

**Town of Clifton Park Planning Board**  
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PLANNING BOARD

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Greg Szczesny

(alternate) Teresa LaSalle

**Planning Board Meeting**  
**June 13, 2017**

Those present at the June 13, 2017 Planning Board meeting were:

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

Those absent were: None

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

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

**Minutes Approval:**

Mr. Szczesny moved, seconded by Mr. Jones, approval of the minutes of the May 24, 2017 Planning Board meeting as written. The motion was unanimously carried.

**Public Hearings:**

There were no public hearings scheduled for this evening's meeting.

**Old Business:**

[2012-030] **Crescent Woods Subdivision** – Proposed (62) lot cluster subdivision, 1567 Crescent Road – Final review and possible determination. SBL: 283.-2-8

Mr. John Stevens, consultant for the applicant, updated the Planning Board on the most recent revisions made to the project plan in response to comments issued at the March 28, 2017 meeting, highlighting some of the most significant changes. All sewer improvements will be conveyed to the Crescent Waste Corporation and odor control measures at the Compton Road station will be installed as specified and approved by the Saratoga County Sewer District. The sidewalk along Fairmont Drive will be installed as recommended by the Open Space Coordinator. An 8' wide stone dust trail from Fairmont Drive to the stormwater management area will allow truck access to the site for maintenance purposes. The applicant now anticipates that the cross-lot drainage easement originally proposed behind Lots #35, 37, 39, 41, 43, 45, 47, and 49 Fairmont Drive will be replaced with individual dry wells, eliminating shared maintenance concerns: the applicant is currently evaluating the situation and the parcel containing these eight lots will be labeled as "Phase II" of the development on the subdivision plat: no approval of those eight lots will be granted or implied as part of this evening's deliberations. As noted by Mr. Stevens, percolation tests conducted in the area will determine the number of lots that can be accommodated in this area: this number, however, will not exceed the eight currently proposed. Addressing the comments issued by the ECC, Mr. Stevens explained that the project has received ACOE approval and that a water quality permit will be issued by the NYSDEC. All minor technical comments have been addressed.

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

Mr. Scavo reported that Mr. Myers, Director of Building and Development provided a number of comments regarding this application in a memo dated May 25, 2017. Mr. Myers reported that the Stormwater Pollution Prevention Plan dated June, 2016 does not adequately address the issues identified since then. A sand filter as part of the conveyed stormwater infrastructure should not be allowed due to the excessive maintenance required by the town. It appears that per Infinigy's May 8, 2017 correspondence to the town that the right-of-way width has been changed from the town standard 60' to 50' with a road slope of .75%. Mr. Myers questions why the reduced width should have been allowed, noting that the right-of-way provides for utilities, snow storage, and other needs: the road slope provides for drainage and speed resistance. Minimizing this slope lessens the efficiency of both and could create greater hazards and affect future paving operations. The plan still does not provide an elevation for the pipe crossing Crescent Road, the 298' contour "does not work as an elevation," and it is unknown if a ponding situation has been corrected. Lot sizes must be indicated on the plan prior to the creation of the final plat. Due to the developer's apparent inability to correct the steep slopes between houses which create "everything from erosion issues to stepped footings," each house will require a separate grading plan prior to issuance of a Building Permit. The proposed remedy for providing

access to the drainage easement is not acceptable. Mr. Myers finds that the proposed use of individual drywells “does not appear to be a logical solution” and questions who will maintain them, whether or not the town will be provided access if needed, and if the soil conditions will support them. Since lot numbers are not included on all plan sheets, it is difficult to review the building envelope and wetland affect. Building envelopes will be strictly enforced once approved. Variances to extend beyond the designated envelopes will be required. There should be plan sheets that reflect all of the pertinent data such as lot number, building envelope, wetland and LC zone limits, slopes, and other relevant data. Mr. Myers concluded his comments by stating that “it appears apparent that a full response to all of the town comments has yet to occur.” Mr. Scavo reported that since these comments were issued, Mr. Myers has reviewed revised plans and has determined that all technical issues, particularly those related to drainage easements, have been adequately satisfied.

Mr. Scavo reported that the ECC issued the following recommendations regarding this project after review of the application at its June 6, 2017 meeting. The Army Corps of Engineers failure to respond (as per the letter received February 21, 2017 from that agency) to this applicant 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 requests that the applicant submit a written response from that agency as to whether they accept or decline jurisdiction of the wetlands that exist on this project. Due to the large amount of wetlands on the parcel and the possible connectivity of these water bodies to NYSDEC regulated wetlands, the ECC recommends that the Planning Board, as Lead Agency under SEQRA, request a determination of significance and wetland delineation from the NYSDEC as an involved agency.

Mr. Scavo reported that Mr. Reese, Stormwater Management Technician, provided the following comments regarding this application. Test pits and percolation tests will need to be conducted for the rear of Lots #41, 43, 45, 47, and 49 Fairmont Drive to verify whether or not drywell infiltration will work efficiently and have the proper separation from seasonal high groundwater. The consultant is asked to point out the location of notation regarding proposed tree sizes as referenced in Item #5 of the Infinigy response letter dated May 8, 2017.

Mr. Bianchi reported that M J Engineering and Land Surveying, P.C. is still reviewing the most recently submitted revised subdivision plan set and that since that latest rendition had been provided on June 9, 2017, no formal comment letter has been prepared. Mr. Bianchi did state that it appears that the applicant has adequately addressed all issues previously identified and that the plans now met the criteria necessary to be considered an acceptable final plat.

Mr. Eric Hamilton, 67 Pico Road, asked that the proposed pump station be relocated from the north side of the wetland and creek to the southerly side. He requested that the trail link from Fairmont Drive to Pico Road be moved a bit further north and be designed to “work around existing trees and wetland areas in the parkland.” He also recommended that the trail segment at the eastern end of Spencer Street be relocated to meet the existing trail.

Mr. Dan Hartnett, 32 Southbury Road, observed that the trail connections “did not appear to be fully fleshed out,” and he recommended that the plans be “tweaked” to provide more reasonable connections. In response to Mr. Ferraro’s question regarding the trail location at Patriot’s Circle, Mr. Scavo explained that the current property owner on Patriot Circle asked that the trail not be placed along his rear property line. Respecting this request, the site was reviewed by Ms. Viggiani and the trail segment was reoriented to link directly to Patriot Circle. Mr. Hartnett recommended that a realignment of the trail segment which crosses the westerly portion of Fairmont Drive to adjust the “offset” currently designed. Mr. Hartnett argued that the conclusion that the proposed subdivision would minimally impact Crescent Road traffic was faulty and that the project would, indeed, worsen the traffic congestion that currently exists on the roadway at peak travel times. Mr. Scavo explained that a traffic study conducted by the applicant concluded that the proposed project would have minimal impact on existing conditions.

In response to Mr. Jones’ question regarding the preparation of a traffic study for the area, Mr. Bianchi reported that such a study that included the identification of potential impacts from this development was prepared by the applicant. Mr. Scavo responded to Mr. Jones’ question regarding wetland delineations and approvals stating that the ACOE is an involved agency and that the NYSDEC will be issuing a water quality permit since no issues of concern regarding impacts were identified. Mr. Neubauer described the modifications to the sidewalk proposed along Fairmont Drive as “good changes” and, with Mr. Ophardt, recommended that the trails be moved as far as possible from roadway pavement. Mr. Ferraro explained that the applicant will receive input from Ms. Viggiani, Open Space Coordinator, as well as members of the Trails Subcommittee regarding specifications for trail construction and location. Mr. Jones lamented the fact that there were no stub streets provided in the existing subdivisions for connections to this parcel. Mr. Stevens noted, however, that this project plan does include a “stub street” on the westerly side of Fairmont Drive just north of its intersection with Crescent Road for a possible future access to the adjoining parcel. Mr. Ferraro called for clarification of several issues. Mr. Stevens assured him that the existing integrity of the “streetscape” along Crescent Road, including the existing maple trees, would be preserved. When asked if the identified encroachments by adjoining property owners had been resolved, Mr. Stevens explained that these issues had not yet been satisfactorily addressed. Mr. Ferraro asked that the standard note regarding the parcel’s proximity to aviation activities be added to the plan. Mr. Ferraro asked that the Notice of Decision include a statement regarding the applicant’s ability to “provide for protection of natural site features (i.e. mature trees) as appropriate. Deed restrictions related to the required 40’ no cut buffer which requires that all existing vegetation within that area remain in its natural state and the 50’ LC zone buffer which requires that no primary structures may be placed within that buffer must be added to the final plat, be clearly indicated in marketing materials prepared for potential homebuyers, and be included in the deeds of all affected properties. A note regarding the removal of dead wood from the buffers will be prepared by Mr. Scavo and incorporated in all applicable documents. In response to Mr. Ophardt’s question regarding the establishment of an easement behind the existing townhomes on East Haystack, Mr. Stevens stated that there is an existing easement which provides those homeowners with access to the rear of their properties.

In response to Ms. Hamilton’s question regarding the proposed housing styles, Mr. Stevens explained that the developer proposes basements in all of the homes and that some will feature walk-out basements. Mr. Scavo explained that, pursuant to the state building codes, all basements

would be required to be constructed at least 2' above the identified high water level. In response to a question from an audience member, Mr. Stevens explained that all fill material used on the site would be structural fill material compliant with all state and local code requirements.

Mr. Szczesny offered Resolution #7 of 2017, seconded by Mr. Ophardt, to grant final subdivision approval to this application recognizing that the portion of the subdivision plat containing Lots #35, 37, 39, 41, 43, 45, 47, and 49 Fairmont Drive and designated on the plan as "Phase II" is exempt from this approval, and conditioning said approval on the addition of a note to the plan which states that modification of the approved trail segment locations may be modified to allow for protection of the site's natural features, the addition of the standard note regarding aviation activities, clear language regarding homeowners' responsibilities related to all deed-restricted lands on the subdivision plat, marketing materials, and property deeds, and all items listed in the final comment letter issued by the Planning Department. Ayes: Neubauer, Andarawis, Bagramian, Szczesny, Jones, Ophardt, Ferraro. Noes: None.

### **New Business:**

[2017-027] **Waite Meadows Open Space Incentive** – Public workshop for Open Space Incentive Zoning pursuant to Section 208-43.14 of the Town Zoning Code. SBL: 2170.-1-19.11

Mr. Ferraro explained that earlier this year the Town Board received a request from Waite Meadows, LLC pursuant to Article VB and Section 208-43.13 of the Town Code to allow an increase from the base density for the planned Waite Meadows subdivision from (34) single-family residences to (68) single-family residences. At its May 1, 2017 meeting, the Town Board passed a resolution referring the request to the Planning Board for an advisory opinion. The speaker noted that the Planning Board is charged with conducting a public workshop on the application and providing a non-binding advisory opinion to the applicant and the Town Board, describing "the beneficial aspects of the proposal" and providing "recommendations for amelioration of any adverse aspects of the proposal" within 45 days of receipt of the application from the Town Board.

Mr. Joe Dannible, consultant for the applicant, introduced Mr. Peter Belmonte, applicant who was in attendance at the meeting, and presented the request, explaining that the parcel under consideration is located on the easterly side of Waite Road, approximately one mile from its intersection with Route 146. The entire site lies within the town's CR (Conservation Residential) zoning district. Pursuant to Article VB and Section 208-43.13 Incentive A of the Town Code, the applicant is requesting an increase in the base density for the proposed community from (34) single-family residences to (68) single-family residences. In consideration of the density increase and consistent with Section 208-43.15B of the Code, the applicant would contribute \$30,000 per incentive lot granted, for a total contribution of \$1,020,000.00 to the town's dedicated Open Space Fund to preserve open space and protect farmland within western Clifton Park. The Fund would be used at the town's discretion to purchase developable land within western Clifton Park to permanently protect and preserve it. The applicant believes, however, that the plan "goes beyond the town's ability to purchase land and/or development rights," since the proposed subdivision plan also protects significant open space, proposes dedication of land to the Town of Clifton Park, and develops a substantial multi-use trail system.

Mr. Dannible provided a brief history of Mr. Belmonte's proposed development at this site, stating that the Waite Meadows subdivision was originally approved by the Planning Board in 2011 with (33) single-family residences on a single point of access from Waite Road. All necessary approvals from the Town of Clifton Park and involved county, state, and federal agencies have been obtained and the subdivision plat has been filed with the Saratoga County Clerk's Office. The subdivision included 64.4 acres of protected open space by dedication to the town and privately owned deed-restricted open space. Lot sizes ranged from 1.2 acres to more than 10 acres. Mr. Dannible explained that the project received waivers from the Fire Advisory Appeals Board and the Department of Building and Development to allow more than (18) lots on a single-access roadway.

At this time, the owner has decided to "revisit this subdivision" to find a more feasible way to construct the roadway, minimize wetland disturbances, and provide the best fire protection possible. Fire safety, ease of roadway maintenance, town dedicated open space, access to open space areas, and minimization of the impervious surfaces have all been considered as part of this plan. Consistent with the approved plan, the proposed subdivision will be accessed by a single curb cut onto Waite Road. The proposed roadways will be constructed to town standards: no boulevards are proposed. Automatic fire sprinklers will be installed in all of the residences to provide the best possible fire protection and mitigate the need for boulevards and/or a second entranceway. The removal of boulevards and the elimination of cul-de-sacs will make maintenance of the proposed road easier. Mr. Dannible pointed out that the revised plan has the approval of the Highway Superintendent since the time needed to plow the streets will be reduced. The overall reduction of impervious area will decrease the amount of area necessary for stormwater management. There will be an increase in overall publicly owned open space and a decrease in privately-held open space lands. A "more meaningful" trail system will be installed to the rear of the site. Water and sewer service lines will be extended northward from the intersection of Waite Road and Route 146 and will be available to serve the eleven (11) existing residents along that portion of Waite Road.

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided the following comments regarding this proposal in a memo dated May 25, 2017. The access to Waite Road will be very similar to what was originally approved. Full National Fire Protection Association (NFPA) 13D sprinkler systems will be required in all residences.

Mr. Scavo read comments and recommendations prepared by the ECC after review of this application at its June 6, 2017 meeting. The CR (Conservation Residential) district is established to provide and maintain land area to promote and support ongoing open space and agricultural uses and activities to sustain the rural character of this predominately natural, agricultural and low-intensity residential setting. In order to maintain this objective, the ECC recommends that the Planning Board consider the following factors when reviewing this project:

- That the Planning Board schedule a public workshop before making any recommendations to the Town Board.
- That any Planning Board recommendations seriously consider the impact of this project on the integrity and continuity of the CR (Conservation Residential) zone approved by the Town Board in 2005.

- That the Planning Board considers the impact of the precedent this project sets for future applications regarding increased project densities.

Mr. Bianchi noted that at this time the review provided by M J Engineering and Land Surveying, P.C. was limited to examination of the applicant's request for incentive zoning with respect to approval for an increased number of lots pursuant to the provisions of Article VB of the Town Code. Technical comments would be provided as part of subsequent submissions made by the applicant. The applicant is seeking Incentive A, Single-family residential incentives: increases in single-family dwelling unit density beyond the base density within the HM, HR, or CR Districts. The applicant indicates a base density of 34 lots with a 100% incentive bringing the total number of proposed lots to 68. The parcel is located within the Town's CR zoning district. The maximum permitted base density is calculated in accordance with Section 208-16 (E)(2)(b) of the Zoning Code. Based upon the bulk lot table of the concept plan, the project has a total of 101.81 acres of unconstrained lands. Utilizing the calculation example provided in Section 208-16 (E)(2)(b) of Town Zoning, the maximum base density would be  $101.81 \text{ acres} \times 0.33$  or 33.5 lots or 34 lots (applicants may round down fractional units of 0.5 or less and round up fractional units greater than 0.5.). The narrative indicates a permitted base density of 34 lots, which appears correct. Of note, the bulk table indicates that the prior application had a lower area of constrained lands. It may be appropriate to understand what has led to a reduction in unconstrained lands. The incentive zoning request shall not exceed an increase of 100% of the original base density for the incentive site. Assuming the base density calculation stated above is correct, the maximum incentive would be 68 lots, which is consistent with the applicant's request. The applicant is proposing to provide a cash payment of \$30,000 for each additional lot above the base density. From a historical perspective, the Town Board has approved three previous applications for incentive zoning. This information has been furnished to the Planning Board by the Town's Open Space Coordinator. They are as follows:

- a. Bridlewood Ridge (2006): Base density of 21 lots, approved incentive of 12 additional lots.
- b. Rolling Meadows (2006): Base density of 19 lots, approved incentive of 19 additional lots.
- c. Tanner Road Subdivision (2007): Base density of 7 lots, approved incentive of 2 additional lots.

The applicant is proposing community benefits or amenities in the form of open space. The Planning Board should provide comments on the open space as it relates to the adequacy, location and connection to adjacent properties.

Additional comments related to the State Environmental Quality Review Act. 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 a Type I action. For all applications that come before the Planning Board, with few exceptions, the Planning Board is the SEQRA Lead Agency. Applications for incentive zoning are one of the few exceptions. Pursuant to Section 20843.16(E)(3) of the Town Zoning Code, the Town Board will act as the SEQRA Lead Agency, with the Planning Board being an involved agency. As the Planning Board reviews this application for incentive zoning

and prepares its advisory report, it may be appropriate to start deliberating on aspects of the project that are of concern and may require further analysis under SEQRA.

Several comments related to the Western Clifton Park Land Conservation Plan. The Town of Clifton Park completed the Western Clifton Park Land Conservation Plan and issued its SEQRA Findings in April of 2005. The Findings provide relevant information that the Planning may find valuable as it prepares its advisory report. The list below is not inclusive of all findings, but includes those that appear to be the most relevant to the application before the Planning Board.

### **C - Ecology**

#### C.4:

- o Preserve stream corridors and associated wetland to maintain and improve water quality and habitat and to preserve natural buffers between incompatible land uses. A minimum setback of 100 feet from the ordinary high water mark shall be provided. This will apply to all mapped streams as identified on USGS 7.5 minute quadrangles (quads for the study area include Niskayuna, Schenectady, Burnt Hills, and Round Lake). The buffer will be natural and no clearing or other maintenance will be allowed. Unmapped streams as identified during on-site investigations and determined jurisdictional by the U.S. Army Corps of Engineers will have a minimum setback of 50 feet from the ordinary high water mark. This buffer may be extended to 100 feet if the stream exhibits natural characteristics or other high quality attributes that warrant further protection. This will be at the discretion of the Town. The 50 foot buffer will also be natural and protected from development and maintenance.
- o Require all project sites to undergo a habitat resource investigation by a qualified wildlife biologist to be presented to the Town during the process of identifying lands to be included in the minimum 50 percent open space. This DGEIS provides much of the background data in order to perform the analysis. The work must include identification of actual vegetative community types on the site, which can then be compared to those listed in this document. The habitat of any federal or State protected species of plant or animal must be identified.
- o Utilize native vegetation for landscaping and, when possible, specify vegetative species that produce berries, seeds and nuts that have high wildlife value. This is often referred to as conservation planting.

### **F - Recreational Resources and Trails**

- F.3: All new major development projects within the study area should be required to address recreational need either through the provision of pocket parks or the establishment of appropriate trail linkages to existing facilities.
- F.5: As development occurs within the study area, there will be an increasing need for multi-use trails. Opportunities to create multi-use trail linkages between residential areas and destinations, such as parks and commercial areas, should be explored. Linkages between subdivisions and major trail corridors should be incorporated into all new projects and retrofitted to existing subdivisions whenever possible .
- F.6: Trailheads should be located at road crossings and locations central to population clusters. Each trailhead should provide information on trail destinations and options as well as small parking areas. They should also be

coordinated with the local emergency services to ensure quick and easy access when necessary.

- F.8: The following SEQR guidelines/thresholds should serve as the required mitigation for future development impacts of trails.
  - o Utilize conservation subdivision review procedures to preserve constrained lands and to accommodate greenways and trails.
  - o Lands dedicated for trails should be suitable for trail construction and not significantly constrained by environmental features that would cause excessive permitting or high cost construction and maintenance.
  - o For projects outside the main trail system, require developers to incorporate trail linkages to the main trail system to provide the greatest opportunity possible for residents to access the trails. Each
  - o All trails must undergo review to identify important environmental resources, as specifically identified for each issue in this DGEIS (such as wetlands) and must avoid any significant environmental impact that cannot be addressed through appropriate mitigation.

### **G - Visual Resources**

- G.4: The conservation subdivision procedures should result in visually compatible projects. All future projects within the study area will be required to consider visual resource concerns through the design process in accordance with the conservation subdivision review process and associated development guidelines. Other options, such as permanent conservation easements to protect open space and farmland are even more effective in preserving visual resources and should be encouraged.

### **H - Traffic**

- H.4: All project sites shall provide the necessary right-of-way to accommodate future highway improvement projects.
- H.5 All projects shall evaluate traffic impacts (may require a traffic study at the Planning Board's discretion) and must be responsible for mitigating the impacts.

### **J - Noise**

- J.5: Future projected development within the study area is expected to generate noise during construction of specific sites, operation of equipment pertaining to new businesses, daily activity at residences, and from increased traffic. The specific locations of noise sources and noise generated by increased traffic will depend on where development occurs. Construction noise will be unavoidable. The Town should work with developers for each project to establish a noise reduction program.

Mr. Anthony DiLorenzo, 649 Waite Road, introducing himself as a “federal emergency director,” pointed out that the increased number of homes proposed by the applicant will aggravate the already hazardous traffic situation at the Waite Road – Route 146 intersection and he urged Planning Board members to “consider the safety of those who already live on the road.” He asked that there be consideration given to providing a second means of access for the subdivision.

Mr. Richard Stevenson, 611 Waite Road, asked Board members to question whether, after an additional (68) homes are constructed on Waite Road, they would purchase property along that roadway.

Ms. Ingrid Hahn, 777 Waite Road, noted that the approved subdivision plan called for the construction of a boulevard-type entranceway rather than the “narrow roadway” now proposed and questioned whether or not the reduction in roadway width would impact the response time for emergency service vehicles. Mr. Scavo explained that the sprinklers proposed for installation in the residences would alleviate EMS concerns about volunteer response time and allow for the replacement of the boulevard design which requires pavement “equivalent to a 4-lane highway” with a narrower town road. Mr. Scavo noted that state agencies are “pushing for the installation of sprinkler systems in all new residential units.” Ms. Hahn pointed out that the subdivision entranceway was located approximately 1/3 mile from the Waite Road – Route 146 intersection and feared that usual “back-ups” along Route 146 could impact response time. The speaker asked that Board members also consider the potential negative impacts to Waite Road traffic from the possible future residential development of the Eagle Crest Golf Course. She reported that she was aware of two serious traffic accidents in the area within the last two months.

Mr. Ray Rogers, 613 Waite Road, presented a letter to the Planning Board Chairman and spoke of the negative impacts the proposed project would have on EMS and Fire District services. Mr. Rogers noted that railroad operations often delay traffic flow for 10-15 minute intervals. The speaker explained that the original plan called for the preservation of a 100’ vegetated buffer between his property and the proposed residences and asked that the Board ensure that such a buffer be provided with any new proposal.

Mr. Rick Mollnow, 733 Waite Road, questioned whether or not Board members had been provided with an accident report for the Waite Road – Route 146 intersection. Mr. Scavo stated that it would be possible to request such a report.

Ms. Satauna Howery, 626 Waite Road, commented that the applicant would be “able to modify the approved 33 unit subdivision plan” to provide the same benefits outlined in the incentive request “without adding additional homes.” Referring to the Crescent Woods Subdivision approved earlier in the evening, Ms. Howery remarked that it was “interesting to see the traffic issues identified for that project ‘shrugged off’ by Board members.” She called upon the Board to consider future impacts of this decision and asked that “infrastructure necessary to support new development” be provided **now**.

Ms. Sharyn Battaglia, 669 Waite Road, read the letter that she had forwarded to Board members on June 5, 2017, stating that her family has resided on Waite Road for forty-three years. Describing the possible impacts of increased noise from “lawnmowers, children, and cars,” traffic impacts at the Waite Road – Route 146 intersection, Waite Road’s narrow carriageway, an existing railway crossing that causes traffic delays, and deterioration of the area’s “rural character” she called on the Board to deny the applicant’s request for additional density.

Ms. Kiera Howery, 626 Waite Road, asked the Board to deny the applicant’s request citing the negative impacts of the proposed development on “the elderly and the children growing up on

the road.” She also asked that the Board consider the impacts of the “destruction of a sensitive ecological system” that the parcel now supports. In response to her question regarding the costs associated with the proposed water and sewer connections, Mr. Scavo explained that the developer would be responsible for the installation of utility lines from existing mains and that future homeowners would pay all applicable on-going service fees, paying “outside Corporate Commerce District” rates.

Ms. Wendy Wagner, 608 Waite Road, expressed her “passion about protection of the existing meadow,” explaining that it is her understanding that the purpose of the Western Clifton Park GEIS was to “protect and save western Clifton Park.” In her opinion, this project is not in keeping with the study’s stated goals. She asked how the animals living in the meadow will be protected, asking that “this special rural area” not be disturbed. Mr. Ferraro noted that there is already an approved subdivision plan that allows for the development of thirty-three residences on the site.

Ms. Michelle Bissonette, 609 Waite Road, commented that even if the Waite Road – Route 146 intersection becomes signalized, traffic congestion will remain an issue. Discussing the applicant’s list of “community benefits” she noted that a reduction in the roadway width would likely be offset by the increase in the number of driveways and that the increased number of residences with associated snowplows, trucks, lawnmowers, and lighting will result in negative impacts to existing Waite Road residents. Citing the applicant’s plan for increased trail development, Ms. Bissonette pointed out that the trails provided were internal to the site with no connection to existing residences or existing trail networks: no parking areas were proposed within the site for those from outside the subdivision to access the amenity. The speaker commented that although the proposed fire suppression systems proposed will provide some measure of safety for those residing in the community, access for emergency services vehicles and personnel will still be required.

Mr. Christopher Archambeault, 601 Waite Road, reported that those properties adjoining Waite Meadows rely on wells for water. He feared that such things as pesticides used on lawns within the new development may “pollute neighboring wells.”

Ms. Stephanie Bitter, 729 Waite Road, commented on the \$1,020,000.00 contribution to the Open Space Fund, asking that it be used to “incentivize” Waite Road – recommending that the money be used to install a trail along the rural roadway. Mr. Scavo stated that the Planning Board may encourage the use of funds for land acquisition and/or trail development along Waite Road, but that the disbursement of funds was controlled by the Town Board. In response to Mr. Ophardt’s question regarding the installation of a trail segment as a condition of the existing subdivision approval, Mr. Scavo explained that the applicant/developer can be responsible only for such development on property he owns.

Ms. Bissonette spoke again from the audience asking about the location of utility installation and possible recourse should well contamination occur. Mr. Ferraro explained that connection to the utility lines would be an option for homeowners whose properties were in close proximity to the proposed new lines and that the developer was required to follow all federal, state,

and municipal guidelines with respect to well and septic separations, making contamination from the proposed project unlikely.

Mr. Florian Kopacki, 633 Waite Road, questioned where drainage from the site would be directed. Mr. Ferraro explained that all drainage from the development must be contained within the development site and that a formal stormwater management plan, reviewed and approved by the Stormwater Management Technician and the Town's Designated Engineer, would be required prior to subdivision approval by this Board. In response to his question regarding the pending request by the applicant to double the size of the approved subdivision, Mr. Ferraro explained that, pursuant to Section 208-43.14 of the Town Code, an applicant has the right to request approval for increased density – for a monetary contribution - from the Town Board and that this applicant has elected to pursue such a course of action. Mr. Ferraro did explain that the objective for providing such an opportunity was to provide funds for the acquisition of additional open space within the town or to support trail improvements. Mr. Kopacki encouraged the Board to recommend improvements to Waite Road which is now a substandard roadway.

Ms. Christine Archambeault, 601 Waite Road, questioned whether or not the Town Board had ever denied a request under the Incentive Zoning law. Mr. Scavo reported that an application for increased density pursuant to the code section had been denied once.

Ms. Caroline Trzeciak, 631 Waite Road, recalled that the development plan originally submitted several years ago called for the development of approximately 100 homes and questioned why the plan now called for so many less units. Mr. Ferraro explained that the density permitted in the area was impacted by the completion of the Western Clifton Park GEIS, subsequent endorsement of the Statement of Findings associated with that document, and eventual adoption of zoning code revisions by the Town Board. Section 208-43.14 of the Town Code, which is applicable to this discussion, permits an applicant to request a 100% increase in development density if a contribution of \$30,000.00 per lot is made to the Open Space Fund. Though the Town Board renders the final decision on the request, code requires that the Planning Board conduct a public workshop on the application and issue a non-binding recommendation regarding its viability and compatibility with planning policies to the Town Board. Ms. Trzeciak encouraged the Board to “stop building until the traffic congestion issue is addressed.”

Ms. Michele Moore, 694 Waite Road, reported that an internet search indicated that “tons and tons” of houses are for sale in Clifton Park. She questioned whether or not the Board considers impacts to existing school facilities, roads, and other community services when a project is presented for review. Mr. Scavo explained that the required SEQRA (State Environmental Quality Review Act) review conducted for each project presented for consideration necessitates the Lead Agency designee to evaluate the effects a project would have on community infrastructure and resources, identifying potential negative impacts, and making recommendations to mitigate such problems. For example, he pointed out that a study of traffic congestion at the Waite Road – Route 146 intersection might indicate the need for a signal warrant analysis at that location.

Mr. Dave Filbert, 639 Waite Road, recognized the “foresight” exhibited by the Town Board several years ago in adopting Conservation Residential zoning for the western part of town in an attempt to maintain its rural character, preserve existing agricultural lands, and protect open space

parcels. He found an applicant's ability to purchase additional density for the meager sum of \$30,000.00 per lot, however, in conflict with the stated preservation goals. He does not believe that an applicant/developer should be permitted to "purchase an increased number of lots."

Ms. Ingrid Hahn, speaking for a second time, asked for clarification regarding the proposed lot sizes. Mr. Dannible explained that although the approved plan proposed a minimum lot size of one acre, the current plan reduces most of the lots to an approximately a ½-acre size.

Mr. Jim Ruhl, 168 Wood Dale Drive, spoke to "policy and precedent," reading aloud the purpose for the establishment of Conservation Residential Zones as described in Section 208-16A of the Town Code. Characterizing the open space incentive zoning option as an "inexpensive way [for a developer] to move into higher density" and "woefully out-of-date," he found that the Planning Board was situated at a "critical juncture" in "developing and implementing the 'vision' outlined in the Western Clifton Park GEIS: it could be 'good' or 'bought to death incrementally'." He recommended that this request for increased density be rejected and that the purchase price of additional lots be increased to reflect current land costs and provision made for that the price be adjusted in the future to reflect market conditions.

Mr. Joseph Archambeault, 601 Waite Road, expressed his concerns with traffic congestion since he was "just learning to drive." He was also concerned with impacts to the rural environment, noting, particularly, that there would be an increased threat to the resident turtle population.

When asked by Mr. Szczesny if the approved subdivision would be built if this incentive zoning request was denied, Mr. Dannible explained that it was the applicant's intention to construct the project though the time frame for the build-out was uncertain. Mr. Andarawis labeled the public comment forum "a great discussion." He noted the positive benefits of Conservation Residential zoning, explaining that it permits the transfer of development rights to allow greater density in less desirable areas and less density in areas where the preservation of natural resources is appropriate. He applauded the applicant's use of clustering since it resulted in "less sprawl and the preservation of more open space." He was concerned about the precedent that would perhaps be set by recommending approval of the increased density request, however, since the GEIS recognizes Waite Road as a "scenic roadway" and because approval may encourage the use of the incentive to increase the density of development on other parcels along that rural roadway. Should the request be approved, he recommended that the money contributed to the Open Space Fund be used to preserve other parcels along Waite Road. Ms. Bagramian expressed concerns about the proposed residential fire suppression systems, noting that maintenance of the systems may place undue burdens upon homebuyers. Mr. Dannible explained that such systems are in operation throughout the country and, though individual homeowners would be responsible for on-going maintenance of the systems, it was not a difficult task. Mr. Belmonte pointed out that although consumer education regarding product maintenance would be important, the systems to be installed are "well-proven products." In response to Mr. Szczesny's question regarding the viability of installing sprinklers within the approved thirty-three homes to achieve some of the same benefits identified for the sixty-eight lot plan, Mr. Belmonte stated that he such an option had "not been explored." Mr. Jones remarked that the members of the Planning Board "live in town" and "travel the same roads" as those who have offered comment at this meeting. He stated that he would vote "no" to a positive recommendation for the incentive zoning request based upon

the notion that it was reasonable to plan for the future with necessary traffic improvements before approving a project with increased density that would only worsen an existing problem. Mr. Ophardt disagreed with Mr. Ruhl's precedent-setting assessment, arguing that the benefits offered to the town appear to offset project impacts such as traffic which, he believes, could be considered during Planning Board review. In his opinion, sixty-eight lots appears reasonable for the parcel. Mr. Neubauer appeared to be "torn" between the preservation of open space throughout the western part of town, referring to the area as "the green sea," as encouraged by the GEIS and the "sprawl" that would be created by adherence to the 3-acre density requirement. He asked the applicant to "study the environmental aspects of the existing wildlife corridors" and give careful consideration to the preservation of the site's natural resources. Ms. LaSalle stated that the "magnitude of the project is of concern;" she views the project as establishing an undesirable precedent. Mr. Ferraro agreed with the sentiments expressed by Ms. LaSalle, explaining that while, in concept, the idea of offering increased density in some areas in order to reduce density in others appears reasonable, there is a difficulty in "identifying 'sending' and 'receiving' areas." As he has explained in the past, traffic planning is of interest to him and the traffic safety issues associated with this project are of concern. While he stated his acceptance of the proposed sixty-eight lot design proposal, he believes that all of the public benefits identified by the applicant could be achieved by applying the plan revisions to the thirty-three lot plan. Mr. Ferraro commented that he viewed the proposed trail system as an internal amenity provided for the benefit of Waite Meadows residents: it did not appear to benefit the entire community. Recognizing the differences in "quality of life" values – those finding a rural setting more comfortable than a cosmopolitan one, for example – he stated that he "was inclined not to support the incentive zoning request."

Mr. Belmonte, applicant, addressed the Board, stating that, after listening to the public comments, it was apparent that many of those who spoke had been residents of Waite Road for a number of years. He pointed out that when they had purchased their homes, the zoning then in place would have permitted approval a subdivision of over 100 homes. He explained that the project plan presented maintains a substantial buffer between existing residences and the proposed development and that he has "tried to maintain the characteristics of a "good community" while providing substantial benefits to the entire town of Clifton Park.

Mr. Ferraro encouraged the Town Board to "revisit" the existing legislation regarding the Conservation Residential zoning requirements, particularly the section related to Open Space Incentive Zoning. He also called for improvements to infrastructure that would "support growth as it is presented."

Mr. Jones moved, seconded by Mr. Szczesny, to authorize Mr. Ferraro, Chairman of the Planning Board, to submit a negative recommendation regarding the referral related to the request from Waite Meadows, LLC to increase an approved subdivision plat entitled Waite Meadows consisting of (33) lots to a (68) lot subdivision pursuant to Section 208-43.15B of the Town Code – Open Space Incentive Zoning - to the Town Board based on public input and Planning Board comment. Ayes: Szczesny, Jones, Ferraro. Noes: Neubauer, Andarawis, Bagramian, Ophardt. The motion was defeated.

Mr. Ophardt moved, seconded by Mr. Szczesny, to authorize Mr. Ferraro, Chairman of the Planning Board, to submit a positive recommendation regarding the referral related to the request

from Waite Meadows, LLC to increase an approved subdivision plat entitled Waite Meadows consisting of (33) lots to a (68) lot subdivision pursuant to Section 208-43.15B of the Town Code – Open Space Incentive Zoning - to the Town Board based on public input and Planning Board comment. Ayes: Andarawis, Bagramian, Ophardt. Noes: Neubauer, Szczesny, Jones, Ferraro. The motion was defeated.

In order to provide a clear understanding of the deliberations and subsequent vote regarding this action, Mr. Ferraro asked that each member who wished to do so explain the rationale for his/her position. Mr. Neubauer explained that he did not support a positive recommendation for the requested increase from the permitted (33) lots to (68) lots since it did not appear to be compliant with the stated purpose of the Conservation Residential zoning district and the Western Clifton Park GEIS. Mr. Szczesny commented that his “no vote” was based upon his opinion that the proposal did not meet the intent of Conservation Residential legislation. Mr. Jones’ vote against the request was due to the “location and density” of the project. Those voting to support a positive recommendation included Ms. Bagramian and Mr. Ophardt as well as Mr. Andarawis who conditioned his vote on the recommendation that the contribution made by the applicant to the Open Space Fund be utilized to benefit the Waite Road corridor. Mr. Ophardt stated that he would support the project but would like to see the purchase price of additional density increased.

Mr. Jones moved, seconded by Mr. Ophardt, adjournment of the meeting at 11:00p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on June 27, 2017.

Respectfully submitted,

Janis Dean, Secretary

**NOTICE OF DECISION**

**Resolution #7 of 2017**

**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 June 13, 2017, there were:

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

Absent: None

Mr. Szczesny offered Resolution #7 of 2017, and Mr. Ophardt seconded, and

Whereas, an application has been made to the Planning Board by Michael Scott, for approval of a 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 1 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 hearing for this application is waived and the subdivision plat entitled Crescent Woods Subdivision consisting of (62) lots is granted final approval recognizing that the portion of the subdivision plat containing Lots #35, 37, 39, 41, 43, 45, 47, and 49 Fairmont Drive and designated on the plan as “Phase II” is exempt from this approval, and conditioning said approval on the addition of a note to the plan which states that modification of the approved trail segment locations may be modified to allow for protection of the site’s natural features, the addition of the standard note regarding aviation activities, clear language regarding homeowners’ responsibilities related to all deed-restricted lands on the subdivision plat, marketing materials, and property deeds, and all items listed in the final comment letter issued by the Planning Department.

Resolution #7 of 2017 passed 6/13/2017

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

Noes: None

Rocco Ferraro, Chairman