It appears that the parking lot may infringe upon the noted buffer.
13. The forebay on the plans appears to be less than 4 feet deep. Pursuant to Section 6.1.3 of the NYSSMDM, the forebay shall be at least four to six feet deep.
14. On sheet 11 of 12, the pond forebay shows a continuous slope from the top to the bottom of the forebay without showing a 15-foot wide and 18-inch deep aquatic bench pursuant to Figure 6.5 of the NYSSMDM.
15. The maintenance access should extend to the forebay, safety bench, riser, and outlet and be designed to allow vehicles to turn around pursuant to Section 6.1.6 of the NYSSMDM.
16. The time duration on the hydrographs should be reduced to 48 hours as the graph is difficult to read at 200 hours.
17. Provide an analysis of all segments of storm sewer pipe to show that the 10-year, 24-hour design storm freely discharges without backwater conditions occurring pursuant to 86-7(A)(1)(a) of the Town Code. The analysis shall also account for the design requirements outlined in Section 86-7(A)(2) of the Town Code.
18. The post development HydroCAD model only provides for the 1-year storm event. Please provide the for remaining 10 and 100-year storm events.
19. Flow-through and infiltration stormwater planters should not receive drainage from impervious areas greater than 15,000 square feet. The proposed roof is 20,000 square feet.

### **Public Comments:**

Anthony LaFleche – 21 Wheeler Drive – Mr., LaFleche asked how far from Wood Road is the building proposed. Mr. Dannible stated that it is 60'-70'. Mr. LaFleche asked how far the storage company property is to the proposal. Mr. Dannible stated that the storage is south of this proposal. Mr. LaFleche asked if the applicant could give him more information on the trail easement. Mr. Dannible stated that the easement is 10' and is for a possible trail that would run from Wood Road down the parcel lot line to Ushers Road. Mr. LaFleche asked if the ROW on Wood Road would accommodate a trail. Mr. Ferraro stated that there is sufficient room in the right of way.

### **Planning Board Review:**

Ms. Bagramian asked if all vehicles would have to back out of the driveway. Mr. Dannible stated that cars and box trucks could turn around in the driveway or parking lot as there is a wide separation of parking but tractor trailers would have to back out onto the roadway but there would only be an occasional tractor trailer.

Mr. Ferraro asked if the doorway for the overhead is over 100 feet so that trucks can back up there. Mr. Dannible stated that a fire truck and box trucks would be able to back in but tractor trailers would have difficulty, but they would only come one time every month or two and would unload in the parking lot area.

Mr. Ophardt asked if a fire aerial apparatus truck would be able to enter the lot. Mr. Dannible stated that it would be able to get on property but would have to back out of the driveway. Mr. Ophardt asked if the fire Chief was ok with them having to back up. Mr. Dannible responded stating that he has not gotten any feedback on this but it does meet code and no comments have been made in regards to this to date. Mr. Ophardt asked how high the building was and what materials would be used for the building. Mr. Dannible stated that the building would be 18'-24' in height and would be a metal pre-fabricated building.

Mr. Neubauer stated that he feels that a building with a masonry or stone façade – as called for in code requirements for this zone – would be more in character with some other industrial buildings in the area. He stated he would like to see a more architectural design, and Mr. Ferraro agreed with this stating that there are currently no windows, and perhaps faux windows would be beneficial to the design. Mr. Neubauer reiterated that the building needs to be in conformance to the code, and that depending on architectural treatments to the façade, he would be willing to deviate a little. Mr. Dannible asked if stone along the façade would be ok with the board and that he can talk to the applicant about adding faux windows to the design. Mr. Ferraro stated that the diversity of the façade is important and many of these things can be done inexpensively.

Ms. Bagramian asked if there would be any office space in the building as it is a business and stated that there could be a window placed in that location. Mr. Dannible stated that if there was an office it would not be elaborate as the applicant does most of his paperwork from home and customers of his would not be visiting.

Mr. Lalukota asked how many people would be in the building. Mr. Dannible stated that there could be up to 20 people but regularly there would be 6-7. Mr. Lalukota asked if there would be restrooms in the building. Mr. Dannible stated that it would be included in the interior layout of the building.

Mr. Ophardt stated that in the plans it shows that the parking is encroaching on the 25' separation with the pond. Mr. Dannible stated that parking may just need to be moved depending on placement and elevation but it can be worked to conform.

Mr. Martin state that there is nothing to the northeast side of the building and along the proposed trail He suggested plantings of conifers for buffers. Mr. Dannible stated that all frontage is to Wood Road and if something is done on that side of the building it may encroach on the National Grid easement and a drainage easements.

Mr. Ferraro agreed with Mr. Martin's suggestion about adding trees along the northeast side of the building and stated that he does not like the suggestion of removing trees for stormwater management as trees help with that naturally. He asked the applicant if they could look into something that would preserve some of the trees to help serve as a natural storm water management system rather than removing all of them. Mr. Scavo responded that given the storm water management requirements, it may be difficult to retain any of the existing trees. Mr. Ferraro stated that the trail easement is shown but does not delineate the actual 10' on page 3 of 12 and stated he would like to see this on the final plan. Mr. Ferraro stated he would like on the plans that the trail along Wood Road would be in the right of way. He stated he would like to see EV stations as well. Mr. Dannible stated that they will be installing conduits but unsure of the actual stations. Mr. Ferraro stated that he would like to see the actual renderings of the building along with proposed landscaping with the next submittal.

### **Old Business:**

#### **2021-030 Vischer Ferry Volunteer Fire Department Site Plan**

*Applicant proposes to construct one fire department building totaling 7,200 +/- sf with parking for 36 cars and fire trucks. The property will be accessed from Moe Road. The property will be serviced by both municipal sewer and water and Stormwater will be managed on-site. Zone is R-1/LC, 276 Moe Rd, Zoned: R-1, Status: PB Prelim Review - Poss. Determination*

SBL: 277.-3-13.12 To be reviewed by: MJE Consultant: EDP Applicant: VF Fire Dept

Last Seen on: 5-26-21

### **Consultant/Applicant Presentation:**

Joe Dannible – EDP – Mr. Dannible stated that the application is proposing to demolish the existing fire house and to rebuild a new one. He stated that that the lot is 2.61 acres with 1 acre of upland and  $\frac{3}{4}$  of the site is DEC wetland with 100' adjacent as well as there is little developable land. He stated that the plan is to increase the size of the fire station to accommodate the growing Clifton Park area and that the community has voted to do this upgrade. Mr. Dannible stated that this would be a 7,200 sq/ft fire station with a drive thru to allow trucks to circulate around the building to exit and enter. He stated that the building would be used as a polling station. Mr. Dannible stated that all variances needed for this project have been granted by the ZBA, SWPPP has been provided, and comments by MJE have been addressed. Mr. Dannible showed elevations to all in attendance at the meeting and stated that if approved construction would start next year.



**Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 8/30/21 stating:**

- All variances granted
- No further comments at this time

**Wade Schoenborn, Chief of the Bureau of Fire Prevention:**

1. No comment

**Scott Reese, Stormwater Management Technician issued a memo dated 9/10/21 with the following comments:**

1. Applicant will need to obtain permit from NYSDEC to construct a new stormwater management area within the 100-foot adjacent area of a NYSDEC Wetland.
2. The project has a LC overlay zone. Per Town Code 208-69.3 the applicant must furnish sufficient data to demonstrate that the proposed activity will not result in any of the listed items (1-8).
3. Test holes shall be done at proposed stormwater management areas to determine seasonal highwater table.

**The Environmental Conservation Commission held a meeting on 9/7/21 and issued a memo recommending:**

1. The applicant acknowledges that the current structure and the proposed project are within the LC Zone. In addition, the project increases the incursion in the LC Zone to include additional parking and the removal of woodland area. There are no mitigations proposed to offset this incursion. Given these circumstances, the ECC reiterates that the applicant will need to obtain NYSDEC approval for the proposed disturbances in the NYSDEC Adjacent Areas.

**John Scavo, Director of Planning issued a letter dated 9/7/21 with recommendations he made:**

1. Town Staff is in receipt of the attached “balancing test analysis” provided by the applicant’s attorney to assist the Board with understanding the applicability of site plan review for Fire Districts based on the Court of Appeals decision in the Matter of County of Monroe (72 NY2d 338 [1988]). Staff is in general agreement with this analysis.
2. Based on comment #1, I have limited my technical review of the site plan to civil details such as water retention, storm water management, parking area maneuverability, water supply and hydrant location, and landscape features.
3. It appears county sewer district infrastructure is present on this site adjacent to a county main pump station. The applicant, prior to construction, will need to coordinate dig safely utility mark outs and should reach directly out to the County Sewer District to identify

infrastructure that has the potential to be negatively impacted because of proposed tree clearing and soil disturbances.

4. The Saratoga Co. Planning Board issued a letter of recommendation dated May 24, 2021, noting that the project has no significant countywide or intercommunity impact.
5. Due to site distance issues with the non-standard horizontal curve in Moe Road, east of this site, the applicant should place a note on the site plan stating, "No parking construction vehicles, construction worker vehicles, equipment or stockpiling of materials shall occur within the Town's Right of Way."

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 9/10/21 had the following comments:**

**STATE ENVIRONMENTAL QUALITY REVIEW**

1. No further comments at this time.

**SITE PLAN**

2. On Sheet 6 of 12, the proposed retaining wall if greater than 4-feet in height shall be designed by the appropriate design professional with details and calculations furnished.
3. Provide the retaining wall detail, consider guiderail and/or fencing to protect traffic.
4. Provide in-situ percolation tests in the proposed porous pavement location to demonstrate the location indicated is feasible.
5. The project is proposing less than an acre of disturbance with post construction management areas, as such these areas should be designed in accordance with New York State Stormwater Management Design Manual (NYSSMDM) to ensure functionality.
6. Pursuant to Section 3.5 of the NYSSMDM, the proposed stormwater practices need to have a conspicuous and legible sign posted. The plans need to provide the standard sign with the applicable language as well as the location for each required sign. The noted signs will be required for the porous parking lot proposed.
7. Porous pavement should stop prior to the southerly most parking space with the proposed catch basin.
8. Accessible parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions pursuant to Section 4.6.6 of the ADA 2010 Standards. Provide spot elevations at these locations to confirm conformance.
9. The project is proposing porous asphalt. It is suggested the detailing and associated specifications be expanded to include the following:
  - a. Use of both a top and binder course conforming to the current NYSDOT specifications for Fiber F3 and F9, respectively (420.50030110 - Top Course Porous Asphalt Pavement with Fiber F3 and 420.70090110 - Binder Course Porous Asphalt Pavement F9).
  - b. Show porous pavement underdrain, discharge and cleanout locations on plans.
  - c. Use of a stabilization course Type 2 stone below the reservoir stone.
  - d. Defining plant inspection requirements for washing of the aggregate stone.

- e. Provide additional soil borings and infiltration testing per Appendix D of the NYSSWDM (1/200 SF).
  - f. Qualifications of the installing contractor and/or inspection by qualified individuals.
10. Per Section 5.3 of the NYSSWDM, as a back-up measure in case of clogging, permeable paving practices can be designed with a perimeter trench to provide some overflow treatment should the surface clog. In curbless designs, this could consist of a 2-foot wide stone edge drain.
  11. Applicant has indicated the plans will be submitted to Clifton Park Water Authority (CPWA) for review and approval. Any action on the application should be conditioned upon receipt of plan approval from CPWA.
  12. Applicant has indicated the plans will be submitted to Saratoga County Sewer District (SCSD) for review and approval. Any action on the application should be conditioned upon receipt of plan approval from SCSD.

### **STORMWATER NARRATIVE**

13. A stormwater analysis has been conducted that assessed the pre and post development watershed conditions of the project site. The primary purpose of the assessment was to determine if the project would increase runoff to adjacent properties and if it did, would there be any adverse impacts to adjacent properties or substantial rise in the water elevations in the NYSDEC wetlands on the property. The analysis demonstrates that there will be an increase in runoff from the site, which directly relates to the change in ground cover type. The analysis indicated an increase in the rates (cfs) and volume (cf) of the 1, 10 and 100- year storm events, however should provide the effects of the increased runoff on the rise of the water elevation in the wetlands on-site. Based on the increased runoff rates, determine the rise in the water elevations in the wetlands.

### **Public Comments:**

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked if the public entrance could turn left onto Moe Road. Mr. Dannible stated that they can leave the property opposite Moe Road corner. Mr. LaFleche stated that there was in the past a proposal to put in a bike path on the sewer easement and asked if this proposal would be an obstruction to this. Mr. Dannible stated that there is stormwater in the area and on the south side of the property there is a wetland complex so a bike path in that location would not be feasible. Mr. LaFleche asked how far the building is from the right of way; Mr. Dannible stated 25 feet. Mr. LaFleche asked about a potential easement to the south for the trail. Mr. Christian Sylva (resident) stated that the sidewalk ends at Moe Road. Mr. Dannible stated that there is no room on the site for a trail. Mr. LaFleche stated that he likes the design of the building and asked how big the community room would be. Mr. Kevin Bowman (VF Fire Dept.) stated that there is no current community room. Mr. Scavo stated that there is funding for the Crescent Road trail to extended from Okte and go to the Sugarbush intersection and it will be a phased project on mainly the northeast side of the road and would not impact this project.

### **Planning Board Review:**

Mr. Lalukota stated that likes the project, and asked if the community room was available for the community. Mr. Bowman stated the station is not for resident rental but for meetings and public polling. Mr. Bowman stated that there is a community room at their Station 1 available for public use.

Mr. Ophardt asked if the existing drainage pipe would be replaced on Englemore Road, and if there was an easement for it. Mr. Dannible stated that it would be replaced with this project and that he did not know if an easement would be needed or if one exists but if there is not it will be provided. Mr. Ophardt stated that there was a large sewer connection to the west of the parking lot and that there were many pipes connecting and asked why there were so many. Mr. Dannible stated that it collects from the residential areas around the project and it also serves the fire department and that there is a sewer easement in place. Mr. Ophardt asked if the Saratoga County Sewer Dept. was okay with the water retention being located partially on the easement. Mr. Dannible stated that this was in conference still but if the Sewer Department was to need access, the Fire Department would replace anything that needed to be removed.

Mr. Neubauer stated that he likes the building design and would like the architectural renderings shown tonight to remain as a condition of possible approval.

Mr. Andarawis asked if the entrance to the east need to stay or if it could be eliminated. Mr. Dannible stated that this entrance is for the fire fighters equipment and is essential to keep the response time down. Mr. Dannible stated that if there are funding difficulties this may be phased but cannot promise to eliminate. Mr. Ferraro stated he feels that a decrease in pavement would be beneficial but understands the need for safety.

Mr. Martin stated that he appreciates the balancing analysis that was submitted with the application.

Mr. Martin moved, second by Mr. Ophardt, 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 carried unanimously.

Ms. Bagramian moved, second by Mr. Neubauer, to waive the final hearing for this application for the site plan review of Vischer Ferry Fire Volunteer Fire Department, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listened in the final comment letter issued by the Planning Department.

Conditions:

1. Architectural renderings at the time of the building permit application will be reviewed by the Planning Director for general conformance with the architectural elevation presented with the site plan. The project will be remanded back to the Planning Board for additional review and approval if deemed to be inconsistent with the elevation approved with the site plan. The building elevation presented on 9/14/21 to the Planning Board shall be attached to the final site plan for stamping purposes.

### **Old Business:**

#### **2021-017 Clifton Park Rental Pole Barn**

*Applicant proposes to construct an 80' wide by 90' long pole barn for storage at the north end of the site. The 7,200 sf structure will have a 12' x 90' overhang. Project disturbance is approximately .23 acres on already existing gravel surface, 871 Main St, Zoned: B-3, Status: PB Prelim Review - Poss. Determination SBL: 265.-1-80 To be reviewed by: MJE Consultant: ABD Applicant: DK&S Enterprises, Inc Last Seen on: 3-23-21*

### **Consultant/Applicant Presentation:**

John Hitchcock – ABD – Mr. Hitchcock stated that this business on the property has been at this location since the early 1970's and rents out party equipment such as tables, stages, tents, and chairs. Mr. Hitchcock stated that the proposal is for a 80'x90', 7,200 square foot pole barn in the north east corner of the lot. He stated that this pole barn would replace the tent that is currently on the property that is being used for storage and has been there for many years. Mr. Hitchcock stated that the site is zoned B3-commercial but has residential surrounding it. Mr. Hitchcock stated the ZBA has granted variances for setbacks and the property already has heavy trees around it for buffering.

### **Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 8/30/21 stating:**

- Variances granted
- No further comments at this time

**Wade Schoenborn, Chief of the Bureau of Fire Prevention:**

1. No comment

**Scott Reese, Stormwater Management Technician issued a memo dated 9/10/21 with the following comments:**

1. No further comments

**The Environmental Conservation Commission held a meeting on 9/7/21 and issued a memo recommending:**

1. No comments at this time

**John Scavo, Director of Planning issued a letter dated 9/7/21 with recommendations he made:**

1. The Saratoga Co. Planning Board issued a letter on March 26, 2021, noting that the project would have no significant countywide or intercommunity impact.
2. My prior comments have been adequately satisfied by the information provided in the applicant's response letter with this submittal.
3. The applicant should be aware of §149-6 of the Town Code that states  
No person shall operate or permit to be operated any tools or equipment used in construction, drilling, excavations, or demolition work, between the hours of 10:00 p.m. and 7:00 a.m., where such sound is plainly audible across a residential property line, except the provisions of this section shall not apply to emergency work.

The above noise restriction includes the idling of construction equipment engines prior to a 7:00 a.m. start time.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 9/10/21 had the following comments:**

**STATE ENVIRONMENTAL QUALITY REVIEW**

1. No further comments at this time.

**SITE PLAN**

2. The applicant's response letter indicated a knock box has been added to the plans, however it cannot be located. Please indicate the location if I missed it.
3. No further comments.

**Public Comments:**

No public comment.

**Planning Board Review:**

Mr. Ferraro asked the applicant if there would be any changes to the landscaping. Mr. Hitchcock stated there would not be.

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

Mr. Martin moved, second by Mr. Andarawis, to waive the final hearing for this application for the site plan review of Clifton Park Rental Pole Barn, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, Town Designated Engineer, and all items listened in the final comment letter issued by the Planning Department.

### **New Business:**

#### **2021-050 1640 Crescent Road 2 Lot Subdivision (Ballard)**

*Applicant is proposing to subdivide a 5 acre parcel into 2 single family residential lots, 1640 Crescent Rd, Zoned: R-1, Status: PB Concept Review*

SBL: 288.-2-9 To be reviewed by: MJE Consultant: EDP Applicant: P. Ballard

### **Consultant/Applicant Presentation:**

Phillip Ballard – property owner – Mr. Ballard stated that he purchased the property in 2017 and there is an existing home on the property. He stated that he now has a small child and feels the busy road is dangerous and is concerned for her safety. Mr. Ballard stated that he would like to build a home behind the existing home and make that a 4.5 acre lot; he would then have his sister move into the existing home in the front of the property which would be 0.5 acres. Mr. Ballard stated that both homes would be hooked up to sewer; the existing home is now on septic. Mr. Ballard stated that he applied for variances that he would need and they were approved by the ZBA in July 2021.

### **Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 8/30/21 stating:**

- Variances granted
- Driveway must be a minimum of 12' wide and able to support a 75,000 lb vehicle

**Wade Schoenborn, Chief of the Bureau of Fire Prevention:**

1. No comment

**Scott Reese, Stormwater Management Technician issued a memo dated 9/10/21 with the following comments:**

1. Provide area of disturbance for the proposed project. Follow NYSDEC SPDES Permit requirements if over 1 acre of disturbance.
2. Provide description of adjacent wetlands, verify none of the disturbed areas will impact NYSDEC Wetlands, 100' Adjacent Area and / or Federal Wetlands.

**The Environmental Conservation Commission held a meeting on 9/7/21 and issued a memo recommending:**

1. The limits of (the LC Zone and 100-foot buffer zone, DEC Wetlands, Federal Jurisdictional Wetlands) shall be identified on the plot plan if applicable.

**John Scavo, Director of Planning issued a letter dated 9/7/21 with recommendations he made:**

1. The proposed project appears to be an "Unlisted" action pursuant to SEQRA, and as such, coordinated review is optional.
2. The portion of the parcel to be developed appears to consist entirely of woods. A proposed limit of clearing should be provided on the plan.
3. Since the project is adjacent to Crescent Road (a county owned highway), a referral to the Saratoga Co. Planning Board for a recommendation on the subdivision is required.
4. The applicant is required to obtain a permit for construction of the proposed driveway and utility work within the County's highway right-of-way boundary. The applicant shall contact Gary Meier, Saratoga Co. Department of Public Works, at 518-885-2235 to commence the permit process.
5. Pursuant to § 208-86 of the Clifton Park Town Code, titled Keyhole Lots:
  - A. Keyhole lots may be permitted by the Planning Board only in Residential Districts R-1 and R-3 and **only in rare instances when required due to unusual conditions of the area.** Keyhole lots **shall not be created for any use other than a single-family dwelling.**
  - D. All driveways to keyhole lots shall be constructed and maintained at a minimum of 16 feet wide** and to meet the standards contained in § 73-19 of Chapter 73 of the Code of the Town of Clifton Park, i.e., "A driveway over 500 feet in length must be accessible and able to hold a fifty-thousand-pound, thirty-foot-long vehicle, as determined by a licensed engineer, with facilities for turning around to be available within 100 feet of any structure."



- E.** To ensure privacy for adjacent lots, a landscaped buffer shall be planted on the keyhole lot wherever deemed necessary by the Planning Board. The buffer shall contain sufficient planting materials as needed to screen the keyhole lot from other existing uses. This requirement may be waived by the Planning Board if topographic conditions or existing vegetation provide adequate screening.
- F.** "STANDARD NOTE FOR ADDRESS IDENTIFICATION. The street number of a dwelling situated on a keyhole lot shall be permanently and conspicuously displayed on a sign, with lettering no less than 3 inches nor greater than 8 inches in height, and placed no more than 25 feet from the road pavement. The sign shall be displayed for both directions of travel and be reflective. Identification markers must also be placed at any location where a common drive splits."

The applicant should provide documentation to the Planning Board that explains the keyhole lot layout and addresses the design criteria for such.

Mr. Scavo stated in the meeting that of Mr. Myers is ok with the driveway being 12' that he is fine with the driveway width at 12'.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 9/10/21 had the following comments:**

**STATE ENVIRONMENTAL QUALITY REVIEW**

1. Based upon our 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 is not necessarily limited to the following:
  - a. Town of Clifton Park Planning Board: Subdivision approval
  - b. NY State Office of Historic Preservation: identification of archeologically sensitive resources

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

**SHORT ENVIRONMENTAL ASSESSMENT FORM**

The applicant has submitted Part 1 of the Short Environmental Assessment Form (SEAF). Based upon our review of the submitted Part 1 SEAF, the following comments are offered:

2. Part I.2 – Include date and permit number of ZBA area variance. (Variance granted by Zoning Board of Appeals on July 23, 2021 as permit No. 81292)
3. Part 1.3 – Indicate the total acreage to be physically altered.

4. Part I.12b – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. Should the project require coverage under General Permit GP 0-20-001, a no effect letter from SHPO will be required.
5. Part I.13a – The response indicates that a portion of the site or lands adjoining the site of the proposed action, contains wetlands or other waterbodies regulated by a federal, state or local agency. The applicant should provide documentation that confirms the presence or absence of federally regulated wetlands adjacent to the project site.
6. Part I.17 – The response indicates that the proposed action will create stormwater discharge. A Stormwater Pollution Prevention Plan may be required by applicant.
7. No further comments at this time.

#### **SITE PLANS**

4. The project is located within the Town's Residential 1 District (R-1). The proposal for single family homes is a permitted principal use within the R-1 District as noted in Section 208-10(B)(2) of the Town's Zoning.
- 5.
6. In our review of the concept plan submitted, it would appear that the bulk lot requirements as outlined in Section 208-11 of the Town's Zoning are satisfied.
7. Provide the building setback lines for Lot 1.
8. The proposed point of access to Crescent Road should be verified to ensure proper site distance is achieved. There should be indication on the plan what the required and provided turning site distances are based upon the posted speed limit of Crescent Road.
9. Any new access proposed onto Crescent Road is subject to the review, approval and permitting from the Saratoga County Highway Department. Provide notation on the plat to that effect.
10. All driveways to keyhole lots shall be constructed and maintained at a minimum of 16 feet wide and to meet the standards contained in § 73-19 of Chapter 73 of the Code of the Town of Clifton Park.
11. To ensure privacy for adjacent lot to the east, a landscaped buffer shall be planted on the keyhole lot wherever deemed necessary by the Planning Board.
12. Appropriate signage must be provided as indicated in the following note which will be placed on the final plat of any subdivision containing a keyhole lot: "STANDARD NOTE FOR ADDRESS IDENTIFICATION. The street number of a dwelling situated on a keyhole lot shall be permanently and conspicuously displayed on a sign, with lettering no less than 3 inches nor greater than 8 inches in height, and placed no more than 25 feet from the road pavement. The sign shall be displayed for both directions of travel and be reflective. Identification markers must also be placed at any location where a common drive splits."
13. There may be a need to provide a drainage culvert at the new driveway to support existing drainage along Crescent Road. The applicant will need to coordinate with the Saratoga County Highway Department for any such improvements. If required, show the location, size and materials of construction.
14. The project proposes to service each new lot with public water from the Clifton Park Water Authority via extending a new public water main along Tanner Road. The

applicant shall provide the Town documentation of the CPWA's ability and willingness to service the project with potable water.

15. The project proposes to service each new lot with public sewer from the Saratoga County Sewer District and Clifton Park Sewer District No. 1. The applicant shall provide the Town documentation from each ability and willingness to service the project with sanitary sewer.
16. Provide notation on the plan as follows:
  - a. No Utilities shall be installed beneath the proposed driveways.
  - b. Any work required within the Town right-of-way shall be subject to any permitting from the Clifton Park Highway Department (driveway, culvert).
17. Provide information on the plans to indicate how potential sump pump laterals may be positioned which shall be in conformance with Section 86-7(A)(6) of the Town Code.
18. 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.
19. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission

### **Public Comments:**

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche asked if there could be a bike easement on the property as there is more development on the Crescent Road and Moe Road. Mr. Scavo stated that the connection is on the south side of the roadway so an easement opportunity is there and if the applicant chooses to do this then the one time park fee would be waived, however, there are no plans for a trail at this time.

### **Planning Board Review:**

Mr. Ferraro stated that at this time he is not supportive of the keyhole lot since, based on the code, it should only be granted in rare instances due to unusual conditions and since he does not see any unusual conditions based on what was presented, he has reservations granting the subdivision. He stated that once this is granted it is reflected on the deed and is permanent. Mr. Neubauer and Mr. Andarawis stated that they agree with Mr. Ferraro. Mr. Andarawis stated that if this is granted as it stands it opens the door for other properties to do the same. Mr. Ballard asked what would be considered for a keyhole lot approval and that there is another flag lot just west of his property. Mr. Ferraro read from the code and stated that things such as existing topography may be considered unusual warranting a keyhole lot configuration.

Mr. Martin referenced Section 208-86 for keyhole lots and stated that the Board is not saying no to the application but they need more of the information that the code outlines before making a decision. Mr. Martin stated he also has concerns with the driveways being close to property lines and the applicant being able to keep the needed buffer.

Mr. Neubauer stated that deep parcels in rural sections of the town that get subdivided into keyhole lots have the potential to degrade the character of that portion of town.

Mr. Scavo stated that the Stony Creek Reservoir is adjacent to the rear of the property and there are benefits to the applicant hooking up to sewer instead of septic. Mr. Scavo stated that there could be a possible donation of land from the applicant to the Town in the rear of the property to create contiguous open space. Mr. Martin stated a donation would be a benefit.

### **New Business:**

#### **2021-049 Route 146 - Miller Rd Self Storage, Flex Space**

*Applicant proposes developing the parcel with Flex Space and Self Storage buildings. The self storage component will have conventional cold storage and a portion will have vehicle storage, 524 Miller Rd, Zoned: B-5, Status: PB Concept Review SBL: 270.-2-3.121*

To be reviewed by: MJE Consultant: Advanced Eng. Applicant: Secure-It Self Storage

### **Consultant/Applicant Presentation:**

Nick Costa – Advanced Engineering and Survey – Mr. Costa stated that this application is on the corner of Route 146 and Miller Road. He stated that the parcel is zoned B-5 in the Corporate Commerce District and has fronts on both Route 146 and Miller Road and is about 45 acres in size. Mr. Costa stated that the project would have flex space, self-storage and storage for boats and RVs. He showed a map of the proposal and stated that it would have one access drive that would come off of Miller Road. Mr. Costa stated that the proposal is for 13 buildings and as comments are addressed, details and modifications will be addressed.

### **Staff Comments:**

#### **Steve Myers, Director of Building and Development issued a memo dated 8/30/21 stating:**

- No reviewable documents provided such as building locations, access, pavement, drainage etc.
- Fire apparatus access roads over 150' long require turn-a-rounds (flex space buildings)
- Enclosed and unenclosed boat and RV storage will probably require sprinklers if for no other reason due to the size of the buildings and lack of access around them
- A number of hydrants are likely to be required
- A second access to the property will also likely be required
- The proposal has several of the buildings directly adjacent to wetlands or buffers, not practical during construction they will undoubtedly impact the wetlands

#### **Wade Schoenborn, Chief of the Bureau of Fire Prevention:**

1. Postal verification

2. Provide fire apparatus access plan that complies with NYS Fire Code
3. Appears buildings may be required to be sprinklered
4. Specify hydrant locations
5. Specify fire department connection locations

**Scott Reese, Stormwater Management Technician issued a memo dated 9/10/21 with the following comments:**

1. Applicant stated that stormwater management practices will be in accordance with the Town of Clifton Park Stormwater Regulations and the NYSDEC Stormwater Management Design Manual and the Stormwater Pollution Plan will be developed.
2. Future Preliminary Plans will show the proposed grading and how the drainage will convey from one side of the project to the proposed stormwater management area. The grading plans should also show the avoidance of fill in the Federal Wetlands and 100' NYSDEC Adjacent Areas.

**The Environmental Conservation Commission held a meeting on 9/7/21 and issued a memo recommending:**

1. The ECC recommends the applicant incorporate substantial visual buffering that could include earthen berming and plantings along NYS Route 146 and Miller Road to buffer the large mass of commercial structures.

**John Scavo, Director of Planning issued a letter dated 9/10/21 with recommendations he made:**

1. A referral to the Saratoga Co. Planning Board for a recommendation on the Preliminary Site Plan will be made in accordance with GML §239m.
2. The project appears to be an unlisted action pursuant to SEQR.
3. The application does not appear to reflect an on-site rental/leasing office for the storage space. The applicant should confirm if this assumption is correct.
4. §208-54(A) of the Town Code states:

Lot area. The minimum lot size shall be one acre (43,560 square feet), and the minimum width at the front building line shall be 150 feet, **except along those streets listed in §208-98, where the minimum width shall be 180 feet.**

NYS Route 146 is one of streets listed in §208-98, therefore, please update the dimensional requirements table on sheet 2 of 2 to reflect the 180' requirement for the lot width building line.

5. As plans progress, the applicant should show any proposed exterior lighting to include any wall mounted lighting units.

6. On the next page please review the excerpt from the Clifton Park Town Code, §208-55 Development Standards. The applicant should outline how the condition has been met for each standard at the time of preliminary plan submission.

**§ 208-55**

**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. Such curb cut shall be wide enough to accommodate safely and in accordance with accepted traffic control standards approved by the Town's 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 100 feet measured from the center line of the curb cut. Design should take into consideration the possibility of shared curb cuts with adjacent properties. In the case of a corner lot, no curb cut shall be located closer than 100 feet to an intersection.
- B. **Landscaping.** The overall intent of this standard is to achieve, where possible, a well-landscaped site that takes into consideration the surroundings and the total environment. That is, consideration shall be given to preservation of natural and existing vegetation as well as new plantings throughout the entire site plan. The Planning Board shall take into consideration the location of the structures and parking areas and their proximity to adjacent buildings and/or lots. Consideration shall be given to planting along property lines, buffer areas and along the walls of the building or structure, where possible, without impeding the operations of the facility. However, if there is substantial natural vegetation on site that serves the requirements, i.e., screening, aesthetics, etc., the Planning Board shall not require additional landscaping except where deficiencies exist.
- C. **Architectural.** The architectural design shall consider building facade, including color, and other significant design features such as exterior materials and treatments, roof structures, exposed mechanical equipment and service and storage areas. Architectural block or similar facades, especially along the road frontage, shall be required (Underlined for Emphasis).
- D. **Utilities.** Uses proposed within a B-5 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 Planning Board shall require the owner 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.
7. Approximate location for overhead doors and their orientation should be shown on the plans.
8. A curb-cut permit for the driveway and work within the ROW for the water line connection at Miller Road will require a permit from the Town's Highway

Superintendent. Please contact Dahn Bull, Town Highway Superintendent to begin the necessary permit process.

9. The applicant should note if a perimeter fence is proposed around the self-storage buildings and flex space buildings.
10. Please use a different hatch pattern or denotation to visually distinguish between the ACOE and NYS DEC Regulated Wetlands.
11. As plans progress, visual appeal of the proposed buildings and landscaping to minimize visible impacts along the Route 146 and Miller Road Corridors is of highest importance for Planning Staff.
12. This site was included in the Corporate Commerce Area GEIS in 2001 and, therefore, excluded from the Western Clifton Park GEIS in 2005. At that time, it was anticipated that up to one million square feet of commercial building space could be developed without significant impact to the transportation network if recommended improvements were made to Route 146. It was anticipated that traffic would be funneled to Tanner and Miller Roads and that the intersection of Tanner/Miller and Route 146 would be improved with turn lanes and a traffic signal. It is noted in your concept submittal that the project is anticipated to generate 50 trips during the PM peak traffic hour based on analysis using the ITE Trip Generation Manual, 10<sup>th</sup> Edition.
13. Municipal water and sewer services were extended to the Corporate Commerce zone to serve the future development. The amount of reserve capacity necessary to serve the proposed project should be verified by the applicant through contact with Michael O'Brien, Collection Systems Manager for the Clifton Park Sewer District.

Mr. Scavo stated in the meeting that there is a TIP (Transportation Improvement Program) solicitation process for transportation improvements with federal funds. He stated that this is now a priority as the intersection improvement project was previously given a PIN #he referenced as #SA326 under the current TIP. However, no federal funds were available to be allocated towards the request. He also stated that an application will be submitted by October and it would include both the Waite and Tanner Road Intersections with Route 146 under this grant cycle. Mr. Scavo stated that both federal and state wetlands are present on the project site. A 100-foot buffer is shown around the State designated wetland. He also noted that the federal wetlands while farmed for drainage can be disturbed but under this commercial site plan any disturbances will need additional permit coverage and review by the Army Corp of Engineers.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 9/10/21 had the following comments:**

**STATE ENVIRONMENTAL QUALITY REVIEW**

1. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be a “Type I” action per NYCRR Part 617.4(b)(6)(i). For Type I actions, a full EAF must be used to determine the significance of such actions. The project sponsor must complete Part 1 of the full EAF, including a list of all other involved agencies that the project sponsor has been able to identify, exercising all due diligence. Coordinated review is required for Type I actions. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
  - a. Town of Clifton Park Planning Board: Plan approval
  - b. Saratoga County Planning: 239m referral is required due to the parcel’s proximity to NYS Route 146
  - c. NY State Historic Preservation Office: correspondence with SHPO to ensure no archeologically sensitive resources on project site
  - d. NYSDOT: Driveway curb cut
  - e. NYSDEC: Stormwater permit approval
  - f. U.S. Army Corps of Engineers (USACE): Nationwide Permit
  - g. Clifton Park Water Authority (CPWA): Connection to municipal water
  - h. Saratoga County Sewer District #1: Connection to public wastewater infrastructure

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

**SHORT ENVIRONMENTAL ASSESSMENT FORM**

The applicant has submitted Part 1 of the Short Environmental Assessment Form (SEAF). Based upon our review of the submitted Part 1 SEAF, the following comments are offered:

2. Part 1. 3b – The response indicates that the proposed action will disturb more than one acre of land. As such a Stormwater Pollution Prevention Plan (SWPPP) will be required.
3. Part 1.8 – The response indicates no substantial increase in traffic above present levels. It is suggested that documentation be provided to support this response
4. Part I.12b – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The applicant should provide a correspondence letter from SHPO to confirm the presence or absence of archeologically sensitive resources.
5. Part I.13a – The response indicates that a portion of the site or lands adjoining the site of the proposed action, contains wetlands or other waterbodies regulated by a federal, state or local agency. The applicant has provided documentation that confirms the presence of federally regulated wetlands adjacent to the project site. Additionally, a 100’ wetland buffer is shown on the Site Analysis Plan to confirm.
6. Part I.13b – The response indicates that the proposed action would physically alter or encroach into existing wetland or water body. The applicant stated the proposed development will cross the existing drainage swale at one location and will impact the existing ACOE Jurisdictional area which will require a Nationwide Permit.



7. Part I.17 – The response indicates that the proposed action will create stormwater discharge. A stormwater analysis should be conducted to ensure there will be no adverse impacts to adjacent or down gradient properties.
8. No further comments at this time.

#### **SITE PLANS**

6. The project resides within the Town's B5, Corporate Commerce District. We would defer to the Town's Chief Zoning Officer on determining whether the uses being proposed are permitted "as of right".
7. Based upon a review of the lot configuration, it appears the minimum bulk lot requirements as identified in Section 208-43.3 of the Town's Zoning are satisfied.
8. The project will disturb more than 1-acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. Therefore, a full SWPPP will be required that addressed water quantity and quality controls. As the project proceeds through the Town's regulatory review process, a fully conforming SWPPP shall be provided for review.
9. The project proposes to provide potable water to the site from the Clifton Park Water Authority (CPWA). The applicant shall provide the Town documentation indicating the CPWA's ability and willingness to provide additional potable water to the project. Any approvals offered by the Planning Board should be conditioned on receipt of CPWA's review and approval.
10. The project proposes to provide sanitary sewer service to the site from the Clifton Park Sewer District / Saratoga County Sewer District No. 1 (SCSD). The applicant shall provide the Town documentation indicating the Town's Sewer District and SCSD's ability and willingness to provide additional sewer service to the project. Any approvals offered by the Planning Board should be conditioned on receipt of the Town's Sewer District and SCSD's review and approval.
11. The plan shows providing 57 parking spaces. Provide a narrative on how they were derived.
12. This project may have a cumulative impact on the level of service of the adjacent roadways. As such, it is recommended that a traffic impact study be completed that assesses peak hour vehicle trips, site distance and accident data (specifically at Miller Road and Rt 146). Give the proximity to NYS Rt 146, the findings of the study should be provided to the Region 1 office of the NYSDOT for input.
13. Should any work occur within the NYS Rt 146 right-of-way, approval and permitting from the NYSDOT will be required. For any work proposed within the Miller Road right-of-way approval and permitting from the Clifton Park Highway Department will be required.
14. The plan indicates wetlands were delineated in 2012. Provide documentation from ACOE and NYSDEC that the delineation is still valid and has not expired.
15. Provide the height of the proposed buildings. If any of these buildings are in excess of 35-feet, the Planning Board will conduct a visual assessment and require the applicant to complete Appendix B of the State Environmental Quality Review, Visual EAF Addendum for its consideration as noted in Section 208-54(D) of the Town's Zoning.
16. Show proposed connection and site layout of utilities (water/sewer and storm).

17. Show the location of and provide a detail for any exterior refuse areas.
18. Subsequent plans shall show how the project will meet the requirements of Section 208-55 of the Town's Zoning in regards to landscaping. Areas where existing buffers will be preserved, buffers exist but need to be enhanced or where buffers do not exist and need to be provided shall be presented.
19. The following comments are relative to the site plan and its conformance to the International Fire Code (IFC). The Town Fire Official shall have final authority on the applicability of these comments to the proposed site layout:
  - a. If the proposed building is to be provided with an automatic sprinkler, show the location of the fire department connection to ensure they are reasonably accessible.
  - b. Section 912.2 of the IFC requires a fire hydrant to be located within 100-feet of the building's fire department connection. It is not clear from the plans where the closest hydrant to the site is or where the fire department connection may be. Additional hydrants may be necessary.
  - c. Determine if a Knox Box is required based upon the building arrangements, occupancy and materials of construction. If one is required, its location is subject to the review and approval of the Fire Chief.
  - d. Section 503.1.1 of the International Fire Code (IFC) requires an approved fire apparatus access road be provided for every facility, building or portion of a building and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. Confirm that there is adequate fire access being provided.
  - e. Identify the actual height of the buildings. If greater than 30-feet in height above the average grade plan, aerial apparatus access shall be provided that is between 15 and 30 feet of one entire side of the building in accordance with Appendix D105 of the IFC. If aerial apparatus access is required, its location shall be identified on the plans.
  - f. Pursuant to Section D104 of the IFC, commercial or industrial buildings that are exceeding 62,000 sq. ft. shall be provided with two separate and approved fire apparatus access roads unless equipped with automatic sprinklers (this exemption is permissible up to 124,000 sq. ft. of building area).
  - g. Provide a turning template analysis for the largest emergency vehicle that may respond to an event at the site.
20. Subsequent plans should include architectural elevations of the building with a listing of the materials of construction for review by the Planning Board.
21. Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans and reports are submitted. Subsequent submissions shall include information as outlined in Section 208- 115 of the Town zoning specific to site grading, lighting, landscaping, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

**Public Comments:**

Shery Kerns – 10 Barney Road – Ms. Kerns asked if there would be a traffic study as there is a lot of traffic now and asked what is across the street on the north side of 146. Mr. Ferraro stated that it is a concern and that multiple intersections are impacted in the area. John Scavo stated there are several alternatives that are being evaluated to address existing traffic issues. Mr. Scavo stated that the GEIS stated that the intersection called for a light with turn lanes, but with a roundabout it would cost approximately \$2.7 million as there is a hill obstructing the view of the intersection that could cause more accidents with a traffic light and limited sight distance for westbound traffic to the Tanner Road and Rt. 146 Intersection. Mr. Scavo stated that he is in favor of the 100' buffer off of the roadway as the Town may acquire it for improvements. He stated that engineers will likely develop 4 alternative designs for consideration. Ms. Kerns asked about the improvements for the intersection of Waite Road and 146 and asked if there would be another circle there as well. Mr. Scavo stated it is always an option and the Town looks at safety first, and the current TIP is for 2022-2027 where funding could be allocated for implementation upon award.

Lisa Costello – 307 Moe Road - Ms. Costello stated she feels that multiple roundabouts would lead to people racing around them to get in front of others as she has seen this in Malta off I-87, she suggested a single lane roundabout to help with this if that is what the Town is going to put in. Ms. Costello asked what the impact on the trails would be with the increased traffic. Mr. Costa stated there would not be specific impact as the boat and RV would be going 2 times per year, there is no specific use for the flex storage at this time and the regular cold storage would be accessed when the tenants feel the need.

Anthony LaFleche – 21 Wheeler Drive – Mr. LaFleche stated that this is a large parcel and adding many projects in the area would add to traffic. He thanked the applicant for leaving room for intersection improvements and asked if there would be enough room with the 100' buffer if Route 146 were to expand and if there is room for 2<sup>nd</sup> lanes and a bike path. Mr. Scavo stated that the right of way would be enough for 2 lanes to be added and the gas line is now in the right of way so this would be a good visual as to how much room there is. Mr. LaFleche stated that earth and berm is a great buffer for both road frontages but asked if there could be more room on Miller Road for improvements such as a bike path as well and to make the berm as high as it can and to use evergreens and other vegetation. Mr. LaFleche asked if the buildings would be visible from the berm. Mr. Costa stated that the buildings are one story but will be high enough to put an RV under it.

### **Planning Board Review:**

Mr. Ferraro stated that this is a B-5, Corporate Commerce zoning so the trip generation could be more if other permitted uses that generate more traffic than storage facilities were built on the site. Mr. Ferraro stated that he wants to see what wooded areas would be disturbed on the plans.

Mr. Martin asked the applicant to explain what cold storage is. Mr. Costa stated that cold storage means that whatever the temperature is outside is what the temperature is in storage, another type of storage is climate controlled. Mr. Martin stated that he would like to see EV parking spaces incorporated into the plan.

Mr. Neubauer stated that the zone has architectural requirements and would like to see more specific renderings and facades. He stated that the grading varies and feels the viewpoints will vary depending on the angle and possibly seeing roofs only at some point. Mr. Costa stated that he agrees with Mr. Neubauer that the roofs will also be important along with the façades.

Ms. Bagramian stated that she has internal circulation concerns as well as density. She stated that flex space can generate a lot of traffic as tenants are unknown at the time of building. Ms. Bagramian stated that boats and RVs will also be on the site as well as storage and feels the density is too much. Ms. Bagramian asked if the boat and RV storage would be enclosed and if there would be enough parking for the flex space as she feels it is low as it can be used for retail space. Mr. Costa stated that the boat and RV storage would be canopy style and that the project will be phased and most likely the flex space would not be done first so if parking or building numbers need to be changed it can. Mr. Scavo stated that Mr. Myers can do look-up for tenants that are allowed in the B5 zone and make sure that they also follow code for the needs of the tenant to make sure they are allowed with restrictions such as bathrooms and outdoor space. She stated that it is hard to amend a site plan if there is no room to do so.

Mr. Andarawis stated that he sees an increase in traffic to the area as troublesome. He stated that he does not want to see a sea of buildings on the property and feels that the landscaping is important with constraints. Mr. Andarawis stated that he would like to see the flex storage locations swapped with the storage due to the visual impact on Route 146.

Mr. Ferraro listed different usages for the flex space and stated that he has some reservations as there are many different businesses that could function under this. Mr. Neubauer stated that Mr. Myers would have to look at this closely to ensure uses are still in conformance for bathrooms, fire codes and occupancy. Mr. Ferraro stated that there would be multiple tenants in one building and no sidewalks are being shown, only pavement. Mr. Costa stated that sidewalks can be accommodated and will show in plans.

Mr. Ophardt stated that the parking off to the side of the building would be ok but people will tend to park where they want and feel is convenient. Mr. Costa stated that there are 50' between buildings so there is enough room for parking if it is needed on one side and there are 56 spaces for parking now. Mr. Ophardt asked if there any retention basins. Mr. Costa stated that they are not shown on the plan and a building may be lost to get this done. Mr. Ophardt asked if a traffic study has been done as traffic is always a concern and is important to the Board members as there is a lot of traffic in the a.m. and p.m. that can be problematic.

Mr. Ferraro stated that flex space is hard due to requirements. Ms. Bagramian stated that the beer tasting location off of exit 10 of I87 is an example of flex space and traffic could differ with the tenants. Mr. Scavo reminded the Board that both the daycare facility and brewery required additional site plan review and approvals from the Town Planning Board at Fairchild Square since it was a deviation from the building's original intended use. Mr. Neubauer stated that he would like to see a circulation and parking plan to make sure density works.

Mr. Ophardt moved, second by Ms. Bagramian, to have the Planning Board assume Lead Agency associated with a Type I action for the Miller Rd Self Storage, Flex Space proposal.

### **New Business:**

#### **2021-051 & 2021-052 Chick-fil-A Site Plan & SUP**

*Applicant proposes redevelopment of the "Pier 1" retail store to a quick serve restaurant with a drive-thru. Project includes demolition of existing building and redevelopment of the site to include a 5,000 sf restaurant, drive-thru, drive aisles, parking spaces, lighting, landscaping, utilities and stormwater management, 304 Clifton Park Center Rd, Zoned: TC5, Status: TAC Concept Review SBL: 272.-1-41.1 To be reviewed by: MJE Consultant: Bohler Eng. Applicant: Chick-fil-A*

Mr. Ferraro stated that the applicant is not present and there will be no presentation. He stated that there was a TAC meeting held in regards to this application and that there is a recording available for review. Mr. Ferraro stated that he, along with Mr. Lalukota, were in attendance at that meeting and participated in the discussion.

Mr. Ferraro stated that tonight would be a discussion on the project and presentation Mr. Scavo would be taking the lead in informing the Board what was discussed at that meeting.

### **Staff Comments:**

#### **Steve Myers, Director of Building and Development issued a memo dated 8/30/21 stating:**

- Signs are not included in the planning review. All signs shall be submitted to the building department
- Ensure moving of mall sign meets the required setbacks
- Existing non-conformance shown on Table Sheet C-2.0 will require variances if not waived by planning
- Catch basins in dumpster enclosure should not feed directly into stormwater system.
- Parcel is zoned TC-5 which is an allowed use with planning approval for a drive thru restaurant

- Further comments may follow

**Wade Schoenborn, Chief of the Bureau of Fire Prevention:**

1. Provide a fire department access plan that complies with NYS Fire Code
2. Specify fire department connection location
3. Specify hydrant locations
4. Ensure hydrant is within 100' of FDC
5. Canopies should be 14' for fire department access

**Scott Reese, Stormwater Management Technician issued a memo dated 9/10/21 with the following comments:**

1. I support MJ Engineering Stormwater related comments for this project, dated September 10, 2021

**The Environmental Conservation Commission held a meeting on 9/7/21 and issued a memo recommending:**

1. Due to the probability of food and liquid wastes leaking from the on-site dumpster(s) into a storm water catch basin, the ECC recommends the applicant enclose the area (i.e. roof) on an impervious surface with a berm surrounding the dumpster(s) that accept food and liquid wastes. The dumpsters should not be located over catch basins as depicted on sheet C-2.0. If necessary, the Applicant will need to periodically pump out the accumulated wastes within the bermed area to avoid any overflow.
2. The ECC notes that the Town Center District was created to provide a pedestrian and bicycle friendly part of the community. It is likely that pedestrians would like to access this business from the mall area. Therefore, the applicant should consider providing sidewalk access to the restaurant and enhancing the pedestrian crossing on Clifton Park Center Road (e.g., pedestrian activated signals).
3. To enhance the appearance of greenspace the applicant shall consider replacing the striped asphalt islands with raised curb landscaped islands. This is consistent with the Town Center District Plans.
4. The ECC is concerned with the assessed traffic impacts that this may have on Clifton Park Center Road. The concern of large truck traffic circulation and available parking for truck drivers from Interstate 87. Will the traffic data be supplied to the Town of Clifton Park for assessment?

**John Scavo, Director of Planning issued a letter dated 9/10/21 with recommendations he made:**

1. The Town Center Advisory Committee met with the applicant on September 9<sup>th</sup> to review the initial concept proposal and expressed concerns and comments moving forward. A representative from NYS DOT was also present.
2. A Zoom Link to the TAC Meeting has been sent to the Planning Board Members for their review and is available for public review upon request.
3. The applicant is required to obtain a Special Use Permit for the proposed drive-thru.
4. Existing Land Uses within this TC-5 area consist of:

- a. 2, Sit-down restaurants
- b. Gas station w/free standing carwash
- c. Strip-mall with fast-food drive-thru
5. Planning Board Members are encouraged to view the TAC Zoom Video and provide any additional written comments they may have. I will forward those comments to both the TAC Members and Applicant for consideration.

**Professional Comments:**

**Walter Lippmann, P.E. of MJ Engineering in a letter dated 9/10/21 had the following comments:**

**STATE ENVIRONMENTAL QUALITY REVIEW**

1. Based upon our 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 is not necessarily limited to the following:
  - a. Town of Clifton Park Planning Board: Plan approval
  - b. Saratoga County Planning: 239m referral is required due to the parcel’s proximity to NYS Route 146
  - c. NY State Historic Preservation Office: correspondence with SHPO to ensure no archeologically sensitive resources on project site
  - d. NYSDEC: Stormwater permit approval
  - e. Clifton Park Water Authority (CPWA): Connection to municipal water
  - f. Saratoga County Sewer District #1: Connection to public wastewater infrastructure \
  - g. Town ZBA: Sign Variances

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

**SHORT ENVIRONMENTAL ASSESSMENT FORM**

The applicant has submitted Part 1 of the Short Environmental Assessment Form (SEAF). Based upon our review of the submitted Part 1 SEAF, the following comments are offered:

2. Part I.12b – The response indicates that the project site is located within or adjacent to an area designated as sensitive for archeological sites on the NY State Historic Preservation Office (SHPO) archeological site inventory. The applicant should provide a correspondence letter from SHPO to confirm the presence or absence of archeologically sensitive resources.
3. Part I.17 – The response indicates that the proposed action will create stormwater discharge. A Stormwater Management Report dated August 19, 2021 was prepared by applicant.
4. No further comments at this time

**SITE PLANS**

5. The project is located within the Town's TC5 Neighborhood Zone of the Town Zoning. The proposal for a restaurant requires a special use permit within the TC5 zone.
6. The project resides within the Town's TC5 Neighborhood Zone. In our review of Section 208-22.1 of the Town Zoning, indicates the following bulk lot deficiencies:
  - a. Section 208-22.1(A) requires 0' min. and 8' max. front setback from the property line. The proposed building proposes 83 feet.
  - b. Section 208-22.1(B) require that no automobile parking spaces shall extend nearer to a front property line than 30 feet. The plan appears to propose parking within 15 feet of the front property line.
7. Section 208.25(7)(A) indicates mechanical equipment, including roof-mounted, facade-mounted or groundlevel-mounted, shall be screened from view from adjacent public rights-of-way, properties and pedestrian walkways.
8. Section 208.26(3)(A) indicates the front yard buffer of all parking areas abutting a public right-of-way or future street shall provide a front yard buffer at least 10 feet deep from the sidewalk, consisting of shrubbery, hedges, trees, decorative walls or fences, which creates a visual screen at least three feet high. The submitted plans appear to provide three existing trees along the entire length of the parcel fronting the public right-of-way.
9. Section 208.26(3)(D) indicates internal parking rows should provide landscaped islands at either end of the rows. Islands shall include at least two trees with shrubs, flowers, grass or other plantings so that not more than 50% of the ground cover is mulch or gravel. It appears the plans are showing striped islands.
10. Section 208.26(6)(B) indicates parking lot lighting located along the perimeter edge of a parking area within 50 feet of a property line shall not exceed 15 feet. It appears that fixtures OD1 and OD3 fall within 50 feet of the property line and are 27 feet high.
11. Section 208-26(4) requires trash and recycling dumpsters to be located in the rear or side of buildings, which the plan provides. Subsequent submissions shall show how the screening provided will satisfy the requirements of Section 208-26(A)(1).
12. Utilizing the parking requirements of 6 spaces/1,000 SF, the minimum parking required would be 30 spaces. The plan proposes 62 parking spaces. Provide a narrative on the necessity of the additional 32 spaces. Considering banking the additional spaces.
13. The project will disturb more than 1-acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. Therefore, a full SWPPP will be required that addressed water quantity and quality controls. As the project proceeds through the Town's regulatory review process, a fully conforming SWPPP shall be provided for review.
14. There should be confirmation that the anticipated water usage and sewer generation as a result of the building addition does not exceed any permit thresholds imposed by other regulatory agencies having jurisdiction.
15. The project proposes to provide potable water to the site from the Clifton Park Water Authority (CPWA). The applicant shall provide the Town documentation indicating the CPWA's ability and willingness to provide additional potable water to the project. Any approvals offered by the Planning Board should be conditioned on receipt of CPWA's review and approval.
16. The project proposes to provide sanitary sewer service to the site from the Clifton Park Sewer District / Saratoga County Sewer District No. 1 (SCSD). The applicant shall



provide the Town documentation indicating the Town's Sewer District and SCSD's ability and willingness to provide additional sewer service to the project. Any approvals offered by the Planning Board should be conditioned on receipt of the Town's Sewer District and SCSD's review and approval.

17. It is recommended that a traffic impact study be completed that assesses peak hour vehicle trips at the parcel site drives and the adjacent Clifton Park Center Road and Clifton Country Road intersection. The assessment shall also examine site distances at the site drives, accident history as well as level of service impacts.
18. It is suggested that curbing be provided along the easterly most twelve (12) parking spaces that face the east ingress/egress road.
19. Provide a photometric plan indicating the footcandle values at and just beyond the parcel boundaries to verify no spillage onto adjacent properties.
20. The proposed catch basins located within the dumpster enclosure shall be removed.
21. the location of the existing potable water that the project will be connecting to and proposed water service connection
22. Show proposed connection for water.
23. The following comments are relative to the site plan and its conformance to the International Fire Code (IFC). The Town Fire Official shall have final authority on the applicability of these comments to the proposed site layout:
  - a. If the proposed building is to be provided with an automatic sprinkler, show the location of the fire department connection to ensure they are reasonably accessible.
  - b. Section 912.2 of the IFC requires a fire hydrant to be located within 100-feet of the building's fire department connection. It is not clear from the plans where the closes hydrant to the site is or where the fire department connection may be. Additional hydrants may be necessary.
  - c. Determine if a Knox Box is required based upon the building arrangements, occupancy and materials of construction. If one is required, its location is subject to the review and approval of the Fire Chief.
  - d. Section 503.1.1 of the International Fire Code (IFC) requires an approved fire apparatus access road be provided for every facility, building or portion of a building and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measures by an approved route around the exterior of the building. Confirm the proposed access route to ensure clearance bars will not be an issue and adequate fire access being provided.
  - e. Provide a turning template analysis for the largest emergency vehicle that may respond to an event at the site.

#### **STORMWATER MANAGEMENT REPORT**

24. Identify the source of the rainfall data utilized for each of the storm events analyzed.
25. Provide calculation that the hydrodynamic unit or isolator row are providing the appropriate level of pretreatment consistent with Section 6.3.3 of the NYSSMDM.
26. With the use of infiltration, in-situ testing is required pursuant to Section 6.3.1 of the NYSSMDM. To determine infiltration rates and depth to seasonal high groundwater. In the design, a factor of safety of 2 shall be applied for the infiltration rates. Label test

locations on plans to ensure an adequate number of tests were performed based on infiltration practice area.

27. Provide calculations that demonstrate the infiltration chambers fully dewater within 48 hours after the storm event pursuant to Section 6.3.2 of the NYSSMDM.

### **Discussion:**

Mr. Scavo read from his letter addressed to Planning Board Members. Mr. Scavo stated that DOT has allotted \$5 million for improvements at the intersection of Route 146 and Clifton Park Center Road as well as \$7 million for improvements at Route 9 and Route 146. He stated that they will be looking at the safety of the intersections. He stated that the total improvement corridor would be from the intersections at Tallow Wood Drive to Lowes Blvd on Route 146.

Mr. Scavo stated that a Zoom link was sent to Planning Board members for review and concerns were discussed as it pertains to the interpretations of the form based code and that the applicant would need to obtain a Special Use Permit for the drive thru, land uses, and the surrounding business. Mr. Scavo stated that there was a lot spoken about the façade and traffic concerns.

Mr. Lalukota stated that he attended and participated in the meeting and stated that he would like to see the entrance moved further to the east to provide additional landscaping and positioning of the building.

Mr. Scavo stated that the Town is submitting a grant application on September 24<sup>th</sup> to the Transportation Alternative Program seeking \$2 million for sidewalks on both sides of Clifton Country Road and \$0.5 million of Town funds would also be included in this project to allow for more access on Clifton Park Center Road. Mr. Scavo stated that Mr. Dannible also did a presentation about the design of the proposed Town Park in the Town Center at the Town Board meeting and asked for others to watch it when it is posted on the Town's website.

Ms. Bagramian asked if the 99 Restaurant had a parking easement as she feels that there may be a vehicle back up and parking may overflow. Mr. Scavo stated that there is no parking easement but there is one for the egress and ingress.

Mr. Ferraro stated that that there are 3 drive thru lanes being proposed. Mr. Lalukota stated that the traffic situation may slow after the immediate openings and there is a proposal for one to be built in Latham as well.

Ms. Costello stated that she had relocated from out of the area for a time and is now back in Clifton Park, and stated that a Chick-Fil-A where she previously lived, once opened, generated a lot of traffic and rarely slowed from the time of opening. She stated that she feels traffic will be a concern but would still like to see the project move forward.

Ms. Kerns stated that the existing Starbucks across the street has long drive thru lines now and her concern is having two long drive thru lines backing into traffic at the same location

M. Ophardt asked what would be done for the Wendy's intersection. Mr. Scavo stated he is unsure of the plans if any right now.

Mr. Neubauer stated that Mr. Ferraro advocated for his concerns in the meeting of how the application would conform within the TC-5 zone and be in conformance with the Town Center Code. Mr. Neubauer stated that there are some good examples of existing conforming businesses in the Town Center such as Blaze Pizza and Residence 15 apartments at Village Plaza that had worked through the TAC process to reach conformance. He stated that the presentation that was given at the TAC meeting does not conform to the code and feels it should, potentially by locating the drive thru behind the building and moving the building up to the roadway as indicated in the requirements for TC-5. He stated that there appear to be a lot of other Chick-fil-a locations nationwide that conform to this layout – like Raleigh, NC – so it can be done. Mr. Scavo stated that by moving the drive thru to the rear, pedestrians from the parking lot would have to cross it to access the dining area decreasing pedestrian safety.

Mr. Andarawis stated that he does not want to create so much traffic that it discourages pedestrians, and does not see this lot as deep enough to accommodate this.

Mr. Martin stated that he feels the code is clear on what the Town Center Code should look like and believes that this can be done tastefully and making sure the codes are met.

**Discussion Items:**

None

Mr. Ophardt moved, seconded by Mr. Neubauer, adjournment of the meeting at 10:55 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on September 28<sup>th</sup>, 2021.

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary