

Town of Clifton Park

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PLANNING BOARD

ROCCO FERRARO

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ANTHONY MORELLI

Attorney

MEG SPRINGLI

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MEMBERS

Emad Andarawis

Denise Bagramian

Jeffery Jones

Andy Neubauer

Eric Ophardt

Greg Szczesny

(alternate) Teresa La Salle

Planning Board Meeting

January 10, 2017

Planning Board: R. Ferraro - Chairman, E. Ophardt, D. Bagramian, E. Andarawis, A. Neubauer, Greg Szczesny, J. Jones, T. LaSalle – alternate

Those also present: J. Scavo, Director of Planning
A. Morelli, Counsel
J. Hakes, M.J. Engineering and Land Surveying, P.C.
M. Springli, Secretary

Mr. Rocco Ferraro, Chairman, called the meeting to order at 7:03pm. All in attendance stood for the Pledge of Allegiance.

Mr. Ferraro welcomed everyone to the 2017 Planning Board and noted changes on the board. The chairman welcomed newcomer Greg Szczesny and noted that Teresa LaSalle would be serving as an alternate this year although there were no absences at this meeting and she would not be voting tonight. Mr. Ferraro next introduced Anthony Morelli as Planning Board Counsel and noted that Meg Springli will be acting secretary through the first meeting in May.

Mr. Ferraro nominated Eric Ophardt as Vice Chairman of the Board to act as Chair in the absence of the Chairman, seconded by the entire board, the motion was carried unanimously.

I. Minutes Approval - December 13, 2016

Mr. Andarawis moved, seconded by Mr. Ophardt to approve the minutes of December 13, 2016, as written. Ayes: Ophardt, Bagramian, Andarawis, Neubauer, Jones, Ferraro. Noes: none. Abstained: Szczesny.

II. Public Hearings

2007-053 Rucinski, Bernard and Marion 3 Lots - Subdivision

Applicant proposes to subdivide the 6.21+/- acre parcel into three (3) parcels. All three lots will be connected to public water and sewer. Lot 1 has the existing Farmstand, Lot 2 will contain the existing house and Lot 3 will be for a new single family residences. Will need to apply for a Variance for setback on the existing dwelling (project originated in 07); 534 Grooms Rd, Zoned: R-1 Status: Conditional Final Review
SBL: 277.-3-42.111

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

Mr. Neubauer moved, seconded by Mr. Ophardt, 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 7:13p.m. The Secretary read the public notice as published in the Daily Gazette on December 27, 2016.

Consultant/Applicant Presentation:

Cindy Koney trustee for her parent’s estate at 534 Grooms Road said that she is seeking subdivision approval. Next, she stated that no changes have been noted since the project was last seen in December 2016.

Staff Comments:

ECC – no comments

S. Myers – no comments

S. Reed - no comments

S. Reese – no additional comments at this time.

MJ Engineering and Land Surveying – no additional comments at this time

Environmental Conservation Commission - no comment

Stormwater

Scott Reese –no comments

Planning

John Scavo offered the following:

- The proposed subdivision is subject to §239(m)&(n) of General Municipal Law and has been referred to the Saratoga Co. Planning Board for a recommendation.
- Add the following notes to the preliminary plan:
 - a. Clifton Park is a Right to Farm Community. Residents should be aware that farmers have the right to undertake farm practices which may generate dust, odor, noise, smoke and vibration associated with farming practices.
 - b. This parcel (Subdivision) is located in an area where aviation activity occurs. Such activity may include, but is not limited to periodic noise, vibration, hours of operation, and other associated activities. A study describing this impact in detail is available for inspection in the offices of the Albany International Airport.
 - c. Prior to work commencing within the public right-of-way, the property owner shall obtain a curb-cut permit from either Town of Clifton Park Highway Department along Moe Road or Saratoga Co. Department of Public Works along Grooms Road.
 - d. Underground utility connections to a dwelling unit are not allowed to be constructed underneath a private driveway. Such utilities include but are not limited to water laterals, sewer laterals, gas, electric and storm/foundation drains. A Certificate of Occupancy will not be issued without all utilities complying with this requirement. 3. In accordance with §86-10 of the Town Code, “The applicant shall be required to plant two new trees per living unit on the street side of new construction sites.” As such please add the required trees to the Subdivision Plan for Lot #532 showing a proposed house.
- A parkland fee in the amount of \$1,250.00 per each new lot created (2-lots) will be due at the time of stamping of the final subdivision plan.

Public Comment - none

There being no public comment, Mr. Ferraro moved, seconded by Mr. Jones, to close the public hearing at 7:17 pm. The motion was unanimously carried.

Planning Board Discussion

Mr. Neubauer asked about the status of the pine trees along the property line. The applicant stated that they have been removed and are now just stumps. She stated that the previous owners had them removed due to age and condition. The board member suggested that a note on the plan should be modified to remove the indication that the pine trees were to remain since they no longer exist.

Mr. Ferraro noted that the existing right of way and sewer easement were sufficient for trail purposes and no additional right of way would be required however, existing easements should be noted on the plan so future homeowners could be made aware that a possible future sewer/trail might be built on the easement.

Mr. Scavo stated that a standard note for disturbance in the area of ACOE/DEC wetlands should be noted on the plan with permit and contact information.

Mr. Ophardt offered Resolution #1 of 2017, seconded by Ms. Bagramian, to waive the final hearing for this subdivision application and to grant preliminary and final approval conditioned upon the applicant's receiving all necessary variances by the Zoning Board of Appeals, and satisfaction of all items listed in the final comment letter issued by the Planning Department. Ayes: Bagramian, Andarawis, Neubauer, Sczesny, Jones, Ophardt, Ferraro. Noes: None

III. Old Business - None

IV. New Business

2016-053 Hunter 2 Lot Subdivision

*Applicant proposes subdividing an existing 3.15 +/- acre parcel into two lots; 1.5 acres and 1.65 acres in order to build a single family home on each. Access to existing historic cemetery is to be offered to the Town through an easement for maintenance purposes. Existing tennis court will be removed, Clifton Park Center Rd, Zoned: R-1, Status: PB Concept Review
SBL: 271.-3-59*

Consultant/Applicant Presentation:

Jeff Williams with Bruce Tansky Construction and Development described the existing 3.15 vacant lot in R-1 zone with public water and public sewer. Mr. Williams explained that the proposed lots to be subdivided into 1.5 and 1.65 acres with a single family residence on each lot with public water (in the right-of-way), and public sewer at rear of both proposed lots. The speaker state that it is basically a level lot with a slight slope to a stream at back of property. An existing historical cemetery on the property is proposed to be offered to the Town by easement. The existing tennis court is to be removed.

Staff Comments:

MJ Engineering and Land Surveying letter written 1/6/2017, those comments in **bold** were emphasized at the meeting.

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. Clifton Park Water Authority - Water service connection.
 - b. Saratoga County Planning Board – 239m referral due to the parcel being within 500 feet of Grooms Road (County Route 91).
 - c. Saratoga County Sewer District No. 1 – Request for reserve sewer capacity and sewer connection.
 - d. NYS Dept of Environmental Conservation –temporary impacts to the NYSDEC wetland adjacent area.
 - e. NYS Office of Parks, Recreation and Historic Preservation – If the project is subject to the NYSDEC wetlands adjacent area permit then identification of cultural or historic resources.
- 2) Additional agencies may be identified by the Town during its review of the project. Short Environmental Assessment Form 2. No comments Subdivision Plan
- a. The project is located within the Town’s R-1 Residential District. The proposal for single family homes is considered a permitted principal use within the R-1 District pursuant to Section 208-10(B)(2)(b) of the Town Zoning. Note that the subdivision proposes three lots, one will contain the existing home, a second a new home and a third with no defined use other than an existing farm stand.
- 3) In reviewing the proposed lot configuration, each lot appears to meet the minimum bulk lot requirements outlined in Section 208-11 of the Town’s Zoning. For clarity and to confirm the bulk lot dimensions are being met, **show the required setback lines and/or dimensions from the proposed homes to the parcel boundaries.**
- 4) **Provide notation on the plan as follows:**
- a. **No Utilities shall be installed beneath the proposed driveways.**
 - b. **Any work required within the Clifton Park Center Road right-of-way shall be subject to any permitting from the Clifton Park Highway Department.**
- 5) **The submitted information indicates the project is proposing to connect to an existing water main(s) within proximity to the parcel. These mains are owned and**

operated by the Clifton Park Water Authority (CPWA). It is recommended that the Town be furnished with documentation that the CPWA is willing and capable of providing potable water to the project.

- 6) Show or describe the method of crossing Clifton Park Center Road for the proposed water services connections. Due to the high volume of traffic on the road, a directional bore may be preferred.**
- 7) The submitted information indicates the project is proposing to connect to an existing sewer main(s) within proximity to the parcel. These mains are owned and operated by the Saratoga County Sewer District No. 1 (SCSD). It is recommended that the Town be furnished with documentation that the SCSD is willing and capable of providing sanitary sewer service to the project.
- 8) There may be a need to provide a drainage culvert at the new driveway to support existing drainage along Grooms Road. The applicant will need to coordinate with the Town's Highway Department for any such improvements. If required, show the location, size and materials of construction.**
- 9) The delineated area of disturbance shown on the plan shall include the sanitary sewer lateral installation work. With the addition of this area of disturbance, the project may exceed 1-acre of total disturbance. If this is the case, the project may need to seek permit coverage under GP-0-15-02.**
- 10) Provide information on the plans to indicate how potential sump pump laterals may be positioned which shall be in conformance with Section 86-7(A)(6) of the Town Code.**
- 11) The project proposed temporary impacts within the NYSDEC wetland adjacent area and will require permitting for this activity. This permit action may trigger the need to consult with the NYS Office of Parks, Recreation and Historic Preservation regarding historic and cultural resources. Give the existence of a cemetery on the front of the proposed lots, this topic may need limit some of the development being proposed.
- 12) The applicant needs to obtain the 911 emergency response address and show on the final plat.

Environmental Conservation Commission memo dated 1-3-2017

- Due to the proximity of the proposed structures to the existing cemetery (less than 50 feet) and the presence of a State historical marker on the site, the ECC recommends that the Planning Board consult the Town Historic Preservation Commission regarding the impact of this plan.

- The ECC recommends the developer install split-rail fencing along the LC Zone in the back yards of the proposed homes.

Stormwater

Scott Reese sent a memo dated 1/6/2017 with the following comment:

- Applicant shall verify total area to be disturbed. If one or more acres will be disturbed an application for the NYSDEC SPDES General Permit from construction activity will be required to be submitted to the town for acceptance.

Building and Development - from a memo dated 12/27/2016, Steve Myers offered the following:

- R-1 zone
- NYSDEC permits required for installing sewer connections thru wetland.
- Water lines must cross Clifton Park Center Road.
- No dimensions provided but proposed houses appear to meet setback requirements
- Historical society needs to be involved in cemetery issues. Fence may be required to delineate limits of property.

Planning

John Scavo offered the following:

In accordance with §86-10 of the Town Code,

- “The applicant shall be required to plant two new trees per living unit on the street side of new construction sites.”
 - This requirement can be waived by the Planning Board if the applicant can demonstrate that at least two mature trees will remain within the front yard area of each of the proposed subdivided lots.
- Two Rail-Split Rail Fence should be placed to delineate the side and rear limits of the cemetery easement.
- The applicant has noted a willingness to grant an easement to the Town for access and maintenance of the cemetery.
- As a condition of subdivision approval, a right of ingress and egress for public visiting or maintenance shall be executed and filed with the Saratoga County Clerk’s Office. The relatives and descendants of any person buried in a cemetery shall have an easement for ingress and egress for the purpose of visiting the cemetery at reasonable times and in a reasonable manner. The Town and its designees shall also be granted access to the cemetery and shall have the right to maintain the cemetery. Public parking can be provided at the existing Building & Grounds Facility located at 477 Clifton Park Center Road.
- The applicant shall provide documentation that the Saratoga Co. Sewer District will allow for the lateral tie-ins as proposed.
- Pursuant to the Town Code utilities are permitted within an LC Zone.

Public Comment

No comments

Planning Board Review:

The Planning Board found this application generally acceptable/unacceptable and asked that the applicant do the following prior to the next submittal:

- Mr. Andarawis noted that the Historic Pres Commission will meet to discuss the cemetery easement proposal next week and invited the applicant to attend on 1/19 at the Library.
- Discussion ensued about the possibility of donating the cemetery to the Town and that the applicant should seek any required variances from the ZBA
- Separating the cemetery on its own parcel would require the formation of a keyhole lot which can be approved by the Planning Board
- Maintenance of the cemetery was noted as the primary concern and that future property owners would need full disclosure about activity at the cemetery.
- Parking and signage could be of concern
- Liability issues were also raised. A formal agreement might be needed.
- The possibility of unmarked graves was noted as well as the existence of State guidelines that the professional surveyors use when delineating the property.
- Mr. Williams offered to have the surveyor stake the boundaries and relocate the driveways on the plan.
- Buildings and Grounds maintenance access was also discussed, as they have been taking care of the site and would continue to do so. Mr. Scavo will check the current practice
- Mr. Ophardt asked if the access hours could be posted
- Fencing or signage of wetlands in LC zone should also be noted on the plan
- Minimal grading was proposed on the site.
- Trail easement not recommended here based on the cemetery and other considerations on site.

The Planning board found the proposal generally acceptable and providing feedback from Historic Preservation was favorable, the public hearing could be held on Thursday Feb 16th if the applicant submits all the required items.

V. Discussion Items –

- Contact information sheet

- Saratoga County Planning and Zoning Conference Registration Forms due for the 1/25/17 conference
- Mr Scavo noted that the Day Care Center on Rt 146 was not stamped and the approval has expired.
- Oaths of Office and Ethics Forms

Mr. Jones moved, seconded by Mr. Ophardt, adjournment of the meeting at 8:10 pm. The motion was unanimously carried. The next meeting of the Board will be held on January 24, 2017.

Respectfully submitted,

Meg Springli

Secretary

NOTICE OF DECISION

Resolution #1 of 2017

Preliminary and Final Subdivision Approval

At a meeting of the Planning Board of the Town of Clifton Park, Saratoga County, New York, held at the Town Office Building, One Town Hall Plaza, on October 25, 2016, there were:

Present: R. Ferraro - Chairman, E. Ophardt, D. Bagramian, E. Andarawis,
A. Neubauer, Greg Sczesny, J. Jones, T. LaSalle – alternate
Absent: None

Mr. Ophardt offered Resolution #1 of 2017, and Mr. Bagramian seconded, and

Whereas, an application has been made to this Board by Cynthia Koney - Exec., for approval of a subdivision entitled Rucinski, Bernard and Marion Subdivision, consisting of (3) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on January 10, 2017;

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 January 10, 2017;

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 Rucinski, Bernard and Marion Subdivision consisting of (3) lots is granted preliminary and final approval conditioned upon the applicant's receiving all necessary variances by the Zoning Board of Appeals, and satisfaction of all items listed in the final comment letter issued by the Planning Department.

Resolution #1 of 2017 passed 1/10/2017

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

Noes: None

Rocco Ferraro, Chairman