

# Town of Clifton Park

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## PLANNING BOARD

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## MEMBERS

Emad Andarawis  
Denise Bagramian  
Jeffery Jones  
Andy Neubauer  
Eric Ophardt  
Greg Szczeny  
(alternate) Teresa La Salle

## Planning Board Meeting February 28, 2017

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

Absent: D. Bagramian

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

Mr. Rocco Ferraro, Chairman, called the meeting to order at 7:02pm. All in attendance stood for the Pledge of Allegiance. Mr. Ferraro noted that the final item had been removed at the request of the applicant. Teresa LaSalle would be a voting member in absence of Denise Bagramian

### I. Minutes Approval - February 16, 2017

Mr. Jones moved, seconded by Mr. Ophardt to approve the minutes of February 16, 2017, as written. Ayes: all, Noes: none. The motion was unanimously carried.

### II. Public Hearings

#### **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 i ach. Existing cemetery is to be offered to the Town through an easement for access and maintenance purposes. Existing tennis court will be removed, Clifton Park Center Rd, Zoned: R-1, SBL: 271.-3-59*

SEQRA

Mr. Neubauer moved, seconded by Mr. Jones, 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 7:05p.m. The Secretary read the public notice as published in the Daily Gazette on February 15, 2017.

Mr. Jeff Williams of Bruce Tanski Construction and Development presented this project with changes made since it was last seen on January 10, 2017. Mr. Williams described the location and existing conditions of the subdivision which will have one single family residence on each of two lots with public sewer and water connections. The driveways have been relocated further away from the existing cemetery boundaries and he moved one house farther back from the front setback line and also added fencing to delineate the cemetery lot.

### **Staff Comments**

ECC – The Environmental Conservation Commission issued a memo with the following comments:

- 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.
- The ECC requests that the Highway Safety Committee review the sight distance requirements for both driveways, as there is a steep bank and existing foliage within the limits of the cemetery.
- The ECC notes that the project may result in intrusion into the LC Zone. The applicant must file for an Application for Approval of Work To Be Done in the LC Zone with the Town of Clifton Park.

S. Myers – Director of Building and Development, issued the following comments:

- All previous comments still applicable
- Application should be forwarded to Historic Preservation Commission for comment on ability and desire to maintain cemetery.

John Scavo, Planning Director, issued the following comments:

- 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 each of the proposed subdivided lots.

- The applicant has proposed and shows a proposed 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. Related covenants, conditions, and restrictions should also restrict all subsequent owners from performing any maintenance, cleaning, resetting, and repairing any headstones and monuments within the easement area.
- Add the assigned 911 addresses to the final plat prior stamping.
- Based on the proposed locations of the proposed driveways, water laterals, and dwelling units, construction equipment and vehicles are not anticipated to have any negative impacts on the existing cemetery boundaries.

Joel Bianchi, of M. J. Engineering and Land Surveying, stated that all of the following comments, from a review letter:

#### Subdivision Plan

- As noted in comment 9 of our January 6, 2017 review, there may be a need to provide a drainage culvert at the new driveways 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.
- As noted in comment 12 of our January 6, 2017 review, the applicant needs to obtain the 911 emergency response address and show on the final plat.

Scott Reese, Stormwater Technician sent a memo with the following recommendation:

- The Plan notes states that this project will disturb less than one acre (0.68± acres), therefore will not require a NYSDECSPDES General Permit for Construction Activity. The contractor should be aware that a stream 50' buffer exists on the property and any temporary disturbance for utility construction should be stabilized immediately to prevent sediment laden runoff entering the adjacent stream.

#### Public Comments

Tom Babcock, 7 Greenfield Ct. Clifton Park Resident, says he is an adjacent neighbor and asked whether the creek would be considered wetlands. Mr. Scavo responded that it was a DEC regulated stream so there would be a 50' boundary from the edge of the stream. Mr. Babcock also asked and was shown on the map the location of the project relative to his residence. Mr.

Babcock the asked if the builder intended to clear trees from the back of the property. Mr. Williams indicated that there was no intention to clear trees at the back of the property since it was not necessary for the construction.

Nancy Kiyonaga, Garnsey Road, stated that she was the current President of the Historic Preservation Commission. Mrs. Kiyonaga noted that she had concerns with the proximity of the buildings to some of the graves, as well as, access to the cemetery for maintenance, structural work, and visitors. She added that the Commission would recommend that a black aluminum fence be more fitting with the historical period of the cemetery rather than a split rail one. In addition, the Historic Preservation Commission would ask that a note be posted or added to the deed to indicate what landowners can and cannot do to gravesites on the property. Emad Andarawis, Liaison to Historic Preservation Commission noted that he would like the Board to consider these conditions.

There being no further public comment, Mr. Ferraro moved, seconded by Mr. Jones, to close the public hearing at 7 :23 pm. The motion was unanimously carried.

### **Planning Board Discussion**

Discussion ensued and concerns were voiced about knowing the exact placement of all graves. It was suggested that driveways be adjusted and the proposed easement be enlarged on the southern side of the cemetery, that the 3-sided fence provide access for mowing from the road, if the Town Buildings & Grounds Supervisor determined that would be adequate. The Board also discussed signage regarding hours of visitation as recommended by the Department of State recommendation of reasonable expectations and activity not to be allowed by homeowners. Also considered were the buffer area to have some signage posted on trees about limits of disturbance. It was noted that the property does not have currently have a historic preservation easement but such an easement could be applied for by the landowner for some tax consideration. Mr. Scavo recommended waiving parkland fee in lieu of the access easement being granted.

### **Resolution**

Mr. Jones offered Resolution #4 of 2017, seconded by Mr. Ophardt, to waive the final hearing for this subdivision application and to grant preliminary and final approval, to waive the 2-tree requirement, and to waive the parkland fee in lieu of the granting of an access easement, conditioned upon the following items to be agreed upon with the Planning Director: increasing the southern perimeter of the cemetery easement, moving the driveways farther away from the cemetery, and black aluminum fencing; and the satisfaction of all items listed in the final comment letter issued by the Planning Department.

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

Noes: None

### III. Old Business

#### **2016-052 99 Restaurant Parking Expansion – Site Plan**

*Applicant is proposing to add an access aisle on the 1.28 acre lot around the north/northeastern portion of the Ninety Nine Restaurant that will accommodate new parking spaces. The parking would increase from 65 to 88 spaces. This parcel is zoned both TC-3 and TC-4. 306 Clifton Park Center Rd, Zoned: TC3, SBL: 272.-1-41.2, 272.-1-42.2*

Gavin Vuillaume with Environmental Design Partnership, consultant for DCG Development, presented this project which has been revised since it was last seen on December 13, 2017. Mr. Vuillaume explained that he was present with Donald Macelroy of DCG, and he described the location of the project and showed a site plan of the proposed parking lot addition as proposed. The consultant explained that they had reduced the number of spaces and the amount of pavement originally requested.

#### **Staff Comments**

ECC – The Environmental Conservation Commission issued a memo with the following comments:

- The ECC recommends that the Highway Safety Committee considers a pedestrian crossing signal at the Clifton County Road Crossing to the multi-use trail.

S. Myers – issued a review letter stating:

- Previous comments still applicable
- Storm drain system incomplete at southeast corner of building.
- No additional storm drains shown for new impervious areas.
- Drive lanes do not meet 26' minimum
- Lot width misleading since only front quoted
- Parking setbacks not met
- New Monument sign not a part of this review
- Need location of handicapped spaces
- Five spaces removed from where?
- Where is dumpster and is access (turning radius) available?
- Turning radius at southwest building corner should be checked. Islands may limit

John Scavo, Planning Director, issued the following comments:

- Per my prior review letter dated December 2016, add the following notes to the site plan:
  - Any work within the Clifton Park Center Road Right-Of-Way will require permitting from the Town of Clifton Park Highway Department prior to construction.

- A sign-off from the Saratoga Co. Planning Board shall be required prior to approval of the final plan due to the presence of an existing Sewer Easement through the parking area.
- The proposed landscaping treatments along the front property boundary and crosswalk striping are consistent with staff recommendations from our January 24th meeting which was also attended by two Planning Board Members.

Sheryl Reed – no comments

Jackie Hakes, of M. J. Engineering and Land Surveying, stated that all of the following comments, from a review letter had been satisfied:

#### Short Environmental Assessment Form 2

- As noted in Comment 2 of our December 9, 2016 review, Part I.17 of the previously submitted environmental assessment form needs to be supported with appropriate documentation and analysis to demonstrate that the existing site drainage system is capable of accommodating the additional impervious surfaces that will result from the proposed project.

#### Site Plan

- In reviewing the bulk lot requirements for parking within the TC3 and TC5 Zones and street treatment associated with the existing road frontage, the following deficiencies are noted (as part of this review, it has been assumed the lot has frontage along Clifton Park Center Road one side line to the west, side street setbacks to Rt.146 and I-87 on ramp and no rear yard)
  - Front parking setback of 30-feet minimum within the TC5. The plans show approximately 1 to 2 feet along Clifton Park Center Road.
  - Front parking setback of 60-feet minimum within the TC3. The plan show approximately 1 to 2 feet along NYS Route 146.
  - Side street setback of 30-feet minimum within the TC5 Zone. The plan shows 12-feet along the I-87 on-ramp.
  - Clifton Park Center Road is considered a perimeter road on the Future Streets Map of the FBC. The plan submitted proposes no improvements along Clifton Park Center Road and this may be an opportunity to provide or plan for a future 5-foot sidewalk (8-foot multi-use path does not appear to fit) as identified on the Perimeter Road diagram of the FBC. In doing so, any existing street trees would be impacted. The applicant met with the Town on January 24, 2017 to discuss the site limitations of achieving full compliance with the above provisions of the FBC. The applicant should continue this discussion with the full Planning Board. The Planning Board does have the authority to grant waivers from any of the above provisions should they find them acceptable as permitted in Section 2.3 of

the FBC. Should the Planning Board grant waivers, they shall be based upon the criteria outlined in Section 2.3, Items A through E of the FBC.

- The applicant is proposing a total of 88 parking spaces, a reduction of 8 spaces from the prior proposal of 96 spaces. The applicant met with the Town on January 24, 2017 to discuss the need and justification for the additional parking. The applicant should continue this discussion with the full Planning Board.
- Pursuant to Section 7.3, Parking Lot Landscaping of the FBC, the following may be warranted to conform to the greatest extent to the FBC site requirements.
  - Provide a front yard buffer consisting of shrubbery, hedges, trees, decorative walls or fences which creates a visual screen at least 3-feet high pursuant to Section 7.3.A of the FBC.
  - Provide front yard perimeter build-out such that there are no more than 15 continuous parking spaces in a row along the frontage pursuant to section 7.3.B of the FBC. The applicant met with the Town on January 24, 2017 to discuss how best to incorporate front yard landscaping and the update concept incorporates the elements discussed to the greatest extent practicable. The Planning Board should review the current proposal with the potential need to grant waivers from the above provisions of the FBC should they find the current proposal acceptable. Should the Planning Board grant waivers, they shall be based upon the criteria outlined in Section 2.3, Items A through E of the FBC.
- Should the Planning Board find the front yard landscaping acceptable, placement of these features within the Town's right-of-way is subject to the review and approval of the Town Highway Superintendent. Further, it is our recommendation that the applicant be required to execute a hold harmless agreement with the Town for items being located within the Town right-of-way.
- Subsequent submissions shall include information as outlined in Section 208-115 of the Town zoning specific to lighting, site grading, landscaping, erosion control and stormwater management to fully assess the design and its compliance to the applicable standards. Considering the plan submitted is conceptual in nature, we will reserve further comments until more detailed plans and reports are submitted.

Scott Reese, Stormwater Technician sent a memo with the following recommendation:

- The Environmental Assessment Form states under question 17 "The site will direct new stormwater runoff into the existing system which has been determined to be able to handle this proposal."
  - Applicant shall add to the plans proposed drainage flow arrows and spot grades on the proposed impervious areas to demonstrate how the stormwater runoff will drain to the existing underground stormwater management system.

Jen Viggiani, Open Space Coordinator recommended the following:

- There does not appear to be any bicycle parking rack near the main entrance to the restaurant. This is envisioned as bike parking for restaurant visitors, and also for

employee bike parking. Bike parking spaces are asked of all commercial property owners.

- There is no help nor any provision for bicycle circulation as had been recommended, rather there is perennial planting that encroaches on to the public ROW
- The space in the Town's ROW should be considered and left for future bike lanes, potentially there is room for both the bike lane and plantings along the 99 Restaurant frontage
- Street trees adjacent to a bike lane would be preferred.

### **Public Comments**

None

### **Planning Board Discussion**

Mr. Ferraro noted that a Technical Advisory Committee convened regarding this project per the Town Center zoning code recommendations. It was noted that this was a pre-existing non-conforming site with regard to the Town Center Code and that currently the opportunities to bring it into strict conformance were somewhat limited. The Chairman also stated that incremental changes being proposed seemed fitting as suggested by the Town Center Code for this application. The following items were suggested for improvements in future submittals:

- Attempt to connect to the existing sidewalk
- Possible connection to Pier1, with added pedestrian striping – permission may be needed from the adjacent landowner
- A potential bike lane
- Total greenspace should be noted on next submittal
- Status of existing sign should be clarified in regard to the newly proposed sign in northwest corner

### **2016-051 Peak Environmental Industrial Park – Site Plan**

*Applicant proposes to develop the 16.63 acre parcel with Light Industrial buildings, 44 Wood Rd, Zoned: L 1, Status: SBL: 259.-2-73.12*

Terry Hubbard, with Peak Environmental, presented this project to the Planning Board with modifications since it was seen on December 13, 2017. Mr. Hubbard stated they do not anticipate additional building plans or uses at this time and understand that they would need to return to Planning Board for further site plan review.

### **Staff Comments**

ECC – The Environmental Conservation Commission issued a memo with the following comments:

- The ECC recommends the applicant address the significant design detail as follows:
  - No development should be located in the NYSDEC wetland buffer.

- Additional excavation of the steep, sandy, unstable slopes present at the site should be immediately stabilized upon excavation.
- The site will disturb more than one acre and will need to obtain and adhere to the NYSDEC construction disturbance permit

S. Myers – issued a review letter that noted:

- A NYSDEC site remediation record was included in the materials for the XAR property. This proposal is not part of that property.
- Removing vegetation for a "possible" project in the future such as a storage facility opens the land to adverse effects in the vicinity of established wetlands and should not be allowed.
- No stormwater test pits. Due to the proximity of wetlands, it seems possible that HSGA is correct.
- TOC of 67.5 minutes? Impossible.
- Expansion of space for additional materials and equipment may create a potential "hot spot" for contamination and should be considered that way. Runoff from material stockpiles will create a poor condition for the proposed infiltration basin which will clog. Post area 2A appears to be the greatest concern since it encompasses most of the improved area, Basically no green infrastructure practices are proposed.
- Retention/infiltration basins are a last resort since no test pits appear to have been conducted, it is unknown where the water table level is. It is suspected due to the proximity of the wetlands there is a high water table which would make the "infiltration" pond a pocket pond which interfaces with the water table and is not allowed.
- Runoff retention from material piles should be a major concern.
- Further detail is expected from the Stormwater Management Technician

Sheryl Reed issued the following comments:

- Postal Verification
- Provide accessibility for emergency services at rear portion of 1798 sf building adjacent to stormwater retention area

John Scavo, Planning Director, issued the following comments:

- Pursuant to §208-69.2 of the Town Code – Permitted Uses within the LC Zone, “Roadway or driveway crossings (are permitted), provided that the applicant demonstrates that there is no other reasonable means of access available and the applicant obtains appropriate permits from the New York State Department of Environmental Conservation. The applicant should relocate outside of the LC Zone or eliminate the proposed 8- auxiliary parking spaces.
- In accordance with the Wood Road GEIS Findings Statement the applicant has a letter from North Country Ecological that no threatened or endangered species were observed within the property.
- The GEIS trip generation is based on trips generated during the highest peak hour. As such the applicant, has provided information the highest peak hour will produce 6 vehicle

trips. Therefore, the Wood Road GEIS transportation fee for this project is \$4,338.54 (6 trips x \$723.09).

- A pre-construction meeting will be required prior to the commencement of any clearing and grading activities to review SWPPP requirements and proposed construction schedule.

Jackie Hakes, of M. J. Engineering and Land Surveying, offered the following comments, from a review letter:

- As noted in Comment 11 of our December 8, 2016 review, Section 208-66(A) of the Town's Zoning indicates there shall not be more than one curb cut per lot unless the Planning Board finds that traffic safety will be improved with the addition of another curb cut. The proposal calls for two curb cuts, one of which appears to be existing. The applicant has provided rationale for the need for the second entrance. The Planning Board should review the request based upon the supporting information furnished by the applicant.
- As noted in Comment 17 of our December 8, 2016 review, the applicant will be required to request additional reserve capacity from the Saratoga County Sewer District and shall provide the Town documentation indicating the SCSD's ability and willingness to provide additional sewer capacity to the project. Any approvals offered by the Planning Board should be conditioned on receipt of SCSD's review and approval.
- As noted in Comment 22 of our December 8, 2016 review, without a public water system available to the property, there needs to be indication of how fire protection will be provided to the site and buildings. It may be required to examine alternate means to provide appropriate fire protection, such as dry hydrants connected to the proposed on-site stormwater ponds. The proposed method of fire protection needs to be reviewed by the responding fire department.
- As noted in Comment 23 of our December 8, 2016 review, subsequent submissions should include architectural renderings of the building along with identification of materials of construction to demonstrate conformance with Section 208-66(C) of the Town's Zoning. There should also be indication whether or not roof top units are expected and how they may be screened from the public right of way.
- On Sheet C101, identify where the accessible parking will be located. The parking shown is a significant distance from the existing building and may need to be relocated closer.
- Indicate the driving surface treatment proposed. The details provided suggest that a gravel surface will be provided with the potential for future paving. It should be noted that the accessible parking should be provided with a smooth surface that extends to the accessible entrance of the building(s). This may not be achievable on a gravel surface.
- On Sheet C103, consider utilizing soil/ground stabilization where slopes are at or greater than 3 horizontal to 1 vertical.
- On Sheet C104, show how site runoff will be diverted around the infiltration basin and how that runoff will be routed to a temporary sediment basin, if necessary.
- Sheet C105 provides proposed lighting around the existing building to remain without any lighting around the proposed storage buildings. Further discussion may be warranted

as to why no lighting, even security level lighting is not being proposed at the storage buildings.

- On Sheet C501, modify the handicapped parking signage and space detail to match the New York State “mobile handyman” insignia.
- On Sheet C503, the Flared End Section detail appears to be missing a table as the detail itself refers to a table that does not exist.
- Pursuant to Section 3.5 of the NYSSMDM, the proposed stormwater practice needs to have a conspicuous and legible sign posted. Sheet C504 needstoprovide the standard sign, the applicable language as well as the location adjacent to the practice.
- The project proposes the use of an infiltration facility. Provide the required soil testing to establish design infiltration rates and to confirm the boundary conditions are being satisfied pursuant to Section 6.3.1 of the NYSSMDM.
- The infiltration facility shall be at least 100 feet horizontally from any water supply well pursuant to Section 6.3.1 of the NYSSMDM. As the sighting of the project water supply well is advances, ensure that the stated separation distance is maintained.
- Pursuant to Section 6.3.5 of the NYSSMDM, provide notation on the plans indicate that upstream construction shall be complete and stabilized before connection to a downstream infiltration facility –a dense vigorous vegetative cover shall be established over the contributing pervious drainage areas before runoff can be accepted into the facility.
- Pursuant to Section 6.3.6 of the NYSSMDM provide notation that the infiltration facility shall not be utilized as a sediment control device during the site construction phase. Stormwater Pollution Prevention Plan and Post Construction Maintenance Plan
- The SWPPP provided is preliminary in nature. The following comments should be considered our initial review, subject to change and potentially expanded upon once a fully conforming SWPPP is submitted
- A formal hydrologic and hydraulic analysis shall be provided pursuant to Part 1.Cof GP-0-15-002.
- Provide a planning effort summary of green infrastructure practices to be employed with a discussion of why certain practices will or will not be utilized for the project.
- Provide summary tables of WQv (required and provided), RRv (required and provided), and pre/post development runoff characteristics.
- Page 6 of the SWPPP indicates a total of 6 acres will be disturbed. Subsequent submissions shall define how disturbances will remain below 5 acres at one time or if a 5 acre disturbance waiver will be requested.
- Page 6 indicates or suggests in-situ soil testing has been conducted, which was the basis of selecting a 30 inches/hour infiltration rate. Provide the test results and show the locations of testing conducted on the plans.
- Page 10 of the SWPPP indicates that there are no archeological resources located within the site. As noted in Comment 5 of our December 8, 2016 review, in our search of the CRIS database, the parcel is within an archeologically sensitive area. The project must

follow the provisions of Part 1.F.8 of GP-0-15-002 in order to be eligible for permit coverage.

- NOI Question 40 needs to include the NYSDEC adjacent area permit being requested.
- NOI Question 42 needs to be answered “Yes”.
- Provide calculations indicated that the infiltration facility can dewater within 48 hours after the storm event pursuant to Section 6.3.2 of the NYSSMDM.
- Provide calculations to illustrate that the appropriate pretreatment is being provided prior to the infiltration facility pursuant to Section 6.3.3. of the NYSSMDM. Vehicle Trip Generator Letter
- The peak hour vehicle trips provided appear appropriate based upon the proposed new use and corresponding land use code. These values would be the basis of assessing mitigation fees for traffic since the project resides within a GEIS study area.

Mr. Scavo recommended that the applicant meet with Scott Reese, MJ Engineering and Steve Myers to discuss stormwater control concerns.

Scott Reese, Stormwater Technician sent a memo with the following recommendation:

- Buildings, auxiliary parking area and additional access drives are not permitted in the LC Zone. Applicant should relocate items outside of the LC Zone.
- The existing grading around the existing building and storage bins does not appear to coincide with each other. Proposed grading may encroach LC Zone therefore it is recommended that more accurate as-built survey is needed.
- Applicant shall show / describe on how runoff from the impervious surfaces will be treated that are located down slope from the proposed stormwater locations.
- The proposed stormwater locations are proposed in 22 feet of cut. Test holes will need to be done to confirm elevation of groundwater. Percolation tests will be required to determine the infiltration rate of the proposed infiltration basin.
- The applicant has submitted a Stormwater Management Engineering Report, dated January 31, 2017. In the report under the heading of Existing Site Conditions –Soils – states “Based in onsite soil analysis, the soils were designated to provide an infiltration rate of approximately 30 inches /hour.” As mentioned in item #4 percolation tests should be done per NYS Stormwater Management Design Manual Appendix D methodologies. Permeability rates may vary from soil testing results and may decrease over time, a safety factor should be applied. The maximum design permeability rate that the New Jersey Stormwater Best Management Practices Manual allows is 10 inches /hr.

### **Public Comments**

A resident asked what an environmental industrial park was. The representative stated that their name was Peak Environmental Industrial Park and that they were a landscape management and development company.

### **Planning Board Discussion**

Mr. Jones asked how the owner would access the bins in the back and Mr. Hubbard indicated the access area on the large plan. Discussion ensued about:

- the changes to be made to the existing slope which board members considered substantial.
- Some inconsistencies between pages were noted regarding removal of wooded areas and the slopes and existing topography.
- Concerns about the amount of soil being exported from the site.
- Storage of materials onsite
- Runoff into stormwater management areas.

It was noted that each of these concerns needed to be addressed in the next submittal.

#### IV. New Business

##### **2017-008 Hattlee Rd 4 Lot Subdivision**

*Applicant proposes to subdivide 10+/- acres into 4 lots for construction of a duplex on each lot. A SUP will be needed to allow for duplex construction in an R-1 zone. The existing house and outbuildings to be demolished, 993 Hatlee Rd, Zoned: R-1, Status: PB Concept Review SBL: 258.-1-23.1*

To be reviewed by: No Review Necessary Consultant: GVG Applicant: Brooks Heritage, LLC

Duane Rabideau with VanGuilder and Associates, representing GJA&S, LLC presented this concept subdivision application. Geoffrey Brooks was also present. Mr. Rabideau explained that the applicant is proposing to subdivide the parcel into four lots with a 2-family residence on each lot, 8 dwelling units total. Mr. Rabideau explained that the dwelling units would be situated to have the appearance of a single home from the road. Each unit would be approximately \$250,000 or \$500,000 per building. The consultant said that the units would initially have one owner for all four lots, but each of the 4 lots could be sold in the future. Then Mr. Rabideau explained that each duplex would have the ability to be occupied by one owner plus one renter or two renters, but since only one deed would be issued per lot they could not have two deeds per 2-family residence.

##### **Staff Comments**

ECC – The Environmental Conservation Commission issued a memo with the following comments:

- Prior to any project approval, the ECC requests that the applicant obtain a Jurisdictional Determination of the wetlands by the NYSDEC.
- In general due to the orientation of the proposed structures there is very little usable yard space due to the existing wetlands and buffer requirements.
- The ECC notes that the proposed structure on lot 3 is immediately adjacent to the LC Zone, leaving very little outdoor space. There is a high potential for intrusion into the buffer zone and wetlands by the home owner due to this proposed design

- The ECC requests that topographic elevations should be added to the plans. Including the proposed elevations for the limits of disturbance.

S. Myers – issued a review letter which noted:

- Are the wetlands NYSDEC or ACOE Regulated and where are the associated buffers if any?
- Stream buffer significantly intrudes into lot #3.
- Lot #4 location will be close to existing house on Zinssar property.
- Sewer and public water should be required due to wetlands.
- SUP's for two-family homes required.
- Significant change to neighborhood having four two-family homes in a row.

Sheryl Reed noted that Postal verification addresses needed to be added to the plan.

John Scavo, Planning Director, issued the following comments:

- The Parcel is Zoned R-1 Residential, and is proposed to be serviced by both public water and sewer. A Duplex is an allowed use by Special Use Permit
- It appears the project meets the Bulk and Setback Requirements pursuant to the Clifton Park Town Code.
- The shared driveway curb cut for Lots #1 & #2 as shown is desirable and the shared access should be a condition of final approval for these lots.
- The style for each duplex is desirable since garage units are side-loaded. Also, the front elevation of each unit has a porch with each having one unit facing Hatlee Road and the second unit, facing the rear yard, is not visible from the public ROW.
- The applicant should evaluate the existing roadway drainage along Hatlee Road and show the location and size of existing culverts. A drainage culvert pipe may be necessary under each proposed driveway location.
- Add the following notes to the Preliminary Plan, to be submitted at a future date:
  - Existing roadway drainage shall not be altered by the proposed subdivision. Property owner should be aware of the existing roadway drainage onto the land within the proposed subdivision, which is at a lower elevation than the adjacent town right-of-way.
  - 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.
  - Work within the Hatlee Road Right-Of-Way will require permitting from the Town of Clifton Park Highway Department prior to construction.
  - 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.

- 500' notifications should be prepared and sent prior to a public hearing

Joel Bianchi, of M. J. Engineering and Land Surveying, - no comments

Scott Reese, Stormwater Technician sent a memo with the following recommendation:

- The Environmental Assessment Form states that this project will disturb less than one acre, therefore will not require a NYSDEC SPDES General Permit for Construction Activity. With the development in close proximity to wetlands the next submittal shall still provide erosion and sediment controls to avoid sediments from draining into the wetlands during construction. Grading plans that include construction stockpiles, future lawn areas shall be shown on the plans. The proposed limits of disturbance are very restrictive; if this is the intent then orange construction fencing should be installed to make sure that these disturbance areas are kept.
- The proposed layout of the duplexes are not allowing room for the tenants to be able to use the backyard, because of wetland boundaries, stream buffers, or adjacent to property lines.
- The wetlands should be verified by the ACOE/ NYSDEC.
- The plans should show the drainage route along Hatlee Road and the location of the existing culverts under Hatlee Road that this project will drain to.

## **Public Comments**

Roger Pelham, 3 Catalpa Court, expressed the following concerns:

- Whether Lot 1 and Lot 2 required demolition of existing structure
- Location of Longkill Creek on plan
- High water table of neighboring residences
- Development to the north of the town border might have impacts to existing neighbors and he felt this proposal would add to that negatively
- Whether the Special Use Permit would take wetlands conditions into consideration

Kathy Pelham, 3 Catalpa Court, concerned about:

- Longkill Creek
- Unique vegetation in vicinity
- Transition of wildlife from other development in the area
- That the proposed buffer may not be enough
- Water pressure in area

Mr. Rabideau indicated where the ACOE wetlands were and stated that the distance between the Pelhams and the area of disturbance was about 400 feet. The consultant also stated that he had

done research and measured that the wetlands were more than 500 feet from any NYS DEC Wetlands. Mr. Rabideau also stated that the duplex units would be built in areas that were already basically cleared and pointed to them on the aerial view.

Richard Miller, 1 Willowbrook Lane expressed the following concerns:

- Questioned the amount of runoff that would flow into Willowbrook Creek stating that there were already issues from 1-7 Willowbrook Lane with seasonal runoff
- Asked for clarification of what was a Special Use Permit

Mr. Rabideau responded that drainage would not go off site with less than 1 acre of disturbance and that it should be controlled through the wetlands. Mr. Rabideau added that rain gardens could also be considered, then he stated that this project could not be expected to resolve pre-existing problems in neighbors' yards, and emphasized that he would not be allowed to design anything that would add to the issues and that it must contain any water runoff on this site.

Ron Ochrym, 986 Hatlee Road, stated that he had horses and goats on his property and was concerned about the pond. Mr. Ochrym explained that for 17 years he had kept a wildlife journal and had noted a decrease in birds and deer, then he stated that he felt that new developments are impacting the habitat. Next Mr. Ochrym questioned the proposed location of a future bike path. The resident also asked how any wetland disturbance violations might be enforced. It was explained that there would be some fencing or signage posted to delineate the wetlands, and that ACOE wetlands would be under federal jurisdiction for enforcement purposes.

Bill Paquette 1002 Hatlee Road, a 40 year resident, expressed concern about:

- Wildlife
- Vegetation
- Duplexes in a single family residential area being out of character
- 19<sup>th</sup> century houses being destroyed.

Kathy Zinssar, 1003 Hatlee Road, stated the following concerns:

- 2-family residences undesirable
- Backyard currently gets flooded and felt that additional units would impact this
- Additional traffic on Hatlee Road
- Blind driveways
- Possibility of trees being removed

Brian Liberty 998 Hatlee Road, voiced the following:

- Felt character of road is being changed
- asked developer to consider making them single family residences not 2-family

Jim Grande, 1029 Hatlee Road expressed:

- Concern with duplex units
- Asked for square footage of each unit (Developer responded approximately 2400 sf as a base)
- Turnover rate of units

Marie Fortune, 1016 Hatlee, 43 year resident stated that she agreed with her neighbors

- Duplexes in many developments are beautiful
- Do not belong on Hatlee Road

Kathleen Conley Boradgiak, 991 Hatlee Road stated:

- Could be bad renters no matter what price point of the house
- Duplexes would not fit with country feel

### **Planning Board Discussion**

Mr. Ferraro explained that a Special Use Permit was an allowed use in the R-1 zone with specific conditions. Then, Mr. Morelli stated that a Special Use Permit was a planning tool that would allow the Planning Board to impose certain recommendations or conditions upon the approval of a project that is allowed by the Town Code within certain zoning districts. In response to a resident's question, Mr. Scavo added that a right-of-way for a future bike path would not change the property line, nor the setbacks.

Discussion ensued, about the owner's right to develop per the allowed zoning code 208-79 E which outlines standards for a special use permit.

Geoff Brooks, the applicant stated that he had looked at the building across the street, and made the proposed buildings smaller than the existing "Hatlee" structure. Then Mr. Brooks added that he felt that this road was actually a transitional area for the multi-use area to the north of this development. Next, the applicant remarked that he could get more than four dwelling units if they built single family residences. Finally, Mr. Brooks requested feedback from the Board whether this concept might be acceptable, adding that if Special Use Permit would not be supported, he would resubmit as a revised concept with single family homes.

Board members expressed that they had concerns about the plan as proposed, and some members indicated that they would prefer to see an alternative proposal more in keeping with the character of the neighborhood.

**2017-004 Belmonte Bonneau Rd 8 Lot Subdivision & 2 Family SUP**  
**POSTPONED AT REQUEST OF APPLICANT**

### V. Discussion Items

It was noted that a new website for [www.cliftonpark.org](http://www.cliftonpark.org) was under development and that residents would have the opportunity to subscribe to email notifications for Planning Board agendas/minutes/public hearings as well as other alerts.

Mr. Neubauer moved, seconded by Mr. Ophardt, to adjourn the meeting at 10:10pm. The motion was unanimously carried.

*Next Meeting: March 14, 2017*

*Next Submittal Date: March 6th for March 28<sup>th</sup>*

Respectfully Submitted,

Meg Springli

## NOTICE OF DECISION

### Resolution #4 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 February 16, 2017, there were:

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

Mr. Jones offered Resolution #4 of 2017, and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by Bruce Tanski Construction and Dev. LLC, for approval of a subdivision entitled Subdivision of the Lands of Joyce Hunter, consisting of (2) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on February 24, 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 February 24, 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 as well as the 2-tree requirement, and to waive the parkland fee in lieu of the granting of an access easement, and the subdivision plat entitled Subdivision of the Lands of Joyce Hunter consisting of (2) lots is granted preliminary and final approval conditioned the following items to be agreed upon with the Planning Director: increasing the southern perimeter of the cemetery easement, moving the driveways farther away from the cemetery, and black fencing; and the satisfaction of all items listed in the final comment letter issued by the Planning Department.

Resolution #4 of 2017 passed 2/16/2017

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

Noes: None

Rocco Ferraro, Chairman