

Town of Clifton Park

One Town Hall Plaza
Clifton Park, New York 12065
(518) 371-6054 FAX (518)371-1136

PLANNING BOARD

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Eric Ophardt
Greg Szczesny

(alternate) Teresa La Salle

Planning Board Meeting March 28, 2017

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

Absent: D. Bagramian, E. Andarawis

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 7:04 pm. All in attendance stood for the Pledge of Allegiance. Mr. Ferraro noted that the third item, DCG Town Plaza Drive Thru had been removed at the request of the applicant. Mr. Ferraro also noted that Teresa LaSalle would be a voting member for this meeting as Emad Andarawis and Denise Bagramian were both absent

I. Minutes Approval – March 21, 2017

LaSalle moved, seconded by Neubauer to approve the minutes of March 21, 2017, as written. Ayes: all, Noes: none. The motion was unanimously carried.

II. Public Hearings

2012-030 Crescent Woods Subdivision

Proposed 62 lot cluster subdivision; 1567 Crescent Rd, Zoned: R-1, Status: PB Preliminary Review w/ possible Determination, SBL: 283.-2-8

SEQRA

Mr. Ophardt moved, seconded by Mr. Jones, to establish the Planning Board as Lead Agency for this application, a Type I action, and to issue a negative declaration pursuant to SEQRA. The motion was unanimously carried.

While waiting for the appointed time for the public hearing to begin, the Secretary introduced some new features available on the redesigned Town website. Mrs. Springli explained that residents would be able to sign up for e-Subscriptions and receive email alerts when Agendas, Minutes and Legal Notices for the Town Board, Zoning Board of Appeals and/or Planning Board were added to the Document Center on www.cliftonpark.org.

Mr. Ferraro, Chairman, called the public hearing to order at 7:12p.m. The Secretary read the public notice as published in the Daily Gazette on March 15, 2017.

John Stevens, of Infinigy Engineering represented Michael Scott, owner of this project. Mr. Stevens, described the location with changes made since it was last submitted in the fall of 2016. The consultant explained that the wetlands were monitored throughout last summer and that submitted plans have been adjusted according to the results of the study. Mr. Stevens then described the location and existing conditions of the subdivision which will have 62 single family residences on each lot with public sewer and water connections. The consultant stated that much of the front of the property would be left undisturbed except for the access roads. Mr. Stevens stated that property line encroachments were noted and that measures to resolve the encroachments had not been taken at this point. Mr. Stevens stated that letters were sent out to the adjoining neighbors informing them of the issues. The consultant also noted that the Stormwater Management Technician had recommended the use of sand filters as designated on the plan and that the Highway Superintendent had agreed to accept the sand filters once conveyed to the Town.

Staff Comments

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

- The Army Corps of Engineers failure to respond (as per letter received Feb 21, 2017, from the ACOE) to this application still means that this determination does not eliminate the need to obtain any Federal, State or Local authorization required by law for the proposed work, especially any required permit or Water Quality Certification from the New York State Department of Environmental Conservation (NYSDEC).
- The ECC recommends the applicant sufficiently and completely address the specific impacts on the water quality of the Stony Creek Reservoir.
- The ECC acknowledges the applicant's note 6 of the plan's cover sheet which specifically states, "Prior to undertaking any project that maybe within in or adjacent to the wetland, contact BOTH the DEC Region 4 Office and the ACOE to obtain the

required permits.” According to the current status of this application, the DEC still must be consulted.

- The ECC would like to reiterate the following past statements from the last time this project was reviewed:
- Since the December 1, 2015 ECC review of the project, no response to the above recommendations has been received. Therefore, the ECC reiterates its previous recommendations and respectfully requests that this information be provided in order for the ECC to make a proper assessment of this project.
 - The jurisdiction of the wetlands shall be indicated on the plans for clarification. (ie ACOE or NYSDEC).
 - If they are NYSDEC wetlands it seems that the 100 foot wetland buffers should be shown on the plans and adjustments shall be made.
- In addition the limits of the 50 foot LC zone for the existing stream should also be labeled.
- The ECC would like to be copied on the Joint Application Permits and associated plans and details for the proposed wetland disturbance and mitigation as noted on drawing numbers C-23 & C-24.

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

- No new SWPPP provided addressing previous comments.
- Comment regarding sand filters and Dahn Bull new highway superintendent should be consulted. Unknown if any sign off by Scott Reese was completed.
- Is there written proof regarding the changes to ROW and road slope made by the highway superintendent?
- There is 110' of pipe at the western entrance off Crescent Road that is essentially flat and it empties into what appears to be a retention area directly adjacent to Crescent Road in the county ROW. The retention area should be confirmed with county highway. There is no elevation given for the inlet of the pipe which crosses Crescent Road and it appears the area could hold 2-3' of water.
- No lot sizes are provided.
- Still significant number of lots with steep slopes adjacent and/or in between houses. Added note about erosion blanket does not remove issue. No valid reason seen for this type of grading. Besides erosion/runoff issues that will be created, stripped and excessively deep foundations will be required.
- Drainage easement between Fairmont and Spruce S1. The only access to easement is 20' directly along the wetland edge. If the wetland expands or saturates the access area, there will be no access. A secondary access from the west end of the easement should be considered. Current access is within the wetland buffer.
- The drainage easement behind #35 to #47 Fairmont that was questioned previously appears to have been removed and replaced with a graded flat spot?
- Still no water and sewer connections shown.

- Still have lots where the ability to stay within the building envelope is questionable and or the wetland buffer covers a portion of the supposed yard. Pembroke #12, Fairmont #7,9, 12,20,22,24,26,28 & 55, Spencer #2,4, 14 & 16.
- Foundation drains for all lots should gravity feed to storm system in roads. Sumps and/or daylight drains are not automatic options for foundation drains.
- Due to proximity to wetlands, each foundation excavation will be reviewed to ensure it is not below the water table and/or standing water. If water found, will require foundation to be raised.

John Scavo, Planning Director, issued the following comments:

- A stormwater management practice is shown within Saratoga County's ROW –See Sheet C-9, sign-off from the Saratoga County Public Works Commissioner that the work will be permitted must be obtained. Otherwise, the practice should be moved outside of the ROW onto private property.
- Add the typical utility crossing detail where joint locations are noted per the cross-section profile sheets (an example is attached).
- Station points for Sheets C-18, C-19, C-20, and C-21 are shown on the profile cross section but not on the above plane section for each sheet.
- Typical Asphalt Trail Section should show, filter fabric, 4" crushed stone-Type II, and 2" Type VI-asphalt (See Sheet C-26).

Jennifer Viggiani, Open Space Co-ordinator issued a memo which stated that:

- If it was found that grading did not need to occur when constructing the trail, redesign the trail parallel to Crescent Road to be as straight as possible.

Joel Bianchi, of M. J. Engineering and Land Surveying, stated that most comments have been addressed from a review letter March 24, 2017, however he asked that the applicant show the 9-1-1 response addresses on the final plat subdivision plan.

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

- The applicant's response if a culvert is necessary under Pembroke Street around 3+50 does not agree with the plans. The response states drainage flow east of the road will flow north, but the plans show spot elevations to the north are higher, therefore a culvert seems necessary under the proposed roadway.
- On sheet C-33 under Dry Well Notes remove note #6. Add note that contractor shall not install dry wells in fill soils.
- On sheet C-33 under Dry Well Detail, remove note: Install drywell as shown on the plans. There are no drywells shown on the plans and basically putting the installation and function of the dry well on the builder. If the testing does not allow the installation of a drywell that could prevent the builder to obtain a Building Permit, does the applicant want to take that risk?

- Stormwater sub-catchment boundaries are shown to end at the property lines. Subcatchment areas should include offsite drainage areas. Per Infinigy response letter dated March 3, 2017, a phone call with Nick Costa, PE resolved this question. The phone conversation with Nick Costa, PE was regarding the use of a sand filter along Fairmont Drive by station 5+50 to replace the use of drywells. The sub-catchment boundaries were not discussed.
- The note added on sheet C4 regarding the two trees per lot on the Site Plans should also state the proposed tree size. Per the New York State Stormwater Management Design Manual the new trees planted must be at least 2-inch caliper.
- Applicant to submit an updated Notice of Intent.
- The amount of grading within Crescent Road Right of Way should be described if the intention is for allowing drainage flow or retainage. In either case the modifications should be reviewed and accepted by Saratoga County.

Public Comments

Eric Hamilton 67 Pico Road, Clifton Park noted that he had written a letter August 8th, 2016 and expressed that he felt that some of his concerns had not been addressed on the latest subdivision plans submitted. Mr. Hamilton expressed the following:

- Request that Pump station #1 be moved to the east side of Fairmont Dr. on the other side of the parkland property
- Concerns with the Crescent Waste Treatment Corporation, a private sewer treatment corporation, and adding so many homes to the facility
- Odor issues
- Non-fabric barrier should be required on all trails

Gail Long, 71 Pico Road, expressed:

- Pump station behind houses could produce odors and wanted to know what could be done after the project was installed, if odors were a problem

Wendy Hadley, 20 E. Haystack Road, stating that many of her comments had already been expressed showed photos of deer feeding in the woods and asked if there would be a buffer zone on this subdivision plan and some controls against future tree clearing.

Discussion then ensued about the Crescent Waste Treatment Corporation and it was stated that the developer would be required to institute odor control issues in order to tie into the system. Mr. Stevens explained that the standards for odor control and pump sizing was regulated by the Saratoga County Sewer District and that they are stricter than they had been in the past. It was noted that Automatic odor control would be a new technology to be added to the pump station and existing odor problems would be resolved, and that there would be sufficient capacity to handle the additional homes. The requested relocation of the pump station was discussed and it

was felt that the current design was the best location for the proposed 14'x14' wood walled structure in order to lessen the impact to the wetlands, and based on topography.

There being no further public comment, Mr. Ferraro moved, seconded by Mr. Neubauer, to close the public hearing at 7:49 pm. The motion was unanimously carried.

Planning Board Discussion

Mr. Jones questioned the lot numbers which Mr. Stevens explained were 9-1-1 address numbers set by the post office. Mr. Jones also asked if the applicant would get a renewed letter from Sewer District about accepting the added homes and the consultant responded that they would do so. Next, it was noted that some of the wetland issues were clarified regarding the mitigation measures proposed. Mr. Scavo noted that a joint application permit to ACOE and DEC was submitted and there was ultimately a letter issued and that those designations would be noted on the plan.

Next Board members discussed the use of the proposed Open Space and it was noted that a trail was proposed but no other improvements at this time. Mr. Ferraro explained that once accepted by the Town, the open space would be in a park district, which he stated was defined as the entity that would govern the parklands. Then the Chairman added that it was a taxing district that would incorporate accepted parklands into their budget for maintenance and/or improvements. Mr. Ferraro remarked that the previously discussed buffer zone, disturbance area, and grading plan should be submitted prior to final stamping. Mr. Scavo also added that silt fencing would be installed per the plan during construction and that a pre-construction meeting would be held prior to ground breaking, and planning board members would be invited to partake in that meeting.

Mr. Neubauer commented that he felt that pocket ponds would need fencing as practiced elsewhere throughout Clifton Park. Next he stated that he felt that the cluster mailboxes would need a paved pull-off area to avoid impeding traffic flow in that area. Then he recommended that crosswalks should be added to the plan and connections to surrounding neighborhoods should have logical termini rather than end abruptly at the property line.

Board members then suggested that the trail along a portion of Fairmont Drive needed to be revised and it was noted that the Mr. Stevens would address those details with the Open Space Coordinator prior to the next submission. A concrete sidewalk parallel to the roadway was discussed as an option. Additionally, board members discussed deed restrictions to properties within the buffer zone and they stated that those details should be noted on individual property deeds. Wetland signage should be added and shown on the plan at certain locations at the discretion of the Planning Director. Mr. Ferraro read a Standard Note for Permanent Preservation Areas prepared by John Scavo that he recommended and the Board agreed be added to the plan

under the Standard Note for Permanent Preservation. Also, the existing Standard Preservation Note on the Plan should be modified to reflect this change.

- Non-Vegetative material utilized to satisfy screening may consist of fences. If fences are to be utilized, their placement and installation shall be such so as to cause minimal disturbance of existing vegetation.
- Dying, diseased or dead vegetation may be removed from a buffer provided minimal disturbance occurs. Vegetation removed shall be replaced where necessary to meet visual screening. The owner shall consult an arborist, forester, or landscape architect to verify any trees greater than 6" diameter at breast height to verify if the tree needs to be removed.
- Pruning and maintenance of protected trees shall be consistent with best management practices in the field of arboriculture and further the long-term health of the tree or to protect life and property. Pruning shall be limited, so not to allow degradation of the visual buffer from the view of the resident's first story window. Protected trees in the buffer shall not be topped.

Board members then questioned some of the topographical changes proposed along Fairmont Drive, and the grading from front to back of some of the homes. The Cluster subdivision process was briefly explained for the benefit of the planning board members that had not been present at the concept stage of this project in 2012 to explain that the setbacks were not the same as the surrounding R-1 neighborhoods. Mr. Scavo stated that a cluster subdivision allowed for smaller individual lots with reduced setbacks as long as the applicant provided required open space per Town Code, and that the density, setbacks and calculations had been accepted as part of the planning process.

Resolution

Mr. Jones offered Resolution #5 of 2017, seconded by Mr, Ophardt, to waive the final public hearing and grant preliminary approval, conditioned upon being submitted for final Planning Board approval within 60 days that addresses the comments discussed at the meeting.

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

Noes: None

III. Old Business

2017-001 99 Stewart's Shops Vischer Ferry / Route 146 - Site Plan

Applicant proposes to raze the existing two buildings on the southwest corner of Route 146 and Vischer Ferry Road for the construction of a new 3,675 square foot Stewart's with four fuel

dispensers (eight fueling positions). 1202 Rt 146, Zoned: B-3, Status: PB Revised Concept Review, SBL: 270.-2-18

Mr. Marcus Andrews, with Stewart's Corporation, presented this project which had been revised since it was last seen on January 24, 2017. Mr. Andrews explained that the existing two buildings on these parcels would be demolished and a new shop and a fueling canopy would be built. Mr. Andrews also stated that a sidewalk along the NYS Route 146 frontage would be constructed as well as a sidewalk along the south side of the parcel extending from Vischer Ferry Road to the shop. The consultant then described the greenspace calculations, and access and on site traffic patterns, noting that along Route 146, the western most access point would include ingress and egress, while the eastern access would be restricted to right-out only. Also proposed, was full ingress and egress lanes to Vischer Ferry Road.

Staff Comments

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

- The ECC recommends that the catch basin under the proposed dumpster be relocated out from underneath the dumpster. The pad underneath the dumpster shall be contained with an asphalt berm.

S. Myers – issued a review letter stating:

- It is believed the right out along Rt. 146 is too close to the intersection and will not be allowed by NYSDOT.
- Do not believe a left turn out of property to Vischer Ferry Rd. should be allowed especially since it is directly opposite an already known existing traffic problem. It is also too close to the intersection and crosses multiple active lanes. No trucks should be allowed to turn left onto Vischer Ferry due to the potential of blocking all lanes.
- A full SWPPP is still required.
- Several variances required as previously noted. Landscaping proposed in NYSDOT county ROW will require those agencies approval prior to greenspace variance consideration. It is believed greenspace not physically within the property boundaries does not get included in the proposed greenspace. As a result the site will be less than 18% greenspace.
- Is Elnora the proper physical location of this store?

John Scavo, Planning Director, issued the following comments:

- Prior to consideration of the preliminary plan, the applicant will need to seek and obtain the necessary area variances for the redevelopment project.
- Additional comments will follow at the time of preliminary plan submittal. The following notes should be added to the future preliminary site plan:

- During demolition, the property owner will be responsible for dust control and must take appropriate mitigation measures.
- No earth disturbing activities shall commence until all perimeter erosion control measures are in place in accordance with the Erosion and Sediment Control Plan.
- Provide a Construction Phasing Plan to discuss how the site will be demolished and reconstructed. It is a very small site to store materials, construction equipment, and contractor vehicles. Address whether off-site storage will be necessary during construction.

Joel Bianchi, of M. J. Engineering and Land Surveying, offered the following comments from a review letter dated March 24, 2017 highlighted:

State Environmental Quality Review

- No additional comments.

Short Environmental Assessment Form

- As noted in Comment 3 of our February 10, 2017 review, under 3.b. the area of disturbance is indicated as being 0.78 acres. The applicant has indicated that with some of the existing pavement subbase being retained, the total disturbance will remain below 1-acre. Subsequent submissions shall detail how this will be accomplished. Of note are areas where it appears existing pavement subbase will be located below proposed green space areas.
- As noted in Comment 3 of our February 10, 2017 review, under 8.a. at a minimum, information regarding expected vehicle trips from the proposed use shall be provided to support the response provided in regards to traffic.
- As noted in Comment 4 of our February 10, 2017 review, under 13.a with the site being located in an archeologically sensitive area, should the project become subject to the NYSDEC General Permit GP-0-15-002, a “no effect” letter will be necessary for the project to be eligible for permit coverage.

General Comments

- As noted in Comment 9 of our February 10, 2017 review, while the application material indicates that the project will have less than 1 acre of disturbance and would not be subject to GP-0-15-002, there is a proposal to increase impervious cover and potentially change or alter drainage patterns. As such, an analysis shall be completed that examines the pre and post drainage conditions to determine whether or not there will be adverse impacts to the receiving drainage system.
- In our review of the revised concept plan submitted, it appears that there are instances where the bulk lot requirements are not satisfying the minimum requirements set forth in Sections 208-38 and 208-98 of the Town’s Zoning. The potential lot deficiencies

identified are as follows, noting that we assume that there would be a consolidation of the two lots to form one single lot:

- Section 208-28(D) requires that no building shall be placed closer to a side property line than 20 feet, and no automobile parking space shall extend nearer to a side property line than 20 feet. The building and parking are within the side setback line.
- Section 208-38(G) requires a minimum of 35% greenspace. The plan proposed to reduce the greenspace from 22% to 18%.
- Section 208-98 indicates that no building or part of a building, other than steps, eaves and similar fixtures, shall extend nearer to the center line of the street or road than 130 feet. The proposed building and gas canopy are within the stated front setback of Route 146 and the canopy is within the stated setback of Vischer Ferry Road.
- The site statistics on Sheet S-2 indicated that 28 parking spaces are provided. However, the plan only shows 16, two less than what is required by zoning for the proposed use. The applicant may request a reduction in parking via a waiver from the Planning Board.
- Section 208.39 of the Town's Zoning states that there shall be not more than one entrance and one exit per establishment upon any individual public thoroughfare, and the distance between the entrance and exit center lines, if separated, shall be not less than 100 feet. The plan proposes two entrances along Route 146. One of the two entrances would need to be removed, preferably the entrance closest to the intersection of Route 146 and Vischer Ferry Road to conform to the noted section of the Town Zoning.
- The modifications to the site entrance at Vischer Ferry Road will require the reconstruction of the Town's existing multi-use trail. This work shall be designed in accordance with NYSDOT standards, similar to the original path construction.
- The revised plan provides pedestrian/bicycle facilities along Route 146 as well as a defined pedestrian connection from the proposed building to the existing / proposed pedestrian/bicycle facilities that adjoin the parcel. The connection to Route 146 should also include a sidewalk and ramp aligned with the proposed walk opposite parking space
- For any existing utilities that are to be abandoned, their locations shall be noted and the extent of removals/abandonment identified in accordance with authorities having jurisdiction.
- There needs to be indication whether or not the building will be provided with an automatic sprinkler as a result of proposed building materials and occupancy type. Depending on whether or not the building is sprinklered will dictate if an on-site hydrant is required.
- Indicate on the plans the locations of the Knox Box and fire department connection or provide a note on the plans indicating final location is to be determined as part of the building permit process and is subject to the Town of Clifton Park's review and approval.
- It is suggested that cross lot access easements be considered to the adjacent parcels to promote future connectivity.
- The Vischer Ferry ingress/egress should be limited to right in (approaching from south), left in (approaching from the north) and right out (from internal site). The left out (from

internal site) should be prohibited as it is close to the Vischer Ferry left turn lane and will create conflicting turn movements and unnecessary staking of vehicles.

- The updated turning template plan indicates that the left turn lane of Vischer Ferry Road will be blocked when the delivery vehicles are queued at the Route 146 intersection. The turning movement for the Brenner Tank Trailer does not appear to be viable. If the vehicle is stopped at the stop bar on Vischer Ferry Road, it appears that the trailer will obstruct the left turn lane of Vischer Ferry Road as well as the south bound lane of Vischer Ferry Road. This exiting pattern may not be viable due to the potential hazard.
- Modify the accessible parking sign and pavement marking utilizing the New York Specific accessibility symbol.
- Relocate the proposed drainage structure at the dumpster to be outside the enclosure area.
- Provide a sidewalk detour plan to illustrate how the path along Vischers Ferry Road will remain open during construction as noted on the plans.
- Provide notation on the plan that only one construction site access will be permitted.
- Provide a detail for the hydrodynamic unit noted on Sheet S-4.
- Variance
- Parking spaces
- Vischer Ferry Road access, turning lane

Night time deliveries and restricting delivery vehicles from exiting to the north on Vischer Ferry Road could be a condition of approval

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

- The applicant is showing where sub-base will not be disturbed on sheet S-2B. Does the applicant intend to leave the subbase where the proposed landscaped islands are being proposed? This does not seem practical and the total disturbance shall be recalculated.
- The catch basin located below the dumpster shall be relocated to discourage accepting possible runoff from the dumpster's contents.

Public Comments

Anthony LaFleche, 21 Wheeler Drive, asked if the applicant had been able to secure a cross access agreement with the abutting property on the western edge and the applicant stated that they had not received a response to their letter of inquiry. Mr. LaFleche also asked if the applicant proposed a sidewalk or multipath trail along Route 146 and was told that it would be a continuation of the existing sidewalk.

Planning Board Discussion

Traffic flow patterns were discussed at length. Board members expressed concern for patrons exiting this site at either egress. It was also noted that the length and turning radius of delivery vehicles, and fuel tankers in particular, would need to be analyzed in order to determine whether they could make the left out turns onto Vischer Ferry Road. The applicant was asked to review the layout of the site, traffic flow into and out of the property as well as internally, and to consider restricting the directions allowed for delivery and the acceptable hours of delivery. The

chairman also asked that a possible future cross access easement with the adjacent property should be shown as condition of approval.

Mr. Ophardt and Ms. LaSalle stated that they opposed right out only from the eastern egress and felt that should be eliminated completely. Mr. Jones and Mr. Szcsceny were in favor of the two access points as proposed onto NYS Route 146.

Mr. Andrews stated that he felt that traffic issues were based on automobiles heading south on Vischer Ferry Road and those making a left hand turn into the opposite property. Next, he speculated that some of those conflicts would be resolved by having an alternative location for shoppers to turn right off Vischer Ferry Road.

Pam Marshall, a resident on Fairlawn Drive, added her support of a future cross access easement with the adjoining property.

IV. New Business

2017-014 Village Plaza Mixed Use Subdivision

Applicant proposes to subdivide the new out lot development from the balance of the shopping center. There will be 2 new lots plus the remaining lands, 19 Clifton Country Rd, Zoned: TC5 & TC6, Status: PB Concept Review SBL: 272.-1-44

Tom Andress of ABD Engineers, representing Bob and Tim Miller presented this concept subdivision application. The application proposed to subdivide the recently approved site locations for the Village Plaza mixed-use building from the shopping center, for financing purposes. Mr. Andrews said that a common stormwater maintenance agreement would be drafted for the possibility of future separate owners to contribute per the agreement and that a copy would be filed with the Town.

Staff Comments

John Scavo, Planning Director, issued the following comments:

- It appears the setback requirements are met and the front build-to line of the approved buildings on Lots A & B are not altered because of the proposed subdivision.
- Add a note to the plan that states, “This subdivision is bound by all covenants, restrictions, and conditions of the site plan approval for Planning Board Project #2015-042.”
- Show approximate locations of the water and sewer laterals for each of the three parcels to ensure there is no need for a transportation corporation to be formed.
- Add the assigned 911 addresses to the preliminary plan.

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

- The applicant shall be made aware that each individual lot owner will be required to file with Saratoga County Offices “The Stormwater Management Practice Maintenance Agreement” (SMPMA). The SMPMA requires a depiction of the stormwater facilities and maintenance instructions, including but not limited to the Operation and Maintenance portion of the Stormwater Pollution Prevention Plan and plans showing facility locations.

Public Comments

None

Planning Board Discussion

Planning board members appeared generally agreeable to the subdivision. It was noted that the next steps would be to send out notices to owners within 500’ of the property and then to schedule a public hearing.

2017-013 Hatlee Road 5 Lot Subd

Applicant proposes to subdivide 10 +/- acres into 5 new lots to build a single family residence on each. Each lot will connect to public water supply and sanitary sewer. Existing house and outbuildings to be demolished, 993 Hatlee Rd,

Dwayne Rabideau with Gil VanGuilder and Associates, representing Brooks Heritage Builders, showed the location of the proposed 5 lot subdivision for single-family residences on Hatlee Road. Mr. Rabideau stated that this was a revised concept since it was first seen on February 28, 2017. Based on the initial meeting, Mr. Rabideau stated that the applicant revised the concept to eliminate the two-family residence proposal and withdrew the special use permit application. The consultant described each lot and stated that no wetland nor streams would be impacted, and that disturbance would be under 9/10 of an acre. Next, the speaker noted that the current plan met R-1 zoning requirements, as of right, with no special use permit being needed.

Staff Comments

ECC

- 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 requests that topographic elevations should be added to the plans. Including the proposed elevations for the limits of disturbance.
- The ECC notes that this project is within an archeological sensitive area and suggest that the applicant contact SHPO to verify the project will not impact an archeological sensitive area.

S. Myers – issued a review letter which noted:

- Proposal changed to Single Family Residences from two family homes.
- Lot #2 requires public water and sewer due to lot size. It appears all lots will have both.

- Lot #2 requires public water and sewer due to lot size. It appears all lots will have both.
- House configurations on lot #1 & 3 are very close to wetland boundaries. Protection of the wetlands will be strictly enforced. Groundwater levels may influence house siting and foundation depths.

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.
- It appears the project meets the Use, Bulk, and Setback Requirements pursuant to §208-11 of the Clifton Park Town Code.
- 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:
 - a. 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.
 - b. 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.
 - c. Work within the Hatlee Road Right-Of-Way will require permitting from the Town of Clifton Park Highway Department prior to construction.
 - d. 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.
- Add the following note to the plan:

Pursuant to §208-78(F) of the Clifton Park Town Code:
Demolition of any building or structure more than 49 years old.

 - Prior to issuing any demolition permit on a building or structure more than 49 years old, the Town Building Department shall notify the Historic Preservation Commission, by providing 30 days' written notice, identifying the building or structure for which such permit is sought by address and name of owner or owners, unless, in the opinion of the Building Department, the structure poses an imminent danger to health and safety.

- The Commission shall evaluate and document the building or structure for historic or architectural significance appropriately, as may be necessary, during the thirty-day notice period prior to issuance of any such demolition permit. The Commission may request an additional 14 days to evaluate and document such significant structures in cases where extensive research is required, which may be granted in the sole discretion of the Building Department.
- In the event that the Building Department has received no comment from the Historic Preservation Commission within 30 days after such notification, the Building Department shall issue the requested permit for demolition if the same is deemed otherwise appropriate.
- A Jurisdictional Determination Letter should be provided for the wetlands delineated at the proposed site prior to final subdivision approval.

Joel Bianchi, of M. J. Engineering and Land Surveying, - 3/24/2017

State Environmental Quality Review

- Based upon a review of the proposal, it is considered a realty subdivision under Environmental Conservation Law (ECL) Part 74. In accordance with 10 NYCRR Part 97 in the NYSDOH regulation implementing SEQRA (Article 8 of the ECL), Section 97.14(b)(2)(ii) requires that a realty subdivision be classified as an unlisted action.
- Assuming the Clifton Park Planning Board is to request Lead Agency status under SEQRA, a coordinated review is required for Type I actions. Under a coordinated review, involved / interested agencies to be engaged may include, but is not necessarily limited to the following:
 - Clifton Park Water Authority - Water service connection.
 - Saratoga County Sewer District No. 1 – Request for reserve sewer capacity and sewer connection.
 - NYS Dept of Environmental Conservation –potential permit coverage under stormwater SPDES, identification of threatened and endangered species.
 - NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources.
 -

Short Environmental Assessment Form

- Since this application has been deemed a Type I Action, submit a full environmental assessment form.
- Under Item 2, a special use permit is noted as being required. This is believed to be associated with the prior application. Correct response to reflect current proposal and associated permits/approvals being necessary.
- Under Item 3.b, there is indication that the total disturbance for the project is 0.88 acres. Confirm that this disturbance includes work associated with (1) construction of driveways out to the Town right-of-way, (2) installation of water services and (3) extension of public sewers. Should the total disturbance exceed 1 acre, a basic SWPPP will be required.

- Under Item 12.b, with the indication that the site has the potential for archeological resources, if the project requires coverage under GP-0-15-002, a "no effect" letter from the NYS Office of Parks, Recreation and Historic Preservation.

Subdivision Plan

- The project is located within the Town's Residential I District (R-1). The proposal for single family homes is a permitted principal use within the R-1 District as noted in Section 208-10(B)(2) of the Town's Zoning. Based upon a review of the proposed lot configurations, they appear to meet the minimum bulk lot requirements as identified in Section 208-11 of the Town's Zoning for the R-1 District.
- Provide existing contour data on the plat.
- The concept shows no impacts to regulated wetlands. Due to the positioning of some of the proposed homes, a detailed grading plan shall be prepared to illustrate how lot development will occur without impacted the regulated wetlands that are located through the project area.
- Indicate on the plans the date the wetlands shown were delineated and by whom.
- Note the location of the existing home on the plat and provide notation that all utilities associated with the structure shall be removed and/or abandoned in accordance with applicable codes and regulations.
- Confirm the LC District boundary shown on proposed Lot 3 is correct near the proposed drive. It may be necessary to locate the remainder of the stream if it crosses Hatlee Road.
- The submitted information indicates the project is proposing to connect to an existing water main along Hatlee Road. 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.
- The submitted information indicates the project is proposing to connect to an existing sewer main(s) within close 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.
- Show the routing for the extension of public sewers to the project. If any easements are necessary due to obstructions in the Hatlee Road right-of-way, those easements shall be shown on subsequent submissions.
- Confirm that adequate site distance will be provided for each driveway, since Hatlee Road is heavily trees along this section of the Road. Most importantly confirm that the drive to proposed Lot 5 will have adequate site distance due to the horizontal curvature of Hatlee Road.
- There may be a need to provide a drainage culvert at the new driveway to support existing drainage along Hatlee 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.
- 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. 19. Provide notation on the plan as follows:
 - No utilities shall be installed beneath driveways

- All work within the Town of Clifton Park Highway shall be subject to permitting by the Town of Clifton Park Highway Department.
- 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 Environmental Assessment Form states that this project will disturb 0.88± acres. Is it the intention of the developer to directional bore the sanitary to Willowbrook Lane to keep the disturbance down and avoid disturbance to the wetlands? Show the boring and receiving pits on future submittals. 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 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

Anthony LaFleche asked how far the homes were proposed to be from the street. Mr. Scavo responded that the setback was about 50' from the property line, which is the standard setback within R-1.

Bill Paquette, 1002 Hatlee Road asked if his note was received by the Planning Board and Mr. Ferraro responded affirmatively and noted the list of letters and petitions which had been received. Mr. Paquette asked that all of these be taken into consideration.

Ron Conter, Hatlee Road stated that he felt the 5 lot subdivision was quite different than the surrounding neighbors.

The following lot sizes were noted by the consultant:

- Lot 1 – 1 acre
- Lot 2 - .6 acre
- Lot 3 - 1.2 acres
- Lot 4 - 1.2 acres
- Lot 5 – 6.1 acres

Mr. Ferraro noted that in R-1 that a 20,000sf minimum lot size was allowed with sewer and water and that each of these lots fit that requirement.

Mr. Conter also expressed concern over any grading and backfill that might be required adding that he felt that might impact the neighbors.

Kathy Zinzar, 1003 Hatlee Road, stated that she opposed the project and expressed the following concerns:

- Felt that only 3 acres usable out of 9+ acres
- Felt 5 lots was too dense
- Out of character with rest of road
- Lot 5 – distance of proposed house from the property line was 35 feet

Richard Miller, 1 Willowbrook Lane, asked if the current proposal met the R-1 standard. Next he asked what does Planning Board have the ability to restrict. Mr. Ferraro responded that if there were no wetlands, the applicant would be able to construct even more homes and that the wetlands were subtracted from the buildable land calculations to arrive at the 5 lot allowance per R-1 zoning.

Bill Paquette expressed concern about traffic issues on Hatlee Road and safety issues due to new development to the north in the neighboring town.

Planning Board Discussion

Mr. Neubauer stated that he agreed with the ECC that a topography plan would be critical to determine any grading that might be necessary in order to limit the impact to the wetlands.

Geoff Brooks, the applicant, showed an aerial layout of his subdivision in the Town of Ballston to demonstrate that his ability to work in tight footprints within sensitive areas has been proven.

Mr. Jones remarked that the subject property was quite flat and that he felt the density and lot frontage of the properties to the south were actually smaller than what was proposed with this subdivision application. Board members expressed concern in particular about Lot 3 and the size of its building envelope relative to the amount of wetlands on the lot.

Mr. Ophardt asked about archeological sensitivity in the area, and it was noted that this application did not require SHPO review and DOH approval. Mr. Bianchi further explained that this was not subject to review with the size of this subdivision.

Mr. Szczesny stated that he felt that it would be better as a 4 lot subdivision. Mr. Ferraro stated that he felt that Lot 3 was too tight. Mr. Rabideau stated that the footprint could be shifted. Mr. Brooks explained that the homes being proposed were under 2200 sf to 1500 sf. Mr. Ferraro expressed concerns about ensuring that future homeowners would not encroach on the wetland areas.

Mr. Jones stated that he felt that his concern was whether or not the application met the setbacks and he stated this application did appear to meet them. Then the member remarked that many of the surrounding properties appeared to be of similar or smaller size. Mr. Jones also asked that the applicant include a turn around portion of the driveway to allow owners an option to avoid backing out onto Hatlee Road.

Mr. Brooks explained that they could design the driveway to be single lane by the road, double at the garage with a small turning stub. Mr. Brooks added that this layout could be designed with the same amount of impervious surface as a straight double lane drive.

Ms. LaSalle stated that she also felt that Lots 1,2, and 3 could be reconfigured as only 2 lots. Mr. Ferraro also stated that he agreed with Ms. Lasalle, further stating that he felt that only 4 lots would be desirable due to the ecological sensitivity in the area.

The applicant was told that at the next step they would need to check the contours and topography of the land.

Kathy Pelham then asked if the residents would be able to review any topo plans that would be submitted. The Planning Director noted that once a plan was submitted, all residents were welcome to review the plans on file with the Planning Department.

2016-031 DCG Town Plaza Drive Thru

POSTPONED AT REQUEST OF APPLICANT

V. Discussion Items

Mr. Jones moved, seconded by Ms. LaSalle, to adjourn the meeting at 10:50pm. The motion was unanimously carried.

Next Meeting: April 11, 2017

Next Submittal Date: April 3rd for April 26th

Respectfully Submitted,

Meg Springli

NOTICE OF DECISION

Resolution #5 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 #5 of 2017, and Mr. Ophardt seconded, and

Whereas, an application has been made to this Board by Michael Fisher, for approval of a cluster subdivision entitled Crescent Woods Subdivision, consisting of (62) lots;

Whereas, pursuant to Section 276 of the Town Law, a public hearing was advertised and was held on March 28, 2017;

Whereas, the Planning Board was established as Lead Agency for this application, a Type I action, and a negative declaration was issued pursuant to SEQRA on March 28, 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 public hearing for this application is waived and the cluster subdivision plat entitled Crescent Woods Subdivision consisting of (62) lots is granted preliminary approval conditioned upon being submitted for final Planning Board approval within 60 days to address comments discussed at the meeting with the Planning Board, the Planning Director and Professional Staff.

Resolution #5 of 2017 passed 3/28/2017

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

Noes: None

Rocco Ferraro, Chairman