

Town of Clifton Park Planning Board
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PLANNING BOARD

DENISE BAGRAMIAN
Chairwoman

ROBERT WILCOX
Attorney

PAULA COOPER
Secretary



MEMBERS

Emad Andarawis
Eric Ophardt
Heather Fariello
Andrew Neubauer
Jennyfer Gleason
Keith Martin

(alternate) Lisa Westrick

Planning Board Minutes
June 14th, 2022

Those present at the June 14th, 2022 Planning Board meeting were:

Planning Board: D. Bagramian, Chairwoman, E. Andarawis, H. Fariello, A. Neubauer, E. Ophardt, K Martin, L. Westrick

Those absent were: J. Gleason

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

Ms. Bagramian, Chairwoman called the meeting to order at 7:00 p.m. All in attendance stood for the recitation of the Pledge of Allegiance.

Ms. Bagramian stated that in the absence of Ms. Gleason, Ms. Westrick would be a voting member tonight.

Minutes Approval:

Mr. Andarawis moved, seconded by Mr. Martin, approval of the minutes from the May 25th, 2022 Planning Board meeting as written. The motion was unanimously carried.

Public Hearings:

None

Old Business:

2021-032 10 Hemlock Drive In-Law Apartment Special Use Permit (SUP)

Applicant requests SUP approval for an in-law apartment/family member accessory apartment in a R-1 Zone. Existing 1 story screened in porch will be removed and replaced with a new garage and additional dwelling space, 10 Hemlock Dr, Zoned: R-1, Status: PB Final Review

SBL: 277.6-2-41 To be reviewed by: n/a Consultant: n/a Applicant: M. Wilson

Last Seen on: 4-12-22

Consultant/Applicant Presentation:

Mark Wilson – Owner – Mr. Wilson stated that he is here with the site plan for 10 Hemlock Drive tonight. He stated that at the last meeting the Board asked for a landscaping plan showing plantings, where the driveway would be located, and what it would look like if approved. Mr. Wilson stated that he has provided these additional items to the site plan and noted that one tree would be removed, but another would be planted.

Staff Comments:

The Environmental Conservation Commission held a meeting on 6/7/22 and issued a memo recommending:

1. The ECC has no comments at this time.

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. NYS code requirements will be addressed during the permit process.

Steve Myers, Director of Building and Development issued a memo dated 5/31/22 stating:

- Setback to new addition from 45' building line should be noted
- Several encroachments to neighboring properties noted

- Fire separation between addition and existing house may be required

Scott Reese, Stormwater Management Technician issued a memo dated 6/9/22 with the following comments:

1. No stormwater comments at this time.

John Scavo, Director of Planning issued a letter dated 6/3/22 with recommendations he made:

1. As I noted for the Board's information at the April 12th meeting, a letter of support for this application, dated August 18, 2021, was provided by the immediate property owner at 11 Hemlock Drive.
2. A negative declaration pursuant to SEQR was issued, and the public hearing was closed at the April 12th meeting of the Planning Board.
3. The current submittal supplements prior information submitted to date and complements the building elevations with a site plan that shows proposed landscaping to address the Planning Board's remaining concern.

Professional Comments:

No professional comments

Public Comments:

No public comments

Planning Board Review:

Ms. Fariello stated that she has no concerns with this project.

Mr. Ophardt thanked the applicant for working with the Board.

Mr. Ophardt offered Resolution #6 of 2022, second by Ms. Fariello, to waive the final hearing for this application and to grant preliminary and final approval of the special use permit, conditioned upon satisfaction of the comments offered by the Planning Board, Planning Department, and Town Designated Engineer, including submitting the landscaping plan for approval to the Planning Director prior to the stamping of the Special Use Permit.

Roll Call:

H. Fariello - Yes

E. Andarawis – Yes

D. Bagramian – Yes

Neubauer – Yes

E. Ophardt - Yes

K. Martin – Yes

J. Gleason – Absent

L. Westrick (alternate) – Yes

The resolution is carried.

Mr. Ophardt moved, second by Mr. Neubauer, to waive the final hearing for this application for the site plan review of 10 Hemlock Drive In-Law Apartment, and to grant preliminary and final approval of the site plan approval, conditioned upon satisfaction of the comments offered by the Planning Department, Town Designated Engineer, and all items listed in the final comment letter issued by the Planning Department.

Ayes: 7

Noes: 0

The motion is carried.

New Business:

2022-021 Starpoint Church Parking Expansion - Site Plan

Applicant is proposing building an additional 120 parking spaces in 2 phases (phase 1 - 53, phase 2 - 67). Total project disturbance is 1.25 acres. Also includes parcel #277.16-2-20. A new stormwater management area will be constructed, 14 Jarose Pl, Zoned: R-1, Status: PB Concept Review SBL: 277.16-2-19 To be reviewed by: MJE Consultant: ABD
Applicant: Starpoint Church

Consultant/Applicant Presentation:

Dave Zimmer – ABD – Mr. Zimmer stated that in 2007 the owner of the property, Ms. Jarose, sold the property to a church to build on the land. He stated that last year Starpoint Church bought the property and the church and had approval for a 9,000 square foot addition. Mr.

Zimmer stated that now they are back before the Board asking for more parking because with more patrons attending in person, there is a need for more parking on site.

Staff Comments:

The Environmental Conservation Commission held a meeting on 6/7/22 and issued a memo recommending:

1. The ECC notes that a church was initially approved as a Special Use under Town Code 208-79. However, the applicant's website indicates that a daycare and elementary school are currently in operation in this facility. It appears that neither of these uses are permitted special uses under 208-8B.(a). The ECC requests that the Town Attorney review the original Special Use approval to ascertain whether these uses are permissible.
2. Per 208-10 Residential-1 districts, "Are primarily for suburban residence uses and to accommodate relatively dense residential development at densities appropriate with environmental restrictions and which transition between the primary commercial development districts and lower density districts both in density and allowable land uses." This project appears to be in conflict and out of character with the prevailing residential nature.
3. ECC is concerned about the expansion of the parking as proposed and the impact on the community and the quality of life for the neighbors. The concerns of traffic on the weekends, the character of the neighborhood.
4. The ECC recommends in order to preserve the residential character of the neighborhood to relocate the church to a more commercial, industrial zone.
5. The ECC received informal input regarding the traffic congestion under current parking conditions, and with the proposed parking expansion the ECC is concerned that further expansion will lead to overwhelming traffic problems and impacts upon the existing R-1 Zoning criteria.

Wade Schoenborn, Chief of the Bureau of Fire Prevention:

1. No comment

Steve Myers, Director of Building and Development issued a memo dated 5/31/22 stating:

- Mainly a planning proposal
- Significant wetlands shown on entire property. Another review of how installing more impervious surface will affect this issue
- The dry wells near Grooms Road were part of the previous SWPPP and may not be able to handle the additional run off. It is also believed there is a high water table in this area and may not allow the use of stormwater ponds as shown
- It appears there are plans to remove the existing house on Grooms Road so that more parking can be installed. The establishment of a parking lot fronting on Grooms Road should be examined
- Three (3) of the proposed buildings are on their own parcels. The parcel furthest to the north has five buildings proposed. Is there a reason for this division?

- Much more detail is required to be able to fully review the proposal

Scott Reese, Stormwater Management Technician issued a memo dated 6/9/22 with the following comments:

1. There is a present concern with the performance of the existing stormwater management area (SMA) located at the northwest corner of the church addition. An as-built of the SMA will need to be done to verify the basin is installed as per plan. There should be an emergency overflow from the existing and proposed basins that should not impact adjacent properties.
2. All runoff from existing and proposed impervious surfaces from this site should be treated and managed for water quality and quantity per the NYSDEC SPDES General Permit 0-20-001.
3. When scheduling for test pits and percolation tests at the proposed stormwater management areas, include the area in the existing SMA located at the northwest corner of the church addition.

John Scavo, Director of Planning issued a letter dated 6/3/22 with recommendations he made:

1. The site plan is subject to Section 239 of General Municipal Law and will be referred to the Saratoga Co. Planning Board for a recommendation.
2. A discussion about whether the location of the existing driveway along Grooms Road will remain or not, with the parking expansion of Phase II, should occur between the applicant and Planning Board Members. If a consensus to keep the driveway with the Phase II parking expansion exists, I recommend relocating the driveway further west to provide greater separation from the intersection with Jarose Place.
3. The applicant should verify the total number of parking spaces shown in the parking statistics table for existing spaces, Phase I spaces, and Phase II spaces.
4. I recommend the applicant carry the street tree planting theme to wrap around the property along the frontage of Grooms Road. Add a note stating, "Provide landscaping enhancements when removal of the existing single-family home and construction of the Phase II parking area occurs."
5. Consider fencing provisions or negative screening along the side yard property boundary with the adjacent single-family dwelling at 514 Grooms Road.
6. Provide necessary curb ramps within the two access isles between the three new accessible parking spaces.
7. Show the signage detail for the accessible spaces and access isles on the preliminary site plan.
8. I have confirmed with the Town Assessor's Office that the necessary paperwork completed by the applicant was received and is being processed to combine the two parcels of 514 Grooms Road and 14 Jarose Place into one parcel.

Professional Comments:

Walter Lippmann, P.E. of MJ Engineering in a letter dated 6/10/22 had the following comments:

STATE ENVIRONMENTAL QUALITY REVIEW

1. Based upon our review of Part 617 of NYS Environmental Conservation Law, the project appears to be an “Unlisted” action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
 - a. Town of Clifton Park Planning Board: Plan approval
 - b. Saratoga County Planning: Plan approval (proximity to Grooms Rd)
 - c. NYS Historic Preservation Office: archeological sensitive area
 - d. NYS Dept of Environmental Conservation: Stormwater permit approval

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

SHORT ENVIRONMENTAL ASSESSMENT FORM

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

1. Part 1 8.a. – The response indicates that the project will result in a substantial increase in traffic above present levels.
2. Part 1 9. – The response was left blank. Should be “yes” as the new lighting should meet or exceed the state energy code requirements.
3. Part 1 10. – The response was left blank. Should be “no”
4. Part 1 11. – The response was left blank. Should be “no”
5. Part 1 13.a. – The response indicates that wetlands or other waterbodies regulated by federal, state or local agencies are contained within the project site (per the EAF Summary Report. The applicant did provide documentation that confirms the presence of federally regulated wetlands on the project site. Should this change as the project design progresses, additional approvals and permits may be required.
6. Part 1 17. – The response indicates that the proposed action creates storm water discharge, from either point of non-point sources.
7. Part 1 17. B – The response indicates that the proposed action creates storm water discharge, from either point of non-point sources. The applicant indicates that proposed stormwater management areas will be the established conveyance system method. The answer should be “yes”
8. No further comments at this time. .

SITE PLANS

9. The project resides within the Town’s Residential, R-1 Zoning District. The proposal for exterior parking lot improvements may be considered ancillary to the existing principal use.

10. Since there are no planned building renovations and/or changes in use proposed, a review of the building placement, building form, building type and allowed frontage types as outlined in the R-1 Zone have not been completed.
11. Based upon a review of Section 208-11 of the Town's Zoning, the lot and proposed uses appear to meet the minimum bulk lot requirements.
12. The Planning Board may consider extending the 25' no cut buffer zone on the west property line to the lot on Grooms Road. Understanding there are no trees in this location, this will create a more substantial buffer to the neighboring property. This would create more space for landscaping and or fencing.
13. The Project Narrative and concept site plan state "There are 151 parking spaces currently on-site. Phase 1 will provide an additional 53 spaces and Phase 2 will provide 67 spaces. At full build out, there will be approximately 251 spaces." This should read 271 spaces. Confirm the total number of full build out spaces.
14. The parking summary indicates day care/school. Please confirm if this use is being utilized on site.
15. The project will disturb more than 1-acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-20-001. Therefore, a full SWPPP will be required that addressed water quantity and quality controls. As the project proceeds through the Town's regulatory review process, a fully conforming SWPPP shall be provided for review.
16. For the new infiltration basins, infiltration tests should be performed to validate any design assumptions made.
17. Consider an alternate location (either north or east) for the southern most stormwater management area for Phase 1 that would direct runoff away from the neighboring properties.
18. It is unclear from the submitted plans what the expected area of disturbance will be. Subsequent plans need to delineate the extent of land disturbances.
19. Indicate areas for snow removal.
20. Indicate if a second ingress/egress access will be proposed for the Phase 2 parking area.
21. Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans and reports are submitted. Subsequent submissions shall include information as outlined in Section 208- 115 of the Town zoning specific to site grading, lighting, landscaping, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards.

Public Comments:

No public comment at this time. Ms. Bagramian stated that this is a concept review, and the public can speak when the application goes to Public Hearing. She stated that if the public has concerns, they may submit them in writing for the Planning Board to review at any time.

Planning Board Review:

Mr. Andarawis stated that he has concerns with the magnitude of parking that is being asked for. He asked if the applicant could explain the change of use for the increased request for parking.

He stated that traffic would also have to be revisited to see the level of impacts. He stated that parking by Grooms Road will be challenging as it does not fit in the neighborhood and that landscaping will be important as seeing a large blacktop parking area is not in the nature of the existing character.

Mr. Neubauer asked for an explanation of Phase I and Phase II and if there would be land banking. Mr. Zimmer stated that Phase I would be constructed as soon as possible if approved and Phase II would be next year due to the increase of patrons coming back for in-person services. Mr. Neubauer stated that he supports Mr. Scavo's comment about heavy landscaping and making it intentional. He stated that the turn onto Grooms Road is difficult now, so an alternative may be a right turn only proposal to the County. He stated that he still has concerns with the amount of pavement being proposed, and asked if the applicant has thought about wrapping the building with parking. Ms. Del Grosso stated that they have, but there are steep slopes in the rear of the building

Ms. Bagramian asked why more parking is being requested and if there is more being planned than use for Sunday services and for the kids needing their own space. She asked if there is a daycare in use. Ms. Elizabeth Del Grosso (Starpont Church) stated that the parking and building is being used for what was originally planned. She stated that many volunteers utilizing parking spaces during church hours. Ms. Del Grosso stated that the prior owners of the building did have a daycare but since Starpoint took over the church the after-school program has found a different location. She stated that the challenge they are finding with parking is that with people coming back in person, the parking demand is higher and as of November 1st there can be no street parking, so having it done ASAP is important. Ms. Bagramian asked what the occupancy for the building is and if they are exceeding. Ms. Del Grosso stated that the occupancy is 300 and they are not exceeding this limit, they have about 650 people on a Sunday, not all at one service but this count includes church, children and volunteers in the count. Ms. Del Grosso stated that some people overlap such as volunteers who stay for services afterwards and their families joining them.

Mr. Martin stated that in March 2021 there was resident concerns about the site plan and stated that there will be more resident concerns and a turnout for the Public Hearing regarding this site plan when it is held. Ms. Del Grosso stated that concerns from the last proposal were mainly with traffic and buses coming in and out of the site. She stated that other concerns were about lack of patrons and now they have an increase of them coming back in person. She stated that they are willing to look at comments and concerns and look at their plan. Mr. Martin suggested adding landscaped islands to try and break up the pavement since he has the same concerns about the amount of pavement being proposed.

Mr. Ophardt asked if the home to the west would have fencing. Mr. Zimmer stated that landscaping or fencing could be added for buffering. Mr. Ophardt asked if they would be back

for Phase II approval. Mr. Zimmer stated they are looking for Phase I and II now but banking Phase II until later with an approved landscaping plan in place. Mr. Ophardt asked if there is a plan to put another driveway to the west to help keep traffic off Jarose Place. Mr. Zimmer stated that they can look at this as an option, but he does not think the County would allow it. Mr. Neubauer stated that there is an existing curb cut for the residential driveway. Mr. Scavo stated that this is the County's decision and that Clifton Park is concerned with the traffic flow, but this is a concept plan, so ideas and feedback are welcome. Mr. Ophardt asked what occupancies are given to churches. Mr. Scavo stated that our zoning requires 1 space per 4 seats of occupancy but other codes in the area are at or near 1 space for 3.5 people.

Ms. Bagramian stated that she has concerns with this become compound like and is struggling with if this is the right location for the expansion for keeping in character with the neighborhood and would like to see the stormwater concerns addressed. Ms. Bagramian asked if the applicant can look at bussing in patrons from an off-site location. She stated that the applicant should explore the use of porous pavement as well.

Ms. Fariello stated that if the capacity is 300 and the parking is currently 271 that are just shy of 1 car per person per service which should be sufficient. Mr. Zimmer stated that there is crossover parking. Ms. Del Grosso stated that all families have different numbers of members and some families come in multiple cars for various reasons.

Mr. Andarawis asked what the overflow onto street parking is now. Ms. Del Grosso stated that they are keeping to one side of the street with approximately 18 cars.

Ms. Westrick stated that she would like to revisit the traffic study and the look at the potential of a second entrance for Phase I and II. Mr. Zimmer stated that Phase II would not be built if it is found not to be needed. Mr. Ophardt agrees that the traffic study needs to be looked at again.

Ms. Bagramian requested the applicant bring back exact occupancies for the buildings as well as how many people are coming including volunteers that would be on-site. Ms. Bagramian asked if the buildings were in use during the week or if this parking is all for weekend traffic. Ms. Del Grosso stated that they do have some gatherings during the week for the community.

Discussion Items:

None

Mr. Martin moved, seconded by Ms. Fariello, adjournment of the meeting at 8:02 p.m. The motion was unanimously carried.

The next meeting of the Planning Board will be held on Wednesday June 29th, 2022.

Respectfully submitted,

Paula Cooper

Paula Cooper, Secretary