

**Town of Clifton Park Planning Board**  
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PLANNING BOARD

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Chairman

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Denise Bagramian  
Jeffery Jones  
Andrew Neubauer  
Eric Ophardt  
Greg Szczesny

(alternate) Teresa LaSalle

**Planning Board Minutes**  
**May 14<sup>th</sup>, 2019**

Those present at the May 14<sup>th</sup>, 2019 Planning Board meeting were:

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

Those absent were:

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

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

**Minutes Approval:**

Mr. Szczesny moved, seconded by Mr. Neubauer, approval of the minutes of the April 23<sup>rd</sup>, 2019 Planning Board meeting as written. The motion was unanimously carried.

**Public Hearings:**

**2019-019 Mallard Drive Accessory Use SUP**

*Applicant is requesting a Special Use Permit for allowance of a Home Occupation Social Work Counseling Office in an already existing Single Family Home in the R-1 Zone per section 208-10(9)(a) [2]. If approved, full handicapped accessibility to home occupation will be required, 15*

*Mallard Dr, Zoned: R-1, Status: PB Preliminary Review w/ possible determination.*

SBL: 276.7-1-25

To be reviewed by: MJE Consultant: none Applicant: Penelope Trieb **Last Seen on: 4-9-19**

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

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

Penelope Trieb – 15 Mallard Drive – Ms. Trieb stated that she is asking for a SUP to add a home office to her home at 15 Mallard Drive. She will be using it as a social work office. As per the board’s request at the last meeting she was seen at, she has removed the stove from the portion of her home that will be used for the office. She will be installing a handicap ramp to the entrance of her home that leads to the office as previously requested as well.

### **Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 04/26/2019 stating:**

- Applicant requests conversion of an illegal in-law apartment into a home occupation.
- Kitchen must be removed from this request. If kitchen is allowed to remain as part of approval of the SUP, a firewall from the roof to basement floor will be required by the NYS code.
- Handicapped parking will need to be installed as required if approved

**Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 05/13/2019 stating:**

No Comments

**Scott Reese, Stormwater Management Technician issued a memo dated 05/10/2019 with the following comments:**

No comments

**The Environmental Conservation Commission held a meeting on 05/07/2019 and issued a memo recommending:**

No comments.

**Roy Casper of the Trails Subcommittee submitted the following comments for the Planning Board to consider in its decision making:**

The Trails Subcommittee has no comments or recommendations regarding this Special Use Permit.

**John Scavo, Director of Planning issued a letter dated 05/02/2019 with recommendations he made:**

1. The applicant has provided evidence of the 500’ notifications to property owners located in the vicinity of the proposed home occupation.

2. Per comments offered by Steve Myers, the applicant will need to comply with the State Building Code requirements for the home occupation and second kitchen area if it is to remain. If the applicant has specific questions regarding compliance with NYS Building Code, she should contact Steve Myers for additional information.
3. Pursuant to 6 CRR-NY 617.5(C)(18), the granting of this special use permit is a Type II action pursuant to the State Environmental Quality Review Act and therefore is not subject to any additional environmental review prescribed under Article 8 of the Environmental Conservation Law.

**Professional Comments:**

**Joel Bianchi, P.E. of MJ Engineering had the following comments:**

No comments

**Public Comments:**

None

Mr. Ferraro moved, second by Mr. Ophardt to close the public hearing. The motion was unanimously carried.

**Planning Board Review:**

Mr. Jones asked for clarification on a designated handicap parking spot along with the ramp. Ms. Trieb stated she has spoken to Mr. Meyers and there is no parking needed but there needs to be a ramp to the entrance for handicap accessibility into the building. The Driveway is widened at the top for parking. Mr. Scavo stated there is no striping or signage needed for the parking. Mr. Jones inquired about the hours of operation for Ms. Trieb's office. She stated it would be 8am-8pm for approximately 3 days a week and approximately 1-2 cars per hour.

Ms. Bagramian asked about the kitchen and what will be done with it in the area of the office that was in question at the prior meeting. Ms. Trieb stated that the stove/oven will be removed to stay within the State Building and Fire Code Requirements.

Ms. Bagramian offered Resolution No. 9 of 2019, seconded by Mr. Andarawis to waive the final hearing for this application for the Special Use Permit 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.

Conditions:

Handicap accessibility to office entrance is provided. The Special Use Permit is good only for home office use, it is not valid for an in-law apartment.

**Roll Call:**

D. Bagramian - Yes  
 E. Andarawis - Yes  
 E. Ophardt - Yes  
 J. Jones - Yes  
 A. Neubauer - Yes  
 G. Szczesny - Yes  
 R Ferraro - Yes

Ayes: 7 (seven)

Noes: 0 (zero)

The resolution is carried.

### **Public Hearings:**

#### **2018-041 Masseria/Santoro 5 Lot Subdivision**

*Applicant proposes to subdivide 25.31 acres of vacant land into 5 new lots for construction of single family homes. The smallest lot being 1.75 acres and largest is 5.04 acres in size. Each Lot will have on site septic systems designed by NYS Licensed Engineer and wells. There will be a common driveway for access to Hubbs Road with a small amount of wetland disturbance to construct the driveway. Remaining lands (9.06 acres) to be dedicated to the Town of Clifton Park. Hubbs Road, Zoned: CR, Status: PB Preliminary Review  
 SBL: 258.-1-44.111*

To be reviewed by: MJE Consultant: GVG Applicant: Masseria **Last Seen on: 3-26-19**

Mr. Andarawis is recusing himself from the hearing as he is a resident within 500 feet of the proposal. Mr. Ferraro stated that Ms. LaSalle will be a voting member at this hearing for any decisions being made. Mr. Ferraro noted that this application was last seen by the Planning Board on March 26, 2019 at which time a public hearing was held but was not closed. Therefore, this is a continuation of that public hearing.

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

Dwayne Rabideau from VanGuilder and Associates representing C&J Property – Mr. Rabideau stated this is a 5 lot proposed subdivision. Previous recommendations that have been made are addressed. He stated that there are not many changes to the site plan from the proposal last seen. He noted that a 15 foot easement has been put in for proposed trails. Notations have been made to address MJ Engineering's comments.

### **Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 04/26/2019 stating:**

- Lansing comment letter #6-I have always used the table in 208-11 for setbacks where possible (unless 208-98 applies) to avoid conflicts as shown here.
- The math is still incorrect. The code reads 0.33 units per acre of unconstrained land.  $13.62 \times 0.33 = 4.49$  units.  $13.62/3 = 4.54$  units. This is up to the Planning Board. (Mr.

Scavo clarified that the Code Language is clear that the development density is to occur at 1 dwelling unit per three acres of unconstrained land. Unfortunately, the example below the zoning requirement is incorrect showing to multiply the uplands by .33 to achieve the density instead of dividing by 3. This creates a discrepancy in the density in some instances because .33 is not expressed by a repeating decimal in the code to truly reflect the code's intent of one unit per three acres of unconstrained lands.)

- Which configuration is the Planning Board “supportive” of on March 12, 2019? Is it the current proposal? Either way my determination on the lots stands.
- There is no exception in the NYSDOH standard that allows the “surface drainage from the septic fields does not flow directly towards the wells”. If the wells are downhill of the septic fields they must be 200’ apart. The subsurface flow is the issue not being considered.
- I obviously disagree with the assessment by Lansing of the ability to install foundations and septic systems above the water table without significant fill. Each house foundation and septic system will be evaluated individually to ensure the requirements are met.
- Due to the continuing disagreement about wetlands, septic etc., I expect to forward a set of plans to NYSDEC for comment.
- If the wetlands on adjacent parcels have been located as requested why are they not shown on the plans?
- The wetland and buffer boundaries will be required to be delineated so that it can be verified the septic systems have the required separation distance.

**Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 05/13/2019 stating:**  
No Comments

**Scott Reese, Stormwater Management Technician issued a memo dated 05/10/2019 with the following comments:**

1. In addition to John Scavo’s May 7th, 2019 comment letter for this project, for item #2, add contractor to install orange construction fence outside the silt fence to clearly mark the proposed limits of disturbance.
2. Applicant to submit the Basic SWPPP with the required SWPPP components outlined in the SPDES General Permit GP-0-15-002 Part III.B.1(a.-1.). Applicant shall also submit a Notice of Intent (NOI) for review.

**The Environmental Conservation Commission held a meeting on 05/07/2019 and issued a memo recommending:**

1. The location of the septic field on Lot 1 should have the required separation from the wetland boundaries. Please reference the attachment of Table 2 of Director of Planning letter dated May 7th, 2019 in reference to this project.
2. The ECC recommends the applicant consider public sewer alternatives or alternative measures of treatment and discharge for sanitary waste, due to concerns noted by the Building and Zoning Director (April 26th, 2019) and the Planning Director (May 7th, 2019).
3. The ECC notes from the plan proposed that a permit of 1/3 of an acre of ACOE wetland disturbance is necessary to construct the access route.

4. The applicant should indicate to the Planning Board the form of ownership of the open space land that is adequate to fulfill the purposes of Town Code 208-16 and such ownership shall be indicated on the deed (e.g. offered fee simple dedication to the Town).

**Roy Casper of the Trails Subcommittee submitted the following comments for the Planning Board to consider in its decision making:**

- As previously recommended by the Trails Subcommittee, the revised plans dated 4/22/2019 include a 15ft. Easement along the northern property boundary line that is to be dedicated to the Town of Clifton for a Future Multi-Use Path and Utility Realignment.
- An eastward line adjustment/shift in the southeast corner of the 9.06 acres to be conveyed to the Town of Clifton Park would allow for the establishment of a future nature trail on the upland area. If agreeable with the applicant, compensation for this proposed additional acreage may be provided by an adjustment of the western property boundary line of the land to be conveyed to the Town.

**John Scavo, Director of Planning issued a letter dated 05/02/2019 with recommendations he made:**

1. Attached for the Applicant's and Planning Board's consideration please find "Table 2- Separation Distances from Wastewater System Components (In Feet)." This table is from NYS Department of Health's website for Appendix 75-A titled, "Wastewater Treatment Standards – Residential Onsite Systems (Statutory Authority: Public Health Law, 201(1)(1)). The applicant's design professional should verify for the project records that the Preliminary Subdivision Plan meets all requirements as noted in Table 2. Emphasis to ensure the wetland setback are met from the system components located on Lots 1 and 5.
2. The Applicant shall verify that the limits of clearing for each lot will be honored as delineated per subdivision plan and verified by field survey. Silt fence in this area shall be provided along the limits of disturbance without further clearing and/or grading and shall be verified by the Township Engineer prior to commencement of any earth moving activities.
3. NYS DOH has confirmed the project is not a Realty Subdivision per their requirements. Mike Shaw from NYS DOH has also noted the project will not be reviewed by their agency. Based on this information from NYS DOH, it is recommended that as a condition of approval an engineering escrow account be established for Construction Inspection Services by our Town Designated Engineer to review and inspect each proposed septic system.

Mr. Scavo stated they are looking into the wells as there have been public concerns about the wells and their capacity to provide water to the existing houses and the proposed homes. Connection to public water is being researched. If the homes are within 100 feet of town water lines, if put in, the homes will be required to tap into the town water.

**Professional Comments:**

**Joel Bianchi, P.E. of MJ Engineering in a letter dated 05/10/2019 had the following comments:**

**State Environmental Quality Review**

1. In consultation with the NYSDOH, it has been determined that the project does not meet the criteria of a Realty Subdivision and therefore is not an automatic Type I action. Therefore, we would classify the application an Unlisted SEQRA Action. Should the Planning Board undertake a coordinated review, the interested / involved agencies are the same as outlined in our March 25, 2019 review.
2. As noted in Comment 3.g of our March 25, 2019 review, Part E.3.f of the FEAF indicates the site in within or adjacent to an area designated as sensitive for archeological resources. A “no effect” letter will be required as part of the SEQRA review as well as to demonstrate eligibility for permit coverage under GP 0-15-002 for stormwater. Since the proposal has been classified as an Unlisted Action, the Planning Board may issue a negative declaration conditioned upon receipt of a “no effect” letter from the NYSOPRHP.

### **Subdivision Plan**

1. As noted in Comment 16 of our July 6, 2018 review, identify the date and by whom the wetlands shown on the plat were delineated and provide a note on the plans to that affect.

### **Stormwater Pollution Prevention Plan**

2. As noted in comment 12 of our March 25, 2019 review, the SWPPP shall include documentation that the project is eligible for permit coverage pursuant to Part I.F.8 of GP 0-15-002 with respect to historic properties. The response indicates an archeological study has been completed and they are awaiting a response from the NYSOPRHP. Upon receipt of the “no effect” letter, it shall be included the SWPPP.

### **Habitat Suitability Assessment Report**

3. The report notes three activates the project sponsor will undertake to minimize and mitigate potential impacts to the Northern Long-eared Bat habitat includes no site clearing during June and July, installation of construction fence around the perimeter of the proposed clearing to eliminate incidental additional clearing and construction activities will not be performed after sunset. These items should be placed as notes within the plan set and be part of the Planning Board’s SEQRA Findings.

### **Public Comments:**

Vince Masseria – 60 Hubbs Road - Mr. Masseria has some concerns with the deed restriction as to if after the closings of the homes, can homeowners cut down trees as they feel. Mr. Scavo stated individual residential lots are allowed to clear up to one acre as of right without any additional review or approval by the Town, provided the clearing is not within the deed restricted conservation areas. Mr. Masseria voiced concerns with wells being dug and affecting his well as sometimes wells located on adjacent properties run dry, and more water needs to be brought in. Mr. Masseria also asked about accessory buildings and restrictions. Mr. Scavo stated as long as the these buildings are within the property and not in restricted areas they can have them. Mr. Masseria also asked about if pools can be installed, and if so what is the impact of the chemicals on the area and wetlands when drained and the potential of runoff from this and the septic systems that are proposed. Mr. Rabideau stated that with the SWPPP there will be no added drainage, he also said that the culverts under the driveway will be maintained by the homeowners

**Planning Board Review:**

Mr. Ferraro stated that given the environmental restrictions on the parcel, he is concerned about the impacts of this proposal due to storm water runoff and the impacts on the wells and septic systems. Mr. Ferraro inquired about the homes being close together and may be too dense due to the environmental restrictions of the site. He also was concerned about the location of the septic systems in relation to the ACOE wetlands and asked for a better understanding of the hydrology of the wetlands since the State requires a 100' separation for State Regulated wetlands but the same setback requirement does not apply to ACOE wetlands. Mr. Lansing from Lansing Engineering stated that the regulations for this proposal are being followed and vertical separation for the well and septic is being followed to ensure safety.

Ms. Bagramian asked what the materials are being proposed for the driveways. The common shared driveway would be crusher and the individual home driveways would be paved but the surfaces are all permeable surfaces per Mr. Lansing.

Mr. Jones questioned the bat report relative to the northern long eared bat. Mr. Scavo stated that although this project site falls outside of the currently-recognized occupied habitat for this federally-threatened species, the NYS DEC recommends that removal of any trees greater than 3 inches in diameter at breast height (dbh) take place between November 1 and March 31 each year, if possible, in order to protect potential bat habitat. Further, if this project involves any federal funding and/or federal permitting, consultation with the United States Fish & Wildlife Service (USFWS) New York Field Office, is required in order to determine if there are any further federal requirements with regard to the Northern long-eared bat.

Mr. Ferraro also asked for clarification of the designated open space of the 12.66 acres. He noted that 9.06 acres will be given to the Town and he asked the applicant to show how the other 3.6 acres are accounted for. Mr. Rabideau stated that the remaining 3.6 acres will be deed restricted as permanent open space on Lot 1. It was noted that the submitted plan to the Planning Board does not show the land on Lot 1 that will be deed restricted as permanent open space and requested that the next submittal delineate those boundaries. Ferraro also questioned the open space in CR Zone, pursuant to §208-16(G) of the Town Code. Mr. Rabideau stated that the land is individually owned, not under a common ownership and is deed restricted. Mr. Morelli stated that the restrictions on the open space needs to be stated in all deeds so homeowners are aware of the limitations for future use pursuant to the Town Code.

Mr. Scavo stated that he will coordinate a meeting with town staff and the applicant to address the major concerns discussed and seek out what needs to be done such as a SWPPP or a run off map.

Mr. Ferraro also would like for the property line for Lot 1 be moved to possibly accommodate a trail for the town owned property as suggested by the Trails subcommittee. Mr. Rabideau stated he can look into it as long as it doesn't affect the numbers with easements, property acreage and keeps within any other regulations.

Mr. Ferraro, second by Ms. LaSalle to close the public hearing. The motion was unanimously carried.

**Old Business:**

None



**New Business:****2019-022 Anyaegbunam Route 146 Medical Office**

*Applicant proposes development of a medical office building approximately 6,000+/- sf with approximately 40 parking stalls. Access to the facility is a proposed curb cut on Route 146. The site will be serviced by public water and a private sewer system with future provisions to connect to a future public sewer main within the Edison Club Development Plan, Rt 146, Zoned: HM, Status: PB Concept Review*

SBL: 269.-3-3

To be reviewed by: MJE    Consultant: Lansing    Applicant: William Anyaegbunam

**Consultant/Applicant Presentation:**

Scott Lansing, Lansing Engineering – Noted the applicant is proposing a 6,000 square foot office building on the parcel that is currently vacant. The proposal is to connect into town public water and sewer will be handled by a private individual wastewater system. Mr. Lansing stated the land disturbance is less than one acre so a SWPPP is not required. He stated parking is proposed at 41 spaces which meets the Town Code requirements. A Curb cut is being proposed onto Route 146 and aligns with an existing curb cut on the west side of Route 146. Mr. Lansing stated there will be sidewalks around the building and also to Route 146 for a potential future trail. He also stated they will be giving a 15 foot easement for the possible trail. The site plan shows split rail fencing along the front of the property as well as low lying vegetation, and a sign identifying the building. Mr. Lansing stated the dumpster will be located in the rear of the building to the east. The architectural drawings are a work in progress, but the applicant is trying to fit in with the area and comply with the Western Clifton Park Design Guidelines. Mr. Lansing noted changes have been made to the original application request and he provided the revised plans to the board at the meeting. The building was originally designed as a 1 story 6,000 sq. /ft. building, but has been changed to a 2 story with 3,000 sq. /ft. on each floor to decrease the footprint and to decrease the disturbed area as well.

**Staff Comments:**

**Steve Myers, Director of Building and Development issued a memo dated 04/26/2019 stating:**

- Parcel is 1.52 acres is the Hamlet Mixed Use (HM) zone. The proposed medical office use is allowed in an HM zone.
- Proposed 6000 sq. /ft. building meets the office use requirement of 4000 sq. /ft. per acre.
- Lot coverage setbacks and building size appear to meet the zoning requirements. (There are no parking setback requirements in the HM zone)
- The project will use public water from the west side of Route 146. Sewer is not available but may be in the future either from the Edison Club or from the property at 1585/1587 Route 146 (directly across Route 146).
- 0.98 acres of disturbance is 1.0 acre so a SWPPP will be required.
- The septic system shall be reviewed separately by the Building Department. As a medical office this system may have special requirements.

**Sheryl Reed, Chief of the Bureau of Fire Prevention issued a memo dated 05/13/2019 stating:**

Postal Verification

**Scott Reese, Stormwater Management Technician issued a memo dated 05/10/2019 with the following comments:**

1. The applicant is proposing to disturb 0.98 acres for a commercial development, thereby stating that the project only requires a Basic SWPPP and no post-construction stormwater management practices components are needed. As the Stormwater Management Technician, I have seen the disturbance by the contractors exceed the limits of disturbance set by the design engineer multiple times. In addition, this site is a natural wooded area and the proposed introduction of a half-acre of impervious surfaces will have an increase of runoff and effect water quality running off this site. I believe that this project should incorporate the post-construction stormwater management practices.

**The Environmental Conservation Commission held a meeting on 05/07/2019 and issued a memo recommending:**

1. The Applicant must indicate the proposed amount of greenspace for this project. Indicate the greenspace by graphical representation to clarify the amount of greenspace. The applicant should clearly indicate square foot amount of greenspace and the total square footage of the parcel in order to indicate compliance with the twenty five percent (25%) greenspace standard.
2. The 1.52 acre parcel justifies an office use of 6,000 gross square feet if the office gross square footage will exceed this amount it should be subject to a density bonus per 208-43.5.

**Roy Casper of the Trails Subcommittee submitted the following comments for the Planning Board to consider in its decision making:**

- The site plan shows a good direct pedestrian connection from the proposed medical office building front entrance to the road frontage with a sidewalk and crosswalk included on the plans.
- The site plan also shows a 15 ft. Easement along the NYS Route 146 property boundary to be dedicated to the Town of Clifton Park for a Future Trail/Roadway and Utility Upgrades. Alternatively, the Trails Subcommittee recommends the construction of a 10 ft. wide multi-use path along the Route 146 roadway frontage of this property for the following reasons:
  - NYS Route 146 (Balltown Road) is an important corridor for bicycle and pedestrian access to the Mohawk Hudson Bikeway 86-mile trail system and the New York State Canalway Trail and provides the only direct access from the Town of Clifton Park to these trails.
  - A multi-use path on this property is a critical segment in the Trails Concept Plan's Vision of a continuous multi-use path on the east side of Balltown Road that provides direct access to the Mohawk Hudson Bikeway. **It is important to note that this trail segment will eventually connect with the newly constructed multi-use path to the south of this property that extends from (and across) the Rexford Bridge to the Balltown and Riverview Road intersection.**

- A 22 ft. wide Cross Access Easement is noted on the site plan for future driveway access to the Rexford Post Office located on the adjacent property to the south. A Pedestrian Access Easement should also be noted on the plans.
- A Pedestrian Access/Floating Easement should also be considered on the eastern side of the property to connect to the proposed Edison Club Bundled Community of single family homes, duplexes and condominiums.
- A bicycle rack in close proximity to the medical office building front entrance should be shown on the plans.

**John Scavo, Director of Planning issued a letter dated 05/07/2019 with recommendations he made:**

1. The proposed project is subject to Section 239 of General Municipal Law and will be referred to the Saratoga Co. Planning Board for a recommendation.
2. The applicant should consider as an aspect of the new construction, accommodations to install the conduit under the pavement to designated parking stalls for preparation of future EV Charging Stations. Such infrastructure accommodations at the time of new construction will further the goals of the 2016, “Capital District Electric Vehicle Charging Station Plan”. The costs to run conduit at the time of new construction greatly decreases costs to install EV Charging Stations in the future since pavement within the parking area will not need to be torn-up to run electrical connections.
3. The applicant, when working with a structural architect for the building design, may want to identify an electrical panel location for convenient PV system inter-connections, and keep space available in the electrical panel for a PV circuit breaker. It is easier and more cost effective to plan at the time of new construction for future green infrastructure accommodations such as PV Systems.
4. Based on the hamlet mixed-use (HM) zoning requirements, a 1.52 acre parcel of unconstrained lands allows for 6,080 sq.ft. for office uses. It appears all other HM space and bulk requirements for the proposed building are met.
5. Pursuant to §208.43.6 of the Town Code, in addition to site plan review, the project is also subject to the Western Clifton Park Design Guidelines (WCPDG). To demonstrate conformance with the guidelines the applicant should:

WCPDG Goal J - Protect dark, night-time skies for the whole Community – Add a note to the plan that states, “As the exterior lighting plan progresses through design it is recommended the applicant pursue energy efficient lighting options that are dark sky friendly (International Dark-Sky Friendly Fixtures can be research at [www.darksky.org](http://www.darksky.org)).”

- a. As design plans advance, demonstrate conformance with the hamlet guiding principles as noted in the WCPDG expert below:

### Hamlet Guiding Principles

The hamlet design guidelines further elaborate on the goals and objectives of the HM and HR districts and provide guidance on broad issues such as overall hamlet design, concepts for infill and integrating new development into existing hamlet areas as well as specific standards regarding pedestrian amenities, site layout and design, and architecture and architectural treatments. The broad principles/recommendations, discussed within this section, are as follows:

- A. Enhance existing, unique, traditional hamlet settlement patterns within western Clifton Park**
  - B. Restore, conserve and enhance the “sense of place” of the hamlet of Rexford through complementary, compact, new development, infill development and redevelopment layout and design**
  - C. Foster pedestrian-friendly, walkable environments**
  - D. Utilize area master planning, and site plan layouts and architectural styles consistent with the form of traditional hamlet of Rexford**
  - E. Support connections within the hamlet of Rexford and vicinity both within the hamlet and outside of the hamlet.**
- b. Review the attached WCPDG document to ensure the preliminary plan and architectural renderings comply with the guidance document.
  - c. Add a note to the plan that states, “Any utility work or construction within the State Highway Right-Of-Way requires the property owner to obtain a highway work permit from the NYS Department of Transportation, whether it is for construction or installation of facilities, or for repairs and maintenance.”
  - d. The running slope of the curb ramp should be shown to meet NYS Handicapped Accessibility requirements in relation to the finished sidewalk and asphalt top coat elevations.

### **Professional Comments:**

**Walter F. Lippmann, P.E. of MJ Engineering in a letter dated 05/10/2019 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 project's proximity to NYS Route 146 (Balltown Road)
  - b. Clifton Park Water Authority: water service connection
  - c. New York State Department of Transportation: proposed curb cut along NYS Route 146

- d. New York State Department of Environmental Conservation: Potentially NYSDEC Phase II Stormwater Regulations and coverage under stormwater SPDES and identification of threatened and endangered species.

Additional involved/interested 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: Review and include additional agencies having jurisdiction. Specifically, the agencies identified in Comment 1 above if the detailed design yields more than 1 acre of ground disturbance.
3. Part I.10: The response indicates the project will connect to an existing public water supply. The applicant will need to prepare the appropriate technical studies to confirm adequate capacity exists to service the project. It is recommended that the Town be furnished with documentation that the CPWA is willing and capable of service this project.
4. Part I.11: The response indicates that the project will utilize onsite wastewater management. The applicant will need to comply with all requirements related to an onsite septic system.
5. Part I.15 – Please provide correspondence from NY Natural Heritage Area Program regarding potential endangered species in the vicinity of the project site and confirm the response is inclusive of the USFW Ipac database search.
6. Part I.17: The response indicates the project will direct stormwater runoff to established conveyance systems and discharge to adjacent properties. A site-specific drainage analysis shall be prepared to demonstrate the project upon build-out will not adversely impact adjacent properties or down gradient infrastructure/waterbodies.
7. No further comments at this time. Additional comments may be forthcoming as the project advances.

### **General Comments**

8. Based upon the narrative, it appears that the total site disturbance is 0.98-acre. Should the project result in an acre or more disturbance, it will be subject to the NYSDEC Phase 2 Stormwater Regulations and General Permit GP-0-15-002 and a fully conforming SWPPP addressing water quality and quantity controls shall be submitted as part of subsequent plan submissions.
9. If the project is subject to the Stormwater General Permit GP-0-15-002 above, the applicant would need to seek consultation from the NYS Office of Parks, Recreation and Historic Preservation and the NYSDEC regarding the absence or existence of cultural or historic resources and threatened and endangered species, respectively within the project boundaries.
10. The project proposes to provide potable water to the buildings 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.

11. The applicant proposes to service the lot with an on-site septic system. The proposed septic system shall be designed by a New York State licensed professional engineer and conform to the requirements of the New York State Department of Health (Section 208-91) for review and approval by the Town Building Department.
12. The project proposes access onto NYS Route 146, which includes construction of a new curb cut. This proposed work is subject to the review and approval of the NYSDOT. The applicant shall coordinate with the regional office of the NYSDOT and obtain permitting in advance of construction.

### **Site Plans**

13. The project is located within the Town's Hamlet Mixed Use (HM) zoning district. The proposal for a medical office is a permitted use within the HM District as noted in Section 208-43.2 of the Town's Zoning.
14. 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.
15. Based on setback requirements shown, it appears the minimum special setback requirements from NYS Route 146 as defined in Section 208.98 of the Town's Zoning have been met.
16. Applicant should revise site statistics to indicate provided parking to be a total of forty (40) parking spaces in which two (2) are handicap accessible as shown on the plans not forty-two (42).
17. The fire apparatus access road on the concept plan appears greater than 150 feet in length so a turn-around will be required to meet Section 503.2.5 of the IFC. Also, if the building is greater than 30 feet in height, an aerial fire apparatus access road will be required meeting the requirements of Appendix D, Section D105 of the Fire Code of New York State (FCNYS).
18. It is recommended that at a minimum the number of peak hour vehicle trips, including truck trips, be provided.
19. There needs to be a determination if the proposed building construction and use will warrant automatic sprinklers as prescribed in the Building Code of New York State. This information is needed to determine whether an on-site hydrant is required to satisfy the requirements of Section 508.8 of the FCNYS.
20. 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.
21. Subsequent plans should include architectural elevations of the building with a listing of the materials of construction for review by the Planning Board.
22. 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, sewage disposal system, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

### **Public Comments:**

Anthony LaFleche – 21 Wheeler Drive – Mr. Wheeler asked about the distance from parking lot to Route 146. Mr. Lansing stated that the distance is approximately 40 feet. Mr. LaFleche inquired if the driveway to this proposal is directly across from the driveway across the street or if it is offset. Mr. Lansing stated that the driveways are across from each other. Mr. LaFleche also stated he had some concerns about the trail being close to Route 146 and the high amount of traffic that the roadway carries.

Mr. Anthony Guiderelli – He stated he owns two buildings and property across the street from the project. He stated that he likes the Hamlet look of the proposed building elevations and supports the application.

### **Planning Board Review:**

Mr. Ferraro inquired if the parking lot can be moved further into the property to be able to give more room for the easement for a future trail. Mr. Lansing stated that just in front of the landscaping is the 15 foot easement off the Highway ROW Line and the parking could not be pushed back any further, but there is some flexibility in the future if traffic patterns change. Mr. Ophardt suggested that if the Edison Club expanded, the town could take over more of the land for new lanes of traffic. Mr. Ferraro proposed a floating easement to connect with a future pedestrian walk from the Edison Club site to this project.

Mr. Ferraro suggested the applicant apply for an area variance to be able to push the front of the building closer to Route 146. Mr. Jones seconds that idea. As an alternative, Mr. Neubauer suggested turning the building to the side, facing south and put the parking on the side of the building instead of the front of the building. Mr. Lansing stated that his client would most likely not be willing to accommodate this, he likes the current configuration, and the proposal as is will be meeting all zoning setback requirements in its current configuration without any need for variances. Mr. Lansing stated he will bring to the applicant different layout ideas for consideration.

Mr. Andarawis asked if the 130 foot setback from the center line of the road is required. Mr Scavo and Mr. Lansing stated this is the zone code regulation pursuant to §208-98 of the Town Zoning Code. Mr. Andarawis stated would like to see a swap of the parking lot and the building which would require a variance. Ms. Bagramian agreed with this comment. Another suggestion was to keep the building in its proposed location and place the parking on the two sides of the building rather than the front which would not require a setback variance.

Mr. Neubauer stated that he is not in agreement with the current regulations since it does not promote a Hamlet design. He feels the building should be closer to the roadway, but due to regulations he understands why the proposal is as it is. Mr. Neubauer feels the building should be in front and the parking in the rear as well. Mr. Neubauer referenced the proposal from the Edison Club and feels that the junction of this project with theirs can make the area feel more like a Hamlet Mixed-Use Zone. Mr. Szczesny suggested that perhaps the emergency/pedestrian access to the Edison Club can be shared with this proposal. Mr. Lansing stated he can speak to the client about sharing access.

### **Discussion:**

None

Mr. Neubauer stated he would not be attending the May 29<sup>th</sup>, 2019 meeting.

Mr. Ferraro moved, seconded by Mr. Ophardt, adjournment of the meeting at 10:30 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held as scheduled on May 29<sup>th</sup>, 2019.

Respectfully submitted,

*Paula Cooper*

Paula Cooper, Secretary