

Town of Clifton Park Planning Board
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PLANNING BOARD

ROCCO FERRARO
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MEMBERS

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

(alternate) Teresa LaSalle

Planning Board Meeting
May 8, 2018

Those present at the May 8, 2018 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: None

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

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

Mr. Ferraro welcomed Mr. Weiner, Zoning Board of Appeals Counsel, who was in attendance until Mr. Morelli, Planning Board Counsel, arrived at the meeting.

Minutes Approval:

Ms. Bagramian moved, seconded by Mr. Szczesny, approval of the minutes of the April 24, 2018 Planning Board meeting as written. Ayes: Neubauer, Andarawis, Bagramian, Szczesny, LaSalle, Ophardt, Ferraro. Noes: None. Abstained: Jones

Public Hearings:

[2018-017] **Prestige Motors** – Proposed (2) lot subdivision, 1926-1928 Route 9 – Preliminary public hearing and possible determination. SBL: 259.-2-108

Mr. Ferraro explained the review 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 although the Planning Board would pronounce the application complete, assume Lead Agency status, and issue a negative declaration, these actions would neither grant nor imply approval of this subdivision application. Should it be determined that additional environmental review is warranted based on input received at the public hearing, SEQRA discussions will be reopened and a decision rendered when deemed appropriate.

Mr. Szczesny moved, seconded by Mr. Neubauer, to establish the Planning Board as Lead Agency for this application, an unlisted action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

Mr. Ferraro, Chairman, called the public hearing to order at 7:04p.m. The Secretary read the public notice as published in the Daily Gazette on April 25, 2018.

Mr. Tom Andress, consultant for the applicant, presented this request for the subdivision of the Lands of Prestige Commerce Center, LLC which was last reviewed by the Planning Board at its March 27, 2018 meeting. The property to be subdivided into lots of 2.22 acres and 1.54 acres, respectively, lies within the LI-2 zoning district on the westerly side of US Route 9 south of the Lands of the Boston and Maine Railroad. The speaker explained that site improvements made during the past several years include the construction of a 9,854 SF automotive service building, 9,854 SF warehouse building with a 3,867 SF addition - currently under construction - to the front of that building. A second addition of 6,936 SF has been approved for the rear of that building, though it has not yet been constructed. A 2,290 SF addition to the automotive service building was approved by the Planning Board but has not been constructed. Site development and expansion of the buildings was facilitated by the approval of several variances. An undated variance allowed for the display of vehicles within the front yard setback; use variance #80692 approved on April 15, 2008 allowed for automotive sales within the LI zone; area variance #8075 permitted parking in the front yard within the LI zone. The most recent Zoning Board approval, granted on May 1, 2018, provides total relief from Section 208-65E(2) of the Town Code that requires a 25' setback for parking and a planted buffer between properties for both proposed lots, conditioned upon "the owner obtaining acceptance and approval of all stormwater practices pertaining to both parcels in accordance with the site plan approval granted by the Town Planning Board in 2013 or as amended by the Planning Board in the future." Mr. Andress addressed the issues surrounding stormwater management installations, explaining that in 2014 improvements to stormwater design included the handling of flows not only from the Prestige parcel but also from properties directly north of the project site that had traditionally flowed through it. It is Mr. Andress' contention that the facilities now in place adequately handle current flows. Though it is uncertain when complete build-out of the site will occur, an updated design now calls for the

installation of one forebay on each side of the existing basin to meet the needs of all existing and proposed site improvements. An individual well and grinder pump will serve each lot. A note on the plat states that both lots shall use the private common access drive and that common easements for access, utilities, shared parking, and maintenance of stormwater facilities shall be established. A sample document entitled Declaration of Easements and Maintenance Agreement has been submitted to the Planning Department and Planning Board Attorney for review and approval. Mr. Address is confident that the applicant will be able to satisfy all other outstanding comments expeditiously.

Mr. Scavo reported that all comments prepared by Mr. Myers, Director of Building and Development, Ms. Reed, Chief of the Bureau of Fire Prevention, the ECC, Mr. Reese, Stormwater Management Technician, Mr. Dahn Bull, Highway Superintendent, M J Engineering and Land Surveying, P.C., and the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee for items on this evening's agenda have been forwarded to Board members for their consideration.

Mr. Scavo read comments prepared by Mr. Myers, Director of Building and Development, regarding this project. The drainage/wetland improvements required by site plan approval in 2013 have not been completed. Fire access to the rear of the building on the new parcel, 1928, is often blocked by stored equipment. Necessary variances for this subdivision were approved by the Zoning Board of Appeals on May 1, 2018.

Mr. Scavo reported that the ECC provided the following comments regarding this application after review at its May 1, 2018 meeting. The ECC is concerned that the applicant has not completed the stormwater management plan as previously approved. This proposed subdivision has distinct environmental impacts on the Dwaas Kill, a Class A Trout stream currently listed on the NYS Registry of Impaired Waterways. This unique classification is due in large part to siltation into the stream. The applicant must demonstrate that a phased implementation of the stormwater management plan will meet the needs of the site and not impact the Dwaas Kill. The ECC is concerned that runoff from the existing roof tops are being directed into the Dwaas Kill without any treatment. The ECC is concerned that the applicant shall address the surface area coverage per Mr. Ferraro's comment on the clarification of the site statistics listed on the previously approved plans and the plans now under review. In evaluating this application, the Zoning Board of Appeals is required to weigh the benefits of the variants against any detriment to the health, safety, and welfare of the neighborhood or community by such sanction. Because the stormwater management has not been completed, the existing conditions are a potential detriment to the Dwaas Kill and the Town of Clifton Park. The ECC recommends that no approvals or modifications to this parcel should be considered until the stormwater management plan is fully implemented and construction has been completed on the retention basin.

Mr. Scavo read the comments issued by Mr. Reese, Stormwater Management Technician. The applicant is asked to provide a written report on how the site is meeting the required stormwater management for the current work done on the site. Site stabilization around the previously approved 3,867 square foot addition (warehouse), associated front parking area, and back lot bordering the wetland boundary by the Dwaas Kill shall be documented and submitted to

the Stormwater Management Technician.

Mr. Scavo read comments prepared by Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee. The proposed subdivision/site plan should be updated to identify all internal pedestrian facilities that were shown on the original site plan including any alterations or modifications in the applicant's current subdivision proposal. A 15' right-of-way or trail easement should be provided on the property boundary along US Route 9 for installation of a future trail or utility improvements.

Mr. Scavo read comments prepared by the Planning Department. The applicant has been provided with copies of the comments and concerns offered by the Environmental Conservation Commission (ECC) and Planning Board members regarding the status of the stormwater management area to the rear of the parcel. Prior to final approval the applicant must provide written documentation to show how the existing conditions comply with the prior approved site plan and current SPDES Permit Coverage for the site. Mr. Scavo requested that the Planning Board Subdivision Approval by Resolution Stamping Block be added to the final plat. The final plan should include the following note:

This subdivision is bound by all covenants, restrictions, and conditions of prior site plan approvals for this location that include Planning Board projects #2013-014 and 2016-029.

A draft for the common easement for private common access, common drive, utilities, shared parking, and maintenance of stormwater facilities should be provided to the Planning Board Attorney for review and approval prior to the stamping of the final subdivision plat. Mr. Scavo reported that the Saratoga County Planning Board reviewed this application: correspondence from that Board dated April 23, 2018 stated that it was determined that the project would have "no significant countywide or inter-community impact."

Mr. Scavo emphasized the fact that the questions surrounding the adequacy of the stormwater management design and installed facility at the site were "tied to previously issued site plan approvals" and that the plan must be completed as approved, amended, or phased to ensure compliance with those approvals. Mr. Andress assured the Board that the applicant was committed to providing adequate stormwater containment, storage, and filtration for all site improvements, noting that earthen berms will be created between the existing basin and the proposed forebay areas. Though Mr. Ferraro recommended that split-rail fencing be installed around the entire stormwater management area, Mr. Andress agreed to provide the fencing along the front of the area.

Mr. Bianchi reported that, after review of the subdivision plan and accompanying documents, M J Engineering and Land Surveying, P.C. provided the following singular comment. As noted in Comment 5 of the March 23, 2018 review letter, confirmation that the referenced easements for access, utilities, and maintenance have been prepared and filed with the County Clerk's office must be provided.

There being no public comment on this application, Mr. Ferraro moved, seconded by Mr. Ophardt, to close the public hearing at 7:32p.m. The motion was unanimously carried.

Mr. Andress amended his initial comments, reporting that the site statistics table has been corrected, that the addition proposed for the southerly building has been reduced in size to prevent disturbance of the stormwater basin, and that the stormwater facilities will be constructed prior to the issuance of the Certificate of Occupancy for the 3,867 SF addition to the warehouse building scheduled for completion within the next two months.

In response to Mr. Szczesny's question regarding the role of the Planning Board in determining the adequacy of the stormwater management plan with relation to this subdivision application, Mr. Ferraro explained that site development must be completed in accordance with the approved site plan and that Mr. Reese, Stormwater Management Technician, will oversee construction of the stormwater management areas and provide a sign-off on the project when he deems it compliant with previous site plan approvals and town and state agency regulations. Noting that the subdivision boundary line bisected the stormwater management area, Mr. Szczesny asked whether or not such a split would impact the site. Mr. Scavo explained that the easement and maintenance agreement established for the integrated site would require shared maintenance of the entire management area. Though Mr. Ophardt expressed concerns with possible future subdivision of the parcels and impacts to existing display areas, Mr. Scavo explained that future subdivision of the parcels would be unlikely and that all conditions of former site plan approvals, including those regarding the display areas would remain. Mr. Andress assured Mr. Neubauer that the construction of the approved building additions would not encroach on or require disturbance of the stormwater management area. In response to Mr. Ferraro's question regarding whether the project required NYSDEC oversight, Mr. Andress explained that there was a SPDES Permit in effect and that the installation of management area was overseen by a qualified, licensed engineer. Board members agreed that a 15' easement along the property's US Route 9 frontage would negatively impact previously issued variances and existing parking.

Mr. Ophardt offered Resolution #9 of 2018, seconded by Mr. Neubauer, to waive the final hearing and grant preliminary and final subdivision approval to this application conditioned upon installation of the stormwater management area for the site to be installed as originally approved and amended and that Mr. Reese, Stormwater Management Technician, approve its design and installation, that split-rail fencing define the boundary of the stormwater management area, and satisfaction of all items listed in the final comment letter issued by the Planning Department. It is understood that if significant changes to the site plan are warranted by installation of the stormwater management area, additional Planning Board review will be required. Ayes: Neubauer, Andarawis, Bagramian, Szczesny, Jones, Ophardt, Ferraro. Noes: None.

Mr. Morelli, Counsel, arrived at the meeting.

Old Business:

[2017-035] **Riggi, Vincent - Miller Road Subdivision** – Proposed (79) lot subdivision, Miller Road – Preliminary review and possible SEQRA determination and scheduling of a public hearing. SBL: 270.-2-51.2; 270.-2-32.112; 270.-2-38.12

Mr. Scott Lansing, consultant for the applicant, explained that although this subdivision design remains generally as presented at the Planning Board meetings of July 11, 2017, September

12, 2017, and February 27, 2018, the more detailed preliminary plans address many of the issues and concerns raised at the February meeting. He reported that comprehensive written responses to comments received from Mr. Myers, Director of Building and Development, the ECC, M J Engineering and Land Surveying, P.C., and the Clifton Park Water Authority (CPWA) were forwarded to the Planning Department in correspondences dated April 16, 2018. Foregoing an overview of the entire project, Mr. Lansing focused upon a number of significant plan revisions made in response to comments received at previous Board meetings. Mr. Lansing noted that consultation with Ms. Viggiani, Open Space Coordinator, and Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, resulted in a design for a multi-use pathway between the southern and the northern “development nodes,” connecting to proposed Road B and easements for future trail installation along the easterly boundary of the parcel and along the property’s Rout 146 frontage. He explained that the trail connections required the redistribution of lots: plans now show 37 carriage lots and 9 executive lots. Mr. Lansing explained that proposed roadway designs were being reviewed by the Highway Superintendent and that the applicant would implement design recommendations. Setbacks for the carriage lots have been increased to 7’. A traffic impact study has been completed and submitted to the Planning Department for review. All additional planning and engineering comments will be adequately addressed.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this application. The design engineer acknowledges that poor soil conditions exist within the development parcel and, as a result, infiltration techniques cannot be used for stormwater management. The Stormwater Pollution Prevention Plan, however, discusses infiltration in the basins which will be required to be separated from the water table. This seems to be a conflict. It appears wet ponds, rather than infiltration basins, are being used. The poor soils and high water table will require individual grading plans for each lot and inspection of each foundation excavation prior to the installation of formwork to ensure a minimum separation to the water table. The setbacks on some lots has been increased from 5’ to 7’: this appears to be a very minimal increase. Variances from the town will not be available if the lots are found to be less than 5’ from the property lines. Additional fire protection will be required. It should be pointed out that houses could be 10’ apart which is closer than any other development in town. The engineer has been advised that, although he believes that the slopes meet NYSDEC requirements, poor soils on this site may create runoff issues. The applicant is cautioned to ensure that all water and sewer service lines do not pass under the driveways.

Mr. Scavo explained that Ms. Reed, Chief of the Bureau of Fire Prevention, has requested that the applicant supply street names for the subdivision so that proper assignment of postal addresses can be obtained.

Mr. Scavo read comments offered by the ECC after review of this application at its May 1, 2018 meeting. Building envelopes on Lots #36, 54, & 55 encroach into the LC Zone. The ECC strongly recommends that these lots be reconfigured so as to avoid encroachment into the NYSDEC Adjacent Area. It appears there is sufficient unconstrained land that would enable these lots to be reconfigured. The standard for R-1 zoning requires a minimum of 20,000 square feet per dwelling. Although on average the lot size per dwelling exceeds this standard many of the lots are 10,000 square foot lots or less. This has impacts in terms of setbacks, traffic, and other factors,

undermining the intent of the R-1 zone. The ECC recommends that the applicant install signage along the entire border of the Conservation Areas (to be conveyed to the town) at a minimum of one sign per lot that is adjacent to the Conservation Area. In addition, signage should be installed in other areas of project site where Conservation Area exists adjacent to public property at 100-foot intervals. The ECC recommends that all lands not included in the cluster subdivision building lots, be set aside as permanent open space dedicated to the town. In view of the size and scope of the proposed project, the ECC recommends that the Planning Board consider issuing a positive declaration under SEQRA and that the Applicant be required to prepare a Draft Environmental Impact Statement.

Mr. Scavo stated that Mr. Reese, Stormwater Management Technician, provided the following comments regarding this application. Test pits should be done at SMA #4 to verify whether or not the proposed stormwater management area is feasible prior to subdivision approval. The Planting Legend Note on sheet DT-8 should be corrected to read Town of Clifton Park Stormwater Management Technician. Maintenance turnarounds for Stormwater Management Basins #2 and 4 must be provided. The Riprap Outlet Protection detail on Sheet DT-3 references the figure from the 2005 Blue Book. The stone fill apron sizing should be labeled for each outlet, so the contractor will not have to analyze what size and amount would be needed at each location. The proposed stormwater subcatchment areas border along the back of most proposed residences. The Stormwater Pollution Prevention Plan should address how the runoff from the roofs will be treated for water quality volume and runoff reduction.

Mr. Scavo reported that Mr. Roy Casper, Chairman of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee, provided the following comments and recommendations regarding this subdivision plan. Overall, the subdivision proposal has a well-designed 8 foot wide multi-use pathway system that connects the northern and southern sections of the subdivision, provides pedestrian and bicycle connections to the adjacent neighborhoods, and includes an important multi-use path along the south side of Route 146 that is directly connected to the subdivision's internal path system. The Trails Subcommittee offered additional considerations and recommendations. A crosswalk should be provided across Road B where the northern subdivision section of the multi-use path connects to the multi-use path through the adjacent Dwaas Kill wetland area. A full design of the approximately 200 foot long multi-use path boardwalk through the wetland area should be included in the plans. It is noted that a standard boardwalk elevation view and plan and section views are shown in the project design plans. The multi-use path should be designed with curving corners as opposed to the site plan's sharper corners – this provides smoother and safer path use for cyclists and pedestrians using the path concurrently. Details should be provided for the multi-use path design near the stormwater management area in the southern subdivision section where there appear to be significant grade changes.

Mr. Scavo offered comments prepared by the Planning Department. An archeological study was completed for the project site by Hartgen Archeological Associates, Inc.. A letter dated February 5, 2018, prepared by Adam Lusier of Hartgen Archeological Associates notes a finding of “no impact on archeological and/or historic resources.” This finding of “no effect” has been also confirmed by the Office of NYS Parks, Recreation, and Historic Preservation in a letter dated March 13, 2018 to Hartgen Archeological Associates, Inc. Sheet Cov-1, General Notes states that Saratoga County Sewer District #1 will own and maintain the sewer main extension proposed into

the project site. This note should be modified to note that the Clifton Park Sewer District shall own and maintain the sewer main extension into the project site. The Planning Board and applicant should review General Note #40 on Sheet Cov-1 to see if there is a desire or need to have such note. The Town does not enforce building types or styles beyond our zoning requirements with a building lot in compliance with our zoning code. In the past such note has added, “to the greatest extent practicable” or has been enforceable by deed restriction. Lots #30, 31, 32, 36, 53, 54, 55 all have portions of the 100’ DEC Buffer extending onto buildable lots for development. The applicant should provide specific language in the deed for each lot and subdivision plan that states:

A regulated 100’ buffer area to a freshwater wetland is present on the lot. Prior to undertaking any project that may be within the wetland buffer, the property owner shall contact **both** the DEC Region 5 Office at (518) 623-1200, and the Town of Clifton Park at (518) 518-371-6651, to obtain required permits.

A note should be added to the General Notes Section of Sheet Cov-1 that states:

The Land Conservation (LC) Zoning District Boundaries associated with wetlands consist of those freshwater wetlands inventoried and mapped by the New York State Department of Environmental Conservation pursuant to Article 24 of the Environmental Conservation Law and the one-hundred-foot adjacent area measured horizontally from the border of the wetland. Only the permitted uses identified within §208-69.2 of the Clifton Park Town Code shall be allowed within the LC Zone.

Since proposed Lot #30 is over 16,000 SF in size, the applicant should modify the rear property boundary to eliminate the need for a Town Access Easement on private property. On Sheet LMG-1 a note should be added to the proposed signage table stating:

All traffic control street signs to be dedicated to the Town of Clifton Park or installed within the town’s future right-of-way shall be on either Diamond Grade or High Intensity Prismatic Sheeting Reflectivity.

The applicant should provide draft deed restriction language for the proposed utility easement between Lots #27 and 28. Access to the utility must be provided within the described easement area which should not be obstructed by accessory structures, ornamental landscaping, gardens, play equipment, and/or fencing.

Mr. Bianchi reported that, after review of the materials submitted for preliminary subdivision review, M J Engineering and Land Surveying, P.C. provided the following comments and recommendations regarding this application. As noted in Comment 22 of the July 22, 2017 review letter, the applicant is asked to confirm that the Town is in agreement with the use of a P-5 practice as proposed. As noted in Comment 23 of the July 7, 2017 review letter, the final plat shall include the 911 emergency response numbers. As noted in Comment 8 of the February 23, 2018 review letter, the separation distance between homes is minimal in areas. The current proposal increases the width between homes; however, the Planning Board should continue to review this proposal, keeping in mind the continued concern raised by the Town’s Chief Zoning Officer. It may be suitable to consider a minimum 10’ side yard setback. As noted in Comment 10 of the February 23, 2018 review letter, the proposed mail kiosk is understood to be under the jurisdiction of an HOA and an access easement within the Town right-of-way that is conveyed to the HOA may be warranted. The subdivision plat, Sheet 2 of 4 needs to show the proposed easement near Lot #36. As noted in Comment 11 of the February 23, 2018 review letter, the land grading on the north side of the right-of-way of Road A from the approximate intersection

with Miller Road and continuing east for approximately 300 feet needs to be adjusted to meet the Town's requirements. It is understood that the applicant is awaiting feedback from the Highway Superintendent on this deviation from Town standards. If approved by the Highway Superintendent, a note shall be added to the plans indicating the extent of relief granted from the Town standards. As noted in Comment 17 of the February 23, 2018 review letter, a guide rail was requested within the right-of-way adjacent to the box culvert along Road C at Station 17+00. The guide rail has been provided; however, it shall be relocated to be 4 feet from the edge of pavement pursuant to Section 86-6(J)(1) of the Town Code. The guide rail along Road D, at Station 4+00 needs to be relocated so that it is offset from the edge of pavement by no less than 4 feet pursuant to Section 86-6(J)(1) of the Town Code. As noted in Comment 18 of the February 23, 2018 review letter, the access road to Basin 2 crosses Lot #30. The lot configuration needs to be modified so that the road is entirely on lands owned by the Town of Clifton Park. As noted in Comment 19 of the February 23, 2018 review letter, ES2A extends into the NYSDEC wetland adjacent area and may have restrictions on future maintenance imposed by the wetland adjacent area disturbance permit. Any unique maintenance requirements that the Town should be aware of in the SWPPP O and M Manual should be provided. As noted in Comment 26, further discussion with the chief code official of the Town is warranted to discuss how the potential placement of homes with basements at or below seasonal high groundwater elevations may be reviewed and approved. As noted in Comment 33 of the February 23, 2018 review letter, Detail 10/DT-1 did not show the materials for trail construction. It is recommended that the pavement subbase be a blend of #1 and #2 stone so that it is free draining and not subject to frost heave if moist soil conditions are encountered. As noted in Comment 36 of the February 23, 2018 review letter, Detail 7/DT-3 is for a CDS pretreatment unit; however, this unit could not be found within the site. It is still not apparent on the plans at the location noted (near intersection of Road C and Miller Road). Regardless of location, it is not standard practice to utilize mechanical means to provide WQv. If this is for pretreatment, alternate methods should be considered as the Town may not be prepared to accept maintenance responsibilities for this type of unit. The traffic assessment identified clearing that is required to provide the required sight distances at the north drive (presumably Road A and Miller Road). The plans shall show the extent of removals. If access to private property is required to conduct the noted clearing, the applicant shall provide the Town with documentation of permission to access. The applicant is asked to confirm with the Town that the turnaround access to Stormwater basin 2 is acceptable and does not need to be located closer to the road end.

One engineering comment related to the Stormwater Pollution Prevention Plan. As noted in Comment 42 of the February 23, 2018 review letter, the applicant is asked to edit Appendix H to include maintenance requirements of only those stormwater management practices proposed with the project. This shall include any unique requirements for practices that extend into NYSDEC wetlands or adjacent areas.

Mr. Bianchi provided several comments regarding the traffic study which was submitted for review. For the NY Route 146/Miller Road/Tanner Road intersection, the projected No-Build volumes for the NB Miller Road and EB NY Route 146 approaches should be distributed over the entire approach similar to the other two approaches. The connections to Tisdale Lane, Gloucester Street, and the proposed Frederick Parcel are consistent with access management guidelines and provide alternative means of access to the local roadway network without providing attractive cut-

through routes to avoid congested traffic on local adjacent roadways. The traffic evaluation needs to include the accident rates for the NY Route 146/Miller Road/Tanner Road and NY Route 146/Tisdale Lane intersections and how they compare to statewide averages for similar facilities. The traffic evaluation needs to include discussion on the rear-end and/or right-angle crash causes. Specifically, the study should address whether or not the crashes attributable to unsafe turning maneuvers onto NY Route 146 from Miller Road, Tanner Road, and Tisdale Lane. If so, there is a potential for the frequency of accidents to increase with an increase in these movements at the completion of this development. The addition of a right turn lane on the Miller Road approach to NY Route 146 should be investigated to quantify the improvements in level of service during commuter peak periods for this approach. A discussion on the safety benefits of the addition of this turn lane should also be included. The addition of the turn lane has the potential to decrease delay which would decrease the unsafe maneuvers that occur today and would continue to occur.

Mr. Anthony LaFleche, 21 Wheeler Drive, asked if it would be possible to address the alignment issue at the Tanner – Miller Road intersection and noted that it appeared that the southerly entrance to the development from Miller Road also appeared to be “angled.” Mr. Lansing explained that the roadway intersection design resulted from attempts to work with existing grades while avoiding wetland impacts. Mr. LaFleche described the 7’ setbacks proposed for the carriage lots as “very tight for daily living.” In response to his questions regarding the ownership of various parcels of land within the subdivision, Mr. Lansing explained that the applicant proposes to convey open lands to the town.

Mr. Joe Vitale, 481 Miller Road, encouraged Board members to ensure that all stormwater regulations are strictly followed since the soils in the area do not drain well. He asked that approval of the project be conditioned on making the installation of gutters on the proposed homes mandatory. Noting that the lots proposed for the carriage homes had 20’ front yard setbacks, he questioned whether or not there would be sufficient driveway space for all vehicles. He concluded his remarks by stating that he preferred the conventional subdivision design over the cluster plan.

Mr. Lansing addressed the stormwater management concern, explaining that the design plan followed NYSDEC guidelines and regulations and that run-off from impervious areas would be collected, treated, and directed to stormwater basins. He commented that the significant amount of open space preservation area within the subdivision helped to ameliorate run-off. Addressing Mr. Ferraro’s concern regarding the area’s high water table, Mr. Lansing acknowledged that there were difficult soil conditions within the subdivision. He explained that preservation of 63% of the parcel as open space, preservation of as much vegetation “to the greatest extent practicable,” and responsible stormwater management will result in rates of run-off that were less than pre-development levels. In response to Ms. Bagramian’s concerns regarding the small size of the proposed carriage lots, Mr. Lansing noted that the lots would be 65’ wide and that all structures proposed would meet building codes. Citing concerns regarding minimal setbacks on the carriage lots expressed by Mr. Myers, Mr. Neubauer found the proposed 7’ setback acceptable. Observing that it appeared that steep grades would exist between many of the lots, Mr. Ophardt questioned whether or not the slopes would create issues for development. Mr. Lansing explained that there may be “exposed foundations” in some instances and the driveways would be “terraced” because of the steep grades. Mr. Jones asked that the applicant provide visual renderings of proposed house

locations with respect to grade changes: Mr. Lansing agreed to provide the requested images. Ms. LaSalle noted that since the Town Code required two (2) street trees per lot, the plan should illustrate an additional tree on Lots #22, 24, and 28. Citing Mr. Scavo's comment, Ms. LaSalle requested clarification of whether or not General Note #40 found on the subdivision cover sheet which reads as follows would be applicable:

The building contract shall be made aware a variety of building facades is required.
No single family building façade shall repeat within four (4) residential lots/structures. The main entrance for each residential unit shall be located on the street side of the structure.

Mr. Scavo explained that the developer must maintain compliance with Town Building Code requirements. Mr. Neubauer looked favorably upon the proposed boardwalk that would cross the Dwaas Kill. He also supported the asphalt-paved pathways within the development and recommended that the pathways be separated from the access provided for stormwater management maintenance. Mr. Lansing reported that the pathways were indeed separated from the access roadways. He pointed out that an easement for future trail installation has been provided along the property's Route 146 frontage with access to that link provided by an easement for trail development along the property's northeasterly border. Mr. Ferraro advised the applicant to ensure that potential homeowners were advised of the possible future trail development. Though Mr. Neubauer recommended the installation of sidewalks within the "northern node" where the carriage homes are to be constructed, Mr. Lansing pointed out that this would not be possible because the "steep grades were too difficult to negotiate." Mr. Ferraro identified a number of issues of concern. He asked that Mr. Scavo research whether or not the proposed park district within which this subdivision was located was indeed entitled the *Clifton Park Park District*. He called on the applicant and consultant to clearly indicate which open space areas on the parcel would be conveyed to the Town of Clifton Park. He asked that signage indicating that future right-of-way development was likely at the stub provided at the terminus of Road D. Noting the encroachment of lots into the buffer area on Lots #54 and 55, he asked that staggered, split-rail fencing with "no disturbance signage" be erected along the edge of the protected lands. Mr. Ferraro, though noting that this project would be responsible for the payment of traffic mitigation fees pursuant to the Capital Improvement Plan which resulted from the Vischer Ferry Road GEIS, commented that there was a general failure of municipalities to evaluate and respond to cumulative growth with appropriate infrastructure improvements. Though remarking that he "liked the overall design and circuitous traffic flow through the development," Mr. Ferraro did not support issuing a SEQRA determination at this time due to the recent submission of the traffic study and nagging problems with the stormwater management plan which, in his opinion, did not incorporate sufficient green infrastructure features.

New Business:

[2018-022] **Couch, Michele** – Proposed (2) lot subdivision, 65 Ray Road – Conceptual review. SBL: 282.-2-6

Ms. Couch, applicant, introduced this subdivision plan that calls for the division of a 2.22 acre parcel situated within the CR (Conservation Residential) zoning district into lots of .9 acres and 1.32 acres, respectively. The parcel is located on the easterly side of Ray Road approximately 800 yards from its intersection with Sugar Hill Road. Ms. Couch explained that the Zoning Board

of Appeals granted Permit #80997, approving three (3) variances for the property on October 21, 2014. The variance from Section 208-16E(2)(a) allows the construction of a dwelling on a parcel that is less than three (3) acres. A second variance allowed for the transfer of property totaling less than ten (10) acres to a family member. The third variance permitted construction of a home serviced by a septic system to be constructed on a parcel of 39,000 SF rather than the 40,000 SF lot required by Section 208-11 of the Town Code.

Mr. Scavo read comments prepared by Mr. Myers, Director of Building and Development. Lot size variances were approved in 2014. The subdivision plan must show the location and viability of both well and septic for both lots.

Mr. Scavo explained that Ms. Reed, Chief of the Bureau of Fire Prevention, asked that the location of the proposed driveway be indicated on the plan and that the locations of existing and proposed well and septic systems be identified.

Mr. Scavo reported that the ECC issued the following comments following review of this application at its May 1, 2018 meeting. The subdivision of this lot and the site layout is inconsistent with the goals and objectives of the master plan that is pertaining to the CR Zone. Approval of this project is inconsistent and a violation of the Master Plan and CR Zone requirements. In addition, the project was not submitted to the ECC for comment prior to ZBA approval. Commission members point out that Section 208-16 E(2)(a) of the Town Code concerning development on less than ten (10) acres specifically states:

A parcel consisting of less than 10 acres may be developed at a maximum density of one dwelling unit per 3 acres of unconstrained land. A parcel which is less than 3 acres but larger than 20,000 feet may be developed with one dwelling unit.

The ECC notes that the applicant has not submitted any soil data and seasonal high ground water levels at the location of the proposed septic system to prove that this is a viable buildable lot.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, provided no comment on this application.

Planning Department comments were offered by Mr. Scavo. The applicant provided a letter to the Zoning Board of Appeals dated October 7, 2014, prepared by Jed Hayden, Wildlife Biologist at NYS DEC which confirmed that at that time no DEC wetlands were located at 65 Ray Road and that the statewide mapping is inaccurate. The applicant should confirm with Mr. Hayden that his determination at that time is still applicable to the proposed subdivision currently under consideration. The applicant should update the plan to show the approximate locations of the existing and proposed septic systems. The proposed and existing well locations should also be indicated on the plan. A horizontal separation of 100' is the required distance between the proposed septic system and any water well locations. New and replacement Individual Water Supply Wells are required to follow the New York State Residential Code (which references NYS DOH Appendix 5-B "Standards for Water Wells"), installed by a certified NYS Department of Environmental Conservation (DEC) registered water well contractor (driller) and have groundwater as the water source.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. provided the

following comments regarding this application in correspondence dated May 4, 2018. Based upon 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: Saratoga County Planning Board – 239m referral due to the parcel being within 500 feet of an agriculture district. Additional agencies may be identified by the Town during its review of the project. Several comments related to the subdivision plan. The project is located within the Town’s CR (Conservation Residential) zoning district. The proposal for single family homes is a permitted principal use within this district as noted in Section 208-16(D)(1)(b) of the Town Zoning Code. The proposed lot received a variance from the Zoning Board of Appeals in 2014 addressing the bulk lot deficiencies. The applicant is asked to provide a note on the plat indicating the variance(s) granted, including degree of relief, the date relief was granted, and Zoning Board resolution number. The plat shall show the new driveway servicing the proposed home. Depending upon the length of the new driveway, additional measures may be required to comply with the IFC. The applicant is asked to clarify whether or not any improvements are necessary at Ray Road for the driveway. If any are proposed, they are subject to the review and approval by the Clifton Park Highway Department. A note to that effect shall be provided on the plat if applicable. The plat indicates that the garage as existing. If this structure does exist, the map should be updated to show the installed location as well as any other surface changes, if different than what is shown on the submitted plat. The plat shall show proposed locations of the on-site septic system and well. Additionally, the applicant is asked to show the location of the existing well and septic systems on adjacent lots to ensure that appropriate horizontal distances will be provided to the new well servicing the created lot. 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. Considering this plan is conceptual in nature, subsequent comments will be provided with a preliminary plan submission.

Ms. Susan Meisner, 63 Ray Road, shared an N-11 wetland map provided to her by NYSDEC and expressed concerns with impacts on wetlands that she contends cross several properties on Ray Road. Presenting Board members with photos of a flowing pipe located on Ms. Couch’s parcel which directs drainage directly onto hers, she asked that no additional building which would possibly add more run-off from the Couch’s property be permitted.

Board members separated the wetland and drainage issues with Mr. Ferraro explaining that the drainage pipe issue was a code enforcement issue to be discussed with the Department of Building and Development.

Mr. Scavo explained that the applicant had provided the Planning Department with a jurisdictional approval letter signed by Mr. Jed Hayden, NYSDEC Wildlife Biologist, who determined, as a result of a field visit, that there are no NYSDEC jurisdictional wetlands on Ms. Couch’s property. He explained that regulations ensure that there cannot be additional run-off from the proposed house construction. Mr. Ferraro pointed out that the Board is “sensitive to impacts [of proposed development] on well water” and expressed his displeasure with the apparent discrepancies between the letter provided to Ms. Couch and the mapping provided to Ms. Meisner.

Mr. Scavo explained that the overlay mapping of wetlands provided by the NYSDEC is to be used only as a guide: site-specific wetland delineations formally determine wetland boundaries.

Ms. Couch explained that there is an existing three car garage situated on the proposed lot accessed by an existing curb cut from Ray Road. The existing driveway will be extended to provide access to the new residence.

Mr. Ferraro requested that “all issues be addressed” prior to final review. Board members identified the following items to be included on the final plat: driveway location, locations of proposed and existing well and septic locations on this property and adjoining lots, and grading plans for the areas to be disturbed.

[2018-024] **Neet Automotive Addition** – Proposed addition to the front of the existing building and a 16’ x 50’ addition to the rear of the building – Conceptual site plan review. SBL: 259.-2-14.2

Since no one was in attendance to present this agenda item, it was tabled until further notice.

Discussion Items:

Exit 9 Self-Storage – Sitterly Road

Mr. Scavo explained that a potential applicant proposes expansion of the existing Exit 9 Self-Storage facility situated on the northwesterly quadrant of the intersection of Sitterly Road and Crossing Boulevard. Since the facility is not currently a permitted use within the zoning district, the applicant is seeking the Board’s advice on whether or not to apply to the Zoning Board of Appeals for approval of a use variance. Mr. Scavo noted that the applicant would be willing to conform to the form-based code but that the use is not currently permitted under that code.

Mr. Neubauer expressed concern with encouraging approval of a use variance at this time since there is no comprehensive design plan for surrounding uses. Since it is not clear what “stage” The Town Center Form Based Code Expansion Advisory Committee is at with adoption or implementation of updated code requirements for the area under review, it is difficult to consider a viable use for the parcel. Mr. Ophardt commented that a climate-controlled storage facility at that location may not be desirable because such a facility does not encourage connectivity or pedestrian amenities. Mr. Neubauer cautioned Board members to be wary of “trying to envision the future” without implementation of a form-based code for the area that would establish a regulatory plan. He listed the following concerns in order of importance: what the architecture should look like; how the proposed project related to an overall plan for the area; the proposed storage facility use. Board members opted to forego any recommendation regarding a use variance for this parcel at this time.

Update on Sonic

Mr. Scavo explained that approval of the proposed Sonic Restaurant at the renovated Town

Plaza is dependent upon TAC review. He explained that sign variances may be required. Though Mr. Neubauer commented that review of applications for projects within the Town Center area should include sign review, Mr. Scavo noted that if signage were included in the review, the entire “scope” of Board review would have to be changed.

Mr. Szczesny moved, seconded by Mr. Jones, adjournment of the meeting at 10:50p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on WEDNESDAY, May 23, 2018.

Respectfully submitted,

Janis Dean, Secretary

NOTICE OF DECISION

Resolution #9 of 2018

At a meeting of the Planning Board held at the Town Hall of the Town of Clifton Park, Saratoga County, New York, One Town Hall Plaza on May 8, 2018 there were:

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

Absent: None

Mr. Ophardt offered Resolution #9 of 2018, and Mr. Neubauer seconded, and

Whereas, an application has been made to the Planning Board by Prestige Commerce Center, LLC for approval of a subdivision entitled Prestige Motor Car Co. Subdivision consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on May 8, 2018;

Whereas, the Planning Board was established as Lead Agency for this application, an unlisted action, and a negative declaration was issued pursuant to SEQRA on May 8, 2018;

Whereas, it appears to be in the best interest of the Town that said application be approved,

Now, therefore, be it resolved that the final hearing for this application is waived and the subdivision plat entitled Prestige Motor Car Co. Subdivision consisting of (2) lots is granted preliminary and final approval conditioned upon installation of the stormwater management area for the site to be installed as originally approved and amended and that Mr. Reese, Stormwater Management Technician, approve its design and installation, that split-rail fencing define the boundary of the stormwater management area, and satisfaction of all items listed in the final comment letter issued by the Planning Department. It is understood that if significant changes to the site plan are warranted by installation of the stormwater management area, additional Planning Board review will be required.

Resolution #9 of 2018 passed 5/8/2018

Ayes: Neubauer, Andarawis, Bagramian, Szczesny, Jones, Ophardt, Ferraro.

Noes: None

Rocco Ferraro, Chairman

