

Town of Clifton Park Planning Board
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PLANNING BOARD

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

(alternate) Teresa LaSalle

Planning Board Meeting
October 24, 2017

Those present at the October 24, 2017 Planning Board meeting were:

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

Those absent were: None

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

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

Mr. Ferraro announced that the Town of Clifton Park had received the Clean Energy Community Designation from New York State, making the town eligible to apply for grants to fund additional clean energy projects. He thanked Mr. Scavo for his efforts to implement clean energy actions and meet the program goals.

Minutes Approval:

Mr. Neubauer moved, seconded by Mr. Jones, approval of the minutes of the October 11, 2017 Planning Board meeting as written. Ayes: Neubauer, Andarawis, Szczesny, Jones, Ophardt, Ferraro. Noes: None. Abstained: Bagramian, LaSalle.

Public Hearings:

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

Old Business:

[2013-022] **Lands of Khan** – Proposed (6) lot subdivision, Waite Road – Revised conceptual review. SBL: 270.-1-44

Mr. Mike Bianchino, consultant for the applicant, presented this application that was last reviewed by the Planning Board on June 10, 2014. The plan calls for the subdivision of 30.44 acres of land which is located with the CR (Conservation Residential) zoning district on the westerly side of Waite Road approximately 1,300 feet south of its intersection with NYS Route 146. ACOE wetlands totaling 5.27 acres are interspersed throughout the mostly wooded parcel. The applicant has obtained a Jurisdictional Determination confirming the wetland delineation performed on the site as well as a Wetland Permit allowing for approximately .06 acres of wetland impacts. There are no state regulated wetlands on the property. The site grades range from relatively flat to small areas with steep slopes exceeding 20%. The speaker provided the following calculations to determine the number of lots which may be developed on the site: total parcel area – 30.97 acres; federal wetlands – 5.27 acres; slopes greater than 20% - .32 acres. The amount of unconstrained land totals 25.38 acres. With a maximum density within the CR zoning district of .33 units of unconstrained land, 8 units would be permitted. The applicant is proposing a six (6) lot subdivision. Lots #1 through 4 at the eastern side of the site are standard size lots ranging from 1.09 acres to 4.22 acres. Lots #5 and 6 to the west are proposed to be 5.01 acres and 5.05 acres, respectively, exclusive of easement and deed restricted areas. All lots are proposed to be in compliance with CR zoning regulations. Mr. Bianchino explained that, in order to justify the propped density of .24 units/unconstrained acre, the regulations require at least 50% of the area of the project parcel to be designated as permanent open space. The open space must include a minimum of 25% of the unconstrained land of the overall parcel. Using these parameters, the subdivision must provide 14.48 acres of permanent open space with a minimum of 6.34 acres of unconstrained land: the applicant proposes a total of 16.25 acres of permanent open space. Vehicular access to the site will be provided by a combination of shared and private driveways. Lot #1 is proposed to have a private driveway directly connected to Waite Road. The remaining five lots will be accessed by one shared driveway located on Lot #5. A 40' wide easement will be provided around the shared driveway to convey access rights to the owners of Lots #2-4 and Lot #6. The shared driveway will be designed to comply with the NYS Fire Code and Town of Clifton Park requirements for fire apparatus access roads. Hammerhead turnarounds will be provided on Lots #5 and 6. The lots will be served by public water from the Clifton Park Water Authority. The existing CPWA water main ends near the southern entrance to the Meadow View senior housing development: a ±700 foot extension of the existing water main will be required to service the project. At this point it is anticipated that wastewater will be managed by individual septic systems; however, the applicant has been encouraged to consult with Mr. McDonald, a Town of Clifton Park Designated Engineer, to determine if extension of the public sewer from the Meadow View facility is possible. Stormwater will be managed on site using designated stormwater management areas and multiple green infrastructure run-off reduction practices.

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

Mr. Scavo reported that Mr. Myers, Director of Building and Development, provided numerous comments regarding this application. The fire apparatus access road shall be 26' wide per Appendix D of the NYS Fire Code and there shall be an acceptable turnaround area within 100' of the houses. Permits will be required for all wetland crossings. If septic systems are to be used, their locations must be shown on the subdivision plan. The distance to the closest sewer must be provided to determine if the proposed individual septic systems will be permitted. Deeded access for the use of the common driveway will be required. Lots #5 and 6 are keyhole lots. A full Stormwater Pollution Prevention Plan will be required. The wetland determination needs to align with the actual proposal. The letter accompanying the application states that a nine (9) lot subdivision is proposed: the subdivision plan indicates that six (6) lots are proposed.

Mr. Scavo noted that the "keyhole" lots do, in fact, meet the zoning code description for such lot configuration with the caveat that the lots have the required 80' of frontage on a town road. He pointed out that approval of the lots would be at the Board's discretion. He also explained that when the project design reduced the number of lots from nine (9) to six (6), the conditions of approval outlined in the jurisdictional approval letter provided by the ACOE did not change: .06 acres of disturbance is permitted for driveway installation.

Mr. Scavo explained that, after review of the project plan at its October 17, 2017 meeting, ECC members agreed that no comments and recommendations regarding this application would be required at this time.

Mr. Scavo read comments issued by Ms. Sheryl Reed, Chief of the Bureau of Fire Prevention, in a memo dated October 24, 2017. She advised the applicant that the fire access drive for the keyhole lots must meet all the requirements of the NYS Fire Code calls for a minimum width of 26' and a turn-around within 100' of the structures. Postal verification must be provided and all assigned postal numbers added to the final plat.

Mr. Scavo explained that Mr. Scott Reese, Stormwater Management Technician, provided the following comments in a memo dated October 17, 2017. The Project Narrative states that there will be stormwater management practices for this project. Future reports shall address what means will be used for maintenance responsibilities for the life of the proposed practices since the lots and access will all be privately owned. The future reports shall also address how the drainage along Waite Road will be handled at the two proposed driveway connections.

Mr. Scavo read comments prepared by the Planning Department. It appears that the revised conceptual plan reduces the proposed number of residential building lots from 9 to 6. The proposed public roadway appears to also be eliminated in lieu of a private driveway. The applicant should show that the proposed frontage for each meets the 80' minimum with the CR Zone. An Army Corps of Engineers approval letter dated 7/13/2017 has been received by the Town for the

proposed .06-acre wetland disturbance. The applicant is asked to provide a Typical Driveway Cross Section Detail and confirm that the driveway is capable of supporting the required vehicle loading. A culvert may be necessary within the town's right-of-way along Waite Road to ensure stormwater can still reach the ACOE Wetlands and will not be impounded. A maintenance agreement will be required for the shared access driveway. Mr. Scavo asked that the following notes be added to the plan:

The proposed driveway will not be dedicated to the Town of Clifton Park now or in the future, also any future maintenance or capital investment requirements of the driveway and the culvert to equalize water levels of the wetlands on either side of the driveway are the sole responsibility of the land private owners.

The proposed perpetual ingress-egress easements shown hereon shall be used in common by the owners of lot(s) numbered [insert relevant lot numbers per proposed map]. All such easements shall be in effect and binding upon the owners of said lots, their heirs, successors, and assigns, upon filing of this subdivision plat in the Office of the Saratoga County Clerk.

It appears the applicant is evoking development option (b) of §208-16(E) which states:

Development on 10 acres or more. A parcel consisting of 10 acres or more may be developed at a density of one residential dwelling unit per 10 acres, provided there is at least one acre of unconstrained land available to accommodate a residential use, including any required well and septic system. In lieu of development at said density, such parcel may be developed at a density not to exceed 0.33 unit per acre of unconstrained land, provided 50% of the area of the development site is designated as permanent open space pursuant to the other conditions set forth herein. For example, if an applicant owns a seventy-acre parcel, and 10 acres are identified as constrained, the maximum allowable density with a fifty-percent open space set aside is 20 dwelling units. This example is calculated as follows: 70 acres minus 10 constrained acres equals 60 acres of unconstrained land. This 60 acres multiplied by 0.33 results in a maximum allowable base density of 20 units. These 20 units must be placed on the unconstrained sixty-acre portion of the site in this example.

Based on the above, it appears the density and permanent open space shown are in keeping with the Town's CR zoning requirements. A copy of the proposed permanent open space deed restriction language will be required for review by the Planning Board prior to any final approval.

Mr. Bianchi reported that, after review of the materials submitted for consideration, M J Engineering and Land Surveying, P.C. offered numerous comments regarding this subdivision proposal. The subdivision as proposed meets the criteria of being classified as a realty subdivision. Furthermore, it is proposed to utilize on-lot septic systems for sewage disposal. Therefore, the project will require NYSDOH Realty Subdivision approval as well as approval of the proposed on-lot septic systems. Any approvals offered by the Planning Board should be conditioned on receipt of NYSDOH's review and approval of the subdivision and on-lot septic systems. The project will disturb more than one acre of land. As such, it will be subject to the NYSDEC Phase II Stormwater Regulations and General Permit GP-0-15-002. Since this is a residential subdivision with more than 5 acres of disturbance planned, a full Stormwater Pollution Prevention Plan will be required that addresses water quantity and quality controls. As the project proceeds through

the Town's regulatory review process, a fully conforming SWPPP shall be provided for review. The project proposes to service each new lot with public water from the Clifton Park Water Authority via extending a new public water main up Waite Road. The applicant shall provide the Town documentation indicating CPWA's ability and willingness to provide potable water to the project. Any approvals offered by the Planning Board should be conditioned on receipt of CPWA's review and approval. The extension of public water mains to the project is subject to NYSDOH plan approval and potentially the NYSDEC for the taking of additional water. If not already initiated, the applicant will have to apply for the referenced plan approvals. Any action on the subdivision application should be conditioned upon receipt of plan approval from the NYSDOH and/or NYSDEC for the additional taking of water. The project proposes impacts to regulated wetlands. The submission includes the reauthorization of permitted wetland disturbances of up to 0.06 acres of land within the project. Unless the project design changes resulting in an increase in or change in nature of wetland impacts, it would appear no further permitting for wetland impacts is warranted at this time.

Mr. Bianchi discussed the application as 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. Assuming the Planning Board is going to seek Lead Agency status for this Type I action, involved/interested agencies to be engaged under the required coordinated review may include, but are not necessarily limited to the following: Clifton Park Water Authority – public water supply plan approval; NYS Department of Health – realty subdivision approval, public water supply plan approval and on-lot septic system approval; NYS Department of Environmental Conservation – permit coverage under stormwater SPDES, identification of threatened and endangered species, potential taking of additional water for public; NYS Office of Parks, Recreation and Historic Preservation – identification of cultural or historic resources; United States Army Corps of Engineers – potential joint permit application for disturbances within the federally regulated wetlands. Since the application is a Type I action, a Full Environmental Assessment Form shall be submitted for review. Additional engineering review will be completed upon submission of the FEAF.

Additional comments related to the Subdivision Plan. The project is located within the Town's Conservation Residential (CR) zoning district. The proposal for single family homes is a permitted principal use within the CR District as noted in Section 208-16(D)(1)(b) of the Town Zoning Code. Section 208-16(E)(4) of the Zoning Code requires that any parcel within the CR zone shall comply with a conservation design layout. The applicant has provided the noted analysis following the four steps outlined in Section 208-16(E)(13). Based upon this information, it would appear that the existing site resources have been adequately identified. The project proposes permanent open space, the size of which meets the minimum requirements of Section 208-16(E)(2)(b) of the Code. The Planning Board, in its review of this proposal, shall determine the form of ownership to fulfill the purposes of the CR zoning district as outlined in Section 208-16(G) of the Zoning Code. The project proposes a shared driveway that will service two or more lots. If this arrangement is considered acceptable by the Planning Board, draft maintenance agreements should be prepared and reviewed by the Board's legal counsel as to form and content to ensure long term maintenance obligations are clearly defined. The proposed private driveway measures greater than 500 feet in length. Section 511.2 of the International Fire Code (IFC) New York

Supplement requires that driveways in excess of 500 feet be provided with a turnaround suitable for fire access. Due to the length of the driveway, the Town's responding emergency services may consider increasing the minimum road width for the driveway to provide improved access. Subsequent plans must show driveway configurations meeting the minimum requirements of the FCNYS as well as those requested by the Town's emergency responders. The proposal calls for the extension of a public water main. In doing so, there needs to be consideration of how the placement of fire hydrants will satisfy the requirements of Section 507.5 of the IFC. Should the placement of hydrants along the shared drive be deemed necessary in order to satisfy Section 507.5 of the IFC, it would be necessary to increase the width of the shared driveway to meet the requirements of Appendix D, Section D103 of the IFC. Section 86-6(E)(5) of the Town Code requires that street lighting be provided at the intersection of subdivision streets and an existing arterial or collector street. Subsequent plans may need to show a street light at the intersection with Waite Road, if deemed appropriate for the existing setting. The project proposes the use of on-lot septic systems for sewage disposal. Public sewers are located near the Meadow View complex. There may be a need to consider the viability of extending public sewers to the project. If the connection to the public sewers is determined as not being viable, subsequent plans shall show the location of the septic systems for each lot. In-situ percolation tests shall be provided to demonstrate the type of systems required for each lot. All lot grading shall be such that drainage is directed away from the homes and toward lot lines and, ultimately, to an approved drainage course as required by Section 86-7(A)(5) of the Town Code. In order to demonstrate conformance to the stated regulations, an overall project grading plan must be developed for review. Subsequent plan submissions shall include construction details that describe erosion and sediment control measures, water services, septic system components, and shared driveway construction. Prior to approval or filing of the subdivision plat with the Saratoga County Clerk, the appropriate 911 emergency response numbers must be obtained for and assigned to each lot created and placed on the filed plat.

Ms. Pam Marshall, 5 Fairlawn Court, questioned whether emergency vehicle access had been considered for the northernmost lot. Mr. Bianchino explained that the lot was accessed by an individual curb cut onto Waite Road.

In response to Mr. Ophardt's question regarding the type of stormwater management methods to be employed, Mr. Bianchino explained that green infrastructure practices would be utilized. When questioned about the size of the culvert used for the driveway crossing, the consultant explained that sizing specifications were included in the jurisdictional approval letter. Mr. Bianchino explained that it was expected that water service lines would be installed on the easterly side of the roadway and that investigation regarding the extension of sewer services on the westerly side of the road was underway. Mr. Andarawis, focusing on the keyhole lot issue, asked if the design standards for a driveway meeting state standards for access of emergency vehicles were significantly different than the standards for construction of a town roadway. Mr. Bianchino explained that the cost of developing a town roadway as opposed to an access drive would be significant. Mr. Andarawis observed that the permanently deed-restricted lands were "separated among the six lots" and he asked that the applicant consider consolidating the parcels in an effort to ensure preservation and proper maintenance of those lands. Mr. Ferraro commented that the Town Code permitted deed restricted lands to be held in private ownership. Mr. Scavo pointed out that, although permanent structures such as sheds and pools were not permitted to be

constructed on open space lands, such agricultural activities as greenhouses were allowed. Mr. Ophardt specifically questioned whether or not the small designated wetland located in the parcel's southeasterly corner could be linked with a larger protected area. Mr. Bianchino agreed to consider such a possibility. Though Mr. Jones recommended that the proposed homes be situated closer to Waite Road to eliminate the keyhole design, Mr. Bianchino argued that the design permitted the preservation of green space along Waite Road and the "viewshed" as identified in the western Clifton Park GEIS. Since the proposed curb cuts are quite close together, Mr. Jones asked that the applicant consider combining all of the driveways, thus eliminating one of the two curb cuts. Mr. Ferraro commented that he viewed the combined driveway as a "private roadway" and expressed his support for maintaining the rural character along Waite Road. Although Mr. Ferraro asked that the applicant consider the installation of "modified split-rail fencing" to delineate the permanently-protected open space, it appeared that others found the significant amount of fencing which would be required financially onerous for the developer as well as potential property owners. Mr. Scavo pointed out that the site was quite wooded and that signage indicating the boundaries of protected space, particularly around wetlands, may be reasonable. Mr. Ferraro asked that the applicant consult with Ms. Vigianni and/or members of the Trails Subcommittee of the Open Space, Trails, and Riverfront Committee regarding the possibility of developing trails linking open space parcels on adjoining properties to create an integrated corridor or consider the conveyance of an easement along the property's Waite Road frontage for possible future trail development, road improvements, or utility installation. Mr. Ferraro concluded the discussion by stating that he found the proposed subdivision plan "an improvement" over the ones previously presented, remarking that he was pleased with the applicant's desire to maintain Waite Road's "rural integrity."

New Business:

[2017-051] **Hunter, Donald** – Proposed (3) lot subdivision, Clifton Park Center Road – Conceptual review. SBL: 271.-3-60

Mr. Duane Rabideau, consultant for the applicant, introduced this application to the Planning Board, explaining that the applicant, Mr. Bruce Tanski, intends to subdivide a 4.36 acre parcel located within the R1 zoning district and specifically situated on the southerly side of Clifton Park Center Road approximately 650' east of its intersection with Moe Road into single-family building lots of 1.41 acres, 1.49 acres, and 1.48 acres, respectively. All of the new lots will be connected to existing municipal water and sewer services, with water lines to connect via directional bore to existing lines on the northerly side of Clifton Park Center Road and sewer lines extended from an existing utility line located within the 100' adjacent area to the NYSDEC designated wetland area which is located along the rear property boundary of each lot. The lots will be accessed via individual curb cuts from Clifton Park Center Road. The speaker explained that the wetland boundary will be indicated by signage placed at 50' intervals along the wetland buffer boundary.

Mr. Scavo read comments prepared by Mr. Myers, Director of Building and Development. A full Stormwater Pollution Prevention Plan will be required. The proposed use is permitted within the R1 zoning district. Project plans should clarify whether the proposed sewer is to utilize gravity or a force main.

Mr. Scavo explained that, after review of the project plan at its October 17, 2017 meeting, the ECC provided the following comments and recommendations. The ECC concurs with the statement from the Stormwater Management Technician's comment letter dated October 17, 2017, that because this project is part of a larger common plan, a Basic Stormwater Pollution Prevention Plan is required. The limits of the LC Zone and 100-foot buffer zone, DEC Wetlands, Federal Jurisdictional Wetlands shall be identified on the plot plan. The ECC notes that the project may result in intrusion into the LC Zone. The applicant must file for an Application for Approval of Work to Be Done in the LC Zone with the Town of Clifton Park. The ECC notes that the project may result in intrusion into a mapped stream. The applicant must apply to the Town for a stream disturbance permit in accordance with the Town's Stream Protection Law. The ECC notes that sensitive environments exist on each lot, thus there is a potential for environmental impacts due to the installation of the sanitary laterals. As such, the applicant's Drainage, Stormwater and Erosion Control Plans should be protective of these environments both during construction and occupation of the project. The ECC recommends careful review of these plans by the Town Engineer.

Mr. Scavo reported that Ms. Reed, Chief of the Bureau of Fire Prevention, requested that the applicant obtain approved postal addresses for the new lots and that these addresses be included on the final plat.

Mr. Scavo explained that Mr. Scott Reese, Stormwater Management Technician, provided the following comments in a memo dated October 17, 2017. The applicant is asked to clarify whether or not the 0.9 acres of disturbance includes the proposed individual sewer lateral connections to the public sewer line behind the homes. This project is part of a larger common plan with the approved 3 lot subdivision on Clifton Country Road; therefore, the ground disturbance for this project should be added with the previous project. The total will be greater than one acre and a Basic Stormwater Pollution Prevention Plan shall be prepared.

Mr. Scavo read comments issued by the Planning Department. In accordance with §86-10 of the Town Code the applicant shall be required to plant two new trees per living unit on the street side of new construction sites. The plan notes the proposed water laterals are to be bored under Clifton Park Center Road. This is a preferred method since Clifton Park Center Road is a heavily traveled east/west connector road during peak hours. The project is within 500' of a parcel owned by Saratoga County, adjacent to the intersection of Moe Road and Clifton Park Center Road; therefore, the project has been forwarded to the Saratoga County Planning Board for a recommendation in accordance with GML §239. The applicant is asked to add a dotted line to show the setback dimension for the building envelope based on the R-1 zoning setbacks listed within the Site Statistics Table. Mr. Scavo reported that the Saratoga County Planning Board recently issued a notice of decision regarding this application, finding that the proposed subdivision would have no significant countywide or inter-community impact.

Mr. Bianchi reported that, after review of the materials submitted for consideration, M J Engineering and Land Surveying, P.C. offered the following comments. Based upon review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved/interested agencies to be engaged may include, but are 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; Saratoga County Planning - parcel being within 500 feet of county owned property at the intersection of Moe Road. Additional agencies may be identified by the Town during its review of the project. Additional comments related to the subdivision plan. The project is located within the Town's R-1 Residential District. The proposal for single family homes is considered a permitted principal use within the R-1 district pursuant to Section 208-10(B)(2)(b) of the Town Zoning Code. In reviewing the proposed lot configuration, each lot appears to meet the minimum bulk lot requirements outlined in Section 208-11 of the Town Code. For clarity and to confirm the bulk lot dimensions are being met, the applicant is asked to show the required setback lines and/or dimensions from the proposed homes to the parcel boundaries. Pursuant to Section 86-10 of the Zoning Code, the applicant shall be required to plant two trees per living unit on the street side of new construction sites. The planned species to be planted needs to be submitted for review. The submitted information indicates that the project is proposing to connect to an existing water main(s) within proximity to the parcel. These mains are owned and operated by the Clifton Park Water Authority (CPWA). It is recommended that the Town be furnished with documentation that the CPWA is willing and capable of providing potable water to the project. 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. There may be a need to provide a drainage culvert at the new driveways to support existing drainage along Clifton Park Center Road. The applicant will need to coordinate with the Town Highway Department for any such improvements. If required, plans need to show the location, size and materials of construction. The delineated area of disturbance shown on the plan shall include the sanitary sewer lateral installation work. With the addition of this area of disturbance, the project may exceed one acre of total disturbance. If this is the case, the project may need to seek permit coverage under GP-0-15-02. The applicant is asked to provide information on the plans indicating how potential sump pump sewer laterals may be positioned in conformance with Section 86-7(A)(6) of the Town Code. The applicant needs to obtain the 911 emergency response addresses and show them on the final plat.

Mr. Jones questioned whether or not the required "two street trees per lot" would interfere with sight distances for those exiting the properties. Mr. Scavo explained that the trees would be placed beyond the right-of-way boundary, pointing out that, if a parcel contains existing vegetation, the Planning Board may waive this requirement. Mr. Rabideau stated that the applicant will seek to preserve as much existing vegetation as possible. When questions arose regarding possible segmentation of review pursuant to SEQRA, Mr. Scavo explained that the two adjoining parcels were "two distinct parcels" held by entirely different owners. Mr. Bianchi noted that the parcels were "functionally independent" and that there would be no segmentation issue regarding stormwater. Mr. Rabideau stated that he would provide rationale to support the non-segmentation concept. Although Mr. Neubauer asked that the limits of disturbance for the proposed sewer connection be shown on the plan, Mr. Rabideau explained that there will be very little disturbance since the connection will be made via a directional bore. Mr. Ferraro pointed out that there is an existing trail on the northerly side of Clifton Park Center Road. Board members did not comment positively or negatively on the application.

[2017-052] **Peabody, Richard (R B Woodstream Properties, LLC)** - Proposed (2) lot subdivision, 757 Carlton Road – Conceptual review. SBL: 265.5-1-2

Mr. Nick Costa, consultant for the applicant, presented this application that calls for the subdivision of one acre of on the easterly side of Carlton Road approximately one-half mile north of its intersection with VanPatten Drive. The property lies within the R1 zoning district. The applicant proposes the creation of two lots: one of 19,856 SF for the construction of a new single-family residence; the other of 19,875 SF containing an existing one story frame house which has been vacant for nearly ten years. Mr. Costa commented that although a site investigation had been conducted and the existing septic system found, the distribution box and associated leach field were not located, leading to the speculation that the system was not functioning. The new lot will be accessed via a new curb cut onto Carlton Road. Connection will be made to an existing 8” water line along the property’s Carlton Road frontage and it is anticipated that sewer service connection will be made to an existing line at Torrey Pines. Two street trees per lot have been shown on an updated plan. The plan, as originally presented, would require both area and lot width variances for both parcels from the Zoning Board of Appeals. Mr. Costa explained that the plans will be redrawn to make one of the parcels code-compliant. Mr. Costa explained that he will “utilize the comments” provided at this meeting as a guide for future submissions to the Zoning Board of Appeals and the Planning Board.

Mr. Scavo read comments issued by Mr. Myers, Director of Building and Development, in a memo dated October 5, 2017. The .92 acre parcel lies within an R1 zone. The existing house at 757 Carlton has a history of neglect. Mr. Myers recommends that the Planning Board consider conditioning approval on “some type of guarantee” that this situation be corrected prior to approval. He notes that complaints regarding the situation have been filed with the Building Department and that they may be provided to the Board if necessary. The R1 zone requires a minimum 20,000 SF lot size. It appears that both lots do not meet that bulk requirement: variances would be required. It appears that a municipal water line is available at the street. The applicant will need a variance from the required 100’ lot width at the building line. The installation of a sewer line would make it available for 760 Carlton Road which has a restriction requiring sewer before it is developed. Mr. Myers will provide additional comments when more detailed plans are submitted for consideration.

Mr. Scavo explained that, after review of the project plan at its October 17, 2017 meeting, the ECC provided the following comments and recommendations. The ECC notes that septic information is not present on the plans. Specifically, the proposed connection for the proposed lot and the location of the septic on the existing lot. The ECC suggests that if the existing lot is not connected to the public sewer then it should be required. Additional comments will be provided when plans containing more details are submitted for review.

Mr. Scavo explained that Mr. Scott Reese, Stormwater Management Technician, offered no comment on this application at this time.

Mr. Scavo read comments prepared by the Planning Department. Pursuant to comments offered by Steve Myers, Chief Zoning Officer for the Town of Clifton Park, the applicant will need to seek two area variances for relief from the R-1 zoning requirements. The applicant should meet

with Mr. Myers to discuss the application process and necessary documentation to appear before the Zoning Board of Appeals. A Site Statistics Table for the R-1 zone should be added to the subdivision plan. The following notes should be added to the preliminary site plan:

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.

Prior to work commencing within the public right-of-way, the property owner shall obtain a curb-cut/highway work permit from the Town of Clifton Park Highway Department.

There shall be no clearing, grading, construction, or disturbance of soil and/or native vegetation until the final plat has been approved and filed with the Saratoga County Clerk's Office.

The approximate locations for the existing well and septic system at 757 Carlton Road should be shown on the subdivision plan. Further Planning Board consideration of the application and scheduling of a required public hearing will occur if necessary area variances are granted by the Zoning Board of Appeals. The applicant will need to submit preliminary plan details and a response letter that outlines how comments offered by Town Staff, the Planning Board, and other Town Advisory Boards and interested agencies have been addressed.

Mr. Bianchi reported that, after review of the materials submitted for consideration, M J Engineering and Land Surveying, P.C. offered the following comments. Based upon review of Part 617 of NYS Environmental Conservation Law, the project appears to be an "Unlisted" action. If the Planning Board is to request Lead Agency status under SEQRA, the need to undergo a coordinated review is optional. Under a coordinated review, involved/interested agencies to be engaged may include, but are 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. Additional agencies may be identified by the Town during its review of the project. Under Part 1.1. of the Short Environmental Assessment Form, the applicant is asked to modify the response to indicate that the project will meet or exceed the state energy code. Several comments related to the subdivision plan. The project is located within the Town's R-1 Residential District. The proposal for single family homes is considered a permitted principal use within the R-1 district pursuant to Section 208-10(B)(2)(b) of the Town Zoning Code. In reviewing the proposed lot configuration, the created lots appear to be deficient in regards to meeting the minimum bulk lot requirements outlined in Section 208-11 of the Code. The noted deficiencies are as follows:

- a. Section 208-11 of Town Zoning requires a minimum lot size of 20,000 SF with central water and sewer being available. Each lot proposed is less than 20,000 SF in size.
- b. Section 208-11 of Town Zoning requires a minimum lot width of 100 feet at the front building line. The west lot has a lot width of 99.84' at the front building line.

The plan would need to be modified or the applicant will be required to seek relief from the Town Zoning Board of Appeals for the lot layout as proposed. The following notations should be added to the plan:

- a. No utilities shall be installed beneath the proposed driveways.

b. Any work required within the Town right-of-way shall be subject to any permitting from the Clifton Park Highway Department.

The applicant is asked to provide a bulk lot table showing all required and provided lot dimensions. Plans must indicate how water and sewer service is provided to the existing dwelling. Pursuant to Section 86-10 of the Zoning Code, the applicant shall be required to plant two trees per living unit on the street side of new construction sites. The planned species to be planted must be provided for review. The submitted information indicates that the project is proposing to connect to an existing water main(s) within proximity to the parcel. These mains are owned and operated by the Clifton Park Water Authority (CPWA). It is recommended that the Town be furnished with documentation that the CPWA is willing and capable of providing potable water to the project. 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. The plans shall show both the existing sanitary sewer main and proposed sanitary service laterals for the new building lot. Information must be included 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. The applicant needs to obtain the 911 emergency response addresses and show them on the final plat.

In response to Mr. Jones' question regarding changes to the plan should the existing residence be demolished, Mr. Scavo explained that if any new home would have to be constructed within the required building envelope perhaps the street tree requirement could be waived. Mr. Jones asked if other homes along Carlton Road could be connected to the sewer line. Since the applicant is still considering the possible sewer connection, Mr. Costa was not able to answer the question. Mr. Neubauer questioned how the parcel came into existence, observing that it is surrounded by lands included in the Country Knolls South PDD. Mr. Costa agreed to research this issue. Mr. Andarawis questioned whether or not Zoning Board approval of a variance for lot size would be "setting a precedent" for approvals of smaller lots served by public water and sewer services. Mr. Ferraro pointed out that any future Planning Board action would be determined by the decision rendered by the Zoning Board of Appeals.

Mr. Jones moved, seconded by Mr. Szczesny, adjournment of the meeting at 8:30p.m. The motion was unanimously carried. The next meeting of the Planning Board will be held as scheduled on November 14, 2017.

Respectfully submitted,

Janis Dean, Secretary