

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

ANTHONY MORELLI
Attorney

BETSEY SNYDER
Secretary



MEMBERS

Emad Andarawis
Denise Bagramian
Jeffery Jones
Andrew Neubauer
Eric Ophardt
Greg Szczesny

(alternate) Teresa LaSalle

Planning Board Minutes
February 26th, 2019

Those present at the February 26th, 2019 Planning Board meeting were:

Planning Board: R. Ferraro, Chairman, E. Andarawis, D. Bagramian, , A. Neubauer, E. Ophardt, G. Szczesny
T. LaSalle – Alternate Member

Those absent were: J. Jones

Those also present were: J. Scavo, Director of Planning
J. Bianchi, M J Engineering and Land Surveying, P.C.
A. Morelli, Counsel
B. Snyder, Secretary

Mr. Ferraro, Chairman, called the meeting to order at 7:02 p.m. All in attendance stood for recitation of the Pledge of Allegiance.

Mr. Ferraro announced that Ms. LaSalle would be sitting as a full voting member of the Board at this evening's meeting in the absence of Mr. Jones. Chairman Ferraro explained because the meeting of February 12th was canceled, tonight's order of business will not follow the usual agenda. The agenda items from the February 12th meeting will be covered first, followed by the agenda items for this evening's meeting.

Minutes Approval:

Mr. Ophardt moved, seconded by Ms. Bagramian, approval of the minutes of the January 22nd, 2019 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:**2018-067 Majid/Merrall Drive In Law Apt SUP**

*Applicant requests SUP approval for conversion of a single family home to a 2 family per section 208-10(9)[7] for an R-1 zone. Note: Construction shall meet the building code requirements for a 2 family home if the SUP is approved, 4 Merrall Dr, Zoned: R-1, Status: **PB Prelim Review w/ possible determination***

Applicant: Majid **Last Seen on: 1/8/19**

SBL: 283.19-1-29

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

Mr. Andarawis moved, seconded by Mr. Neubauer, to establish the Planning Board as Lead Agency for this application, an in-law Special Use Permit action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Ferraro, Chairman, called the public hearing to order at 7:05 p.m. The Secretary read the public notice as published in The Daily Gazette on February 16th, 2019.

Consultant/Applicant Presentation:

Mr. Tahseen Majid owner of 4 Merrall Drive presented architectural drawings of the proposed conversion to the Board.

Staff Comments:**Steve Myers, Director of Building and Development issued a memo dated 02/14/2019 stating:**

- Applicant proposes conversion of an existing attached garage into a separate dwelling unit. Approval of an SUP for a two family home is required.
- Garage conversion will require significant modifications to the structure to meet the requirements of the Building Code

Scott Reese, Stormwater Management Technician issued a memo dated 02/08/19 with the following comments:

No comments at this time.

Environmental Conservation Commission held a meeting on 02/19/2019 and issued a memo with the following comments:

No comments at this time.

John Scavo, Director of Planning issued a letter dated 02/04/2019 stating:

- The Saratoga Co. Planning Board issued a letter dated January 18, 2019, that noted the project has, “No Significant County-Wide or Inter-Community Impact.”
- Architectural rendering and elevations that you provided to the Planning Department have been forwarded to the Planning Board for their consideration.
- Planning Staff has received evidence of the 500’ mailing notifications sent on January 12th, to property owners within the vicinity of the proposed in-law apartment.
- As previously noted, as a condition of the SUP, additional vehicles customarily associated with an in-law apartment shall be prohibited from parking parallel to the paved public roadway within the Town’s right-of-way.

Professional Comments:

No comments at this time.

Public Comments:

Mr. Scott Earl – 43 Ray Road, Rexford – asked if this is an approved use in the R1 zone and is concerned if this project is setting a precedent. Mr. Earl questioned if every single family home in these areas can have an in-law apartment conversion it would increase density and traffic concerns.

Mr. Ferraro stated that the Town code permits a special use permit in this particular zone for an in-law apartment. Specific to the in-law apartment, it can only be occupied by an in-law or family member constituting a kinship of first, second or third degree as outlined in the code. The size of the in-law apartment cannot exceed 30% of the gross floor area of the principal unit and is to be constructed within the existing building footprint or added to a building addition attached to the primary dwelling. The in-law apartment cannot be constructed as a stand-alone dwelling. The Town code was just revised in early January specifically for in-law apartments and two-family duplexes. The lot size in the R1 zone is 20,000 square feet and for a duplex the square footage has to be 40,000. The change was made by the Town Board because the Planning Board had concerns about density issues and recommended the Town re-visit the code as it relates to two family dwellings.

Mr. Ferraro emphasized this is an in-law apartment and cannot be rented out to a third party. The dwelling cannot be sold as a two family either.

There being no additional public comments, Mr. Ferraro moved, seconded by Mr. Ophardt to close the public hearing at 7:13 p.m. The motion was unanimously carried.

Planning Board Review:

Mr. Ophardt asked if the siding would match the existing siding on the house. Mr. Majid passed a colored drawing to the Board for perusal. Mr. Ferraro wanted to know if he applicant would be siding the existing house as well or just the garage conversion. There was discussion about the matching of the existing siding.

Mr. Ferraro wanted to reinforce the conversion will be an in-law apartment per the Town law. Mr. Scavo verified the law and stated it would be tracked through the Building Department and Assessor's Office. The dwelling can be sold as a primary residence with an in-law apartment and not a two family dwelling.

Mr. Szczesny offered Resolution No.5 of 2019, seconded by Ms. Bagramian to waive the final hearing for this application for the in-law apartment conversion located at 4 Merrall Drive approval, and to grant preliminary and final Special Use Permit approval condition upon satisfaction of all comments, provided by the Planning Department and all items listed in the final comment letter issued by the Planning Department.

Roll Call:

D. Bagramian - yes
 E. Andarawis - yes
 E. Ophardt - yes
 J. Jones - absent
 A. Neubauer - yes
 G. Szczesny - yes
 R Ferraro - yes
 T. LaSalle - yes

Ayes: 7

Noes: 0

The resolution is carried.

Mr. Ophardt moved, seconded by Mr. Szczesny, to waive the final hearing for this application for the site plan review, and to grant preliminary and final site plan approval conditioned upon satisfaction of all comments provided by the Planning Department, and all items listened in the final comment letter issued by the Planning Department.

Condition(s): Same conditions as the Special Use Permit resolution

Ayes:7 (seven) Noes:0 (zero). The motion is/is not carried.

Conditions:

A condition of the SUP, additional vehicles customarily associated with an in-law apartment shall be prohibited from parking parallel to the paved public roadway within the Town's right-of-way.

Public Hearings:

2018-044 Azadivatan 2 Lot Subdivision

*Applicant proposes subdividing a 7.09 acre lot into 2 lots. Lot A will be 2.51 acres and Lot B will be 4.58 acres. The applicant proposes to use Lot B to build a single family home for herself. Lot A will continue to be used for commercial purposes. Access and utilities easements will be put in place on lot A for access and utilities to Lot B (as noted on the subdivision), 521 Vischer Ferry Rd, Zoned: B-3, Status: **PB Preliminary Review w/ possible determination***

SBL: 271.-1-5

To be reviewed by: MJE Consultant: ABD Applicant: Azadivatan **Last Seen on: 9/12/18**

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

Ms. Bagramian moved, seconded by Ms. LaSalle, to establish the Planning Board as Lead Agency for this application, a 2-Lot Subdivision action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Ferraro, Chairman, called the public hearing to order at 7:20 p.m. The Secretary read the public notice as published in The Daily Gazette on February 16th, 2019.

Consultant/Applicant Presentation:

The applicant submitted a revised plan on 02/12/2019 that addressed the 50’ requirement for setbacks on all sides for a keyhole lot and provides the LC Zone delineated 50’ from the highwater mark of the Dwaas Kill. No variances are now required.

John Hitchcock from ABD Engineers stated it is a two lot subdivision. The applicant practices in the existing dental office on Lot A and is applying to build a residence on Lot B, which will be designated as 521A Vischer Ferry Road. Lot B is a keyhole lot. Mr. Hitchcock said the project meets all the requirements of the keyhole lot pertaining to set-backs and frontage along Vischer Ferry Road for residential property in a B3 zone. Mr. Hitchcock addressed the highwater mark in the LC zone concern in the revised plans.

Mr. Scavo said a keyhole lot is being allowed because the applicant has the required frontage for an R1 zone along Vischer Ferry Road. Keyhole lots are at the sole discretion of the Planning Board.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 02/04/2019 stating:

- Lot B is still a keyhole lot. Increasing the road frontage does not change the definition which is “a lot located to the rear of another lot... has access to a public right-of-way by a strip of land in fee simple ownership, at least 40 feet wide.” Lot B is actually approximately 500’ wide at the building line which is not the road frontage.
- The proposed single family home must be at least 50’ from all property lines. The front is shown as 40’ from the property line.
- Response states “work with the Riverview Road ROW?”
- Due to the incorrect setback shown a revised grading plan is required.
- Keyhole lots are not allowed in this zone without specific approval by the Planning Board. Since the current proposal is being made by the owner of both parcels it is recommended that legal documents be put in place for when the property is not owned by the same person to ensure access to Lot B. I believe significant issues could develop in the future due to the location of the access easement.
- Sewer and water lines are not allowed to pass under a driveway as shown.
- Easement limits for the utilities are not shown.
- No runoff, including the foundation drain, can be directed towards the Dwass Kill.
- Is the grading shown existing or proposed?
- A well is shown on Lot A. Is it still in use?

Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 02/21/2019 stating:

Postal verification. New lot will be assigned to 523 Vischer Ferry Road.

Scott Reese, Stormwater Management Technician issued a memo dated 02/08/19 with the following comment:

On the submitted plans, under Town of Clifton Park notes reads, “Actual driveway and house design and locations will vary based upon individual owners’ desires. Design and locations of driveway and house shall be adjust as needed by a design professional.” Since the proposed home and driveway are already located in a constrained location and the possibility of the slopes along the Dwaas Kill being disturbed. The project has potential to impact an impaired waterbody listed by the NYS Department of Environmental Conservation. I recommend the owner submit a final site plan that will show the size and placement of their proposed home, driveway, and final site grading and drainage plan for approval by the planning department, prior to issuing the building permit.

Environmental Conservation Commission held a meeting on 02/19/2019 and issued a memo recommending:

- Applicant shall provide delineated wetlands on the property.
- ECC is concerned about possible sump discharge down the slope without erosion protection. Concern of drilling down the slope and depositing of sediments in the Dwaas Kill.
- The 50 foot adjacent buffer are is measured from each side of the outer bank of the highwater mark (208-69.1.A(2)). The plan shows the buffer area from the center line of the Dwaas Kill.
- The ECC is concerned that the proposed development that will have a large impact to the Dwaas Kill. The ECC recommends erosion control protection to mitigate and ensure protection from impacting the

Dwaas Kill. Due to the high erosion potential of the steep slopes into the Dwaas Kill, the future creation of a linear park trail in the bottom of the ravine will be impeded.

John Scavo, Director of Planning issued a letter dated 02/04/2019 with the following comments:

- In a letter dated September 27, 2018, the Saratoga County Planning Board noted the subdivision will have no significant county-wide or inter-community impact. However, the County Planning Board did offer a comment to express concerns for the suitability of the site for the proposed residential use per the attached copy of their letter.
- This project was last before the Clifton Park Planning Board in concept, at our August 14, 2018 meeting. In September of 2018, the application was pulled from a Planning Board Meeting noting the applicant would pursue a setback variance from the 50' requirements for keyhole lots. The applicant would submit the application for preliminary consideration if the area variance was granted. The applicant should contact Steve Myers, Chief Zoning Officer for the Town to discuss his interpretation of the 50' setback requirement for keyhole lots and the process to seek relief from the setback requirement. The Planning Board cannot grant preliminary or final subdivision approval without the project in conformance with the Town Code or an area variance granted to provide the necessary relief from the code.

The Trails Subcommittee has the following comments for the Planning Board to consider in its decision making:

- A Right-of-Way/Trail Easement for a future multi-use path should be designated on this property along Vischer Ferry Road. (A TIP grant application to assist with the funding of a multi-use path in this area was submitted by the Town of Clifton Park in 2018.)
- A concrete walkway should be provided from the Lot A commercial building to Vischer Ferry Road to provide pedestrian access and a connection with the future multi-use path along Vischer Ferry Road.

Professional Comments:

Joel Bianchi, P.E. of MJ Engineering in a letter dated 02/25/2019 had the following comments:

State Environmental Quality Review

1. No additional comments.

Short Environmental Assessment Form

2. No additional comments.

Subdivision Plan

3. As noted in Comment 7 of our August 10, 2018 review, the Town's Chief Zoning Officer has determined that Lot B is a keyhole lot. The definition of the key hole lot is specific to the placement of the home and not the frontage at the street or shape of the lot. Pursuant to Section 208-86 of the Town's Zoning, 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.

4. As noted in Comment 11 of our August 10, 2018 review, provide notation on the plan as follows:
 - a. No Utilities shall be installed beneath the proposed driveways.
5. As noted in Comment 14 of our August 10, 2018 review, a shared driveway maintenance agreement will be required. A draft of the agreement shall be provided to the Planning Board's legal counsel for review.
6. In order to illustrate full compliance with Section 511 of the FCNYS, provide the driveway material specifications that meet the loading requirements of the responding vehicles on the plans.
7. The plans show utilities beneath the proposed drive which is prohibited by the Town.
8. The note specific to potential changes in the home location should be removed from the plans. The building envelope for the parcel is very limited due to steep slopes and need to comply with Section R403.1.7 of the International Residential Code. The plans approved by the Planning Board should be as close as possible (including home size and location) to what is to be constructed such that future modifications do not trigger unforeseen environmental impacts.
8. The plans show a proposed utility easement through the adjacent parcel. A cross lot utility easement shall be filed with the County Clerk's office.
9. Given the small development envelope for the parcel and sensitive environmental areas that are restricting development, the plan shall show all necessary erosion and sediment control measures. This information is necessary to ensure the environmentally sensitive areas are not adversely impacted from site construction. Where utilities are shown close to the top of slope, appropriate notes shall be provided to ensure the existing land slopes in excess of 25% are not disturbed and if they are, how they shall be remediated/restored.

Public Comments:

None

There being no public comments, Mr. Ferraro moved, seconded by Mr. Ophardt to close the public hearing at 7:35 p.m. The motion was unanimously carried.

Planning Board Review:

Mr. Ophardt questioned what the applicant was doing to mitigate the erosion on top of the slope.

Mr. Hitchcock advised they would be providing an erosion control plan, along with the revised grading.

Mr. Ferraro stated because of the proximity of the slope it is important the Board set some perimeters with regards to the design of the residential building. The design needs to be subject to the Planning Department approval, or if need be, back to the Planning Board. Mr. Bianchi said the building code has very restrictive requirements with required set-backs from the top of the slope based on the height of the slope. If the applicant chooses to build in the set-back they have to obtain a site specific geo-technical investigation. This requirement is part of the New York State residential building code.

Mr. Neubauer said the applicant cannot build close to the top of the slope without stabilizing the site with a retaining wall. The applicant is governed by LC boundary and state residential building code.

Mr. Andarawis wanted to know why the entire project could not be moved 10 feet further to the west to get away from the top of the slope. Mr. Hitchcock stated if there is ever any future expansion of the office/commercial building it would be built towards the east and would not want the properties set-back that close. Ms. Bagramian wanted to know the size of the proposed residence? Mr. Hitchcock said under 1900 sq. ft., but the applicant has not seen an architect yet for a specific design.

Mr. Ferraro would like to see the following as conditions of approval:

- Signage and/or a staggered split-rail fence along the LC zone strategically located upon approval by the Planning Department.
- Grading and Erosion & Sediment Control Plan based on final house design to be submitted to the Planning Department for approval prior to issuance of a building permit.
- Require site specific geo-technical analysis for foundation location and slope stability.
- Access easement and maintenance agreement be put in place for in perpetuity.
- No runoff, including the foundation/sump drain, can be directed towards the Dwaas Kill without slope stability accommodations and erosion control measures.

Mr. Szczesny asked Joel Bianchi from MJ Engineering if the applicant would have to hire a soil expert to review the design. Mr. Bianchi said the building code states there are specific requirements and the Town of Clifton Park has reasonable authority to require a site specific geo-technical advisor. Mr. Bianchi had a discussion with Mr. Steve Myers, the Director of Building and Development, and Mr. Myers has indicated he is going to require that stipulation.

Mr. Andarawis stated the keyhole lot is encroaching on a commercial use property vs. residential use and therefore he is less hesitant about giving approval.

Ms. Bagramian offered Resolution No. 6 of 2019, seconded by Mr. Ophardt to waive the final hearing for this application for the subdividing of 7.09 acres into 2 lots, with Lot A-2.51 acres and Lot B-4.58 acres. approval, and to grant preliminary and final subdivision approval condition upon satisfaction of all comments, provided by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Roll Call:

D. Bagramian - yes
 E. Andarawis - yes
 E. Ophardt - yes
 J. Jones - absent
 A. Neubauer – yes
 G. Szczesny - yes
 R Ferraro - yes
 T. LaSalle - yes

Ayes: 7

Noes: 0

The resolution is carried. The Conditions of Approval as noted in the Notice of Decision Letter are as follows:

1. Signage and/or a staggered split-rail fence strategically located upon approval by the Planning Department.
2. Grading and Erosion & Sediment Control Plan based on final house design to be submitted to the Planning Department for approval prior to issuance of a building permit.
3. Require site specific geo-technical analysis for foundation location and slope stability.
4. Access easement and maintenance agreement be put in place for in perpetuity.
5. No runoff, including the foundation/sump drain, can be directed towards the Dwaas Kill without slope stability accommodations and erosion control measures.

New Business:

2019-006 Banino 2 Lot Subdivision

*Applicant proposes subdividing the 6.43 acre lot into 2 lots. Lot 1 will be 3.63+/- acres and include the existing house, well and septic system. Lot 2 will be for construction of a single family home with a proposed well and septic system, 116 Vischer Ferry Rd, Zoned: CR, Status: **PB Concept Review***

To be reviewed by: MJE Consultant: GVG Applicant: Banino SBL: 283.-1-42.3

Consultant/Applicant Presentation:

Mr. Dwayne Radner from VanGuilder Associates representing Mr. Banino presented the proposal to subdivide the 6.5 acre parcel into two single family residential lots. Lot 1 would be 3.6 acres and encompass the existing house and improvements on the north side of the parcel. Lot 2 would be on the south side of the parcel consisting of 2.8 acres to be used for a proposed single family residence. There will be on-site well and proposed septic. The parcel is in the CR zone. The parcel has no constrained lands, therefore meeting the three acres of unconstrained land requirement per living unit and all the other special requirements of the CR zone. The consultant has reviewed the Saratoga County Planning Department and the Town of Clifton Park Planning Departments comments and does not see any issues.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 02/04/2019 stating:

- Proposal is to divide a 6.43 acre parcel into two parcels of 3.63 acres and 2.8 acres in a CR zone..
- Lot 2 does not meet the three acre requirement for a lot in the CR zone but will be allowed one dwelling per 208-16E(2)(a). *This comment was issued prior to February 12th and was not read.*
- Lot 2 does appear to meet the 200' wide requirement for property on Vischer Ferry Road.

Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 02/21/2019 stating:

- Postal verification needed.

Scott Reese, Stormwater Management Technician issued a memo dated 02/08/19 with the following comment:

No comment at this time.

Environmental Conservation Commission held a meeting on 02/19/2019 and issued a memo with the following comments:

- The ECC recommends that this project be carried out in keeping with the goals of tree preservation as stated in the Town Comprehensive Plan, to the greatest extent practicable.

John Scavo, Director of Planning issued a letter dated 02/04/2019 with the following comments:

- The Saratoga Co. Planning Board noted in a letter dated February 21, 2019, that the project will have no significant county-wide or inter-community impact. The County Planning Board did comment that the applicant will need to contact the Saratoga Co. DPW for a work permit for all activities occurring within the County ROW.
- 911 Addresses will be provided to the applicant once assigned by the Chief of the Fire Bureau.
- The project appears to meet all bulk and use standards pursuant to §208-16 of the Town Code.

The Trails Subcommittee has the following comment for the Planning Board to consider in its decision making:

- A Right-of-Way/Trail Easement for a future multi-use path should be designated on this property along Vischer Ferry Road.

Professional Comments:

Joel Bianchi, P.E. of MJ Engineering in a letter dated 02/08/2019 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. Saratoga County Planning Board – 239m referral due to the parcel being within 500 feet of County Route 90 (Vischer Ferry Road).

Short Environmental Assessment Form

2. No comments.

Subdivision Plan / Site Plan

3. The project is located within the Town’s Conservation Residential (CR) zoning district. The proposal for single family homes is a permitted use within the CR District as noted in Section 208-16(D)(1)(b) of the Town’s Zoning.
4. The base parcel is 6.43 acres with the proposal to create two lots, one 2.80 acres and one 3.63 acres. The larger parcel will contain the existing home. Based upon the original parcel size and size of newly created lot, it would appear Section 208-16(E)(2)(a) of the Town’s Zoning applies. In order to

substantiate that the additional lot can be developed, the amount of constrained lands must be determined. 6 acres of unconstrained lands will be required for two lots to occur.

5. In reviewing the proposed lot layout in comparison to Section 208-16(E)(5)-(11) and Section 208-98 of the Town's Zoning, it would appear all minimum bulk lot requirements are satisfied.
6. The plat shall include contour lines at five-foot intervals to United States Geological Survey (USGS) datum pursuant to Section 179-8 of the Town Subdivision Law.
7. Provide notation on the plan as follows:
 - o No Utilities shall be installed beneath the proposed driveways.
 - o Work within the Vischer Ferry Road right-of-way shall require a permit from the Saratoga County Dept. of Public Works.
8. Delineate the area of proposed disturbance to substantial the information provided within the Short Environmental Assessment Form.
9. 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.
10. 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.
11. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Asked the applicant how far is the proposed building going to be from the road? Mr. Radner advised anywhere in back of the building line, this is just a concept review. Mr. Ferraro said what is proposed on the plan is 100' from the center line of the road. Mr. LaFleche wanted to know if that requirement changes in a conservation zone. Mr. Radner stated Vischer Ferry Road has special requirements of 200 feet of road frontage and 100 feet minimum from the center line of the road. Mr. LaFleche would support having a ROW along the entire frontage for a future trail.

Planning Board Review:

Mr. Neubauer commented he has concerns regarding the Right of Way and the easement of land. Mr. Ferraro asked Mr. Scavo if the ROW is in the potential trail location and clarified if it would be an easement? Mr. Scavo would prefer the land be a fee dedication, and not an easement, because if the Town receives federal funding for the trail we have to show actual ownership. Mr. Ferraro asked why the easement is not sufficient? Mr. Scavo clarified the easement is sufficient for use in local funds, but if the trail is a federally funded pathway, then the Town has to show fee ownership. Mr. Ferraro wants to see the ROW included as part of the conditions for approval. Mr. Andarawis stated at the very least this

alerts whoever owns the homes that a trail could be using the ROW space. Mr. Ferraro stated there appears to be some distance between the road and the property line and does not see the ROW impacting the proposed structure. Mr. Ferraro wants to reinforce from the Planning Board's prospective that there are no environmental features on the site and for the consultant to check with the applicant about the ROW.

Old Business:

2017-049 Earl Route 146 PDD (aka Park West) – Site Plan

*Applicant proposes the construction of a Planned Development District that will include 14 single family condominium buildings, 5-2 unit condominium buildings(10 condominium units), 27- 4 unit condominium buildings (108 condominium units), and club house associated parking. The overall PDD size is approximately 23.5 +/- acres and is predominately wooded. Stormwater will be managed on-site in accordance with NYSDEC requirements. The proposed sewer connection is located along Route 146 and the water connection is located along the Route 146A entrance. The PDD encompasses 23.5. In addition, a 4.19 acre parcel is being offered as dedicated conservation area. The PDD was approved on August 20, 2018 by the Local Law No. 200 of 2018 of the Town of Clifton Park Town Board Rt 146 & 146A, Zoned:PDD, **Status: PB Preliminary Review***

SBL: 271.-1-16

To be reviewed by: MJE Consultant: Lansing Applicant: Routes 146 & 146A Properties **Last Seen on: 1/8/19**

Consultant/Applicant Presentation:

Mr. Scott Lansing of Lansing Engineering presenting the project along with the applicant Mr. Scott Earl and Mr. Jared George. Mr. Lansing stated the Board is very familiar with this project. The project is the same number of units and same general configuration as detailed in the January 8th meeting. Revisions have been made to the clubhouse area with the parking and driveway now off to the side. The clubhouse is still centered on the roadway and provides a pleasing focal point. There was a previous request by the Board to retain as many trees as possible along Route 146A. The applicant has accomplished that by pushing the stormwater management area back allowing the existing trees and grading to be retained. The only cut of trees along Route 146A will be for the roadway and sidewalk. The applicant had a traffic evaluation report done by VHB to address what type of access would be present on Routes 146 and 146A. The evaluation shows based on the trip generation from the project, the queuing in the area and the function of the roundabout that full access is appropriate at both connection points. The traffic evaluation report is consistent with the information NYS DOT has provided. The applicant understands the traffic evaluation report has to be reviewed by MJ Engineering and NYS DOT.

The sidewalks for this project have been extended out to Route 146A and down to Route 146. There is an internal link by the clubhouse. There is a trail connection towards the Dwaas Kill that connects to the overall sidewalk system within the project. Since the January 8th meeting the applicant has prepared preliminary final plans; all the grading, drainage, road profiles, water reports, sewer reports and SWPPP. The applicant also prepared two renderings of the street level view, showing the fronts of the units, the streetscape, the street lights and trees. Mr. Lansing stated they received technical comments from MJ Engineering and the Planning Department staff which they have reviewed and will provide responses. In reference to the 4.19 acre parcel being offering as a dedicated conservation area, Mr. Lansing explained there was acreage around the perimeter of the project that was requested it be maintained as a permanent conservation area as part of the Planned Development District. The document showing the 4.19 acre parcel is in the approved PDD documents. Mr. Ferraro asked for clarification on the boundaries shown and does it encompass the 4.19 acres? Mr. Lansing responded affirmative the overall boundary is approximately 27.71 acres. Mr. Lansing said the 4.19 acres is a deed restriction within the overall parcel.

Mr. Scavo explained it is a deed of permanent conservation that the Town Board wanted to permanently protect the area so it is not subject to any development now or in the future with any PDD modifications. The area is permanently preserved and protected from any disturbance whatsoever.

Mr. Ferraro said it is important that the site plan and other documents provided to the owner(s) of the individual units note the dedicated conservation area. The area needs to be identified with the delineated boundaries and notation that this area cannot be disturbed.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 02/14/2019 stating:

- It is unknown if this is the building configuration reviewed for road widths.
- Road 7A needs two hydrants at approximately Stations 2 + 50 and 7 + 00 due to distance from hydrants on Roads 3 and 4.
- Road 7A needs to be a minimum of 20' wide since it serves more than 4 buildings. (NYS Fire Code Supplement 511.3.6) Roads 5 and 6 are allowed to be 16' wide since they serve four buildings or less.
- Road 7A will be required to be 26' wide where the additional hydrants are installed
- Slopes directly adjacent to the rear of units along Road 3 seem to not provide rear yards.
- No front setback from interior roads provided.
- Hydrant required at intersection of Roads 1 and 2 (NE corner preferred)
- Hydrant between buildings 1 and 2 should be moved 100' south.
- The owner informed us that all the dwelling units (including the single family homes) will be sprinklered.
- A stormwater maintenance agreement with the Town will be required.
- More SWPPP and stormwater comments will be provided by Scott Reese.

Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 02/21/2019 stating:

- Road 7A is required to be 20 feet wide with more than 4 dwelling units.
- Provide code compliant hydrant spacing on Road 7A.
- Relocate the hydrant located at Road 1 & 2 to the Northeast corner.
- Relocate the hydrant on Road 3 between buildings 1 & 2 to the South to properly space the hydrants per IFC.
- Provide proposed street names.
- Postal verification.

Scott Reese, Stormwater Management Technician issued a memo dated 02/22/2019 with the following comment:

- Stormwater Management Basin #2 has an embankment that exceeds 10 feet of fill. Verify if a dam permit is required. The Embankment Fill Notes on Sheet DT-8 should add Note #4 "The embankment construction will require inspections, testing and a construction report by a licensed engineer that the construction work complies with the plans, specifications, and meets standards of good workmanship.
- If Basin 2 is an I-2 then the bottom of the basin floor area will need to be calculated and sized as shown per 6.3.4 of the New York State Stormwater Management Design Manual (SMDM).

- Test Pit #1 appears to have a seasonal high-water elevation at 339.50. The Stormwater Management Basin #1 is designed to have a micro-pool at 337.25 with a 3” vertical orifice at the same elevation. The design should address how the basin will handle the constant recharge during seasonal high-water time periods.

The stormwater calculations should include the modeling of the forebay of Basin #2 to show that the forebay is designed with non-erosive outlet conditions, given design exit velocities.

- Will the tree clearing and grubbing follow the anticipated phasing plan or will the site be cleared at one time and then tree stumps will be removed per the phasing plan?
- Will the temporary drainage swales be included in the first phase to direct flow to the temporary sediment basins?
- What is the anticipated amount of fill for this project and how does that convert to the amount of truck trips that will be entering and exiting the site during construction? The operation and maintenance of the construction entrance will be vital.
- The SWPPP is preliminary, please include the Maintenance Inspection Checklist for Infiltration Basins and Trenches and add full details for the concrete washout areas.
- The project directly discharges into the Dwaas Kill a 303(d) waterbody. A qualified inspector shall conduct at least two site inspections every seven calendar days. Revise SWPPP Section 10.4 to reflect this.
- How will snow removal be done and where will it be stored?
- Verify flow paths on Sheet PC-1 match up with the Time of Concentration input in the HydroCAD model.
- Roads 5 & 6 allow sheet drainage from the uphill lawn areas to drain across the roadway. During winter season drainage can freeze on the roadway creating icy conditions.
- Note should be added to the plans on how the back-roof runoff from buildings 12, 19 & 20 will be collected and discharged into the catch basins on the road.
- A defined swale along the back of building units 30 – 32 to direct flow into the forebay of Stormwater Basin #2.

Environmental Conservation Commission held a meeting on 02/19/2019 and issued a memo with the following comments:

- The ECC recommends that the applicant (modify the lighting plan to) incorporate lighting that is directional and limited.
- The ECC has concerns pertaining to the numerous amount of indirect light intensity that may have a possible negative effect to the adjacent neighborhood to the north.
- The ECC requests a ROW trail and trail improvement plan for the Dwaas Kill ravine to connect to existing trails and sewer service dirt roads to the north of the ravine.
- The ECC recommends the applicant to dedicate the 13-acre Arnold Drive parcel to the Town of Clifton Park in order to facilitate access to the Dwaas Kill Park.
- The ECC is concerned with the amount of fill placed along the Dwaas Kill embankment for the stormwater management area. In case of slope failure this will have a large negative impact on the Dwaas Kill.
- The ECC is concerned with the ratio of tree plantings to the amount of units that is being proposed. With the amount of proposed impervious the ECC believes it would benefit with more vegetation and tree plantings.

The Trails Subcommittee has the following comments for the Planning Board to consider:

- The sidewalk shown in the plans (along the driveway next to Ravenswood) should be continued south all the way to NYS Route 146 – this is important to connect pedestrians to Rt. 146 and the commercial area.

- To fill the sidewalk gap, sidewalks should also be provided along the north side of Rt. 146 from the above recommended driveway sidewalk to the sidewalks/crosswalk proposed by the NYS DOT roundabout project.
- There should be a sidewalk along the project's western driveway from the proposed park to NYS Route 146A – this will give residents pedestrian access west and north. A crosswalk should also be provided at this location to connect to the internal sidewalk loop.
- There should be a direct sidewalk route across the park area for a pedestrian connection between the project's internal streets.
- Are the project's roadways and sidewalks public? If not, a public access easement is recommended on all sidewalks.

John Scavo, Director of Planning issued a letter dated 02/25/2019 with the following comments:

LMG-1 Sheet 4 of 27 –Eastern Boundary Match Line, should read “See Sheet LMG-3.”

Sheet 5 of 27 – Please verify accuracy of match line references for this sheet and remaining plan set sheets.

There is a concern from an adjacent business that Right-Out & Right-In Only will negatively impact their business. The final access consideration may be conditioned upon approvals from NYS DOT which may allow for a full access from Route 146 if adequate stacking is provided between the curb-cut and proposed roundabout improvement at the Rt. 146 & Rt. 146A Intersection. Applicant will need concurrence and sign off from NYS DOT on the proposed access.

Add a note to the plan that states, “Pursuant to the Town Code one street light shall be required at the intersection of Route 146A and Road 1. This street light shall be authorized for installation by the Clifton Park Town Board and will be included in the Town's Lighting District #1. Any additional street lighting that is identified on Sheet LP-1 shall be owned, maintained, and the responsibility of the condominium association.”

Add a note to the plan that states, “This site plan is bound by all requirements prescribed by Local Law No. 5 of 2018, adopted August 20, 2018, establishing the Park West Planned Development District.”

Add a note to the plan that states, “The private roadways are not to be dedicated to the Town of Clifton Park, now or in the future.”

Provide street names with a future submittal so 911 addresses can be assigned by the Town's Fire Marshall.

Professional Comments:

Joel Bianchi, P.E. of MJ Engineering in a letter dated 02/22/2019 had the following comments:

State Environmental Quality Review

1. The SEQRA review was completed for this application as part of the PDD review process with the Town Board issuing its findings and a negative declaration. The Clifton Park Planning Board served as an involved agency during that review.

Under the presumption that the detailed site plans submitted proposes improvements that are consistent with the Town's findings, no further SEQRA action is necessary. In our review of the plans, we believe that the Town Board's SEQRA findings have not been upset and no additional SEQRA review is warranted on this application.

Site Plans

2. On COV-1, Parking Space Note 2 needs to be modified to reflect the requirement of Section 1106.1.1 of the 2017 Uniform Code Supplement as amended by New York State which requires all accessible access aisles to be at least 8 feet in width, not 5-feet as stated.
3. As noted in Comment 12 of our September 22, 2018 review, Sheet ECR-1 shows the removal of an existing sanitary sewer line the extended into regulated waters of the U.S. and may require permitting. The response provided by the applicant is not conclusive whether a permit is required. Confirm whether this work also requires a wetland impact permitting.
4. On Sheet LMG-1, there is a proposed trail extending from the access road for Stormwater Basin 2. Provide a construction detail showing its dimensions and materials of construction. These shall be reviewed and approved by the Town Trails Committee.
5. On Sheet LMG-1, Road 3 shall have a guide rail on the south side from Sta 8+50 to Sta 9+50 due to the adjacent proposed grade.
6. On Sheet LMG-1, the sidewalk at the intersection of Road 3 and Road 2, south side does not have a logical terminus. The sidewalk should be extended around the loop and then have a crossing or other logical terminus.
7. On Sheet LMG-1, Stormwater Basin 2 shall have access to the middle overflow for maintenance.
8. On Sheet LMG-2, the south approach of Road 3 at the intersection of Road 1 shall include a stop sign. The cross walk shall **be shifted north. This will provide a controlled stop at the pedestrian crossing.**
9. On Sheet LMG-2, the west approach of Road 3 at the intersection of Road 4 shall include a stop sign which will provide a controlled stop at the pedestrian crossing.
10. On Sheet LMG-2, the south approach of Road 4 at the intersection of Road 6 shall include a stop sign which will provide a controlled stop at the pedestrian crossing.
11. On Sheet LMG-3, the proposed hydrant along Road 4 at Sta 3+50 is located within the proposed sidewalk. Either the sidewalk or hydrant need to be relocated.
12. The site plans show parking available to the general public but only one accessible parking space at the club house. The number of accessible parking spaces shall be based upon the total number of public spaces and the requirements of Table 1106.1 of the BCNYS.
13. In reviewing the LMG sheets it is unclear where the central mail kiosk will be located.
14. On Sheet PP-1, the proposed water main along Road 1 from Sta 1+50 to the intersection with Road 2 and Road 2 from Sta 0+00 to Sta 4+00 is at depths greater than 5-feet. Consider raising the water main to improve accessibility, especially if being conveyed to the Clifton Park Water Authority.
15. On Sheet PP-2, the proposed water main along Road 3 from Sta 0+00 to Sta 1+50 is at depths greater than 5-feet. Consider raising the water main to improve accessibility, especially if being conveyed to the Clifton Park Water Authority.
16. On Sheet PP-2, Road 3 as it approaches the double intersection with Road 2 has a 3.20% road grade. While the roads are not intended for conveyance to the Town, it is recommended that the vertical grades at these intersections conform to Section 86.6(D)(2) of the Town Code, which requires roads grades to be no more than 3% within 100-feet of an intersection.
17. The applicant shall meet with the Fire Code Official and Town's emergency services to review the project plans to confirm that the current roadway and hydrant layout is adequate.
18. Provide a note on the plans indicating whether the buildings (and which ones) are provided with automatic sprinklers.

19. On Sheet ESCP- 2, it is unclear how the infiltration basin is not being utilized as temporary sediment trap. Pursuant to Section 6.3.6 of the NYSSMDM, infiltration practices shall never serve as a sediment control device during site construction phase. Show the location of and sizing calculations for the appropriate sediment trap for the contributing area to this basin.
20. Phase 1 site disturbance shown on Sheets ESCP 1 and 2 is at 4.98 acres. Further divide this phase as it is impractical for the contractor to complete this phase with only 871 square feet before it is becoming a 5-acre disturbance.
21. Stormwater Basin 1 is designed as a P-1 practice using a CDS unit for pretreatment. Section 6.1.3 of the NYSSMDM requires a forebay be provided at the pond inflow point, unless an inflow point provides less than 10% of the total design storm flow to the pond. Unless the exception noted in the standard exists, it is not believed a CDS is considered an equivalent pretreatment as it is typical of the NYSDEC to not allow the use of mechanical units to achieve any WQv credits in new development.
22. There is no soil testing provided in the vicinity of the infiltration trench. The minimum geotechnical testing is one test hole per 5000 sf, with a minimum of two borings per facility pursuant to Section 6.3.1 of the NYSSMDM.

Stormwater Pollution Prevention Plan

23. The Conservation of Natural Areas noted in Section 5.3 requires an acceptable conservation easement instrument that ensures perpetual protection of the proposed area pursuant to Section 5.3 of the NYSSMDM. The easement must clearly specify how the natural area vegetation shall be managed and boundaries will be marked. This information should be provided prior to site disturbances or at a time agreeable to the Town.
24. Appendix H which included post construction maintenance requirements shall be modified to include the following:
- a. Specify how the natural area vegetation within the Conservation of Natural Areas shall be managed (this would also be part of the required easement).
 - b. Post construction maintenance associated with soil restoration.
25. Appendix J, answer Question 5 of the NOI and provide the formal name of the entity owning the stormwater systems in Question 38.
26. Provide calculations showing the I-2 practice fully dewater the entire WQv within 48 hours after the storm event pursuant to Section 6.3.2 of the NYSSMDM.
27. Section A217-410 of the PDD Local Law indicates that roadways shall be constructed to Town standards. If the intent of this require is to be inclusive of the stormsewer system, then calculations shall be furnished for the closed drainage system within the road illustrating that it is designed to convey the Ten-year design storm pursuant to Section 86-7(A)(1)(a) of the Town Code.

Sewer Report

28. No technical comments. This document shall be reviewed and approved by the SCSD No. 1 and potentially the NYSDEC for the extension of public sewers to the project.

Water Report

29. No technical comments. This document shall be reviewed and approved by the Clifton Park Water Authority and potentially the NYSDOH for the extension of public water mains to the project.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – Verified the Route 146A entrance is at a 90 degree angle. Mr. LaFleche also questioned why the turn located at the northeast section of the PDD was a hammerhead turn and not a normal curve design? Scott Lansing said the curve was done for marketing purposes to provide an esthetic point in the middle, almost like a cul-de-sac, creating preferred lots. Mr. LaFleche was concerned how close together the condominiums in the middle of project appear with not much greenspace. Mr. Lansing stated he believes the condos are a minimum of 20 feet apart and would verify. Mr. LaFleche inquired who owns the individual green areas. Mr. Lansing replied the green areas are part of the condominium association and all the land is owned by all the owners. Mr. Ferraro questioned if owners can install fences? Scott Lansing stated there would be rules and regulations per the condominium association prohibiting the fences. Mr. LaFleche had grading questions. Mr. Lansing stated where the tree line is located is the end of the grading. Mr. LaFleche wanted to know if a trail could be installed in the space between #2 and #5 condo units. Mr. Ferraro said he would like to see Jen Viggiani, Open Space Coordinator, participate in a meeting regarding trail access and trail connections to be beneficial for the users. Mr. Ferraro stated there may be certain areas a trail connection should be discouraged.

Mr. Dave Dittmer – 42 Canterbury Road – Asked for clarification of a stop light at intersections. Mr. Lansing stated the intersections are stop sign controlled. There will be a street light at the intersection with Route 146A.

Planning Board Review:

Mr. Neubauer thanked the applicant for rectifying previous Planning Board comments. He wants to see the landscaping plan have more density than what is shown, with the addition of 80 evergreen trees and low height plantings. Mr. Neubauer wants to see the streetscapes activated with actual architectural elevations. Mr. Lansing stated the renderings are from other projects, but they represent what the builder intends to build. Mr. Neubauer would like to see more attention paid to the articulation of the streetside first story of the buildings, with perhaps bay windows and wider trims, a more regal stature as you would find in an older walkable neighborhoods. Mr. Neubauer also wants to see the applicant meet with Ms. Viggiani for recommendations pertaining to the network of sidewalks and trails within the project.

Ms. Bagramian wants to see a defined version of the HOA rules and regulations to see what type of restrictions will be in place. The HOA will help define the overall look of the plan. Mr. Lansing said he does not believe any HOA documents have been prepared to date. There will be no age restrictions.

Mr. Scott Earl addressed the hammerhead curve design and stated it helps to control the speed of the traffic. The HOA discussions are preliminary, but fences will not be allowed. The green space outside the buildings is all common area and will be maintained through the HOA dues. There will be dedicated companies for lawn maintenance, trash removal, snow removal and ice control. The HOA Board will hire the contractors and the individual owners would not. Personal items, such as bicycles must be contained within the unit. No recreational vehicles, boats or trailer storage will be allowed on site. Flower planting would be allowed. The developer would be the HOA administrator until 63% of the units are sold and then a Board would be elected. The Board members would be comprised of owners.

Mr. Ferraro asked if there is a phasing plan is for the development. Mr. Lansing said there is not a specific phasing plan for the project as of yet but it will be phased to some extent. Mr. Ferraro then asked if the site clearance would be all at once or staggered. Mr. Lansing stated it depends on the plans for the builder.

Mr. Andarawis said since the green space will be controlled by the HOA perhaps they want to consider a community garden area. Mr. Scott Earl said individual gardens would be prohibited in the HOA, but a community garden may be allowed by the HOA's design.

Mr. Ophardt asked if on street parking would be permitted. Mr. Earl stated no on street parking would be permitted and that is why they added parking at the Board's request and modified the streets in front of the buildings. There was discussion about sprinklered buildings and plethora of fire hydrants. Ms. Bagramian asked if the HOA will do the mandated inspections of the sprinkler system. Mr. Earl said it would be a contracted job. Mr. Ophardt said the renderings of the facades are artistically pleasing.

Mr. Ferraro discussed the access from Route 146. It appears the NYS DOT design has taken into account access into the PDD. Mr. Ferraro thinks it is important that the NYS DOT recognize the Town has existing businesses along Route 146 and take that into account when designing accessibility in the roundabout. Mr. Ferraro wants to be pro-active with the NYS DOT pertaining to access.

Mr. Ferraro stated the final sign-off on the trails and sidewalks should come from Ms. Viggiani to achieve the desired objective. Mr. Ferraro asked about site clearance around the storm water basin and to what extent does it impact the LC zone along the Dwass Kill. Mr. Lansing said it should be outside the LC zone and he will verify. The Board wants to make sure there are no negative interferences or disturbances with the Dwaas Kill by the clearing of the topography.

Mr. Ferraro thanked the applicant for the architectural renderings. Mr. Ferraro addressed the ECC's concerns with the lighting plan and confirmed with Joel Bianchi that the lighting plan is fine and has no issues.

New Business:

2019-008 Tallow Wood Apartments - Site Plan

Applicant proposes to construct a 12,000 +/- sf 3 story 34 unit apartment building, convert the existing 19,000 +/- sf office space into a 16 unit apartment building and utilize existing parking area in compliance with local zoning. New building will connect to CPWA water and SCSD Sewer. Area of disturbance <1.0 acre with no change to total impervious area. Development will utilize existing stormwater pond, 855 Rt 146, Zoned: TC4, Status: PB Concept

Review

SBL: 271.-3-67.1

To be reviewed by: MJE Consultant: EDP Applicant: DCG

Consultant/Applicant Presentation:

Mr. Joe Dannible from Environmental Design Partnership on behalf of DCG Development along with Donald MacElroy from DCG Development presented. The applicant is proposing a new mixed-use community located at 855 Route 146. The property fronts on Route 146, however the project area of about 2 acres fronts on Tallow Wood Drive. The streetscape along Route 146 would remain the same. The site is in the transitional zone TC4 and the purpose of the transitional zone is to take the Town Center from its' intense commercial uses and high density residential and slowly feather that out into the adjacent neighborhoods, such as Tallow Wood Drive. This project proposes to take the office uses that exist and converting some of the office buildings to residential use and constructing a new residential building fronting on Tallow Wood Drive. The parcel is 8.2 acres with three existing buildings. The applicant is looking for a waiver from the Town Center code. The TC zone only allows two buildings on a parcel, the applicant has three buildings and proposing a fourth building. There is a 2-story 60,000 sq. foot office building that has 50% occupancy by St. Peter's Health Partners. There is a daycare center building and a 19,000 sq. foot 2-story office building. The applicant is proposing to convert the 19,000 sq. foot office building to 16 residential units. In the code section 3.9 talks about preferred incremental changes. The new building would be a 12,000 sq. foot 3-story building adjacent to Tallow Wood Drive and part of that incremental change. By not razing any of the existing buildings on the site and building a new one that meets the maximum build-to zone on Tallow Wood Drive, the applicant is bringing the property into conformance with the intent of the Town Center code. The entire 3 story building on Tallow Wood Drive will be residential, keeping the residential component on Tallow Wood and the commercial component away from Tallow Wood. The applicant is looking for a waiver from the Town because the proposed new building will not include commercial space on the first floor. In total the applicant is looking to construct up to 50 units on the property. Within the immediate vicinity of this project there are 75 parking spaces, allowing for a ratio of 1.5 parking spaces per unit. The entire parcel, including the St. Peter's Health Center space, has over 500 parking space available, which provides an excellent possibility for shared parking. The developer does not believe there will be any parking issues on this site. The applicant is looking to develop Tallow Wood Drive with a Town Center streetscape. Tallow Wood Drive is not identified in any of the future street plans, however the developer is looking to stay consistent with the Town Center plan. To that end the applicant will develop parallel parking, street trees, sidewalks and street lights along the frontage of the parcel.

The development will have 43% greenspace. There will be less than one acre of disturbance keeping the majority of the existing parking lot as is. Over all there is no change on site from its' current condition to the proposed built condition. There is a fully functional stormwater management pond on the property and the run-off from the new building will go to the existing pond. The developer will connect to the public sewer and water. The applicant is looking for comments from the Board and would also like to determine a TAC for this project, so the developer can move forward with more detailed planning and architectural features.

Staff Comments:

Steve Myers, Director of Building and Development issued a memo dated 02/14/2019 stating:

- Proposal is in the TC-4 or Transition Zone. Residential, multifamily is not an allowed use in that zone according to the table in Section 208-22-4A. Under the overview in Section 208.22.1 TC-4 states “characterized by three story buildings, this zone primarily allows office uses, with some mixed-use residential and limited retail uses”. There appears to be a conflict as to what is allowed.
- Proposal is part of a larger parcel that is 8.15 acres. It would appear the proposal is within the density limits as a result. (50 apartments proposed) Proposal states only 2.65 acres is involved in project. Ten units per acre allowed equals 26.5 apartment allowed not 50.
- Parking for 50 apartments is 65, only 52 proposed.
- More comments to follow with more detailed submission.

Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 02/21/2019 stating:

- Postal verification.
- Specify the location of the existing power lines.
- Specify the location of the existing hydrants.
- Provide adequate turning radius for emergency services and adequate turn around in parking area in front of the new building.

Scott Reese, Stormwater Management Technician issued a memo dated 02/08/19 with the following comments:

- The existing storm pond located to the north of the project will need inspection, maintenance, and cleaning.
- Provide the amount of existing impervious material that will be removed and the total proposed impervious area that includes the parking area, parking along Tallow Wood
- Drive and the sidewalks.

Environmental Conservation Commission held a meeting on 02/19/2019 and issued a memo with the following comments:

- The ECC requests the applicant to provide plans to implement maintenance of the existing stormwater management areas adjacent to the renovated site.
- The ECC would like to see inclusion of tree plantings along Tallow Wood Drive and within the proposed parking area.
- ECC is concerned where the refuge area will be located and screened.

Jennifer Viggiani, Open Space Coordinator issued a memo dated 02/25/2019 with the following comments:

The 855 Route 146 (Tallow Wood Apartments) residential project, is identified as TC-4 Zoning District. Per §208-23, “Property owners are required to provide the associated streetscape improvements along the road frontage of all new building development, or building additions in excess of 3,000 square feet in size.” Tallow Wood Drive is not specifically identified in the “Future Streets Map” for the Town Center; however, it is an existing town road serving primarily residential street with some medical offices at the southern end near the NYS Route 146 intersection. Notably, the internal roadway in front of Cengage that connects Maxwell Drive to NYS Route 146, is identified as “G,” a Perimeter Street.

This proposed, primarily residential project should connect future residents to places they will need and want to walk to via ADA compliant sidewalks, per the TC4 zoning and Town Center zoning standards.

The project plans should be revised to:

1. **Utilize minimum 5-foot wide concrete sidewalks**, TC Streets Design Standards, and keep the character of the adjacent, existing sidewalks which are concrete.
2. **Connect the front door to sidewalks:** Connect the building entrance directly along Tallow Wood Dr. – to the sidewalks out front where there is parallel parking shown. Pedestrians should be able to enter the building from the public road frontage of Tallow Wood Dr. not just by driving to the “rear” of the building and the internal parking lot.
3. **Close the gap in sidewalks along Tallow Wood Drive:** Extend the sidewalks connections south along the public road of Tallow Wood Drive (close the gap shown on the plans) and connect the new proposed building to the sidewalks along NYS Route 146. From 146, residents may want to walk either west (towards Moe Road and Collins Park) or to the east (towards the many shopping, restaurants, and work place destinations).
4. **Connect to the adjacent “Perimeter Street”:** Connect the residential building sidewalks network proposed - through the existing adjacent sidewalks network on private property – to ensure the future residents can walk more directly east-west to the existing sidewalks along the roadway that is east-west at the Cengage building (which is identified as a Perimeter Street for street types), and take a direct route to the easterly situated shopping – east of Maxwell Drive. Continuing the sidewalks along the northern side of the property to the adjacent day care center and their sidewalks – would be a logical way to facilitate this movement.

The Greenspace Goal for TC4 is a minimum of 10%. This project site plan indicates 43%, so there is room to extend sidewalks as needed to accommodate connections and still remain in compliance with the greenspace goal.

John Scavo, Director of Planning issued a letter dated 02/25/2019 with the following comments:

1. In accordance with §208-22.1 of the Town Code, “Ground Floor level allows for service, retail, recreation, education & public assembly. Upper Floors allow for Residential or service uses.” The ability to have all residential units within the building adjacent to Tallow Wood Drive may be a preferred option to limit vehicle trips however, the applicant will need to meet with the TAC and Town Zoning Officer to determine if a variance is necessary.
2. For the 19,000 sq. ft. within the existing office building proposed to be converted to 16 apartment units, the applicant should clarify if the conversion includes the ground floor level and note if any office space is to remain.
3. As plans progress, a referral to the Saratoga Co. Planning Board will be required at preliminary plan consideration.

4. Prior to scheduling a meeting with the TAC, the applicant should provide a completed TC-4 Checklist for consideration by the TAC.
5. Pursuant to Section 208-21, Figure 2.1 of the Town Code, Review and Approval Process Outline, the applicant will meet with the TAC as a next step to advance the application towards a formal preliminary submittal for design development review and a decision by the Planning Board. The applicant should be aware the advancement of a concept plan to a preliminary plan submittal may require more than one TAC meeting with the applicant and his design professionals.
6. Building Form and Architectural Standards will need to be vetted out with the TAC prior to making a preliminary application to the Planning Board for a project decision.
7. As plans advance, the applicant should show existing pedestrian movements and accommodations throughout the entire 8.26 acre parcel and how connections to adjacent parcels may exist.
8. The applicant is required to reach out to the Clifton Park Postmaster to determine what the mail delivery requirements for the units will be and show the required accommodations on a future preliminary site plan submittal.
9. As plans advance the applicant should identify any exterior mechanical systems or units to be required on site, and the location and siting for such proposed equipment.
10. If a back-up generator is proposed, the applicant should ensure the unit complies with the Town noise ordinance re-equipments. Such unit may require sound attenuation measures to ensure compliance with the local law noise ordinance.
11. The siting and screening for any exterior refuse collection area will need to be identified.
12. Once a general site layout is agreed to with the TAC the applicant should prepare a landscaping plan that meets the Town Code requirements which include design considerations for Perimeter Street - see §208-23(G), Parking Lot Landscaping - see §208-26(3), Landscaping – see §208-26(5).

Professional Comments:

Joel Bianchi, P.E. of MJ Engineering in a letter dated 02/22/2019 had the following comments:

General Comments

1. The submitted SEQRA Short Environmental Assessment Form indicates the total project disturbance will be less than one acre and therefore would not be subject to the NYSDEC Stormwater Regulations and GP-0-15-002. The area of disturbance stated shall be substantiated via a detailed site grading. Notwithstanding, a stormwater management analysis is warranted to confirm the project will not result in adverse impacts to existing infrastructure and downgradient properties.

2. The project proposes to provide potable water to the building from the Clifton Park Water Authority's (CPWA). The applicant shall provide the Town documentation indicating CPWA's ability and willingness to provide potable water to the project. Any approvals offered by the Planning Board should be conditioned on receipt of CPWA's review and approval.
3. The project proposes to provide sanitary sewer service to the building from the Town of Clifton Park, by way of the Saratoga County Sewer District No. 1 (SCSD). The applicant shall provide the Town documentation indicating both the Town's and SCSD's ability and willingness to provide sewer capacity to the project. Any approvals offered by the Planning Board should be conditioned on receipt of SCSD's review and approval.
4. It is recommended that a traffic study be completed to assess the level of service of the Tallow Wood Drive and Rt. 146 intersection.

State Environmental Quality Review

5. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. Assuming the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:

- a. Clifton Park Water Authority: Taking of additional water.
- b. Saratoga County Planning: 239m referral due to the project's proximity to NYS Route 146.
- c. Saratoga County Sewer District: Additional reserve sewer capacity.

Additional involved/interested agencies may be defined as the project proceeds through the Town's regulatory review.

Short Environmental Assessment Form

6. Under Part 1.2, list all agencies that will approve or issue a permit for the project.
7. Under Part.I.8, the response indicates the action will not result in traffic substantially above present levels. At a minimum, the type of office space proposed with the corresponding peak hour vehicle trips shall be provided. Depending upon the number of vehicle trips, a formal traffic assessment may be necessary (see also Comment 4).

Site Plans

The project is located within the Town's TC4 Transition Zone of the Form Based Code (FBC). The proposal for only residential apartments (residential multi-family) does not appear to be a permitted principal use within the TC4 District pursuant to Section 208-22.4.A of the Town Zoning. Within the TC4 Zoning, standard residential units shall be part of a mixed use. Further discussion is warranted with the Town to determine whether the existing non-residential uses within the parcel are considered the "mixed use" even though they will not be within the new building or existing building to be renovated.

8. Due to the nature of the project which includes a new building fronting on Tallow Wood Drive and renovation of an existing building interior to the parcel, the applicant shall prepare the Town's Form Based Development Code Project Review sheet to better understand how the project complies with Section 208-22.1 Zone Overviews and Section 20824, Form Standards of the Town's Zoning.
9. It is suggested that the applicant meet with the TAC independently, if not already completed to review the site plan, building architecture and discuss modifications that may be required.
10. The proposed building and renovation of the existing building are subject to the Architectural Standards outlined in Section 208-25 of the Town Zoning. No proposed building elevations have been furnished to complete an architectural review.
11. Show where snow storage is being provided within the project site.
12. If a garbage refuse area is required, show its location on the plan.
13. The project proposes sidewalks along the frontage of the proposed building. There may be a desire to extend sidewalks along the full length of the property that fronts Tallow Wood Drive.
14. Tallow Wood Drive is not an identified street on the "Future Streets Map" of the FBC. The plan shows or discusses improvements along Tallow Wood Drive. The applicant shall discuss with the Town the level and type of streetscape improvements to be incorporated with the project.
15. The plan shows 72 parking spaces, 3 less than required pursuant to Section 208-26, Table 7-1 of the Town Zoning (1.5 spaces per unit). Illustrate how the minimum number of parking can be provided or where the shared parking may occur.
16. Subsequent plans shall provide additional information to demonstrate conformance with 208-26(3) of the Town Zoning with respect to parking lot landscaping.
17. Subsequent plans shall provide additional information to demonstrate conformance with 208-26(6) of the Town Zoning with respect to site lighting.
18. Provide information and/or summary of the pedestrian amenities that are to be provided consistent with Section 208-26(7) of the Town Zoning
19. Indicate whether the proposed buildings will be equipped with automatic sprinklers. This will dictate whether on-site fire hydrants are necessary (per Appendix C, Section C102 and C103 of the IFC) and/or if two approved fire access roads are required (per Appendix D, Section D107 of the IFC). Should on-site hydrants be warranted, the site access roads shall comply with Appendix D, Section D103 of the IFC.
20. During detailed design, confirm that the proposed fire department connection will be within 100-feet of a hydrant (existing or proposed) pursuant to Section 912.2 of the IFC.

21. If the proposed building will be in excess of 30-feet in height, show where the designated aerial apparatus access road will be pursuant to Appendix D105 of the IFC.
22. Provide notation on subsequent plans indicating that all work proposed within the Tallow Wood Drive right-of-way are subject to a highway work permit issued by the Town of Clifton Park Highway Department.
23. Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to lighting, site grading, landscaping, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Public Comments:

Anthony LaFleche – 21 Wheeler Drive – What is the distance from the proposed new building to Tallow Wood Drive? Joe Dannible said the build to requirement is 0 to 15 feet, the new building is about 10 to 15 feet from the property line. Mr. LaFleche supports having a sidewalk on the entire frontage. Mr. LaFleche has concerns with extra traffic on Tallow Wood Drive and would like to see if there is a way to encourage the residents of the proposed building to avoid driving on Tallow Wood Drive and use the interior roadways to steer the traffic towards Maxwell Drive. This project has the potential to make the traveling from Tallow Wood Drive to Maxwell Drive much easier for the existing residents of the Tallow Wood Drive townhouses if the interior roadwork drives the traffic flow to the east of the project. It is very important to keep as many cars off of Tallow Wood as possible.

Mr. Ferraro stated to keep in mind that an existing commercial use building will be converted into apartments so the net gain in traffic should be less.

Clay Bergh – 138 Tallow Wood Drive resident – had questions about the parallel parking. Joe Dannible said it is being considered and not etched in stone. The applicant is developing this project as a Town Center area and the majority of the Town Center roads do require parallel parking. Mr. Ferraro stated the Town Center plan promotes parallel parking as a general concept. If parallel parking is installed it will be away from the existing right-of-way. Tallow Wood Drive would be widened to accommodate the parallel parking spaces. Joe Dannible said the existing edge of the pavement would be widened 11 feet to create the parking. The actual ROW line for this property occurs 18 feet from the edge of pavement to the property line and the proposed building would be another several feet beyond that. Mr. Bergh asked for parking space requirements clarification. Mr. Bergh has concerns that the 40 ‘ height of the proposed building would be over the tree tops and looking down on the existing residential units on Tallow Wood. Mr. Dannible said the applicant is not proposing to remove any vegetation buffer and it should not be required.

Greg Laniewski – 69 Tallow Wood Drive resident – raised questions regarding the shared parking concept. Mr. Laniewski stated if the residents are carrying packages from their cars to their residences they want to park close to the building and not the shared commercial parking. Discussion ensued regarding the parking space availability for the project. Mr. Laniewski is very concerned about the density of the project and effects on the quality of life for the existing residents. Mr. Ferraro stated there has been a contraction of the retail market and as a result there is too much empty retail space. The existing buildings with empty commercial space should be re-purposed. This provides the Town Center area with a vibrant market versus having vacant office space and storefronts. The Town Center project is promoting a more robust pedestrian network.

Mr. Laniewski stated more people have two cars in their families, so why is the parking requirement only 1.5 spaces per unit for this project? Mr. Donald MacElroy from DCG Development said the applicant is providing parking directly adjacent to the proposed residential buildings and taking into consideration the shared parking configuration with office use during the day and residential use in the evening and on weekends.

Mr. Ferraro said the residents may be looking for a different quality of life and not want 2 or 3 cars per household and be within walking distances of certain amenities. This is a market niche that is being investigated.

Mr. Dannible stated the apartments would be one and two bedrooms.

Planning Board Review:

Mr. Ferraro asked for Planning Board feedback to the applicant with the understanding that there will be a TAC. Mr. Ferraro is part of the TAC and is looking for another Board volunteer to join, Mr. Neubauer volunteered.

Mr. Neubauer stated the Town does not need a “sea of asphalt” and removing parking spaces is a pro and not a con. The applicant showed the parking lot use is presently under-utilized. Mr. Neubauer thinks the proposed improvements along Tallow Wood Drive are also a plus in creating a desirable streetscape. Mr. Neubauer questioned if the Planning Board has the authority under the Town Center code to grant a waiver on the use? Mr. Scavo said the use is only granted by a use variance. Mr. Dannible said the primary use of the property is identical to what is stated in the TC4 zone. It is primarily an office property and the applicant would be incorporating residential into the property to create a mixed-use property. However the location of the proposed building is more conducive to residential on all stories because of its proximity to a residential neighborhood.

Mr. Neubauer said that description fits almost exactly with the TC2 zone. This project just happens to be in a TC4 zone and does not have a buffer of a TC2 zone. Mr. Scavo gave background information with the Town Center plan, the Board approved previous projects by parcel base. Mr. Neubauer asked if the applicant is proposing to phase this project in such a way that the new building would be built first and then the renovations of the existing building. Mr. Dannible said the existing office building is currently occupied and the applicant would like them to stay there as long as possible so the project would be phased.

Mr. Ferraro stated he is concerned the waiver would become a Zoning Board issue because the purpose of the Town Center was to look at the proposed projects individually. This project is an exception that should be taken into account because of its setting, in-filled development in a residential area with similar type of units. It is all tied to mix-use because there are adjacent office buildings.

Mr. Andarawis agrees with the new building being proposed. He has a problem with the conversion of the existing office building. If there is residential only we lose the reason why residents want to walk to the Town Center. We need mixed use properties. Mr. Andarawis stated he has a problem seeing the Town Center focused around a supermarket only. You need retail establishments, offices and restaurants for the residents to walk to, otherwise every trip does become a car ride.

Mr. Ophardt likes the proposed layout and design site use. He agrees with both buildings being used for residential purposes.

Mr. Ferraro thinks it will become a zoning interpretation issue. Mr. Scavo said he would meet with Mr. Myers to see if it is a Planning Board purview, Zoning Board purview or a potential PDD option. Mr. Joel Bianchi said a use variance will be the most challenging to achieve.

Mr. Ferraro wanted clarification as to the façade of the proposed building. Mr. Dannible stated the primary entrance will be coming into a center corridor of the building. The center corridor would go straight through from the parking lot to the sidewalk on Tallow Wood. Mr. Ferraro thinks it is very important that the proposed building front has its' orientation to Tallow Wood Drive and the façade design meets the streetscape requirement.

Ms. Bagramian suggested using the first floor of the existing office building for retail space. Mr. Dannible said the existing building will maintain a commercial office component for an extended period of time. The first floor would be the least desired residential units. Ms. Bagaramian thinks the project fills a niche and there is a need for it.

There was general discussion of the other proposed apartment projects in the Town Center around Clifton Country Road.

Mr. Ferraro the next step is coordination with TAC.

John Scavo advised the Exit 9 Self Storage on Sitterly Road is seeking a TAC meeting and we need Planning Board volunteers to participate in that meeting.

Mr. Ferraro said there will be a Monday, March 4th meeting with the Open Space Committee to discuss conservation opportunities in the western part of Town. Mr. Scavo and Mr. Ferraro will be participating in the meeting.

Discussion Items:

None

Mr. Szczesny moved, seconded by Mr. Neubauer, adjournment of the meeting at 10:15 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on March 12th, 2019.

Respectfully submitted,

Betsey Snyder, Secretary

