

TOWN OF CLIFTON PARK
COUNTY OF SARATOGA
STATE OF NEW YORK

NOTICE OF PUBLIC HEARING REGARDING
PROPOSED AMENDMENTS AND REVISIONS TO SECTION 208-22 6, RELATIVE TO
RESIDENTIAL DENSITY BONUS APPLICATION PROCEDURES IN TOWN CENTER

Please take notice that the Town Board of the Town of Clifton Park will conduct a public hearing on August 19, 2019 at 7:07 p.m. in the Wood Memorial Meeting Room in the Town Office Building, located at One Town Hall Plaza, Town of Clifton Park, County of Saratoga, State of New York to consider revisions and amendments to the Town's code relative to the procedure for the consideration of applications for residential density increases in Town Center.

The proposed legislation would continue the requirement that an application for Density increases above the base allowable unit amounts contained in Section 208-22 6 a of the Town Code require Town Board approval by Local Law following a Public Hearing, but contain those procedures within the Town Center Zoning Chapters, and to repeal the applicability of Planned Development District Zoning in Town Center.

Copies of the proposed local law are posted at <https://cliftonpark.org/government/legal-notices.html> , and are available for review in the Town Clerk's office during normal business hours.

Patricia O'Donnell, Town Clerk

§ 208-22

6. Residential density.

A.

The allowable base residential density within the Town Center shall not exceed 10 dwelling units per acre, exclusive of undevelopable lands, up to a maximum of 50 dwelling units per project.

B.

Additional residential density above the allowable base levels may be permitted, with Town Board approval, pursuant to the procedures outlined in section 208-22 .6 E and F, below, provided the applicant provides for the design and/or construction of additional amenities within the Town Center for the use and enjoyment of the general public. The amenities shall include provisions for on-site and/or off-site improvements beyond those required to service the needs of the subject project.

C.

These amenities may include the following, or a combination thereof, but are not limited to:

(1)

A parking garage or deck, where not less than 50% of the parking spaces provided are available to the public (minimum 100 spaces).

(2)

Recreational areas such as a public park or playground, maintained by the applicant, which is designed as an integral part of the development, readily visible and accessible from the public way, not less than 1/4 acre in size.

(3)

Residential housing facilities for persons of low to moderate income.

(4)

A stormwater retention or detention pond which captures or mitigates local stormwaters within or from the Town Center boundaries.

(5)

A reduction in overall impervious surface area on the site, resulting in a substantive decrease in stormwater runoff.

(6)

Payment of funds provided to the Town in lieu of or in combination with proposed amenities of a sum to be determined by the Town Board, which shall be deposited

in a fund exclusively for community benefits or improvements within the Town Center.

D.

The public amenities proposed must be commensurate, in the judgment of the Town Board, with the requested density increase before they may be approved. Consideration may be based on each additional residential unit above the base density per 3,000 square feet of improvements, or other criteria the Town Board may establish in a separate amenity schedule which outlines equivalent reimbursements.

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E Procedure.

1. Applications for an increase in Residential Density for parcels within the Town Center Zones require Town Board Approval through the Adoption of a local law. Applications for increases in Residential Density in these zones shall be made to the Town Board through the Office of the Town Clerk.

2. Fees:

(a) A nonrefundable fee of \$1,500, payable to the Town of Clifton Park, shall accompany the application to the Town Clerk.

(b) The Town Board may require an applicant to deposit an additional amount of \$500, payable to the Town of Clifton Park, to pay for the fees and/or costs of any engineer, consultant or attorney designated by the Town Board to review such application. The fees and/or costs charged by such engineer, consultant or attorney in connection with such review will be charged against the sum deposited. Any amount remaining shall be returned to the applicant within 45 days of final action on the application.

.3. Application requirements.

(a) The applicant shall submit an application and five paper copies and 10 DVDs, in .pdf format, of a conceptual development plan to the Town Board. A conceptual development plan shall consist of the following:

(b) A narrative description of the project setting forth its purpose, desirability and impact on the immediately surrounding area in which the project is proposed, as well as its projected effect on the Town Center generally, paying particular attention to schools, traffic, population, utilities, cultural and aesthetic resources, recreation, wetlands, if any, and compatibility with neighborhood.

(c) A description of any public amenities which will accompany the proposal.

(d) A survey of the property, showing existing site features, including contours, buildings,

structures, streets, utility easements, rights-of-way and land uses within 500 feet.

(f) Information on the intended construction sequence for buildings, parking areas and landscaping.

(g) A public utilities plan documenting the proposed location, size and quantity of water, effluent and stormwater management facilities, and capacity of existing facilities.

4. At the time of submission of the application for increased density within the Town Center Zones the applicant shall submit, in addition to otherwise required documentation, the following:

(a) A reproduced copy of the Tax Map or extract of the Tax Map depicting the parcel(s) of land proposed for the district and all lands within 500 feet distance from the perimeter thereof.

(b) A schedule of the names and addresses of the property owners within 500 feet distance from the perimeter of the lands proposed for the district as ascertained from the office of the Town Assessor.

5. Referral of the application. Prior to taking any action, the Town Board may refer the application and accompanying documents to the Planning Board for its review and recommendation, and to the County Planning Board, pursuant to General Municipal Law § 239-m.(3)

(a) Notice.

Prior to referring the proposal to the Planning Board under this section, the Town Board will require satisfactory proof that the property owners within 500 feet of the perimeter of the lands proposed for the district approval have been notified in writing of the nature (include a brief narrative about the project and its location, number of units, approximate commercial square footage, etc.) of the proposed district. Such notification shall include the following written statement: "An application for a planned development district for lands within 500 feet of your property is being proposed. The permit application has been filed with the Town Clerk of the Town of Clifton Park and may be reviewed by you during normal business hours at the Town Hall. Please call the Town Clerk at 371-6651 if you have any questions about the procedures to review this application and the process for consideration of the proposal." Proof shall be deemed satisfactory for purposes hereof if the applicant provides evidence of mailing, by certified or registered mail or certificate of mailing, and files the receipts with the submission. Regular mail is not satisfactory notice.

§ 208-22 (6) F. **Planning Board review and recommendation.**

1. The Planning Board may require:

(a) Additional studies and reports as may be necessary for the Planning Board to determine

appropriate intensity of land use and development density.

(b) State environmental quality review (SEQR) documents, including the Part I Long Environmental Assessment form..

2. Upon completion of its review, the Planning Board shall transmit, in writing, to the Town Board its recommendation , which shall be advisory only, regarding the application. The Planning Board may recommend approval, approval with conditions or modifications, or disapproval of the application including a discussion of the proposal's compliance with the following:

(a) That the proposal is consistent with the Town's comprehensive planning objectives

(b) That the proposal is consistent with the objectives of the Town Center Study Documents and Town Center Zoning amendments as expressed in this article.

(c) That the proposal complies with the general requirements listed above in this article.

(d) That the density proposed shall not be detrimental to the natural characteristics of the site or adjacent land uses.

(e) That each phase of the development, as it is proposed to be completed, contains the required parking facilities, landscaping and utilities necessary to create and sustain each phase independently.

(f) That the proposal is conceptually sound in that it meets local and area-wide needs and that the proposed roadways, pedestrian system, land use configuration, open space system, stormwater management system and scale of elements shall function singly and cumulatively and conform to accepted design principals.

(g) That there are adequate service and utilities available or proposed to accommodate the development.

(h) That the traffic generated by the proposal shall not have an adverse impact on the existing transportation network.

(i) A recommendation on the classification of the proposal and a determination of significance under the State Environmental Quality Review Act.

208-22 (6) G. Town Board Action

1. Parcels for which increased residential density applications have been granted shall be listed in Herein as follows:

<u>Owner</u>	<u>SBL#</u>	<u>911 Address</u>	<u>Acreage</u>	<u>Base Density #</u>	<u>Additional Density # Sought</u>	<u>Total Density # Approved</u>	<u>Date of Town Board Approval with Local Law #</u>

2. All Setbacks and Form standards of the original TC Zone remain in full force and effect unless specifically modified by the local law authorizing the density bonus for any parcel.

3. Revocation of Amendment & Sunset Provision

In the event that the applicant does not request a building permit within two years of the Town Board action provided for in § 208-22 (6), above, the Density bonus granted herein is automatically rescinded.

§ 208-72 Procedure.

[E. Town Center density increases. Applications for additional density for residential housing within the Town Center Zones pursuant to § 208-22(6) of Town Code shall follow the procedures of this chapter.]